
AMERICAN STATE PAPERS.

CLASS II.

INDIAN AFFAIRS.

VOLUME II.

AMERICAN STATE PAPERS.

DOCUMENTS,

LEGISLATIVE AND EXECUTIVE,

OF THE

CONGRESS OF THE UNITED STATES,

FROM THE FIRST SESSION OF THE FOURTEENTH TO THE SECOND SESSION OF THE
NINETEENTH CONGRESS, INCLUSIVE:

COMMENCING DECEMBER 4, 1815, AND ENDING MARCH 3, 1827.

SELECTED AND EDITED, UNDER THE AUTHORITY OF CONGRESS,

BY WALTER LOWRIE, *Secretary of the Senate,*

AND

WALTER S. FRANKLIN, *Clerk of the House of Representatives.*

VOLUME

WASHINGTON:

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AMERICAN STATE PAPERS.

INDIAN AFFAIRS.

14th CONGRESS.]

No. 140.

[1st SESSION.

TREATIES WITH TWENTY-ONE TRIBES.

COMMUNICATED TO THE SENATE, DECEMBER 6, 1815.

To the Senate of the United States:

WASHINGTON, December 6, 1815.

I lay before the Senate, for their consideration and advice as to a ratification, treaties which have been concluded with the following Indian tribes, viz: Ioway, Kickapoo, Pattawatamie, Sioux of the Lakes, Piankeshaw, Sioux of the river St. Peter's, Great and Little Osage tribes, Yancton, Mahas, Fox, Teeton, Sacnation, Kansas tribe, Chippewa, Ottawa, Pattawatamie, Shawanee, Wyandot, Miami, Delaware, Seneca.

I communicate also the letters from the commissioners on the part of the United States relating to their proceedings on those occasions.

JAMES MADISON.

IOWAY TRIBE.

A treaty of peace and friendship made and concluded between William Clark, Ninian Edwards, and Auguste Chouteau, commissioners plenipotentiary of the United States of America, on the part and behalf of the said States, of the one part, and the undersigned king, chiefs, and warriors of the Ioway tribe or nation, on the part and behalf of the said tribe or nation, of the other part.

The parties being desirous of re-establishing peace and friendship between the United States and the said tribe or nation, and of being placed in all things and in every respect on the same footing upon which they stood before the war, have agreed to the following articles:

ARTICLE 1. Every injury or act of hostility by one or either of the contracting parties against the other shall be mutually forgiven and forgot.

ART. 2. There shall be perpetual peace and friendship between all the citizens of the United States and all the individuals composing the said Ioway tribe or nation.

ART. 3. The contracting parties do hereby agree, promise, and oblige themselves, reciprocally, to deliver up all the prisoners now in their hands (by what means soever the same may have come into their possession) to the officer commanding at St. Louis, to be by him restored to their respective nations as soon as it may be practicable.

ART. 4. The contracting parties, in the sincerity of mutual friendship, recognise, re-establish, and confirm all and every treaty, contract, and agreement heretofore concluded between the United States and the said Ioway tribe or nation.

In witness whereof, the said William Clark, Ninian Edwards, and Auguste Chouteau, commissioners as aforesaid, and the aforesaid king, chiefs, and warriors, have hereunto subscribed their names and affixed their seals this sixteenth day of September, in the year of our Lord one thousand eight hundred and fifteen, and of the independence of the United States the fortieth.

Done at Portage des Sioux, in the presence of _____.

[Signed by the commissioners of the United States and a number of Indian chiefs.]

KICKAPOO TRIBE.

A treaty of peace and friendship made and concluded between William Clark, Ninian Edwards, and Auguste Chouteau, commissioners plenipotentiary of the United States of America, on the part and behalf of the said States, of the one part, and the undersigned chiefs, warriors, and deputies of the Kickapoo tribe or nation, on the part and behalf of the said tribe or nation, of the other part.

The parties being desirous of re-establishing peace and friendship between the United States and the said tribe or nation, and of being placed in all things and in every respect on the same footing upon which they stood before the war, have agreed to the following articles:

ARTICLE 1. Every injury or act of hostility by one or either of the contracting parties towards the other shall be mutually forgiven and forgot.

ART. 2. There shall be perpetual peace and friendship between all the citizens of the United States of America and all the individuals composing the said Kickapoo tribe or nation.

ART. 3. The contracting parties do hereby agree, promise, and oblige themselves, reciprocally, to deliver up all the prisoners now in their hands (by what means soever the same may have come into their possession) to the officer commanding at Fort Clarke, on the Illinois river, to be by him restored to their respective nations as soon as it may be practicable.

ART. 4. The contracting parties, in the sincerity of mutual friendship, recognise, re-establish, and confirm all and every treaty, contract, and agreement heretofore concluded between the United States and the Kickapoo tribe or nation.

In witness whereof, the said William Clark, Ninian Edwards, and Auguste Chouteau, commissioners as aforesaid, and the chiefs, warriors, and deputies of the said tribe, have hereunto subscribed their names and affixed their seals this second day of September, in the year of our Lord one thousand eight hundred and fifteen, and of the independence of the United States the fortieth.

Done at Portage des Sioux, in the presence of _____.

[Signed by the commissioners of the United States and a number of Indian chiefs.]

PATAWATAMIE TRIBE.

A treaty of peace and friendship made and concluded between William Clark, Ninian Edwards, and Auguste Chouteau, commissioners plenipotentiary of the United States of America, on the part and behalf of the said States, of the one part, and the undersigned chiefs and warriors of the Pattawatamie tribe or nation residing on the river Illinois, on the part and behalf of the said tribe or nation, of the other part.

The parties being desirous of re-establishing peace and friendship between the United States and the said tribe or nation, and of being placed in all things and in every respect on the same footing upon which they stood before the war, have agreed to the following articles:

ARTICLE 1. Every injury or act of hostility by one or either of the contracting parties against the other shall be mutually forgiven and forgot.

ART. 2. There shall be perpetual peace and friendship between all the citizens of the United States of America and all the individuals composing the said Pattawatamie tribe or nation.

ART. 3. The contracting parties hereby agree, promise, and bind themselves, reciprocally, to deliver up all the prisoners now in their hands (by what means soever the same may have come into their possession) to the officer commanding at Fort Clarke, on the Illinois river, as soon as it may be practicable.

ART. 4. The contracting parties, in the sincerity of mutual friendship, recognise, re-establish, and confirm all and every treaty, contract, and agreement heretofore concluded between the United States and the Pattawatamie tribe or nation.

In witness of all and every thing herein determined between the United States of America and the said Pattawatamie tribe or nation residing on the river Illinois, we, their underwritten commissioners and chiefs aforesaid, by virtue of our full powers, have signed this definitive treaty, and have caused our seals to be hereunto affixed.

Done at Portage des Sioux, this eighteenth day of July, in the year of our Lord one thousand eight hundred and fifteen, and of the independence of the United States the fortieth.

[Signed by the commissioners of the United States and a number of Indian chiefs.]

SIOUX OF THE LAKES.

A treaty of peace and friendship made and concluded between William Clark, Ninian Edwards, and Auguste Chouteau, commissioners plenipotentiary of the United States of America, on the part and behalf of the said States, of the one part, and the undersigned chiefs and warriors of the Sioux of the Lakes, on the part and behalf of their tribe, of the other part.

The parties being desirous of re-establishing peace and friendship between the United States and the said tribe, and of being placed in all things and in every respect on the same footing upon which they stood before the late war between the United States and Great Britain, have agreed to the following articles:

ARTICLE 1. Every injury or act of hostility committed by one or either of the contracting parties against the other shall be mutually forgiven and forgot.

ART. 2. There shall be perpetual peace and friendship between all the citizens of the United States of America and all the individuals composing the said tribe of the Lakes, and all the friendly relations that existed between them before the war shall be, and the same are hereby, renewed.

ART. 3. The undersigned chiefs and warriors, for themselves and their said tribe, do hereby acknowledge themselves and their aforesaid tribe to be under the protection of the United States, and of no other nation, power, or sovereign whatsoever.

In witness whereof, the said William Clark, Ninian Edwards, and Auguste Chouteau, commissioners aforesaid, and the chiefs and warriors of the aforesaid tribe, have hereunto subscribed their names and affixed their seals this nineteenth day of July, in the year of our Lord one thousand eight hundred and fifteen, and of the independence of the United States the fortieth.

Done at Portage des Sioux, in the presence of _____.

[Signed by the commissioners of the United States and a number of Indian chiefs.]

PIANKESHAW.

A treaty of peace and friendship made and concluded between William Clark, Ninian Edwards, and Auguste Chouteau, commissioners plenipotentiary of the United States of America, on the part and behalf of the said States, of the one part, and the undersigned chiefs and warriors of the Piankeshaw tribe or nation, on the part and behalf of the said tribe or nation, of the other part.

The parties being anxious of re-establishing peace and friendship between the United States and the said tribe or nation, and of being placed in all things and in every respect on the same footing upon which they stood before the war, have agreed to the following articles:

ARTICLE 1. Every injury or act of hostility by one or either of the contracting parties against the other shall be mutually forgiven and forgot.

ART. 2. There shall be perpetual peace and friendship between all the citizens of the United States of America and all the individuals composing the Piankeshaw tribe or nation.

ART. 3. The contracting parties, in the sincerity of mutual friendship, recognise, re-establish, and confirm all and every treaty, contract, or agreement heretofore concluded between the United States and the said Piankeshaw tribe or nation.

In witness of all and every thing herein determined between the United States of America and the said Piankeshaw tribe or nation, we, their underwritten commissioners and chiefs aforesaid, by virtue of our full powers, have signed this definitive treaty, and have caused our seals to be hereunto affixed.

Done at Portage des Sioux, this eighteenth day of July, in the year of our Lord one thousand eight hundred and fifteen, and of the independence of the United States of America the fortieth.

[Signed by the commissioners of the United States and a number of Indian chiefs.]

SIOUX OF THE RIVER ST. PETER'S.

A treaty of peace and friendship made and concluded between William Clark, Ninian Edwards, and Auguste Chouteau, commissioners plenipotentiary of the United States of America, on the part and behalf of the said States, of the one part, and the chiefs and warriors of the Sioux of the river St. Peter's, on the part and behalf of their said tribe, of the other part.

The parties being desirous of re-establishing peace and friendship between the United States and the said tribe, and of being placed in all things and in every respect on the same footing upon which they stood before the late war between the United States and Great Britain, have agreed to the following articles:

ARTICLE 1. Every injury or act of hostility committed by one or either of the contracting parties against the other shall be mutually forgiven and forgot.

ART. 2. There shall be perpetual peace and friendship between all the citizens of the United States of America and all the individuals composing the tribe of Sioux of the river St. Peter's, and all the friendly relations that existed between them before the war shall be, and the same are hereby, renewed.

ART. 3. The undersigned chiefs and warriors, for themselves and their said tribe, do hereby acknowledge themselves and their tribe to be under the protection of the United States, and of no other power, nation, or sovereign whatsoever.

In testimony whereof, the said William Clark, Ninian Edwards, and Auguste Chouteau, commissioners as aforesaid, and the chiefs and warriors of the aforesaid tribe, have hereunto subscribed their names and affixed their seals this nineteenth day of July, in the year of our Lord one thousand eight hundred and fifteen, and of the independence of the United States the fortieth.

Done at Portage des Sioux, in the presence of _____.

[Signed by the commissioners of the United States and a number of Indian chiefs.]

GREAT AND LITTLE OSAGE TRIBES.

A treaty of peace and friendship made and concluded between William Clark, Ninian Edwards, and Auguste Chouteau, commissioners plenipotentiary of the United States of America, on the part and behalf of the said States, of the one part, and the undersigned king, chiefs, and warriors of the Great and Little Osage tribes or nations, on the part and behalf of their said tribes or nations, of the other part.

The parties being desirous of re-establishing peace and friendship between the United States and the said tribes or nations, and of being placed in all things and in every respect on the same footing upon which they stood before the war, have agreed to the following articles:

ARTICLE 1. Every injury or act of hostility by one or either of the contracting parties against the other shall be mutually forgiven and forgot.

ART. 2. There shall be perpetual peace and friendship between all the citizens of the United States of America and all the individuals composing the said Osage tribes or nations.

ART. 3. The contracting parties, in the sincerity of mutual friendship, recognise, re-establish, and confirm all and every treaty, contract, and agreement heretofore concluded between the United States and the said Osage tribes or nations.

In witness whereof, the said William Clark, Ninian Edwards, and Auguste Chouteau, commissioners as aforesaid, and the king, chiefs, and warriors of the said tribes or nations, have hereunto subscribed their names and affixed their seals this twelfth day of September, in the year of our Lord one thousand eight hundred and fifteen, and of the independence of the United States the fortieth.

Done at Portage des Sioux, in the presence of _____.

[Signed by the commissioners of the United States and a number of Indian chiefs.]

YANCTON TRIBE.

A treaty of peace and friendship made and concluded between William Clark, Ninian Edwards, and Auguste Chouteau, commissioners plenipotentiary of the United States of America, on the part and behalf of the said States, of the one part, and the undersigned chiefs and warriors of the Yancton tribe of Indians, on the part and behalf of their said tribe, of the other part.

The parties being desirous of re-establishing peace and friendship between the United States and the said tribe, and of being placed in all things and in every respect on the same footing upon which they stood before the late war between the United States and Great Britain, have agreed to the following articles:

ARTICLE 1. Every injury or act of hostility committed by one or either of the contracting parties against the other shall be mutually forgiven and forgot.

ART. 2. There shall be perpetual peace and friendship between all the citizens of the United States of America and all the individuals composing the said Yancton tribe, and all the friendly relations that existed between them before the war shall be, and the same are hereby, renewed.

ART. 3. The undersigned chiefs and warriors, for themselves and their said tribe, do hereby acknowledge themselves to be under the protection of the United States of America, and of no other nation, power, or sovereign whatsoever.

In witness whereof, the said William Clark, Ninian Edwards, and Auguste Chouteau, commissioners as aforesaid, and the chiefs aforesaid, have hereunto subscribed their names and affixed their seals this nineteenth day of July, in the year of our Lord one thousand eight hundred and fifteen, and of the independence of the United States the fortieth.

Done at Portage des Sioux, in the presence of _____.

[Signed by the commissioners of the United States and a number of Indian chiefs.]

MAHAS TRIBE.

A treaty of peace and friendship made and concluded between William Clark, Ninian Edwards, and Auguste Chouteau, commissioners plenipotentiary of the United States of America, on the part and behalf of the said States, of the one part, and the undersigned chiefs and warriors of the Mahas, on the part and behalf of the said tribe or nation, of the other part.

The parties being desirous of re-establishing peace and friendship between the United States and the said tribe or nation, and of being placed in all things and in every respect on the same footing upon which they stood before the late war between the United States and Great Britain, have agreed to the following articles:

ARTICLE 1. Every injury or act of hostility committed by one or either of the contracting parties against the other shall be mutually forgiven and forgot.

ART. 2. There shall be perpetual peace and friendship between all the citizens of the United States of America and all the individuals composing the tribe or nation of the Mahas, and all the friendly relations that existed between them before the war shall be, and the same are hereby, renewed.

ART. 3. The undersigned chiefs and warriors, for themselves and their said tribe or nation, do hereby acknowledge themselves and their tribe or nation to be under the protection of the United States, and of no other nation, power, or sovereign whatsoever.

In witness whereof, the said William Clark, Ninian Edwards, and Auguste Chouteau, commissioners as aforesaid, and the chiefs and warriors of the aforesaid tribe or nation, have hereunto subscribed their names and affixed their seals this twentieth day of July, in the year of our Lord one thousand eight hundred and fifteen, and of the independence of the United States the fortieth.

Done at Portage des Sioux, in the presence of _____.

[Signed by the commissioners of the United States and a number of Indian chiefs.]

FOX TRIBE.

A treaty of peace and friendship made and concluded between William Clark, Ninian Edwards, and Auguste Chouteau, commissioners plenipotentiary of the United States of America, on the part and behalf of the said States, of the one part, and the undersigned king, chiefs, and warriors of the Fox tribe or nation, on the part and behalf of the said tribe or nation, of the other part.

The parties being desirous of re-establishing peace and friendship between the United States and the said tribe or nation, and of being placed in all things and in every respect on the same footing upon which they stood before the war, have agreed to the following articles:

ARTICLE 1. Every injury or act of hostility by one or either of the contracting parties against the other shall be mutually forgiven and forgot.

ART. 2. There shall be perpetual peace and friendship between the citizens of the United States of America and all the individuals composing the said Fox tribe or nation.

ART. 3. The contracting parties do hereby agree, promise, and oblige themselves, reciprocally, to deliver up all the prisoners now in their hands (by what means soever the same may have come into their possession) to the officer commanding at Fort Clarke, on the Illinois river, to be by him restored to their respective nations as soon as it may be practicable.

ART. 4. The said Fox tribe or nation do hereby assent to, recognise, re-establish, and confirm the treaty of St. Louis, which was concluded on the third day of November, one thousand eight hundred and four, to the full extent of their interest in the same, as well as all other contracts and agreements between the parties; and the United States promise to fulfil all the stipulations contained in the said treaty in favor of the said Fox tribe or nation.

In witness whereof, the said William Clark, Ninian Edwards, and Auguste Chouteau, commissioners as aforesaid, and the aforesaid king, chiefs, and warriors of the Fox tribe or nation aforesaid, have hereunto subscribed their names and affixed their seals this fourteenth day of September, in the year of our Lord one thousand eight hundred and fifteen, and of the independence of the United States the fortieth.

Done at Portage des Sioux, in the presence of _____.

[Signed by the commissioners of the United States and a number of Indian chiefs.]

TEETON TRIBE.

A treaty of peace and friendship made and concluded between William Clark, Ninian Edwards, and Auguste Chouteau, commissioners plenipotentiary of the United States of America, on the part and behalf of the said States, of the one part, and the undersigned chiefs and warriors of the Teeton tribe of Indians, on the part and behalf of their said tribe, of the other part.

The parties being desirous of re-establishing peace and friendship between the United States and the said tribe, and of being placed in all things and in every respect on the same footing upon which they stood before the late war between the United States and Great Britain, have agreed to the following articles:

ARTICLE 1. Every injury or act of hostility committed by one or either of the contracting parties against the other shall be mutually forgiven and forgot.

ART. 2. There shall be perpetual peace and friendship between all the citizens of the United States of America and all the individuals composing the said Teeton tribe, and the friendly relations that existed between them before the war shall be, and the same are hereby, renewed.

ART. 3. The undersigned chiefs and warriors, for themselves and their said tribe, do hereby acknowledge themselves and their aforesaid tribe to be under the protection of the United States of America, and of no other nation, power, or sovereign whatsoever.

In witness whereof, the said William Clark, Ninian Edwards, and Auguste Chouteau, commissioners as aforesaid, and the chiefs and warriors of the said tribe, have hereunto subscribed their names and affixed their seals this nineteenth day of July, one thousand eight hundred and fifteen, and of the independence of the United States the fortieth.

Done at Portage des Sioux, in the presence of _____.

[Signed by the commissioners of the United States and a number of Indian chiefs.]

SAC NATION.

A treaty of peace and friendship made and concluded between William Clark, Ninian Edwards, and Auguste Chouteau, commissioners plenipotentiary of the United States of America, on the part and behalf of the said States, of the one part, and the undersigned chiefs and warriors of that portion of the Sac nation of Indians now residing on the Missouri river, of the other part.

Whereas the undersigned chiefs and warriors, as well as that portion of the nation which they represent, have at all times been desirous of fulfilling their treaty with the United States with perfect good faith, and for that purpose found themselves compelled, since the commencement of the late war, to separate themselves from the rest of their nation, and remove to the Missouri river, where they have continued to give proofs of their friendship and fidelity: and whereas the United States, justly appreciating the conduct of said Indians, are disposed to do them the most ample justice that is practicable, the said parties have agreed to the following articles:

ARTICLE 1. The undersigned chiefs and warriors, for themselves and that portion of the Sacs which they represent, do hereby assent to the treaty between the United States of America and the united tribes of Sacs and Foxes, which was concluded at St. Louis on the third day of November, one thousand eight hundred and four; and they moreover promise to do all in their power to re-establish and enforce the same.

ART. 2. The said chiefs and warriors, for themselves and those they represent, do further promise to remain distinct and separate from the Sacs of Rock river, giving them no aid or assistance whatever until peace shall also be concluded between the United States and the said Sacs of Rock river.

ART. 3. The United States on their part promise to allow the said Sacs of the Missouri river all the rights and privileges secured to them by the treaty of St. Louis before mentioned; and also as soon as practicable to furnish them with a just proportion of the annuities stipulated to be paid by that treaty, provided they shall continue to comply with this and their former treaty.

In witness whereof, the said William Clark, Ninian Edwards, and Auguste Chouteau, commissioners as aforesaid, and the aforesaid chiefs and warriors, have hereunto subscribed their names and affixed their seals this thirteenth day of September, in the year of our Lord one thousand eight hundred and fifteen, and of the independence of the United States the fortieth.

Done at Portage des Sioux, in the presence of _____.

[Signed by the commissioners of the United States and a number of Indian chiefs.]

KANZAS TRIBE.

A treaty of peace and friendship made and concluded between Ninian Edwards and Auguste Chouteau, commissioners plenipotentiary of the United States of America, on the part and behalf of the said States, of the one part, and the undersigned chiefs and warriors of the Kansas tribe of Indians, on the part and behalf of their said tribe, of the other part.

The parties being desirous of re-establishing peace and friendship between the United States and their said tribe, and of being placed in all things and in every respect on the same footing upon which they stood before the late war between the United States and Great Britain, have agreed to the following articles:

ARTICLE 1. Every injury or act of hostility by one or either of the contracting parties against the other shall be mutually forgiven and forgot.

ART. 2. There shall be perpetual peace and friendship between all the citizens of the United States of America and all the individuals composing the said Kansas tribe, and all the friendly relations that existed between them before the war shall be, and the same are hereby, renewed.

ART. 3. The undersigned chiefs and warriors, for themselves and their said tribe, do hereby acknowledge themselves to be under the protection of the United States of America, and of no other nation, power, or sovereign whatsoever.

In witness whereof, the said Ninian Edwards and Auguste Chouteau, commissioners as aforesaid, and the chiefs aforesaid, have hereunto subscribed their names and affixed their seals this twenty-eighth day of October, in the year of our Lord one thousand eight hundred and fifteen, and of the independence of the United States the fortieth.

Done at St. Louis, in the presence of _____.

[Signed by the commissioners of the United States and a number of Indian chiefs.]

GENTLEMEN:

WAR DEPARTMENT, *March 11, 1815.*

I had the honor to transmit to you on the 24th ultimo a copy of the treaty of peace which was concluded on the 24th of December last between the United States and Great Britain at Ghent, and ratified by the President, with the advice and consent of the Senate, on the 17th ultimo. By the ninth article of this treaty it is stipulated that the United States shall put an end to all hostilities with the Indian tribes with whom they might be at war at the time of the ratification, and to restore to such tribes all the rights and privileges to which they were entitled previous to the war: provided that such tribes or nations should agree to desist from all hostilities against the United States of America, their citizens and subjects, upon the ratification of such treaty being notified to such tribes or nations, and should so desist accordingly. By the same article it is also stipulated that His Britannic Majesty should likewise put an end, in like manner and on the same conditions, to hostilities with the tribes or nations of Indians with whom he might be at war at the time of the ratification of said treaty.

It is incumbent on the United States to execute every article of this treaty with perfect good faith, and it is their firm resolution to do it. They wish to be particularly exact in the execution of the article above recited relating to the Indian tribes. For this purpose the President has, in consequence, appointed you commissioners with full power to conclude a treaty with all those tribes, for which I enclose you a commission.

You will give immediate notice to all the tribes with whom the United States are at war on the Mississippi and its waters of the peace which has been concluded between the United States and Great Britain, and of the stipulations contained in it in regard to them; and you will likewise invite them to attend by a deputation of chiefs, at such place or places as you may appoint, for the purpose of concluding the proposed treaty of peace and amity between the United States and all those tribes. It is thought proper to confine this treaty to the sole object of peace. Other arrangements between the United States and the Indian tribes adapted to their mutual interests may be entered into hereafter.

You will avail yourself of the opportunity to inform the Indian tribes that it is intended to establish strong posts very high up the Mississippi, and from the Mississippi to Lake Michigan, and to open trading-houses at those posts, or other suitable places for their accommodation.

I have the honor to be, &c.

J. MONROE.

Gov. CLARK, Gov. EDWARDS, and AUGUSTE CHOUTEAU, Esq.

GENTLEMEN:

WAR DEPARTMENT, *March 11, 1815.*

Colonel McNair has recommended Mr. Robert Wash as a gentleman well qualified to act as your secretary, and it is requested that he may be appointed as such.

I have the honor to be, &c.

J. MONROE.

Messrs. CLARK, EDWARDS, and Colonel CHOUTEAU.

SIR:

DEPARTMENT OF WAR, *March 11, 1815.*

The commission for the commissioners to treat with the Indians with whom we were at war at the time the treaty with Great Britain was ratified, and instructions, are committed to Colonel McNair, who will likewise have the pleasure to deliver you this letter. Of this gentleman a very favorable opinion is entertained by the President, and had he not recommended and insisted on the appointment of Mr. Chouteau as third commissioner, he would have been appointed himself, as I have reason to believe. It had previously been determined to give him a respectable command, had the war continued, in the troops which were intended to have been raised in the western country. I mention these circumstances to show you the good opinion which is formed of him by the Government. Should any opportunity occur to enable the commissioners to avail themselves of his services with advantage in the proposed treaty with the Indians, it is desired you should do it; or should you find, hereafter, that he may be employed either with the Indians or in any other way in the Missouri Territory, or high up the Mississippi, I wish you to communicate it to the Government, and it will be considered.

I have the honor to be, &c.

His Excellency WILLIAM CLARK.

J. MONROE.

SIR:

DEPARTMENT OF WAR, *March 13, 1815.*

Mr. Boilvin has been continued in the Indian agency which he has heretofore held. He will take his instructions from you, and will no doubt be useful in giving notice to the Indian tribes and nations, and inducing their chiefs to attend at the treaty which you are authorized to make with them.

I have the honor to be, &c.

His Excellency WILLIAM CLARK.

J. MONROE.

SIR:

DEPARTMENT OF WAR, *March 25, 1815.*

At the treaty which you as one of the commissioners are authorized to hold with the Indians, the President thinks it will be proper to make some presents to the chiefs and headmen of the several tribes who may attend. For this purpose, twenty thousand dollars worth of goods have been directed to be purchased, and will be forwarded by Messrs. Johnson & Sibley, who will probably reach St. Louis with them in the first week in June. Whether it will be necessary to distribute the whole of these goods to the Indians, will depend upon the number of tribes which attend the treaty, and on the judgment and discretion of the commissioners as to the extent to which presents ought to be made. Should any Indians who have been friendly to the United States attend the treaty, it will be well, in the distribution of the presents, to let them feel that those who have been our enemies are not better treated than those who have been our friends. Among the articles to be sent out there will be some solid silver medals; and it having been understood that the late General Pike, when on his expedition up the Mississippi, took from some of the Indians medals which had been given to them by the British, it is requested that, if any of these Indians attend the treaty, a medal of the largest size be given to each of them in lieu of those taken from them by General Pike.

I have the honor to be, &c.

J. MONROE.

His Excellency W. CLARK, *St. Louis.*

SIR:

DEPARTMENT OF WAR, *March 27, 1815.*

You will please procure and forward to Governor Clark, of the Missouri Territory, about \$20,000 worth of goods, intended as presents at the treaty to be held with the Indians who reside on the waters of the Mississippi, and who have been at war with the United States. The goods will consist of blankets, strouds, cloths, calicoes, handkerchiefs, cotton stuffs, ribands, gartering, frock coats, flags, silver ornaments, paints, wampum, looking-glasses, knives, fire-steels, rifles, fusils, flints, powder, tobacco, pipes, needles, &c. These articles should be equal in quality to those which the Indians have been accustomed to receive from the British agents.

I am, very respectfully,

JAMES MONROE.

Gen. JOHN MASON, *Superintendent of Indian Trade, Georgetown.*

SIR:

ST. LOUIS, MISSOURI TERRITORY, *May 15, 1815.*

We have the honor to state to you that, as commissioners appointed by the President to treat with the Indians on the Mississippi river and its waters, we propose to hold the treaty at Portage des Sioux, (a few miles above the confluence of the Missouri and Mississippi rivers,) in the early part of July next; and presuming that there will be a large assemblage of Indians, a guard calculated to command sufficient respect and to maintain order seems to us so necessary, that we beg leave to solicit such orders for those purposes as you may deem it expedient to give to the officer having command on this frontier.

We have the honor, &c.

WILLIAM CLARK,
NINIAN EDWARDS,
AUG. CHOUTEAU.

Hon. the SECRETARY OF WAR.

SIR:

ST. LOUIS, *May 22, 1815.*

Various indications of the continuance of a hostile disposition on the part of the Sacs and Foxes of Rock river towards our Government and the citizens thereof, with some recent aggressions which they are with good reason supposed to have committed since they were fully notified of the ratification of the late treaty with Great Britain, and its stipulations in regard to them, induce us to consider a permanent peace with those tribes so doubtful that we feel it our duty most respectfully to suggest it as our opinion that it is highly expedient to be prepared for the alternative of war with them.

In the mean time every effort in our power will be employed to effect a pacification in conformity to our instructions; for which purpose every necessary preparatory measure has been adopted.

We have the honor, &c.

WILLIAM CLARK,
NINIAN EDWARDS,
AUG. CHOUTEAU.Hon. the SECRETARY OF WAR, *Washington.*

SIR:

ST. LOUIS, *May 22, 1815.*

Since writing the letter which we had the honor this day to address to you, we have received additional evidence of the determined hostility of the Sacs and others, of Rock river, in the murder of a family in the county of St. Charles on the day before yesterday.

The conduct of those savages, in the cold indifference with which they received several communications in regard to the late treaty; their insolent deportment on those occasions; their perfidy in decoying on shore and murdering one of the messengers of peace; the murders and depredations which they have repeated since they were notified of the treaty, together with the suggestions and admonitions of the British officers themselves to be on our guard against them, leave no doubt on our minds that it is the intention of those tribes to continue the war, and that nothing less than a vigorous display of military force can change their disposition.

Seeing that they have not agreed, on the notification of the ratification of the treaty, to desist from hostilities, and that they have not desisted, we feel very much at a loss to decide on the course proper to be pursued by us in relation to them.

To treat with them (even if they should not eventually decline our overture) without requiring the surrender of the authors of the recent hostilities, or some other retributions, would, we fear, be of dangerous consequences in its influence on other tribes. But upon this subject we shall be very thankful for the instructions of the President, which we will endeavor faithfully to fulfil.

We have the honor, &c.

WILLIAM CLARK,
NINIAN EDWARDS,
AUG. CHOUTEAU.Hon. the SECRETARY OF WAR, *Washington City.*

SIR:

ST. LOUIS, *May 27, 1815.*

I received, yesterday, your letter of the 13th of March last, enclosing me a commission of commissioner to conclude, conjointly with their excellencies Governors William Clark and Ninian Edwards, a treaty of peace with the different tribes of Indians of the Mississippi and its waters. I had already received the instructions you sent me by Col. McNair, and, consequently, acted accordingly, as you may know by the different letters we had the honor to write you.

I have accepted willingly this appointment; the more so, as I expect that my zeal to perform my duty will equal the confidence you have been pleased to bestow upon,

Sir, your most obedient servant,

AUG. CHOUTEAU.

The Hon. JAMES MONROE, *Secretary of War.*

GENTLEMEN:

DEPARTMENT OF WAR, June 11, 1815.

I have received and laid before the President your communication dated the 15th ultimo.

The President regrets the hostile dispositions of the Indians; but having executed, in perfect good faith, the stipulations of the treaty of Ghent, he will exert the military powers of the Government to secure the peace and safety of the country.

It is presumed that Colonel Miller, with his detachment, arrived at St. Louis soon after the date of your letters, and the enclosed copy of a letter to General Jackson will show the general matters in operation to resist and punish the further aggressions of the Indians on the waters of the Mississippi. Colonel Miller will also be authorized to continue the rangers in service, and to obtain an immediate reinforcement of militia, if the exigencies should be such as to preclude an application to this Department or to Major General Jackson.

The President has been induced, by the representations from the northwest, to appoint Governor Harrison, General McArthur, and Mr. Graham, commissioners to treat with the Indian tribes in that quarter. As the principles contained in the instructions to those commissioners may be usefully applied in the execution of your trust, I am authorized to communicate, confidentially, the enclosed copy for your information and government.

I am, very respectfully, &c.

A. J. DALLAS.

Governor CLARK, of the *Missouri Territory*,
Governor EDWARDS, of the *Illinois Territory*, and
Mr. CHOUTEAU,

Commissioners appointed to negotiate a treaty with certain Indian tribes.

SIR:

DEPARTMENT OF WAR, June 14, 1815.

The representations which have been made to the President relative to the dispositions of the Indians in various quarters induce him to apprise your excellency of the measures that have been taken since the ratification of the treaty of Ghent to restore peace with the Indian tribes, and to conciliate the good-will of the misinformed or the discontented. As this object will be easiest effected by communicating to you the instructions given to the commissioners for treating with the Northwest Indians, I have the honor to transmit (in confidence) the enclosed copy.

If the hostility of the Indians on the waters of the Mississippi should continue, or if in any other quarter danger should be apprehended, the officer commanding the troops of the United States may require the aid of the militia to resist and repel aggression. Under such circumstances, there may not be time to apply to this Department, and the officer is authorized to address himself, at once, to the Governors of the States or Territories from which assistance can be drawn with the greatest promptitude and facility. Should an application be made to your excellency, the President relies upon the benefit of your effective co-operation and good offices.

I have the honor to be, &c.

A. J. DALLAS.

The GOVERNORS of *Tennessee, Kentucky, Georgia, Indiana Territory, and Mississippi Territory.*

SIR:

MISSOURI TERRITORY, PORTAGE DES SIOUX, July 16, 1815.

We have the honor to inform you that we met at this place, according to appointment, on the 6th instant, and have been constantly engaged in endeavoring to discharge the trust confided to us. We are very sorry, however, to be obliged to state that the prospects of restoring tranquillity and safety to this frontier, by an amicable accommodation with the Indians, are not at all flattering.

With the Pattawatamies of Illinois river, and the small band of Piankeshaws who are prisoners of war, we shall probably conclude a treaty in a day or two.

But neither the Winnebagoes, Sacs, Foxes, Ioways, Kickapoos, or any others residing upon Rock river, have sent forward competent deputations of chiefs to treat with us. The Sacs and Foxes, in particular, have committed many flagitious acts of hostility since they were notified of the late treaty with Great Britain and the overtures of our Government to themselves.

Some of the most insignificant and contemptible wretches of these tribes, with one chief only, met us at this place. They acknowledged that they had no power to treat with us; and the chief that did attend is understood to have declared that, even if a treaty should be concluded with all the chiefs, those tribes would never consent to relinquish the lands which they have heretofore ceded to us. By their own confessions, some of their war parties have very recently made incursions into our frontier, from which a number of horses have been stolen within a few days; and even since the treaty commenced, they have waylaid and attacked some of the citizens of this Territory.

All these considerations induce us to think it very doubtful whether any treaty, upon the terms we are authorized to offer, can be effected with them. And as the lands they have heretofore ceded extend from the mouth of the Illinois river to the mouth of the Ouisconsin, and include the favorite residence of a great number of the hostile Indians, we do not believe that they would permit the military lands included within those boundaries to be surveyed, if they should eventually, for mere temporary purposes, be induced to conclude a treaty with us.

We are happy to state that the dispositions manifested by the Missouri Indians, generally, seem to be friendly, and some of them are anxious to unite with us in the war against the Sacs and Foxes.

We have the honor to transmit, herewith, the copy of a letter which we felt it our duty to address to the commanding officer in this district.

We have the honor to be, very respectfully, your obedient servants,

WILLIAM CLARK,
NINIAN EDWARDS,
AUGTE. CHOUTEAU.

To the HON. SECRETARY OF WAR.

SIR:

PORTAGE DES SIOUX, July 11, 1815.

As commissioners appointed to negotiate a treaty of peace with the tribes of Indians residing upon the Mississippi and its waters, who, at the time of the ratification of the treaty with Great Britain, were at war with the United States, we, in conformity to our instructions, notified those tribes of the peace that had been concluded, and of the stipulations it contained in regard to themselves, and at the same time invited them to attend, by a deputation of chiefs, at this place, on the 6th instant, for the purpose of concluding a treaty of peace and amity between the United States and themselves.

The friendly overtures of the Government, however, do not appear to have been met by a correspondent disposition on the part of those tribes.

None of them have as yet sent forward sufficient deputations to treat with us; several of them have not sent a single man, nor have we any ground to expect they will do so; and while a considerable number of the most insignificant and contemptible persons of the Sacs and Foxes of Rock river have attended, without more than one chief, we have been informed, and have reason to believe, that their principal chiefs and warriors continue to cherish the most inveterate and deadly hostility towards the American people and Government, and that war parties from those tribes recently started for our frontier; which statement is rendered the more probable by the occurrence of some very late acts of hostility (of which they had previously committed many) since they were informed of the peace.

The Kickapoos sent one chief only, and there are strong grounds to believe that they have identified themselves with the Sacs and Foxes in their late hostilities, and that they participate their present unfriendly disposition.

Those three tribes left here privately last night, and we feel it our duty to state to you as our opinion, that the exertion of the military power of the Government will be necessary to secure the peace and safety of this country.

SIR:

PORTAGE DES SIOUX, *July 22, 1815.*

We have the honor to inform you that we have succeeded in concluding separate treaties of peace and friendship with the following tribes of Indians, viz: the Pattawatamies of Illinois river, the Piankeshaws, Yanctons, Teetons, Mahas, Sioux of the Lakes, (residing between Prairie du Chien and the river St. Peter's,) and the Sioux of the river St. Peter's.

We feel peculiar pleasure in acknowledging the prompt and useful assistance and co-operation afforded us in the discharge of our duties by Colonel Miller, whose whole conduct, as far as it has come under our observation, fully evinces that he merits all that honorable distinction which the Government of his country has bestowed upon him.

From various indications of the settled hostility of the Sacs and Foxes, Kickapoos, Winnebagoes, &c. of the Rock river, and particularly from some additional depredations which some of them have committed since the date of our last letter, we fear there is little ground to hope that a conflict with them can be avoided with either honor to the Government or safety to this country.

We have the honor to be, very respectfully, sir, your most obedient servants,

WILLIAM CLARK,
NINIAN EDWARDS,
AUG. CHOUTEAU.

To the Hon. SECRETARY OF WAR.

SIR:

St. Louis, *September 18, 1815.*

We have the honor to inform you that, since our last communications, we have concluded treaties of peace with the Kickapoos, Big and Little Osages, Sacs of the Missouri river, Foxes, and Ioways.

A considerable backwardness, if not positive reluctance, on the part of several tribes, in accepting the overtures of peace which we were authorized to offer them, has been very manifest.

The Sacs of Rock river have ultimately refused to treat with us in the most positive manner; speak, without disguise, of their opposition to military establishments on the Mississippi river; and have continued to commit occasional but serious depredations on this frontier.

By information recently received from Mr. Boilvin, agent at Prairie du Chien, the Indians about that place appear to be in considerable commotion, and are much divided among themselves with regard to peace with the United States.

A number of British traders, with goods to a great amount, on which they have paid no duties, have arrived on the Mississippi, and we feel well assured that many of the difficulties that have occurred with the Indians, and which still continue, are justly attributable to that class of people.

Lieutenant Kennerly, who was sent out for some of the more distant tribes of Indians, not having returned, and there yet being some prospect of other tribes coming in, we have adjourned to this place, and hope to finish our business in a few days, when we shall forward the report of our proceedings.

We have the honor to be, most respectfully,

WILLIAM CLARK,
NINIAN EDWARDS,
AUGTE. CHOUTEAU.

Hon. Wm. H. CRAWFORD, *Secretary of War.*

SIR:

St. Louis, *October 18, 1815.*

Being about to finish all the duties which, as commissioners appointed to treat with the Indians of the Mississippi and its waters, it is possible for us to perform in the present year, we feel it incumbent on us to give you a more minute detail of our proceedings, and of the causes that have protracted our duties to the present time, than has hitherto been transmitted to the Department over which you preside.

On the 11th May we met at this place, which was as soon after the receipt of our commissions and instructions as was practicable. Our first duty being to send invitations, according to our instructions, to the different tribes or nations of Indians with whom the United States were at war at the time of the ratification of their late treaty with Great Britain, every effort in our power was employed to procure proper persons for that purpose; but in this success was, for some time, unattainable. Several of the hostile tribes had previously been notified by the Governors of this and Illinois Territory of the treaty, and the stipulations it contained in regard to themselves; but, contrary to every reasonable expectation, the intelligence thus communicated seemed to have generated new and additional hostility, which was so repeatedly developed in the most flagitious depredations and massacres on the frontiers as to produce universal alarm. Those acts of hostility appearing to increase rather than diminish, after we commenced our duties, rendered it extremely difficult to engage any persons to go into the Indian country; subjected us to disappointments by some whose fears prevented them from fulfilling engagements after they had made them; put it out of our power then to send to several of the tribes, and caused our missions to be more expensive, in consequence of having to send a greater number of men together, and sending up a party in a fortified boat, as a necessary precaution, to guard against danger, without which they could not have been induced to go upon any terms.

Having at length eventually succeeded in procuring some men for the purpose, we prepared and sent off thirty-seven talks, (of which a copy is herewith transmitted,) directed to different tribes, hoping that our messengers might be able to engage Indians to carry some of those talks to those places where it would otherwise have been impossible for us to have sent them. In some instances, the Indians having left their villages and gone to their summer's

hunt, our messengers were unable to find them; in consequence of which we had to wait for further information, and send again.

The messengers whom we had engaged to go by the direct route to Prairie du Chien were stopped at the mouth of Rock river by the Sacs, who would permit them to proceed no farther. This event, however, we had anticipated, and had previously determined to send some person (if one could be procured) up to the Mahas on the Missouri, thence to pass over by land to the river St. Peter's, and thence to Prairie du Chien. This mission we deemed very important for several reasons: 1st. It was well ascertained the British had been endeavoring, and with some success too, to engage the Indians of the Missouri river in the war against us. It was therefore necessary, to prevent those machinations from eventuating in hostilities, that we should apprise the tribes upon whom they had been practised of the new state of relations between ours and the British Government, as there was no reason to believe that the latter would have caused any such information to be there communicated. 2d. By the authority, and under the directions of the Governor of this Territory, with the promised co-operation of General Howard, while commanding in this district, a part of the Sioux, and other Indians of the Missouri, had been engaged in the war on our side, and were then at war with those Indians who had been hostile to us, several of whom they had killed after our treaty commenced. As, then, the war thus instigated must have been considered as the act of our Government, good faith, in consequence of the treaty with Great Britain, required that it should cease. 3d. The Government having determined to establish strong military posts high up the Mississippi river, and there then being reason to believe it would have been attempted within the past season, it was desirable that the Indians of the river St. Peter's, and others in the vicinity of Prairie du Chien, should be made acquainted with the views and intentions of our Government, as such movements, if unexplained, would naturally have excited in them fearful apprehensions, in consequence of their having been engaged in the war, and might have put it in the power of the most contemptible British trader to have produced a serious opposition in that quarter. 4th. Our instructions positively required that we should give immediate information to those tribes of the peace that had been concluded between the United States and Great Britain, and we saw no other practicable means of effecting it. Besides, it was not to be doubted that, by making them the communications and overtures we were authorized to do, many good consequences would result therefrom, and an important object of Government be effected, even if those Indians should not come down and treat with us.

We should not, however, have been able to accomplish these objects had not Lieutenant Kennerly, (one of the disbanded officers equally distinguished by his bravery and enterprise,) seeing the utter impossibility of our procuring any other person, voluntarily offered to go on this mission; in which, although he could not succeed to the extent of our wishes, in consequence of his having his horses stolen from him, his services were, notwithstanding, very important; and he succeeded in sending talks by Indians whom he met with to those he could not visit.

The Indians who had been hostile to our Government generally manifested an evident backwardness to negotiate with us; attempted to temporize in every possible way, without committing themselves too far; and particularly by promising, but delaying, to send forward deputations to treat with us, and by sending incompetent deputations: in which conduct, we have many reasons for believing that they were influenced by unprincipled British traders, who endeavored to dissuade them from coming to the treaty; represented our invitations as insidious attempts to decoy them into our power, that we might massacre them; induced them to believe that Michilimackinac would never be surrendered, and that the war between the United States and Great Britain would shortly thereafter be renewed.

Knowing that the Indians had, in several instances, and in a late one in particular, refused to comply with their treaties, because, as they alleged, those who made them had not competent power to bind the tribes to which they belonged, we felt it our duty to inquire particularly whether the tribes with whom we proposed to treat were properly represented; and, in some instances, we had to send back Indians of different tribes for more competent deputations; in all of which cases, however, the Indians, interpreters, and agents admitted that those tribes were not sufficiently represented.

Owing to the disappointments and difficulties that have already been explained, we have constantly had under our charge more or less Indians from the commencement of the treaty till the 30th ultimo, when we sent off about one hundred and twenty-five, being all that then remained.

The delays that have necessarily intervened (otherwise so much to be regretted) have certainly been productive of three of the most important treaties that we have made, viz: those with the Foxes, the Kickapoos, and Ioways, which could not have been effected upon the same terms at the commencement of the treaty, nor for some time thereafter.

Those treaties, with all others that we have concluded, have been mentioned in our former communications, and are herewith transmitted.

According to our instructions, we confined those treaties to the sole object of peace; but the Indians were in several instances extremely solicitous that they should also have embraced other subjects; and some further negotiation with some of them seems to be recommended by every dictate of policy.

The Piankeshaws are extremely anxious to reside in this Territory, and wish to be permitted to sell the small tract of land which they own in the Illinois Territory, near the Wabash, for ploughs, horses, farming utensils, &c., which are necessary to enable them to make a new establishment.

The Ioways are very desirous of coming more closely under the protection of the United States, and, for that purpose, wish to cede a part of their lands in order to obtain annuities, like the rest of the neighboring Indians. As this is a spontaneous offer on their part, and as the land would be a valuable acquisition on many accounts, and particularly so in the event of future hostilities, it might be very advisable to accede to their proposition.

The Pattawatamies now occupy and assert a right to the land on the Illinois river which is contained in the cession made by the Sacs and Foxes in 1804, and it is certainly to be apprehended that, without some adjustment of the dispute, the surveyors appointed to survey the military land within the Illinois Territory will meet with some serious opposition.

The Chippewas, Menomonies, and Winnebagoes, who were all invited to send deputations to meet us at Portage des Sioux, did not send a single man, nor assign any reason for their not doing so.

The Sacs of Rock river not only most explicitly refused to treat with us, but manifested without disguise their opposition to the views of our Government, and committed many of the most wanton depredations upon the frontier, even after the treaty commenced. Their conduct has been so outrageous and improper, that, for the sake of example to others, and to produce a proper respect for our Government, good policy requires that they should be compelled to make some retribution at least; and if it shall be thought proper that our duties shall be resumed in relation to them, we should indeed be very desirous of some particular instructions upon the subject.

The Indians about Prairie du Chien are represented by Mr. Boilvin (the agent at that place) and several other persons who have lately returned from there as being in a state of the greatest commotion, occasioned by their divisions with regard to peace with the United States; all of which, together with the conduct of the Sacs, and the failure of the Winnebagoes, Menomonies, and Chippewas to meet us, is thought by the most intelligent white men who have been in that country, as well as by some of the most respectable friendly Indians, to be the result of the immense

presents which the British Government have lately distributed, and the constant intrigues of British traders, who certainly have a greater quantity of merchandise on the Mississippi at present than they have ever had in any former year; indeed, from accounts from various quarters, it appears that they are making the greatest possible efforts to retain their influence over the Indians, and to engross the whole of their trade.

Lieutenant Kennerly informs us that, while among the Indians of the Missouri, he received information that British traders were among the Mandans, where it was supposed they were making an establishment, as they had invited the Sioux to visit them at that place. This establishment is doubtless to be supplied from Hudson's bay, or by the Northwest Company of Canada, and, if permitted to mature itself, will enable them to engross the whole of the trade of the upper parts of the Missouri river; while equal exertions will be made by them to draw the trade of the upper parts of the Mississippi down the Red river of Lake Winnipeg, between which rivers the portage is very inconsiderable, and communication easy.

Having treated with a part of the Indians above Prairie du Chien, it might be desirable, for the purpose of removing all jealousies (too easily excited among them at any time) and cultivating a good understanding with them, to treat with the rest; but that in the present year is totally impracticable.

On our first meeting our attention was confined exclusively to those Indians who had been engaged in the war against us. We, however, afterwards had the honor to receive a letter from the Hon. A. J. Dallas, of 11th of June last, which, with its enclosures, enlarged our powers, and directed our attention to new objects, which have occupied a considerable portion of our time. In conformity to our latter instructions, we endeavored to keep ourselves constantly informed of the dispositions and intentions of the Indians, and the conduct of the British traders among them; the general result of which is already communicated.

We also gave invitations to and were visited by several of the tribes who had remained firm in the interest of the United States, the good consequences of which were very apparent; and, indeed, if we had not been authorized to do so, the jealousies and discontents of those tribes would have been great and serious.

The Shawanees and Delawares of this Territory made known to us at Portage des Sioux certain grievances of which they complain, in talks delivered by two of their principal chiefs, which at their request we have the honor herewith to transmit for the information of the President.

It not having been made our particular duty to investigate the causes of complaint as alleged by them, we can only say that, as at present advised, we think them well founded; and being well acquainted with the uncommon sobriety and general good conduct of those Indians, the attachment which they have evinced towards our Government, their confidence in its justice, the alacrity with which they afforded their co-operation with us in the late war, the progress of civilization among them, &c., we feel it our duty to recommend them to the benevolence as well as to the justice of our Government.

The Cherokees of Arkansas complain bitterly of the intrusion of the white people, who, they say, destroy their game, settle among them without their consent, and act in such a manner as to produce disorders, discord, and confusion.

Those Indians wish a certain tract of country to be assigned them, its bounds to be ascertained, and that the most efficient measures may be taken to prevent our own citizens from mixing with them, or otherwise intruding upon their lands.

We have the honor to be, very respectfully, &c.

WILLIAM CLARK,
NINIAN EDWARDS,
AUG. CHOUTEAU.

Talks.

It is thirty years since we came to this country; when we arrived, the Spaniards told us to look for a suitable piece of ground to settle ourselves; after we found the said above-mentioned place, we informed the Spanish officer of it, and that we intended to settle ourselves. After we were settled, the commanding officer told us to remain at peace, hunt quietly, not to steal horses, nor go to war with any other nations.

The Spanish commander told us that we might occupy the space of land between the river Cape St. Come and to the first creek above Cape Girardeau: this is what the Spaniards told us. Afterwards the Spaniards went away, and the Americans took possession of this country. Soon after we went and visited the American commander, who made us the same recommendations, and gave us the same advice we had before heard from the Spaniards, and that we should experience no difference, and that we should be as happy with them as we had been with the Spaniards. We were very much pleased. After the council we held with the Americans, we returned home, and told our warriors and young men that their speech was just the same we had understood from the Spaniards. Governor Clark, my father, since three or four years we are very much crowded by the whites, who steal our horses and many other things, but yet it has not made us angry, hoping that the American Government will do us justice and take pity on our situation. Now that the commissioners are assembled to settle all matters with different tribes, we take this opportunity to lay under your consideration our present situation, and hope you will do all in your power to see us righted. My fathers, it is all I have to say, and beg of you to inform the President of the United States of our state and situation.

WABEPELATHY.—When the Spaniards told us to choose a piece of land, and that we had made choice of it, we obtained from them a grant, which has been since recorded by the board of commissioners, and we understand that all the concessions granted to the whites by the Spaniards were all good, and we expected ours would be so too. We live amongst the whites, and our behavior has been such that no honest white man can have any cause to find fault with us, and we are certain they will never have any cause to complain of us hereafter. We have always conducted ourselves honestly, and intend to continue so.

Early in the spring, on my return from hunting, I found my house that had been broken open, and what I had left in it was all gone. I then took the resolution of moving to another place on the river Castor, to settle myself, provided my father Governor Clark would be pleased of my doing so.

He recommended to us to raise stock and cultivate our land with industry, and his advice we have followed, and wish to remain at this new settlement if we can be permitted so to do, and do not care any thing more for our old town; but again, lately, we have been encroached upon by a white family by the name of Jenkins, which we hope you will remove from those lands if we are permitted to remain on them.

SIR:

DEPARTMENT OF WAR, *November 10, 1815.*

The letter signed by the commissioners, and dated St. Louis, October 18, together with the treaties made with the several tribes of Indians, were duly received. The Secretary of War has not yet returned to the city, but is daily expected. I am directed by the President to request that you will take the necessary measures for removing all white persons who have intruded and settled upon the lands of the Indians within the Missouri Territory;

and should military aid be deemed necessary, you will call upon the officer commanding the United States troops in the military department No. 9, who has orders to comply with any requisition that you may make on him for that object.

It is believed that the Pattawatamies can have no well-founded claim to the lands ordered to be surveyed for the military bounty lands. As they have, however, been in the habit of hunting on those grounds, and as the deprivation may be attended with some inconvenience to them, Governor Edwards has been authorized to give them two thousand dollars as a compensation.

I have the honor to be,

GEORGE GRAHAM, *Chief Clerk.*

WILLIAM CLARK, *Governor of Missouri Territory.*

GENTLEMEN:

DEPARTMENT OF WAR, *November 24, 1815.*

The letter of the honorable Ninian Edwards and Auguste Chouteau Esq. of the 29th ultimo has been received by mail.

In concluding a peace with the Kansas tribe of Indians, you have pursued the course adopted by the commissioners appointed to treat with the northern tribes. The hostilities of the various tribes inhabiting the country west of the Mississippi have been so general, that this course appears to be necessary, and is entirely approved by the President.

The exertions which the United States have made to effect a general pacification with their Indian neighbors, pursuant to the stipulations of the treaty of Ghent, the refusal of the Sacs of Rock river to attend the negotiations set on foot by the President for that purpose, and the acts of hostilities which they have committed since they were notified to attend the American commissioners, would justify the infliction of the severest chastisement upon those savages. The President, however, always disposed to pursue the most liberal policy towards the Indian tribes within our territories, preferring their reclamation by peaceful measures to their punishment by the application of the military force of the nation, receives with pleasure the intimation that this tribe has manifested a disposition at this late hour to listen to the voice of reason and justice, and to return to the habits of peace and friendly intercourse with the United States. You are therefore authorized and instructed to permit the deputation of Sacs to meet you at such time and place as shall be convenient to you, and proceed to adjust with them the conditions of peace agreeably to your general instructions. The surrender of all property stolen or plundered since they were notified to attend the commissioners of the United States may properly be required as preliminary to the permission to attend for the purpose of treating. In granting this permission, they ought to be distinctly informed that it is entirely the result of the clemency and humanity of the President towards them in particular, and of his general disposition to treat with liberality and equity all the Indian tribes within the limits of the United States whose conduct shall not render a different policy indispensable.

Instructions upon the subject of the claim of the Winnebagoes will be communicated to you in due time, if it shall be thought that they are necessary.

I have the honor to be,

WILLIAM H. CRAWFORD.

GOVERNORS WILLIAM CLARK, NINIAN EDWARDS, and AUGUSTE CHOUTEAU, Esq.

A treaty between the United States of America and the Wyandot, Delaware, Seneca, Shawanee, Miami, Chippewa, Ottawa, and Pattawatamie tribes of Indians, residing within the limits of the State of Ohio and the Territories of Indiana and Michigan.

Whereas the Chippewa, Ottawa, and Pattawatamie tribes of Indians, together with certain bands of the Wyandot, Delaware, Seneca, Shawanee, and Miami tribes, were associated with Great Britain in the late war between the United States and that Power, and have manifested a disposition to be restored to the relations of peace and amity with the said States; and the President of the United States having appointed William Henry Harrison, late a major general in the service of the United States; Duncan McArthur, late a brigadier in the service of the United States; and John Graham, esquire, as commissioners to treat with the said tribes; the said commissioners, and the sachems, headmen, and warriors of said tribes, having met in council at the Spring Wells, near the city of Detroit, have agreed to the following articles, which, when ratified by the President, by and with the advice and consent of the Senate of the United States, shall be binding on them and the said tribes:

ARTICLE 1. The United States give peace to the Chippewa, Ottawa, and Pattawatamie tribes.

ART. 2. They also agree to restore to the said Chippewa, Ottawa, and Pattawatamie tribes all the possessions, rights, and privileges which they enjoyed or were entitled to in the year one thousand eight hundred and eleven, prior to the commencement of the late war with Great Britain; and the said tribes, upon their part, agree again to place themselves under the protection of the United States, and of no other Power whatsoever.

ART. 3. In consideration of the fidelity to the United States which has been manifested by the Wyandot, Delaware, Seneca, and Shawanee tribes, throughout the late war, and of the repentance of the Miami tribe, as manifested by placing themselves under the protection of the United States by the treaty of Greenville, in eighteen hundred and fourteen, the said States agree to pardon such of the chiefs and warriors of said tribes as may have continued hostilities against them until the close of the war with Great Britain, and to permit the chiefs of their respective tribes to restore them to the stations and property which they held previously to the war.

ART. 4. The United States and the before-mentioned tribes or nations of Indians, (that is to say, the Wyandot, Delaware, Seneca, Shawanee, Miami, Chippewa, Ottawa, and Pattawatamie,) agree to renew and confirm the treaty of Greenville, made in the year one thousand seven hundred and ninety-five, and all subsequent treaties to which they were respectively parties, and the same are hereby again ratified and confirmed in as full a manner as if they were inserted in this treaty.

Done at Spring Wells, the eighth day of September, in the year of our Lord one thousand eight hundred and fifteen, and of the independence of the United States the fortieth.

In testimony whereof, they (the said commissioners, and the sachems, headmen, and warriors of the different tribes) have hereunto set their hands and affixed their seals.

[Signed by the commissioners of the United States and a number of Indian chiefs.]

GENTLEMEN:

DEPARTMENT OF WAR, *June 9, 1815.*

The representations which the President has received from the State of Ohio, and the Territories of Michigan and Indiana, have rendered it expedient, in his judgment, to take immediate measures for removing the hostile excitement which has appeared; and he has been pleased to appoint you to be the commissioners of the United States for holding a treaty with such of the Indian tribes as it shall be deemed necessary to conciliate upon the occasion. You will, therefore, give the chiefs notice of your appointment, and that a meeting will be held at Fort Wayne, or at any other place that may be more convenient, and at such time as may be fixed upon by the commissioners.

The objects of the proposed treaty are, to remind the tribes of their existing relations with the United States; to explain to them the nature of the reciprocal stipulations in the treaty of peace and amity lately concluded between the United States and Great Britain, so far as they concern the Indians; to inform them of the measures that have been taken to carry the treaty of peace into effect, by a mutual surrender of the military posts which the American and the British forces had taken from each other during the war; to warn them against any improper practices that might involve them in hostilities with the United States; to promise a punctual performance of all our engagements with them; and to insist upon the observance of good faith on their part.

When the treaty with Great Britain was ratified at Washington, the United States were at war with some of the Indian tribes, and at peace with others. By the ninth article of the treaty, the parties reciprocally engaged to put an end to hostilities with all the tribes or nations with whom they were respectively at war; and, in fulfilment of this engagement, the United States appointed commissioners for the single purpose of offering a treaty of peace to all the Indian tribes on the Mississippi and its waters with whom they were at war at the time of the ratification of the treaty. But the United States were at that time in a state of peace and friendship with the tribes inhabiting the State of Ohio and the Territories of Michigan and Indiana; and had, in particular, concluded a treaty at Greenville, on the 22d July, 1814, with the Wyandots, Delawares, Shawanees, Senecas, and Miamies. The ninth article of the treaty with Great Britain did not, therefore, apply to those tribes; and the fact that peace was re-established between the United States and Great Britain being generally communicated and known throughout the Indian country, no act connected with the British treaty appeared to be necessary upon the part of the American Government to preserve peace, where peace already existed. It was also presumed that the British officers and agents would themselves communicate the return of peace to all the Indians in arms against them. There is reason to believe, however, that these grounds of distinction have not been understood by the Indians, and you will be pleased to take particular pains in explaining the conduct of the Government, so as to satisfy them that it has not neglected them or their interest.

It will be proper that you should distinctly represent to the Indians that, on the present occasion, the United States do not wish to obtain from them any new cession, grant, or privilege whatsoever, but merely to manifest their disposition to cultivate peace and good-will, and to secure to themselves the advantages of the treaties which already exist. Where the United States have already purchased and paid for cessions of land or privileges of roads, the tribes from which they were purchased must of course comply with their contracts; and, particularly, they must not, on any pretence, attempt to prevent or obstruct the necessary surveys for ascertaining the boundaries of the ceded tracts, and laying out the stipulated roads. The President will in all things set them an example of good faith; and you may assure them he will take every occasion to promote their happiness and prosperity, as long as they shall show a just confidence in his word, and a friendly disposition towards the children of the American family who are placed under his care and protection in their neighborhood.

The President entertains a strong hope that the Government of Great Britain will evince the sincerity with which it ratified the treaty of Ghent by restraining all its subjects from lawless attempts to alienate the Indians from the nation whose territory they inhabit. But every precaution ought still to be taken to detect and defeat such attempts. The right of British traders to enter the territory of the United States for the purpose of trading with the Indians is a proper subject for the consideration of the American Government; but the Government has not yet prohibited a fair and friendly intercourse of that nature, and the President is only desirous at present to impress upon the Indians that the intercourse is entirely a matter of indulgence, which may be denied whenever it is found prejudicial to the interests of the United States. The Indians should be warned against any misrepresentation of the late treaty with Great Britain, which there is some reason to think has already been misrepresented. The stipulations respecting the Indians are reciprocal, and amount, in fact, to nothing more than would have been the case if the treaty had not contained them; they merely provide that the parties, as a consequence of the peace between themselves, shall severally offer peace to the Indians with whom they were actually at war when the treaty was ratified—each party agreeing with the other to place the Indians inhabiting their respective territories upon the footing upon which they stood before the war. In doing this, the United States have acted voluntarily; and it must not be credited for a moment that Great Britain has had any peculiar agency in obtaining a benefit for the Indian tribes, whether they were at war or at peace with us. It will be of some importance also to explain the reason which has prevented the immediate surrender of Michilimackinac. The British troops have evacuated Castine, Fort Niagara, and Fort Bowyer, and they are preparing to evacuate Michilimackinac; but as their buildings on the shore of Lake Huron were burnt during the war, the British chargé d'affaires has requested that the troops might be permitted to remain where they are until a shelter can be provided for them within their own territory. The President, in a spirit of friendly accommodation, has acquiesced in the request, upon an assurance that the postponement of the surrender would not be unreasonably protracted. In the mean time orders have been issued for the surrender of Malden, provided it can be done without danger from Indian hostilities, before the surrender of Michilimackinac is effected. The object of these explanations will be to counteract any suppositions that the treaty of peace has placed Great Britain in a new and more advantageous relation to the Northwest Indians; to supersede the idea that the Indians have acquired by the treaty a more independent political character than they possessed before; and to beget a just confidence in the power as well as the resolution of our Government to maintain its rights against every opposition.

The policy of introducing military stations and factories generally into the Indian country becomes every day more and more apparent, as well for the sake of the Indians as for our own sake. An opportunity should be taken, therefore, to apprise the Indians that, in order to aid and protect them, and also to guard against encroachments upon the property and people of the United States, the President contemplates ordering a chain of establishments to be gradually extended from Chicago, along the Illinois, to St. Louis. This will secure for them supplies; will afford them an occasional asylum; and will present constant opportunities either to claim redress for any grievances that they may suffer, or to communicate intelligence of any dangers that they may apprehend at home or abroad. It is, indeed, particularly important that they should be taught a habit of giving to the public agents constant information of any occurrences that concern the peace and the safety of the country.

A short time before the treaty of Ghent was ratified, a quantity of goods had been sent to the care of Governor Cass, for presents to such of the Indians as were willing to take an active part in the war. The design was merely

gratuitous; and, the occasion for making the presents having ceased, it is believed that the goods remain undistributed. If this be the case, and you should think it advisable and serviceable to distribute any part of them among the Indians on the present occasion, you may apply to Governor Cass, who will receive instructions to execute any requisition that you shall make.

The President will be desirous to hear the accounts of your progress, and of your prospect of success, as often as you can transmit them; and the result of your negotiations, if it is such as may be reasonably expected, you will put into the form of a treaty, recognising the existing state of peace, exchanging assurances of mutual friendship, and confirming all antecedent treaties and engagements, except so far as they respect a co-operation in the late war against Great Britain.

The compensation of the commissioners and their secretary upon the present occasion will be the same as was allowed for the services of the commissioners at the treaty of Greenville, in July, 1814; and the contractor will be directed to furnish the necessary supplies upon your requisition, to be deposited at such place and time as you shall desire. You will appoint your own secretary, selecting him (if you can advantageously) from the number of meritorious officers who are not retained on the military peace establishment.

If you should deem a military escort necessary to the safety of the commissioners, you will be pleased to apply to the officer commanding the American troops in the department, who will receive orders to grant your request.

I have the honor to be, &c.

A. J. DALLAS.

To Major General Wm. H. HARRISON,
Brigadier General DUNCAN McARTHUR, and
JOHN GRAHAM, Esq.

SIR:

DEPARTMENT OF WAR, *June 12, 1815.*

Agreeably to the intimation which was given in my letter of the — instant, the President has appointed Governor William H. Harrison, General Duncan McArthur, and Mr. John Graham, to hold a treaty with the Northwest Indians at Fort Wayne, in the Indiana Territory, at such time as they shall appoint. The President relies upon your good offices in preparing the Indians for the proposed council, and in bringing it to an amicable termination. He has directed me to communicate to you (in confidence) a copy of the instructions which have been sent to the commissioners, that you may see at once the principles upon which your co-operation is desired, and may be rendered the most efficient.

I have the honor to be, &c.

A. J. DALLAS.

Governor WORTHINGTON, *of the State of Ohio.*
Governor CASS, *of the Michigan Territory.*

SIR:

DEPARTMENT OF WAR, *June 12, 1815.*

My letter of this date informs you that Governor Harrison, General McArthur, and Mr. John Graham are appointed commissioners to hold a treaty with the Northwest Indians. If the goods which were sent to your care a short time before the termination of the war for the purpose of making presents to such of the Indians as should take an active part in our favor have not been distributed, the commissioners are authorized to make a requisition upon you for the whole or a part of the goods, to use at the proposed treaty. You will be pleased, therefore, to transmit to them an invoice of the articles, and to comply with their requisition, with as much despatch as is practicable. A copy of the invoice, of the requisition, and of the receipt for the delivery, you will be pleased to send to this Department. If a requisition should not be made by the commissioners, you will consider the former instructions respecting the disposition of these goods to be still in force.

I am, very respectfully, &c.

A. J. DALLAS.

LEWIS CASS, *Governor of the Michigan Territory.*

GENTLEMEN:

DEPARTMENT OF WAR, *June 16, 1815.*

It has been represented to the President of the United States that, during the march to Detroit, a number of cattle and hogs, and a quantity of grain belonging to the Indians, were taken, or used, or damaged by our troops. The President requests that you will examine and ascertain the facts; and he authorizes you to assume, on behalf of the United States, the payment of a fair valuation of the property in question.

I take this opportunity to enforce your general instructions respecting rights already acquired from the Indians by treaty. The act of Congress requires two millions of acres of land in the Michigan Territory to be surveyed and appropriated for the land bounty allowed by law to the army. You will apprise the Indians of an intention to make the surveys immediately, and secure their acquiescence.

Your commission to treat with the Indians has been transmitted under an envelope to Governor Harrison, the first named commissioner.

I am, very respectfully,

A. J. DALLAS.

Gov. HARRISON, Gen. McARTHUR, and JOHN GRAHAM, Esq.

SIR:

DEPARTMENT OF WAR, *July 12, 1815.*

In the absence of the Acting Secretary of War, I have been requested by the President to acknowledge the receipt of your letter of the 26th ult., and to forward you a copy of your instructions, lest the original, which was directed to you at Vincennes, may not have been received. From these instructions, you will observe that it is not contemplated to obtain a cession of land from the Indians at the treaty which you are authorized to hold with them, but that its objects are merely those of peace and good-will, and to obtain the fulfilment of all treaties that have heretofore been entered into.

You will also perceive that the time of holding the treaty is left altogether to the discretion of the commissioners; and I am requested by the President to say that, if the preliminary measures which you propose as the means of impressing the Indians with more favorable dispositions towards us, and of inducing the tribes more generally to

attend the grand council, are concurred in by the gentlemen acting with you in the commission, you are at liberty to pursue them. It is, however, desirable that the treaty should be held at as early a period as may be compatible with the attainment of the objects contemplated; and it is hoped here that the evacuation of the western posts by the British forces will have so powerful an effect as to induce them to seek an early and satisfactory termination of all differences with us.

I have the honor to be,

GEORGE GRAHAM, *Chief Clerk.*

Maj. Gen. WM. H. HARRISON, *near Cincinnati.*

GENTLEMEN:

DEPARTMENT OF WAR, *August 7, 1815.*

At the request of the Acting Secretary of War, I enclose for your information a copy of a letter received from Governor Cass, dated the 7th ultimo. The goods forwarded to Detroit, it is presumed, will be sufficient as well for the purposes of the treaty as for those contemplated by Governor Cass. Mr. Dallas has not deemed it necessary to give any additional instructions to those which you have already.

He has approved of the measures proposed by Governor Cass for running the line, and authorized him to call out a company of rangers to attend the surveyors, if necessary.

I have the honor to be, &c.

GEORGE GRAHAM, *Chief Clerk.*

Gen. WM. H. HARRISON, Gen. McARTHUR, JOHN GRAHAM, *Commissioners.*

SIR:

DETROIT, *August 26, 1815.*

Having been appointed by the President of the United States commissioners for treating with certain Indian tribes inhabiting the territories of the United States, we, immediately on our arrival here, gave notice to the chiefs assembled at this place of our wish to meet in council all the Indians belonging to those tribes who had taken part in the late war against us, (some of whom, as we are informed, still remain in the territories of His Britannic Majesty,) that we might inform them of the provisions in the treaty of Ghent, so far as they were interested, and concert with them the proper measures for carrying the same into effect.

We accordingly requested the chiefs of their respective tribes to invite them to meet us on the 25th of this month. This invitation did not produce the desired effect, and we were told in council that they were detained by the British agents for Indian affairs.

Understanding that you have a general control over these agents, we have deemed it as due to the friendly relations of our two Governments to apprise you of the fact, not doubting that you will adopt such measures as may seem to you most proper to give full effect to the ninth article of the treaty of Ghent, which, you are aware, requires certain acts on the part of the Indians to whom it applies.

Our secretary, Major Langham, will have the honor to deliver you this, and will receive your answer.

We have the honor to be, very respectfully, your obedient servants,

WM. HENRY HARRISON,
DUNCAN McARTHUR,
JOHN GRAHAM.

The Senior Officer Commanding, &c. Malden.

SIR:

AMHERSTBURGH, *August 27, 1815.*

I have the honor to acknowledge the receipt of your letter of the 26th instant.

In answer to which I beg leave to inform you that the officer commanding at this post has no control or authority whatever over the Indians, they being considered as a free and independent people—consequently, at liberty to act for themselves.

All matters relating to Indian affairs are conducted by officers appointed for the express purpose, at the head of whom is a deputy superintendent, to whom all communications respecting the Indians should be made.

I have made every inquiry to ascertain if any regular communication had been received from you inviting the Indians to the council you say was directed to assemble on the 25th instant, but can only learn that private invitations had been received by individuals, who, it appears, had no objection to going over, but considered it a matter of greater importance their attending a council ordered to assemble here on the 26th instant for the explaining the articles of the treaty of Ghent.

I cannot account for the conduct of the person who delivered me your letter, with whom I sent a servant to conduct him to the quarters of the deputy superintendent of Indian affairs; but on going part of the way he dismissed the servant, and, as far as I can learn, returned immediately to Detroit, taking the letter with him.

I have the honor to be, sir, your most obedient, humble servant,

EDWARD BARRACK.

Major General HARRISON, &c., *Detroit.*

SIR:

AMHERSTBURGH, *August 29, 1815.*

On my landing at Sandwich yesterday, a letter signed A. L. Langham was delivered to me by an interpreter of the United States Indian Department; and the singular circumstances, altogether, on the visit of the writer to this post, and his interview with Major Barrack, induced me to defer a reply to your own letter of the 26th instant, and which I have now the honor to do.

In regard to the first paragraph of your letter, I beg leave to inform you that the different tribes of Indians and their chiefs now resident in the British territory had been fully made acquainted with every article of the treaty of Ghent, and that their satisfaction at the same was manifest, and their conduct since orderly and peaceable.

In regard to the second, I am induced to believe that no detention has taken place on the part of the British agents, or any inducement whatever held out to the Indians on this side of the river not to cross over to the councils which you speak of.

In regard to the third, it is needless for me to inform you that the Indians are their own free agents, and are not to be forced to act beyond their own pleasure; and I again disavow all knowledge, or even belief, of the *fact* of their

being prevented attending the councils you wished; and, also, that the treaty¹ of Ghent has been most fully explained to those Indians who had been in alliance with this Government.

It may be necessary for me to remark to you, sir, that I am not at all surprised at any disinclination on the part of the Indians on the left bank of these lakes and rivers to visit the opposite shores, when such pains had so very recently (to my own knowledge) been taken to prohibit one of them *ever* to pass over; and to this line of conduct alone do I attribute their not attending your councils, and not to the reasons which you are pleased to assign.

I have the honor to be, sir, your most obedient, humble servant,

WM. JAMES, *Lieutenant Colonel Commanding.*

To Major General HARRISON, &c., *Detroit.*

SIR:

DETROIT, *August 30, 1815.*

The letter which you did me the honor to address to me yesterday, in answer to that of my colleagues and myself of the 26th instant, was delivered last evening.

In reply to that part of your letter which relates to Major Langham, I must be permitted to believe that a knowledge of all the "circumstances" attendant on his visit to Amherstburgh would have freed his conduct at least from the imputation of "singularity."

The major, having been furnished with a conveyance by water, reached Amherstburgh late in the evening. It was his first object to procure quarters, but finding, upon inquiry, that all the public houses were full, he was under the necessity of waiting immediately upon the commanding officer, although he previously understood that he was engaged with company. Upon his delivering the letter to Major Barrack, after a hasty perusal of it, the major returned it, and informed him that a Colonel Caldwell was the person to whom the letter should have been delivered, and a servant was sent to conduct Major Langham to his residence. It was not until he advanced some distance that it occurred to Major L. that it could not have been the intention of the commissioners that their letter should be delivered to any other person than the military commandant to whom it was directed. Being unable to procure accommodations and refreshment in the public houses for himself and his men, the sun being nearly down, and being unwilling again to *intrude* on Major Barrack, he thought it proper to set out immediately on his return to this place.

The commissioners approve of his refusing to deliver the letter to Colonel Caldwell, and directed him to return it to Major Barrack by any conveyance that might offer. None having occurred for some hours, an interpreter was charged with its delivery. After the departure of the interpreter, the letter of Major Barrack of the 27th was received.

From the answer of Major Barrack to the letter of the commissioners, it appears that he had a very imperfect recollection of the contents of the letter. It was certainly never our intention to apply to a British officer to use any "control or authority" over the Indians to induce them to attend the council to which they had been invited. Our letter contains nothing that could warrant this idea; it was simply a communication of the information which had been conveyed to us, that an officer of the Indian department had exerted his "authority" to prevent their attendance.

It was doubtless incumbent on the two Governments to cause the article in the treaty of Ghent that relates to the Indian tribes which were respectively employed by them in the late war to be properly explained to them. I receive with pleasure the information you convey that this has been done on the part of His Britannic Majesty, that they have expressed their "satisfaction" at it, and promise in future to be "orderly and peaceable." It is much to be regretted, however, that this was not sooner done, as it might have been the means of preventing those depredations upon the property of our citizens, so vexatious and injurious to them as well as troublesome to you, and which I have understood have been continued until a very few days past.

From his excellency Governor Cass I have been informed that the restrictions upon the Indians passing the strait, to which you refer in the close of your letter, was in consequence of those depredations, but that it was never intended to prohibit the crossing of the Indians at this place.

I have the honor to be, sir, your obedient servant,

WM. HENRY HARRISON.

Lieutenant Colonel JAMES, *Commanding, &c., Amherstburgh.*

SIR:

DETROIT, *September 9, 1815.*

We have the honor to inform you that we yesterday concluded and signed a treaty with the sachems, headmen, and warriors of the Wyandot, Delaware, Shawanee, Seneca, Ottawa, Chippewa, Pattawatamie, and Miami tribes of Indians. One copy of this treaty will be delivered to you by Mr. Graham, the other has been deposited with Tarhee, (or the Crane,) the principal chief of the Wyandots.

Although our instructions did not render it necessary, yet we deemed it proper to include in this treaty as well those tribes who had been friendly to us as those who had been hostile: 1st. Because many individuals belonging to the friendly tribes had taken up arms against the United States, and could only in this way be fully restored to their former situation; 2d. Because these tribes wished and expected to be included in the treaty. We hope that the President will approve this course, and that the several articles of the treaty will be satisfactory to him.

We found no difficulty in prevailing on the Indians to agree to renew and confirm all former treaties, and again to acknowledge themselves under the protection of the United States, and of no other Power. The Prophet, and most of those who were immediately connected with him, left the council and retired to the British territory before the treaty was signed. They professed, however, in open council, before they went away, the most pacific intentions, and declared that they would adhere to any treaty made by the chiefs who remained.

We had at the council a very full representation of all the tribes who are parties to the treaty, and we have every reason to believe that they will adhere to it as strictly as they ever have adhered to any former treaty with us, unless the British agents should interfere to prevent it.

The Wyandots are much dissatisfied that the road from the Rapids of the Miami to the western line of the Connecticut Reserve has been laid off so as to cross the Sandusky river at the Seneca village, instead of crossing at Lower Sandusky. They say that the road, running as it is laid out, will injuriously interfere with the settlement of the Senecas, to whom they granted the lands on that part of the Sandusky many years before the treaty of Brownstown was made; and that their understanding of the treaty was, that the road was to run from the Rapids of the Miami to the reserved tract at Sandusky. It is their wish that the road should now take that direction, but they are willing that it should strike the Sandusky anywhere between the reservation and an old Indian path that strikes the river about three miles below the fort.

Fully persuaded, from all the information we have received, that a much better road may be got in this way than that marked by the commissioners, we have written to the surveyor general, informing him of our having agreed with the Wyandot chiefs that it should be so run.

The chiefs complained to us that our citizens were constantly trespassing upon their lands, some of them having commenced considerable farms, without their approbation, while many more employed themselves in hunting and destroying the animals which were so necessary to them, and which, indeed, afforded the only support to their families.

We found, upon inquiry, that this complaint was not without foundation, and we did not hesitate to promise the Indians that decisive measures would be taken to redress them. We are induced to believe that a proclamation of the President, printed and distributed along the frontiers, would have the desired effect. It is unnecessary that we should say any thing to you, sir, of the importance of giving the Indians an example of good faith by the strictest fulfilment of every engagement we make with them. Good policy, as well as justice, requires this, as a contrary conduct would have the effect of procrastinating a further extinction of title to lands, which is now so ardently desired by the citizens of Ohio.

The subject of compensation to the Indians who remained faithful to us during the war, for property destroyed by our troops, has engaged our attention. There exists considerable difficulty in adjusting some of their accounts, from the difficulty of obtaining proper proof; and it appeared that the words of your instructions did not embrace some descriptions of property, the loss of which could be easily ascertained, as the remuneration appeared to be just and reasonable. Believing that it was within the spirit of your instructions, we have therefore agreed to include the horses that were clearly ascertained to have been stolen by our people, and to compensate the Seneca tribe for their houses which were wantonly burnt by our militia. We had less difficulty as to the former of these items, because payment, under such circumstances, is guarantied by existing treaties; and on the latter, because they were promised compensation by General Harrison at the time when the destruction of the houses took place.

As we are unable to close the accounts here for the want of the testimony of Messrs. Johnston and Stickney, Indian agents, it has been agreed that General Harrison should undertake the adjustment of the accounts of the Shawanee tribe at Piqua, on his return, and General McArthur those of the Wyandots and Senecas at Sandusky.

Illness has prevented General McArthur from signing this letter.

We have the honor to be, with great respect, sir, your humble servants,

WILLIAM HENRY HARRISON.
JOHN GRAHAM.

Hon. W. H. CRAWFORD, *Secretary of War.*

Journal of the proceedings of the commissioners appointed to treat with the Northwest Indians at Detroit.

CHILICOTHE, OHIO, August 8, 1815.

General McArthur and John Graham, esquire, two of the commissioners, met, and appointed Angus L. Langham their secretary.

August 11, 1815.—Proceeded on their journey to Detroit.

August 15.—Met General Harrison at Upper Sandusky.

DETROIT, August 22.

The commissioners held a preliminary meeting with part of the Wyandot, Ottawa, Chippewa, and Pattawatomie tribes.

General Harrison, on behalf of his colleagues.—He saluted his red brothers, the chiefs, in the name of the President of the United States. He thanked the Great Spirit that they were again permitted to meet, and to talk of peace and friendship.

A treaty had been concluded between the American and British nations, an evidence of which was presented to the Indians in the friendly intercourse which subsisted at this time between them. In that treaty it was stipulated that peace should be offered to the hostile Indians on both sides for their acceptance. In obedience to that stipulation, and to the affection which the President felt for his red children, he had sent the commissioners not only to bury the tomahawk, and the animosity which the late contest had excited, but also its remembrance.

He wished to offer peace to all the tribes included within the limits of the United States, and all the members of those tribes, who had joined the British in the late war, and wished them all to come, and hear the good words of the President, sent through the commissioners to them. For that purpose, as all of them had not yet assembled, he appointed the 25th for the day on which they should kindle the council fire at the Spring Wells, at which he invited them all to attend, and to send word to all the absent members of their tribes, as well those on the other side of the river with the British as those on this side, promising that they should be received with friendship, entertained in safety, and might return if they chose in peace.

It had been reported to the commissioners that evil birds had been hovering about them, whispering in their ears that they were to be assembled here on the pretext of peace only to be betrayed and destroyed; that General Brown, the great war chief of the United States, (whom they then saw on his left hand,) and his warriors, were assembled here for that purpose, and other stories of that description, which the *red coats* had the disposition and capacity to invent. He would not condescend to controvert an imputation so foul and false. The conduct of the United States towards them they all knew, and he invited any person in the assembly to produce an instance, during their long intercourse with the United States, where they had once acted treacherously towards them.

It was the wish of the commissioners (as none of the Shawanee chiefs were present) to make known to ——— (the Prophet) and all the Indians who were now with the British at Malden, &c., that they should be met with friendship at the council fire, but they forbade any entreaties on their part to be used. To them the path to the council fire should be open and safe; they might come or stay, at their option. If they came, they should be treated as friends.

The citizens of Detroit had during the war been harassed and despoiled of their property. It would be too hard if the return of peace brought with it no security or protection to them or their property. They therefore most solemnly enjoined on them to respect the property of the inhabitants, and to abstain from excesses.

The Bay, a Pattawatomie chief.—Brothers, I salute you. I rejoice to hear the kind words which, in his goodness, our father has sent to his red children. I rejoice that the tomahawk, stained with blood, will be laid on the earth, never, I hope, to be raised again.

All the red children rejoice with me at the prospect of again treading their wilderness, and pursuing their game in peace and security.

We will comply with your request by restraining our young men from committing depredations on the property of the citizens. We both have some bad men, who act improperly. We will endeavor to restrain them. What can be done, we will do.

Father, I particularly rejoice to meet you again in council and in peace.

SPRING WELLS, August 25, 1815.

The commissioners met the chiefs of the Wyandot, Seneca, Ottawa, Chippewa, and Pattawatamie tribes.

As many tribes which were expected soon had not arrived, the commissioners informed the tribes present that the lighting of the council fire would be delayed until Monday, the 28th. They expressed a wish, if they had received any answer from the Indians on the other side of the river to the invitation to attend the council, to hear it.

Tar-hee, (or the Crane,) chief of the Wyandots.—He would inform his brothers and friends of the result of the message sent to the other side of the river. The message was sent by his nephew, who was met by one of the Wyandots, who bore it to Walk-in-the-Water. Walk-in-the-Water being sick, and unable to be the bearer himself, sent one of his tribe. The messenger went to the other side, and found the Indians in council with the British agents, and delivered the message to the Wyandots. He was answered by one of the British agents, saying that they had received a message from the other side of the great waters, commanding them to hold a council at the same time that the American council should be held; that the young men who were in the habit of passing from one side to the other might attend (if they chose) the American council, but they could not spare the chiefs until their council should be over; then they wanted near *their* council fire, as they were convinced that their council would involve more of the interests, and be more to the advantage of the Indians, than the American council. The agent further observed that they might attend the American council after they had attended theirs.

[The above was interpreted to the other Indians by Captain Knaggs.]

Mis-col-no-mie, (or the Mad Sturgeon,) a Pattawatamie.—He sent by a Kickapoo the message to the Prophet, requesting him to come to this side and attend the council, and bring with him two chiefs of each tribe, to inform them of the truth of a complaint which had been made that the British did not issue rations sufficient. The Prophet answered that he could not come to this side until the council was terminated; after this council was terminated, he would come over and explain to them his opinions and his conduct.

General Harrison.—He discovered that the answers received were not the answers of the Indians, but of the British agents. Why they should prevent or procrastinate a treaty of peace with the Indians, he could not perceive, as it was expressly for the purpose of fulfilling a treaty with themselves; that treaty he held in his hand, an article of which expressly declared that peace should be offered to the Indians who had fought against either party.

The object of the United States was to preserve peace. This wish of theirs for peace did not proceed from a dread of war. All the Indians had experienced their bravery in the field. Nations, in their armorial bearing, had appropriated to themselves the emblem of some animal whose character they admired and wished to imitate. The Americans had taken the eagle, (the king of birds,) holding in one claw the green branch, (the emblem of peace,) in the other the arrows, (the emblem of war.) These arrows had been used with success against Great Britain; they were used until she manifested a disposition for peace. He held in his hand the result of that disposition—a treaty of peace.

In all his communications with them, he had made them acquainted with what was doing on the other side of the great waters. An event had lately occurred there, which, with the approbation of his colleagues, he would recite to them.

At the time that peace was made between the United States and Great Britain, all the world was at peace; since which time war has again commenced, by the French nation attempting to restore to their throne the great chief Bonaparte; but with the belligerents the United States are still at peace. In this last war, nine kings are arrayed against Bonaparte, at the head of whom is the King of Great Britain. These nine kings and some of the French people wish to restore Louis XVIII., another king whom the French had driven away. They have had three days of hard fighting. During two of these days Bonaparte partly defeated them, having driven them as far as from this place to the Maumee rapids. On the third day, however, we have reason to believe that Bonaparte was defeated, but it is probable that he had not suffered more than the allies had done, for they did not drive him farther than the position which he occupied the first day. The British say that they have heard more than we have, and that the French nation has dethroned Bonaparte, and restored Louis XVIII.

It was false if it had been represented to the Indians that Great Britain alone maintained the contest against France. France was almost equal to all these nine kings; but a contest between France and any *one* of those kings would be like a fight between the eagle and the sparrow; France would crush them in a moment.

With these European contests the Americans, as a nation, had nothing to do. These great events excited the interest and wishes of individuals, and individual opinion itself was divided—some wishing success to one side, some to the other; but as a nation they were not allied to either. Like the Indians, it is true that, being a nation of freemen, they had no regard for emperors or kings.

The foregoing he recited merely as a subject of curiosity to them, and to remove the impression which was attempted to be made on them, that the fate of America was connected with that of Bonaparte. It had no connexion with the object of this council.

A general maxim of the United States was, to consider and treat all the world as friends, unless they were at war. They wished it with the Indians, as well as the rest of the world; but, as they had been before told, they always gave the option of war or peace. Another maxim was to form no alliances with any of the European nations, being a strong and powerful nation, and capable of defending itself against all other nations. With the Indians, their neighbors, who with them inhabit the same continent, they particularly desired peace. This desire is evidenced by this circumstance, that the United States have never first commenced war against them: war has ever commenced from some one or other of their tribes.

The Shawanees, Delawares, Wyandots, and Miamies were coming, and the Saginaws were expected: the council would adjourn until their arrival. A cannon fired from the fort would be a signal for them to assemble for council.

Now-ge-sheck, (or 12 o'clock,) a Chippewa.—Brother Knaggs, I am going to interpret for my nation; do you interpret for me to my white father.

We are rejoiced at the prospect of peace, which we infer from your words; we wish for peace, and are glad that we are so disposed. I hope and expect that we will grasp each other so firmly by the hand that we will never more separate.

I have little to say at present; all our tribe are not here; when they are assembled you shall hear more; for the present, we want plenty of food.

As the council is about to be adjourned for three nights, we wish our father to bare his breast; we want some milk; we also want to smoke.

Ou-que-nog-sch, (or *the Ugly Fellow*.) *Ottawa*.—He spoke, the representative of three nations; the three considered themselves as one. They were glad that their father was willing to hear them; if he was willing to hear, they would ask for plenty to eat.

The speech of the commissioners made him smile; it made his heart smile; but both his face and his heart would smile more if his belly was full.

They also wanted a little whiskey to enable them to love their squaws more ardently.

Ordered, That the Indians receive as much provisions as they want.

DETROIT, August 26.

The commissioners sent a communication to the commanding officer at Amherstburgh, copies of which, and of the correspondence which ensued, have been furnished to the Department.

SPRING WELLS, August 28.

General Harrison.—He discovered the same reasons for adjourning the council which existed before—the non-attendance of many of the tribes.

The commissioners had received a communication from the other side of the river, in which they deny having interfered to prevent the Indians from attending this council, and that the object of assembling a council at Malden was precisely the same with this—to explain to the Indians the treaty of Ghent. It was to be regretted, as their object was the same, that they had fixed on the same time for holding their councils; but it was still probable that all the Indians who were now at Malden would also attend this council. He would explain to them again the object of the council.

When the United States, or Seventeen Fires, and Great Britain, made peace, it was agreed and stipulated that both parties should offer peace to the Indian tribes who had raised the tomahawk against them; that the King of Great Britain should offer peace to those who had fought against his people on the side of the Americans; and that the President of the United States should offer peace to those who had fought against his people on the side of the British; that the Indians who were then at war should be restored to all their possessions and privileges which they enjoyed previous to the war. On these terms peace was to be offered and concluded, provided the Indians would accept peace on such terms: on such terms the President of the United States now extended the hand of peace; if they did not take hold of it, that part of the treaty of Ghent was at an end.

If others should not come, the commissioners would make the treaty with those who were present, and forever exclude from its circle those who neglect or refuse to come and renew the chain which had united them to the American nation.

SPRING WELLS, August 29, 1815.

General Harrison observed that the same cause for postponement still presented itself—the non-assemblage of the tribes. This cause had operated so long on behalf of the commissioners that they had resolved to leave it to them (who were assembled) at what time the council fire should be lighted.

He would inform them that the commissioners had just received a communication from the Prophet, in which he professes it to have been always his determination to attend this council, (the contrary had, however, been reported to him in council,) and that a deputation of two chiefs from each tribe of those on the other side of the river would also attend on this evening at — o'clock.

He requested them to decide whether they should appoint to-morrow, or wait until the arrival of those chiefs from the other side, and jointly with them determine on the time for lighting the council fire.

The great object of the council had been often explained; he would not again repeat it. There was another object, which was to ascertain what would be the conduct of the Indians who had been hostile to the United States towards the other tribes and towards the British.

As the act of declaring war was performed after the manner of the Indians at Greenville last year, the commissioners would take the advice of their old friend the Crane, and have the ceremonies of making peace performed after the same manner. The commissioners had frequently explained their sentiments to them; they now wished the Indians to express their wishes, and give their advice as to the manner and time of performing these ceremonies. The commissioners could receive their answer now, or delay that gratification until to-morrow; if delayed, they requested those tribes that had some parts of them on the other side of the river to consult with them on the subject.

After some deliberation among the tribes—

The Crane.—As their father had left it to them to determine on the time for meeting their several tribes, the Wyandots, Pattawatamies, Chippewas, Ottawas, and their nephews, the Delawares, had determined that three nights should intervene, (making Friday.) On the day succeeding the intervening nights the council should be open. The reasons influencing this determination were, that the Shawanees had not arrived; that he understood they were very sickly, and that cause alone prevented their arrival; and further, with the approbation of the commissioners, they wished to send a messenger to the other side of the river, requesting them to come over speedily.

General Harrison.—The commissioners accorded with the Indians as to the time which they specified, but on that day they wished it to be definitely fixed. They cordially approved of their sending a messenger to the other side; they were unwilling to stand on a nice point of exactness with them; they wished them to come over and hear them, convinced that, after they heard the fair and honorable proposals which they were authorized to make, it would remove any prejudice which they might now entertain against the President of the United States and the American people.

SPRING WELLS, August 31, 1815.

General Harrison.—This being the day appointed for lighting the council fire, the first ceremony to be performed would be to remove all difficulty and impediments to their sitting around our council fire.

The Seventeen Fires had committed the performance of the ceremonies of the day to their oldest son, (the Crane,) chief of the Wyandots. The people of the United States were accustomed to liken his fidelity to them to the fidelity of the great archangel to his Creator. In war, as in peace, he had ever stood by the Seventeen Fires; and they request their red children to consider whatsoever he should say as coming directly from themselves.

The Crane.—Brothers, I salute you all; I salute you from the bottom of my heart; I rejoice that I meet you here, and return thanks to the Great Spirit that we meet in peace.

Hearken to me, who am about addressing you on behalf of the Seventeen Fires, and four tribes, the Wyandots, Delawares, Shawanees, and Senecas—tribes who have sided with the Seventeen Fires, and consider themselves as one with them. Listen to us, the four tribes; we speak in behalf of all the Seventeen Fires. You, brothers, who have been on the other side of the river, I address myself particularly to you. You appear to look dark, brothers, as you sit before me; your eyes are dimmed with tears, and you cannot see aright. We have had a quarrel—that

quarrel has caused your sorrow. I must now proceed to clear your sight; I shall do so in the manner and language of our forefathers, in the language which the Great Spirit gave to them to heal their difficulties, and speak peace.

Younger brothers—you, too, Wyandots, who have seceded from your tribe, and all you who have come from the other side of the river: In viewing you, you look sorrowful; you look sorrowful, not only from the operations of war, but also from sickness. This cause has not only operated on you, it has reached your women and children. This is the reason why your countenances are sad.

You, brothers, nephews, and Wyandots, who have come from the other side of the river; you who are sad of heart, and blinded by tears: I take this wampum into my hand; the Great Spirit gave it to his red children to speak with; it was the language of our forefathers; with it, as the emblem of the softest and whitest cloth, I wipe your eyes, and the eyes of your women and children, that you may all see clear again.

Brothers, listen on. Listen to the Seventeen Fires and the four nations, speaking with one voice. I speak the language which the Great Spirit permits. The same cause which prevented you from seeing, prevents you from hearing. I now take the emblem of the softest and finest feather, and clear your ears, that the words of your brothers, the Americans, may penetrate your ears, and sink deeply into your hearts.

Your throats, too, have been stopped; you could not speak the truth; you could not speak kindly to your brothers; with like affection, I will now clean your throat with the softest and whitest cloth.

Your hearts, also, in consequence of the disorganization of your senses, have been perverted; I now place them aright, that you may not only see, hear, and speak kindly to your brother Americans now, but in all times hereafter.

Brothers, &c. who have been hostile: Listen on to the Seventeen Fires and the four nations, speaking, &c. In consequence of the war and sickness which have raged, the bones of your friends are scattered over the earth; I will now gather them together, and deposit them in one grave, that your minds may be at rest hereafter.

Brothers, listen on. I have said that I collect your bones; I now bury them, and smooth their graves, that posterity travelling over them may not, by observing the protuberance, remember their former animosities.

Brothers, listen. I hope you will still attend to my words. I have collected and buried the bones of your deceased friends, and I have smoothed their graves; I have done so by the emblematic language which the Great Spirit gave to his children. I now take into my hand (another wampum) a white board, and with it I cover the bones of your friends; this board the Great Spirit gave; the sun will not warm through it, nor can the rain wet through it; it will preserve the remains of your friends dry and secure.

Brothers, listen—all listen to what we now speak. We speak in behalf of the Seventeen Fires, and of the four nations who have remained faithful to them; we have been addressing ourselves particularly to those who came from the other side of the river; but listen now all of you, that you may remember the ceremonies which now are performed.

One bunch of wampum was to clear the eyes, unstop the ears, cleanse the throat, and amend the heart; another to collect the bones, to bury them, to smooth the graves, and to secure them by a board, which the sun could not warm, nor the rain moisten.

These were all the ceremonies which would be performed, as the day was far advanced, and their father would have but little time to address them.

General Harrison.—He, on behalf of the commissioners, particularly addressed the Prophet and the Shawanees, and all those who had taken up arms against the United States. He saluted them all, and desired to speak to them of times past.

There was a time of dread and dismay, when darkness rested on the forest, when the warrior wandered in uncertainty and fear, often sleeping on the blood which covered his path, while his distant and anxious family (confined in their cabins) were looking frequently in vain for his return.

At this period you were unfriended and hopeless; he who had stood at your back, and promised to support you, had deserted you. At this period our great chief (Wayne) called you together, and took you by the hand; he and you, in the presence of all the white and red people, raised a great tree, under which you buried the tomahawk which had so long been raised between us, and had so often been stained with our blood. Under the shade of this tree, for a long period of revolving years, the white and red people enjoyed as much happiness as falls to the lot of humanity. But, unfortunately for us all, some young men, more devoted to amusements than to useful pursuits, as they were dancing around this tree, accidentally discovered the handle of this long-buried tomahawk.

The madness which resulted from this accident spread among all the tribes, and was increased by the circumstance of war having commenced about the same time between the Americans and the British. All the red people immediately and unadvisedly engaged in the contest, some on one side, some on the other; and we, brothers, instead of meeting in the peaceful council-house, encountered in the field. After a long contest between your late father the British, and your old father the American, the former acknowledged he was wrong, and agreed to make peace. Your American father, who ever regards with his own the happiness of the women and children of his enemies, agreed to make peace, and peace was accordingly made.

The ceremonies which had just been performed wiped away the remembrance of all these circumstances; it now remained to bury that mischievous instrument of which he had been speaking, and which had been the cause of all our difficulties; but what method should they take to bury this mischievous instrument? It had once been buried under the roots of the largest tree in the forest, but wicked men could there find it. He thought of burying it under a great house, and putting that house not in the care of men, but under the protection of the Deity himself. His thunder and lightning would blast the arm of the wretch who should dare to take it.

He now presented them with a bunch of wampum, an emblem that the tomahawk was buried under this great house; and, on their receiving the hands of the commissioners and the hands of the American war chiefs, they would consider war at an end and peace restored. [Hands received—council fire kindled.]

We had now lighted the council fire, and it behooved them to return thanks to the Great Spirit, who, on this day, had blessed them with so many auspicious circumstances—a cloudless sky, a pleasant breeze, and the company of the ladies. We ought to pray for some of the attributes of these ladies, who feel none of those angry and malignant passions which sometimes agitate the rougher sex. They have a lively interest in this council, for they and the tender pledges of their affection must feel severely the want of our good faith.

As the council fire which had been kindled after the treaty of Greenville, to the south of this, was extinguished, it was the wish of the commissioners that this should now be the council fire of all the tribes, around which they should hereafter assemble under their leading tribe, (the Wyandots,) who were the original proprietors; and this fire they wished extended as far as Brownstown, where it should be under its former keepers, the Wyandots, Ottawas, Pattawatamies, and Senecas.

The second in command of the hostile Indians.—He was rejoiced to hear the news of peace. How pleasing it was to see assembled, at this place and at this time, all the white and red brethren, who had so long been parted and at variance; that all their voices should now be united in one, and that one for peace! He returned thanks to the Great Spirit for these blessings.

Listen to what I have to say: I speak in the presence of the Great Spirit, from whose bounty and goodness we receive every thing, and from whose impulse we act. We solemnly promise that nothing but the mandate of the Great Spirit shall cause us to break the peace which we have now made.

He sincerely wished for peace not only with the whites but with all the tribes, one with the other; and that that peace should be lasting. He gave thanks to the Great Spirit for this fine day, for this cloudless sky, this pleasant breeze, and the attendance of the women—to women who were the mothers of mankind, every reverence and respect were due. But this happy morning is ever to be remembered and admired; for on this morning, with the rising sun, they were met by the messenger who invited them to come and to meet in peace.

He was solemnly impressed with the ceremonies which had been performed; the ceremonies of their forefathers brought to their recollection their virtues and their fidelity to their engagements. The words which had been spoken had sunk deep into his heart, after his senses were restored, where they should remain like the bones which had been buried in security, and forever. He should never forget the counsel and advice of their wise and venerable chief, the Crane, who had performed those ceremonies, nor the instruction which they convey.

We have, indeed, been distressed, and we have been far astray; but many others have gone astray. Our land has been spread with blood, and our bones have been scattered. But I hope all these bones are now collected; we will not stumble over them again to remind us of former hostilities, and that white board which protects them from injury may never be removed; recollecting the actions and precepts of our forefathers, we shall need no other inducement to act correctly.

It is true what our father has told us of times past; he recalls the burying of the tomahawk, and the erection of a great tree over it to keep it forever hid; but, unfortunately, the tree withered and fell, and the tomahawk was discovered and raised. It is most true, also, that we have suffered much in consequence of it. But now that it is to be buried under the great house, under the protection of the Great Spirit, I hope and expect it will never be raised again. We agree with our father to bury it there, and join in the wish that the thunder and lightning of Heaven may blast the arm of him who attempts to raise it.

We accept the wampum, emblem of peace, from our father and brothers, and beg leave to return it to them with similar sentiments. It is the wish and request of all who sit around me that the calumet be accepted and passed all around, and that they should recall the circumstance to mind every morning that the remembrance of it may never be obliterated; that the wampum, connecting their hands and arms together, should be remembered. They wished once more to join hands, an emblem that they should never be parted again, and that the scene of this transaction, the council-house, should ever be held in remembrance.

It was delightful to observe the whole congregation smoking together the calumet of peace; but it was now growing late. We wish to hear our father first in the morning. Here at this council fire we will again meet to-morrow, again join hands, and interchange our sentiments.

SPRING WELLS, September 1, 1815.

General Harrison.—He addressed those who were late our enemies, now our friends. He had been instructed by his old friend, the Crane, that he had omitted, inadvertently, a part of the ceremonies yesterday, which was to sweep around the council-house; he would now do so; and he hoped that they might now repose without inconvenience around the council fires.

My children, I now address all of you; I address you in the name of the great chief of the United States, and beg that you will attend to me.

When people have quarrelled and have made friends, it is always unpleasant to recur to the causes which led to the quarrel. Under this impression, I shall forbear to tell those who have lately been our enemies that they were the first to lift the hatchet; I shall proceed to explain to you all the objects with which the commissioners are charged. You have all been informed that the United States and Great Britain, being mutually tired of war, had come to a determination to make peace. But if you have been told that this peace was sought after by the United States, and that they sent their ministers to England to solicit it, you have been grossly deceived. Both parties went into the territory of a Power that was neutral and equally friendly to both, the United States having absolutely refused to go to England for that purpose.

That the willingness of the United States to make peace at that time was merely the effect of their fondness for peace, the posture of their affairs, which stood better at that period than at any other of the contest, would best evince. He would particularly cite the affairs of arms on the Niagara frontier. Victory was there claimed on both sides; but many of those who were there, and now present, could best tell with what propriety victory was claimed by the British. In giving you the history of those transactions, I shall give it to you with truth: I shall do justice to the bravery of the British troops during their contest with us, than whom no troops in the world behaved with more gallantry.

The circumstance most disgraceful to the American arms was when the enemy was carrying on his operations against the city of Washington. The British, after beating and driving some of our militia who opposed them, entered the city where our great national councils were held, and burnt the house of our great chief. They, however, only staid there one day, and, having burnt a few houses, went away.

The same British general, with a much larger army, a few days after, made an attack on one of our great cities, (Baltimore,) defended by a few regular troops and some of our militia. This attack was repulsed, their general killed, and their army retired to their ships. In this contest, however, few were killed on either side.

About the same time the British army, under their great chief, Sir George Provost, (whom they all had heard of,) marched against our post at Plattsburgh; at the same time his army was marching by land, their fleet, equal at least in force to the American fleet, came with him, and attacked them off Plattsburgh. The result was, the almost entire destruction or capture of the whole of the British fleet, and a carnage hardly ever paralleled.

At the same time, Sir George, with an army, we say of fifteen thousand, but as he says of eight thousand operated against our fort, defended by about fifteen hundred, and was repulsed and driven back. This Sir George is now in England to be tried for not doing what they think he could have done; whether he is guilty or not, we do not know; all we know, and perfectly know, is, that he was defeated.

On the great waters, where our vessels of war have been engaged, ours have almost uniformly been successful. Only in two instances, where the force was nearly equal, has the American navy been unsuccessful.

So far have those vessels of war sought each other, that the news of peace has hardly reached them. We have just heard of a hard-fought battle between our ships, in which the British were defeated, having the captain, another officer, and fourteen men killed; our vessel having only four or five killed. Any of the British officers could tell them of this fact.

He was now going to inform them of an event so miraculous that they could hardly believe it, but he called on the Great Spirit to attest the truth of it, and which any of the British officers would confirm. Our city of Orleans was defended by about five thousand militia of the western country, commanded by one of our great war chiefs,

Jackson. The British, amounting to eight thousand men, came to attack it, but they were repulsed and beaten, having lost, as we say, between two and three thousand, and, as the British acknowledge, fifteen hundred killed on the field; while, on our side, (he speaks in the presence of the Great Spirit,) not more than eight or ten were killed. He would do injustice to the British if he did not inform them that their troops behaved with the most determined bravery. The Americans were posted behind a breastwork. The British, headed by their generals, moved on them in column. The Americans were from the western country, and knew the use of a gun; every shot took effect from our riflemen, while the cannon concentrated their fire upon the enemy.

At the time that peace was made, the territory which either had acquired was trifling and comparatively equal. The British had Castine, Bowyer, Niagara, and Mackinac, which were all small, commanding little more than the ground they stood on; and we had acquired, as they all knew, the western district of Upper Canada.

Such was the posture of affairs when the British and Americans had agreed to make peace; they asked each other, what shall we do for the red people? They have assisted us in the war, let us extend peace to them also; let the King of Great Britain extend his hand to those who have fought against him, and let the President of the United States extend his hand to those who have fought against the United States. Let us all have peace. They therefore agreed that there should be peace, and forgiveness for and oblivion to past hostilities; and that the Indians should be placed on the same footing and in the same situation that they were immediately previous to the war, provided the Indians themselves should agree to these conditions and be willing to hold them by the hand.

The United States more readily agreed to this arrangement, because they were at that time only at war with parts of tribes. The Wyandots, for instance, were many of them hostile, while their great chief was ever the most faithful of their friends. They could not strike an enemy without wounding a friend; they therefore resolved to wipe the tears from the eyes of all, and, in pity to all, to make peace.

Agreeably to the treaty, the President had appointed the commissioners for the purpose of extending his hand to them. They had accepted their hand in that council, but they must identify that acceptance by a solemn treaty in the sight of Heaven. The United States had nothing to ask of them; peace was a boon which they gave without asking an equivalent; all that was required was for them to accept or reject it; if the latter, that part of the treaty of Ghent which regarded it was at an end.

It was ever the custom of the United States to do every thing in the face of day. For this purpose they held their council at this public place, and in this public manner; all might here come, even the British officers. There stood at his left hand an officer of the British Government, who had fought against the United States, on behalf of his King and country, who came there by the invitation of the commissioners, they conceiving him to be a man of an enlightened and liberal mind. All men might here learn if they should say any thing improper to them, and at the same time would bear evidence to the engagements they should enter into, and should be witness if they were broken.

He separately addressed himself to those who remained faithful to the United States.

My children, the President of the United States, your father, esteems you as he ought. You have stood by him in the hour of danger, for which he thanks you. Now he requests you to make peace with the British. The United States will do every thing in their power to prevent you from waging war against them, or any of their subjects. But if you do contrary to their advice, you do it on your own responsibility, and without our assistance.

He addressed himself to those who had been hostile.

Chiefs and warriors, if what we have told you has not been told to you by the British agents, you have been deceived; I solemnly declare to you that it has been the instructions of their Government; and they were not to aid or assist you in any hostile views which you might have meditated against the United States.

It is now time to put an end to this long talk, lest our heads should be too full and our bellies empty. We will cover the council fire for this evening, that you may refresh yourselves. We wish you to draw provisions in the evening, that we may breakfast earlier, and that we may be enabled to do more during the day.

SPRING WELLS, *September 2, 1815.*

General Harrison.—He could not explain to them the wishes of their great father, the President, better than they were conveyed by himself in his instructions to the commissioners. He then read that part of the instructions which directed or explained—

- 1st. That no new grants were required of them;
- 2d. The cultivation of good-will; the confirmation of all former treaties;
- 3d. Former treaties to be carried into effect;
- 4th. No interfering to prevent the surveying of lands already purchased and paid for by the United States;
- 5th. Example of good faith and a regard to their happiness so long as they manifest the same to the American family.

These were the words of the President himself; and a greater confidence could not be placed in them than was manifested by reading these instructions to them; the literal meaning of all which was to place them precisely in the same situation in which they were previous to the war.

As two of the commissioners, General McArthur and Mr. Graham, were sick, and himself unwell; as they were comfortably provided for, and the succeeding day was Sunday, he wished the council adjourned until Monday, at which time he hoped to hear them. He reminded them that there was a secretary to the commissioners, whose duty it was to minute the proceedings and the observations made on either side; by which means the President would know the sentiments and opinions, not only of each tribe, but of each individual. The delay would enable them to arrange their communications in such a manner as not to commit themselves.

Another inducement to the adjournment was the probability of the arrival of the Indians from Mackinac before Monday, as a vessel which was soon expected had instructions to receive them on board.

SPRING WELLS, *September 4, 1815.*

General Harrison observed that the commissioners were well satisfied with the address received in their chamber by the Crane, and said to be the same delivered by the Prophet to the assembly of Indians; but as it was not delivered in council, the commissioners requested that they would appoint some one to deliver it there, that it might be committed to paper. If their sentiments were the same as were expressed, the council could be terminated by a treaty in a few days.

As the whole tribe of the Miamics were admitted to the friendship of the United States at Greenville last year, as, also, some bands of the Chippewa, Pattawatamie, and Ottawa tribes, he wished to know if those last named tribes were represented in the council, that they might all now, as entire tribes, be included and made parties to the treaty.

The Pattawatamies of the Illinois would meet other commissioners; those of St. Joseph's, and east of it, were expected here. He wished to know if they were represented.]

The Shawanee Prophet addressed the council in a speech, the tenor and subject of which was pacific.

He said that he spoke on behalf of nine nations—those who had remained with the British, and who had lately come from the other side of the river, and he spoke to the Seventeen Fires, and the four nations who had stood by their side.

The British had told them of the treaty which they had made with the Americans on the other side of the great waters, and to their great joy taken the tomahawk out of their hands. They then came nearly opposite this place, where the news of the arrival of the commissioners met them and communicated universal satisfaction. They had now come over to this side; and here also the tomahawk was taken out of their hands, so that they were now so completely deprived of tomahawks that he was apprehensive that their old women could hardly cut wood enough to make a fire.

They were not only willing and anxious for peace, but they wanted that peace to be solid and permanent.

Here they had kindled the council fire. At this council fire they would hereafter assemble, and speak through the nations who were the keepers of the fire, as they used to do in old times.

All who came from the other side of the river were pleased with the address of the commissioners, and all took them heartily by the hand.

They were very much pleased with what was expressed the other day of the care and attention which should be paid to their women and children. They and all their young men felt tenderly for their women and children, and were rejoiced to throw aside that mischievous instrument where it should not be again seen by their young men. Indeed, they cast every thing from them that they might more readily extend their hands.

It was the universal wish of the nine nations to be at peace and in security, and, being so, to do no wrong.

He almost stood alone; he had but two chiefs with him. If there were more, there might be a diversity of opinion; but now there was none; they spoke from the bottom of their hearts. He was not skilled in speaking English; he must speak the truth, for he spoke in the presence of the Great Spirit. In his presence, I say, brothers, let us take care of our women and children.

Let us adhere to our chiefs, and thank them for what they have done for us; although we are warriors, let us attend now to our women and children, and cast behind us the implements of war, and never look at them again.

[He addressed all the Indians.]

Let us be firmly united, hold fast by each other, and direct our united efforts to take care of our families; nor suffer them, as they have been, to be dispersed and in want. This was the wish of those from the other side with him.

Brothers and warriors (the commissioners and officers) here at this council, we take you by the hand, [shakes hand.] I don't call you fathers, but brothers. Tell my sentiments to the President; he is my father.

[He addressed himself to his young men, asking them if they heard him and approved his sentiments. He also requested that his address might be interpreted to the other tribes.]

Now, brothers, we have done a good thing. Let there be no reproach or recrimination between us. While speaking, I have heard one of our children crying as we have made peace, let him be released. (One confined for murder.)

The Pattawatamie Prophet.—Brothers and warriors: We, I presume, understand each other. We have heard what has been said. All know that a solemn treaty is to be made. If there is any man who does not understand, or disagrees, let him rise up and declare it.

Let us return thanks to the Great Spirit that we have a return of peace.

We Pattawatamies speak little. I shall be short, and to the purpose. I claim your attention.

How pleasing to be assembled together, and to communicate to each other our sentiments! I shall speak my sentiments, and speak them freely. We three nations speak together, being of one mind. How flattering to the three nations that they should be so united in opinion as to consider themselves as one nation! Let us then speak freely to our father at this time, that there may be no equivocation hereafter.

Around the council fire has been swept. We have now a clear place to repose. The roads are open and smooth. Our women and children can stray without impediment. For these things let us return thanks to the Great Spirit.

You Wyandots have near you the person of our father the President, and have heard his words. If you have reported his words to us correctly, we shall agree hereafter with you in sentiment, as we agree to speak with and through you.

We flatter ourselves that you have told us the truth. You have come from the President, and with what you have told us we are highly pleased, and here accede to. Let there be no reflections or recriminations between us hereafter. Let there be nothing but peace.

How pleasing to meet with those from the other side of the river who have been hostile! They are the same flesh, the same nation, and the same species of inhabitants with us. How pleasing that they are again coming to reside among us! I address myself particularly to the American Indians. Let us return thanks to the Great Spirit—that Being who created all things—that we are now united; nor let us be ever forgetful of what is now done for our women and children. Let us realize the happy reflection that, when we are gone on the hunt, we leave them, without apprehension, in peace and security.

We thank you for the ceremonies which have been performed for the purpose of correcting our senses, that your words might sink into our hearts. I thank you for so doing; but it was unnecessary. My heart and my sentiments were with you already.

You American Indians! We thank you for the kind words which you brought to us. You came not only with your own kind speeches, but brought with you those of our father the President, telling us of peace and friendship.

Brothers, Wyandots! We Pattawatamies inhabiting the same country with yourselves, what I say to you is with the sanction of all; what I say may be relied on; my nation will stand by me. Whatsoever you say or do for us towards the United States, we sanction. We thank you for speaking in our behalf, for correcting our senses; and we here present you, the Wyandots, with this wampum, the memorial of our thanks. We wish you to speak after us. I speak on behalf of the Pattawatamie nation.

[To Tarhee, the chief of the Wyandots:]

The Pattawatamies presented their thanks for his speaking in their behalf. The wampum then given should be a memorial of the friendship of the Pattawatamies for the Wyandots. This was the wish of the chiefs, warriors, and young men of his tribe.

Wyandots and Shawanees! The Pattawatamies take you by the hand. Tell your children of this our profession of friendship for your tribes, and do you old men retain it in recollection.

We wish you to speak your sentiments. After you, the chiefs of our nation will speak.

General Harrison.—An unfortunate accident had happened between two Indian warriors, one of whom it was supposed was killed. They could not sit in council when blood was shed so near them, nor deliberate when one of the tribes must be in grief for the loss of one of their nation. The council would therefore be adjourned.

SPRING WELLS, *September 5, 1815.*

The Crane, (Tarhee).—Listen to what I have to say: yesterday we had some talk; we four nations return thanks to the three nations, Pattawatamies, &c. They have corrected our senses, and we return thanks to the Great Spirit that we are assembled here and united together in council.

After this purification of our senses and adjustment of our hearts, every thing which we see or hear appears pleasant to us; for this we thank you.

He thanked them for what they had done yesterday; he had not performed all the ceremonies; those that they had performed showed that they had not forgotten the language of their forefathers; he had to apologize for the omission of some by himself.

There was a time when the land was in trouble, and the council fire at which they were accustomed to sit was destroyed. This was an unfortunate circumstance, and is to be ascribed to the fault of our fathers of Great Britain and America, and those of our children who took part with them. This has been a source of much grief to the chiefs, that their council fire should be destroyed wherat they assembled.

When this unfortunate circumstance took place, all the Indian nations took part with one or the other, until all were distracted and so disunited that no one nation could say that it was entirely on one side.

At length, brothers, our fathers, the British and American, agreed to make peace; and, taking their red children into view, have afforded them the same advantages with themselves.

This wise regulation was made by their two fathers, seeing that their council fire was extinguished, and they have now kindly rekindled it. Our father, the British, in order to have a fire on his side, has either taken it from the old place on this side, where it properly belongs, or has made one of his own. Our fathers who are sitting here have kindled for us a council fire at this place, which is to extend to Brownstown—a council fire wherat all the nations may assemble. They have done it wisely. Let us thank them for it. This fire is kindled by the President, by his commissioners. It is pure and it is his own. It burns that all the nations may see it. I hope you will all join with me in thanks, in thanks sincere and from the bottom of your hearts, to the President, for kindling for us this pure fire.

It was kind in our brothers from the other side of the river, after the fire was kindled, to come over and trim it, that it might burn brighter; they, seeing its blaze from the other side, did every thing in their power to promote the good work; they besought us to take care of it, particularly the Wyandots, &c., who were the keepers of the fire.

Thus they spoke; I will repeat their speech: "You Wyandots, particularly, attend to this council fire; cherish the good work, that peace may extend to the Creeks, thence westward, and around, embracing all the Indians. You must not say that you are incompetent to the task, that you are not sufficiently skilled in the mysteries and ceremonies of your forefathers; you at least know enough to answer the purpose, and you must not relinquish, through indolence, a thing of such great importance."

He called on all to listen attentively to him at this great council fire which their fathers had prepared for them. I shall try to follow the footsteps of our forefathers.

Wherever was the council fire of our ancestors, there were their minds; here is our council fire, here then be all our minds. Place your minds at this spot. I speak from the bottom of my heart when I wish they may never wander. Be fixed here, and here be united.

Our forefathers had a maxim that they had but one road to travel in; that road was peace—a road which women and children could travel in security; a road made by their ancestors. I have said that this was the road of our ancestors; let me invite you into it. The Great Spirit inspired those ancestors with the knowledge of it; then let all turn their faces towards it.

Step into this road of your forefathers; it is endless, and it is safe even for your women and children; the only one which is good and broad.

Listen all to the language of your forefathers: they exhort you to continue in this road; they say it is dangerous to step out of it; steep precipices and dark unfathomable gulfs bind close upon it.

All, far and near, are now travelling in this peaceful road of our forefathers. We must bear in mind that our white fathers may again fall out; and our British father has ever been most ready to give us the tomahawk. Let us join neither of them hereafter. If they fight, let us retire to one side. They quarrel about things of which we know nothing, and in which we are not interested. They quarrel for a time, then make friends, and we make friends also, and join hands again as fast as ever.

He exhorts all, both far and near, to keep in this peaceful path, to take care of their women and children, and to hold fast by the United States when they take hold again.

He exhorts the warriors to hold fast to this good work, to consider the people of the United States, and to treat them as brothers. Their happiness will result from it, and the Great Spirit will crown them with prosperity.

He particularly cautions the warriors and young men of the necessity of paying attention to this good work. Wherever they meet with their white brethren, salute them kindly; treat them as relatives, and avoid any difficulties. Attention to these matters is of the highest importance, as they are the means of securing and preserving friendships.

Give no attention to bad birds; some of them are ever flying about; turn a deaf ear to them. Remember the precepts of your forefathers, the precepts which were given to them by the Great Spirit.

Turn your attention to this council fire which our father, the President, has kindled for us. Keep your minds here, and you will enjoy many years of peace and happiness.

You have all heard what has been said. We are now fast bound to the United States. We require you to inform all who are distant and absent that we are bound by the hand and arm to the United States.

As you have appointed the Wyandots to take charge of the council fire, we depend on you to publish that information, that they may be respected accordingly.

As the council fire is intrusted to him, he begs all their assistance to keep it secure. He gives wampum memorial of the transaction.

A few words more. The road leading to the council fire from all the distant brethren, which was cut by their forefathers, had grown up and was choked with briars. He would now clear it, that all who turn their faces towards the council fire might travel with security and pleasure.

For the speech of the Pattawatamies, delivered yesterday, uniting with them in council and sentiment, they return thanks; they were well satisfied with it.

General Harrison, in looking around, discovered that many were absent; (this was the day on which the Shawanee Prophet and his followers left the council;) he asked if they left any message, or if any could assign a reason for their absence. The commissioners could not avoid thinking very singularly of their going off in that manner. As no person answered, he presumed that no message was left; he would therefore inform them of the course which the commissioners were determined to pursue.

Although, by the advice of the Crane, they had performed all the Indian ceremonies, yet there were none of the Indians that did not know that *our* customs required that they should sign a paper which declared their agreements. They all knew that at Greenville the great chief (General Wayne) and all their principal men signed a paper. These commissioners would also make out one, and lay it before them for their signatures, which should describe nothing which had not been explained to them before—that the United States and the Indians should be at peace, and that the Indians should be placed in the same situation in which they were previous to the war.

As those who had absented themselves had been once invited, he would not again do so; if any of those present felt friendly towards them, they might give them notice, and the council would delay its meeting until 3 o'clock; if they then attended, it would be considered that they were not absent; if not, they should forever be excluded from the treaty which should then be prepared.

The commissioners do not wish to be understood as prohibiting them from coming over. Any individual may return and join his tribe if he does so peaceably. The Shawanees, for instance, may come and join their tribe; but as a nation (if they refuse to sign the treaty) they will not be permitted to kindle a fire separate from the fire or independent of the chiefs of their nation.

A warrior of the Pattawatamies from the other side came in and reproached his tribe for saying that the absent Indians had left the council in displeasure. They had left it well pleased, and, imagining that every thing was finished, had retired.

Another Indian, being interrogated, averred that an Indian from the other side told him that the British had sent word that they wanted them to come over to a council which they were about to hold, and that a speech was absolutely sent to this side.

The first named warrior then observed that the reason of their going was that too many women and children were here; that they would commit no depredations on the property of the citizens; and that they thought it not worth the while to attend longer, as every thing was done.

General Harrison, addressing the Pattawatamie warrior, told him that he might listen to what he was going to say; he would not ask him to tell it, but he might do so.

Why, my brothers, has the British agent sent for the Indians to leave this council? Has any thing been said improperly to you? Have not many of their chiefs attended this council? What has been said against the red coats, that they should act in this manner? The United States knew their strength, knew their ability to ward off any attack so well, that they never have asked assistance, and they never would have asked their red children, if the enemy had not invited them by their example to do so; and then it was done knowing that the fondness of young men for war would induce them all to join the enemy if not employed by us.

Your American father asks nothing of you but for your own benefit. He asks you to bury the tomahawk. Is that to your disadvantage? Have you been asked for your lands, or for any thing else?

Why was the speech sent in this sneaking manner? We do every thing in open day. Every person might see and hear us. British officers might attend if they chose. The weather was pleasant, nothing prevented them. If this was a good speech, why was it not delivered in public as ours are?

The council would be adjourned until 3 o'clock the next day. We will not be rash in ascribing a bad intention to those who have gone away; if they attend to-morrow, we shall consider them as being always present.

SPRING WELLS, *September 6, 1815.*

The commissioners explained to the tribes the substance of the treaty.

SPRING WELLS, *September 7, 1815.*

The treaty was interpreted to the Indians as written, and the names of the subscribers taken.

SPRING WELLS, *September 8, 1815.*

The treaty signed and sealed by the commissioners on behalf of the United States, and the sachems, headmen, and warriors of the Wyandot, Delaware, Shawanee, Seneca, Ottawa, Chippewa, Pattawatamie, and Miama tribes.

A chief of the Pattawatamies.—He said that he saluted the commissioners, and thanked the Great Spirit that the treaty was now finally concluded. He thanked the commissioners, and thanked the President of the United States, that they were placed in the same situation that they stood by the ancient treaty of Greenville. All the cessions of the lands made by the Indians were confirmed. He gave his consent, though with reluctance. It was the act of their ancestors, who were, perhaps, less enlightened than those of this period. But why should we uncover the graves of the dead, and disturb their ashes? He would not do it. Let the dead rest in peace. He would not reflect upon their memories. He would rather say their acts were wise.

If, however, it were to do again, he would pause; he would reflect. He would look at his children in the cradle, and ask what right he had to injure those innocents? what authority he had to deprive them of their rights?

He hoped that whilst they walked upon the grounds they had acquired of the Indians, they would remember and commiserate their situation. He was afraid that their annuities would not be sufficient for them, and hoped that they would, when necessary, throw in something in addition to that which they were entitled to by treaty.

It had pleased the Master of the Universe to place the Indians upon this land, but the scene was now changed. Their ancestors had parted with it.

He begged the commissioners that they would not listen to little stories circulated to their prejudice.

He again saluted the commissioners, and called the Great Spirit to witness, as was the custom of the Americans when they opened a solemn council.

Pacan, chief of the Miami tribe.—He accounted for their joining their old father the British during the war; expressed his satisfaction at the return of peace, and at the renewal of the treaty of Greenville. He was also much rejoiced that no new concessions of land were demanded of them. They were much distressed from the scarcity of animals, and requested that white men might be prohibited from hunting on their lands.

General Harrison had just been informed by one of our citizens that a Wyandot had told him that the British told the Indian that, by the treaty of Ghent, the American Government should pay for the injury done their property at Brownstown. It was a lie. They knew it was a lie when they uttered it; and they might tell them that he said it was a lie. There was no such thing contained in the treaty of Ghent. The Seventeen Fires intend to satisfy their own friends; but injuries done to those fighting against them they will not atone for. The Indians had a just claim on the British for a compensation for those losses. He would not be understood that the United States made the British promise in the treaty to do so. It was a thing with which the United States had nothing to do. But as the British had seduced them from their duties to the United States, and, by so doing, brought those calamities upon them, it was but fair and just that they should compensate them for it. The British knew better than to propose such a thing to our ministers at Ghent. They knew that it would have been refused with indignation. But such a proposition was never made.

[14th CONGRESS.]

No. 141.

[1st SESSION.]

CREEK GRANT TO GENERAL ANDREW JACKSON AND OTHERS.

COMMUNICATED TO THE SENATE, JANUARY 19, 1816.

To the Senate and House of Representatives of the United States:

JANUARY 18, 1816.

The accompanying extract from the occurrences at Fort Jackson in August, 1814, during the negotiation of a treaty with the Indians, shows that the friendly Creeks, wishing to give to General Jackson, Benjamin Hawkins, and others, a national mark of their gratitude and regard, conveyed to them, respectively, a donation of land, with a request that the grant might be duly confirmed by the Government of the United States.

Taking into consideration the peculiar circumstances of the case, the expediency of indulging the Indians in wishes which they associated with the treaty signed by them, and that the case involves an inviting opportunity for bestowing on an officer who has rendered such illustrious services to his country a token of its sensibility to them, the inducement to which cannot be diminished by the delicacy and disinterestedness of his proposal to transfer the benefit from himself, I recommend to Congress that provision be made for carrying into effect the wishes and request of the Indians as expressed by them.

JAMES MADISON.

[NOTE.—For the “extract,” see Indian Affairs, vol. i, page 837.]

[14th CONGRESS.]

No. 142.

[1st SESSION.]

TRADE AND INTERCOURSE.

COMMUNICATED TO THE SENATE, ON THE 14TH OF MARCH, 1816.

DEPARTMENT OF WAR, *March 13, 1816.*

In obedience to the resolution of the Senate of the 2d of March, 1815, I have the honor to transmit the enclosed documents, which exhibit the general expenses of the Indian department, embracing annuities and presents, and the general and particular views of the Indian trade, called for by the resolution.

Nos. 1, 2, and 3, exhibit the amount of annuities due and payable, and the sums actually paid to the several Indian tribes within our limits; the presents made to them; and the general expenses of the Indian department during the four years preceding the 3d of March, 1815.

In the sum exhibited as presents is included a great quantity of provisions furnished the friendly tribes during the war, who, upon account of their attachment to the United States, were compelled to abandon their country and take refuge within our settlements. The same cause prevented their engaging in the chase, the principal source of their supplies in times of peace. The embarrassments produced by a state of war prevented the regular payment of the moneyed part of their annuities, and, in many cases, rendered it impossible to discharge that portion which was payable in merchandise. This circumstance presented a strong inducement to furnish them liberally with those supplies which we had at command, and which were even more necessary to them than the merchandise which we were bound to furnish. It is, however, believed that these supplies have been swelled to an unreasonable amount by extensive impositions which have been practised upon the Government in the issue of provisions to them, which renders it necessary to discontinue the practice, or to devise new and suitable checks to guard against their repetition.

The statements marked from A to Z exhibit the state of the fund set apart for Indian trade during the four years preceding the 31st of March, 1815. It appears from these statements that, from the commencement of the trade to the 31st December, 1809, a loss of \$44,538 36 had been incurred, and that, during the period designated in the resolution, the sum of \$15,906 45 had been gained, notwithstanding the loss of \$43,369 61 from the capture of several of the trading posts by the enemy during the war. These two items, forming the aggregate sum of \$59,276 06, may be considered as the commercial profit of the establishment during that period, which would give an annual profit of nearly \$15,000. But the annual expenses paid out of the treasury in support of the establishment exceed \$20,000, which presents a specific loss of more than \$5,000 annually. The difference in the result of the management of this fund antecedent to the 31st of December, 1809, from that which is exhibited in these statements during the four years preceding the 31st March, 1815, is, no doubt, in a great degree the effect of the experience acquired by the prosecution of the trade. It is probable that a more intimate acquaintance with the nature of the commerce, a more skilful selection of the goods, and of the agents employed in vending them, and a considerable increase of the capital invested in it, will, in a short time, produce a small and gradually increasing profit, after defraying all the expenses incident to the establishment, which are now payable out of the public treasury. Under the most skilful management, the profits cannot be an inducement for continuing the system now in operation. That inducement, if it exists at all, must be found in the influence which it gives the Government over the Indian tribes within our limits, by administering to their wants, increasing their comforts, and promoting their happiness. The most obvious effect of that influence is the preservation of peace with them, and among themselves. The exclusion of all intercourse between them and the whites, except those who have the permission of the Government, and over whose conduct a direct control is exercised, has insensibly contributed to this desirable object.

The amelioration in their condition desired by the Government has continued to advance, but in so slight a degree as to be perceptible only after a lapse of years. If the civilization of the Indian tribes is considered an object of primary importance, and superior to that of rapidly extinguishing their titles and settling their lands by

the whites, the expediency of continuing the system now in operation, under such modifications as have been suggested by the experience already acquired, appears to be manifest. The success of such an experiment requires the exercise of all the influence which belongs to the annual distribution of annuities and presents, aided by that which must flow from a judicious supply of all their wants, in exchange for those articles which the chase and the increasing surplus of their stock of domestic animals, will enable them to procure. This influence, skilfully directed for a series of years, cannot fail to introduce among them distinct ideas of separate property. These ideas must necessarily precede any considerable advancement in the arts of civilization, and presuppose the institution of laws to secure the owner in the enjoyment of his individual property; because no man will exert himself to procure the comforts of life unless his right to enjoy them is exclusive.

The idea of separate property in things personal universally precedes the same idea in relation to lands. This results no less from the intrinsic difference between the two kinds of property, than from the different effects produced by human industry and ingenuity exerted upon them. The facility of removing personal property from place to place, according to the will or convenience of the owner, gives to this species of property (in the estimation of the huntsman) a value superior to property in lands, which his wants as well as his habits compel him annually to desert for a considerable portion of the year. To succeed perfectly in the attempt to civilize the aborigines of this country, the Government ought to direct their attention to the improvement of their habitations, and the multiplication of distinct settlements. As an inducement to this end, the different agents should be instructed to give them assurances that, in any treaty for the purchase of lands from their respective tribes, one mile square, including every separate settlement, should be reserved to the settler, which should become a fee simple estate after the expiration of a certain number of years of actual residence upon and cultivation of it. Perhaps an additional reservation of a quarter or half-section of land to each member of such family would add to the inducements not only to make such separate settlements, but to the raising a family. If measures of this kind were adopted by the Government, and steadily pursued for a series of years, while at the same time a spirit of liberality was exhibited in the commerce which we carry on with them, success the most complete might be confidently expected. But commerce with our Indian neighbors, prosecuted upon a contracted scale, and upon the principles of commercial profit, would tend not only to diminish the influence of the Government with them, but could not fail entirely to alienate their affections from it. A period has arrived when the trade must be greatly extended, or entirely abandoned to individual enterprise. To reserve the trade in the hands of the Government, whilst the wants of the Indians are but partially supplied, would be to make them feel its influence only in their privations and wretchedness.

The right of the British Northwest Company to participate in this trade, independent of the will of the Government, is now at an end. The settlement of the lands ceded by the Creeks in 1814 will exclude the southern tribes from all intercourse with the Spanish ports in the Gulf of Florida. The preservation of peace with those tribes, as well as the execution of the plans which may be devised for their civilization, requires that this intercourse should not be renewed. The great distance of some of the tribes in the Northwest Territory, and in the northern regions of Louisiana, from the settled parts of the United States, will probably make it necessary to permit the British merchants from Canada to participate in the commerce of those tribes, until more accurate information is obtained as to their situation and numbers, their wants, and their capacity to pay for articles of the first necessity. As this knowledge is gradually acquired, and the mode of conducting the trade better understood, the exclusion of foreigners from all participation in it may be safely effected. If the trade is to be continued in the hands of the Government, the capital ought to be increased to \$500,000. The exclusion from all commercial intercourse with the ports in the Gulf of Florida, and the necessity of extending our trading establishments farther to the west and the north, with a view to the ultimate exclusion of foreign participation in it, forcibly suggest the propriety of such an increase. This capital will probably be found greatly below what is necessary to supply the wants of the various tribes within our limits. The deficiency, it is believed, will be supplied by the Northwest Company, and by individual enterprise. At present, the Governors of our Territories are compelled to give licenses to trade with the Indians to every person who can give security. The power of rejecting the application on account of the character of the applicant appears to be necessary. If the licensed traders were compelled to take an oath to observe the laws regulating Indian trade, it might aid in correcting the abuses, especially in vending spirituous liquors, which have too generally been practised by them. It is deemed expedient to establish a depot of merchandise at St. Louis, or its vicinity, under the direction of a deputy superintendent, who should have power, in addition to supplying the regular and established trading-houses, to deliver to persons of good moral character, who should be able to give security, any quantity of goods, not exceeding \$10,000, for which peltries and other articles of Indian commerce should be received in payment at a fair price, and at fixed periods; or that they should be sold by the superintendent on account of the purchaser. In the latter case, a premium equal to the use and the risk of the capital should be added to the price of the goods. This, as well as several other important ideas, are more fully developed in the communication of Governor Edwards and that of the superintendent of Indian trade, which are herewith communicated, marked R and Z z.

In compliance with that part of the resolution which requires my opinion of the expediency of vesting the general management of Indian affairs in a separate and independent department, I have the honor to state that an arrangement of that nature appears to me to be highly proper if the commerce of those nations is to be retained in the hands of the Government. The only rational principle upon which it is considered necessary to place the Indian trade under the control of the War Department is the necessity of relying upon it for the small military force which has hitherto been stationed at the different trading posts which have been established. This countenance and support could be given to the department to which it might be confided, with the same facility as if it still remained subordinate to the Department of War. The accounts of the superintendent of Indian trade are now returned to the Treasury Department, to which, so far, the superintendent is accountable. The accounts of the agents of the Government for the several tribes in amity with us are still returned, and settled in the War Department. From the payment of annuities to the various Indian tribes within the United States, a new species of jurisprudence has sprung up, which operates as a heavy tax upon the time of the Secretary of War.

All losses of property by American citizens, from the robberies, thefts, and depredations of those tribes, are to be remunerated out of the annuities payable to them. The evidence in all these cases is extra-judicial, and requires the examination and approbation of the Secretary before remuneration can be made. The presents which are made to them; the allowances to artificers settled among them by the Government; in fact, every disbursement of money connected with the Indian department, except in the prosecution of trade with them, has to receive the special sanction of the head of this Department. The duties incumbent upon this officer, resulting from the control of the Indian department, are so multifarious, so impossible to be reduced within general regulations, that a considerable portion of his time is necessarily devoted to them.

The organization of the Accountant's office is such as to render it impossible for that officer, by any human exertion, promptly to despatch the business which has been accumulating from year to year, until the mass has become so imposing as to render legislative aid indispensably necessary to correct the evil.

The creation of a separate and independent department, to which all the Indian accounts, including those which are still settled in the Accountant's office, will not supersede the necessity of modifications in the organization of that office. The changes which are deemed necessary to insure the prompt settlement of the accounts of the War Department are respectfully submitted to the Senate in the paper marked A z.

If a new department be formed, much of the miscellaneous duties now belonging to the Department of State ought to be transferred to it. The changes which ought to be made in this regard will obtrude themselves upon the attention of the Senate whenever the subject shall be considered.

It is believed that, at the present moment, no plan can be devised for carrying on the Indian trade that will be equally advantageous to the Indians, although it may be more economical to the public. This opinion is founded, in a considerable degree, upon the fact that those who have a competent knowledge of the manner in which this trade must be prosecuted, to be successful, are destitute of the capital necessary for the prosecution to the extent demanded by the wants of the Indians. The capital of those parts of the Union where those persons are to be found is not sufficient for the purposes of commerce among themselves. It is exposed to no risks, and the profit is great; consequently, it will not be employed in commerce with the Indians. The risks to which capital will be subject, when placed in the hands of these enterprising traders, as well from their casual want of integrity as from the robberies and thefts of the Indians, will prevent the capitalists of the commercial cities from supplying them with the means of engaging in this commerce. The proposition to establish a depot at some point about the mouth of the Missouri, for the purpose of supplying those who may be able to give sufficient security, with such an amount of goods as will enable them to prosecute the trade to advantage, will, in a series of years, produce a number of persons skilled in the manner of carrying it on successfully, and create a capital in their hands, which will be probably continued in that channel, and eventually justify the Government in leaving it, under judicious regulations, which experience will not fail to suggest, entirely to individual enterprise.

These views are substantially founded upon the conviction that it is the true policy and earnest desire of the Government to draw its savage neighbors within the pale of civilization. If I am mistaken in this point—if the primary object of the Government is to extinguish the Indian title, and settle their lands as rapidly as possible, then commerce with them ought to be entirely abandoned to individual enterprise, and without regulation. The result would be continual warfare, attended by the extermination or expulsion of the aboriginal inhabitants of the country to more distant and less hospitable regions. The correctness of this policy cannot for a moment be admitted. The utter extinction of the Indian race must be abhorrent to the feelings of an enlightened and benevolent nation. The idea is directly opposed to every act of the Government, from the declaration of independence to the present day. If the system already devised has not produced all the effects which were expected from it, new experiments ought to be made. When every effort to introduce among them ideas of separate property, as well in things real as personal, shall fail, let intermarriages between them and the whites be encouraged by the Government. This cannot fail to preserve the race, with the modifications necessary to the enjoyment of civil liberty and social happiness. It is believed that the principles of humanity in this instance are in harmonious concert with the true interest of the nation. It will redound more to the national honor to incorporate, by a humane and benevolent policy, the natives of our forests in the great American family of freemen, than to receive with open arms the fugitives of the old world, whether their flight has been the effect of their crimes or their virtues.

I have the honor to be, respectfully, your most obedient and humble servant,

WM. H. CRAWFORD.

HON. JOHN GAILLARD, *President pro tem. of the Senate of the U. S.*

SIR:

DEPARTMENT OF WAR, ACCOUNTANT'S OFFICE, *February 24, 1816.*

I have the honor to hand you, enclosed, the following statements in relation to Indian expenditures, predicated upon the resolution of the honorable the Senate of the United States on that subject, viz:

Statement of presents, &c. to Indians.

Statement of Indian annuities.

Statement of disbursements at the several Indian agencies, from 4th March, 1811, to 4th March, 1815.

Very respectfully, I am, sir, your obedient servant,

TOBIAS LEAR.

The Hon. WM. H. CRAWFORD.

Statement of the annuities due, paid, and delivered the different Indian tribes from 3d March, 1811, to 3d March, 1815.

Names of tribes.	Annual appropriations under the different acts of Congress.	1811.	When delivered.	1812.	When delivered.	1813.	When delivered.	1814.	When delivered.
		Amount paid.		Amount paid.		Amount paid.		Amount paid.	
Great Osages, - -	\$1,000 00	\$1,000 00	September 26, 1811,	\$1,000 00	November 20, 1813,	\$1,000 00	November 20, 1813,	\$1,000 00	August 22, 1814.
Little Osages, - -	500 00	500 00	September 26, 1811,	500 00	July 3, 1813,	500 00	November 20, 1813,	500 00	August 22, 1814.
Miamies, - - -	2,300 00	2,948 89	November 18, 1811,						
Eel Rivers, - - -	1,100 00	1,100 10	November 22, 1811,						
Shawanees, - - -	1,000 00	1,000 75	November 18, 1811,	1,500 00	August 29, 1812,	1,500 82	November 22, 1813,	1,500 00	June 22, 1814.
Pattawatamies, - -	2,400 00	1,000 54	November 18, 1811,	400 00	August 29, 1812,				
Delawares, - - -	1,800 00	1,799 24	November 22, 1811,	1,800 00	August 29, 1812,	1,393 04	November 6, 1813,	1,300 00	August 22, 1814.
Weas, - - - - -	1,150 00	750 00							
Kickapoos, - - -	1,000 00	500 00							
Piankeshaws, - - -	1,000 00	1,000 00							
Kaskaskias, - - -	\$1,000, including \$500 for which there is no appropriation.	900 00	October 22, 1811,	1,000 00	July 26, 1812,	400 00	July, 1813,	1,000 00	May 1, 1814.
Wyandots, - - -	1,400 00	1,400 00	In 1811, - - -	1,010 28	September 12, 1812.				
Ottawas, - - - -	1,800 00	1,800 00	In 1811, - - -	1,800 00	In 1812.				
Chippewas, - - -	1,800 00	1,800 00	In 1811, - - -	1,800 00	In 1812.				
Six Nations, Onondagas, and Oneidas, - - - -	4,500 00	4,500 00	In 1811, - - -	4,410 00	In 1812, - - -	4,500 00	In 1813, - - -	2,300 00	Novem. 20, 1815.
Chickasaws, - - -	3,100 00	3,100 00	In 1811, - - -	3,100 00	In 1812, - - -	3,000 00	In 1813, - - -	3,100 00	In 1814.
Sacs, - - - - -	1,000 00	600 00	September 7, 1812,	600 00	November 4, 1812,	600 00	September, 1813,	600 00	November, 1814.
Foxes, - - - - -		400 00	September 7, 1812,	400 00	November 4, 1812,	400 00	September, 1813,	400 00	November, 1814.
Creeks, - - - - -	\$17,500, including \$4,000 for which there is no appropriation.	12,714 25	- - -	783 50					
Choctaws, - - - -	\$5,000, including \$2,000 for which there is no appropriation.	- - -	- - -	4,850 33	- - -	4,831 88	- - -	5,551 00	
Medal Mingoes, - -	300 00	- - -	- - -	300 00	April 16, 1813,	300 00	- - -	300 00	
Wyandots and others, -	825 00	825 00	September 4, 1811,	500 00	In 1812, - - -	9,000 00	November, 1815,	9,000 00	November, 1815.
Cherokees, - - - -	9,100 00	9,100 00	In 1811, - - -	9,000 00					
		\$48,738 77		\$34,754 11		\$27,425 74		\$26,551 00	

DEPARTMENT OF WAR, ACCOUNTANT'S OFFICE, February 22, 1816.

TOBIAS LEAR.

Statement of presents, including provisions and other supplies, furnished for the several Indian tribes, from March 4, 1811, to March 4, 1815.

By whom furnished.	Dates.	Tribes on the northern & north-western frontiers.	Tribes on the western frontier.	Tribes on the southern frontier.	Indians visiting the seat of Governm't.	Remarks.
John Mason,	From April 12, 1812, to December 27, 1814,	\$69,476 01	\$4,664 56	\$61,009 29	\$3,735 09	Amount of provisions furnished. Ditto, ditto.
Elbert Anderson, contractor,	From June, 1812, to May, 1814,	38,491 83	. . . . .	. . . . .	. . . . .
Abm. Per Lee, quartermaster,	In November, 1812,	84 10	. . . . .	. . . . .	. . . . .
Augustus Porter, contractor,	From October, 1811, to May, 1813,	10,135 36	. . . . .	. . . . .	. . . . .
James White, contractor,	From July, 1812, to May, 1813, . . . . .	. . . . .	. . . . .	23,516 97	
John H. Piatt, contractor,	From June 1, 1814, to February 28, 1815,	76,073 71	. . . . .	. . . . .	. . . . .
William Morrison, contractor,	In January, 1813,	26 00	. . . . .	. . . . .	. . . . .
Ward & Taylor, contractors,	From July, 1812, to May 31, 1814, . . . . .	. . . . .	. . . . .	14,671 39	
John T. Wirt, quartermaster,	In June, 1813, . . . . .	. . . . .	. . . . .	316 00	
Barclay McGhee, contractor,	From June, 1813, to August, 1814, . . . . .	. . . . .	. . . . .	12,007 19	
Sundry persons at the seat of Government,	From February 6, 1812, to Febr'y, 1815, . . . . .	. . . . .	. . . . .	. . . . .	26,615 85
F. Conkling,	In March, 1814,	240 00	. . . . .	. . . . .	. . . . .
Rufus Hatch,	In October and November, 1812,	95 02	. . . . .	. . . . .	. . . . .
William L. Lovely,	From October, 1813, to March, 1815, . . . . .	. . . . .	. . . . .	658 25	
Ninian Edwards,	From June, 1813, to June, 1814,	3,277 33	. . . . .	. . . . .	. . . . .
Erastus Granger,	In 1812 and 1813,	1,693 47	. . . . .	. . . . .	. . . . .
Return J. Meigs,	From October, 1812, to Sept. 30, 1814, . . . . .	. . . . .	. . . . .	14,401 43	
Benjamin F. Stickney,	From March 7, 1812, to Sept. 14, 1814,	18,471 41	. . . . .	. . . . .	. . . . .
Benjamin Hawkins,	In 3d quarter of 1812, . . . . .	. . . . .	. . . . .	1,500 00	
John McKee,	From September, 1813, to March, 1815, . . . . .	. . . . .	. . . . .	8,480 39	
James Robertson,	From October, 1812, to March 31, 1815, . . . . .	. . . . .	. . . . .	1,584 50	
William Cocke,	From December 1, 1814, to March, 1815, . . . . .	. . . . .	. . . . .	273 00	
William Hull,	From January 1 to December 1, 1812,	4,030 76	. . . . .	. . . . .	. . . . .
Thomas Gales,	From January 1 to March, 1815, . . . . .	. . . . .	. . . . .	3,942 08	
William Clark,	From February, 1812, to March 3, 1815, . . . . .	. . . . .	16,560 83	. . . . .	. . . . .
Nicholas Boilvin,	In 1812, . . . . .	. . . . .	10,891 14	. . . . .	. . . . .
Silas Dinsmoor,	In 1811, 1812, and 1813, . . . . .	. . . . .	. . . . .	8,163 38	
James Taylor,	In 1812,	293 53	. . . . .	. . . . .	. . . . .
Reuben Atwater,	In 1811 and 1812,	603 92	. . . . .	. . . . .	. . . . .
Nathan Heald,	In 1811,	387 10	. . . . .	. . . . .	. . . . .
James Gibson,	In 1812 and 1813,	454 62	. . . . .	. . . . .	. . . . .
John Barney,	In 1813,	266 21	. . . . .	. . . . .	. . . . .
Tench Coxe,	In 3d quarter of 1811,	1,387 64	. . . . .	. . . . .	. . . . .
		\$225,788 02	\$32,116 53	\$150,523 87	\$30,350 94	

NOTE.—The foregoing statement embraces the provisions furnished Indians at different periods while in the service of the United States, as well as other articles for their equipment for war against the hostile tribes; as also their expenses visiting the seat of Government, and at councils in different places; (the rations, to a considerable amount, have been furnished without designating the names of the tribes;) also the presents forwarded by General Mason. The evidence in all cases of their application not being yet received at this office, a more detailed statement than the foregoing is at this time impracticable. The accounts for 1811 and 1812 having been destroyed at the Treasury, no selection could be made of the presents to Indians in those periods.

DEPARTMENT OF WAR, ACCOUNTANT'S OFFICE, February 22, 1816.

TOBIAS LEAR.

No. 3.

Statement of disbursements on account of the Indian department, designating the expenditures in each agency, from 3d March, 1811, to 3d March, 1815, as far as accounts have been rendered to this office.

Settlements.		With whom.	Nature of expenditures.	Dollars.	Amount.
Date.	No.				Dollar.
CHEROKEE AGENCY, (HIGHWASSEE, TENN.)					
1811. May 30,	1314	Return J. Meigs, agent,	For disbursements from 1st January to 31st March, 1811, for salaries of the agent, assistants, interpreters, and others employed in the Indian department at Highwassee, payments for agricultural instruments, and expenditures of a contingent nature, - - -	1,387 03	
August 23, Dec. 11, 1812.	1454 1607	Do. - -	For similar expenditures in the 2d quarter of 1811, - - -	1,241 78	
Feb. 24, May 30, Oct. 24, 1813.	1740 1940 2254	Do. - -	Do. do. 3d do. - - -	1,126 75	
March 26, July 26, Oct. 25, Dec. 31,	2653 3020 3299 3542	Do. - -	Do. do. 4th do. - - -	3,378 23	
		Do. - -	Do. do. 1st quarter of 1812, - - -	1,372 27	
		Do. - -	Do. do. 2d do. - - -	2,146 90	
		Do. - -	Do. do. 3d and 4th do. - - -	4,365 04	
		Do. - -	Do. do. 1st quarter of 1813, - - -	2,772 03	
		Do. - -	Do. do. 2d do. - - -	1,511 04	
		Do. - -	Do. do. 3d do. - - -	2,043 42	
		Do. - -	Do. do. 4th do. - - -	5,617 68	
		Do. - -	Do. do. 1st quarter of 1814, - - -	2,735 43	
		Do. - -	Do. do. 2d and 3d do. - - -	6,619 18	
		Do. - -	Do. do. 4th do. - - -	2,522 54	
		Do. - -	Do. do. 1st quarter of 1815, - - -	1,519 00	40,358 32
AGENCY AT ARKANSAS.					
1811. July 15, Nov. 23, 1812.	1595 1587	Samuel Treat, agent, -	For his salary from 1st March to 31st May, 1811, - - -	100 00	
Feb. 24, April 9,	1742 1833	Do. - -	Do. do. to 30th September, 1811, - - -	141 58	
		Do. - -	Do. do. to 30th November, 1811, - - -	167 41	
Nov. 14,	2285	Do. - -	For sundry articles purchased for the use of the Indian department, from September, 1811, to 21st January, 1812, - - -	650 00	
		Wm. L. Lovely, agent,	Do. for chiefs of the Cherokee and Occapah Indians, &c. from 1st December, 1811, to 31st August, 1812, - - -	484 29	
			For disbursements between 1st October, 1813, and 31st March, 1815, for provisions and other articles for Indians, services of interpreters, &c. - - -	1,218 67	2,761 95
AGENCY AT BUFFALO.					
1811. Oct. 7, 1812.	1506	Jasper Parrish, sub-ag't,	For his salary for the 2d and 3d quarters of 1811, - - -	225 00	
Feb. 4, April 6,	1700 1816	Do. - -	For his subsistence for the year 1811, - - -	109 50	
April 5,	1703	Erastus Granger, -	For his salary from 1st October, 1811, to 31st March, 1812, - - -	225 00	
July 28, Oct. 2, 1813.	2074 2192	Do. - -	For disbursements in 1811 for salaries of the agent, interpreters, &c., purchase of agricultural implements, and payments of a contingent nature, - - -	2,038 99	
Jan. 27, April 7,	2478 2704	Jasper Parrish, -	For his salary, &c. from 1st January to 30th June, 1812, - - -	576 02	
		Erastus Granger, -	Do. from 1st April to 30th September, 1812, - - -	225 00	
Oct. 1, 1814.	3230	Jasper Parrish, -	For his subsistence for 1812, - - -	102 20	
April 7, Oct. 18, 1815.	4004 4534	Do. - -	For disbursements in 1812 by himself and Jasper Parrish, sub-agent, for articles purchased for the Six Nations, salaries of the agent, interpreters, &c. - - -	10,182 52	
March 10,	-	Erastus Granger, -	For his salary from 1st October, 1812, to 30th September, 1813, - - -	450 00	
		Do. - -	For his subsistence from 1st June to 31st December, 1813, - - -	117 18	
		Do. - -	For his salary from 1st October, 1813, to 30th September, 1814, - - -	450 00	
Oct. 11,	-	Jasper Parrish, -	For disbursements made by himself and Jasper Parrish from 1st January to 31st December, 1813, for articles purchased for Indians, salaries of the agent, interpreters, &c., and payments of a contingent nature, - - -	12,974 42	
			For his salary from 1st October, 1814, to 1st March, 1815, - - -	187 50	27,863 33
AGENCY AT CHICAGO.					
1811. Nov. 8, May 20,	1553 1919	Charles Jouett, agent, - Nathan Heald, captain,	For his salary from 1st March to 1st October, 1811, - - -	827 29	
Dec. 19, 1813.	2358	Do. - -	For amount paid John Salime, interpreter, from 1st January to 31st March, 1812, and for sundry articles for the Indian department, - - -	242 87	
Feb. 20,	2538	Do. - -	For services as Indian agent from 1st July, 1811, to 15th August, 1812, - - -	410 00	
		Do. - -	For disbursements in 1811 and 1812 for articles for the Indians, pay of interpreters, &c. - - -	897 39	2,377 55
CHICKASAW AGENCY.					
1811. Nov. 2,	1560	James Neely, agent, -	For disbursements to 30th September, 1811, for sundry articles purchased, pay of the agent, interpreters, &c., and sundry expenses of a contingent nature, - - -	3,435 21	

STATEMENT—Continued.

Settlements.		With whom.	Nature of expenditures.	Dollars.	Amount.
Date.	No.				Dollars.
CHICKASAW AGENCY—Continued.					
		James Robertson, agent,	For disbursements from 1st Oct. 1812, to 31st Dec. 1813,	5,642 30	12,403 76
		Do. - - -	Do. from 1st January to 31st March, 1814, - - -	999 75	
		William Cocke, agent,	Do. from 1st July, 1814, to 31st March, 1815, - - -	2,326 50	
AGENCY AT DETROIT.					
1811.		Whitmore Knaggs, -	For his salary to 30th September, 1811, - - -	719 80	11,233 55
Nov. 26, 1812.	1592	William Hull, -	For disbursements in the year 1811 for services of the superintendent, interpreters, and others employed in the Indian department, articles purchased for civilization, presents, &c. - - - - -	6,867 07	
April 15,	1841	Whitmore Knaggs, ass't agent and interpreter.	For his salary from 1st October, 1811, to 31st March, 1812, - - - - -	616 33	
May 9, 1813.	1906	Reuben Atwater, -	For expenditures in the Indian department during the absence of General Hull, from 2d September, 1811, to 16th August, 1812, - - - - -	1,784 80	11,233 55
Feb. 12,	2514	Whitmore Knaggs, -	For salary from 1st April to 16th August, 1812, - - - - -	460 92	
March 23,	2636	William Hull, -	For expenditures in 1812 for pay of interpreters, presents to Indians, and expenses attending at treaty at Urbana, - - - - -	784 63	
AGENCY AT ST. LOUIS, MISSOURI TERRITORY.					
1811.		William Clark, -	For disbursements to 30th September, 1811, for erecting public buildings, pay of agents, interpreters, and others employed in the Indian department, articles purchased for promoting civilization, presents, &c. - - - - -	14,359 72	71,211 37
Dec. 31,	1641	Peter Chouteau, -	For services of himself, assistant agents, &c., from 1st March to 30th June, 1811, - - - - -	792 29	
1812.		William Clark, -	For disbursements to 31st December, 1811, similar to the foregoing, - - - - -	6,055 83	
Jan. 23,	1687	Peter Chouteau, -	For compensation of himself and others to 30th June, 1812, and for disbursements similar to the foregoing, - - - - -	1,489 44	71,211 37
April 23,	1860	William Clark, -	For expenditures in his agency at St. Louis, from January, 1812, to 30th September, 1813, by himself and Peter Chouteau, similar to the foregoing, - - - - -	17,703 11	
August 25,	2119	Do. - - -	Do. from 1st October, 1813, to 31st December, 1814, - - - - -	30,810 98	
AGENCY AT PRAIRIE DU CHIEN.					
		Nicholas Boilvin, -	For disbursements in his agency in January, February, March, April, and May, 1812, for articles purchased, express hire, pay of interpreters, &c. - - - - -	3,255 31	3,255 31
CREEK AGENCY.					
1812.		Benj. Hawkins, agent,	For disbursements in the 1st and 2d quarters of 1811 for salaries of the agent, assistants, interpreters, and others employed in the Indian department, purchase of agricultural instruments, and payments of a contingent nature, - - - - -	3,022 85	15,487 95
April 21,	1849	Do. - - -	For similar disbursements from 1st July, 1811, to 31st March, 1813, - - - - -	12,465 10	
AGENCY AT FORT WAYNE.					
1812.		William Wells, -	For his services as interpreter from 1st February, 1811, to 29th February, 1812, - - - - -	394 00	32,175 14
Nov. 28, Nov. 28,	2319 2319	Jeremiah Morrow, -	For services and expenses as commissioner for holding a council in August and September, 1812, - - - - -	224 00	
Nov. 28, Nov. 28, 1814.	2320 2321	Jeremiah Worthington, Daniel Kinchaloce, -	Do. do. - - - - - Do. do. - - - - -	231 00 54 00	
March 25,	3930	William Wells, - Benj. F. Stickney, agent,	For salary to the 15th August, 1812, - - - - - For disbursements between March, 1812, and September, 1814, for salaries of the agent, interpreters, &c., provisions and other supplies to Indian warriors, payments of a contingent nature, &c. - - - - -	213 47 23,043 17	32,175 14
		Do. - - -	Do. from September, 1814, to March, 1815, - - - - -	8,015 50	
CHOCTAW AGENCY.					
1814.		Silas Dinsmoor, agent,	For disbursements from 3d March, 1813, to 30th June, 1813, for salaries of the agent, interpreters, and others employed in his department, provisions and other supplies, and sundry payments of a contingent nature, - - - - -	38,348 09	55,416 14
April 23, 1815.	4044	Do. - - -	For salary, &c. from 1st July, 1813, to 7th April, 1814, - - - - -	1,852 61	
August 29,	-	David Files, assist. dep. quartermaster gen. John McKee, agent, -	For disbursements at Mobile from October, 1814, to March, 1815, for articles for sundry Choctaw Indians, For disbursements from September, 1813, to March, 1815, for salaries of the agent, interpreters, and others, articles purchased for the agency, &c. - - - - -	918 45 14,296 99	

STATEMENT—Continued.

Settlements.		With whom.	Nature of expenditures.	Dollars.	Amount.
Date.	No.			Dollars.	Dollars.
KASKASKIA AGENCY.					
1815.					
Feb. 9,	4856	Ninian Edwards,	For disbursements in 1811, 1812, and 1813, for sundry articles purchased for Indians, pay of interpreters, &c.	7,908 34	
August 25,	-	Do.	For similar disbursements in 1814, - - -	2,502 02	10,410 36
AGENCY AT VINCENNES.					
1814.					
Feb. 14,	3717	John Gibson,	For disbursements from September, 1812, to 30th April, 1813, for articles supplied Indians, pay of interpreters, &c.	1,671 18	1,671 18
AGENCY AT NATCHITOCHES.					
		Thomas Gales,	For disbursements for services of sundry persons in the Indian department, articles furnished Indians, and payments of a contingent nature, in January, February, and March, 1815, - - -	4,598 15	4,598 1
			For the following supplies of provisions, &c. to sundry Indians, which could not be classed under the preceding heads, the accounts not designating the particular tribe or agency to which they belonged:		
1811.					
Nov. 2,	1545	Augustus Porter, contractor.	For rations furnished to Indians at Niagara, Fort Wayne, Michilimackinac, Chicago, and Detroit, from 1st March to 30th June, 1811, - - -	955 14	
Nov. 28,	1595	Do.	Do. from 1st March to 30th September, 1811, - - -	5,034 13	
1812.					
June 15,	1966	James White,	Do. from 1st June, 1811, to February, 1812, at Highwassee, Vincennes, Forts Madison and Hampton, - - -	4,752 63	
August 1,	2074	} James Morrison,	Do. from 1st May, 1811, to 31st January, 1812, at Forts Massac, Madison, Pickering, Arkansas, &c. - - -	916 89	
August 1,	2079				
Dec. 14,	2357	Starling & Delashmut,	Do. to the Wyandot Indians in October, 1812, - - -	92 32	
1813.					
May 26,	2835	Elbert Anderson, contr'r,	Do. in the State of New York, from June, 1812, to January, 1813, - - -	7,302 98	
Oct. 5,	3238	Augustus Porter,	Do. to Indians at different places in the State of New York, from October, 1811, to 31st May, 1812, - - -	6,740 29	
Oct. 18,	3281	James White,	Do. do. from August to December, 1812, - - -	19,604 85	
Oct. 18,	3267	Do.	Do. do. at Highwassee, from July, 1812, to 29th May, 1813, - - -	3,912 12	
1814.					
April 17,	4023	Augustus Porter,	Do. do. in 1812 and 1813, - - -	3,305 18	
Oct. 31,	4566	Taylor Berry,	For disbursements at Bellefontaine in the quarter ending 30th June, 1814, - - -	592 00	
Dec. 8,	4671	Ward & Taylor,	For rations furnished to Indians from June, 1813, to 31st May, 1814, - - -	14,066 92	
Dec. 15,	4683	Barclay McGhee,	Do. from 1st June to 31st August, 1814, - - -	831 35	
Dec. 21,	4701	Augustus Porter,	Do. at Fort Wayne, from June to August, 1812, - - -	389 89	
Dec. 21,	4710	William Piatt,	For disbursements at New Orleans, from 1st July to 30th September, 1814, for sundry articles for the Indian department, - - -	1,222 50	
Dec. 31,	4752	Barclay McGhee,	For rations at Highwassee and Fort Jackson, from 1st June, 1813, to 31st May, 1814, - - -	10,270 64	
March 10,	-	Elbert Anderson, contr'r,	Do. in the State of New York from 1st February, 1813, to 31st May, 1814, - - -	31,188 85	
		Barclay McGhee,	For rations furnished to Cherokee Indians in January, February, and April, 1814, - - -	1,204 72	
March 15,	-	Pollard, a Seneca chief,	For a horse lost in the United States service, - - -	80 00	
March 21,	-	William Morrison,	For rations furnished Indians at Vincennes in January, 1813, - - -	26 00	
April 30,	4014	Ward & Taylor,	Do. at Mount Vernon and Fort Claiborne in July, 1812, and May, 1813, - - -	604 47	
July 15,	4292	John T. Wirt,	For disbursements at Mobile in 1813, for supplies, &c. to Indians, - - -	394 38	
1812.					
May 4,	1890	David Holmes, M. T.	For payments to David Berry for services as interpreter from 1st March to 30th June, 1811, - - -	100 00	
1813.					
Feb. 5,	2506	Porter Hanks, captain,	Do. to P. Thierry as interpreter from 1st October, 1811, to 17th July, 1812, - - -	291 00	
Oct. 28,	3315	James Taylor,	Do. at Newport, Kentucky, in 1812, for articles for Indians, pay of interpreters, &c. - - -	355 53	
1811.					
Nov. 27,	1594	Tench Coxse,	Do. in the 2d quarter of 1811, for sundry articles for the Indian department, - - -	6,151 44	
1813.					
Dec. 20,	3504	Do.	Do. in the 3d and 4th quarters of 1811, for articles purchased for Indians, - - -	1,387 64	
1814.					
July 21,	4329	Thos. Hamilton, captain,	For services of two interpreters at Fort Madison in the 2d quarter of 1813, - - -	61 00	
		John H. Piatt, contractor,	For rations furnished to Indians on the northwestern frontier from 1st June, 1814, to 28th February, 1815, - - -	76,073 71	197,908 57
					489,132 63

NOTE.—The accounts for 1811 and 1812 having been destroyed at the Treasury by the British, the entries for those periods in the foregoing statement have been taken from the books of this office.

A.

General statement.—The following statement exhibits the amount of property on hand belonging to the United States Indian trading-house establishment, (as more particularly shown in the abstracts referred to,) on the 31st of March, 1815.

Amount of property of various kinds on hand at the trading-houses, as per abstract A a,	\$92,250 61
Amount of merchandise, cash, and other balances on the books of the superintendent, as per abstract marked A b,	99,295 85
Amount of furs, peltries, &c., in the hands of Joseph Saul, agent, New Orleans, as per abstract marked A c,	49,797 41
Amount of furs, peltries, &c. in the stores of the superintendent, as per abstract marked A d,	14,416 46
Amount of property in the hands of James Kennerly, agent, St. Louis, as per abstract marked A e,	1,188 45
Amount due from the Treasury for salaries of factors and assistant factors, for which the trade fund is in advance, as per abstract marked A f,	7,224 65
	264,173 43
Less amount balances on the books of the superintendent due to sundry persons, as per abstract marked A g,	2,805 34
Present state of the fund,	\$261,368 09
Notwithstanding the loss of \$43,369 61, (see abstract F m in account F,) destroyed or taken by the British and Indians in war during the last four years.	
Original capital,	\$290,000 00
Capital as existing on 31st March, as above,	261,368 09
Diminution of capital, estimated on the 31st March, 1815, at	\$28,631 91

A a.

Abstract of property on hand and debts due at the different Indian trading-houses on the 31st March, 1815, as per the inventories and accounts rendered the Superintendent of Indian Trade by the factors.

FORT HAWKINS.			
Amount of merchandise and contingent articles,		\$995 14½	
Amount of cash,		117 46	
Amount of peltry,		6,782 30	
Amount of debts due,		3,471 06½	
Amount of buildings,		727 31½	
		12,093 28½	
Deduct debts due by the factory,		85 62	\$12,007 66½
CHICKASAW.			
Amount of merchandise,		2,414 72½	
Amount of furs and peltries,		205 19	
Amount of debts due,		3,356 81½	
Amount of buildings,		100 00	6,076 73
CHOCTAW.			
Amount of merchandise,		5,825 48	
Amount of peltry, &c.		17,694 70	
Amount of cash,		4,676 72	
Amount of bills receivable,		273 10	
Amount of debts,		7,501 53	35,971 53
OSAGE.			
Amount of merchandise,		9,869 75½	
Amount of debts due,		140 71½	
Amount of buildings,		2,543 60½	12,554 08
NATCHITOCHE.			
Amount of merchandise,		5,386 83	
Amount of furs and peltries,		8,265 25	
Amount of factory buildings,		2,239 97	
Amount of furniture,		200 00	
Amount of cash,		108 73½	
Amount of bills of exchange,		4,598 16½	
Amount of debts due,		474 41	21,273 35
DES MOINES.			
Amount of merchandise, furniture, &c.		12,301 73	
Amount of debts due,		4,686 47½	16,988 20½
			\$104,871 55

RECAPITULATION.

Merchandise,	\$36,793 66½	
Furs and peltries,	32,947 44	
Cash,	4,902 91	
Debts,	19,631 01	
Buildings,	5,610 88½	
Bills of exchange,	4,598 15¾	
Bills receivable,	273 10	
Furniture,	200 00	
	104,957 17	
Deduct debts due by Fort Hawkins factory,	85 62	\$104,871 55
Deduct loss on Indian debts, many of which are old and unsettled from the commencement of the business: amount as shown above, \$19,631 01, estimated at 50 per cent.,	9,815 50½	
Deduct loss on the buildings erected at the factories, most of which, being remote from settlements, will be of no value when the trading-houses may be removed or discontinued: amount as shown above, \$5,610 88½, estimated at 50 per cent.	2,805 44½	
		12,620 95
		\$92,250 60

A b.

List of balances due the Superintendent of Indian Trade, and merchandise, cash, and bills remaining in his hands on the 31st of March, 1815.

Thomas Crab, gunsmith, due from him,		\$28 70
Thomas Waterman, late agent at Philadelphia,		1,376 07
Joseph Lopez Dias, New York,		1,615 89
Lemuel Shaw, blacksmith,		100 00
Samuel Waterman,		34 70
Edward Langley, hatter,		78 28
George C. Sibley,		169 00
John Johnson,		210 00
Abraham Edwards,		1,057 00
Joseph Saul, New Orleans,		19,121 57
James Kennerly, St. Louis,		3,332 49
John W. Bronaugh,		3,490 43
Cash on hand, in the Bank of Columbia,		13,533 86
Merchandise on hand,		18,788 28
Indian annuity fund,		24,131 07
Bills receivable, viz:		
William Clark, drafts on War Department,	\$7,312 47	
John Sibley, do. do.	1,349 06	
John Johnson, do. do.	434 12	
Andrew Jackson, do. do.	700 00	
D. Burford, do. do.	654 67	
J. Brown, jun., do. do.	180 87	
J. L. La Rentrée's note,	2,812 50	
Samuel Hattersley's note,	225 00	
		13,668 69
		100,736 03
Deduct loss and damage on merchandise on hand, occasioned by the goods being sunk in the Georgetown packets, to prevent their falling into the hands of the enemy on the 25th of August, 1814, estimated at		1,440 18
		\$99,295 85

A c.

Abstract of furs, peltries, &c. forwarded, at various times, from sundry trading-houses to Joseph Saul, agent, New Orleans, not included in any of the returns of property on hand at the factories now made, and remaining unsold at New Orleans, March 31, 1815.

From what trading-house.	Description of skins.	Quantity and price.	Aggregate.	Total for each trading-house.
Natchitoches,	Shaved deer skins,	42,771 pounds, at 40 cents,	\$17,108 40	\$19,301 31
	Do. do.	6,944 do. at 25 do.	1,736 00	
	Gray deer skins in hair, (damg'd.) [N. B.—The above peltries were sold by Mr. Saul, April 5th, at the prices they are now carried out at.]	3,589 do.	456 91	
Choctaw,	Gray deer skins,	25,970 do. at 20 do.	5,194 00	6,486 11
	Do. do.	11,546 do. at 10 do.	1,154 60	
	Dressed deer skins,	141 do.	137 51	
Chickasaw,	Gray deer skins,	30,706 do. at 20 do.	6,141 20	23,812 23 197 76 \$49,797 41
	Do. do.	5,304 do. at 10 do.	530 40	
	Wolf skins,	19 skins, at 40 do.	7 60	
	Elk skins,	1 skin,	1 00	
	Gray deer skins,	77,286 pounds, at 18 do.	13,911 48	
	Shaved deer skins,	9,223 do. at 20 do.	1,844 60	
	Panther and wolf skins,	39 skins, at 50 do.	19 50	
	Beaver skins,	189 pounds,	205 00	
	Otter skins,	223 skins,	314 50	
	Raccoon skins,	2,411 do.	309 78	
	Cat skins,	177 do. at 25 do.	44 25	
	Fox skins,	886 do.	202 50	
	Bear and cub skins,	86 do.	75 62	
Tallow,	1,223 pounds, at 10 do.	122 30		
Beeswax,	330 do. at 25 do.	82 50		
Arkansas,	Deer skins,	1,072 do.	23,812 23 197 76
	[All these skins, except the peltries from Natchitoches, (as noted above,) are estimated as to price.]			\$49,797 41

A d.

Abstract of furs, peltries, &c. forwarded, at various times, from sundry factories, not included in any of the returns now made of property on hand at the factories, and remaining unsold at the stores of the superintendent on the 31st March, 1815.

Des Moines, - -	Sundry furs, &c. which were sold at auction, 10th April, - - -	\$9,451 86	\$9,677 38
	Beaver, 48½ pounds, at \$4 65, - - -	225 52	
Osage, - - -	Sundry furs which were sold at auction, April 10th, - - -	4,035 08	4,739 08
	Bear skins, 256, at \$2 75, - - -	704 00	
			\$14,416 46

A e.

Abstract of lead forwarded from Des Moines factory, and beeswax from Osage factory, not included in any of the returns now made of property on hand at the factories, and remaining in the hands of James Kennerly, agent, St. Louis, on the 31st March, 1815.

Des Moines trading-house, 22,621 pounds of lead, at 5 cents, - - -	\$1,131 05
Osage trading-house, 287 pounds of beeswax, at 20 cents, - - -	57 40
	1,188 45

A f.

Statement exhibiting the amounts due from the United States Treasury for salaries to factors, on the 31st March, 1815.

Names of agents.	Capacity employed in.	Where employed.	Amounts.
George C. Sibley, -	Factor, -	Fort Osage, 1 year, -	\$1,000 00
John Johnson, -	Factor, -	Fort Madison, 1 year, -	1,000 00
Robert B. Belt, -	Assistant, -	Fort Madison, 1 year, -	500 00
Isaac Rawlings, -	Factor, -	Chickasaw bluffs, 1 year, -	1,000 00
Thomas M. Linnard, -	Factor, -	Natchitoches, 1 year, -	1,000 00
George S. Gaines, -	Factor, -	Fort St. Stephen's, 1 year, -	1,000 00
Thomas Malone, -	Assistant, -	Fort St. Stephen's, 1 year, -	500 00
Jonathan Halsted, -	Factor, -	Fort Hawkins, 2 quarters and 81 days, -	724 65
Charles Magnan, -	Assistant, -	Fort Hawkins, 1 year, -	500 00
			\$7,224 65

A g.

List of balances due from the Superintendent of Indian Trade on the 31st of March, 1815.

Peter Gansevoort, late agent at Albany, due him, -	-	-	\$54 48
Nathaniel Leonard, -	-	-	998 36
G. C. Sibley, United States factor at Osage, -	-	-	341 25
John Johnson, United States factor at Des Moines, -	-	-	341 25
John Kelly, warehouseman and packer, -	-	-	30 00
William Whann, cashier of the Bank of Columbia, due him for two years' rent for Indian stores, -	-	-	1,040 00
			\$2,805 34

B.

ANNUAL ACCOUNT GENERAL.

The United States trading-houses for the Indian trade, carried on at them all, from March 31, 1811, to April 1, 1812.

		Drs.	
1812, March 31,	Chickasaw trading-house. Amount debits this year, per statement B a,	-	\$25,564 32
" "	Choctaw trading-house. Amount debits this year, per statement B b,	-	31,437 20
" "	Des Moines trading-house. Amount debits this year, per statement B c,	-	33,826 35
" "	Osage trading-house. Amount debits this year, per statement B d,	-	35,549 60
" "	Natchitoches trading-house. Amount debits this year, per statement B e,	-	35,669 66
" "	Chicago trading-house. Amount debits this year, per statement B f,	-	18,785 25
" "	Michilmackinac trading-house. Amount debits this year, per statement B g,	-	20,123 75
" "	Sandusky trading-house. Amount debits this year, per statement B h,	-	11,513 60
" "	Fort Hawkins trading-house. Amount debits this year, per statement B i,	-	17,500 86
			\$229,970 59
		Crs.	
1812, March 31,	Chickasaw trading-house. Amount credits this year, per statement B a,	-	\$29,170 83
" "	Choctaw trading-house. Amount credits this year, per statement B b,	-	28,090 82
" "	Des Moines trading-house. Amount credits this year, per statement B c,	-	38,112 06
" "	Osage trading-house. Amount credits this year, per statement B d,	-	37,479 49
" "	Natchitoches trading-house. Amount credits this year, per statement B e,	-	32,035 48
" "	Chicago trading-house. Amount credits this year, per statement B f,	-	20,559 19
" "	Michilmackinac trading-house. Amount credits this year, per statement B g,	-	22,127 07
" "	Sandusky trading-house. Amount credits this year, per statement B h,	-	9,720 47
" "	Fort Hawkins trading-house. Amount credits this year, per statement B i,	-	17,458 11
			234,753 52
			229,970 59
By balance gained in trade,			\$4,782 93

B a.

Annual account particular of the trade carried on at the United States trading-house at Chickasaw Bluffs, from 31st March, 1811, to 1st April, 1812.

		Dr.			
1811.					
April 1,	To amount of capital stock at the trading-house:				
	Merchandise, - - - - -		\$2,091 97		
	Peltries, - - - - -		2,012 50		
	Cash, - - - - -		7 01½		
	Contingent articles, - - - - -		36 00		
	Debts due, - - - - -		3,487 22½		
	Buildings, estimated at - - - - -		100 00		
					\$7,734 71
April 1,	To amount of furs, peltries, &c., remaining unsold in the hands of agents at this date, estimated at - - - - -		-		7,964 80
April 1,	To amount of merchandise forwarded from the superintendent's office in March last, which had not reached the trading-house at this date, - - - - -		-		2,293 00
1812.					
March 31,	To amount of merchandise forwarded from the superintendent's office since the 1st April last, - - - - -		-		4,314 73
March 31,	To expense of transportation and other incidental expenses, as labor and store rent, in preserving skins at different places, and due proportion of contingent expenses at the superintendent's office, - - - - -		-		2,823 78
March 31,	To subsistence of the factor and assistant, - - - - -		-		433 12
					\$25,564 33
1812.		Cr.			
March 31,	By amount of stock on hand at trading-house:				
	Merchandise, - - - - -		\$7,371 26		
	Furniture, implements, &c. - - - - -		239 97½		
	Furs and peltries, - - - - -		1,992 25		
	Cash, - - - - -		79 50½		
	Debts due, - - - - -		3,387 97		
	Buildings, estimated at - - - - -		100 00		
				13,170 96	
March 31,	By amount received for furs and peltries sold, - - - - -		-	2,099 86	
March 31,	By amount received in cash and drafts, - - - - -		-	98 25	
March 31,	By amount paid by the trading-house, in part salary of agents, and reimbursed by the Treasury, - - - - -		-	1,000 00	
March 31,	By amount of furs and peltries remaining in store unsold, estimated at - - - - -		-	12,801 76	
					29,170 83
					\$3,606 51
	Balance, being estimated gain this year, - - - - -		-		

B b.

Annual account particular of the Indian trade carried on at the United States Choctaw trading-house, from 31st March, 1811, to 1st April, 1812.

		Dr.			
1811.					
April 1,	To amount of capital stock at trading-house:				
	Merchandise, - - - - -		\$9,102 60		
	Peltries, &c. - - - - -		11,634 96		
	Cash, - - - - -		1,325 75		
	Debts due, - - - - -		3,969 90		
				\$26,033 21	
April 1,	To amount of furs and peltries remaining unsold in the hands of agents at this date, estimated at - - - - -		-	147 43	
April 1,	To amount of merchandise forwarded from the superintendent's office in March last, but which had not reached the trading-house at this date, - - - - -		-	2,495 06	
1812.					
March 31,	To amount of merchandise forwarded from the superintendent's office since April 1, - - - - -		-	780 29	
	To expenses of transportation and other incidental expenses, as labor and store rent, in preserving skins at different places, and a due proportion of the contingent expenses at the superintendent's office, - - - - -		-	1,981 21	
					\$31,437 20
1812.		Cr.			
March 31,	By amount of stock on hand at trading-house:				
	Merchandise, - - - - -		\$6,738 09		
	Peltry, - - - - -		5,791 95		
	Cash, - - - - -		2,488 31		
	Debts, - - - - -		3,760 48		
				18,778 83	
March 31,	By amount received for furs and peltries sold, - - - - -		-	147 43	
March 31,	By amount paid at the trading-house, the salaries of the agent and assistant agent, and reimbursed at the Treasury, - - - - -		-	1,500 00	
March 31,	By amount of furs and peltries remaining in store unsold, estimated at - - - - -		-	7,664 56	
					28,090 82
	Balance, being estimated loss this year, - - - - -		-		\$3,346 38

B c.

Annual account particular of the trade carried on at the United States trading-house at Des Moines, from 31st March, 1811, to 1st April, 1812.

		Dr.		
1811.				
April 1,	To amount of capital stock on hand at the factory at this date, viz:			
	Merchandise, - - - - -		\$12,929 26 $\frac{3}{4}$	
	Furs, peltries, and lead, - - - - -		5,017 31 $\frac{3}{4}$	
	Debts due, - - - - -		825 57	
	Cash, - - - - -		19 87	
	Buildings, - - - - -		3,321 00	
				\$21,413 02
April 1,	To amount of merchandise forwarded from the superintendent's office, which had not reached the factory at this date, - - - - -		-	3,726 88
April 1,	To amount of peltries, &c. remaining unsold in the stores of the superintendent, and in the hands of agents, at this date, estimated at - - - - -		-	4,266 65
1812.				
March 31,	To amount of merchandise forwarded from the superintendent's office since 1st April last, cost - - - - -		-	2,720 06
March 31,	To expense of transportation and other incidental expenses, as labor and store rent, in preserving furs and peltries at different places, interpreters, and due proportion of contingent expenses at superintendent's office, estimated at - - - - -		-	1,184 74
March 31,	To amount of subsistence of factor and assistant factor from 1st April last to this date, - - - - -		-	515 00
				33,826 35
1812.		Cr.		
March 31,	By amount of stock on hand at the factory, viz:			
	Merchandise, - - - - -	\$8,616 44		
	Furs, peltries, and lead, - - - - -	9,443 18 $\frac{3}{4}$		
	Debts due, - - - - -	1,109 76 $\frac{3}{4}$		
	Cash, - - - - -	218 76 $\frac{1}{4}$		
	Buildings, - - - - -	3,321 00		
			22,709 16	
March 31,	By amount received for furs, peltries, &c. sold, - - - - -		10,762 11	
March 31,	By amount of furs, peltries, &c. in store for sale at this date, estimated at - - - - -		4,309 79	
March 31,	By amount paid at the factory in part of agents' salaries, and reimbursed by the Treasury, from 1st April to this date, - - - - -		331 00	
				38,112 06
	Balance, being estimated gain this year, - - - - -		-	\$4,285 71

B d.

Annual account particular of trade carried on at the United States trading-house at Osage, from 31st March, 1811, to 1st April, 1812.

		Dr.		
1811.				
April 1,	To amount of capital stock at the factory, viz:			
	Merchandise, &c. cost - - - - -		\$21,331 87 $\frac{3}{4}$	
	Furs and peltries, - - - - -		2,822 26	
	Buildings, - - - - -		3,180 00	
	Debts due, - - - - -		2,255 30	
				\$29,589 43
April 1,	To amount of merchandise forwarded from superintendent's office, which had not reached the factory at this date, - - - - -		-	229 87
April 1,	To amount of peltries, &c. remaining unsold in the stores of the superintendent and in the hands of agents at this date, - - - - -		-	4,257 10
1812.				
March 31,	To amount of merchandise forwarded since 1st April last, - - - - -		-	534 94
March 31,	To expense of transportation and other incidental expenses, as labor and store rent, in preserving furs and peltries at different places, interpreters, and due proportion of contingent expenses at superintendent's office, estimated at - - - - -		-	423 26
March 31,	To amount of subsistence of factor and assistant factor, from 1st April last to this date, - - - - -		-	515 00
				35,549 60
1812.		Cr.		
March 31,	By amount received for furs and peltries sold, - - - - -		6,151 46	
March 31,	By amount received in cash and drafts, - - - - -		3,480 00	
March 31,	By amount of furs, peltries, &c. in store for sale at this date, estimated at - - - - -		4,222 74	
March 31,	By amount of stock on hand at factory, viz:			
	Merchandise, &c. - - - - -	\$14,544 77		
	Furs and peltries, - - - - -	5,307 13		
	Buildings, - - - - -	2,443 00		
	Debts due, - - - - -	522 46		
	Cash, - - - - -	105 28		
			22,922 64	
March 31,	By amount paid at the factory in part of agents' salaries, and reimbursed by the Treasury, from 1st April, 1811, to this date, - - - - -		702 65	
				37,479 49
	Balance, being estimated gain this year, - - - - -		-	\$1,929 89

B e.

Annual account particular of the Indian trade carried on at the United States trading-house at Natchitoches, from 31st March, 1811, to 1st April, 1812.

		DR.					
1811.							
April 1,	To amount of capital stock on hand at the trading-house:						
	Merchandise, cost	-	-	-	-	\$6,395 00	
	Furs and peltries, cost	-	-	-	-	2,157 79	
	Buildings, cost	-	-	-	-	2,239 97	
	Debts due,	-	-	-	-	1,155 23	
							\$11,947 98
April 1,	To furs and peltries remaining in store unsold, estimated at -					-	9,607 59
1812.							
March 31,	To amount of merchandise forwarded from the superintendent's office since April 1st, cost	-	-	-	-	-	9,099 70
March 31,	To expenses of transportation and other incidental expenses, as labor and store rent, in preserving skins at different places, and a due proportion of contingent expenses at the superintendent's office,	-	-	-	-	-	4,649 39
March 31,	To subsistence of the factor,	-	-	-	-	-	365 00
							35,669 66
1812.		CR.					
March 31,	By amount of capital stock at the trading-house:						
	Merchandise, at cost, -	-	-	-	-	8,736 50	
	Furs and peltries, at cost, -	-	-	-	-	1,147 58	
	Cash, -	-	-	-	-	30 90 $\frac{1}{2}$	
	Debts due, -	-	-	-	-	886 43 $\frac{1}{2}$	
	Buildings, at cost, -	-	-	-	-	2,239 97	
	Furniture, at cost, -	-	-	-	-	200 00	
						13,241 39	
March 31,	By amount received for furs and peltries sold, -	-	-	-	-	203 57	
March 31,	By amount received in cash and drafts, -	-	-	-	-	500 75	
March 31,	By amount paid at the trading-house in part salary to agent, and reimbursed at the Treasury, -	-	-	-	-	515 09	
March 31,	By amount of furs, peltries, &c. remaining in store unsold, estimated at	-	-	-	-	17,574 77	
							32,035 48
	Balance, being estimated loss this year, -	-	-	-	-	-	\$3,634 18

B f.

Annual account particular of the Indian trade carried on at the United States trading-house at Chicago, from 31st March, 1811, to 1st April, 1812.

		DR.					
1811.							
April 1,	To amount of capital stock at the trading-house:						
	Merchandise, at cost,	-	-	-	-	\$5,630 62	
	Furs and peltries, at cost,	-	-	-	-	3,940 10 $\frac{1}{2}$	
	Debts due,	-	-	-	-	838 30 $\frac{1}{2}$	
	Cash, -	-	-	-	-	330 71	
	Furniture and contingent articles,	-	-	-	-	228 94	
	Buildings, estimated at	-	-	-	-	500 00	
							\$11,468 68
April 1,	To amount of furs and peltries remaining in store unsold, estimated at -					-	94 07
1812.							
March 31,	To amount of merchandise forwarded from the superintendent's office since April 1,	-	-	-	-	-	5,097 06
March 31,	To expenses of transportation and other incidental charges, as labor and store rent, in preserving skins at different places, and a due proportion of contingent expenses at the superintendent's office,	-	-	-	-	-	1,760 44
March 31,	To subsistence of the factor,	-	-	-	-	-	365 00
							18,785 25
1812.		CR.					
March 31,	By amount of stock on hand at the trading-house:						
	Merchandise, furs, cash, &c. -	-	-	-	-	\$12,472 04 $\frac{3}{4}$	
	Debts due, -	-	-	-	-	510 71 $\frac{1}{4}$	
	Furniture, -	-	-	-	-	134 31	
	Contingent articles, -	-	-	-	-	110 07 $\frac{1}{2}$	
	Buildings, estimated at	-	-	-	-	500 00	
						13,727 15	
March 31,	By amount received for furs and peltries sold, -	-	-	-	-	85 06	
March 31,	By amount received in cash and drafts, -	-	-	-	-	945 35	
March 31,	By amount of furs and peltries remaining in store unsold, estimated at	-	-	-	-	5,801 63	
							20,559 19
	Balance, being estimated gain this year, -	-	-	-	-	-	\$1,773 94

B i.

Annual account particular of the Indian trade carried on at the United States trading-house at Fort Hawkins, from 31st March, 1811, to 1st April, 1812.

		Dr.		
1811.	April 1,	To amount of capital stock at the trading-house:		
		Merchandise, - - - -	\$4,845 10	
		Cash, - - - -	1,343 39	
		Furs and peltries, - - - -	6,935 87½	
		Buildings, - - - -	470 28½	
		Debts due, - - - -	571 86½	
1812.	March 31,	To amount of merchandise forwarded from the superintendent's office since April 1, - - - -		\$14,166 51½
1812.	March 31,	To expenses of transportation and other incidental expenses, labor and store rent, in preserving skins at various places, and a due proportion of contingent expenses at the superintendent's office, - - - -	2,533 87	
			800 48	\$17,500 86½
		Cr.		
1812.	March 31,	By amount of stock on hand at the trading-house:		
		Merchandise, implements, &c. - - - -	\$4,746 40½	
		Furs and peltries, - - - -	8,238 95	
		Cash, - - - -	2,402 05½	
		Buildings, - - - -	514 72½	
		Debts due, - - - -	55 98	
1812.	March 31,	By amount of salaries of factor and assistant, paid at the trading-house, and reimbursed by the Treasury, - - - -	15,958 11½	
			1,500 00	17,458 11½
		Balance, being estimated loss this year, - - - -	-	\$42 75

C.

ANNUAL ACCOUNT GENERAL.

The United States trading-houses for the Indian trade, carried on at them all, from 31st March, 1812, to 1st April, 1813.

		Drs.		
March 31, 1813,	Chickasaw trading-house. Amount debits this year, per statement C a,	-	-	\$26,774 28
" "	Choctaw trading-house. Amount debits this year, per statement C b,	-	-	32,241 80
" "	Des Moines trading-house. Amount debits this year, per statement C c,	-	-	35,270 94
" "	Osage trading-house. Amount debits this year, per statement C d,	-	-	33,982 06
" "	Natchitoches trading-house. Amount debits this year, per statement C e,	-	-	37,871 14
" "	Chicago trading-house. Amount debits this year, per statement C f,	-	-	20,375 04
" "	Michilimackinac trading-house. Amount debits this year, per statement C g,	-	-	13,905 89
" "	Sandusky trading-house. Amount debits this year, per statement C h,	-	-	8,146 10
" "	Fort Hawkins trading-house. Amount debits this year, per statement C i,	-	-	16,200 18
	Balance, - - - -	-	-	224,767 43
				7,397 49
				\$232,164 92
		Amount of property taken or destroyed by the enemy this year, per statement F m:		
March 31, 1813,	Des Moines trading-house. Amount taken or destroyed, - - - -	-	-	\$5,500 00
	Michilimackinac trading-house. Amount taken or destroyed, - - - -	-	-	12,961 31
	Chicago trading-house. Amount taken or destroyed, - - - -	-	-	13,074 47
	Sandusky trading-house. Amount taken or destroyed, - - - -	-	-	6,333 83
				\$37,869 61
	To final balance, deducting losses by the enemy, - - - -	-	-	\$30,472 12
		CRS.		
March 31, 1813,	Chickasaw trading-house. Amount credits this year, per statement C a,	-	-	\$21,908 14
" "	Choctaw trading-house. Amount credits this year, per statement C b,	-	-	32,396 90
" "	Des Moines trading-house. Amount credits this year, per statement C c,	-	-	39,600 23
" "	Osage trading-house. Amount credits this year, per statement C d,	-	-	37,352 02
" "	Natchitoches trading-house. Amount credits this year, per statement C e,	-	-	42,509 34
" "	Chicago trading-house. Amount credits this year, per statement C f,	-	-	20,172 26
" "	Michilimackinac trading-house. Amount credits this year, per statement C g,	-	-	13,377 61
" "	Sandusky trading-house. Amount credits this year, per statement C h,	-	-	8,219 62
" "	Fort Hawkins trading-house. Amount credits this year, per statement C i,	-	-	16,628 80
				\$232,164 92
	Balance gained in trade, - - - -	-	-	\$7,397 49
	Balance, - - - -	-	-	30,472 12
				\$37,869 61

C a.

Annual account particular of the Indian trade carried on at the United States trading-house at Chickasaw Bluffs, from 31st March, 1812, to 1st April, 1813.

		Dr.		
1812.	April 1,	To amount of capital stock at the trading-house, as shown in statement marked B a,	-	\$13,170 96
	April 1,	To amount of furs, peltries, &c. in store, unsold, estimated at	-	13,801 76
1813.	March 31,	To amount of merchandise forwarded from the superintendent's office since the 1st April last,	-	
	March 31,	To expense of transportation and other incidental expenses, as labor and store rent, in preserving skins at different places, and due proportion of the contingent expenses at the superintendent's office,	-	513 72
	March 31,	To subsistence of the factor and assistant,	-	287 84
				26,774 28
		Cr.		
1813.	March 31,	By amount of stock on hand at the trading-house, viz:		
		Merchandise,	- \$3,021 29	
		Furniture, &c.,	- 239 97½	
		Cash,	- 83	
		Debts due,	- 3,386 13½	
		Buildings, estimated at	- 100 00	
				\$6,748 23½
	March 31,	By amount received for furs, &c. sold,	-	5,499 77
	March 31,	By amount paid at the trading-house in part salary of agents, and reimbursed by the Treasury,	-	958 72
	March 31,	By amount of furs, peltries, &c. remaining in store unsold, estimated at	-	8,701 42
				21,908 14½
		Balance, being the estimated loss this year,	-	\$4,866 13

C b.

Annual account particular of the Indian trade carried on at the United States Choctaw trading-house, from 31st March, 1812, to 1st April, 1813.

		Dr.		
1812.	April 1,	To amount of capital stock at the trading-house, as shown in statement B b,	-	\$18,778 83
	April 1,	To amount of furs and peltries remaining unsold in the hands of agents, estimated at	-	7,664 56
1813.	March 31,	To amount of merchandise forwarded from the superintendent's office since April 1st,	-	4,598 08
	March 31,	To expenses of transportation and other incidental expenses, as labor and store rent, in preserving skins at different places, and a due proportion of contingent expenses at the superintendent's office,	-	1,200 33
				\$32,241 80
		Cr.		
1813.	March 31,	By amount of stock on hand at the trading-house, viz:		
		Merchandise,	- \$3,504 55	
		Peltries,	- 11,068 42½	
		Cash,	- 2,256 02	
		Debts,	- 3,750 64	
				20,579 63½
	March 31,	By amount received for furs and peltries sold,	-	2,348 53
	March 31,	By amount of salaries of the agent and assistant, paid at the trading-house, and reimbursed by the Treasury,	-	1,500 00
	March 31,	By amount of furs and peltries remaining in store unsold, estimated at	-	7,968 74
				32,396 90½
		Balance, being the estimated gain this year,	-	\$155 10

C c.

Annual account particular of the Indian trade carried on at the United States trading-house at Des Moines, from 31st March, 1812, to 1st April, 1813.

		Dr.		
1812.				
April 1,	To amount of capital stock at the factory, as shown in statement B c.	-	-	\$22,709 16
April 1,	To amount of peltries, &c. remaining unsold in the stores of the superintendent, and in the hands of agents, at this date, estimated at	-	-	4,309 79
1813.				
March 31,	To amount of merchandise forwarded from the superintendent's office since 1st April, cost	-	-	5,502 47
March 31,	To amount of subsistence of factor and assistant factor from 1st April last to this date,	-	-	468 99
March 31,	To expense of transportation and other incidental expenses, as labor and store rent, in preserving furs and peltries at different places, interpreters, and due proportion of contingent expenses at superintendent's office, estimated at	-	-	2,280 53
				35,270 94
1813.		Cr.		
March 31,	By amount received for furs, peltries, &c. sold,	-	\$12,041 94	
March 31,	By amount of capital stock at factory, this date, viz:			
	Merchandise,	\$7,860 76		
	Debts due,	3,563 80½		
	Cash,	217 42½		
			11,641 99	
March 31,	By amount received in cash and drafts,	-	800 00	
March 31,	By amount of furs, peltries, &c. in store for sale at this date, estimated at	-	9,145 09	
March 31,	By amount paid at the factory in part of agents' salaries, and reimbursed by the Treasury, from April 1, 1811, to this date,	-	471 21	
March 31,	By amount of loss sustained by the destruction of the factory buildings by the Indians, which is not included in amount of capital stock on hand at this date, as per statement,	-	5,500 00	
				39,600 23
	Balance, being estimated gain in trade this year,	-	-	4,329 29
	Deduct for loss, as credited above,	-	-	5,500 00
	Balance, being estimated total loss this year,	-	-	\$1,170 71

C d.

Annual account particular of the Indian trade carried on at the United States trading-house at Fort Osage, from 31st March, 1812, to 1st April, 1813.

		Dr.		
1812.				
April 1,	To amount of capital stock at the factory, as shown in statement B d.	-	-	\$22,922 64
	To amount of furs and peltries remaining unsold in the stores of the superintendent, and in the hands of agents, at this date,	-	-	4,222 74
1813.				
March 31,	To amount of merchandise forwarded from the superintendent's office since 1st April last, cost	-	-	4,486 44
	To expense of transportation and other incidental expenses, as labor and store rent, in preserving furs and peltries at different places, interpreters, and due proportion of contingent expenses at the superintendent's office, estimated at	-	-	1,835 24
	To amount of subsistence of the factor and assistant from 1st April last to this date,	-	-	515 00
				33,962 06
1813.		Cr.		
March 31,	By amount received for furs, peltries, &c. sold,	-	\$5,052 39	
	By amount of furs, peltries, &c. in store for sale at this date, estimated at	-	10,594 70	
	By amount of stock on hand at factory, viz:			
	Merchandise, &c.	\$12,899 90		
	Furs and peltries,	4,040 68		
	Buildings,	2,450 00		
	Debts due,	1,319 07½		
			20,709 65	
	By amount paid at the factory in part of agents' salaries, and reimbursed by the Treasury, from 1st April last to this date,	-	995 28	
				37,352 02
	Balance, being estimated gain this year,	-	-	\$3,369 96

C e.

Annual account particular of the Indian trade carried on at the United States trading-house at Natchitoches, from 31st March, 1812, to 1st April, 1813.

		Dr.		
1812.				
April 1,	To amount of capital stock at the trading-house, as shown in statement B e,		\$13,241	39
April 1,	To amount of furs and peltries remaining in store unsold, estimated at -		17,574	77
1813.				
March 31,	To amount of merchandise forwarded from the superintendent's office since April 1st,		5,223	74
March 31,	To expenses of transportation and other incidental charges, as labor and store rent, in preserving skins in different places, and a due proportion of contingent expenses at the superintendent's office,		1,489	99
March 31,	To subsistence of the factor,	\$365	00	
	Less amount paid the factor at the trading-house,	23	75	
			341	25
				\$37,871 14
1813.		Cr.		
March 31,	By amount of stock on hand at the trading-house:			
	Merchandise, at cost,	\$6,291	59	
	Furs and peltries, at cost,	1,091	16	
	Bills receivable,	56	87	
	Cash,	19	78 ³ / ₄	
	Debts,	866	90 ³ / ₄	
	Buildings, at cost,	2,239	97	
	Furniture, at cost,	200	00	
			10,766	28
March 31,	By amount received for furs and peltries sold,		9,080	38
March 31,	By amount of merchandise returned to this office,		250	24
March 31,	By amount paid at the trading-house, the salary of the agent, and reimbursed by the Treasury,		1,000	00
March 31,	By furs, peltries, &c. remaining in store unsold, estimated at		21,412	44
				42,509 34
	Balance, being estimated gain this year,			\$4,638 20

C f.

Annual account particular of the Indian trade carried on at the United States trading-house at Chicago, from 31st March, 1812, to 31st December, 1812.

		Dr.		
1812.				
April 1,	To amount of capital stock at the trading-house, as shown in statement B f,		\$13,727	15
April 1,	To amount of furs and peltries remaining in store unsold,		5,801	63
Dec. 31,	To expenses of transportation and other incidental charges, as labor and store rent, in preserving skins at different places, and a due proportion of contingent expenses at the superintendent's office,		572	51
Dec. 31,	To subsistence of the factor,		273	75
				\$20,375 04
1812.		Cr.		
Dec. 31,	By amount received for furs and peltries sold,		5,801	63
Dec. 31,	By amount received in cash and drafts,		780	67
Dec. 31,	By amount paid the factor at the trading-house, in part of salary, and reimbursed by the Treasury,		515	49
Dec. 31,	By amount of property of various kinds taken or destroyed by the enemy, as shown in statement marked F m,		13,074	47
				20,172 26
	Balance, being loss in trade this year,			202 78
	Add amount of property taken or destroyed by the enemy, as above,			13,074 47
	Total loss,			\$13,277 25

C g.

Annual account particular of the Indian trade carried on at the United States trading-house at Michilimackinac, from March 31 to December 31, 1812.

1812.		Dr.		
April 1,		To amount of capital stock at the trading-house, as shown in statement B g,	-	\$13,161 31
Dec. 31,		To expenses of transportation and other incidental charges, as labor and store rent, in preserving skins at different places, interpreters, and a due proportion of contingent expenses at the superintendent's office, -	-	470 83
Dec. 31,		To subsistence of the factor, from April 1 to this date, -	-	273 75
				13,905 89
1812.		Cr.		
Dec. 31,		By amount received in cash and drafts, -	\$416 30	
Dec. 31,		By amount of property taken or destroyed by the enemy during the war, as shown in statement marked F m, -	12,961 31	
				13,377 61
		Balance, being estimated loss in trade this year, -	-	528 28
		Add amount of property taken or destroyed by the enemy, as credited above, -	-	12,961 31
				\$13,489 59

C h.

Annual account particular of the Indian trade carried on at the United States trading-house at Sandusky, from March 31 to December 31, 1812.

1812.		Dr.		
April 1,		To amount of property on hand at the factory at this date, as shown in statement B h, -	\$6,622 69	
April 1,		To amount of furs, peltries, &c. remaining unsold in the stores of the superintendent, and in the hands of agents, at this date, estimated at -	1,028 00	
Dec. 31,		To expense of transportation and other incidental expenses, as labor and store rent, preserving furs and peltries at different places, interpreters, and due proportion of contingent expenses at superintendent's office, estimated at -	292 91	
Dec. 31,		To amount of subsistence of the factor, from 1st of April last to this date, -	202 50	
				\$8,146 10
1812.		Cr.		
Dec. 31,		By amount of property taken or destroyed by the enemy, as shown in statement A h, -	\$3,821 72	
Dec. 31,		By buildings burnt by the enemy, estimated at -	814 65	
Dec. 31,		By amount of furs and peltries taken by the British at the surrender of Detroit, belonging to this factory, invoiced by the factor at -	1,697 46	
				6,333 83
Dec. 31,		By amount received for furs and peltries sold, -	1,028 00	
Dec. 31,		By amount received in cash and drafts, -	235 00	
Dec. 31,		By amount paid out of factory fund in part of agent's salary, and reimbursed by the Treasury since 1st of April last, -	622 79	
				8,219 62
		Balance gained in trade from 1st of April to this date, -	-	73 52
		To amount of property destroyed by the enemy, as credited above, -	-	6,333 83
				\$6,260 31
		Total loss this year, -	-	

C i.

Annual account particular of the Indian trade carried on at the United States trading-house at Fort Hawkins, from March 31, 1812, to April 1, 1813.

		DR.		
1812.	April 1,	To amount of capital stock at the trading-house, as shown in statement B i,	\$15,958	11½
1813.	March 31,	To expenses of transportation and other incidental expenses, as labor and store rent, in preserving skins at different places, and a due proportion of contingent expenses at the superintendent's office,	242	07
				\$16,200 18½
		CR.		
1813.	March 31,	By amount of stock on hand at the trading-house:		
		Merchandise, implements, &c.	\$4,943	15¾
		Peltries,	8,992	51½
		Cash,	3,475	18½
		Buildings,	720	81½
		Debts due,	1,358	92¾
			19,490	59½
		Deduct debts due from the trading-house for blankets purchased at Amelia Island,	4,361	79
			15,128	80½
1813.	March 31,	By amount of salaries of the factor and assistant, paid at the trading-house, and reimbursed at the Treasury,	1,500	00
				16,628 80½
				\$428 62
		Balance, being estimated gain this year,	-	-

D.

ANNUAL ACCOUNT GENERAL.

The United States trading-houses for the Indian trade, carried on at them all, from March 31, 1813, to April 1, 1814.

		DRS.		
March 31,	1814,	Chickasaw trading-house. Amount debits this year, per statement D a,	-	\$24,392 43
"	"	Choctaw trading-house. Amount debits this year, per statement D b,	-	34,836 81
"	"	Des Moines trading-house. Amount debits this year, per statement D c,	-	30,725 93
"	"	Osage trading-house. Amount debits this year, per statement D d,	-	43,921 53
"	"	Natchitoches trading-house. Amount debits this year, per statement D e,	-	39,201 86
"	"	Fort Hawkins trading-house. Amount debits this year, per statement D f,	-	15,308 06
"	"	Fort Wayne trading-house. Amount debits this year, per statement D g,	-	20,967 64
				\$209,354 26
		Amount of property taken or destroyed by the enemy, as per statement F m:		
		Fort Wayne trading-house,	-	\$5,500 00
		CRS.		
March 31,	1814,	Chickasaw trading-house. Amount credits this year, per statement D a,	-	\$23,460 70
"	"	Choctaw trading-house. Amount credits this year, per statement D b,	-	32,749 39
"	"	Des Moines trading-house. Amount credits this year, per statement D c,	-	40,426 93
"	"	Osage trading-house. Amount credits this year, per statement D d,	-	44,173 74
"	"	Natchitoches trading-house. Amount credits this year, per statement D e,	-	40,789 76
"	"	Fort Hawkins trading-house. Amount credits this year, per statement D f,	-	15,951 69
"	"	Fort Wayne trading-house. Amount credits this year, per statement D g,	-	21,134 18
				\$218,686 39
				209,354 26
		Balance gained in trade,	-	9,332 13
		Deduct amount of property destroyed by the enemy,	-	5,500 00
		Final balance,	-	\$3,832 13

D a.

Annual account particular of the Indian trade carried on at the United States trading-house at Chickasaw Bluffs, from 31st March, 1813, to 1st April, 1814.

		Dr.		Cr.	
1813.					
April 1,	To amount of capital stock on hand at the trading-house, as shown in C a,	-	-	-	\$6,748 23½
April 1,	To amount of furs, peltries, &c., in store unsold, estimated at	-	-	-	8,701 42
1814.					
March 31,	To amount of merchandise forwarded from the superintendent's office since the 1st of April last,	-	-	-	6,306 30
March 31,	To expense of transportation and other incidental expenses, as labor, store rent, preserving skins in different places, and due proportion of the contingent expenses at the superintendent's office,	-	-	-	2,335 73
March 31,	To subsistence of the factor,	-	-	-	300 75
					\$24,392 43½
1814.					
March 31,	By amount of stock on hand at the trading-house:				
	Merchandise,	-	-	\$2,149 07¼	
	Furs and peltries,	-	-	2,767 41	
	Debts due,	-	-	3,356 81½	
	Cash,	-	-	9 07½	
	Furniture, &c.,	-	-	200 00	
	Buildings, estimated at	-	-	100 00	
					\$8,582 37¼
March 31,	By amount received for furs and peltries sold,	-	-	-	869 98
March 31,	By amount paid at the trading-house in part of salary of agent, and reimbursed at the Treasury,	-	-	-	140 72
March 31,	By amount of furs, peltries, &c., remaining in store unsold, estimated at	-	-	-	13,867 63
					23,460 70½
	Balance, being estimated loss this year,	-	-	-	\$931 73

D b.

Annual account particular of the Indian trade carried on at the United States Choctaw trading-house, from 31st March, 1813, to 1st April, 1814.

		Dr.		Cr.	
1813.					
April 1,	To amount of capital stock at the trading-house, as shown in statement C b,	-	-	-	\$20,579 63½
April 1,	To amount of furs and peltries remaining unsold in the hands of agents, estimated at	-	-	-	7,968 74
1814.					
March 31,	To amount of merchandise forwarded from the superintendent's office since the 1st of April,	-	-	-	4,215 20
March 31,	To expenses of transportation and other incidental expenses, as labor, store rent, in preserving skins in different places, and a due proportion of contingent expenses at the superintendent's office,	-	-	-	2,073 24
					\$34,836 81½
1814.					
March 31,	By amount of stock on hand at the trading-house:				
	Merchandise,	-	-	\$4,073 64	
	Peltries,	-	-	12,021 96½	
	Cash,	-	-	1,484 53	
	Bills receivable,	-	-	204 60	
	Debts,	-	-	5,146 69½	
					22,936 43
March 31,	By amount received for furs and peltries sold,	-	-	-	1,826 85
March 31,	By amount of salaries of agent and assistant, paid at the trading-house, and reimbursed by the Treasury,	-	-	-	1,500 00
March 31,	By amount of furs and peltries remaining unsold in store, estimated at	-	-	-	6,486 11
					32,749 39
	Balance, being estimated loss this year,	-	-	-	\$2,687 42½

D c.

Annual account particular of the Indian trade carried on at the United States trading-house at Des Moines, from 31st March, 1813, to 1st April, 1814.

		DR.		
1813.				
April 1,	To amount of capital stock on hand at the factory at this date, as shown in C c.	-	-	\$11,641 99
April 1,	To amount of peltries, &c. remaining unsold in the stores of the superintendent, and in the hands of agents, at this date, estimated at	-	-	9,145 09
1814.				
March 31,	To amount of merchandise from superintendent's office since 1st April last, cost	-	-	6,218 75
March 31,	To expense of transportation, and other incidental expenses, as labor and store rent, in preserving furs and peltries at different places, interpreters, and due proportion of contingent expenses at superintendent's office, estimated at	-	-	3,205 10
March 31,	To amount of subsistence of the factor and assistant factor, from 1st of April last to this date,	-	-	515 00
				\$30,725 93
1814.		CR.		
March 31,	By amount received for furs and peltries sold,	-	-	\$8,013 25
March 31,	By amount of stock on hand at factory this date, viz:			
	Merchandise,	-	\$8,819 15	
	Furs, peltries, &c.	-	9,209 00	
	Debts due,	-	2,432 40	
	Cash,	-	130 89	
			20,591 44	
March 31,	By amount paid at the factory in part of agents' salaries, and reimbursed by the Treasury, from 1st April last to this date,	-	-	230 37
March 31,	By amount received in cash and drafts,	-	-	1,696 78
March 31,	By amount of furs, peltries, &c. in store for sale, estimated at	-	-	9,895 09
				40,426 93
	Balance, being estimated gain this year,	-	-	\$9,701 00

D d.

Annual account particular of the trade carried on at the United States trading-house at Fort Osage, from 31st March, 1813, to 1st April, 1814.

		DR.		
1813.				
April 1,	To amount of capital stock at the factory, as shown in statement C d.	-	-	\$20,709 65
April 1,	To amount of furs, peltries, &c. remaining unsold in the stores of the superintendent, and in the hands of agents, at this date, estimated at	-	-	10,594 70
1814.				
March 31,	To amount of merchandise forwarded from the superintendent's office since the 1st of April last, cost	-	-	7,872 33
March 31,	To expense of transportation and other incidental expenses, as labor and store rent, in preserving furs and peltries at different places, interpreters, and due proportion of contingent expenses at superintendent's office, estimated at	-	-	4,238 58
March 31,	To amount of subsistence of the factor and assistant factor, from 1st April last to this date,	-	-	506 27
				\$43,921 53
1814.		CR.		
March 31,	By amount received for furs, peltries, &c. sold,	-	-	\$14,672 64
March 31,	By amount received in cash and drafts,	-	-	3,480 00
March 31,	By amount of furs, peltries, &c. in store for sale at this date, estimated at	-	-	6,685 37
March 31,	By amount of stock on hand at factory, viz:			
	Merchandise, &c.	-	\$12,997 84	
	Furs and peltries,	-	4,147 75	
	Debts,	-	1,708 17	
			18,853 76	
March 31,	By amount paid at the factory in part of agent's salary, and reimbursed by the Treasury, from 1st April last to this date,	-	-	481 97
				44,173 74
	Balance, being estimated gain this year,	-	-	\$252 21

D e.

Annual account particular of the Indian trade carried on at the United States trading-house at Natchitoches, from 31st March, 1813, to 1st April, 1814.

		DR.			
1813.	April 1,	To amount of capital stock on hand at the trading-house, as shown in statement C e,	-	\$10,766	28
1814.	April 1,	To amount of furs and peltries remaining in store unsold, estimated at	-	21,412	44
1814.	March 31,	To amount of merchandise forwarded from the superintendent's office since April 1,	-	4,243	79
1814.	March 31,	To expenses of transportation and other incidental charges, as labor and store rent, in preserving skins at different places, and a due proportion of the contingent expenses at the superintendent's office,	-	2,779	35
					\$39,201 86
		CR.			
1814.	March 31,	By amount of stock on hand at the trading-house:			
		Merchandise, at cost,	-	\$2,116	00
		Furs and peltries, at cost,	-	581	53
		Buildings, at cost,	-	2,239	97
		Furniture, at cost,	-	200	00
		Cash,	-	524	20½
		Debts,	-	1,042	43½
				6,704	14
1814.	March 31,	By amount received for furs and peltries sold,	-	323	64
1814.	March 31,	By amount received in cash and drafts,	-	1,628	50
1814.	March 31,	By amount of salary of the factor, paid at the trading-house, and reimbursed by the Treasury,	-	1,000	00
1814.	March 31,	By amount of furs and peltries remaining in store unsold, estimated at	-	31,133	48
					40,789 76
Balance, estimated gain this year,				-	\$1,587 90

D f.

Annual account particular of the Indian trade carried on at the United States trading-house at Fort Hawkins, from 31st March, 1813, to 1st April, 1814.

		DR.			
1813.	April 1,	To amount of capital stock at the trading-house, as shown in statement C i,	-	\$15,128	80
1814.	March 31,	To expenses of transportation and other incidental expenses, as labor and store rent, in preserving skins at different places, and a due proportion of contingent expenses at the superintendent's office,	-	179	26
					\$15,308 06
		CR.			
1814.	March 31,	By amount of stock on hand at the trading-house:			
		Merchandise, implements, &c.	-	\$1,315	48½
		Peltries,	-	9,031	82½
		Cash,	-	1,937	88
		Buildings, cost of,	-	727	31½
		Debts due,	-	1,705	54½
				\$14,718	04½
		Deduct debts due from the trading-house,	-	266	35
				14,451	69½
1814.	March 31,	By amount of salaries of the factor and assistant, paid at the trading-house, and reimbursed by the Treasury,	-	1,500	00
					15,951 69½
Balance, being estimated gain this year,				-	\$643 63½

D g.

Annual account particular of the Indian trade carried on at the United States trading-house at Fort Wayne, from 31st March, 1811, to 1st April, 1814.

		DR.			
1811.					
April 1,	To amount of property on hand at the factory, per factor's account this date, viz:				
	Merchandise, peltries, &c.	-	-	\$8,797 93	
	Cash,	-	-	76 37½	
	Debts due,	-	-	2,747 56½	
	Buildings,	-	-	500 00	
					\$12,121 87
April 1,	To amount of merchandise forwarded from superintendent's office which had not reached the factory at this date,	-	-	-	2,024 93
April 1,	To amount of furs and peltries remaining unsold in the superintendent's stores, and in the hands of agents, at this date, estimated at	-	-	-	1,813 92
1812.					
March 31,	To amount of merchandise forwarded from superintendent's office since 1st April last, cost	-	-	-	2,904 92
1814.					
March 31,	To expense of transportation and other incidental expenses, as labor and store rent, in preserving furs and peltries at different places, interpreters, and due proportion of contingent expenses at the superintendent's office, estimated at	-	-	-	1,292 00
	To amount of subsistence of the factor and clerk from 1st April, 1811, to 31st December, 1813,	-	-	-	810 00
					20,967 64
1814.					
March 31,	By amount received for furs and peltries sold from 1st April, 1811, to this date,	-	-	4,405 61	
March 31,	By amount received in cash and drafts, from 1st April, 1811, to this date,	-	-	10,783 56	
March 31,	By amount paid at the factory, in part of agent and clerk's salaries, and reimbursed by the Treasury, from 1st April, 1811, to this date,	-	-	445 01	
	By amount of property taken or destroyed by the enemy, as shown in statement F m,	-	-	5,500 00	
					21,134 18
March 31,	Balance, being estimated gain in trade from 1st April, 1811, to this date,	-	-	-	\$166 54
	To amount of property taken or destroyed by the enemy during the late war, as shown above,	-	-	-	5,500 00
					5,333 46
	Balance, being total amount of estimated loss,	-	-	-	

NOTE.—This factory was broken up by the Indians in October, 1812, the whole period of its existence being only about eighteen months; and, because of its immediate vicinity to the seat of war, the usual quarterly returns not having been regularly made, but one account in the nature of an annual account is rendered, and this is brought into the general statement of the year after, because most of its accounts were not wound up until then.

E.

ANNUAL ACCOUNT GENERAL.

The United States trading-houses for the Indian trade, carried on at them all, from March 31, 1814, to April 1, 1815.

		DRS.			
March 31, 1815,	Chickasaw trading-house. Amount of debits this year, per statement E a,	-	-	\$27,944 90½	
" "	Choctaw trading-house. Amount of debits this year, per statement E b,	-	-	39,461 39	
" "	Des Moines trading-house. Amount of debits this year, per statement E c,	-	-	40,641 95	
" "	Osage trading-house. Amount of debits this year, per statement E d,	-	-	37,046 58	
" "	Natchitoches trading-house. Amount of debits this year, per statement E e,	-	-	45,666 44	
" "	Fort Hawkins trading-house. Amount of debits this year, per statement E f,	-	-	14,642 69½	
					205,403 96
	Balance,	-	-	-	34,284 93
					\$239,688 89
	<i>Recapitulation.</i>				
	Amount of debits, per account marked B,	-	-	-	\$229,970 59
	Amount of debits, per account marked C,	-	-	-	224,767 43
	Amount of debits, per account marked D,	-	-	-	209,354 26
	Amount of debits, per account marked E,	-	-	-	205,403 96
	Balance,	-	-	-	55,797 48
					\$925,293 72
	Amount of property taken or destroyed by the enemy during the war.	-	-	-	\$43,369 61
	Balance,	-	-	-	12,427 87
					\$55,797 48

E—Continued.

		Crs.	
March 31, 1815,	Chickasaw trading-house. Amount of credits this year, per statement E a,	-	\$40,377 84
" "	Choctaw trading-house. Amount of credits this year, per statement E b,	-	44,657 64
" "	Des Moines trading-house. Amount of credits this year, per statement E c,	-	40,565 79
" "	Osage trading-house. Amount of credits this year, per statement E d,	-	45,777 42
" "	Natchitoches trading-house. Amount of credits this year, per statement E e,	-	55,077 89
" "	Fort Hawkins trading-house. Amount of credits this year, per statement E f,	-	13,232 31
			\$239,668 89
Balance gained in trade,		-	\$34,284 93
<i>Recapitulation.</i>			
	Amount of credits, per account marked B,	-	\$234,753 52
	Amount of credits, per account marked C,	-	232,164 92
	Amount of credits, per account marked D,	-	218,686 39
	Amount of credits, per account marked E,	-	239,668 89
			925,293 72
Balance gained in trade,		-	\$55,797 48
By final balance, deducting losses by the enemy,		-	\$12,427 87

E a.

Annual account particular of the Indian trade carried on at the United States trading-house at Chickasaw Bluffs, from March 31, 1814, to April 1, 1815.

		Dr.	
1814.	April 1,	To amount of capital stock on hand at the trading-house, as shown in statement D a,	-
	April 1,	To amount of furs, peltries, &c. remaining in store unsold, estimated at -	-
			\$8,582 37½
1815.	March 31,	To amount of merchandise forwarded from the superintendent's office since 1st of April last, -	-
	March 31,	To expenses of transportation and other incidental expenses, as labor, store rent, preserving skins in different places, and due proportion of the contingent expenses at the superintendent's office, -	-
			3,634 31
			1,860 59
			27,944 90½
		Crs.	
1815.	March 31,	By amount of stock on hand at trading-house:	
		Merchandise, -	\$2,414 72½
		Furs and peltries, -	205 19
		Debts, -	2,356 81½
		Buildings, estimated at -	1,100 00
			\$6,076 73
	March 31,	By amount received for furs and peltries sold, -	7,187 43
	March 31,	By amount received in cash and drafts, -	2,301 45
	March 31,	By amount paid at the trading-house, in part salary to agents, and reimbursed by the Treasury, -	1,000 00
	March 31,	By amount of furs, peltries, &c. remaining in store unsold, estimated at -	23,812 23
			40,377 84
Balance, being the estimated gain this year,		-	\$12,432 93

E b.

Annual account particular of the Indian trade carried on at the United States Choctaw trading-house at Fort St Stephen's, from 31st March, 1814, to 1st April, 1815.

		Dr.	
1814.	April 1,	To amount of capital stock at the trading-house, as shown in statement D b,	\$22,936 43
	April 1,	To amount of furs and peltries remaining unsold in the hands of agents, estimated at -	6,486 11
1815.	March 31,	To amount of merchandise forwarded from the superintendent's office since April 1st, -	8,246 94
	March 31,	To expense of transportation and other incidental expenses, as labor, store rent, in preserving skins in different places, and a due proportion of contingent expenses at the superintendent's office, -	1,791 91
			\$39,461 39
		Crs.	
1815.	March 31,	By amount of stock on hand at the trading-house:	
		Merchandise, -	\$5,825 48
		Peltries, -	17,694 70
		Cash, -	4,676 72
		Bills receivable, -	273 10
		Debts, -	7,501 53
			35,971 53
	March 31,	By amount received in cash and drafts, -	700 00
	March 31,	By amount of salaries of agent and assistant, paid at the trading-house, and reimbursed by the Treasury, -	1,500 00
	March 31,	By amount of furs and peltries remaining in store unsold, estimated at -	6,486 11
			44,657 64
Balance, being estimated gain this year,		-	\$5,196 25

F—Continued.

1815.	United States trading-houses,	Crs.	
April 1,	By amount of property of various kinds on hand at the trading-houses at this date, including merchandise, buildings, cash, debts, &c., as per statement marked F g,		\$104,871 55
April 1,	By amount received for furs, peltries, &c. sold from March 31, 1811, to this date, as per abstract F h,		135,368 59
April 1,	By amount received from the trading-houses in cash and drafts, from March 31, 1811, to this date, as per abstract F i,		55,690 77
April 1,	By amount of furs, peltries, &c. remaining in the stores of the superintendent and in the hands of agents unsold, as per abstract F k,		65,402 32
April 1,	By amount of salaries due from the Treasury Department, paid from the trading-houses, and reimbursed by the Treasury, as per abstract F l,		23,991 87
April 1,	By amount of property taken or destroyed by the enemy during the war, as per abstract F m,		43,369 61
			<u>\$428,694 71</u>
	By balance gained in trade,		\$55,797 48
	Deduct amount of property taken or destroyed by the enemy,		43,369 61
	By final balance,		<u>\$12,427 87</u>

F a.

Statement exhibiting the amount of property on hand, of various descriptions, at each of the Indian factories on the 1st of April, 1811.

Factories.	Description of property.	Amounts.	Total.
Fort Hawkins, - - -	Merchandise and implements,	\$4,845 10	\$14,166 51½
	Cash,	1,343 39	
	Peltry,	6,935 87½	
	Buildings, cost of,	470 28½	
	Debts due,	571 86½	
Chickasaw Bluffs, - - -	Merchandise,	2,091 97½	7,734 71½
	Peltries,	2,012 50	
	Cash,	7 01½	
	Contingent articles,	36 00	
	Buildings,	100 00	
Choctaw, - - -	Debts due,	3,487 22½	26,033 21
	Merchandise,	9,102 60	
	Peltry, &c.	11,634 96½	
	Cash,	1,325 75	
	Debts due,	3,969 90	
Osage, - - -	Merchandise,	21,331 87½	29,589 43
	Furs and peltries,	2,822 26	
	Buildings,	3,180 00	
	Debts due,	2,255 30	
	Merchandise,	12,229 26¾		21,413 02
Furs, peltries, &c.	5,017 31¾		
Debts due,	825 57		
Cash,	19 87		
Buildings,	3,321 00		
Natchitoches, - - -	Merchandise,	6,395 00	11,947 98
	Furs and peltries,	2,157 79	
	Debts due,	1,155 22	
	Buildings,	2,239 97	
	Merchandise,	5,630 62		11,468 68
Cash,	330 71		
Furs and peltries,	3,940 10½		
Debts due,	838 30½		
Furniture,	134 31		
Chicago, - - -	Contingent articles,	94 63	4,625 51
	Buildings, estimated at	500 00	
	Merchandise,	1,479 10	
	Buildings,	854 65	
	Furs and peltries,	1,499 81½	
Sandusky, - - -	Cash,	102 24	16,982 54
	Bills receivable,	116 37½	
	Debts due,	573 33	
	Merchandise, skins, &c.	11,658 08	
	Debts due,	5,124 46	
Mackinac, - - -	Furniture,	200 00	12,121 87
	Merchandise, peltries, &c.	8,797 93	
	Cash,	76 37½	
	Debts due,	2,747 56½	
	Buildings,	500 00	
Fort Wayne, - - -			<u>\$156,083 47</u>

F b.

Abstract of furs, peltries, &c. remaining unsold in the stores of the Superintendent and in the hands of agents on the 1st April, 1811.

From what factory.	In the stores of the superintendent.	In the hands of J. Saul, New Orleans.	In the hands of J. L. Dias, New York.	Whole am't.
Des Moines, - - - -	\$4,266 65	-	-	\$4,266 65
Osage, - - - -	4,257 10	-	-	4,257 10
Chickasaw Bluffs, - - - -	1,789 35	-	\$6,175 54	7,964 89
Choctaw, - - - -	-	-	147 43	147 43
Natchitoches, - - - -	-	-	9,607 59	9,607 59
Sandusky, - - - -	1,749 84	-	-	1,749 84
Chicago, - - - -	-	-	94 07	94 07
Fort Wayne, - - - -	1,660 36	-	153 56	1,813 92
Arkansas, - - - -	-	\$2,256 00	-	2,256 00
				\$32,157 49

F c.

Abstract of merchandise forwarded to sundry factories from the office of Superintendent of Indian Trade which had not reached their places of destination, and not included in the factory inventories of March 31, 1811.

To what factory.	Amount forwarded, March 20, 1811.	Amount forwarded, March 30, 1811.	Total.
Des Moines, - - - -	-	\$3,726 88	\$3,726 88
Osage, - - - -	-	229 87	229 87
Chickasaw, - - - -	\$1,220 76	1,072 33	2,293 09
Choctaw, - - - -	-	2,495 06	2,495 06
Fort Wayne, - - - -	-	2,024 93	2,024 93
			\$10,769 83

F d.

Abstract of merchandise forwarded from the office of the Superintendent of Indian Trade to the several trading-houses, from April 1, 1811, to March 31, 1815.

To what trading-house.	Forwarded from April 1, 1811, to April, 1812.	From April 1, 1812, to March 31, 1813.	From April 1, 1813, to March 31, 1814.	From April 1, 1814, to March 31, 1815.	Total.
Chickasaw, - - - -	\$4,314 73	-	\$6,306 30	\$3,634 31	\$14,255 34
Choctaw, - - - -	780 29	\$4,598 08	4,215 20	8,246 94	17,840 51
Des Moines, - - - -	2,720 06	5,502 47	6,218 75	7,974 30	22,415 58
Osage, - - - -	534 94	4,486 44	7,872 33	8,041 87	20,935 58
Natchitoches, - - - -	9,099 70	4,973 50	4,243 79	6,163 98	24,480 97
Chicago, - - - -	5,097 06	-	-	-	5,097 06
Fort Hawkins, - - - -	2,533 87	-	-	-	2,533 87
Michilimackinac, - - - -	1,965 30	-	-	-	1,965 30
Sandusky, - - - -	3,541 86	-	-	-	3,541 86
Fort Wayne, - - - -	-	2,904 92	-	-	2,904 92
Total dollars,	30,587 81	22,465 41	28,856 37	34,061 40	115,970 99

F e.

Abstract of subsistence money (in lieu of rations) paid to the agents and assistant agents of the United States Indian trading-houses from April 1, 1811, to March 31, 1815.

Trading-houses.	Names.	Time.	Amount.
Fort Hawkins,	- Jonathan Halsted, agent,	- 3 years 8 months 21 days, at	\$365 \$1,359 50
Fort Hawkins,	- Charles Magnan, assistant,	- 4 years, at -	- 150 600 00
Natchitoches,	- T. M. Linnard, agent,	- 4 years, at -	- 365 1,460 00
Chickasaw,	- J. B. Treat, agent,	- 1 year, at -	- 365 365 00
Chickasaw,	- R. P. Bayly, assistant,	- 1 year 4 months 11 days, at	- 150 200 34
Chickasaw,	- R. P. Bayly, agent,	- 1 year 4 months 27 days, at	- 365 513 67
Chickasaw,	- Isaac Rawlings, agent,	- 1 year 20 days, at -	- 365 385 00
Choctaw,	- G. S. Gaines, agent,	- 4 years, at -	- 365 1,460 00
Choctaw,	- Ths. Malone, assistant,	- 4 years, at -	- 150 600 00
Osage,	- G. C. Sibley, agent,	- 4 years, at -	- 365 1,460 00
Osage,	- Isaac Rawlings, assistant,	- 2 years 11 months 11 days, at	- 150 441 27
Des Moines,	- J. Johnston, agent,	- 4 years, at -	- 365 1,460 00
Des Moines,	- Asa Payne, assistant,	- 1 year 2 months, at -	- 150 175 00
Des Moines,	- R. B. Belt, assistant,	- 2 years 7 months 3 days, at	- 150 388 99
Fort Wayne,	- J. Johnston, agent,	- 1 year 6 months, at -	- 365 547 50
Fort Wayne,	- S. Johnston, assistant,	- 1 year 9 months, at -	- 150 262 50
Chicago,	- M. Irwin, agent,	- 1 year 9 months, at -	- 365 638 75
Sandusky,	- S. Tupper, agent,	- 1 year 7 months 15 days, at	- 270 168 75
Sandusky,	- J. B. Varnum, agent,	- 1 year 1 month 15 days, at	- 270 303 75
Sandusky,	- J. Chapin, clerk,	- 3 months, at (per year)	- 130 32 50
Michilmackinac,	- Jos. B. Varnum, agent,	- 1 year 9 months, at -	- 365 638 75
			13,461 27
Less amount drawn from the trading-houses in cash and merchandise by the agents and assistant agents, in part of the above, - - - - -			
			5,234 52
Amount paid at the superintendent's office, - - - - -			
			8,226 75

F f.

Abstract of transportation and contingent accounts paid at the office of the Superintendent of Indian Trade, and other places, including store rent, labor, and packages for preserving skins, compensation to agents in transporting, selling, &c., interpreters, office and warehouse rent, stationary, fuel, &c.

Trading-houses.	From April 1, 1811, to March 31, 1812.	From April 1, 1812, to March 31, 1813.	From April 1, 1813, to March 31, 1814.	From April 1, 1814, to March 31, 1815.	Total amount.
Chickasaw, - - - - -	\$2,823 78	\$513 72	\$2,335 73	\$1,860 59	\$7,533 82
Choctaw, - - - - -	1,981 21	1,200 33	2,073 24	1,791 91	7,046 69
Des Moines, - - - - -	1,184 74	2,280 53	3,205 10	1,666 12	8,336 49
Osage, - - - - -	423 26	1,835 24	4,238 58	1,775 76	8,272 84
Natchitoches, - - - - -	4,649 39	1,489 99	2,779 35	1,664 84	10,583 57
Chicago, - - - - -	1,760 44	572 51	-	-	2,332 95
Fort Hawkins, - - - - -	800 48	242 07	179 26	191 00	1,412 81
Mackinac, - - - - -	810 91	480 83	-	-	1,291 74
Sandusky, - - - - -	1,293 88	292 91	-	-	1,586 79
Fort Wayne, - - - - -	595 27	696 73	-	-	1,292 00
					\$49,689 70

F g.

Statement exhibiting the amount of property of various kinds on hand at each of the United States Indian trading-houses, on the 1st of April, 1815.

Factories.	Description of property.	Amounts.	Total.
Fort Hawkins, - - -	Merchandise and implements,	\$995 14½	\$12,007 65½
	Cash,	117 46	
	Peltry,	6,782 30	
	Debts due,	3,385 44	
	Buildings,	727 31	
Chickasaw Bluffs, - - -	Merchandise,	2,414 72½	6,076 73
	Furs and peltries,	205 19	
	Debts due,	3,356 81½	
	Buildings,	100 00	
Choctaw, - - -	Merchandise,	5,825 48	35,971 53
	Peltry,	17,694 70	
	Cash,	4,676 72	
	Bills receivable,	273 10	
	Debts,	7,501 53	
Osage, - - -	Merchandise,	9,869 75	12,554 07
	Debts,	140 71½	
	Buildings,	2,543 60½	
Des Moines, - - -	Merchandise,	12,301 73	16,988 20
	Debts due,	4,686 47	
Natchitoches, - - -	Merchandise,	5,386 83	21,273 35
	Furs and peltries,	8,265 25	
	Buildings,	2,239 97	
	Furniture,	200 00	
	Cash,	108 73½	
	Bills of exchange,	4,598 15½	
	Debts,	474 41	
			\$104,871 54

F h.

Abstract of amounts received by the Superintendent of Indian Trade for furs, peltries, &c., sold from April 1, 1811, to March 31, 1815.

Trading-houses.	From April 1, 1811, to March 31, 1812.	From April 1, 1812, to March 31, 1813.	From April 1, 1813, to March 31, 1814.	From April 1, 1814, to March 31, 1815.	Total amount.
Des Moines, - - -	\$10,762 11	\$12,041 94	\$8,013 25	\$11,269 16	\$42,086 46
Osage, - - -	6,151 46	5,052 39	14,672 64	10,712 21	36,588 70
Chickasaw, - - -	2,099 86	5,499 77	869 98	7,187 43	15,657 04
Choctaw, - - -	147 43	2,348 53	1,826 85	-	4,322 81
Natchitoches, - - -	203 57	9,080 28	323 64	11,832 17	21,439 76
Sandusky, - - -	1,895 27	1,028 00	-	-	2,923 27
Chicago, - - -	85 06	5,801 63	-	-	5,886 69
Fort Wayne, - - -	2,522 95	1,882 66	-	-	4,405 61
Arkansas, - - -	-	-	-	2,058 25	2,058 25
	\$23,867 71	42,735 30	25,706 36	43,059 22	135,368 59

F i.

Abstract of cash and drafts received by the Superintendent of Indian Trade, from the trading-houses, from April 1, 1811, to March 31, 1815.

Trading-houses.	Received from April 1, 1811, to March 31, 1812.	Received from April 1, 1812, to March 31, 1813.	Received from April 1, 1813, to March 31, 1814.	Received from April 1, 1814, to March 31, 1815.	Total amount.
Chickasaw, - - -	\$98 25	-	-	\$2,301 45	\$2,399 70
Choctaw, - - -	-	-	-	700 00	700 00
Des Moines, - - -	-	\$800 00	\$1,696 78	1,500 00	3,996 78
Osage, - - -	3,480 00	-	3,480 00	15,707 34	22,667 34
Natchitoches, - - -	500 75	-	1,628 50	1,671 06	3,800 31
Chicago, - - -	945 35	780 67	-	-	1,726 02
Michilimackinac, - - -	8,965 76	416 30	-	-	9,382 06
Sandusky, - - -	-	235 00	-	-	235 00
Fort Wayne, - - -	1,488 82	-	8,860 62	434 12	10,783 56
	\$15,478 93	2,231 97	15,665 90	22,313 97	55,690 77

F k.

Abstract of furs, peltries, &c. remaining in the stores of the superintendent, and in the hands of agents, for sale, on the 31st of March, 1815.

In the stores of the superintendent, - - - - -	\$14,416 46
In the hands of Joseph Saul, agent, New Orleans, - - - - -	49,797 41
In the hands of James Kennerly, agent, St. Louis, - - - - -	1,188 45
	\$65,402 32

F l.

Abstract of cash and merchandise drawn by the factors from the trading-houses, on account of their salaries.

Trading-houses.	From April 1, 1811, to March 31, 1812.	From April 1, 1812, to March 31, 1813.	From April 1, 1813, to March 31, 1814.	From April 1, 1814, to March 31, 1815.	Total amount.
Fort Hawkins, - - - - -	\$1,500 00	\$1,500 00	\$1,500 00	\$1,224 65	\$5,724 65
Chickasaw, - - - - -	1,000 00	958 72	140 72	1,000 00	3,099 44
Choctaw, - - - - -	1,500 00	1,500 00	1,500 00	1,500 00	6,000 00
Osage, - - - - -	702 65	995 28	481 97	682 50	2,862 40
Des Moines, - - - - -	331 00	471 21	230 37	-	1,032 58
Natchitoches, - - - - -	515 00	1,000 00	1,000 00	1,000 00	3,515 00
Fort Wayne, - - - - -	335 01	120 00	-	-	445 01
Sandusky, - - - - -	174 51	623 79	-	-	797 30
Chicago, - - - - -	-	515 49	-	-	515 49
	\$6,048 17	\$7,683 49	\$4,853 06	\$5,407 15	\$23,991 87

F m.

Estimate of losses sustained by the Indian factory department during the late war by destruction of buildings, &c. by the enemy, viz:

1812.	<i>Late factory at Chicago.</i>			
	Amount merchandise on hand at this factory on its evacuation, which was delivered to the Indians by the commanding officer, Captain Heald, -		\$6,120 03 ¹ / ₂	
	Amount furs and peltries shipped to Mackinac, and there taken by the British, -		5,781 91	
	Amount soldiers' due bills on hand, most of whom, it is believed, were murdered by the Indians, -		33 01	
	Amount debts due from officers and soldiers of the fort, -		385 27	
	Amount debts due from Indians, -		134 31	
	Amount household furniture left in the factory, -		119 94	
	Amount factory buildings, estimated, -		500 00	
				\$13,074 47
1813.	<i>Late factory at Michilimackinac.</i>			
July 17,	Amount of goods, household furniture, &c. delivered the British at the capitulation of Fort Mackinac, as per British officer's receipt, -		9,810 87	
July 17,	Amount debts due the factory, which were collected by the British after the capitulation, as per the British officer's receipt, -		2,746 44	
July 17,	Amount cash delivered the enemy by Lieutenant Hanks at the capitulation of Fort Mackinac, -		300 00	
July 17,	Amount cash taken from Joseph B. Varnum, factor at Brownstown, by the British and Indians belonging to this factory, -		104 00	
				12,961 31
1812.	<i>Late factory at Sandusky.</i>			
October 31,	Amount property taken by the British and Indians at this factory, as per Jacob B. Varnum, the factor's, statement of this date, -		3,821 72	
October 31,	Amount factory buildings burnt by the enemy, -		814 65	
October 31,	Amount furs and peltries taken by the British at the surrender of Detroit, belonging to this factory, -		1,697 46	
				6,333 83
1812.	<i>Late factory at Fort Wayne.</i>			
	Amount furs, peltries, &c. lost when the Indians burnt the factory buildings, estimated at -		3,000 00	
	Amount hardware, &c. lost at same time, estimated at -		500 00	
	Amount peltries taken at the surrender of Detroit belonging to this factory, 60 packs, estimated at -		1,500 00	
	(See factor's letters 1st October and 13th December, 1812.)			
	Amount factory buildings, estimated at -		500 00	
				5,500 00
1812.	<i>Late factory at Fort Madison.</i>			
	Sixty packs peltries lost by burning the factory buildings, estimated at \$30 per pack, -		1,800 00	
	One hundred and twenty bear skins burnt in factory buildings, estimated, -		129 00	
	Other articles lost in the buildings, estimated, -		250 00	
	Amount buildings burnt, cost, -		3,321 00	
	(See factor's letter 15th September, 1812.)			
				5,500 00
				\$43,369 61

G.

Chickasaw trading-house.

		Dr.	
1813, April 1,	To amount lost on trade from 31st March, 1812, to this date, as per statement C a,		\$4,866 13
1814, April 1,	To amount lost on trade from 31st March, 1813, to this date, as per statement D a,		931 73
			5,797 86
		Cr.	
1812, April 1,	By amount gained on trade from 31st March, 1811, to this date, per statement B a,	\$3,606 51	
1815, April 1,	By amount gained on trade from 31st March, 1814, to this date, per statement E a,	12,432 93	
			16,039 44
		Balance, gained in four years' trade,	\$10,241 58

H.

Choctaw trading-house.

		Dr.	
1812, April 1,	To amount lost on trade from 31st March, 1811, to this date, as per statement B b,	\$3,346 38	
1814, April 1,	To amount lost on trade from 31st March, 1813, to this date, as per statement D b,	2,087 42½	
			5,433 80½
		Cr.	
1813, April 1,	By amount gained on trade from 31st March, 1812, to this date, per statement C b,	\$155 10	
1815, April 1,	By amount gained on trade from 31st March, 1814, to this date, per statement E b,	5,196 25	
			5,351 35
		Balance, lost in four years' trade,	\$82 45½

I.

Des Moines trading-house.

		Dr.	
1813, April 1,	To amount lost on trade from 31st March, 1812, to this date, as per statement C c,	\$1,170 71	
1815, April 1,	To amount lost on trade from 31st March, 1814, to this date, as per statement E c,	76 16	
			1,246 87
		Cr.	
1812, April 1,	By amount gained on trade from 31st March, 1811, to this date, as per statement B c,	\$4,285 75	
1814, April 1,	By amount gained on trade from 31st March, 1813, to this date, as per statement D c,	9,701 00	
			13,986 75
		Balance, gained in four years' trade,	\$12,739 88

K.

Osage trading-house.

1812, April 1,	Amount gained on trade from 31st March, 1811, to this date, as per statement B d,	\$1,929 89
1813, April 1,	Amount gained on trade from 31st March, 1812, to this date, as per statement C d,	3,369 96
1814, April 1,	Amount gained on trade from 31st March, 1813, to this date, as per statement D d,	252 21
1815, April 1,	Amount gained on trade from 31st March, 1814, to this date, as per statement E d,	8,730 84
		Amount gained on four years' trade, - \$14,282 90

L.

Natchitoches trading-house.

		Dr.	
1812. April 1,	To amount lost on trade from 31st March, 1811, to this date, (as per statement B e,) - - -	-	\$3,634 18
		Cr.	
1813. April 1,	By amount gained on trade from 31st March, 1812, to this date, (per statement C e,) - - -	\$4,638 20	
1814. April 1,	By amount gained on trade from 31st March, 1813, to this date, (per statement D e,) - - -	1,587 90	
1815. April 1,	By amount gained on trade from 31st March, 1814, to this date, (per statement E e,) - - -	9,411 45	
			15,637 55
		Balance gained on trade in four years, - - -	\$12,003 37

M.

Chicago trading-house.

		DR.	
1812.			
Dec. 31,	To amount lost in trade from 31st March, 1812, to this date, as per statement C f,	-	\$203 78
Dec. 31,	To amount of property taken or destroyed by the enemy, as shown in statement F m,	-	\$13,074 47
			13,277 25
1812.		CR.	
April 1,	By amount gained in trade from 31st March, 1811, to this date, per statement B f,	-	1,773 94
			\$11,503 31

N.

Michilimackinac trading-house.

		DR.	
1812.			
December 31,	To amount lost in trade from March 31, 1812, to this date, as per statement C g,	-	\$528 23
December 31,	To amount of property taken or destroyed by the enemy, as per statement F m,	-	12,961 31
			13,489 59
1812.		CR.	
March 31,	By amount gained in trade from March 31, 1811, to this date, as per statement B g,	-	2,003 32
			\$11,486 27

O.

Sandusky trading-house.

		DR.	
1812.			
April 1,	To amount lost in trade from March 31 to this date, as per statement B h,	-	\$1,793 13
December 31,	To amount of loss sustained by destruction of the trading-house by the enemy, as per statement F m,	-	6,332 83
			8,126 96
1812.		CR.	
December 31,	By amount gained in trade from April 1, 1812, to this date, as per statement C h,	-	73 52
			\$8,053 44

P.

Fort Hawkins trading-house.

		DR.	
1812.			
April 1,	To amount lost in trade from March 31, 1811, to this date, as per statement B i,	-	\$42 75
1815.			
April 1,	To amount lost in trade from March 31, 1814, to this date, as per statement E f,	-	1,410 38
			1,453 13
1813.		CR.	
April 1,	By amount gained in trade from March 31, 1812, to this date, per statement C i,	-	\$428 62
1814.			
April 1,	By amount gained in trade from March 31, 1813, to this date, per statement D f,	-	643 63
			1,072 25
			\$380 88

Q.

Fort Wayne trading-house.

		DR.	
1814.			
April 1,	To amount of property taken or destroyed by the enemy, as per statement F m,	-	\$5,500 00
1814.			
April 1,	By amount gained in trade from April 1, 1811, to this date, per statement D g,	-	166 54
			\$5,333 46

R.

Sir:

KASKASKIA, ILLINOIS TERRITORY, *November* —, 1815.

Some time in September last I had the honor to receive your letter of August 17th, with the resolution of the Senate of the United States to which it referred; but, owing to my absence from home, my engagements as a commissioner to treat with the Indians, and an attack of bilious fever, it has never been in my power till now to communicate the information which you requested.

Of the annuities stipulated to be paid to the different tribes of Indians within this Territory, none has ever been sent to me, except those of the Kaskaskia tribe, which were paid within the period mentioned in the resolution of the Senate of the United States, according to a statement hereto annexed, marked No. 1.

The whole amount of goods which I gave as presents to all the Indians within my agency, during the four years preceding the 4th of March last, is \$432 03 $\frac{3}{4}$.

The Government not having furnished me with one single article, I was obliged to buy those goods at the extravagant retail prices of this country, which were nearly double what they otherwise would have cost the Government. The most of them were given at the great council which was held at Cahokia in April, 1812, with the Pattawatamies, Ottawas, Kickapoos, and Chippewas. The residue were given, on occasions that seemed absolutely to require it, to Indians belonging to the different tribes within this Territory, and to prisoners that were taken at the head of Peoria lake in the expedition of 1812. A list exhibiting the whole amount, and the dates at which the respective proportions thereof were given, is herewith transmitted, marked No. 2.

In submitting to you, agreeably to your request, the following observations upon the several questions presented in the last paragraph of the resolution of the Senate, I must premise that, as I do not profess to have a competent knowledge of the Indians in other parts of America to decide upon the course which it would be proper to adopt in relation to them, my remarks are intended to apply exclusively to this section of the Union, and to the Indians residing upon the Mississippi river and its waters, above this place.

The first question is, "whether any alteration of the powers and duties of the several officers and agents employed in the superintendence and management of Indian affairs would be advantageous?"

That inconveniences and evils have grown out of the management and arrangements that have hitherto prevailed, experience has fully testified. But whether all these have resulted from defects in the existing laws, or from an erroneous construction of them, I shall not stop to inquire.

As superintendent of Indian affairs, *ex officio*, by virtue of my office as Governor, it would seem that my duties and powers extended to all the Indians within the limits of this Territory; and yet a co-ordinate power in some cases, and an exclusive one in others, have been exercised by the Governor of Missouri Territory.

Mr. Boilvin, the agent at Prairie du Chien, resides within this Territory, and, as I understand, all his accounts have to be submitted to the inspection and scrutiny of Governor Clark only.

The principal residence of the Sacs is, and long has been, on Rock river; but with them nothing seems to have been left for me to do, either before or since the commencement of the late war; and without consulting me, and contrary to my most deliberate opinions, (which, as well as I now recollect, I had the honor of submitting to one of your predecessors,) that part of them which professed to be friendly to our Government were removed to the Osage river, in the Missouri Territory, whither also the agent (Mr. Blondeau) was called, and from whence he makes no report to me on any occasion; whereas, if he were now subject to my control, (as I think he ought to be,) my judgment greatly deceives me if I could not have him much more usefully employed.

Mr. Forsyth was also appointed a subagent at Peoria, with instructions to report to, and receive the orders of, Governor Clark.

Under all these circumstances, the exercise of co-ordinate powers by the latter gentleman and myself, according to the dictates of our respective judgments, rendered us liable to counteract each other in cases in which our views and opinions were different, and in other cases unnecessarily to multiply the expenses of the Government, by both of us pursuing the same object, when the measures adopted by one might have been sufficient; and although the mutual friendship and good understanding that have constantly existed between us have prevented any very unpleasant collisions, yet it can hardly be supposed that we have always thought exactly alike upon all subjects that were connected with our respective duties. It is therefore my opinion that each superintendent of Indian affairs, within his respective Territory, should in all cases be the responsible head of the Indian department therein; that all other agents should be subordinate to him; and that their accounts should undergo his examination and receive his sanction.

The delivery of annuities to the Indians of one Territory by the Governor of another is calculated to produce a conflict of authority; has a tendency to lessen the influence of the superintendent within whose jurisdiction they reside, and, by putting it out of his power to retain any part of those annuities, even in those cases in which the law would justify it, diminishes the responsibility which *they* [he] would otherwise feel, and destroys the check which it is essential he should hold over them to restrain them from the commission of acts of injustice, or to coerce retribution after such acts shall have been perpetrated.

The Sacs, for example, have been in the habit of receiving their annuities from the Governor of the Missouri Territory. He, however, has no cognizance of any offences committed by them. Every demand for satisfaction must be made by me, as the Governor or superintendent within whose jurisdiction they reside. He therefore ought not necessarily to be presumed to know that which it is my province exclusively to inquire into. And, indeed, with the best disposition to harmonize and co-operate, cases might happen in which it would be impossible for me to communicate in time the most important information; for the want of which, the annuities might be delivered, when, according to the spirit and intention of the law, they ought to be retained.

In other cases we might disagree as to the propriety of delivering them: of course, I could have no control; for he, having the power in his own hands, could execute it at pleasure.

It might even sometimes be useful to excite the fears of those people, in order to make a merit of forgiving them, in cases in which it would not be absolutely necessary, and might be impolitic, to punish them; but, in losing all control over the annuities, I lose the most efficient engine with which to manage them, whilst the whole burden of that duty rests upon me exclusively. Besides, nothing is more injurious in the management of Indians than for them to have a father for this, and another for that purpose. Such a system is too complex for their comprehension. The management of them, to be successful, ought to be simple and perfectly uniform; and therefore I think that all annuities, wheresoever payable, ought to be delivered to them by the Governor in whose Territory they reside, or by some person known to be specially authorized by him.

The powers and duties of the superintendents of Indian affairs, and all other subordinate agents, appear to be too limited for any real utility, or are very imperfectly defined by any statute law that I have seen; and if there be any common law upon the subject, it is extremely difficult to ascertain what it is.

In the law "to regulate trade and intercourse with the Indians, and to preserve peace on the frontiers," the only powers granted to the superintendents are: 1st. To grant licenses to traders; in which he has no other discretion than to judge of the sufficiency of the security required. 2d. To revoke such licenses "for a transgression of the regulations and restrictions provided for the government of trade and intercourse with the Indian tribes." 3d. To bring suit upon such bonds as he may have taken, for the breach of any condition therein contained. 4th. To grant licenses to purchase horses in the Indian country. And, 5th. Under the direction or instructions of the President of the United States, to demand satisfaction for wrongs done by the Indians.

It is not made his particular duty, nor has he the power, to enforce any other regulations contained in the above-recited law. Persons found in the Indian country hunting, trespassing, trading without license, or engaged in any other unlawful purpose, may be apprehended by the military force of the United States, and delivered to the civil authority. But where there is no military force at hand, or where those persons are out of the reach of it, the superintendent has no power whatever to provide for their apprehension and removal, unless by application to the civil authority for ordinary process, which in many instances he could not procure, in consequence of being unable to give the names or designate the persons of the offenders; and, if he could procure it, few officers could be found that would execute it, or would be willing to do so for the usual compensation. In consequence of which, many such offenders pass with impunity, while those unlawful visits and intrusions have the most unhappy effect upon the Indians, who have repeatedly made them the subject of their bitterest complaints. Nothing less will do, to effectuate the intention of the law in this particular, but a competent power of removing such persons, and a rigid execution of it.

The difficulty of obtaining legal proof to convict, and the many chances of acquittal, are so great that few persons are deterred from those unlawful enterprises by the fear of punishment; which, when inflicted, is effected by such tardy means as never to conciliate the Indians.

Even at this very time I have the most unquestionable information that there are a considerable number of white persons hunting on the Illinois river, within the Indian boundary, and I have reason to believe that they are principally from Portage des Sioux, in Missouri Territory, though I cannot at present ascertain the name of a single one of them. Under these circumstances, being fully impressed with the impolicy as well as injustice of permitting such conduct, I cannot avoid expressing the sincerest regret at being unable to take effectual measures for the removal of those people, and their delivery to the civil authority. There are, however, those who believe that the combined powers of Governor and superintendent would authorize me to remove them by force; but, as I have no instructions whatever from the President to warrant it, I should be as unwilling to place my defence on that ground in an action of false imprisonment as if those offices were perfectly separate and distinct.

The law with regard to granting licenses I also think is very defective. Any person who tenders a bond with sufficient security conditioned for the faithful observance of such regulations and restrictions as are or shall be made for the government of trade and intercourse with the Indian tribes, is entitled to demand a license as a matter of right. The regulations and restrictions at present prescribed amount to little more, if any thing, than a prohibition to purchase certain articles of the Indians; and, while the most detestable and unprincipled wretches are at no loss to obtain the requisite security, they may practise conduct the most offensive to the Indians, immoral towards other traders, and injurious to the general interest of the Government, without any breach of their bonds, or without subjecting themselves to the revocation of their licenses, or to the legal refusal of new ones.

The superintendent has no power to impose additional restrictions, and therefore could not, without special instructions from the President, (which I have never received,) prohibit even temporarily the sale of ardent spirits, though such a prohibition might be imperiously required by every dictate of a rational precaution, as is now the case on the Illinois river, where the public surveyors are engaged in surveying the lands purchased by our Government of the Sacs, but which are occupied and claimed by the Pattawatamies, who have manifested no disposition to relinquish their claim.

As to the Indian agents, the law is perfectly silent with regard to their powers and duties, or those of the superintendents in relation to them; and really I have been much at a loss to know what orders I could legally give to those who have been directed to report to me, and receive my orders; and, in general, I have been governed more by what I conceived would conciliate the Indians, promote their happiness, and advance the interest of the Government, than by any rule expressly or constructively prescribed by law.

Upon this view of the subject, I think the superintendent of Indian affairs within each Territory, and the agents under his direction within their respective agencies, should be specially required to superintend the faithful execution of the law "to regulate trade and intercourse with the Indians, and to preserve peace on the frontiers;" that they should be empowered to apprehend, or cause to be apprehended, all persons who shall have violated its provisions, or be found in the Indian country without license or passport; that they should deliver, or cause to be delivered, within convenient time, all such offenders to the civil authority; and that they should be authorized to incur any expenses necessary to the due execution of those powers and duties.

It is also my opinion that the discretion of the superintendent in granting licenses ought to be enlarged, and that traders ought to be required to conduct themselves peaceably and correctly towards the Indians, respectfully and dutifully towards the Government, and to abstain from the common and injurious practice of endeavoring to excite the prejudices and hostility of the Indians towards other traders; for all which, effectual provisions ought to be made by law.

On the second question presented in the resolution aforesaid, I do not possess the information requisite for forming a correct opinion, nor do I suppose any observations upon the subject of it were expected from me.

The third and last question is, "whether a plan may not be devised that will be equally advantageous to the Indian tribes, and more economical to the public, whereby the Indian trade may, under safeguards, be hereafter carried on by individuals or private companies, instead of the manner in which the same is now conducted?"

Admitting the present plan to be well calculated both to put down British traders and to conciliate the Indians, it is evident that no important consequences can be expected to flow from it without carrying it extensively into operation; for the former object cannot be accomplished without active competition in the same market; the latter can only be beneficially secured by providing the same accommodation for all the different tribes that have equal claims; as, otherwise, the jealousy that would be excited, and the hostility which would consequently be engendered, would render the plan totally abortive: for we certainly should gain nothing, if, in making one tribe our friends by our favors, we should make another, equally powerful and respectable, our enemies by our partiality or neglect; and I can venture to say that there are no people upon earth more jealous, or upon whom such a distinction would operate more injuriously, especially with the aid of British traders, in giving to it its highest possible effect.

Goods to a great amount must, therefore, be transported to the numerous trading-houses which, upon this plan, ought to be established at many different and distant points. And, besides the danger of usual casualties, the risk in trusting to the fidelity of a multitude of agents, at all times considerable, is peculiarly so in this business.

It can hardly be expected that married men of respectability would abandon their families, and desert all the comforts of civilized life, to engage in this kind of service. Single men must, therefore, be calculated on for such agencies. These, as all experience has proved, are liable to form connexions with, and to have children by, the Indian women, which, by giving birth to new attachments, produces a relish for savage life, at the same time that it destroys the inducements and interposes obstacles to a return to civil society; and instances of such effects having been produced are so common and well known, that they ought to silence all question as to the probability of their happening. Whenever, then, a man has made up his mind to exchange the ordinary pursuits of civil life for savage independence, he must necessarily become indifferent to the opinions of that society which he has concluded to desert, regardless of its claims upon him, and would most probably cease to feel the influence of those motives which constitute the most efficient safeguards of honor and integrity.

But independent of these considerations, if the risk of confiding in those agents is to be estimated in proportion to the temptation that is offered them, then certainly none can be greater which depends on the fidelity of man; for placed, as they must be, far in the interior of the Indian country, out of the reach of observation, and approximating British establishments in proportion to their distance from our settlements, nothing is more easy for them than to practise the greatest frauds without detection, or even to escape with the whole capital committed to their charge. A very few cases of this kind would make the trade a losing business to the Government, or require such an advance upon its goods as to take from it all advantages over individuals. But supposing that all those agents should make such remittances in furs and peltries as to prevent any loss on the part of the Government: what check is there to restrain them from defeating its benevolent intentions, by practising the greatest frauds upon the Indians, in selling the goods to them at the most exorbitant prices? All they have to do is, to keep two sets of entries; or to charge themselves with such quantities of goods as they can vend, and make returns for the amount so charged.

Should they all, however, act with perfect fairness and honesty, the trading-houses are notwithstanding liable to be used partially, if not extensively, as means of accommodation to British traders themselves. For example, I will suppose that Mr. Johnson (one of the agents already appointed) shall be fortunate enough to arrive with his goods at Prairie du Chien next spring, just about the time that the British traders are ready to return to that place with their furs and peltries from the river St. Peter's: he, of course, would sell much lower than they could afford to do, otherwise it would be useless for him to go there; they therefore might find it to their advantage to obtain their supplies from him, which they could do with facility, by employing some of the many Indians who always accompany them at that season of the year to trade for them; and I know not how it would be possible for him to detect all the schemes that might be adopted for that purpose. Such attempts, I am credibly informed, have been frequently known to succeed at Chicago, and doubtless have been practised with equal success at other public trading-houses.

Upon this view of the subject, it is worthy of consideration whether sufficient encouragement to a more extensive operation of the present plan can be derived from the experiment that has already been made upon it. Limited as that may have been, it ought to be considered as a sufficient test of the efficacy of the plan in those places in which it has had full effect, and upon those Indians at least who have enjoyed the full benefit of it.

For my part, I have never been able to discover, and I defy any man to specify, a solitary public advantage that has resulted from it in this country; while the melancholy fate of Chicago, the attacks upon Fort Madison, other early hostilities in its vicinity, the signal escape of the agents with the public goods from the Missouri, and the undeniable fact that, during the most successful operation of the public trading-houses at the above-mentioned places, individuals constantly vended more goods to the Indians for whose benefit those houses were established than the public agents did—all combine to afford practical demonstration that the system under consideration is neither calculated to conciliate and accommodate the Indians, nor for successful competition with British traders.

An attentive consideration of the situation of the Indians, a knowledge of their customs and habits, and of the manner in which trade with them has been conducted from time immemorial, it seems to me are all that can be necessary to produce irresistible conviction that the present plan can never succeed to any great extent in this country against competition, and it surely is not an object to pursue it where there is none.

The Indians having been long accustomed to obtain their supplies of goods on credit, about the usual time of their going to their wintering grounds, which are very remote from their villages, and at which they have constantly been in the habit of disposing of every thing of any consequence that they have had to sell, cannot, from their improvident character, be presumed to be prepared at those times to make prompt payment, without which the public factors could not safely sell to them; and therefore the cheapness of the goods is no advantage to them, because they are unable to avail themselves of it; while the traders who uniformly follow them to their hunting grounds are always anxious to advance their goods to them on credit previous to their departure from their villages, and are prepared to furnish them with additional supplies afterwards.

Even after they may have arrived at their hunting grounds, and acquired the means of purchasing goods, their object being more to supply present wants than to accumulate riches, it can hardly be supposed that, with their characteristic indolence, the prospect of getting goods a little cheaper would be a sufficient inducement with them to pack their furs and peltries a great distance to the factories, when they could otherwise obtain the supplies they wanted. But, besides the loss of time (then so peculiarly important to them) which would be attendant on occasional journeys of that kind during the hunting season, there are many other insuperable objections that forbid them; and at the expiration of their hunt they have generally little, if any thing, left to dispose of. Admitting these facts to be true, (and I think I can very safely vouch for their correctness,) how is it possible for a factory stationary at a particular spot, and selling no goods upon credit, to compete successfully with the individual enterprise which has always distinguished the British traders?

But supposing the present plan could be entirely successful in putting down British traders, our own, being much less formidable, of course would also fall victims to it; and hence would result a complete monopoly of the fur trade on the part of the Government, which would tend equally to excite the odium of the citizens of this country, and to check their further enterprises in exploring the hidden resources of wealth that remain yet to be discovered; whereby any increase in the trade would be prevented, because Government would hardly establish factories at any places except those at which experience had proved they could be advantageously employed; individuals would be deterred from making new establishments, lest, if their experiment succeeded, they might again be superseded by the Government; and thus would be lost to the nation advantages of immense importance, if any calculations can be made upon them from the enterprise of six men only, in the course of last year, who then made discoveries equal to any that ever were made in the prosecution of the fur trade, within the space of twelve months, since the first settlement of America.

The operation of the monopoly that would thus be effected, as I understand the plan of the Government, is not to make any profit by it; so that, while those citizens who have hitherto depended upon the fur trade for the support of their families would be entirely thrown out of the only business which they understand; they could not even

console themselves with the prospect of participating with the nation at large in the profits of which that trade is susceptible; these would be entirely sacrificed by the Government for the purpose of preserving peace with the Indians; and as I think that less than the amount of those profits, for a single year, otherwise employed, would be abundantly more efficacious, whenever occasion might require it, it appears to me to be a useless waste of the resources of the nation to make such an immense sacrifice for a number of years in succession, without any occurrence in the mean time indicating even an apparent necessity for it; and when, too, the prospects of a rupture must be daily diminishing by the rapid increase of population on our frontiers, and by the fears with which it will necessarily inspire the Indians.

It is believed, however, that as the principal object in establishing the present plan was to drive British traders, by fair competition, out of our limits, and thereby to get rid of their troublesome machinations with the Indians, Government would no longer prosecute it after those objects should be accomplished. But suppose it already to have succeeded fully to that extent, it nevertheless would not have annihilated British capital, or the Northwest Company, or that of Hudson's Bay. What then is to prevent the British traders from returning among us after the factories shall be withdrawn? Certainly nothing that I can conceive of. To succeed to the extent I have supposed would necessarily require the lapse of some years. In the mean time, our traders, from necessity, would have sought other employments, while our engagés and voyageurs, (as the hirelings of Indian traders are called,) who are so accustomed and devoted to the Indian trade as to be, like sailors, fit for little else, would most probably, from the want of employment, have gone over to the British, and entered into their service; and, consequently, our own citizens would then be even less qualified than they are at present to enter into successful competition with our rivals.

Having satisfied myself, at least, that the Government must encounter serious and important risks in the prosecution of the present plan of conducting the Indian trade; that it never can succeed in accomplishing the objects for which it was established, or produce any other advantages equivalent to those risks; and that, if it could succeed to the full extent of the wishes and anticipations of its most sanguine supporters, it would be attended with sacrifices which are forbidden by the public interest, it is, consequently, my opinion that it would be good policy to abandon it, even if no substitute should be provided in its place.

If, however, the Government is disposed to continue its own immediate agency in the Indian trade, its first care should be to obtain goods, particularly the important articles of blankets and cloths, of equal quality to those that are carried into the Indian market by our rivals, which never has been heretofore done in a single instance. For this purpose, it might be advisable to establish a manufactory of those articles, to be placed under the special direction and management of the superintendent of Indian trade. But if this is impracticable, and suitable importations cannot be made from England, I should suppose it would not be difficult to obtain samples of the English goods, and have such articles as we require sufficiently well manufactured in France.

I would also recommend the establishment of a factory at St. Louis, whither all the goods intended for the Indians of the Mississippi river and its waters should be sent; for the management of which factory, a deputy superintendent of Indian trade should be appointed, with power to dispose of the goods to such traders as could give good security for the punctual payment of the price agreed upon, and also for their compliance with such regulations and restrictions as might be prescribed to them.

By this means the danger of trusting to the fidelity of a great number of subordinate agents would be avoided; the goods, when sent into the Indian country, would not be at the risk of the Government; and as the sales to the Indians, on this plan, would be much more rapid, the price of the goods could of course be the sooner refunded.

Those traders would be obliged to employ a great number of engagés, who as well as themselves would be interested in conducting the trade and intercourse with the Indians in such a manner as to conciliate their friendship, and therefore might be relied upon as the most efficient and faithful agents of the Government, especially under their dependance upon it for further credits.

At the same time numbers of the Canadian engagés and voyageurs, invited by the prospects of employment which the operation of this plan would afford, would readily engage in our service, which, for many obvious reasons, they decidedly prefer to that of the British. This, by increasing our means of conducting the trade, while it would lessen those of our opponents, would do them the most essential injury; for nothing enables them to prosecute the fur trade with success so much as the great number of their engagés and voyageurs, the low price at which they are hired, and the easy manner in which they are usually paid. As an example of which, it is within my own personal knowledge that the whole expense of transporting eight thousand weight of goods from Montreal to the Mississippi, wintering with the Indians, and returning with a load of furs and peltries in the succeeding season, including the cost of provisions and portages, and the hire of five engagés for the whole time, does not exceed five hundred and twenty-five dollars, much of which is usually paid to those engagés when in the Indian country, in goods, at an exorbitant price.

If, therefore, the plan which I have the honor to suggest be calculated only to weaken our opponents in those essential resources, its absolute certainty of producing that effect, and pretty extensively too, would be sufficient to recommend its adoption.

Whatever plan our Government may adopt, it is, I think, but reasonable to suppose that the British Government will endeavor to counteract it; therefore, as a further illustration of this subject, I will suppose our present plan adhered to, and the one I now recommend adopted by the British Government, and put into execution at the island of St. Joseph's.

On this supposition, Mr. Johnson (our factor) arrives at Prairie du Chien next autumn with his \$10,000 worth of goods; Mr. Dickson, having obtained an equal quantity at St. Joseph's, reaches the Indian villages about the same time. Both of these gentlemen are bound to refund to their respective Governments the cost of the goods, including the expense of transportation. The Indians to whom they must vend them are, the Menomonies, Winnebagoes, Sacs, Foxes, Chippewas, and Sioux, (the very Indians intended to be supplied by our factor.) The former remains stationary at Prairie du Chien, selling only to those Indians who go there prepared to make prompt payment; the latter pursues the usual course of the trade, and sends his engagés to winter with the Indians on their hunting grounds. Can any man in this world, at all acquainted with the geography of the country, the situation and habits of the Indians, and the history of the fur trade, hesitate to believe that, under such circumstances, the latter gentleman would be able to sell the most goods, to obtain the best price, and to make the earliest payment to his Government?

The only advantage which the British really enjoy over us, consisting in the number of their engagés, would be daily diminishing, not only by the operation of the plan I recommend, in withdrawing those people from their service, but in its tendency to create new engagés and voyageurs out of our own citizens; while our superior facilities of transportation by large navigable rivers would eventually give us success throughout the whole extent of our limits at least.

If Government should determine upon declining all further direct agency in the Indian trade, I would, in that case, recommend the legal incorporation of a company at St. Louis, with power to raise a competent capital for that purpose; and, among the conditions of incorporation, it should be provided that the company should buy, at a reasonable price, all the Indian goods which the Government might then have on hand, and should keep up trading-houses at those places at which we are bound by treaty to continue them.

It might also be useful to invest the company with the privilege of employing a part of its capital in banking; but, not knowing whether the principle of either of those plans will be approved, I forbear any remarks upon minuter details.

If neither of them should be thought advisable, and Government is disposed to foster the trade in the hands of individuals, this, I should suppose, might be done by allowing a drawback of all duties upon goods exported to the Indian country, which could be effected, without danger of fraud or evasion, by checks that might be interposed through the instrumentality of the present public agents: for example, I will suppose that a trader wishes to export his goods to the villages of the Sioux and Chippewas above Prairie du Chien; he might be required to enter his goods by invoice of articles, instead of packages, with the superintendent at St. Louis, and again to have both goods and invoice re-examined by Mr. Boilvin, our agent at Prairie du Chien: by this means, it would be seen whether he had carried the whole quantity of goods as far as the latter place; and if he had done so, there would be no danger of his bringing them back, as there is no probability that any person would carry goods that far merely for the purpose of fraudulently getting clear of the duty on them.

This example, however, is stated merely to show that the proposed indulgence could be safely given by the Government to a certain extent at least; and, as far as it could be so given, it would certainly be attended with beneficial consequences. I have myself matured no plan upon the subject; but I suppose the drawback might be safely and advantageously allowed upon all goods exported from certain points on the Mississippi, Missouri, and Illinois rivers; and the points that I should recommend would be the mouth of Rock river, on the Mississippi; Fort Osage, on the Missouri; and Fort Clarke, on the Illinois; at each of which places I presume an Indian agent will be continued, so that this plan could be effected without the expense of any additional agencies.

If the present plan of the Government should be abolished, and either of those which I have the honor to recommend substituted in its place, I have no doubt that we shall soon see the fur trade floating exclusively in the channels which nature seems to have prepared for it. Being, however, sensible of my own want of information upon the subject, and believing that no man in America was better qualified to decide upon the best plan of conducting that trade than Colonel Chouteau, who has pursued it in this country for forty years with such success as to have amassed an immense fortune by it, I took the liberty of asking, and readily obtained, his opinion in writing, which I have the honor herewith to transmit for your consideration.

Very respectfully, sir, your most obedient servant,

NINIAN EDWARDS.

The Hon. WILLIAM H. CRAWFORD, *Secretary of War, Washington City.*

NOTES.

The new method of conducting the Indian trade, for several years past, is the cause of a considerable diminution in the fur trade of the Missouri and Illinois Territories. The Government of the United States thought that, by establishing a system of factories, they would supply all the tribes of Indians, to their satisfaction, with all kinds of goods necessary for their consumption, at such low prices that by these means they would get all the furs and pelts of the Indians, and at the same time would also get their confidence, esteem, and fidelity. But, unhappily, this generous system has had a contrary effect. The diminution of the Indian proceeds, on the one part, and the diminution also of esteem and fidelity in almost all the tribes of Indians towards us in the late war, prove incontestably that the system of factories is not at all proper to conciliate the esteem of the Indians, and less so to obtain in the fur trade a preference over the strangers.

This kind of trade and the trade among whites are entirely different, and to consider them analogous would be erring considerably. It requires on the part of the trader a complete knowledge of the Indian customs, characters, habits, way of living, hunting, &c., to form his plans to trade with them, without which one will always err and fall from errors to errors.

The factories, such as they are now established, are trading-houses fixed at certain points under the protection of a fort, and more or less distant from the Indian villages. Though living at a considerable distance from those houses, Indians are obliged to go to them to trade. They get in exchange for their furs goods at a reasonable price, (however, the difference with strangers is only in powder, rifles, calicoes, saddles, wampum, and a few other articles.)

These factories never sell on credit,* whereas, for many years past, Indians have been accustomed to buy in that way, as well from the traders of these two Territories as from the British. The credits are actually indispensable, because the hunting grounds being further than they formerly were, and Indians being obliged to go more than 300 miles from their villages to hunt, if they have not a sufficient quantity of furs to buy their winter goods, they miss their hunt, because it is too hard for them, once on the hunting spot, to return in winter to the factories, through snow and frost, to trade for whatever they want to continue their hunt; and what stops them the most is, the fear of leaving their families alone, exposed to war parties from the other tribes that are constantly going about in the winter season; and themselves, in going to the factories, are exposed to fall into the hands of their enemies: this having already been the case.

The great advantages that the British traders have obtained over the factories on the Mississippi are very well known; but to give an idea of them, I will suppose four British traders going to trade with a certain tribe of Indians; these four traders will certainly be in competition one against the other, and every one of them will try to do the best business; to do which they will carry with them what the Indians love the best in every way, and open their stores in the village of that tribe. Does it start to hunt, they follow it by water from 150 to 200 miles, until the place where it stops to go in the interior of the lands. There the traders build houses, and a part of the Indians their cabins or lodges. Each Indian hunter buys on credit, sometimes to the amount of \$200, according to his reputation. Each trader does his best to sell on credit to those hunters, because it is a custom with the Indians that a family who has obtained goods on credit sells all its furs to the man who has advanced those goods. When the Indian hunters have left the river shore and are on their hunting ground, soon after, the traders try their best to get

*Partial credits are given at the factories.—*John Mason, Superintendent of Indian Affairs.*

the furs of those Indians that have not bought on credit; to do that, they send in every direction, to the places fixed upon by the Indians to hunt, men with fancy goods. These men or engagés carry those goods on their shoulders through frost and snow, and do whatever is in their power to trade for the furs of those Indians that have not bought on credit from their employers or bourgeois, (it is what the Indian traders call running a *deouine*.) I have gone through this long detail about the British traders, to show all the pains and means they make use of to obtain from the Indians their furs, and that, if we want to go into competition with them, we must do the same; for to be stable on a certain fixed point is giving positively to the strangers all kind of advantages in this kind of trade.

In the event of the abolition of the factories, the first inquiry that naturally presents itself is, what is to be substituted in place of them? Upon this subject, I must, in the first place, refer to a publication in the *Ohio Navigator*, which was written by me in 1805, and published in 1811, folio 268, and was the result of fifteen years' observation and experience by myself. In that publication it will be seen that the Missouri only gave annually at that time an amount of \$77,971. The same produce would fetch now at least one-third more, on account of the difference in prices; add to this sum the proceeds of the following rivers, St. Peter's, Red, Crow's Wing, and a great many more of the Mississippi that are not comprehended in the observations of 1805, then the sale of furs and peltries could be safely estimated annually (independent of the proceeds of all the trade with the Indian tribes of the Missouri above the Mahas and Poncas) at \$150,000 at least.

To obtain all these furs, Government ought to establish at St. Louis a store, with a capital of about \$100,000, which ought to be augmented according to the augmentation of the trade. That store ought to be furnished with all kinds of goods suited to the Indian trade, well assorted in quality and quantity, and the articles in proportion to the sum. These goods ought to be selected on the notes of a man who understands perfectly well the Indian trade, and who should also know exactly what suits every nation in particular.

That store, so established, could equip (without exclusive privilege) for the present about twenty-five or thirty traders for the Missouri, Mississippi, and all the rivers that empty in these two. But to enable those traders so equipped to enter into competition with the British traders, Government ought, as much as possible, to sell these goods at a very moderate advance, and take their furs and peltries at a reasonable price. By these means Government would employ its capital to the advantage of its citizens, to the annoyance of British traders, and I am bold to say it is the only means to destroy the British trade; besides which, our two Territories would be greatly benefited thereby.

Twenty-five or thirty traders would employ about two hundred men. The necessary expenses of shipping, and some other expenses, would produce the circulation of a trading medium in the country. Add to these the advantage of forming *voyageurs* fit for those sorts of voyages, which, by the bye, will certainly be of great consequence.

In the above notes I have not mentioned the Indian tribes which live above the Mahas and Poncas; these are the Sioux, divided in several tribes and under different names, the Arickaras, Mandans, Gros Ventres (Big Bellies,) Pieds Noirs (Black Feet,) and a great many others who are little known that inhabit the forks of the Missouri; and particularly those of the left side, which are very near the trading-houses of the Northwest Company of Canada: as to those of the right fork, on which there is a fall, known only since the voyage of Captains M. Lewis and William Clark, their journal can be consulted. The trade with those tribes cannot be made with any advantage but by a company well organized, and which could dispose annually of about \$50,000 in goods, of which sum the company could not expect any good returns before the expiration of three years, that time being necessary to go to and examine the country, build forts on the places which would be thought convenient, make friends, and open the trade with those different tribes. I dare give here my decided opinion, which is founded on premises that I believe just, that a company well conducted, which should have the Indian trade (not exclusively) from Cedar island, above the Poncas, to all the forks of the Missouri, could bring down annually, (once well established,) from that extent of country, a considerable sum in furs and pelts, which could be estimated at more than \$200,000. This sum will appear exaggerated, but I found my opinion on the returns of the Northwest Company of Canada, which, though not well known, on account of the profound silence they have kept on this subject, have been thought, through the observations of knowing men, to be at least £200,000 sterling; and this sum is principally got by the trade carried on with those tribes of Indians that reside in the neighborhood of the branches on the left side of the Missouri. To arrive at those trading places, that company incurs very great expenses, which are occasioned by the difficulty of the roads, being obliged to carry their goods in very small bark canoes; and when there is no water, those goods are carried on men's shoulders. The greatest difficulty for them, and which occasions a very great expense, is the carriage of their provisions to the different forts they have on that part of the northwest. The proposed company would have a decided advantage over that of the Northwest, because it would be able to carry its goods wherever it would fix its forts, in large barges, which would save considerable time and expense, as well for sending up their goods and food as for bringing down their produce. It might yet establish easily a fort near the village of the Mandans, or any other place which might be thought proper, and there plant corn, potatoes, &c., which would diminish greatly the expenses of transportation, and even make whiskey, this liquor being indispensable in this kind of trade. With these advantages, added to many others, the proposed company must annoy and even destroy the Northwest Company; but whoever undertakes this trade may be sure that the Northwest Company will do any thing in its power, and even sacrifice large sums of money, to prevent that establishment: But if the agents of the proposed company, that would be at the head of the business in the neighborhood of the Northwest Company, should act prudently, and have engagés that know well the trade, all the efforts of the Northwest Company would amount to nothing.

The mountains that are on the west side of the Missouri Territory offer riches more considerable than those of all the rest that have been mentioned, and the more advantageous, as there would be no competition on the part of any strangers. That country, covered by a great many Indian tribes, such as Laytanés, Rapahauts, Toquibacoux, and many others, wish and ask constantly to open a trade with us. But, unhappily, we have not yet capitalists and men of enterprise in these Territories; but we may hope that some will come, when this country will be well known, and when people will appreciate its great resources in riches that are immense, which time and the enterprise of our citizens cannot fail to develop.

Y.

SIR:

INDIAN OFFICE, *February 9, 1816.*

In obedience to the instructions of the President, I have prepared, in conformity to the resolution of the Senate of the United States, and have the honor to transmit you herewith, a view of the trade carried on for public account with the several Indian tribes within the limits of the United States, during the four years preceding the spring of 1815.

By the mode of accounting at this office, the returns of the agents are made quarterly, and the books are struck to conform with these dates. In order to avoid fractional calculation in furnishing balances, I have taken the liberty to make it commence on the 1st of April, (the beginning of a quarter,) instead of the 4th of March, 1811,

as contemplated by the resolution. Since the period embraced will be, within a very few days, the same, there can be no perceptible difference in the result.

The schedule marked Z refers to and gives the substance of each of the several papers of which this view is made up. In addition to an annual account of each of the trading-houses, and an annual account of the whole of the Indian trade, and a general account of the same during the period before mentioned, as called for by the resolution, for the better understanding of the whole subject I have furnished a general account of each trading-house, and a statement showing the amount of property on hand, or of the capital stock as it stood on the 1st of April last. It necessarily happens that in a concern, the business of which is going on at so many different and distant points, the accounts cannot be struck at any given time without having resort in many of the items to estimate. This is particularly the case in the annual statements, inasmuch as, from the nature of this trade, the returns of an outfit cannot come in within the same year, and are often out more than two years. The results, however, may be considered as nearly correct.

It will be perceived by these statements that, in the year 1811, there were ten trading-houses in operation, and that in the beginning of 1815 there remained no more than six. Four, to wit, that at Michilimackinac, that at Chicago, that at Sandusky, and that at Fort Wayne, were broken up and destroyed by the enemy. To replace these, in part, during last fall two new houses were fitted out, one to be located at Chicago, and one on Green bay of Lake Michigan.

With great respect, I have the honor to be, sir, your very obedient, humble servant,

J. MASON.

The Hon. WILLIAM H. CRAWFORD, *Secretary of War.*

Z.

Schedule exhibiting a condensed view of the United States Indian trade during the four years preceding the 31st of March, 1815, as shown in detail by the documents enumerated below, and filed herewith.

Paper A, and accompanying abstracts from A <i>a</i> to A <i>g</i> , show the state of the trading fund as it stood on the 31st of March, 1815, to have been capital on hand,	\$261,368 09
Whole capital originally vested by Congress in this trade,	290,000 00
Diminution of capital since the commencement of the establishment,	28,631 91
Diminution of capital on the 31st of December, 1809, as shown in the report of the superintendent of Indian trade to the Senate of 12th of April, 1810,	44,538 36
Diminution on the 31st of March, 1815, as above,	28,631 91
The fund better on the 31st of March, 1815, than on the 31st of December, 1809, by	15,906 45
Lost by the British and Indians, by seizing and burning several of the factories, as shown in abstract F <i>m</i> of account F,	43,369 61
Gained in trade between the 31st of December, 1809, and the 31st of March, 1815,	59,276 06
Paper B, first annual account of the whole trade, shows the result of the trade at nine trading-houses, from the 31st of March, 1811, to the 1st of April, 1812, gain,	4,782 93
Abstracts from B <i>a</i> to B <i>i</i> show the result of the trade at each of the houses during the same year.	
Paper C, second annual account of the whole trade, shows the result of the trade of nine trading-houses, from 31st of March, 1812, to the 1st of April, 1813; the accounts of four of these houses for losses, in whole or in part, by destruction of the enemy, being brought in this year, loss,	30,472 12
Abstracts from C <i>a</i> to C <i>i</i> show the result of the trade and losses by the enemy of each of the trading-houses during the same year.	
Paper D, third annual account of the whole trade, shows the result of the trade, &c. of seven trading-houses, from the 31st of March, 1813, to the 1st of April, 1814, gain,	3,832 13
Abstracts D <i>a</i> to D <i>g</i> show the result of the trade and losses by the enemy during the same year of each of these houses.	
Paper E, fourth annual account of the whole trade, shows the result of the trade of six trading-houses, from the 31st of March, 1814, to the 1st of April, 1815, gain,	34,284 93
Abstracts E <i>a</i> to E <i>f</i> show the result of the trade at each of these trading-houses during the same year.	
Paper F, a general account of the whole trade, show the result of the operations of all the trading-houses during a period of four years, between the 31st of March, 1811, and the 1st of April, 1815, gain in trade,	55,797 48
Loss by destruction of property by the British and Indians during the war,	43,369 61
Nett gain,	\$12,427 87
Papers G, H, I, K, L, M, N, O, P, Q, being a recapitulation of the annual results of the trade of each trading-house for these four years, show the gain or loss of these trading-houses, respectively, from the 31st of March, 1811, to the 1st of April, 1815; by which it will be seen that, during that period, the trading-house at Chickasaw Bluffs gained	\$10,241 58
Ditto, at St. Fort Stephen's (Choctaw) lost	82 55
Ditto, at Des Moines gained	19,739 88
Ditto, at Osage gained	14,282 90
Ditto, at Natchitoches gained	12,003 37
Ditto, at Chicago lost	11,503 31
Ditto, at Michilimackinac lost	11,486 27
Ditto, at Sandusky lost	8,053 44
Ditto, at Fort Hawkins lost	380 88
Ditto, at Fort Wayne lost	5,333 46

NOTE.—In the losses shown at Chicago, Sandusky, Michilimackinac, Fort Wayne, and Des Moines, are included the losses occasioned by the destruction by the enemy.

A. z.

The office of Accountant of the War Department was established under the act of 8th May, 1792. The duties of the Accountant were the settlements of all accounts relative to the pay of the army, the subsistence of officers, bounties to soldiers, expenses of the recruiting service, and the incidental and contingent expenses of the War Department. All purchases for supplying the army with provisions, clothing, supplies in the quartermaster's department, military stores, Indian goods, and all other supplies or articles for the use of the War Department, were directed to be made by the Treasury Department, and the accounts were rendered to that Department, and were settled by the accounting officers, without any agency of the Accountant.

The business of the Accountant's office was confined to the duties prescribed by the act of the 8th May, 1792, until the year 1798. On the 16th July of that year, Congress passed "An act to alter and amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," by which the duties heretofore performed by the accounting officers of the Treasury Department, in relation to the settlement of the accounts for supplying the army with provisions, clothing, supplies in the quartermaster's department, military stores, Indian goods, and all other supplies or articles for the use of the War Department, were annexed to those of the Accountant, making it his duty to settle accounts of every description growing out of the military service of the United States, agreeably to the estimates and appropriations for the military establishment, and also for the Indian department, including the Indian annuities.

By the act of the 3d March, 1809, "further to amend the several acts for the regulation of the Treasury, War, and Navy Departments," the duties of the Accountant's office were further increased, by reason of the forms prescribed for keeping and rendering the accounts of the War Department. An additional set of books for the appropriations, and also one for the expenditures, were directed to be kept in the Accountant's office. In the former, accounts of the appropriations made annually are kept under each specific appropriation, showing the moneys drawn from the Treasury, and their application, annual statements of which are rendered to Congress. In the books of expenditure, separate accounts are kept with every receiver of public money, under each specific appropriation, out of which the money is advanced, and separate accounts are required to be rendered by each agent or receiver of public money, under every specific appropriation, out of which moneys are advanced to them. Hence, the number of personal accounts and separate settlements is multiplied to a very great extent. Formerly, (that is, prior to this act,) every agent or receiver of public money rendered but one account, and had but one settlement, whether he received money under one or more appropriations; now, it frequently occurs that the commissaries, quartermasters, paymasters—in short, all disbursing agents—have from two to six, and some more, accounts open on the books; and every recruiting officer has at least two accounts on the books, which require separate settlements under each. Other duties are required of the Accountant under the same law, which consume much time, and occasion great labor, particularly when the expenditures of the Department have extended the number of accounts to what they are at present. The annual list of outstanding balances required to be laid before the Comptroller of the Treasury may be mentioned; and when the open accounts on the books of the Accountant exceed five thousand, some estimate may be formed of the labor and difficulty incident thereto. Without, therefore, going any further into the details of the duties of the Accountant's office, it may be safely stated that some alteration has become necessary to meet the present state of public business. It is, accordingly, recommended that a division of the duties of the Accountant be made, and that an additional accounting officer be appointed, to be charged with the performance of such part of them as may be prescribed by law, leaving the residue to be performed by the Accountant. By an arrangement of this kind, the business of each office will be placed within the reasonable bounds of punctual performance. The great mass of unsettled accounts, as well those already deposited in the several offices of the War Department, and remaining unsettled, as those unliquidated in every part of the country, and those about to be provided for by Congress, will be settled within a reasonable period, and in a manner calculated to secure the public interest in their adjustment. Without some arrangement of this kind, it will be impracticable to meet the public business; and the consequent delays in the settlement of the public accounts, particularly those of paymasters, quartermasters, and other agents, whose disbursements have been to a large amount, will operate greatly to the prejudice of the public interest.

There is another part of the present system, in relation to the accounts of the War Department, which it is thought may be altered with advantage to the public interest; and, with a view of elucidating that part, it is necessary again to resort to the act of the 8th May, 1792, establishing the Accountant's office. In that act, it is directed that the Accountant shall report all settlements made by him, from time to time, to the accounting officers of the Treasury, for inspection and revision. The accounts are accordingly settled by the Accountant, the balances are paid, and thereafter quarter-yearly sent to the Treasury, accompanied by statements in detail, embracing all the transactions of the office in relation to the moneys received and expended. These statements have grown to an extent, in consequence of the increased expenditures in the War Department, so as to cause, in their preparation, a great consumption of time and much labor. The accounts and vouchers settled being sent out of the office, and filed at the Treasury, is also an inconvenience, because it very generally happens that, on the settlement of an officer's or agent's account, the previous settlement becomes necessary; this must be sent for to the Treasury, and cannot always be had: hence delay in the business of the office. But the principal objection to this part of the system is, the labor it occasions in preparing the accounts for revision; notwithstanding which, the object to be effected by it does not appear of sufficient importance to justify its continuance. The accounts are never revised until months after they have been settled, the balances paid, and the claimant acquitted of his responsibility. If, therefore, errors or improper allowances should be discovered, the difficulty of correcting the one, or altering the other, must appear obvious: hence the insufficiency of the revision at the Treasury. It is, therefore, thought the more advisable that an officer should be appointed in the War Department to act as Comptroller, whose duty it should be to revise the accounts settled by the Accountant, before the balances are paid, or the accounts considered finally settled. This would supersede the necessity of sending the accounts to the Treasury for revision, would be the means of keeping in each office the accounts settled in it, and remove all the difficulties incident to the revision at the Treasury. It would also be the means, it is conceived, of securing the public interest, by withholding the payment of money until the accounts had received every check necessary to an accurate settlement. It might also be made this officer's duty to perform such other acts, as far as they are applicable in relation to the War Department, as the Comptroller of the Treasury now performs in relation to that Department; and the same officer might be clothed with power to decide on accounts not specifically provided for by law, and which now are referred to the Secretary of War, to the great interference with his other duties. In short, the appointment of a Comptroller for the War Department would be the means of concentrating in that Department the whole responsibility growing out of its receipts and expenditures, and of relieving the officers of the Treasury Department of a branch of duty which must very materially interfere with the performance of their other high and important duties.

Z z.

SIR:

INDIAN OFFICE, *March 6, 1816.*

I had the honor to receive yesterday your letter of the 4th instant, in which I am requested to furnish you with my views of the expediency of continuing the Indian trade as now established; of the modifications which it would be proper to introduce into that system at this time; of the increase of capital which is necessary to the supplying of the numerous tribes within our limits; and of the alterations, if any, that should be made in the system of licensing private traders.

As to the first three objects of inquiry, I respectfully offer the opinion that it would not be expedient at this time to abolish the present system of trade on public account, but that it should be continued, with some modifications and an increase of capital.

However desirable it may be to relinquish ultimately to individuals all the trade with the Indians, it is believed that this cannot yet be done with propriety. If it is the policy of the Government, as it is presumed certainly to be, no longer to permit any trade or intercourse to be held by foreigners with the Indians within our limits, it becomes very questionable whether the amount of supplies heretofore furnished these in many parts of our territories by British traders can, within any short period, be substituted by American traders, independently of public aid. If British traders are prohibited, and the supplies before obtained from them cannot be had by other means, it is very certain the Indians must suffer greatly, and that, besides the inhumanity of such a result, no circumstance could tend more to alienate them from this Government. The Indian trade is of a peculiar character, and requires certain associations of local information and habit on the one hand, and of capital and perseverance on the other, that cannot be at once matured in such manner as that it be carried on for private account in all the different sections of the country, to the necessary extent, in any short time. Again: it would be difficult, perhaps impossible, so to organize a system of trade purely on public account, as that it should pervade the villages and the hunting camps of the numerous tribes within our limits, (a course, by usage, become indispensable,) without exposing the public funds engaged in it to too great risk of loss by its complexity, or from fraud in the numerous and distant subagencies which would thus, of necessity, be created. For these considerations, I would, with great deference, propose that the present capital in Indian trade (which may be considered to be now equal, or nearly equal, to the sum originally vested, to wit, \$290,000,) be increased to \$500,000; and that the superintendent of Indian trade be authorized, besides opening additional trading-houses at such convenient positions as may be directed by the President, to establish a depot of supplies, duly assorted for the Indian trade, at some proper place, neighboring to the Indian country, as at St. Louis, equal in amount to about \$150,000, to be furnished from time to time on credit for a reasonable term, but under strict regulations as to ultimate security and the character of the persons intrusted, to American traders, who should come under engagement to barter the goods so obtained at the villages and hunting grounds of such tribes as might be designated to them, respectively; these credits to be given out in moderate sums, proportioned to the means of the trader, and made reimbursable at the depot, in the furs and peltries received from the Indians, at fair prices, such as would at the same time support the public fund, and give sufficient encouragement to the adventurer. This part of the trade might be so regulated as to leave the public trading-houses, which are stationed at some distance beyond the white settlements, to be resorted to by such of the Indians as should keep over the products of their hunts, and convey them thither, in order to obtain the best terms, while it supplied the less provident at their villages and hunting camps in quarters not frequented by American traders operating exclusively on their own resources.

By these means, it is believed, a sufficient and proper supply of goods may be forthwith furnished all the Indian tribes on our borders, from sources independent entirely of foreign capital and foreign traders; and that, in the course of a few years, the public agencies may be withdrawn, and the whole trade laid open to individual enterprise, without injury to the political interests of the United States, or disregard to the condition of the Indians.

In relation to the system of licensing private traders, I have no doubt that great abuses exist, and that alterations are requisite. In the first place, the penalties for trading with Indians without license are too light, and the forfeitures too easily evaded, to deter persons disposed to violate the law; and, in the next place, the Governors of Territories, and other agents authorized to issue licenses, are, as the existing provisions of the law on that subject have been construed, bound to give a license to any person whomsoever, foreigner or citizen, that can furnish security for \$1,000. The result is, that our Indian countries are filled with persons hostile to the interests of the United States, and employed, in many instances, to excite animosities against our citizens and Government; or of desperate character, who are debasing the habits and destroying the health of the Indians, and at the same time cheating them of their little earnings, by constantly dealing out to them spirituous liquors.

I beg leave to suggest, as a remedy for these evils, that it be provided by law that no license to trade with the Indians within our limits be issued to any person not a citizen of and resident within the United States; and that the entire power to issue these be lodged with the President, through such agents and under such restrictions as he may from time to time direct. By this means the Executive will be at all times able so to regulate the private as well as the public trade as to insure from one or other of these sources a competent supply of goods in the different sections of Indian country.

Anxious, sir, to make you, as requested, an early reply, I have hastily thrown together my ideas on the subject of your letter; they have not, however, been recently formed, and have been derived from some experience in Indian affairs. I shall be much gratified if they prove in the slightest degree useful to the Government.

Very respectfully, I have the honor to be, sir, your obedient servant,

J. MASON.

To the Hon. WILLIAM H. CRAWFORD, *Secretary of War.*

SIR:

JEFFERSONVILLE, IND. T., *October 4, 1815.*

Your communication of the 17th August came to hand. One year's annuities, which were for the year 1812, have been received by the then acting Governor, General Gibson, but none of them were disposed of as Government intended. General Gibson informs me that when General Hopkins reached Vincennes with his expedition against the Indians up the Wabash, he received an order from the general, which he conceived he was authorized to give, to deliver such articles out of the Indian annuities as might suit the militia under his command; that, agreeably to that order, all the blankets and other woollens were delivered, and he says an account kept, which account I have been endeavoring to procure to send on to your Department, but have not as yet been able to get it; this has been the cause of my delay in not acknowledging the receipt of your letter at an earlier period. Sundry of the goods have perished by damage in removing them from Vincennes to this place; what remained on hand when I took charge of the government of the Territory of Indiana amounted to about \$800, and they a good deal

damaged. I have given out of them at different periods, to friendly Indians, to the amount of \$400; the balance are now on hand, but of such articles as are of trifling consideration. As soon as I can procure an account and statement of the goods delivered to General Hopkins's militia, I will forward it to your Department. As soon as the goods came into my hands, I wrote to the Secretary of War, and stated the situation of the goods, and suggested to him the propriety of making sale of them, but never received an answer.

Accounts of all my transactions occasioned in expenditures with these Indians professing a friendly disposition have been transmitted to the Department of War. If any other statement than this should be thought necessary, please inform me.

I am, with great respect, your obedient servant,

TH. POSEY.

P. S. The whole of the four years' annuities are due the Indians.

HON. WILLIAM H. CRAWFORD, *Secretary of War.*

SIR:

JEFFERSONVILLE, INDIANA TERRITORY, *October 22, 1815.*

In my letter addressed to you of the 4th instant I mentioned having received of the Indian annuities, when I took charge of them, \$800 worth; but, upon further investigation, I find the amount only to be \$672 worth, \$400 of which I made presents to the friendly Indians, leaving a balance of \$272 agreeably to the charges in the original invoice, but the residue are so damaged and culled that they are worth very little.

I have not received from General Gibson, neither has he been able to procure, an exact account of the goods from General W. Johnston, whom he intrusted to deliver them to General Hopkins's militia; he informs me that he will make a statement, as far as he is able, and send it on to the Department of War.

I am, with great respect, your obedient servant,

TH. POSEY.

HON. WILLIAM H. CRAWFORD, *Secretary of War.*

SIR:

JEFFERSONVILLE, *October 22, 1815.*

Governor Posey handed me a letter, together with some resolutions of the Senate, from you directed to him, respecting Indian annuities. This was done by the Governor, I presume, because in the year 1812, after Governor Harrison left the Territory, its government fell under my direction, and, of course, the Indian annuities then on hand under my care. There were at that time at Vincennes annuities for the Kickapoos, Weas, and Piankeshaws, as per invoice, to the amount of \$3,144 90. Having no warehouse either public or private, I put them under the immediate care of General W. Johnston, in whom I then had confidence, and who acted as my private secretary. Some time in the same year I received a letter from the War Department, dated September 17, directing me to distribute the goods to the best advantage to the militia and volunteers then protecting the frontier. In obedience to that direction, I made distributions to a considerable amount, and directed an advance of twenty-five per cent. to be laid on the goods, to cover the expense of transportation, &c., and that duplicate receipts should be taken and forwarded to your Department. This I did, expecting the amount would be deducted from the pay of the militia and volunteers. The receipts were enclosed to Mr. Eustis, then Secretary of War, but I never received an acknowledgment of their safe arrival; I presume, however, they are now on file in your Department.

Immediately on the perusal of your letter to Governor Posey, I wrote to Mr. Johnston for an account of the annuities, as well those delivered the militia and volunteers as those then in his hands. In answer to my letter, he enclosed me the within account, (marked No. 1,) by which it would appear that the goods are all regularly accounted for. I cannot, however, refrain from remarking that the sum of \$397 87½ is an improper one, inasmuch as that expense was defrayed out of a draft given the quartermaster, and which he has charged in his account; besides, the twenty-five per cent. adds to the amount charged to the different persons named in the account; that deducted will leave a considerable balance in the hands of Mr. Johnston, and for which he must be accountable. I am pretty well convinced that the account, when correctly and honestly stated, will stand as in the enclosed (marked No. 2;) and to that amount have I written to Mr. Johnston, urging on him, in as strong language as I could, the necessity of an immediate and correct settlement of the account, to which he has not as yet deigned to reply. Should I not receive an answer from him by to-morrow's mail, I will transmit to your Department a copy of the several accounts forwarded to me by Mr. Johnston, together with the vouchers, for whatever were delivered the Indians by my direction.

You will observe in the account furnished by Mr. Johnston (a copy of which is herewith enclosed) a charge to myself of \$86 50; those goods I hold myself responsible for at any moment I am called on; they were mostly retained by me for some militia who were not otherwise able to supply their necessities. The above amount is charged with the twenty-five per cent. advance.

Such was my situation as acting Governor of the Territory, that I was compelled to place confidence in some person; and all I have to regret is, that that confidence fell upon a man who shamefully abused it in almost every particular.

I have the honor to be, with high consideration and respect, sir,

Your most obedient, humble servant,

JOHN GIBSON.

The Hon. SECRETARY OF WAR.

No. 1.

Memorandum of the Wea, Kickapoo, and Piankeshaw annuities which came to the care of General J. Gibson, in the year 1812, and how disposed of by him.

Amount of invoice for the Weas, - - - - -	\$1,150 00
Amount of invoice for the Kickapoos, - - - - -	994 94
Amount of invoice for the Piankeshaws, - - - - -	999 96
	\$3,144 90
Amounts delivered the several militia officers in the years 1812 and 1813, viz:	
Brigadier General Hopkins, - - - - -	\$113 34
Colonel Miller, - - - - -	359 45½
Colonel Barbour, - - - - -	870 53½
Colonel Wilcox, - - - - -	349 78
Colonel Evans, - - - - -	5 93
Major Hughes, - - - - -	175 57
To different Indian prisoners whilst at Vincennes, and for fixtures on their going to Piqua, - - - - -	397 89½
Due by General W. Johnston for moneys received, &c., after deducting his trouble in keeping accounts, and money advanced for freight, &c., \$113 50, and by General Gibson, \$86 50, - - - - -	200 00
Balance of goods delivered W. B. Prather, by order of Governor Posey, - - - - -	672 40
	\$3,144 90

No. 2.

Annuities for Kickapoos, Weas, and Piankeshaws.

1812.	Dr.	
Kickapoos, - - - - -	- - - - -	\$994 94
Weas, - - - - -	- - - - -	1,150 00
Piankeshaws, - - - - -	- - - - -	999 96
		\$3,144 90
[The above account does not include any goods which may have been delivered the Indians. If any were delivered, vouchers must exist for them, and the account, of course, be credited therefor.]		
	CR.	
By amount delivered General Hopkins, exclusive of 25 per cent. advance, - - - - -	- - - - -	\$90 67
By amount delivered Colonel Barbour, do. do. - - - - -	- - - - -	696 42½
By amount delivered Colonel Miller, do. do. - - - - -	- - - - -	287 56½
By amount delivered Colonel Wilcox, do. do. - - - - -	- - - - -	279 82½
By amount delivered Major Hughes, do. do. - - - - -	- - - - -	140 45
By amount delivered Colonel Evans, do. do. - - - - -	- - - - -	5 93½
By amount retained by General Gibson, &c., per letter, exclusive of 25 per cent. advance, - - - - -	- - - - -	68 67
By amount delivered Governor Posey, do. do. - - - - -	- - - - -	672 40
By amount in the hands of General W. Johnston, - - - - -	- - - - -	902 96
		\$3,144 90

Extract of a letter from the Secretary of War to General J. Gibson, dated

SIR:

WAR DEPARTMENT, September 17, 1812.

Your letter of the 2d instant is received, and you are authorized to dispose of any goods within your control destined for the Indian tribes who are now hostile, and distribute them to the best advantage among the volunteers and militia who are marching to the protection of the frontier, keeping an account of the same.

SIR:

DETROIT, October 16, 1815.

I have the honor to state that no presents were issued to the Indians in this Territory, except a few from the quartermaster's department, the amount of which I have no means of ascertaining, between the period of my appointment, in 1813, and the month of August, 1814.

In the months of August, September, October, November, and December, 1814, and January, 1815, goods to the amount of \$11,312 61 were distributed in presents to the Indians at this place.

But although these goods were distributed as presents, yet they were, in a considerable degree, rewards for services which had been rendered by the Indians.

I am unable to state what presents were issued antecedent to the period above mentioned. The data for that purpose can only be found in the War Office.

I transmit an abstract showing the annuities due to all the Indian tribes north of the Ohio, and east of the Mississippi. At what time any of these tribes received their last payment, I know not, nor have I any means of knowing.

I have reason, however, to believe that those tribes whose annuities are payable at this place (namely, the Wyandots, Chippewas, Ottawas, and Pattawatamies) have received nothing since 1811; and that, consequently, four years' annuities are due to them. I need not again say how necessary it is that these debts should be discharged.

I transmit an abstract showing the amount due here, presuming that no payment has been made to them since 1811.

Upon the subject of Indian affairs generally, I have nothing to add to the two letters I had the honor to forward to the War Department in July last in relation to them.

Very respectfully, sir, I have the honor to be your most obedient servant,

LEW. CASS.

Hon. WM. H. CRAWFORD, Secretary of War.

Abstract of annuities payable to the Indian tribes north of the Ohio river and east of the Mississippi.

Names of tribes.	Treaty of Greenville, Aug. 3, 1795.	Vincennes, Aug. 13, 1803.	Vincennes, Aug. 18, 1804.	Vincennes, August 27, 1804.	Fort Industry, 4th July, 1805.	Grouseland, August 21, 1805.	Vincennes, December 30, 1805.	Detroit, November 17, 1807.	Fort Wayne, September 30, 1809.	Vincennes, October 26, 1809.	Vincennes, December 9, 1809.	Total am't.
Wyandots,	\$1000 payable in goods.	-	-	-	-	-	-	\$400 in cash, forever,	-	-	-	\$2,400
Delawares,	\$1000 payable in goods.	-	-	\$400 for two years. \$300 for 5 do. Expired.	-	-	-	-	\$500 in cash, forever,	-	-	1,500
Shawanees,	\$1000 in goods forever.	-	-	-	\$1,000 in cash, to be given forever, among others, to such of the Shawanees as reside with the Wyandots.	-	-	-	-	-	-	2,000
Chippewas & Ottawas.	\$1000 each,	-	-	-	-	-	-	\$800 each, payable in money, goods, implem'ts of husbandry, or domestic animals, at the option of the Indians.	Two blacksmiths, one to reside among the Chippewas at Saginaw, the other among the Ioways at the Miami, for 10 years, by the treaty of Detroit.	-	-	3,600
Pattawatamies,	\$1000 in goods	-	-	-	-	\$500 in cash, for ten years.	-	\$400 to such of them as on 17th November, 1807, resided upon the river Huron of Lake Erie, the river Raisin, or in the vicinity of these rivers.	\$500 in cash, forever,	-	-	1,900
Miamies,	\$1000 in cash,	-	-	-	-	\$600 in cash, forever.	-	-	\$500 in cash, forever, By the separate article of the same treaty, an armory is to be established at Ft. Wayne; and if the Kickapoos agree to the treaty, then an additional annuity of \$200 in cash. December 9, 1809, at Vincennes, the Kickapoos agreed to that treaty.	-	-	2,300

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ABSTRACT OF ANNUITIES—Continued.

Names of tribes.	Treaty of Greenville, Aug. 3, 1795.	Vincennes, Aug. 13, 1803.	Vincennes, Aug. 18, 1804.	Vincennes, Aug. 27, 1804.	Fort Industry, July 4, 1805.	Grouseland, August 21, 1805.	Vincennes, December 30, 1805.	Detroit, November 17, 1807.	Fort Wayne, September 30, 1809.	Vincennes, October 26, 1809.	Vincennes, December 9, 1809.	Total am't.
Eel Rivers,	\$500	-	-	-	-	\$250 in cash,	-	-	\$250 in cash. By the additional article of this treaty, if the Kickapoos confirm this treaty, then \$100 annuity additional.—December 9, 1809, confirmed.	-	-	\$1,100
Weas,	\$500	-	-	-	-	\$250 in cash,	-	-	-	\$300 in cash, and 100 additional when the Kickapoos sh'd give their consent to the 8th article of the treaty of Fort Wayne.—Dec'r 9, 1809, at Vincennes, confirmed by Kickapoos.	-	1,150
Kickapoos,	\$500	-	-	-	-	-	-	-	-	-	\$100 in cash, forever.	900
Piankeshaws,	\$500	-	-	-	\$200 in cash, merchandise, provisions, or domestic animals, or implements of husbandry, at their option, for 10 years.	-	\$300 in goods,	-	-	-	-	1,000
Kaskaskias,	\$500	\$500 additional, which, together with the other, to be paid in cash, provisions, merchandise, or domestic animals, at the option of the tribe.	-	-	-	-	-	-	-	-	-	1,000

Abstract of annuities due to the Indian tribes, and payable at Detroit.

If, as there is reason to believe, no payments have been made to them since 1811, then there is due to the

Wyandots, -	-	-	-	-	-	-	\$9,600
Chippewas,	-	-	-	-	-	-	7,200
Ottawas, -	-	-	-	-	-	-	7,200
Pattawatamies,	-	-	-	-	-	-	7,600

Although a part of these annuities is payable in goods, yet it would be more economical to the Government, and more satisfactory to the Indians, if these payments were made in cash; in that event, specie must be forwarded here.

LEW. CASS.

DETROIT, October 21, 1815.

SIR:

ST. LOUIS, September 20, 1815.

I have the honor to acknowledge the receipt of your letter of the 17th of August, with resolutions of the Senate of the United States on the subject of Indian relations.

Enclosed, herewith, is a statement of the *annuities* which have been delivered and are due to the tribes that have been placed under my superintendence during four years immediately preceding the 4th of March, 1815; also, a view of the *presents* delivered to the Indian chiefs and different tribes within the same time.

I will, by the next mail, or by Lieutenant Kennerly, who sets out in a few days with the Indian treaties, give you my views and observations upon the several questions presented in the last paragraph of the resolution in as concise a manner as I can; and shall procure from some of the best-informed gentlemen of this quarter, who have been long acquainted with Indian trade, habits, &c., their views of Indian trade and intercourse, which I will take the liberty of enclosing to you.

I have also taken the liberty of enclosing to you a list of the agents and interpreters in the service of the United States and under my superintendence; a list of the nearest Indian tribes in this Territory, and west of Lake Michigan, exhibiting their numbers; and a list of the probable number of agents and interpreters to complete the system of agency, should it be continued.

I have the honor to be, with sentiments of high respect, your most obedient, humble servant,

WM. CLARK.

The Hon. WM. H. CRAWFORD, *Secretary of War.*

An account of the annuities and presents due, paid, and delivered to the respective Indian tribes under the agency and superintendence of William Clark, Governor of Missouri Territory, during four years antecedent to the 4th of March, 1815, specifying the dates when the same were due, and when they were paid and delivered.

Indian annuities, when due	ANNUITIES.			Names of tribes.	Date of delivery, or when due.	By whom delivered.
	Am't delivered.	Am't due.	Am't of presents made to Indians.			
1810,	\$1,000	-	-	Big Osage,	Delivered Sept. 25, 1811,	George C. Sibley, factor.
1810,	500	-	-	Little Osage,	Delivered Sept. 25, 1811,	George C. Sibley, factor.
1811,	600	-	-	Sac,	Delivered Sept. 7, 1812,	Nicholas Boilvin, agent.
1811,	400	-	-	Fox,	Delivered Sept. 7, 1812,	Nicholas Boilvin, agent.
1811,	1,000	-	-	Big Osage,	Delivered Sept. 26, 1811,	George C. Sibley, factor.
1811,	500	-	-	Little Osage,	Delivered Sept. 26, 1811,	George C. Sibley, factor.
1812,	1,000	-	-	Big Osage,	Delivered Nov. 24, 1813,	George C. Sibley, factor.
1812,	500	-	-	Little Osage,	Delivered March 4, 1813,	George C. Sibley, factor.
1812,	600	-	-	Sac,	Delivered Nov., 1812,	To the chiefs.
1812,	400	-	-	Fox,	Delivered Nov., 1812,	To the chiefs. [agents.
1813,	600	-	-	Sac,	Delivered Sept., 1813,	Messrs. Johnson and Blondeau,
1813,	400	-	-	Fox,	Delivered Sept., 1813,	Mr. Johnson, at St. Charles.
1813,	1,000	-	-	Big Osage,	Delivered Nov. 24, 1813,	George C. Sibley, agent.
1813,	500	-	-	Little Osage,	Delivered Nov. 24, 1813,	George C. Sibley, agent.
1814,	1,000	-	-	Big Osage,	Delivered Sept., 1814,	Peter Chouteau, agent.
1814,	500	-	-	Little Osage,	Delivered Sept., 1814,	Peter Chouteau, agent.
1814,	-	600	-	Sac,	Delivered Nov. 3, 1814,	Since delivered to the friendly part of this tribe.
1814,	-	400	-	Fox,	Delivered Nov. 3, 1814,	Since delivered to the friendly part of this tribe.
1811,	-	-	\$1,636 79	To sundry tribes in Missouri Ter.,	In the year 1811,	By order of William Clark.
1811,	-	-	3,266 00	Mississippi tribes,	In the year 1811,	Nicholas Boilvin, agent.
1812,	-	-	7,794 48	Chiefs of several tribes,	In the year 1812,	By order of Secretary of War, to chiefs on a visit to the President.
1812,	-	-	812 91	To sundry tribes,	In the year 1812,	By order of Wm. Clark, principal agent.
1813,	-	-	1,079 73	To sundry tribes,	In the year 1813,	By order of Wm. Clark, principal agent.
1814,	-	-	11,847 58	Missouri tribes,	In the year 1814,	By order of Wm. Clark, to counteract British influence, and set them at war, &c.
1815,	To 4th Mar.	-	332 62	Missouri tribes,	In the year 1815,	By order of Wm. Clark, principal agent.
	\$10,500	\$1,000	\$26,770 11			

WILLIAM CLARK.

A list of Indian agents and interpreters employed in the service of the United States in the Territories of Missouri and Illinois.

Names of agents and interpreters.	Agents and interpreters' salary per annum.	The nation or tribe for whom agents are appointed.
Peter Chouteau, -	\$1,200,	Agent for Great and Little Osages; he visits the nation frequently; resides at St. Louis.
Nicholas Boilvin, -	1,200,	Agent for the tribes above Illinois river, on the Mississippi; resides at Prairie du Chien.
Manuel Lisa, -	548,	Agent for the tribes on the Missouri above the Kansas; greater part of his time with the tribes; resides at St. Louis; has been of great service in preventing British influence the last year by sending large parties to war.
Maurice Blondeau, -	800,	Subagent for Sacs and Foxes; resides with the friendly Sacs and Foxes on the Missouri; (a half-Indian of influence.)
Thomas Forsyth, -	800, and 2 rations,	Agent for the Indians of Illinois river; resided at Fort Clarke, and latterly at St. Louis; has rendered the most essential service.
Col. P. Menard, -	600, and 2 rations,	Agent for the Shawanees, Delawares, and Peorias, and Piankeshaws; resides on the Mississippi, nearly central.
Major Wm. Lovely, -	-	Agent for the Cherokees on Arkansas.
Aug. P. Chouteau, -	-	Subagent, for special purposes, with the Osages.
Judge Bullett, -	-	Subagent on the Arkansas.
<i>Interpreters.</i>		
Samuel Solomon, -	548,	Interpreter, translator, &c., St. Louis.
Hypolite Bolon, -	365, and 1 ration,	Interpreter for several Indian languages; resides at St. Louis.
John A. Cameron, -	365,	Interpreter for the Sioux; part of his time with the bands.
Lewis Dorion, -	365,	Interpreter for the Ioways and Sacs; resides with the Ioways.
Paul Louis, -	365,	Interpreter for the Osages; resides at St. Louis.
Noel Mograine, -	365,	Interpreter for the Osages, and resides with them.

No nation or tribe of Indians residing within the Missouri Territory, except those who live amongst the white settlements, and the Mandans remain at their villages four months in the year, and many of the bands go to the distance of two and three hundred miles.

A list of the nearest Indian tribes in Missouri Territory and west of Lake Michigan, as computed at this time, September 20, 1815.

Names of tribes.	Number of warriors in each tribe.	Total number of souls in each tribe.	The direction the tribes reside from St. Louis.	Place of residence, or watercourse on which the tribes rove.
Quapaws, -	200	800	South, -	Near the post of Arkansas.
Cherokees, -	1,000	5,000	S. W. by south, -	On the Arkansas and White rivers, by permission of the General Government.
Piankeshaws, -	40	200	South, -	On the St. Francis, below the settlements.
Shawanees, -	300	1,200	South and west, -	On Apple creek, near Cape Girardeau, and on the Merrimack river.
Delawares, -	150	500	South, -	On White river and Merrimack river.
Peorias, -	10	40	South, -	On the St. Francis river.
	<u>1,700</u>	<u>7,740</u>		
The Great and Little Osages, -	1,500	6,000	Southwest, -	On the rivers Osage and Arkansas.
Kansas, -	400	1,600	Southwest by west, -	On the Missouri and Kansas rivers.
Ioways, -	250	1,000	West, -	On Missouri and Grand rivers.
Ottoes, -	300	1,200	West, -	On Missouri and river Platte.
Pawnees, -	1,200	6,000	West, -	On Missouri and river Platte.
Mahas, -	400	2,000	West, -	On Missouri.
Poncas, -	100	400	West, -	On Missouri.
Chebaws, -	500	2,000	Northwest by west, -	On Missouri.
Arickaras, -	750	3,000	Northwest, -	On Missouri.
Seven bands Sioux, -	2,000	8,000	W. to northwest, -	On both sides of the Missouri river.
Sacs and Foxes of Missouri, friendly,	200	800	W. to northwest, -	On both sides of the Missouri river.
	<u>7,600</u>	<u>32,000</u>		
Sacs, -	800	3,200	North, -	Two miles up Rocky river, Illinois Territory.
Winnebagoes, -	600	2,400	N. and N. E. by N.	On Rocky river, and above Prairie du Chien, Illinois Territory.
Menomonies, W. O.	400	1,600	North-northeast, -	On Ouisconsin and Green bay.
Foxes, -	300	1,200	North, -	On Mississippi, below Prairie du Chien, M. T.
Sioux, -	2,000	8,000	N. and N. N. W.	On Mississippi and river St. Peter's, Michigan Territory.
Chippewas, -	-	-	-	On the Mississippi, high up; (numerous.)
	<u>4,100</u>	<u>16,400</u>		

LIST—Continued.

Names of tribes.	Number of warriors in each tribe.	Total number of souls in each tribe.	The direction the tribes reside from St. Louis.	Place of residence, or watercourse on which the tribes rove.
Chippewas, -	200	800	Northwest, -	Between Milwaukee and Green bay.
Pattawatamies, -	1,200	4,800	Northeast by east, -	On the Illinois river, &c.
Kickapoos, -	400	1,600	Eastwardly, -	On the heads of Kaskaskia river.
Kaskaskias, -	15	60	South, -	At Kaskaskia.
	1,815	7,260		

NOTE.—The tribes high up the Missouri and the waters of the rivers Platte, Kansas, Arkansas, and Red river, of the south; and north, in Michigan Territory; and those east of a line from Lake Michigan to Vincennes on the Wabash, are not included.

To give full effect to the system of Indian agency, this Territory, and the country on the Illinois river, and between that and Lakes Superior and Michigan, would most probably require, independent of a principal superintendent in this quarter, and his clerk, the following agents and interpreters, with what may be considered as adequate salaries.

One principal agent for the Missouri tribes above the Osage, - - -	\$1,200	
One subagent for the Missouri tribes above the Osage, - - -	800	
Two interpreters for the Missouri tribes above the Osage, \$400 each, - - -	800	\$2,800
One principal agent for the Osages, - - - - -	1,200	
One subagent for the Ioways and Kansas, (the Osage factor has acted as agent,) - - -	300	
Three interpreters for the Ioways and Kansas, \$400 each, - - -	1,200	2,700
One principal agent at Prairie du Chien, salary \$1,200 or - - - - -	1,500	
The factor, as agent, as usual, - - - - -	300	
One agent for Sacs and Foxes of Mississippi, - - - - -	800	2,600
One principal agent for the Sioux of the rivers Mississippi and St. Peter's, - - -	1,200	
One subagent for the Winnebagoes and Wild Oats of Fox river, \$800 or - - -	900	
Four interpreters for the Mississippi tribes, \$400 each, - - - - -	1,600	3,700
One principal agent for the Pattawatamies of Illinois river, - - - - -	1,200	
One subagent for the Pattawatamies of Illinois river, - - - - -	800	
Two interpreters for the Pattawatamie of Illinois river, \$400 each, - - -	800	2,800
One principal agent for the Cherokees of Arkansas and White rivers, \$800 or - - -	1,000	
One subagent for the Quapaw tribe, - - - - -	450	1,450
One subagent for the Shawanees, Delawares, Piankeshaws, and Peorias, - - -	-	750
Three interpreters at least for the several languages, for the superintendent of Indian affairs, at about \$300, \$400, and \$500 each, - - - - -	-	1,200
		\$18,000
Add to this the salary of the principal superintendent and his clerk.		

SIR:

St. Louis, October 1, 1815.

By the last mail I had the honor of enclosing you a statement of annuities, presents due, paid, and delivered to the several Indian tribes under my superintendence, in conformity with a resolution of the Senate of the United States of the 4th of March, 1815.

On the subject of the several questions presented in the last paragraph of the resolution, I beg leave to observe, there is not the smallest doubt in my mind but the present mode of managing our Indian relations ought to be materially altered. Those relations are every day growing more and more imperfect; and the decided policy of England (so recently and clearly developed) of using the Indian tribes to vex and harass our frontier settlements in time of peace, and as active partisans in time of war, ought to admonish the Government of the United States to adopt a more efficient system of regulating our Indian concerns than has heretofore been in use.

In answer to the first question of the latter paragraph of the resolution, "whether any alteration of the power and duties of the several officers and agents employed in the superintendence and management of Indian affairs would be advantageous?" experience has taught us that the Indian agents should be invested with more power, under the authority of the laws, to enable them to detect illicit trade; force from the Indian country improper characters; settle the disputes between the Indians and whites; prevent impositions, and enforce all the laws and regulations of Indian intercourse.

It appears essential that the grade of Indian agency should be established in the different sections of country, from the general superintendent down to an interpreter.

"Whether the consolidation of the whole care and management of the Indian relations, and the placing the same in a single department, would be expedient?"

On this point I fear I am incapable of giving you a satisfactory view. It would appear reasonable, however, to state that the great number of Indian tribes within the bounds of the United States, differing very materially in disposition, habits, manners, customs, and trade, would require much care and attention, with a correct knowledge of the Indians, to produce any thing like system in the management of them. And on a first view of the subject, it appears to me to be necessary to place all Indian concerns, both political and commercial, under the superintendence of

a separate department; and, considering that trade is the great *lever* by which to direct the policy and conduct of the Indian tribes towards the United States, I have ever been of opinion that the agents for trade stationed by the United States among the Indians ought also to be incorporated with the agents for political intercourse.

The third question is one of the most difficult to answer; the habits, dispositions, &c. of the whites as well as the Indians differing so materially, as they do, in so vast a tract of country as the bounds of the United States.

I have always been of opinion that some material changes were essentially necessary in the Indian trade. But to devise a plan by which that trade may be carried on with equal advantage to the Indian tribes, and more economical to the public, securing to the citizens the benefit of the Indian trade, without the exclusion of individuals, or giving to large companies a monopoly of Indian trade, is a subject which deserves more justice than I am able to bestow on it.

I do not believe it would be expedient to hazard any material alteration for the present. The United States trading-houses, when well located and properly managed, are, beyond doubt, extremely useful; and, instead of being expensive, (I am told,) are profitable to the Government.

There being at this time no public trading-houses in the Indian country in this Territory, I find, by the present mode of small companies and individual traders, the tribes are not at this time all furnished with what they absolutely require.

An alteration in our present system of intercourse of a commercial nature with the Indians, so as to compel all trade with Indians to be carried on at convenient established points, and placed under the eye of authority, may answer very well for the neighboring tribes, and those surrounded by our settlements, and would give facility in the humane policy of civilizing those tribes.

This system, I fear, cannot be pursued with effect, for many years, with the numerous tribes of this Territory situated out of the settlements. But I am very much inclined to an opinion that a well-organized company, with a large capital, and a liberal aid and protection from the Government, might be made much more efficient in managing the Indian affairs well than the present plan. But it must be a company sufficiently powerful to take in hand all the trade of the Missouri and Upper Mississippi, to carry into complete effect one great and general system, in co-operation with, and partly under, the direction of the Government. Its capital ought to be large, (say 600,000 or 1,000,000 dollars,) and divided into small shares, (say 100 dollars each share, to enable the most indigent trader to become interested,) and could be subscribed, paid in, and managed very much in the manner usual among the commercial and banking companies throughout the United States. Perhaps it would be most expedient to confine at least three-fourths of the subscriptions to the western States and Territories, and it might probably be best to use a third or a fifth of the capital for banking purposes at St. Louis, (the most central, convenient, and commercial place.)

A company thus powerful would be able to furnish all the Indian tribes with the best of goods, and would, without doubt, sweep the whole of the valuable fur trade of the Missouri and Mississippi; expel all the petty (though now very powerful) British traders; and bring into our markets immense quantities of the most valuable furs and peltries.

It would in a short time extend its influence and bear down all opposition among the most distant tribes. Its political influence should be purely American, directed in all respects, and at all places, with precisely the same policy, co-operating with the policy of, and keeping up a regular correspondence with, the Government.

The company should stipulate with Government (for equivalent advantages) to maintain regular trading-houses at such places as the United States have agreed to fix and maintain similar establishments.

An establishment of this sort would interest a vast number of our western citizens in the well-managing of our Indian affairs; it would attract the attention of enterprising Americans, and give employment to the most of our citizens who are accustomed to trade with the Indians, and be the means of discovering and drawing forth for the use and comfort of our own country all the wealth with which this country abounds in furs, peltries, a variety of minerals, lead, salt, saltpetre, and also wool, tallow, and a great variety of valuable dyeing roots and drugs, heretofore only partially known.

It would effectually draw out and keep out that restless and deadly hostile influence that has been heretofore used so successfully among the Indians to our prejudice by the British traders and agents, and which is doubtless at this moment trying to fix itself firm enough to defy all our efforts to remove them, under the present system.

A company such as I have been speaking of would be a combination of American capital and American traders to draw out foreign traders who are intruding without permission, and to place the Indian relations more under the control and management of the Government, and reap for themselves the profits of a trade immensely valuable.

I will not take up your time in going more in detail on this subject.

Small companies are found, from experience, to produce no valuable change, and are soon compelled to give up the Indian trade.

It would be unsafe to abandon the present system of trading-houses until a general system and combination of private enterprise is organized. Our own traders, acting in violent opposition to each other, (as they very commonly do,) create nearly as much confusion and dissatisfaction among the Indians as foreign traders; and I have been under an impression that it was to counteract the fatal effects of such petty squabblers that Government first instituted public trading-houses. If they have not been generally useful, is it not because they are badly placed or badly managed? The system is unquestionably a good one, and, if its operations were less limited, it would be more efficient.

I have the honor to be, with sentiments of the highest respect, your most obedient, humble servant,

WM. CLARK.

The Hon. WM. H. CRAWFORD, *Secretary of War.*

SIR:

St. Louis, October 10, 1815.

Enclosed, herewith, I have taken the liberty of sending to you some notes which I have procured from Colonel Auguste Chouteau and Mr. Thomas Forsyth, on the subject of Indian commerce, &c.

Colonel Chouteau is a very correct man of observation, and has been in the habits of Indian intercourse for nearly fifty years, a part of which time the greater part of the Indian trade of this country was conducted by him. [See his notes following Governor Edwards's letter of November, 1815, page 66.]

Mr. Forsyth, at present an Indian agent for the Illinois river, has been long in the habits of trading with the Indians, and possesses a strong mind.

I have the honor to be your most obedient, humble servant,

WM. CLARK.

The Hon. WM. H. CRAWFORD, *Secretary of War.*

SIR:

St. Louis, *September 22, 1815.*

In consequence of a conversation that took place a few days ago between your excellency and myself about Indian affairs, I now take the liberty to give you my opinion as respects the method we ought to pursue towards the Indians to gain their good-will and friendship, by which means we may be able to procure that necessary influence over the different nations of Indians, wean them from foreign influence, and make the whole of them dependant on us; until which period we will always have the Indians as enemies when we are engaged in war with any of the European Powers.

I have been often surprised on reflecting that we, as Americans, speaking the same language, having the same customs and manners, and having the same means as the British, should have so little influence over the Indian nations; from which it would appear to me that there is a want of something somewhere.

According to the present method of treating the Indians, it is, in my opinion, utterly impossible to gain their good-will, or have any influence with them. It cannot be expected that a Governor, who is also superintendent of Indian affairs, (who, perhaps, never saw an Indian before he came to the Territory he is to govern,) can know what course to pursue towards the Indians, or, indeed, what instructions to give to an agent.

Indians are always fond of novelty, and when they hear of the arrival of a Governor, they post off to visit their new father.

The Governor, perhaps, not paying that attention to his visitants that they expected, the Indians return home much disappointed, saying that "their new father is a man of no sense, and did not offer them meat or drink, or any tobacco to smoke," by which means the Indians become prejudiced against the Governor, and in the end this leads to something serious. You well know that those little civilities shown at times to Indians have had a good effect when affairs of consequence are to be settled between the whites and Indians.

The British Government have brought their method of treating Indians to a perfect system; they have a well-regulated Indian department, with a store of goods and a blacksmith at every post for their use. No person is eligible for the place of agent unless he can speak some one of the Indian languages. It would be supposed that an agent thus appointed is acquainted with their customs and manners, as also with the different chiefs and headmen of the different nations of Indians. A British Indian agent will not think it derogatory to his rank to smoke and converse with an Indian chief or chiefs; by which means he cannot be imposed upon by designing interpreters, as sometimes happens with us.

It is my decided opinion that our Government ought to establish a distinct department for Indians affairs in this country; a principal agent ought to reside at this place, with subagents at the different posts or garrisons, whose duty it should be to report to the principal agent only, and from him to the Government. Agents thus appointed, who know their duty, I would venture to say Indian affairs would go on properly.

A department thus arranged, I would then recommend to treat the Indians well, and give them Indian law; to treat them well, I mean that a few presents be given to them every September, so that they might commence their fall hunt, with a little liquor every spring and autumn for a frolic. The sale of spirituous liquor by traders ought to be prohibited, as it is well known that Indians will sell any thing they have for liquor, when intoxicated. Listen to their complaints, and render them justice; never promise them more than you mean to perform; allow them a free trade to all places; and encourage as many traders as possible to engage in the Indian trade, so that the Indians may see that they are dependant on us; and keep them from travelling five or six hundred miles to visit a British post, where their minds are poisoned and prepared for any event that may be in agitation.

To give them Indian law, I would only make this difference: give them so many days to deliver up the transgressor; and if they failed, then retaliate, and do not allow any traders to go into their country, and there can be no doubt but they will ask for peace, and take care that mischief will not again take place; or, if it did, they would not hesitate to deliver up the culprit.

We see few or no American traders in any part of the Indian country; two reasons may be given for this: 1st. Indian goods brought on to this country are always sold high, and at a very short credit; by which means those who have the means purchase up the goods, and hire those who have not the means to purchase; to barter the goods in the Indian country, by which means a cargo of Indian goods that would employ two or three or more persons, if the credit were extended, fall into the hands of one purchaser, who employs only one person, or perhaps himself, to barter these goods in the Indian country. 2d. It is impossible that any individual can purchase goods in this country and sell them as cheap as the factories. British traders only can oppose the factories, from the extensive credit they have, and the superior quality of their goods. There can be no other way of bringing the fur trade through its proper channels than by underselling the British traders. To shut them out totally would be making bad worse, as none of our traders or factors will credit the Indians so extensively as the British traders; and it would take such a vast quantity of woollens to supply all the Indians, that it appears that it would be many years before every thing could be got in operation to content both parties. Another thing: without you can fully supply the Indians with goods for their furs, they would suppose that the shutting out of the British traders was intended to injure them, and not the whites.

Any person conversant in Indian affairs must agree that a department judiciously organized, furnished with presents for the Indians as above mentioned, having as an auxiliary here merchants who would furnish our traders with goods equal in quality and price to those brought from Canada, by which means our citizens would at least have a share in the Indian trade, would stop the baneful influence of foreign emissaries in the character of traders. A total dependance being on us for their supplies, the Indians would never again attempt to raise the tomahawk against the United States.

I have the honor to be your excellency's most obedient servant,

T. FORSYTH.

His Excellency Governor CLARK.—*Present.*

SIR:

CHICKASAW AGENCY, *October 24, 1815.*

In my attempt to fulfil the expectations of the honorable the Senate of the United States of the 2d of March, 1815, and your orders of the 17th of August last, I have thought proper to enclose for your information the letter and accounts of Mr. Isaac Rawlings, United States factor at the Chickasaw Bluffs, together with the best estimate I can make of the transactions that have taken place at the agency and its vicinity for the period embraced in the resolution. You will discover that the provision account during my agency far exceeds what was usual to be given; this was rendered indispensable, as well from the unusual number of Indians that attended, as for and on account of a guard I considered it my duty to select from the most confidential Indians and Indian country men, to guard the goods until I could give notice to the nation of the time of delivering. From this guard no other expense is incurred to the United States, and I hope you will easily see that the utmost economy was used, when you are informed that

2,654 Indians attended to receive the goods; and that, notwithstanding the best exertions I could possibly make, such is their slow and awkward manner of doing business, that it took me five days to make arrangements and complete the service. I cannot indulge myself in entertaining a hope that any information I can give, except of a local nature, will be useful to you; yet, as you have been pleased to request my opinion, you will not think it arrogant in me to give it, that it may receive the corrective hand of those that are better advised; and that, by exposing my want of knowledge, I may receive such admonition or advice as will enable me in future to keep clear of a repetition of errors. Among the most important objects that have occurred to my mind, and which I think should engage the attention of the General Government, as relative to the peace and happiness of this nation, is the enacting some prohibitory and penal laws, among which I think some salutary means should be provided to prevent the sale and too frequent use of ardent spirits among the Indians; that as frequent outrages are committed, as well by imprudent white men travelling through the Indian nation intoxicated, as by drunken Indians and others, some attention of the General Government might well be bestowed on that subject. Of the road leading from Colbert's ferry to the Natchez, being the way by which many thousands trading to and from New Orleans, Mobile, &c., will pass and repass, and over which the public mail of the United States will have to travel, some repairs are indispensable through this nation; and I most respectfully suggest that a company of regular soldiers, in time of peace, would be well employed in making improvements on the road, and in removing and keeping intruders from off the Indian lands. A difficulty has arisen for which some remedy should be afforded: my predecessor, in the fall of 1813, ordered several parties of Indians into the service of the United States; his death, I presume, has been the cause why no proper representation has ever been made, or any pay given them for such service; and although I am well assured that the service was faithfully performed, yet there are not such vouchers and orders in my possession as to enable me to render you a proper account of that service, and the Indians that performed that duty are quite uneasy on the subject of their pay. It is my opinion that it would be a great accommodation to the Indians if two or three more blacksmiths were allowed them, and a very considerable part of their annuity given in useful articles of husbandry, as many of them seem to incline to become farmers; and surely a schoolmaster would have a good effect among them, particularly as the half-breeds are very desirous to educate their children.

Accept assurances of the high respect with which I have the honor to be your obedient servant,

WILLIAM COCKE, *Agent for U. S. to Chickasaws.*

The Hon. WILLIAM H. CRAWFORD, *Secretary of War.*

Report of annuities received and delivered to the Chickasaws for four years antecedent to the 4th of March, 1815.

Amount from the 4th March, 1811, to the 3d March, 1812, both inclusive:			
To annuity for 1811, amounting to	-	\$3,000 00	
To amount of provisions issued to the Indians while receiving their annuity, same year, (as per book account,)	-	200 00	\$3,200 00
Amount from the 4th March, 1812, to the 3d March 1813, both inclusive:			
To annuity for the year 1812, amounting to	-	3,000 00	
To amount of provisions issued to the Indians while receiving their annuity, same year, (as per book account,)	-	200 00	3,200 00
Amount from the 4th March, 1813, to the 3d March, 1814, both inclusive:			
To annuity for the year 1813, amounting to	-	-	3,000 00
Amount from the 4th March, 1814, to the 3d March, 1815, both inclusive:			
To annuities for the years 1814 and 1815, amounting (as per invoice) to	-	11,160 15 $\frac{3}{4}$	
To amount of provisions issued to the Indians while receiving their annuity, and for other contingent charges, the same year,	-	563 91	11,724 06 $\frac{3}{4}$
			21,124 06 $\frac{3}{4}$
Chinnumbe Mingo, King of the Chickasaws, annuities for the four years antecedent to the 4th March, 1815, at \$100 per annum, (one year's annuity of which is still due him,)	-	-	400 00
		Total amount,	\$21,524 06 $\frac{3}{4}$

WILLIAM COCKE, *Agent for the U. S. to the Chickasaws.*

Report of the quarterly expenditures of the Chickasaw agency, from the 1st January, 1811, to the 31st March, 1815, both inclusive.

To amount from the 1st January to the 31st March, 1811, both inclusive,	-	\$1,534 42 $\frac{3}{4}$	
To amount from the 1st April to the 30th June, (this year,) both inclusive,	-	878 62 $\frac{1}{2}$	
To amount from the 1st July to the 30th September, (this year,) both inclusive,	-	1,442 92 $\frac{1}{2}$	
To amount from the 1st October to the 31st December, (this year,) both inclusive,	-	1,349 12 $\frac{1}{2}$	\$5,205 10
To amount from the 1st January to the 31st March, 1812, both inclusive,	-	824 66 $\frac{3}{4}$	
To amount from the 1st April to the 30th June, (same year,) both inclusive,	-	1,923 12 $\frac{1}{2}$	
To amount from the 1st July to the 30th September, (same year,) both inclusive,	-	913 25	
To amount from the 1st October to the 31st December, (same year,) both inclusive,	-	749 75	4,410 79
To amount from the 1st January to the 31st March, 1813, both inclusive,	-	1,008 00	
To amount from the 1st April to the 30th June, (same year,) both inclusive,	-	749 37 $\frac{1}{2}$	
To amount from the 1st July to the 30th September, (same year,) both inclusive,	-	1,371 37 $\frac{1}{2}$	
To amount from the 1st October to the 31st December, (same year,) both inclusive,	-	1,014 75	4,143 50

REPORT—Continued.

To amount from the 1st January to the 31st March, 1814, both inclusive, -	\$999 75	
To amount from the 1st April to the 30th June, (same year,) both inclusive, -	894 87½	
To amount from the 1st July to the 30th September, (same year,) both inclusive, -	483 25	
To amount from the 1st October to the 31st December, (same year,) both inclusive, -	599 07	\$2,976 94½
To amount from the 1st January to the 31st March, 1815, both inclusive, -	-	1,243 68
To amount of James Colbert's accounts as United States interpreter to the Chickasaws, from the 1st October, 1814, to the 31st March, 1815, both inclusive, (being six months,) at \$400 per annum, -	-	200 00
To boarding the United States blacksmith (and blower and striker) to the Chickasaws, for the time above named, at \$8 each per month, -	-	96 00
		\$18,276 01½

WILLIAM COCKE, *Agent for the U. S. to the Chickasaws.*

Sir:

PIQUA, September 13, 1815.

I was duly honored with your letter of the 17th of August, covering a resolution of the Senate of the United States, dated March 2, 1815, calling for information in relation to the trade and intercourse with the Indian tribes; in answer to which I have the honor to enclose as follows, viz:

Paper marked A; account of annuities paid the Indians at Fort Wayne and Piqua for the four years antecedent to March 4, 1815.

Paper marked B, containing an account of presents made to Indians at Fort Wayne and Piqua, under the agency of John Johnston, for four years antecedent to March 4, 1815.

Paper marked C, showing the permanent annuities payable at Fort Wayne and Piqua, viz: Miamies, Eel Rivers, Pattawatamies, Shawanees, and Delawares.

Paper marked D; Indian trade and trading-houses.

Paper marked E; Indian agencies, &c.

I have the honor to remain, with very great respect, sir, your most obedient servant,

JNO. JOHNSTON, *Indian Agent.*

The Hon. WILLIAM H. CRAWFORD, *Secretary of War, Washington.*

A.

Statement showing the annuities paid by John Johnston, Indian agent at Fort Wayne and at Piqua, in Ohio, for the four years preceding the 4th March, 1815.

When paid.	To whom paid.	Amount.
1811.		
June 13,	Paid the Miami chief Little Turtle an annuity or grant made to him by the President of the United States. <i>Note.</i> —This chief died in 1812.	\$150 00
Nov. 18,	Paid the Shawanees, - - - - -	1,000 75
Nov. 20,	Paid the Miamies, - - - - -	2,798 89½
Nov. 20,	Paid the Pattawatamies, - - - - -	1,000 54
Nov. 22,	Paid the Delawares, - - - - -	1,799 24
Nov. 22,	Paid the Eel Rivers, - - - - -	1,100 10
1812.		\$7,849 52½
Aug. 29,	Paid the Shawanees, - - - - -	1,500 00
Aug. 29,	Paid the Delawares, - - - - -	1,800 00
Sept. 12,	Paid the Wyandots, in part, - - - - -	610 28
	<i>Note.</i> —A considerable part of the Wyandots joined the enemy.	3,910 28
1813.		
Nov. 22,	Paid the Shawanees, - - - - -	1,500 82
Nov. 6,	Paid the Delawares, - - - - -	1,299 92½
		2,800 74½
1814.		
June 22,	Paid the Shawanees, - - - - -	1,500 00
August —,	Paid the Delawares, - - - - -	1,300 00
		2,800 00
		\$17,360 55

The Miamies, Eel Rivers, and Pattawatamies having joined the enemy, their annuities ceased to be paid after the year 1811.

The Delawares and Shawanees remained faithful to the United States, and were paid regularly up to the commencement of the year 1815. I have no information from the War Department, as yet, of any annuities for them the present year.

The annuities due the before-mentioned tribes have always been punctually paid; and in every instance where damage or embezzlement has taken place in the transportation of the articles, the loss has been made good at the expense of the United States.

JNO. JOHNSTON, *Indian Agent.*

PIQUA, September 6, 1815.

B.

An account of presents made to Indians at Fort Wayne and at Piqua, under the agency of John Johnston, for four years antecedent to the 4th of March, 1815.

	From March 4 to December 31, 1811, presents issued to Indians at Fort Wayne from the United States trading-house,	\$1,353 20½
	From January 1 to August 28, 1812, presents issued to Indians at Fort Wayne from the United States trading-house,	1,043 75
1812. September 20,	Amount of goods issued to the Indians at a council holden at Piqua, by Governor Meigs, the honorable Thomas Worthington, and Jeremiah Morrow, commissioners for holding conferences with the northern Indians,	2,781 46
	Clothing and other supplies furnished to Indians at Piqua, in the years 1812, 1813, and 1814, amounting to	\$4,233 52
	The whole of the Delawares and Shawanees had claimed and received the protection of the United States. They were moved into a compact body on this frontier, where they had to be fed and clothed. A number of Mingoes, Senecas, Wyandots, some Miamies, and a few Pattawatamies had joined them, including some prisoners, which made the whole number about three thousand souls. This amount was distributed on them, from time to time, in clothing and other necessaries,	4,233 52
1814. July 26,	Amount of merchandise issued to the Indians at a treaty held at Greenville, July, 1814, by General Harrison and Governor Cass, commissioners for treating with the northern Indians,	22,185 18
		\$31,597 11½

It will be observed that the foregoing presents were chiefly made on account of the United States being at war, and that, in ordinary times, such disbursements are small. The Indians have no right, by treaty, compact, or agreement of any kind, to receive presents from the United States. It appears, however, to have been a custom, during every period of the American Government, and, I believe, all other Governments that have preceded it, with the Indians. The British load the Indians with presents, and thereby have imposed upon us the necessity of following their example, with this difference—that where we give one dollar, they at least give ten.

JOHN JOHNSTON, *Indian Agent.*

PIQUA, September 6, 1815.

C.

The Miamies, Eel Rivers, Delawares, Pattawatamies, and Shawanees are entitled to receive, by treaty, from the United States, in permanent annuities, as follows, viz:

The Miamies,	-	-	-	-	-	-	\$2,300 00
The Eel Rivers,	-	-	-	-	-	-	1,100 00
That part of the Pattawatamies attached to the Fort Wayne agency,	-	-	-	-	-	-	1,500 00
The Delawares,	-	-	-	-	-	-	1,500 00
The Shawanees, under the treaty of Greenville of 1795,	-	-	-	-	-	-	1,000 00
							\$7,400 00

NOTE.—Under the treaty of Swan creek, or Fort Industry, of July, 1805, the Shawanees are entitled to a proportion of \$1,000 per annum. During the years 1812, 1813, and 1814, I have paid them \$500 per annum on account of this treaty, the other parties to it having joined the enemy. On account of the faithful adherence of the Shawanees to the United States during the late war, the Government should make this sum permanent to them, which would settle their annuity at \$1,500 per annum.

JOHN JOHNSTON, *Indian Agent.*

PIQUA, September 6, 1815.

D.

TRADE WITH THE INDIANS.

PIQUA, September 6, 1815.

I have not materials for making out an account of the Indian trade, most of my papers having been lost or destroyed by the murder of my brother, and the burning of the public trading-house and establishment at Fort Wayne, in 1812; but there are ample materials for the purpose in the office of the superintendent of Indian trade. It may not be improper, however, to observe, that of all the trading-houses owned by the United States at the commencement of the late war, the one at Fort Wayne, of which I had the direction, yielded the most profit—about \$10,000 was the clear gain; it commenced in 1802, and was destroyed in September, 1812.

The trading-houses with the northern Indians never produced any political effect in our favor among them, but the contrary. The Indians were led to believe that the object was to make money; and inasmuch as the goods were never sold cheaper than those of the common traders, it was impossible to produce a contrary impression. Those sold at the public stores were generally of an inferior quality and fashion. I do not mean by this that the superintendent furnished bad goods; he procured the best that the market would afford; but such goods as are calculated for the Indian trade are rarely imported into the United States, there being no regular demand for them. The British merchants in Canada have persons in England long used to this commerce, who send out the very articles wanted, and who never send any that are unsaleable. Under the superintendence of General Mason, the trading establishments have been as well conducted as any institutions of the kind could be, taking into view the difficulty of procuring regular assortments; but it is believed, for obvious reasons, that nothing of the kind carried on, on Government account, can be made to stand a successful competition with merchants, stimulated by private interest, so long established as those in Canada, and fortified and protected by all the power and patronage of the King's Government.

The supplies for the public trading-houses passing necessarily through many hands, great delays take place in the transportation, often arriving out of season, sometimes damaged, and sometimes embezzled. The furs and peltries, taking the same course to reach the market, often share the same fate; in one instance, I lost in Lake Erie \$2,300 worth of furs and peltry through the carelessness of a drunken non-commissioned officer who had the command of the boats. The military have always been unfriendly to the trading-houses, and have invariably obstructed their successful operation. I know of no reason for this, except that they are instructed to furnish transportation, erect buildings, &c.; and this, not being connected with military operations, they do not consider as a part of their duty.

I have long been of the opinion that, so far as concerns the northern Indians, the Government should leave the trade open to individual enterprise, and that they should by all means encourage their own citizens to embark in it, to exclude as far as possible, within their own limits, the subjects of Great Britain from any participation therein. Every British trader among the Indians is a political partisan, sowing the seeds of distrust and dislike against the Government and people of the United States. It was through this description of persons that all the plans of the late Indian war were laid, matured, and brought into operation.

Associations of individuals, formed into a trading company on the plan of the British Northwest Company, would be more likely to insure a participation in the Indian trade than persons acting singly for themselves. In the commencement of the undertaking, losses might be expected; and this could be better met by a company. There can be no question but the trade, in the end, would be profitable. Immense fortunes have been made by it in Canada; and although it is not now so profitable as formerly, it would still be an object worthy the attention of the American merchant. It must be a cause of regret with all, that the subjects of a foreign nation should continue to monopolize a lucrative trade within the territories of the United States, and that, too, without the Government deriving any revenue from it; for it is notorious that the greater part of the goods taken into the Indian country by British traders are smuggled. The avowed object in retaining possession of Mackinac so long was to afford an opportunity this season of passing an immense quantity of Indian goods upwards, as well for trade as to supply the Indians on the Upper Mississippi with the means of carrying on the war against the whites. The refusal of the Indians to treat shows plainly the agency of the ever-active vindictive enemy of these States.

I have no hesitation in declaring that the views of the Government will be better promoted, in relation to the management of the northern Indians, by leaving the trade open to the enterprise of American citizens, and that such laws and regulations may be enacted as will encourage and protect them, to the exclusion of foreigners, in the prosecution of it.

Should Government, however, determine on renewing the trading-houses, I am decidedly of the opinion that a person actually experienced in the Indian trade should be kept in England, as an agent, for the purpose of selecting and procuring supplies for the trade and the annuities.

All which I have the honor to submit to the honorable the Secretary of War.

JOHN JOHNSTON, *Indian Agent.*

E.

INDIAN AGENCIES, &c.

Piqua, September 6, 1815.

No inconvenience or injury that I know of has ever arisen to the public service in consequence of the Secretary of War having the management of Indian affairs, nor do I know what necessity there is for placing the direction and superintendance thereof in a separate department. But there is much room for reform in the details of the plan for doing business with the Indians; the present mode is expensive, and experience has shown is productive of very little service: if proper attention had been bestowed on this subject, it is more than probable hostilities with the natives might have been avoided. In order to watch the Indians, and the traders who infest their country, the public agents should be multiplied among them; every tribe should have an agent who should be compelled to reside with them, or so near as to be able to have an eye to them at all times, and should be held accountable for the peaceable conduct of the Indians committed to his charge, or at least so far as to detect and make known any mischievous designs which they may have formed, in time that the execution thereof might be prevented; and this it is conceived would be in the power of any agent who paid attention to his duty. Agents might as well, for any good they do to the public service, reside at Washington City, as at Detroit, St. Louis, Kaskaskia, or Vincennes.

Each tribe having an agent, a certain number of agencies should be committed to the superintendance of one person—either the Territorial Governors, or any other the President might appoint. There are some objections to the Governors of Territories being *ex officio* superintendents of Indian affairs; some of them think the subject beneath their notice, and pay little or no attention to it; some are, of course, whatever their other qualities may be, not calculated for the purpose; the business is left to others, and in this way the service suffers. Where the Governors will bestow proper attention on the subject, they should be preferred, because their residence necessarily being near the Indian country, communications can be frequent between them and the agents. A capable, upright man, who would beget the confidence of the Indians, by application, integrity, and a scrupulous regard for truth, should be preferred to all others. Under the present plan, there is a horde of persons called interpreters and sub-agents in employ, who do no good, for they are generally permitted to reside at the seats of the Territorial Governments, where there is little or no occasion for them; it is among the Indians that such persons, to do service, must be stationed. Should an agent be appointed to each tribe, he would want but one interpreter, of course. It may be alleged that agents, to reside with the Indians, would be exposed to much personal danger. I do not believe this would be the case. The chiefs of the Indians would feel a pride in having the representative of the Government among them, and would, after a proper acquaintance, afford him all the aid and protection in their power; but if the Indian country be garrisoned, in most of cases it would suit the agents to reside near some fort. In the present unsettled state of the Indians, peace cannot be preserved, and the public authority maintained, without a respectable military force judiciously posted near their most populous settlements. There is nothing that the Indians so much dread as having garrisons in their country; and inasmuch as the means of influencing them still remain with the British, and, by the by, in a greater degree than ever, in consequence of their making common cause in the late war, it behoves the United States now to take effectual measures against any future rising of the Indians, and it is conceived this can only be done by garrisoning their country, and placing watchful sentinels over them in the character of agents. The places to be garrisoned I conceive to be Chicago; the old Peoria towns, on the Illinois river; Green Bay, somewhere near the mouth of Fox river; at the old Wea towns, on the Wabash river; Fort Harrison and Fort Wayne to be kept up; suitable positions on the Mississippi and Missouri to be garrisoned; some intermediate points between the Mississippi and Lake Michigan to be occupied and garrisoned; also, after these forts are completed, one hundred men at each will be sufficient; at some of them fifty would answer. To man the whole of the new garrisons that may be necessary among the northern Indians, one thousand men will be amply sufficient. The

expense of supporting such a force is not to be placed in competition with the chances of an Indian war, which would be at least ten to one against us, in leaving the Indian country as it now is. In reviewing this subject, it may be profitable to recur to the period of the commencement of the late war, when the Indian country, in the almost total absence of the United States authorities, fell an easy prey into the hands of the enemy. Forts, situated in places not accessible to vessels that navigate the lakes, should be provisioned for a year.

The supplies of goods and other necessaries for the Indians should be forwarded to the agent of each tribe, so that they might reach him by the beginning of September, in every year. This is a short time before the Indians commence their hunting excursions for the winter; should they arrive much later, they could not receive them before the ensuing year. It is of much consequence the keeping of large numbers of Indians from being collected together; the breaking them up into separate agencies will have this effect; when a number of tribes get together, they become too sensible of their own strength and importance. The northern Indians scarcely ever meet in large numbers without plotting mischief against us.

There have been too many treaties made with the northern Indians; and when they have been broken on their part, no punishment has followed; this I take to be the grand cause of their *present* hostile temper. I have always thought it a questionable policy to press the Indians for such repeated cessions of their country; it has soured their minds against us, and has furnished the British with the best arguments in seducing the Indians from their duty and allegiance to the United States. In many instances, purchases have been made of their lands in places not required by the wants of our population. At a treaty held at Fort Wayne, in 1809, a large tract of land was procured on the Wabash, and a small strip fifteen miles wide on the west side of the old boundary, extending to Fort Recovery. The Indians, on the first application, consented to let us have the fifteen miles wide, because, they said, our people were crowded, and wanted more room; but they could not see what we wanted with the tract on the Wabash, where we had no people to occupy it, unless it were to get rid of the Indians who lived on it. These were the remarks of the Miami chief, (the Little Turtle,) made to myself.

The Government may rest assured that the whole of the Indian lands will fall into our hands soon enough to answer the demands of our surplus population; for when the land becomes useless to them, as no longer affording game for their subsistence, they will offer it for sale to the United States, and move back; and, seeing that all former experience proves this fact, I can see no use in distressing the natives, and making our Government and people odious to them, by pressing them for premature sales of their country. In another point of view, it is conceived to be a doubtful policy having several districts of country bordering on the Indians for sale at the same time; the consequence is, that the settlements become scattered and irregular, generally following the watercourses, thereby presenting innumerable fronts, and, in the event of war, subjecting the Government to incalculable expense in protecting them; indeed, no force can be adequate to such a purpose. On the contrary, if the settlements be made compact, they will contain within themselves a force sufficient for all the purposes of defence against savages.

Each Indian agency should be furnished with several national flags handsomely ornamented.

All which is respectfully submitted to the honorable the Secretary of War.

JOHN JOHNSTON, *Indian Agent.*

Sir:

INDIAN AGENCY OFFICE, FORT WAYNE, *October 1, 1815.*

I have been just honored, by your letter of the 17th of August, with several copies of the resolution of the Senate of the 2d of March, and requiring of me statements and observations relating to the Indian department; and I hasten to lay before you the information required.

The Delawares, Pattawatamies, and Miamies have been considered as the proper charge of this agency. But temporarily, the Wyandots, with some Senecas, Kansas, Delawares, and Shawanees, who reside with the Wyandots, were put under my charge during the war, and still remain so. The annuities of those tribes are: to the Wyandots, by the treaty of Greenville of 1795, \$1,000 in goods; by the treaty of Detroit, \$400 in cash; to the Wyandots, and those Indians who reside with the Wyandots, by virtue of the treaty of Swan creek, \$1,000 in cash; the whole annuity to the Delawares is \$1,800 in goods; the Pattawatamies receive from this agency \$1,000 in goods, (their whole annuity is \$2,400;) the Miamies, \$2,300; and the Eel Rivers, \$1,100 in goods. There was an annuity of \$500 to the Miamies and Eel Rivers, that ceased to be payable after the year 1813.

I was not in office in 1811; nor is there any record left in this office that will show the precise time of the delivery of the annuities for that year. But I can state that all the Indians under my charge acknowledged the receipt of their respective annuities for the year 1811. For 1812, there were forwarded, in goods, for the Delawares, \$1,800; Eel Rivers, \$1,100; Miamies, \$2,300; Pattawatamies, \$1,000.

All the goods for the Detroit agency were forwarded to Cincinnati, and there lodged subject to my order. I ordered them to be delivered to the care of John Johnston, Indian agent, to be transported to Piqua, there to wait my further orders; the disposition of the Indians at that moment appearing doubtful. In the mean time, a general council had been directed at Piqua, and special commissioners appointed. All doubts having been removed with respect to the hostility of a great part of those Indians, and no security for the friendship of any, the commissioners advised Mr. Johnston to have the remaining goods (a small part of which had been given out at the council) transported back to Dayton, as a place of greater security. There they remained in charge of Mr. Johnston, and he informed me that he had reported the same to the War Department. I can, however, state, from undoubted authority, that a detachment of militia of Kentucky, in marching through Dayton to the relief of this fort when besieged, opened the stores containing the Indian goods, and took such articles as they chose, without rendering any account; the exact amount I cannot determine. Mr. Johnston has, no doubt, rendered an account.

From illness, I was not able to attend the general council at Piqua, and Mr. Johnston delivered out of the goods above mentioned the annuity to the Delawares and Shawanees, and \$610 in goods to the Wyandots.

When, from the hostile appearance of the Indians in the neighborhood of this post, in August, 1812, it was thought advisable by the clerk of the store of goods for Indian trade to move the goods into the fort, all were moved in except a few heavy articles, such as iron and steel, in bars, and some other iron articles, and the skins that had been taken of the Indians in barter: the amount of the skins I am not able to determine—I should think about \$4,000. The clerk of the store being killed by the Indians, and the factor (John Johnston) being at his residence at Piqua, I took charge of the goods. General Harrison, arriving with an army to the relief of this post, ordered me, as Governor of the Indiana Territory, to deliver over to the commanding officers of regiments all such goods as were suited to the necessities of the army; which was done, and an account rendered to John Johnston, factor.

During the siege of this place, all the buildings belonging to the Indian department and the department of Indian trade were necessarily burnt for the safety of the fort. There are no records left in this office of the expense of those buildings, nor to which department the expense was charged; but I should think it would be about \$2,000.

About the close of 1812, by order of General Harrison, I removed my office to Upper Sandusky; and, in 1813, I accompanied the army under his command into Upper Canada, in command of the Indians, and by his order acted temporarily as agent at Detroit. During this year I made considerable expenditures for provisions for the Indian department, and to a small amount in presents in fitting out the Indian warriors, and some few other presents: an exact account of all which has been rendered to the War Department.

In July, 1814, a treaty with those tribes was ordered to be held at Greenville, and \$20,000 worth of goods was ordered to be provided for that purpose. John Johnston was ordered to take an inventory of the goods above-mentioned remaining on hand at this post and at Dayton, and purchase at Cincinnati a sufficient quantity to make up that amount; and I believe about \$24,000 amount was furnished Mr. Johnston, who will render the account of the amount purchased and on hand. We acted jointly at that treaty in the management of the pecuniary affairs, under the general direction of the commissioners; but the accounts remain with Mr. Johnston, who will transmit them to the War Department. Out of those goods the Delawares were paid all the annuity which was due to them up to that date. The Wyandots received \$390, the balance due to them in goods of their annuity of 1812, and the goods, part of their annuity for 1813 and 1814. I offered them goods in lieu of the cash, but they refused to receive them, (those nations being considered as not having forfeited their claims to their annuities.) There was, therefore, remaining due to the Wyandots, and those Indians residing with the Wyandots at that time, \$4,200 in cash, which was reported to the War Department by the commissioners. From the pressing urgency of the Indians, and the manifest public injury from longer delay of payment, I drew on the Secretary of War the 6th February, 1815, for that amount, and have received no advice whether honored or not.

In February last, I purchased in Cincinnati goods to the amount of \$1,398 63 $\frac{3}{4}$, which have been given in very small presents to Indians, in the ordinary cases of the Indian department as they have daily occurred from that time to this, with a small remainder of \$50 value.

It appears from the foregoing history of the pecuniary transactions of the Indian department, so far as my knowledge extends, that there fell due to the Indians at present under charge of this agency, and who adhered to the United States during the four years immediately preceding the 2d of March, 1815—

To the Wyandots, in goods, - - - - -	\$4,000	
To the Wyandots, in cash, - - - - -	1,600	
To the Wyandots, and those Indians who live with them, in cash, - - - - -	4,000	
		\$9,600
Delawares, - - - - -		7,600
		<u>17,200</u>
To those tribes who were hostile, and embraced by the treaty of Greenville, of 1815—		
Pattawatamies, - - - - -	\$4,000	
Miamies, - - - - -	10,000	
Eel Rivers, - - - - -	4,400	
Miamies and Eel Rivers, for 1812 and 1813, - - - - -	1,000	
		<u>19,400</u>
		<u>\$36,600</u>

If this latter sum of \$19,400 to the Pattawatamies, Miamies, and Eel Rivers is considered as forfeited by their hostility, (except the annuity paid in 1811,) there remains due only for the four years—

To the Wyandots, and those who reside with the Wyandots, \$4,200.

The whole amount of presents does not appear from the above account, because many presents were given by military officers out of supplies intended for the military department, and, in some few cases, reported to the agents. But I believe the whole amount (exclusive of the treaty of Greenville and provisions) has been about \$4,300.

The amount of provisions given is still more difficult to determine, for the same reason; yet I think it may be estimated to have amounted in the four years, within the limits where at different times I have had charge, to about \$230,000.

With respect to the question presented in the last paragraph of the resolution of the Senate, I must observe that I have during the late war had some opportunities of observing the difference in the organization between the British Indian department of the Canadas and that of the United States, and am clearly of the opinion that the British organization is, in several particulars, superior to that of the United States. The British give to all the officers of their Indian department a military brevet rank, and cause them to wear military insignia. And they give employment to every white man whom they believe to have any influence among Indians; and if he renders no service, they say it is worth more than he costs to keep him from doing them an injury; that the Government has no other concern in Indian trade than to regulate it.

The relative rank their officers acquire with their military rank has many very evident advantages, particularly in accelerating and rendering uniform all their measures; and the military rank adds greatly to their importance in the view of the Indians. It obviates, in some measure, what the United States have experienced much embarrassment from, viz: the powers of an Indian agent in the neighborhood of a military post, in relation to the officer commanding not being clearly defined. It has been my belief that there would be an advantage resulting from all Indian agents having military powers similar to the Governors of Territories, but of subordinate rank.

The experience of the late war has shown that we cannot have a British war without a war with the Indians, and that the only means of preventing their joining the enemy is, to give them immediate employment with our armies. In this case, it would be highly important that the officers of the Indian department who are individually acquainted with the Indians under their charge, respectively, should conduct them in the field. If so, military rank would be almost indispensable to the officers of the Indian department.

I have been fully satisfied that the advantages contemplated, resulting from the Indian trade carried on by the Government, have not been realized; that the Indians of the northwest have an aversion to it, from a belief that it is not carried on for their benefit, but as a matter of speculation. The enemies of the United States have persuaded many Indians to believe that it was a scheme of the United States to permit them to take the goods on credit until they should not be able to make payment, and then take their lands from them to satisfy the debt.

I believe that the Indian trade may be put under such restraints by the Government, in the hands of companies or individuals, that it may be managed with as much regularity as in the hands of the Government. I am of the opinion that the oath of allegiance should be required of all Indian traders, and that the moral character and characteristic attachment to the United States should be a matter of consideration; that there should be a power vested in the agents of the United States to inspect the trade and punish frauds.

I have no doubt that during the late war the affairs of the Indian department have languished for want of the necessary attention of the head of the War Department, (which no doubt was unavoidable.) And if putting the Indian department under a separate head can be considered consistent with its receiving military, added to its civil powers, I should be clearly of the opinion that it should be a separate department. In a state of peace, the present organization might answer every purpose. But to be prepared for a state of war must be our highest interest; and the present powers and organization appear not to be sufficiently efficient for that state.

It has been the result of my observation that the attempt to civilize Indians, while they have a widely extended forest to ramble in, will prove abortive; but that their ferocity may be neutralized by supplying their wants, and they attached to the source from whence they receive this supply; that the British have gained great advantages over us by their great liberality to the Indians; and that it has cost the United States more treasure in the late war (exclusive of blood) in opposing Indians purchased by British liberality, than would secure them to the United States for thirty years. I think we should increase our liberality to a degree at least equal to that of the British, or not give them any thing. What we give and pay them, when compared with the presents they receive from the British, appears so trifling, that to withhold all presents would not have much, if any, more injurious effect than giving them so much less; that it is much cheaper reducing them by meat and bread than by the force of arms; and, from the observations I have had the opportunity of making, that three or four months' full feeding on meat and bread, even without ardent spirit, will bring on disease, and, in six or eight months, great mortality. And would it be considered a proper mode of warfare? I believe more Indians might be killed with the expense of \$100,000 in this way, than \$1,000,000 expended in the support of armies to go against them.

I have the honor to be, sir, your very obedient servant,

B. F. STICKNEY, *Indian Agent.*

Hon. Wm. H. CRAWFORD, *Secretary of War.*

Sir:

CHEROKEE AGENCY, *November 30, 1815.*

I have had the honor of receiving your letter of the 17th August last, accompanied by a resolution of the Senate of the 2d March last, requiring a report on the several questions therein stated. I proceed to report first—

Of Annuities.—It is understood that annuities become due in this agency at the commencement of each year, but are not expected to be received by the Indians until the Government shall direct the payment.

On the 13th of July, 1812, I paid the Cherokee annuity for that year, and transmitted a receipt therefor,	\$9,000 00
On the 1st of November instant, I paid the Cherokee annuities for the years 1813, 1814, 1815, 1816, and a balance over that will apply in part payment of their annuity for the year 1817; the amount of the four years' annuity, at \$9,000 per year,	36,000 00
The balance over, to be deducted from their annuity for the year 1817, is	3,744 33½

Total amount of annuities paid in this agency within the times specified in the resolution of the Senate,	<u>\$48,744 33½</u>
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<i>Presents.</i> —Presents, within the periods required by the resolution of the Senate, made to the Cherokees for the promotion of agriculture and domestic manufactures, in prosecution of the plan of Government to lead them from a state of hunters to that of herdsmen and cultivators, and a knowledge of the useful arts, amount to	\$8,445 80
Presents to Cherokee officers of distinguished merit, who served under the command of General A. Jackson, in the Creek war,	956 29½

Total amount of presents to the Cherokees within the times specified in the resolution of the Senate,	<u>\$9,402 09½</u>
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I now proceed to make such observations on the several parts of the last paragraph of the resolution of the Senate as may appear to me to be just. The first question is, "Whether any alteration of the powers and duties of the several officers and agents employed in the superintendence and management of Indian affairs would be advantageous?" On this question, I beg leave to observe that, if the Indian trade, as hitherto carried on, shall not have supported the appropriations that have been made for that department, it would seem that a remedy should be applied—that is, to empower the principal officer of the Indian department (if not already authorized) to direct the several factors in his department to put such advance on the merchandise for that trade as, after a careful estimation of all the expenses, would secure the United States from loss, and moderately increase the capital. This ought to be done to guard against adventitious circumstances, which may be expected to happen, particularly from the double transportation of the merchandise and the articles received in payment at the trading-houses. A good mercantile advance being put on the goods will not frustrate the benevolent design of the first institution of that trade; for the Indians will still be furnished with goods at the factories from fifty to one hundred and fifty per centum cheaper than they now pay to itinerant and straggling traders, who, under licenses, traverse the whole Indian countries within the United States; they meet the Indians at their hunting camps, and purchase the finest articles from them; so that the articles brought to the public stores are often of an inferior quality. This is an additional reason why a reasonable mercantile advance should be put on the merchandise at the public stores. It is my opinion, from fourteen years' observation here, that there is no benevolence in selling any thing to the Indians at such reduced prices as thereby to reduce the capital; it has the effect to lessen his industry; it cherishes his strongest passion—the love of ease; he rarely exerts his powers but from necessity.

The next part of the last paragraph of the resolution of the Senate is, "Whether the consolidation of the whole care and management thereof, and the placing the same in a single department, would be expedient?" To this question I answer in the affirmative. I have a long time been of this opinion, and have frequently expressed it. I will endeavor to give some reasons for that opinion; and here I must be indulged with a long detail of some very perplexing business which, through the Indian agencies, at present appertains to the War Department. All the burglaries, thefts, stealing horses and other property, some robberies, personal abuses, and injuries of almost every description on the frontiers—all these are as common to one party as the other, and are brought to the agent as complaints demanding redress; these complaints are in general badly stated, having no legal testimony to substantiate them. On the part of the Indians, they are still more defective for want of testimony, because, by our institutions, they are prohibited the privilege of making oath. There are hundreds of these cases, and many of them are undoubtedly just, that cannot be supported by legal evidence. They are taken up by the agent and de-

cided on by self-created extra-judicial procedure. The agent calls to his aid one or two judicious men. We then style ourselves a board. We take up each case, examine the documents, (where there are any adduced,) and hear verbal testimony—together so on the part of the Indians; their simple narration must be attended to. After which the board gives an opinion on each case; they are then transmitted by the agent with the documents, with our remarks, to the Secretary of War, where they are re-examined, and returned to the agent confirmed or negated by the Secretary. The successful claimant is paid his damages recovered; as to the other, there is an end of the process.

This extra-judicial procedure is believed to be the only mode that can be adopted at present to do justice to these complaints, for scarcely any one of these cases could be sustained in a court of law.

Some of these cases require as much time for investigation as a trial in a court of law; and though the amount of damages is generally of inconsiderable value, yet they are of moment to the poor claimants, and must be adjusted in some way to prevent the parties from making reprisals which would lead to hostilities.

I have by this detail endeavored to show the extent of this perplexing business appertaining to the duties of the War Department under the present arrangement. It is my opinion that all the business of Indian trade, and the business of the Indian agencies, particularly such as I have just stated, ought to be transacted in another department—I mean an Indian department. It appears to me that there should be no law litigation, no chancery jurisdiction, and no counting-house rooms in the War Office. The mind of the War Department should be exclusively occupied about war and preparation for war; if in case of war there should be Indian corps organized, they, of course, become a part of the army, and will not while in service be considered as belonging to the Indian department, but under the War Department. Every thing extraneous to this highly responsible department it appears to me should be removed. We talk about peace: let us make the best use of it; from my observation, the eyes of the community continue to be yet fixed on the War and Navy Departments.

The question in the last part of the resolution of the Senate is, "Whether a plan may not be devised that will be equally advantageous to the Indian tribes, and more economical to the public, whereby the Indian trade may, under safeguards, be hereafter carried on by individuals or by private companies, instead of the manner in which the same is now conducted?" On this part of the resolution of the Senate I beg leave to observe that I cannot conceive it practicable, by any guards in the power of Government, to restrain individuals or private trading companies from taking advantages of the Indians, and such a measure might be viewed by the Indians as a relinquishment of the original plan of the institution of that trade. It appears to me that by factors under the control of Government the trade may be carried on without loss to the United States. I have always understood that benevolence and policy were combined in the plan of this trade, and it is undoubtedly true that the Indians consider the public trading-houses as their fathers' houses; they are rallying points where the Indians feel at home; they feel the paternal care of the Government; it strengthens their attachment and fidelity.

I can make no other report on the subject of Indian trade on public account than that it was discontinued here in 1811.

In your letter you gave me a latitude in making observations, which I must plead as an apology for the length of my letter.

I have the honor to be, with great respect, your obedient servant,

RETURN J. MEIGS.

Hon. WILLIAM H. CRAWFORD, *Secretary of War.*

SIR:

CHOCTAW AGENCY, *October 25, 1815.*

I have had the honor to receive your letter of the 17th August last, enclosing a resolution of the Senate of the United States.

The short time I have been agent, and the little of that time I had to spare from more pressing duties arising from the late war, have not afforded me leisure or opportunity to be well informed on the subjects embraced in the resolution. I requested my predecessor, Mr. Dinsmoor, to favor me with the result of his observations and experience; a copy of his note I have the honor to enclose. With a vigorous mind and solid judgment, I know no person in the Indian department that has done so much towards civilizing the Indians, and I feel confident his information and suggestions will have due weight.

During my agency I have delivered to the Choctaws \$4,831 88 in goods, part of their annuity for the year 1813, leaving a balance, by report from the Indian office, December 15, 1813, of \$1,028 12, and there is now in store here \$5,851 for the annuity of 1814.

I am informed by Mr. Hawkinson's agent at Natchez that a quantity of goods has been received by him subject to my order, (by the invoice accompanying them, \$19,001 13½) but I have not yet received the invoice, or any official information to govern me in their distribution. I understand the invoice and instructions are at Natchez. I have prepared the Indians to receive, in advance, for their annuity, such part as may have been directed by General Jackson for that purpose, and I expect to have them brought up and distributed in all this month.

I have the honor to be, with very great respect, sir, your obedient servant,

JOHN MCKEE.

The Hon. WILLIAM H. CRAWFORD, *Secretary of War.*

The agent has the disposal of the following articles, cash and merchandise, for the Choctaws, viz:

Sundry goods, the balance undamaged, of an invoice forwarded by General Jackson,	\$18,783 88½	
Annuity for 1814, including mingoes' salary and stand rent,	-	5,851 00
Balance in cash due the chiefs and nation for the year 1813,	-	1,028 12
		\$25,663 00½
The agent delivers the annuity for 1814, as per invoice, -	-	\$5,851 00
The balance in cash for the annuity of 1813 he delivers to the three great medal chiefs, for their salary for the years 1813, 1815, and part of 1816,	-	1,028 12
He will deliver to the mingoes, as the balance of their salary for 1816,	-	321 88
He will deliver to the mingoes, in goods, their salary for 1817,	-	450 00
He will deliver annuities, including stand rent, for 1815, 1816, and 1817,	-	16,200 00
He will deliver as presents to the mingoes, leaders, and distinguished warriors,	-	1,812 00½
		25,663 00½

CHOCTAW AGENCY, *December 29, 1815.*

I certify that in November last, at the request of Colonel John McKee, United States agent to the Choctaw nation of Indians, I inspected sundry packages of merchandise received for the nation, found some of the bales entirely broken up, the goods much damaged, some of the cloths absolutely rotten, and most of them injured except some packed in sound tierces.

SILAS DINSMOOR.

SIR:

DEPARTMENT OF WAR, *August 17, 1815.*

The enclosed resolution of the Senate clearly defines the nature of the information which you are requested to give this Department relative to the amount of annuities and presents due, paid, and delivered to the several Indian tribes within your agency, during the four years immediately preceding the 4th of March, 1815.

In directing your attention particularly to the clause respecting annuities and presents, it is not intended to confine your communications to those points. In the discharge of your official duties, you have no doubt acquired an intimate knowledge of the general nature of the subject embraced in the resolution. Your views and observations upon the several questions presented in the last paragraph will be received with great pleasure, and will meet with all the consideration which the importance of the subject requires.

My recent assumption of the duties of this Department, and the near approach of the period when the duty required by the resolution must be performed, make it necessary that the information which it is in your power to give should be transmitted with the least possible delay.

With great respect, I have the honor to be your most obedient servant,

WM. H. CRAWFORD.

[Addressed to the Governors of the Mississippi, Indiana, Michigan, Illinois, and Missouri Territories; William Cocke, Chickasaw Agent; Erastus Granger, Indian Agent, Buffalo; Major Samuel Lovely, Indian Agent, Arkansas; John Johnston, Indian Agent, Pigua; Benjamin F. Stickney, Agent, Fort Wayne; Colonel R. J. Meigs, Cherokee Agent; Thomas Gales, Indian Agent, Natchitoches; John McKee, Choctaw Agent; Colonel Benjamin Hawkins, Creek Agent.]

14th CONGRESS.]

No. 143.

[1st SESSION.]

TREATY AND CONVENTION WITH THE CHEROKEES.

COMMUNICATED TO THE SENATE, MARCH 28, 1816.

To the Senate of the United States:

MARCH 26, 1816.

I lay before the Senate, for their advice as to a ratification, articles of a treaty and of a convention which have been concluded with the Cherokee nation, with documents relating to the losses by the Indians, for which indemnity is stipulated.

JAMES MADISON.

Articles of a treaty made and concluded at the city of Washington, on the twenty-second day of March, one thousand eight hundred and sixteen, between George Graham, being specially authorized by the President of the United States thereto, and the undersigned chiefs and headmen of the Cherokee nation, duly authorized and empowered by the said nation.

ARTICLE I. Whereas the Executive of the State of South Carolina has made an application to the President of the United States to extinguish the claim of the Cherokee nation to that part of their lands which lie within the boundaries of the said State, as lately established and agreed upon between that State and the State of North Carolina; and as the Cherokee nation is disposed to comply with the wishes of their brothers of South Carolina, they have agreed, and do hereby agree, to cede to the State of South Carolina, and forever quit claim to, the tract of country contained within the following bounds, viz: beginning on the east bank of the Chattuga river, where the boundary line of the Cherokee nation crosses the same; running thence with the said boundary line to a rock on the Blue Ridge, where the boundary line crosses the same, and which rock has been lately established as a corner to the States of North and South Carolina; running thence, south, sixty-eight and a quarter degrees west, twenty miles and thirty-two chains, to a rock on the Chattuga river, at the thirty-fifth degree of north latitude, another corner of the boundaries agreed upon by the States of North and South Carolina; thence, down and with the Chattuga, to the beginning.

ART. 2. For and in consideration of the above cession, the United States promise and engage that the State of South Carolina shall pay to the Cherokee nation, or its accredited agent, the sum of five thousand dollars, within ninety days after the President and Senate shall have ratified this treaty: *Provided*, That the Cherokee nation shall have sanctioned the same in council: *And provided, also*, That the Executive of the State of South Carolina shall approve of the stipulations contained in this article.

In testimony whereof, the said commissioner, and the undersigned chiefs and headmen of the Cherokee nation, have hereunto set their hands and seals.

GEORGE GRAHAM.

[Signed also by the chiefs and headmen of the Cherokee nation.]

Articles of a convention made and entered into between George Graham, specially authorized thereto by the President of the United States, and the undersigned chiefs and headmen of the Cherokee nation, duly authorized and empowered by the said nation.

ARTICLE 1. Whereas doubts have existed in relation to the northern boundary of that part of the Creek lands lying west of the Coosa river, and which were ceded to the United States by the treaty held at Fort Jackson, on the ninth day of August, one thousand eight hundred and fourteen: and whereas, by the third article of the treaty, dated the seventh of January, one thousand eight hundred and six, between the United States and the Cherokee nation, the United States have recognised a claim on the part of the Cherokee nation to the lands south of the Big Bend of the Tennessee river, and extending as far west as a place on the waters of Bear creek, [a branch of the Tennessee river,] known by the name of the Flat Rock or Stone; it is, therefore, now declared and agreed that a line shall be run from a point on the west bank of the Coosa river, opposite to the lower end of the Ten Islands in said river, and above Fort Strother, directly to the Flat Rock or Stone on Bear creek, [a branch of the Tennessee river;] which line shall be established as the boundary of the lands ceded by the Creek nation to the United States by the treaty held at Fort Jackson, on the ninth day of August, one thousand eight hundred and fourteen, and of the lands claimed by the Cherokee nation lying west of the Coosa and south of the Tennessee rivers.

ART. 2. It is expressly agreed on the part of the Cherokee nation that the United States shall have the right to lay off, open, and have the free use of such road or roads through any part of the Cherokee nation lying north of the boundary line now established, as may be deemed necessary for the free intercourse between the States of Tennessee and Georgia and the Mississippi Territory. And the citizens of the United States shall freely navigate and use as a highway all the rivers and waters within the Cherokee nation. The Cherokee nation further agree to establish and keep up, on the roads to be opened under the sanction of this article, such ferries and public houses as may be necessary for the accommodation of the citizens of the United States.

ART. 3. In order to preclude any dispute hereafter relative to the boundary line now established, it is hereby agreed that the Cherokee nation shall appoint two commissioners to accompany the commissioners already appointed on the part of the United States, to run the boundary lines of the lands ceded by the Creek nation to the United States, while they are engaged in running that part of the boundary established by the first article of this treaty.

ART. 4. In order to avoid unnecessary expense and delay, it is further agreed that, whenever the President of the United States may deem it expedient to open a road through any part of the Cherokee nation, in pursuance of the stipulations of the second article of this convention, the principal chief of the Cherokee nation shall appoint one commissioner to accompany the commissioners appointed by the President of the United States, to lay off and mark the road; and the said commissioner shall be paid by the United States.

ART. 5. The United States agree to indemnify the individuals of the Cherokee nation for losses sustained by them in consequence of the march of the militia and other troops in the service of the United States through that nation, which losses have been ascertained by the agents of the United States to amount to twenty-five thousand five hundred dollars.

In testimony whereof, the said commissioner, and the undersigned chiefs and headmen of the Cherokee nation, have hereunto set their hands and seals. Done at the city of Washington, this twenty-second day of March, one thousand eight hundred and sixteen.

GEORGE GRAHAM.

[Signed, also, by the chiefs and headmen of the Cherokee nation.]

REMONSTRANCE AGAINST THE TREATY.

To the President of the United States of America: This memorial and remonstrance respectfully declareth:

That one of the most inestimable privileges which freemen enjoy is the right of investigating the proceedings of those whose duty it is to advance the public weal, and remove the causes which have a tendency to produce public and individual injury. Availing ourselves of this sacred right, we, your memorialists, would respectfully submit a number of the grievances under which we labor in common with the people in this State; a candid and full examination of which, we trust, will produce a removal, so far as the power of doing this, or recommending it to be done, is vested in yourself. The people of this State know that their political and individual prosperity is much retarded, and they also believe that their rights are obstructed by two causes, connected with the relations of the United States with the Indian tribes: the first of which is a failure to extinguish the Indian claim to land within the chartered limits of this State; and the second is a cession to the Cherokee Indians of that tract of country south of Tennessee ceded to the United States by the Creek Indians, by the treaty held by General Jackson. We are more concerned on the latter subject, that the Government should have yielded to the Cherokees this tract, at the very time when the nation refused to sell for a full price to the United States a portion of land on the north side of Tennessee, within this State, which is of much importance to us, and in a measure useless to that nation. To show how far the existence of the Indian claim to the land within the chartered limits of this State is a political injury, and connected with the violation of individual right, we will beg leave to call your attention to the following facts: Previous to the formation of the constitution of the United States, and when the State of North Carolina possessed the absolute sovereignty of soil in what is now the State of Tennessee, each of the States having declared independence, and after the States had conquered their enemies, foreign and internal, the Legislature of that State, with much magnanimity and justice, offered for sale her western lands to her own citizens, to extinguish the debt which she owed to the war-worn soldiers of the Revolution; that debt was paid, and a fee-simple title was vested in the purchasers to a large portion of the lands within what is now the State of Tennessee. This took place in the years 1783 and 1784. At that time the title of the Indians to the lands sold by the State was not acknowledged by any treaty or law; and it was purchased, and grants obtained, under a confidence that possession could be had so soon as the Indian nations were conquered or would cease to be hostile. Few, if any, of the tribes of Indians ever actually inhabited the lands which were sold by the State of North Carolina. That portion of territory in which the Cherokee tribe were settled south and east of Tennessee was reserved, when the boundary was prescribed of lands offered for sale. After the State of North Carolina had sold out the lands to redeem her public debt, the territory now composing the State of Tennessee was ceded by North Carolina to the Congress of the United States, reserving, however, the rights of individuals holding grants, and the right to perfect the titles of such as had purchased lands from that State, which were not granted. Since that period the United States have, by treaties or compacts with the Cherokee and Chickasaw Indians, acknowledged a possessory right in those tribes to a large portion of the lands within this State; and that acknowledgment of title continues to exist, to the exclusion of citizens who have paid a fair price to North Carolina for those lands, more than thirty years since. Nay, the treaties purport to vest an

absolute right to those lands in the Indians. A large portion of territory is unoccupied by the Indians on the north side of Tennessee, (except, perhaps, occasionally by a few straggling parties,) to which their title is unextinguished. This land is of vast importance in a political point of view to the State; it has also been granted by North Carolina, and the grantees are deprived of the enjoyment of their property; and yet the Cherokees refuse to sell it, with the same stubborn independence as if their title were absolute. An extensive and fertile tract is situated on the west of the inhabited part of this State, and extending to the Mississippi, which land was sold by North Carolina, and a great portion thereof granted nearly thirty years since. It is unsettled by the Indians, yet it is claimed by the Chickasaw tribe; and the grantees of the land, who have a freehold in the soil, by purchase from the State, have a more gloomy prospect of enjoying their property now than existed twenty years ago. Many individuals are deprived of their patrimony purchased by the blood of their fathers. The State is deprived of the political advantage arising from the settlement of a part of its soil, fertile beyond description, and rendered doubly important from its situation on the great navigable waters, which have become the highway to market of the produce raised by several millions of people. At the close of the American war, the absolute right to the vacant soil existed in the States, respectively; and the right was in the Indian tribes, most of whom were conquered by the States. If this right existed in the States, we would inquire whether it be consistent with the principles of a free Government to exclude the individual owners of the soil from the enjoyment of their property? And we would humbly suggest the injustice of doing this, by laws or treaties made subsequent to the vested right of the owners. This is a grievance under which the citizens of the State of Tennessee have labored for many years past. In an humble and respectful manner has it been presented to the constituted authorities of the United States by the Legislature of our State, and by our Representatives and Senators in Congress. With painful emotion it has been seen that all exertions for its removal have failed. Yet, as citizens, we were respectfully silent, hoping each succeeding year would produce a change. We fondly looked forward to the time when the rights of our citizens would be considered as paramount to the rights of the Indians; and, of two conflicting claims, that that claim would be protected which would convert a pathless wilderness into peaceful habitations of freemen, yielding individual wealth and national prosperity; and, if an indemnity was necessary, it would be conferred on those whose claim was later in point of law and acknowledgment, and least in point of use and necessity. From the arrogant and aspiring pretensions of the adjacent tribes, we have no hope that they will voluntarily yield, or even sell their claims. Recent events show that they desire to embrace every foot of territory which will lessen the facility of communication with the settlements on the Mississippi and Mobile, and retard the prosperity of this State. We would inquire, where is this matter to end? is it to be left to the will of the Cherokee and Chickasaw Indians?

We would also call your attention to the peculiarity of our injury. In no other State do we know of a sale of lands, at an early period after the Revolution, where the purchasers are as yet deprived of the possession. In a few years the extinguishment of the Indian claim will be useless to the individual claimants. The destroyer Time will have soon demolished every trace or mark of the surveys and boundaries; and already almost every individual to whom they were known is consigned to the tomb. One other subject of complaint is the late cession to the Cherokee Indians of so large a portion of the territory added to the United States by the treaty held with the Creeks by General Jackson. This is considered an evil of much magnitude, and we submit the following facts to prove that the Creeks were fully empowered to make the conveyance to the United States by the treaty of 1814. It is clearly established, and it is here almost universally known, that at the first settlement of the western country, the territory in question was not held under the least color of claim by the Cherokees, but was in the possession of the Creeks, who continued to occupy it until the war in 1813, when the Creeks fled from villages within this territory, which were afterwards demolished by General Jackson. The chiefs and headmen of the Cherokees, even at that period, so far from claiming this land, declared to General Jackson that his army was in an enemy's country after crossing a small stream called Will's creek, twenty miles south of Fort Deposit, on the Tennessee river. From thence, southwardly, they said, the army was in the territory of the Creeks, and all the property was the property of the enemy. Of the truth of these facts abundant proof can be produced, sufficient to establish the same at any time when it may be desired. Did not the cession of this land to the United States by the Creeks vest in the people thereof *prima facie* evidence of title? If so, could the people be divested of this title by the act of the President and Senate? This committee humbly state that they do not think the constitution has vested this power in those branches of the Government. The cession of this territory to the United States was hailed with joy, as an era in the prosperity of Tennessee. By this, a communication would be had through a country inhabited by white men, and governed by laws, to the counties on the Mississippi and Mobile. We ever were informed the boundaries of the lands held by the Creeks were directed to be run by public authority, separating those lands from the Cherokees. We understand the line was run, and information thereof communicated to the proper office. But our satisfaction at this event was succeeded by surprise and regret, when we learned so much of this tract was ceded to the Cherokees as would effectually prevent that connexion in settlement with our fellow-citizens on the waters of the Mobile. We would ask, where is the policy of ceding this tract to the Cherokees, who are so tenacious of the territory which they already possess, that they will not surrender one acre without receiving what would be the value of the land? We would inquire, upon what principle of justice was this land ceded to the Cherokees? It was not useful to them for cultivation, nor due to them as a nation, to the exclusion of the people of the West, to whom the advantages from the occupation and settlement of this country were in some measure due, as a boon for its conquest. We applaud the course of policy adopted by the United States towards the Indians, replete with humanity, justice, and moderation; but we cannot agree that it is proper to sacrifice the convenience and welfare of so large a portion of the members of the community to gratify the cupidity of any tribe. The country bordering on the Tennessee, and occupied by the Creeks before the war of 1813, is that through which would pass the great highway from this State to New Orleans and Mobile. The country is fertile, and would soon be covered by a population of yeomanry, and become a perpetual barrier to the communication of the northern and southern tribes of Indians, who, from their intimate correspondence, produced such distressing effects subsequent to the declaration of war in 1812. Our citizens would then travel in security, without the risk of being murdered at every wigwam by some drunken savage, or of being ambushed and plundered until a safe passage is purchased by giving to the Indians money for permission to travel the public road. One of our neighbors a short time since was insulted, and afterwards murdered, on the road leading through that nation; and another of our most respectable citizens, when travelling with his family on the same road, was compelled to purchase his safe passage by his purse of money. The tribe will claim in palliation that such excesses are committed by drunken and profligate Indians, and perhaps will claim credit for surrendering such to be punished by our laws. These things, to us, are no satisfaction or security. The course of business requires frequent travelling along the roads leading through that country, and, while the Indians possess the soil from the Mississippi to Georgia, our citizens are not secure from attacks. We desire rather security against this mischief, than revenge for a murder when committed. If you will refer to the map of the country south of the State of Tennessee, and bring to mind that the produce of all the western country is sold at New Orleans, and that the Indians possess an extensive territory between this State and that market; that thousands of the citizens of Kentucky and Ten-

nessee annually return by land, after selling their produce, and that this happens most frequently in the unhealthy season; that want of accommodation, sickness, insult, and injury, often await them through this Indian territory; that every year increases the quantity of produce for the market, and consequently the number of persons exposed to the evils enumerated—you will have but a faint idea of the magnitude of the object to the people of this section of the Union, and of the regret with which they beheld that a free communication was no sooner obtained from the Creeks, than it was surrendered to the Cherokees. We cannot but believe that the policy of retaining this part of the country is so evident that it would not have been surrendered to the Cherokees, except from a mistaken belief that it of right belonged to that nation; and we believe, if the fact had been known to you that the Cherokee claim was founded altogether in pretence, and had no substantial existence, that this cession would not have been sanctioned. We have heard it suggested that the treaty of 1806 contained a pledge that the United States would acknowledge the claim of the Cherokees to this treaty. We will remark that the article in that treaty which speaks of the boundary of the Cherokee and Chickasaw Indians was evidently concluded by the Secretary of War, relying upon the representation of the Cherokees, and without a knowledge of the title of the respective tribes. It is beyond dispute that the land in question did not belong to, nor was it occupied by, either the Cherokees or Chickasaws, but was vested in the Creeks. An agreement on the part of the United States that they would endeavor to prevent collisions between the Cherokees and Chickasaws, by procuring the establishment of a certain boundary, did not, it seems to us, bind the United States to relinquish any title they might acquire from a third party, provided that third party had the better title, particularly when it is recollected that the projected boundary of the treaty of 1806 never was established. We might still go further in depicting the evils to be produced from carrying this stipulation into effect, after the treaty held with the Creeks by General Jackson, and after the boundaries were run and ascertained. This tract has been settled by a numerous population—by men whose lives and property have often been pledged to their Government. We will leave you to imagine the difficulty, distress, and dissatisfaction which will result from dispossessing this population of a country which was considered as a land of promise, and which they had prepared themselves to purchase by a sale of their interior possessions, and that this disposition should be made, that the country may remain a wilderness for the refuge of plunderers and murderers. We are also mortified that the treaty with the Cherokees should contain an imputation against the militia of this State, in making an appropriation of \$25,500 for depredations pretended to be committed in their territory by the army of the United States. This claim, set up by the Cherokees, we believe, from good authority, to be unfounded. The language as well as the matter of this article is a subject of regret to the militia of Tennessee, since it implicates the character of their officers, who are virtually accused of leading bands of marauders, and allowing the most flagrant acts to pass unpunished. We would beg leave to bring to your notice the tedious and injurious system adopted by the War Department in the payment of accounts which have been created during the war in the quartermaster's office. The payment of these accounts has been postponed from time to time, to the great injury of those who hold unsettled claims; and, as if to increase the difficulty, it has been lately ordered that these claims should be sent to Washington for inspection, previous to their adjustment. The delay and risk of loss in transmitting the evidences of these claims are very great, and the difficulty of presenting demands, although entirely just, authenticated according to exact form, has been experienced by all interested in them, because the officers ordering the same paid are now at an immense distance from the place of their liquidation. All these embarrassments have in many instances created an expense equal to the amount of the demands producing it. The payment of the officers and soldiers for their services has been so long protracted, and so many difficulties presented, from the want of funds or otherwise, that many of the soldiers who braved the dangers of the field, and conquered the heroes of Britain, have not yet received the first cent for their services.

This committee are assured that penury has not tied the pursestrings of the nation; that appropriations were made to satisfy all demands against the pay and quartermaster's departments in this district; therefore, we most respectfully inquire, what disposition has been made of the funds appropriated to satisfy the just claims on Government?

The citizens of Tennessee deem the grievances which this committee have referred to as materially affecting the rights and happiness of the community at large; and are happy to believe that they have, by their recent and unparalleled display of patriotism and valor, secured to themselves the plaudits of the American people, and are justly entitled to a prompt removal of all the causes hereby noticed, which so materially affect the present and future destiny of this country.

For and in behalf of the citizens of Davidson county:

JENKIN WHITESIDES, JAMES TRIMBLE, WASHINGTON L. HANNUM, ALFRED BALCH, WILLIAM CARROLL,	}	Committee.
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[NOTE.—The documents referred to in the message were returned to the War Department after the ratification of the treaty and convention, and are not now to be found.]

14th CONGRESS.]

No. 144.

[2d SESSION.

TREATIES WITH THIRTEEN TRIBES.

COMMUNICATED TO THE SENATE, DECEMBER 10, 1816.

To the Senate of the United States:

DECEMBER 10, 1816.

I lay before the Senate, for their consideration and advice as to a ratification, treaties concluded with the several Indian tribes, according to the following statement:

A list of Indian tribes with whom treaties have been made since the last session of Congress, viz:

Weas and Kickapoos.—Treaty concluded at Fort Harrison, between Benjamin Parke and the chiefs and headmen of those tribes, June 4, 1816.

Ottawas, Chippewas, and Pattawatamies.—Treaty concluded at St. Louis, between Governors Clark and Edwards, and Colonel Chouteau, and the chiefs and headmen of those tribes, August 24, 1816.

Winnebagoes.—Treaty made by the same persons on the part of the United States, and the headmen of this tribe, at St. Louis, June 3, 1816.

Sacs of Rock river.—Treaty made by same, at St. Louis, May 13, 1816.

Sioux composing three tribes—the Sioux of the Leaf, the Sioux of the Broad Leaf, and the Sioux who shoot on the Pine Tops.—Treaty made and concluded by the same, at St. Louis, June 1, 1816.

Chickasaws.—Treaty made by General Jackson, David Meriwether, Esq., and Jesse Franklin, Esq., and the headmen of that nation, at Chickasaw council-house, September 20, 1816.

Cherokees.—Treaty made by General Jackson, David Meriwether, Esq., and Jesse Franklin, Esq., and the headmen of that nation, at Turkeytown, October 4, 1816.

Choctaws.—Treaty made by General John Coffee, John Rhea, and John McKee, Esqrs., and the headmen and warriors of that nation, at the Choctaw trading-house, October 24, 1816.

JAMES MADISON.

TREATY WITH THE CHEROKEES.

To perpetuate peace and friendship between the United States and Cherokee tribe or nation of Indians, and to remove all future causes of dissension which may arise from indefinite territorial boundaries, the President of the United States of America, by Major General Andrew Jackson, General David Meriwether, and Jesse Franklin, Esq., commissioners plenipotentiary on the one part, and the Cherokee delegates on the other, covenant and agree to the following articles and conditions, which, when approved by the Cherokee nation, and constitutionally ratified by the Government of the United States, shall be binding on all parties:

ARTICLE 1. Peace and friendship are hereby firmly established between the United States and Cherokee nation or tribe of Indians.

ART. 2. The Cherokee nation acknowledge the following as their western boundary south of the Tennessee river: Commencing at Camp Coffee, on the south side of the Tennessee river, which is opposite the Chickasaw Island; running from thence, a due south course, to the top of the dividing ridge between the waters of the Tennessee and Tombigbee rivers; thence, eastwardly, along said ridge, leaving the head waters of the Black Warrior to the right hand, until opposed by the west branch of Will's creek; down the east bank of said creek, to the Coosa river, and down said river.

ART. 3. The Cherokee nation relinquish to the United States all claim, and cede all title, to lands lying south and west of the line as described in the second article; and, in consideration of said relinquishment and cession, the commissioners agree to allow to the Cherokee nation an annuity of \$6,000, to continue for ten successive years, and \$5,000, to be paid in sixty days after the ratification of the treaty, as a compensation for any improvements which the said nation may have had on the lands surrendered.

ART. 4. The two contracting parties covenant and agree that the line, as described in the second article, shall be ascertained and marked by commissioners, to be appointed by the President of the United States; that the marks shall be bold; trees to be blazed on both sides of the line, and the fore and aft trees to be marked with the letters U. S.; that the commissioners shall be accompanied by two persons, to be appointed by the Cherokee nation; and that said nation shall have due and seasonable notice when said operation is to be commenced.

ART. 5. It is stipulated that the Cherokee nation will meet General Andrew Jackson, General David Meriwether, and Jesse Franklin, Esq., in council, at Turkeytown, Coosa river, on the 28th of September instant, there and then to express their approbation, or not, of the articles of this treaty; and if they do not assemble at the time and place specified, it is understood that the said commissioners may report the same as a tacit ratification, on the part of the Cherokee nation, of this treaty.

In testimony whereof, the said commissioners, and undersigned chiefs and delegates of the Cherokee nation, have hereto set their hands and seals. Done at the Chickasaw council-house, this fourteenth day of September, in the year of our Lord one thousand eight hundred and sixteen.

ANDREW JACKSON,
DAVID MERIWETHER,
JESSE FRANKLIN.

[Signed, also, by the chiefs and headmen of the Cherokee nation.]

TREATY WITH THE CHICKASAWS.

To settle all territorial controversies, and to perpetuate that peace and harmony which has long happily subsisted between the United States and Chickasaw nation, the President of the United States of America, by Major General Andrew Jackson, General David Meriwether, and Jesse Franklin, Esq., on the one part, and the whole Chickasaw nation in council assembled, on the other, have agreed on the following articles, which, when ratified by the President, with the advice and consent of the Senate of the United States, shall be binding on all parties:

ARTICLE 1. Peace and friendship are hereby firmly established and perpetuated between the United States of America and Chickasaw nation.

ART. 2. The Chickasaw nation cede to the United States (with the exception of such reservations as shall hereafter be specified) all right or title to lands on the north side of the Tennessee river, and relinquish all claim to territory on the south side of said river, and east of a line commencing at the mouth of Caney creek, running up said creek to its source; thence, a due south course, to the ridge path, or commonly called Gaines's road; along said road, southwesterly, to a point on the Tombigbee river well known by the name of the Cotton Gin Port; and down the west bank of the Tombigbee to the Choctaw boundary.

ART. 3. In consideration of the relinquishment of claim and cession of lands made in the preceding article, the commissioners agree to allow the Chickasaw nation \$12,000 per annum for ten successive years, and \$4,500, to be paid in sixty days after the ratification of this treaty into the hands of Levi Colbert, as a compensation for any improvements which individuals of the Chickasaw nation may have had on the lands surrendered; that is to say, \$2,000 for improvements on the east side of the Tombigbee, and \$2,500 for improvements on the north side of the Tennessee river.

ART. 4. The commissioners agree that the following tracts of land shall be reserved to the Chickasaw nation:

1. One tract of land for the use of Colonel George Colbert and heirs, and which is thus described by said Colbert: "Beginning on the north bank of the Tennessee river, at a point that, running north four miles, will include a big spring about half-way between his ferry and the mouth of Cypress, it being a spring that a large cow-path crosses its branch near where a cypress tree is cut down; thence, westwardly, to a point four miles from the Tennessee river, and standing due north of a point on the north bank of the river, three miles below his ferry on the Tennessee river; and up the meanders of said river to the beginning point."

2. A tract of land two miles square, on the north bank of the Tennessee river, and at its junction with Beach creek, for the use of Appassan Tubby and heirs.

3. A tract of land one mile square, on the north side of the Tennessee river, for the use of John McCleish and heirs; the said tract to be so run as to include the said McCleish's settlement and improvements on the north side of Buffalo creek.

4. Two tracts of land, containing forty acres each, on the south side of Tennessee river, and about two and a half miles below the Cotton Gin Port, on the Tombigbee river; which tracts of land will be pointed out by Major Levi Colbert, and for the use of said Colbert and heirs.

It is stipulated that the above reservations shall appertain to the Chickasaw nation only so long as they shall be occupied, cultivated, or used by the present proprietors or heirs; and in the event of all or either of said tracts of land so reserved being abandoned by the present proprietors or heirs, each tract or tracts of land so abandoned shall revert to the United States as a portion of that territory ceded by the second article of the treaty.

ART. 5. The two contracting parties covenant and agree that the line on the south side of the Tennessee river, as described in the second article of this treaty, shall be ascertained and marked by commissioners to be appointed by the President of the United States; that the marks shall be bold; trees to be blazed on both sides of the line, and the fore and aft trees to be marked with the letters U. S. That the commissioners shall be attended by two persons to be designated by the Chickasaw nation, and that the said nation shall have due and reasonable notice when said operation is to be commenced.

ART. 6. In consideration of the conciliatory disposition evinced during the negotiation of this treaty by the Chickasaw chiefs and warriors, but more particularly as a manifestation of the friendship and liberality of the President of the United States, the commissioners agree to give, on the ratification of this treaty, to Chinnubby, king of the Chickasaws, to Tishshomingo, William McGilvery, Arpasarshtubby, Samuel Seely, James Brown, Levi Colbert, Ickaryoucellaha, George Petygrove, Immartarharmicko, Chickasaw chiefs, and to Malcolm McGee, interpreter, one hundred and fifty dollars each, in goods or cash, as may be preferred; and to Major William Glover, Colonel George Colbert, Captain Rabbitt, Hoparyeahoummar, Immoukelourshsharhoparyea, Hoparyeahoullartir, Tushkerhopoyea, Hoparyeahoummar, jun., Immoukelusharhopoyea, James Colbert, Coweamarthlar, and Illachouwarhopoyea, military leaders, one hundred dollars each; and, as a particular mark of distinction and favor for his long services and faithful adherence to the United States Government, the commissioners agree to allow to General William Colbert an annuity of one hundred dollars for and during his life.

ART. 7. Whereas the chiefs and warriors of the Chickasaw nation have found, from experience, that the crowd of peddlars who are constantly traversing their nation from one end to the other is of a serious disadvantage to the nation; that serious misunderstandings and disputes frequently take place, as well as frauds, which are often practised on the ignorant and uninformed of the nation, therefore it is agreed by the commissioners on the part of the Government, and the chiefs of the nation, that no more licenses shall be granted by the agent of the Chickasaws to entitle any person or persons to trade or traffic merchandise in said nation; and that any person or persons whomsoever, of the white people, who shall bring goods and sell them in the nation, contrary to this article, shall forfeit the whole of his or their goods, one-half to the nation and the other half to the Government of the United States. In all cases where this article is violated, and the goods are taken or seized, they shall be delivered up to the agent, who shall hear the testimony and judge accordingly.

This article was presented to the commissioners by the chiefs and warriors of the Chickasaw nation, and, by their particular solicitation, embraced in this treaty.

In testimony whereof, the said commissioners and undersigned chiefs and warriors have set their hands and seals. Done at the Chickasaw council-house, this twentieth day of September, in the year of our Lord one thousand eight hundred and sixteen.

ANDREW JACKSON,
D. MERIWETHER,
J. FRANKLIN.

[Signed, also, by the chiefs and warriors of the Chickasaw nation.]

TREATY WITH THE WEAS AND KICKAPOOS.

Articles of a treaty made and entered into at Fort Harrison, in the Indiana Territory, between Benjamin Parke, specially authorized thereto by the President of the United States, of the one part, and the tribes of Indians called the Weas and Kickapoos, by their chiefs and headmen, of the other part.

ARTICLE 1. The Weas and Kickapoos again acknowledge themselves in peace and friendship with the United States.

ART. 2. The said tribes acknowledge the validity of, and declare their determination to adhere to, the treaty of Greenville, made in the year seventeen hundred and ninety-five, and all subsequent treaties which they have respectively made with the United States.

ART. 3. The boundary line surveyed and marked by the United States of the land on the Wabash and White rivers, ceded in the year eighteen hundred and nine, the said tribes do hereby explicitly recognize and confirm, as having been executed conformably to the several treaties they have made with the United States.

ART. 4. The chiefs and warriors of the said tribe of the Kickapoos acknowledge that they have ceded to the United States all that tract of country which lies between the aforesaid boundary line on the northwest side of the Wabash, the Wabash, the Vermilion river, and a line to be drawn from the northwest corner of the said boundary line, so as to strike the Vermilion river twenty miles in a direct line from its mouth, according to the terms and conditions of the treaty they made with the United States on the ninth day of December, in the year eighteen hundred and nine.

In testimony whereof, the said Benjamin Parke, and the chiefs and headmen of the said tribes, have hereunto set their hands and affixed their seals, at Fort Harrison, in the Indiana Territory, the fourth day of June, in the year of our Lord one thousand eight hundred and sixteen.

B. PARKE.

[Signed, also, by the chiefs and headmen of the Wea and Kickapoo tribes.]

TREATY WITH THE SACS OF ROCK RIVER.

A treaty of peace and friendship made and concluded between William Clark, Ninian Edwards, and Auguste Chouteau, commissioners plenipotentiary of the United States of America, on the part and behalf of the said States, of the one part, and the undersigned chiefs and warriors of the Sacs of Rock river and the adjacent country, of the other part.

Whereas, by the ninth article of the treaty of peace which was concluded on the twenty-fourth day of December, eighteen hundred and fourteen, between the United States and Great Britain, at Ghent, and which was ratified by the President, with the advice and consent of the Senate, on the seventeenth day of February, eighteen hundred and fifteen, it was stipulated that the said parties should severally put an end to all hostilities with the Indian tribes with whom they might be at war at the time of the ratification of said treaty, and to place the said tribes inhabiting their respective territories on the same footing upon which they stood before the war: *Provided*, They should agree to desist from all hostilities against the said parties, their citizens or subjects, respectively, upon the ratification of the said treaty being notified to them, and should so desist accordingly:

And whereas the United States being determined to execute every article of the treaty with perfect good faith, and wishing to be particularly exact in the execution of the article above alluded to relating to the Indian tribes, the President, in consequence thereof, for that purpose, on the eleventh day of March, eighteen hundred and fifteen, appointed the undersigned William Clark, Governor of Missouri Territory, Ninian Edwards, Governor of Illinois Territory, and Auguste Chouteau, Esq., of the Missouri Territory, commissioners, with full power to conclude a treaty of peace and amity with all those tribes of Indians, conformably to the stipulations contained in the said article, on the part of the United States, in relation to such tribes:

And whereas the commissioners, in conformity with their instructions in the early part of last year, notified the Sacs of Rock river and the adjacent country of the time of the ratification of said treaty; of the stipulations it contained in relation to them; of the disposition of the American Government to fulfil those stipulations, by entering into a treaty with them conformably thereto, and invited the said Sacs of Rock river and the adjacent country to send forward a deputation of their chiefs to meet the said commissioners at Portage des Sioux, for the purpose of concluding such a treaty as aforesaid between the United States and the said Indians; and the said Sacs of Rock river and the adjacent country having not only declined that friendly overture, but having continued their hostilities, and committed many depredations thereafter, which would have justified the infliction of the severest chastisement upon them; but having earnestly repented of their conduct, now imploring mercy, and being anxious to return to the habits of peace and friendship with the United States; and the latter being always disposed to pursue the most liberal and humane policy towards the Indian tribes within their territory, preferring their reclamation by peaceful measures to their punishment by the application of the military force of the nation: Now, therefore,

The said William Clark, Ninian Edwards, and Auguste Chouteau, commissioners as aforesaid, and the undersigned chiefs and warriors as aforesaid, for the purpose of restoring peace and friendship between the parties, do agree to the following articles:

ARTICLE 1. The Sacs of Rock river and the adjacent country do hereby unconditionally assent to, recognise, re-establish, and confirm the treaty between the United States of America and the united tribes of Sacs and Foxes, which was concluded at St. Louis on the third day of November, one thousand eight hundred and four, as well as all other contracts and agreements heretofore made between the Sac tribe or nation and the United States.

ART. 2. The United States agree to place the aforesaid Sacs of Rock river on the same footing upon which they stood before the war: *Provided*, They shall, on or before the first day of July next, deliver up to the officer commanding at Cantonment Davis, on the Mississippi, all the property they or any of their tribe have plundered or stolen from the citizens of the United States since they were notified as aforesaid of the time of the ratification of the late treaty between the United States and Great Britain.

ART. 3. If the said tribes shall fail or neglect to deliver up the property aforesaid, or any part thereof, on or before the first day of July aforesaid, they shall forfeit to the United States all right and title to their proportion of the annuities which, by the treaty of St. Louis, were covenanted to be paid to the Sac tribe; and the United States shall forever afterwards be exonerated from the payment of so much of said annuities as, upon a fair distribution, would fall to the share of that portion of the Sacs who are represented by the undersigned chiefs and warriors.

ART. 4. This treaty shall take effect and be obligatory on the contracting parties, unless the same shall be disapproved by the President and Senate of the United States, or by the President only; and, in the mean time, all hostilities shall cease from this date.

In testimony whereof, the said William Clark, Ninian Edwards, and Auguste Chouteau, commissioners as aforesaid, and the undersigned chiefs and warriors as aforesaid, have hereunto set their hands and affixed their seals this thirteenth day of May, one thousand eight hundred and sixteen.

WILLIAM CLARK,
NINIAN EDWARDS,
AUGUSTE CHOUTEAU.

[Signed, also, by the chiefs and warriors of the Sacs of Rock river and the adjacent country.]

TREATY WITH THE SIOUX.

A treaty of peace and friendship made and concluded between William Clark, Ninian Edwards, and Auguste Chouteau, commissioners plenipotentiary of the United States of America, on the part and behalf of the said States, of the one part, and the undersigned chiefs and warriors, representing eight bands of the Sioux, composing the three tribes called the Sioux of the Leaf, the Sioux of the Broad Leaf, and the Sioux who shoot in the Pine Tops, on the part and behalf of their said tribes, of the other part.

The parties being desirous of re-establishing peace and friendship between the United States and the said tribes, and of being placed in all things and in every respect on the same footing upon which they stood before the late war between the United States and Great Britain, have agreed to the following articles:

ARTICLE 1. Every injury or act of hostility committed by one or either of the contracting parties against the other shall be mutually forgiven and forgot.

ART. 2. There shall be perpetual peace and friendship between all the citizens of the United States and all the individuals composing the aforesaid tribes; and all the friendly relations that existed between them before the war shall be, and the same are hereby, renewed.

ART. 3. The undersigned chiefs and warriors, for themselves and their tribes, respectively, do by these presents confirm to the United States all and every cession or cessions of land heretofore made by their tribes to the British, French, or Spanish Governments, within the limits of the United States or their territories; and the parties here

contracting do, moreover, in the sincerity of mutual friendship, recognise, re-establish, and confirm all and every treaty, contract, and agreement heretofore concluded between the United States and the said tribes or nations.

ART. 4. The undersigned chiefs and warriors as aforesaid, for themselves and their said tribes, do hereby acknowledge themselves to be under the protection of the United States, and of no other nation, power, or sovereign whatsoever.

In witness whereof, the commissioners aforesaid, and the undersigned chiefs and warriors as aforesaid, have hereunto subscribed their names and affixed their seals this first day of June, in the year of our Lord one thousand eight hundred and sixteen, and of the independence of the United States the fortieth.

WILLIAM CLARK,
NINIAN EDWARDS,
AUGUSTE CHOUTEAU.

[Signed, also, by the chiefs and warriors of the aforesaid tribes of Sioux.]

TREATY WITH THE CHOCTAWS.

James Madison, President of the United States of America, by General John Coffee, John Rhea, and John McKee, esquires, commissioners on the part of the United States duly authorized for that purpose, on the one part, and the mingoes, leaders, captains, and warriors of the Choctaw nation in general council assembled, in behalf of themselves and the whole nation, on the other part, have entered into the following articles, which, when ratified by the President of the United States, with the advice and consent of the Senate, shall be obligatory on both parties:

ARTICLE 1. The Choctaw nation, for the consideration hereafter mentioned, cede to the United States all their title and claim to lands lying east of the following boundary: Beginning at the mouth of Ooktibbuha, the Chickasaw boundary, and running from thence down the Tombigbee river until it intersects the northern boundary of a cession made to the United States by the Choctaws, at Mount Dexter, on the 16th November, 1805.

ART. 2. In consideration of the foregoing cession, the United States engage to pay to the Choctaw nation the sum of six thousand dollars, annually, for twenty years; they also agree to pay them in merchandise, to be delivered immediately on signing the present treaty, the sum of ten thousand dollars.

Done and executed in full and open council at the Choctaw trading-house, this twenty-fourth day of October, in the year of our Lord one thousand eight hundred and sixteen, and of the independence of the United States the forty-first.

JOHN COFFEE,
JOHN RHEA,
JOHN MCKEE.

[Signed, also, by the mingoes, leaders, captains, and warriors of the Choctaw nation.]

TREATY WITH THE WINNEBAGOES.

A treaty of peace and friendship made and concluded between William Clark, Ninian Edwards, and Auguste Chouteau, commissioners plenipotentiary of the United States of America, on the part and behalf of the said States, of the one part, and the undersigned chiefs and warriors of that portion of the Winnebago tribe or nation residing on the Ouisconsin river, of the other part.

Whereas the undersigned chiefs and warriors, as well as that portion of the nation which they represent, have separated themselves from the rest of their nation, and reside in a village on the Ouisconsin river, and are desirous of returning to a state of friendly relations with the United States, the parties hereto have agreed to the following articles:

ARTICLE 1. Every injury or act of hostility committed by one or either of the contracting parties against the other shall be mutually forgiven and forgot; and all the friendly relations that existed between them before the late war shall be, and the same are hereby, renewed.

ART. 2. The undersigned chiefs and warriors, for themselves and those they represent, do, by these presents, confirm to the United States all and every cession of land heretofore made by their nation to the British, French, or Spanish Governments within the limits of the United States or their territories; and also all and every treaty, contract, and agreement heretofore concluded between the United States and the said tribe or nation, as far as their interest in the same extends.

ART. 3. The undersigned chiefs and warriors as aforesaid, for themselves and those they represent, do hereby acknowledge themselves to be under the protection of the United States, and of no other nation, power, or sovereign whatsoever.

ART. 4. The aforesaid chiefs and warriors, for themselves and those they represent, do further promise to remain distinct and separate from the rest of their tribe or nation, giving them no aid or assistance whatever, until peace shall also be concluded between the United States and the said tribe or nation.

ART. 5. The contracting parties do hereby agree, promise, and oblige themselves, reciprocally, to deliver up all prisoners now in their hands (by what means soever the same may have come into their possession) to the officer commanding at Prairie du Chien, to be by him restored to the respective parties hereto, as soon as it may be practicable.

In witness whereof, the commissioners aforesaid, and the undersigned chiefs and warriors as aforesaid, have hereunto subscribed their names and affixed their seals this third day of June, in the year of our Lord one thousand eight hundred and sixteen, and of the independence of the United States the fortieth.

WILLIAM CLARK,
NINIAN EDWARDS,
AUGUSTE CHOUTEAU.

[Signed, also, by the chiefs and warriors of the Winnebago tribe.]

TREATY WITH THE OTTAWAS, CHIPPEWAS, AND PATTAWATAMIES.

A treaty of peace, friendship, and limits, made and concluded between Ninian Edwards, William Clark, and Auguste Chouteau, commissioners plenipotentiary of the United States of America, on the part and behalf of said States, of the one part, and the chiefs and warriors of the united tribes of Ottawas, Chippewas, and Pattawatamies residing on the Illinois and Milwaukee rivers and their waters, and on the southwestern parts of Lake Michigan, of the other part.

Whereas a serious dispute has, for some time past, existed between the contracting parties relative to the right to a part of the lands ceded to the United States by the tribes of Sacs and Foxes on the third day of November,

one thousand eight hundred and four, and both parties being desirous of preserving an harmonious and friendly intercourse, and of establishing permanent peace and friendship, have, for the purpose of removing all difficulties, agreed to the following terms:

ARTICLE 1. The said chiefs and warriors, for themselves and the tribes they represent, agree to relinquish, and hereby do relinquish, to the United States, all their right, claim, and title to all the land contained in the before-mentioned cession of the Sacs and Foxes which lies south of a due west line from the southern extremity of Lake Michigan to the Mississippi river. And they moreover cede to the United States all the land contained within the following bounds, to wit: Beginning on the left bank of the Fox river of Illinois, ten miles above the mouth of said Fox river; thence, running so as to cross Sandy creek ten miles above its mouth; thence, in a direct line, to a point ten miles north of the west end of the Portage, between Chicago creek, which empties into Lake Michigan, and the river Des Plaines, a fork of the Illinois; thence, in a direct line, to a point on Lake Michigan, ten miles northward of the mouth of Chicago creek; thence, along the lake, to a point ten miles southward of the mouth of the said Chicago creek; thence, in a direct line, to a point on the Kankakee, ten miles above its mouth; thence, with the said Kankakee and the Illinois river, to the mouth of Fox river; and thence to the beginning: *Provided, nevertheless*, That the said tribes shall be permitted to hunt and to fish within the limits of the land hereby relinquished and ceded, so long as it may continue to be the property of the United States.

ART. 2. In consideration of the aforesaid relinquishment and cession, the United States have this day delivered to said tribes a considerable quantity of merchandise, and do agree to pay them, annually, for the term of twelve years, goods to the value of one thousand dollars, reckoning that value at the first cost of the goods in the city or place in which they shall be purchased, without any charge for transportation; which said goods shall be delivered to the said tribes at some place on the Illinois river not lower down than Peoria. And the said United States do moreover agree to relinquish to the said tribes all the land contained in the aforesaid cession of the Sacs and Foxes which lies north of a due west line from the southern extremity of Lake Michigan to the Mississippi river, except three leagues square at the mouth of the Ouisconsin river, including both banks, and such other tracts on or near to the Ouisconsin and Mississippi rivers as the President of the United States may think proper to reserve: *Provided*, That such other tracts shall not, in the whole, exceed the quantity that would be contained in five leagues square.

ART. 3. The contracting parties, that peace and friendship may be permanent, promise that, in all things whatever, they will act with justice and correctness towards each other; and that they will, with perfect good faith, fulfil all the obligations imposed upon them by former treaties.

In witness whereof, the said Ninian Edwards, William Clark, and Auguste Chouteau, commissioners aforesaid, and the chiefs and warriors of the aforesaid tribes, have hereunto subscribed their names and affixed their seals this twenty-fourth day of August, one thousand eight hundred and sixteen, and of the independence of the United States the forty-first.

NINIAN EDWARDS,
WILLIAM CLARK,
AUGUSTE CHOUTEAU.

[Signed, also, by the chiefs and warriors of the Ottawas, Chippewas, and Pattawatamies.]

GENTLEMEN:

DEPARTMENT OF WAR, *May 3, 1816.*

Difficulties having arisen in surveying the public lands upon the Wabash, from the vague terms in which boundaries of the cession have been described, or from the interested and improper views of some of the chiefs of the various tribes from whom the cession was obtained, the President has determined to remove them by amicable discussions and explanations, and by giving them an equivalent for the claims or pretensions which they still set up to some part of the lands in question. To accomplish this desirable object, he has directed me to place at your disposition the sum of five thousand dollars, over and above their annuities, which you are authorized to distribute to them for the purpose of conciliating the various tribes from whom the purchase was originally made, and such other tribes as may be present who lay any species of claim to these lands. It is not judged expedient to suffer the validity of the treaties which made the cession to be in any manner called into question; but if there is no difficulty of obtaining a general recognition of them on the part of all the tribes, it may not be improper to reduce their acknowledgment into the form of a treaty, attended with the accustomed solemnities. In the communications which you make to them, they must be distinctly made to understand that this measure has proceeded alone from the justice, moderation, and friendly disposition of the President towards them. It is of great importance that they should be thoroughly convinced that the liberality of the President in this case has not proceeded from any apprehension of their arms. The difference between the strength and resources of the United States, compared with the whole body of Indians, must convince the reflecting part of their warriors that apprehension of Indian aggression can never enter into the views of the President in negotiating with them. Nothing could be more fatal to the Indian race than an impression of this nature. At the same time, it is desirable that they should be deeply impressed with the views of justice, moderation, and benevolence by which the councils of the President are regulated towards his Indian neighbors. The President relies upon your zeal, talents, and discretion in conducting this negotiation, and making those impressions upon the Indian chiefs which are equally necessary to their own welfare and to the interest of the United States.

The people of the Indiana Territory have petitioned the President to make an effort to extinguish the Indian title to a district of country lying contiguous to the land in question. Whilst the President is disposed to gratify the wishes of the petitioners, and is solicitous to promote the growth and prosperity of the Territory in which they reside, he is unwilling to press the Indian tribes for cessions of land which they are not disposed to sell. Their dispositions upon this point may be soured, but importunity is to be avoided.

I have the honor to be, &c.

WILLIAM H. CRAWFORD.

P. S. As the goods which have been ordered on for the annuities of the Indian tribes who are to be convened on the 22d instant will not arrive in time, you are authorized to draw upon the Department for the amount specified in the foregoing instructions.

W. H. C.

BENJAMIN PARKE, and FIDELIO C. SHARP,

Commissioners to hold a treaty with certain tribes of Indians at Fort Harrison, Ind. T.

GENTLEMEN:

DEPARTMENT OF WAR, *May 7, 1816.*

Your several letters on the subject of Indian negotiation have been received, and submitted to the President. The idea of obtaining cessions of land from distant tribes of Indians, as the consideration for granting them annuities, as has been done with those more immediately in our neighborhood, has been deliberately examined. Considering the vast extent of country to which the Indian title has been extinguished, and which is now ready to be offered for sale and settlement, the public interest, so far as the demand for land is in question, does not require any additional cessions from the Indians. The situation of particular States or Territories may render it expedient to extinguish the Indian title to certain districts of country, with the view of making the settlement more compact, or for other local purposes. Cessions from distant tribes cannot be considered desirable in any point of view. Our settlements are already extended greatly beyond what the public interest requires. The propensity of our frontier settlers to spread over the surface of every cession, however distant, affords an additional inducement to decline them. Should this disposition be restrained by the timely vigilance of the Government, the lapse of time between the cession and the actual settlement will, as in the case of the lands now surveying on the Wabash, give rise to disputes with the tribes making the cession, or with their neighbors who may have conflicting claims to the lands. Every offer of this kind must, therefore, be declined. It may be expedient to engage to make them annual presents, according to the number and character of their respective tribes. Perhaps the better mode will be to give them assurances that their situation will be correctly represented to the President, who will direct that an allowance shall be made to them, annually, according to their numbers and wants.

As the validity of the Illinois cession is contested by some of the Indian tribes who have used it as a hunting ground, the President has directed me to instruct you to use your best endeavors to quiet these claims. This may be done by giving them presents in consideration of their relinquishment of their supposed right to the land in question, or it may be effected by the stipulation to pay them an annual stipend proportioned to the colorable title which may be supposed to exist. Should the nations who originally ceded the lands set up any kind of claim to it, their demands should be promptly repelled; but presents may be given them in case of their acquiescence in the original cession. As this cession is very extensive, and greatly exceeds the demands for lands in that quarter, and would withhold, if settled, produce the necessity of establishing another Territorial Government, and give rise to a small settlement in the Indiana Territory, separated by an immense distance from the inhabited parts of the Territory, the President has deemed it expedient to offer, as an equivalent for the relinquishment of any conflicting claim to those lands, the recession of such parts as lie north of the northern line of the State of Ohio, extending westwardly to the Mississippi river, and east of the western boundary of the Indiana Territory. In tendering this cession, a reservation for a military post at the mouth of the Ouaisconsin, including both banks of the river, must be made, and such other reservations for the same object as your knowledge of the country to be receded may render necessary. The relinquishment of all Indian title to the lands south and west of the lines above defined, in consideration of the proposed recession, will be more acceptable to the President than if obtained by purchase. Considering the extent of the country proposed to be receded, there is every reason to believe that the various tribes exhibiting claims to it will readily acquiesce in the proposition. Should the proposition be rejected, you will then proceed to the discussion of the consideration which it will be proper to give them. The slight degree of information possessed by the Department precludes any precise instruction as to the amount of the consideration which ought to be given. This is left to your discretion. It is conceived that you had better err on the side of liberality, taking into view the nature and validity of their respective claims. Twenty thousand dollars have been ordered to St. Louis, to be placed at your disposition, to be distributed in presents to the various tribes with whom you may have to treat. This sum is exclusive of the consideration which you may find it necessary to promise for the purpose of quieting Indian claims to the Illinois purchase. Should the tribes inhabiting the country between the cession and the southwestern margin of Lake Michigan present themselves, you are required to sound their disposition to cede a district of country which will connect the lake with the Illinois purchase. This cession would be of immense importance, and should be obtained, if practicable, at any expense, either of recession or purchase. In all other cases, importunity to cede is expressly interdicted.

It is not known whether any other tribes claiming the margin of the lake will attend the approaching negotiation. The instruction is given on the ground that they may possibly attend.

I have the honor to be, &c.

WILLIAM H. CRAWFORD.

Messrs. CLARK, EDWARDS, and CHOUTEAU, *St. Louis.*

GENTLEMEN:

DEPARTMENT OF WAR, *May 27, 1816.*

Your communication of the 29th ultimo has been received, and submitted to the President.

The conduct of the Cherokees, in referring their dispute with the Osages to the decision of the officers of the United States, deserves and has received the decided approbation of the President.

Under all the circumstances of the case, the course which you have adopted seems to be judicious, and such as will most probably produce the desired effect.

If you have not already adopted measures necessary for convening the chiefs of those tribes as well as of the Quapaws, it is deemed expedient that steps should be promptly taken to effect that object.

If the Quapaws have claims to the lands ceded to the United States, and it should appear that their claim is well founded, it should be admitted; or an equivalent given for it, either by the payment of a gross sum, by an annuity for a term of years, or in perpetuity. Perhaps an annuity for a certain number of years will be the most eligible mode.

Whilst negotiating with the Osage tribe, provision should be made for running the lines of the cession made by them to the United States.

If it is thought expedient, as you have intimated, to change the boundaries of that treaty, it will be necessary to explain to this Department, without delay, the nature and effect of the change contemplated, and the reasons which are supposed to require it.

It is deemed by the President inexpedient to obtain cessions of land from the Indians which are not required for settlement. Experience has proved the extreme difficulty of preventing persons from making settlements upon the most remote points of every cession before the land is offered for sale, by which the whole frontier is rendered utterly inadequate to its protection against Indian warfare.

The adjustment of the Cherokee claim to the settlements they have made under the permission given them by Mr. Jefferson will necessarily occupy your attention. It is difficult to give precise instructions upon this subject. In deciding upon it, you must keep in view the fact that the Cherokee nation refuse to make any cession of their lands in consideration of the settlements which have been assigned to their countrymen. This may have proceeded,

in some degree, from a knowledge that no lands had been specifically assigned to the Cherokee emigrants by the United States. In any arrangements of this kind, there ought to be an express provision that an assignment should not be binding upon the United States, unless the same extent of country should be ceded by the Cherokees who have not emigrated, or at least an extent of country equal to what the emigrants would be entitled to upon an equal partition of their lands, according to their relative numbers.

In arranging the various interests which will have to be considered in the negotiations which you are authorized to enter into with the Osages, Quapaws, and Cherokees, the President has implicit confidence in your discretion, and in your zeal for the public service.

I have the honor to be, &c.

WILLIAM H. CRAWFORD.

To WILLIAM CLARK, NINIAN EDWARDS, and AUGUSTE CHOUTEAU, *St. Louis, M. T.*

SIR:

St. Louis, June 30, 1816.

We have the honor to inform you that we are now endeavoring, by all the means in our power, to effectuate the objects authorized by your instructions of the 27th ultimo, in relation to the Cherokees and Osages. The principal cause of hostility between those tribes is, that the latter suppose the former to have settled upon their lands; which, indeed, would appear to be the case, if any published map that we have seen is to be relied upon. This is, however, generally thought to be a matter of considerable doubt and uncertainty; and General Rector, (the public surveyor for this and the Illinois Territory,) judging from lines which he has heretofore caused to be run, entertains a different opinion. It is evident, therefore, that no satisfactory adjustment can take place until the fact in controversy can be ascertained by running the line of the Osage purchase from the Missouri to the Arkansas. For this purpose we have made application to General Rector, who has promised to have the line run as soon as the Osages can be notified to attend, agreeably to the treaty between them and the United States. He, however, having no instructions upon the subject, and knowing that that line could not be run for the price usually allowed for surveying, would not undertake it without our previously agreeing to be eventually responsible for all necessary expenses, and an adequate compensation to the gentleman to be employed. We, therefore, hope that such instructions and authority may be given to him as has been usual heretofore in similar cases. Our former suggestion, that an alteration in the line of the Osage cession might be expedient, was made under the impression that the settlements of the Cherokees might be found to be on the Osage lands; and as their improvements are considerable and really valuable, and have been made upon land pointed out to them by a public agent of the Government, we thought it would be just to make such a purchase, if it should be found to be necessary, as would include their settlements; but if this measure (supposing those Indians to be actually on the land of the Osages) should not be deemed advisable by the President, it will then be a question for his consideration whether good faith does not require that the Government, with whose apparent approbation they settled, should take immediate measures for their removal from the lands of the Osages, and, in that event, whether some compensation ought not to be made them for the losses they would thereby sustain. The Quapaws are said to claim the lands on the south side of the Arkansas, including a part of the Cherokee settlements; and have the same dispute with the Cherokees on that side which the Osages are supposed to have on the north side. As your letter seems to forbid any purchases of lands from the Indians which are not required for settlement, we should be happy to receive the President's instructions upon the above-mentioned cases as early as possible.

Referring to your letter of the 7th ultimo, we beg leave respectfully to suggest it as our opinion that you are mistaken in supposing that any part of the Illinois purchase lies within the Indiana Territory, and that the quantity of land contained in that cession, "which lies north of the northern line of the State of Ohio, extending westwardly to the Mississippi river," will fall greatly short of your expectations, as will appear by Governor Edwards's map, which we understand has been transmitted to you, and which we think more correct than any other that has been made of that country. We have thought it our duty to make these suggestions from a belief that our instructions, in part, have been predicated upon a misapprehension; of which it is best, at all events, that you should be informed. We shall, however, use our best endeavors to execute the President's wishes upon the subject.

We have the honor to be, most respectfully, sir, your most obedient servants,

WILLIAM CLARK,
NINIAN EDWARDS,
AUG. CHOUTEAU.

The Hon. SECRETARY OF WAR.

GENTLEMEN:

DEPARTMENT OF WAR, August 13, 1816.

Your communication of the 5th of July has been submitted to the President, and I am instructed to inform you that you are authorized to accept of the property which has been delivered up by the Sacs of Rock river as a fulfilment on their part of those stipulations of the treaty relative to the delivery of property.

I have the honor to be, &c.

GEORGE GRAHAM, *Chief Clerk.*

Messrs. CLARK, EDWARDS, and CHOUTEAU, *Commissioners, &c., St. Louis.*

GENTLEMEN:

DEPARTMENT OF WAR, September 17, 1816.

Your letter of the 30th of June last has been received and submitted to the consideration of the President. It is expedient, in every point of view, that the line of the Osage purchase should be run and marked from the Missouri to the Arkansas. You are hereby authorized to engage to pay such extra expenses for running that line as shall appear to you to be reasonable and just, limiting the same by a maximum which shall not be exceeded in any event. The importance of accomplishing this service without delay renders it necessary that your engagements should be definitive, without consulting the Department upon the maximum to be determined. Economy ought to be strictly adhered to, which is too frequently departed from in every transaction in which the Government is concerned.

Upon the subject of an eventual cession from the Osages or Quapaws becoming necessary to secure the Cherokee emigrants in their possessions, no precise instructions can be given. Those settlements were made upon an understanding which has never been fulfilled, or even acknowledged, by the Cherokee nation since that period. On the contrary, when urged upon that point last winter, they rejected the idea of exchange of lands in consideration for those upon which their emigrant brethren had settled, and said that they should be compelled to return and

live with the nation. They even refused to consider them as entitled to any part of the annuities payable to the Cherokees.

This subject has been referred to the commissioners now holding a treaty in the Chickasaw nation with the four southern tribes. Should the condition upon which the settlements upon the Arkansas were founded be recognised by the nation, it will then become the duty of the United States to provide permanently for those emigrants by securing them in the peaceful enjoyment of their possessions. Should the nation, however, persevere in the sentiments by which their deputation was animated last winter, all obligation on the part of the United States is extinguished. To their own nation they must look for indemnity for any losses which they may sustain in consequence of their emigration. The United States cannot be bound if the conditions on the other part are violated. The result of the pending negotiation will remove all doubt on the subject, either by releasing us from all obligations, or by defining the extent of the duties imposed upon us in relation to the settlers upon the Arkansas.

It is very probable that the Illinois cession may not extend eastwardly as far as the Indiana line, but it is so laid down in our maps. It is highly probable that Governor Edwards's map of the Illinois Territory may be more correct than those in our possession, especially in the delineation of the lower part of the river of that name; but there is reason to believe that even that map does not afford materials sufficiently accurate to form any conclusive opinion upon as to the extent of the cession either eastwardly or northwardly. If that cession can be extended to the southern or western margin of Lake Michigan, by relinquishing that which lies north of the northern line of Ohio, reserving certain military sites, there can be no doubt of the utility of such an exchange. The views of the President on this subject have undergone no change. If Governor Edwards's map is accurate as to the mouth of Fox river, there will be but little probability of extending the cession to the shores of the Michigan, in consideration of the relinquishment of our title to the northern extremity of the Illinois purchase. If this should be found impracticable, any exchange which will tend to render our acquisitions in that quarter more compact, and at the same time bring us nearer the lake shore, will be acceptable to the President. The determination to purchase land only when demanded for settlement will form the settled policy of the Government. Experience has sufficiently proven that our population will spread over any cession, however extensive, before it can be brought into market, and before there is any regular and steady demand for settlement; thereby increasing the difficulty of protection, embarrassing the Government by broils with the natives, and rendering the execution of the laws regulating intercourse with the Indian tribes utterly impracticable.

I have the honor to be, &c.

WM. H. CRAWFORD.

General WILLIAM CLARK,
Governor N. EDWARDS, and
AUGUSTE CHOUTEAU, Esq.
Commissioners, &c., St. Louis.

Sir:

WASHINGTON CITY, April 17, 1816.

The undersigned consider it their duty to draw the attention of the Executive to the situation of the State of Tennessee, which they have the honor to represent, in regard to the Indian claim still existing to lands within its chartered limits.

The western section of the State, embracing its whole width from north to south, and from the Mississippi to the Tennessee river, and towards the southern part of the State across the latter river to the river Elk, containing about eight millions of acres, is claimed by the Chickasaw Indians; none of whom, it is believed, reside thereon, and few, if any, use it even as hunting grounds, as the game is understood to be chiefly destroyed. A great portion of this tract was granted by the State of North Carolina to individuals more than twenty-five years ago, whose rights are guaranteed to the holders by the act of cession made by that State of the territory now composing the State of Tennessee to the United States.

The undersigned forbear to dwell on the great inconvenience and loss which individual claimants experience by being deprived of the use and benefit of their lands for so many years, as well as the risk they run of losing them entirely on account of not being able to identify their boundaries, by reason of the landmarks being destroyed by time and accidents.

The southeastern section of the State, extending across the Tennessee river, and reaching to the heart of the present settlements, containing nearly four millions of acres, a part of which has also been granted to individuals in the manner above stated, is claimed by the Cherokees, few of whom reside thereon, especially north of the Tennessee river, and the game is said to be so destroyed as to be of little or no value.

Thus circumstanced, nearly half her territory incumbered with Indian claims, and excluded from settlement, the State of Tennessee has looked with anxiety, but at the same time with confidence, to the National Government, in the expectation that it would in due time adopt the requisite measures to effect the extinction of those claims, and thereby give expansion to her settlements, as well as enable individuals to get possession of their just rights. During a state of war with a powerful enemy, when the undivided resources of the nation as well as the attention of the Government might be required to vindicate her rights and avenge her wrongs, Tennessee forbore to press her claims on this head; but, on the return of peace, the restoration of our affairs to their usual tranquillity, and of our finances to a flourishing condition, she feels herself authorized to bring the subject to the immediate view of the General Government, that it may receive the consideration to which it is conceived to be justly entitled.

The undersigned, therefore, entertain the hope that, for the purpose of effecting the extinction of those Indian claims, (an object so much desired by the State they represent,) it may accord with the Executive views of propriety to direct such treaty or treaties to be held with the Chickasaw and Cherokee nations of Indians as the occasion may require, and at such times and places as may be considered most convenient to the parties concerned.

The undersigned have the honor, &c.

G. W. CAMPBELL,
JOHN WILLIAMS,
S. POWER,
B. H. HENDERSON,
N. CANNON,
J. THOMAS,
W. G. BLOUNT,
J. B. REYNOLDS.

JAMES MADISON, Esq., *President of the United States.*

SIR:

DEPARTMENT OF WAR, *June 4, 1816.*

The uncertainty of the boundaries of the Creek cession to the west has rendered it necessary to hold treaties with the Choctaw and Chickasaw nations for the adjustment of the dividing line between the United States and those tribes. For this purpose, General John Coffee, John Rhea, and John McKee, esquires, have been authorized to negotiate with the former of those tribes.

To effect the same object with the Chickasaws, the President has appointed General Andrew Jackson, the honorable Jesse Franklin, of North Carolina, and yourself.

By the next mail you will receive more precise instructions upon the measures preparatory to the opening of the negotiation, and, in due time, those which shall regulate your conduct in effecting the object confided to your management.

I have the honor to be, &c.

WM. H. CRAWFORD.

General DAVID MERIWETHER, *Athens, Georgia.*

SIR:

DEPARTMENT OF WAR, *July 1, 1816.*

Lest any mistake should be committed in relation to the point called the Flat or Shining Rock in the Cherokee and other Indian treaties, it is proper to inform you that it is on Bear creek; and this is the corner of the Chickasaw possessions, according to the evidence produced by that nation. From this point their line, according to the same evidence, runs to the Long Leaf Pine, which falls into the Black Warrior.

I have the honor to be, &c.

WM. H. CRAWFORD.

WILLIAM BARNETT, *Huntsville, Mississippi Territory.*

GENTLEMEN:

DEPARTMENT OF WAR, *July 5, [3,] 1816.*

The difficulty of satisfactorily arranging with the Chickasaw deputation, during their visit to Washington, the western boundary of the cession made by the Creek Indians to the United States in 1814, arising as well from the nature of the evidence produced, as from the uncertainty always found in the definition of Indian boundaries, has induced the President to determine upon holding a treaty for the purpose of definitively settling all territorial controversies with that nation.

To this course the President has the more readily inclined, from the consideration that the powers of the deputation, though ample for the particular object contemplated, were, so far as the question of territory was concerned, specially limited to the settlement of boundary according to existing rights. In treating directly with the nation, whose power is unlimited, the question of boundary may be equitably arranged by mutual concessions of the lands in controversy, or by the relinquishment of all claims by the one party for a consideration to be paid by the other, proportioned to the extent of the country in dispute, and to the nature of the evidence by which the title is supported. The evidence in the present case, depending wholly upon tradition, unconnected with records, or charts, or marked lines, cannot be expected to convince either of the parties of the nullity of their respective titles. From this view of the subject, it is manifest that the controversy can be adjusted only by a spirit of conciliation and compromise, or by an appeal to force. Justice and sound policy equally forbid that this appeal should be made or provoked by the United States. The consideration that the weakness of one of the parties may insure submission to whatever decision shall be made, without regard to its correctness, so far from releasing the other from the obligations of justice, makes a forcible appeal to its magnanimity, which cannot be disregarded without loss of national character.

This consideration, however, does not require that the just rights and true interests of the nation should be impaired, much less sacrificed. The great value of the possessions of this tribe, compared with the smallness of its population, and the manifest interest which it has to increase its annuity by the sale of a part of its lands, will justify the Government in pressing the claim which it derives from the Creek cession, with the view to obtain the relinquishment of their claim to the lands in dispute for a fair consideration. It is believed that the true interests of both parties will be promoted by the adoption of this policy.

The President expects that the negotiation confided to your discretion will be conducted upon these principles. In conformity with this view of the subject, your efforts will be at first directed to obtain the relinquishment of the Chickasaw title to the lands claimed by them, which are understood to be comprehended within a line running from the Flat or Shining Rock, on Bear creek, to the ridge dividing the waters which fall into the Black Warrior from those of the Tombigbee river; thence, along the ridge, to a point due east of the mouth of Tibby creek; thence, directly to the mouth of that creek; thence, up the Tombigbee river, to the Cotton Gin Port; thence, along the line run by General Coffee, to its intersection of the Cherokee line defined by the late treaty. The importance of the territory comprehended within these limits is not to be estimated by the intrinsic value of the lands. The title to the territory in question gives us the undisputed navigation of the Tombigbee river to the Cotton Gin Port, which is the highest point of unobstructed navigation upon that river; it being expected that the negotiations set on foot with the Choctaw nation will terminate in the acknowledgment of the Tombigbee river as the boundary between that tribe and the United States. Considering the importance of the navigation of this river, in every point of view, no consideration which it may be necessary to give will be considered exorbitant which does not very far exceed the rate at which purchases of Indian lands have been heretofore made. Should it be found necessary to give a very unusual price, the reason for giving it should be fully explained, in order to preclude the expectation that like prices will be given hereafter for lands differently situated. Should you succeed in obtaining this relinquishment, various other objects will demand your attention. The agent of the Cherokee nation has been directed to renew to that tribe the offer made to their deputation last winter, to purchase their claim to the lands lying west of the Chickasaw old fields, and which are also claimed by the Chickasaws. He has also been directed to effect the purchase of all the Cherokee lands lying north of the Tennessee river, if the nation is disposed to make the sale. Should these offers be rejected, he has been directed to urge the nation to give to the deputation which shall be sent to the Chickasaw treaty full power to treat upon these subjects. In either event, you are required to make every proper exertion to obtain from them, jointly or severally, as the circumstances may require, the cession of this district of country. The difficulty of settling the conflicting claims of these two tribes will probably facilitate the execution of the first part of the duty here enjoined. The little value of the Cherokee lands lying north of the Tennessee river will probably render the second part more easy. As these cessions will connect the settlements of Tennessee with those upon the Gulf of Mexico, and as this connexion is considered an object of great importance to the general interests, you will, in fixing the price, be governed by the rules prescribed in the preceding case. Should your efforts in this respect be unsuccessful, or should the Cherokees not only have refused the offers di-

rected to be made by the agent, but also have refused to invest their deputation with the necessary authority upon these subjects, you will endeavor to obtain, by convention, the free navigation of Bear creek, with an authority to construct a road from the highest navigable point upon that stream to the Cotton Gin Port, on the Tombigbee river, and also such other roads as your knowledge of the localities of the country shall induce you to think necessary. Perhaps the best mode of disposing of this subject will be to provide, generally, for the opening of such roads through that part of the Indian country as the President shall, from time to time, judge necessary. The toll to be received at the ferries or bridges to be established, not only upon these roads, but upon those already in use, should be regulated by treaty, in order the more effectually to guard against unjust exactions, and the vexatious disputes which necessarily result from them.

The extinguishment of the Chickasaw title to the lands lying in the Great Bend of the Tennessee river has long been an object of desire to the inhabitants of the western parts of Tennessee and Kentucky. The fertility of the soil, and the excellent navigation which that river affords from the foot of the Muscle Shoals to its junction with the Ohio, render the acquisition of this tract of country of great importance to the United States. The advantages of a natural boundary such as the Tennessee river should not be entirely overlooked by either of the parties. Under this view of the subject, the President has determined that an effort shall be made to obtain from the Chickasaw nation the cession of this valuable body of land. The consideration to be given for this cession is submitted to your discretion, with the single observation, that, as the inducements to make this purchase are believed to be inferior to those which operate in the case of the lands lying between the Tennessee river and the Creek cession, it is expected that the price of the latter will be lower than the former, the comparative extent and value of the tracts being kept in view.

It is probable that you will not be able to accomplish all these objects at the approaching negotiation. The extent and value of the cessions which you are directed to obtain, if practicable, so far exceed those which have been heretofore made by that nation, that there is some reason to apprehend that the feelings of the chiefs may be shocked at the policy which these demands may be supposed to disclose. Under these circumstances, it is with some degree of reluctance that the President feels it necessary to direct that propositions be made to them for the purchase of that part of their hunting grounds lying within the State of Kentucky. Respect to the feelings of that State, manifested by their Senators and Representatives in an application for that purpose, requires that an effort should be made to accomplish their wishes, unless the disposition of the nation should be discovered to be so adverse to it as to render it, in your opinion, injudicious to urge the subject. If the cession shall be obtained, the purchase money will have to be paid by the State of Kentucky. The validity of the treaty will, therefore, depend upon its ratification by that State.

If, in the progress of your negotiations, it shall be discovered that any one of the cessions directed to be obtained can be more easily effected than another, you are authorized to change the order in which they are to be pressed, except the cessions lying south of the Tennessee river. It is possible that the cession of the lands lying in the State of Kentucky may be more easily obtained than that of the lands in the Bend of Tennessee, as those lands are more distant from the Chickasaw settlements. The same consideration may possibly induce that nation to cede a tract of country lying immediately south of the Kentucky line, and extending from the settlements to the Mississippi river, in lieu of the lands lying in the Bend of the Tennessee. If the Cherokees cede their lands lying north of the Tennessee, a part of the consideration will have to be paid by the State of Tennessee. It is expedient that the proportion be fixed by the treaty, which will be valid only upon the ratification by the United States and by the State of Tennessee. Your knowledge of the relative value of the lands belonging to the parties will enable you to appportion the consideration to be paid equitably between them.

Although the cessions which you are required to obtain, if practicable, excite well-founded apprehensions that the views of the Government will not be fully realized, yet there are many considerations which, when properly understood and duly appreciated, forcibly unite in recommending, on the part of the Chickasaws, an acquiescence in the demands which you are required to press. Their deputation, in their recent visit to this place, have requested that English schools may be established among them, for the purpose of more effectually introducing the arts of civilized life, and of forming the habits necessary to that state of being. They all united in ascribing the little progress which had been made by them in the arts of husbandry to their incapacity to obtain ploughs, and the other necessary instruments and utensils. A cession of a considerable portion of their unoccupied lands, while on the one hand it will attest the sincerity of their desire, will, on the other, tend to hasten the accomplishment of that desirable object. On the one hand, it will diminish the temptation to waste in the chase the time which could be more profitably employed in husbandry, and, on the other, furnish the means of prosecuting their agricultural labors with the greatest success. Blessed with a fertile soil, a mild and salubrious climate, and supplied with the necessary implements of husbandry, a slight degree of labor will be sufficient to procure them not only the necessities but the comforts of life. Ease and comfort cannot fail to produce a considerable increase in their population, and rapidly destroy all reliance for subsistence upon the chase. Until the propensity for the chase be checked, until the enterprise of the nation receive a different direction, great and beneficial changes in their situation cannot be expected. Their chiefs are capable of understanding this reasoning. If they are sincere in the desires which they have expressed, of aspiring to the honorable character of American citizens, they will use their influence with the nation to make the cessions required of them.

If the cessions are obtained, the payment of the consideration should be regulated by the progressive improvements contemplated to result from the receipt of annuities sufficient to supply them not only with all the utensils of agriculture, but with many of the comforts of civilized life. At present, they are poor and destitute of almost every thing necessary to render them comfortable. Their immediate wants may be supplied in the form of presents, whilst their future necessities will be regularly supplied by the payment of a yearly stipend. In determining the amount of this stipend, the compensation for each cession may be put in the form of an annuity, decreasing every ten or five years, in the proportion of ten, eight, six, four, and three, and to cease altogether at the end of fifty years, when it may be presumed civilized habits will have rendered this resource unnecessary. Should a longer term be absolutely insisted on, the lowest annuity may be protracted; but it is extremely desirable to avoid a perpetuity, unless it be essential to the accomplishment of the main object.

If, contrary to this well-founded expectation, the tribe, instead of advancing in the arts of civilization, should retrograde, and dwindle in its population, the diminished rate of its annuity will probably continue to bear nearly the same proportion to its wants as when first stipulated. In every point of view, therefore, it is desirable that the annuity agreed upon should be greatest during the first years of its enjoyment, and that it should gradually diminish to a small amount, if not entirely cease, at a given period of time. This system will be favorable to the extinguishment of their title to such portion of their unsettled lands as may become indispensable to the United States in the progress of their population.

In the management of the various and delicate interests involved in the negotiation confided to your discretion and talents, the President places the most unbounded reliance. A variety of considerations and arguments, which

it is impossible to embrace in these instructions, will necessarily arise from the discussions in which you will be engaged, which, judiciously wielded, will enable you to remove the objections urged by the nation, and secure a compliance with the views of the Government.

Your authority to make presents pending the negotiation, and after its termination, is limited only by your discretion, subject to the rules laid down in relation to the consideration to be given for each particular cession.

After having secured as many of the objects confided to your care in this negotiation as can be obtained without exciting the jealousy or alarming the fears of the nation, you are required to use your best endeavors to settle in an amicable manner all disputes between the Indian tribes represented in the negotiation, relative to their respective boundaries. If it is believed by you to be expedient that the boundaries to be settled should be marked under the authority of the United States, provision to that effect may be made in the convention which you are authorized to make upon that subject, if it be not objected to on the part of the Indians. In the event of a stipulation of this nature, one or more of the topographical engineers will be employed, according to the circumstances of the case.

I have the honor to be, &c.

WILLIAM H. CRAWFORD.

Major General ANDREW JACKSON,
General DAVID MERIWETHER, and
JESSE FRANKLIN, Esq.

GENTLEMEN:

DEPARTMENT OF WAR, July 5, 1816.

On the 3d instant I had the honor to forward to Nashville the instructions for the government of your conduct in the negotiation upon which you are required to enter with the Chickasaw nation, and with such deputation as may be sent for that purpose by the Cherokees.

The views of the President having been fully developed in these instructions, I have but little to add in this letter. It is expected that your conduct will be conciliatory, and calculated to inspire the nation with a just sense of the equity and magnanimity of the conduct of the Government towards them.

From the extensive powers with which you are vested, the most beneficial consequences are anticipated; the wants of the Indians, and the conflicting claims of the Chickasaws and Cherokees, cannot fail to facilitate the accomplishment of the first two objects of your instructions. Should the others fail, although it will be the subject of regret, yet the interests of the nation will not be sensibly affected by it.

In relation to these questions, you will press or relax your efforts to secure any one of them a preference to another, according to the dispositions manifested by the Indians.

It is impossible to decide, before the experiment is made, whether they will be more disposed to cede the lands in the Bend of Tennessee in preference to the northern extremity of their possessions. It is necessary to observe that the claim of the Cherokees to the lands lying in the Bend of Tennessee have been relinquished to the United States.

The treaty of the 28th of November, 1785, held by Benjamin Hawkins, Andrew Pickens, James Martin, and Lachlan McIntosh, recognises the Cherokee claim to those lands; and the treaty held a few months afterwards by the same commissioners with the Chickasaws does not exclude them in the definition of Chickasaw boundary. The letters patent, signed by General Washington, then President, in the year 1794, is the first recognition of their title to the lands in question. It is presumed that you will be able to procure copies of those treaties; if not, they will be forwarded to you.

Enclosed is evidence furnished by the Chickasaw nation, which shows that the Flat or Shining Rock referred to in some of our Indian treaties, and which is one of their corners, is a point different from the Long Leaf Pine, and that it runs from the one to the other.

The Chickasaw deputation have complained of their want of confidence in Colonel Cocke, the present agent, and have requested that another might be sent to them. There is some reason to doubt whether the deputation have correctly represented the will of the nation in this case. The President is desirous of ascertaining the truth, and has directed me to instruct you to inquire into the fact before you close the negotiations. It is desirable that this part of your duty should be executed with a proper regard to the feelings of Colonel Cocke. It is necessary that the agent should possess the confidence of the nation; if he has lost it, the public interest requires that another agent should be selected. In this measure, the reputation of the preceding agent will not be involved, as the inquiry is simply to ascertain whether he possesses the confidence of the nation in a sufficient degree to be useful to the Government.

I have the honor to be, &c.

WM. H. CRAWFORD.

Major Gen. ANDREW JACKSON,
General DAVID MERIWETHER, and
JESSE FRANKLIN, Esq.

SIR:

DEPARTMENT OF WAR, July 5, 1816.

Since my letter of the 24th of May, it has been determined to make a more strenuous effort to obtain the lands lying between the Cherokee line and the Tennessee river, both from the Chickasaws and Cherokees, than was at that time contemplated.

In consequence of this determination, you are authorized to suspend the removal of the settlers upon those lands until the result of the negotiation with the Chickasaws shall be known. This delay will at least give them time to make their crops, and provide for the next year's subsistence.

I have the honor to be, &c.

WM. H. CRAWFORD.

Major Gen. ANDREW JACKSON, Nashville, Tennessee.

FRIEND AND BROTHER:

CHICKASAW AGENCY, July 17, 1816.

I yesterday received your letter, dated at Nashville, July 7th, and am very glad to hear of your return from the Seminoles, but am sorry to find that you were in bad health. You inform me that you have been appointed by our father the President of the United States to act as a commissioner to treat with the Chickasaw nation for the purchase or exchange of land; in answer to which I beg leave to inform you that, at a council held at my house

on the 13th instant, the subject of selling or exchanging land was discussed, and it was determined by the chiefs then present that the Chickasaw nation had no lands to sell or exchange whatever. I have also to state that the warriors of this nation have been very much dissatisfied with the chiefs ever since the treaty held with you in 1816, on account of the land then sold by them. The Chickasaw nation will, however, be very happy to meet you, and to hear what you have to say to them, at whatever time you may think proper to appoint; but the chiefs would wish the place of meeting to be somewhere in the centre of the nation, as the warriors would not like any treaty to be held on the frontier. Respecting the time appointed by you for my coming to see you at the mouth of Cypress, I am sorry to say that the time is too short, as I am this day to set out on a journey to the Choctaw nation, where I shall be five or six days, for the purpose of settling our boundary line with the Choctaws. I would rather you would fix the time of meeting for the 5th of August, (if convenient to you,) when I shall be at the mouth of Cypress, and I expect some of the headmen will be there too, as I shall invite them to go with me; we can there arrange the time and place for holding the treaty with the nation.

In answer to what you say relative to the money due the nation as stipulated by the treaty, I have to inform you it has not been received, and the nation are daily looking anxiously for it. We have been told that, upon the return of Col. Butler, the money will be immediately paid us through the hands of our agent, Col. Henry Sherburne, who is now with us. I have now only to express my best wishes, &c.

Major Gen. ANDREW JACKSON.

JAMES COLBERT,
United States Interpreter.

SIR:

HEAD-QUARTERS, DIVISION OF THE SOUTH, NASHVILLE, *July 19, 1816.*

Your letter of the 5th instant, and the instructions of the same date which are to govern the commissioners in the treaty ordered to be held with the Chickasaws, are this moment received. I have, by express, ordered Captain Allen to suspend the order of the 27th of May, for the removal of the intruders and destruction of their improvements, until further ordered.

The instructions to the commissioners are ample, and I have a sanguine hope that the Cherokees, under present circumstances, will yield, for a moderate compensation, all claim to the lands south of the Tennessee, so important for national defence and the protection of our frontier.

I have very little doubt but the Chickasaws will also feel it their interest and policy to surrender all claim to the lands south of the Tennessee included within the lines run by General Coffee, for a very moderate sum; however, as far as my exertions and influence can be useful, they will be employed to obtain this all-important object. I suppose the agent for the Chickasaws has been instructed to convene the chiefs on the 1st of September, and to lay in supplies for them during the convention. I take this for granted, as there is nothing said on this subject by you. I also presume that a secretary is to be allowed to the commissioners, with the usual salary.

I am, &c.

ANDREW JACKSON.

Hon. Wm. H. CRAWFORD, *Secretary of War.*

SIR:

HEAD-QUARTERS, DIVISION OF THE SOUTH, NASHVILLE, *July 20, 1816.*

From a full consideration of the instructions by which we are to be governed in holding the treaty ordered with the Chickasaws, it may be necessary, in the course of the negotiation, to make the chiefs some presents; it is therefore necessary to be advised from what source they are to be drawn, and also out of what fund the contingent expenses are to be paid, and by whom the necessary supplies for the commission are to be furnished.

With respect, &c.

ANDREW JACKSON, *Major General,*
Commanding Division of the South.

Hon. Wm. H. CRAWFORD, *Secretary of War.*

SIR:

DEPARTMENT OF WAR, *August 5, 1816.*

Your letters of the 19th and 20th ultimo are received. Mr. Franklin will probably be with you before the receipt of this. From General Meriwether we have received no answer to the several communications that have been made to him. Mr. Cocks, the Chickasaw agent, was advised on the 26th of June that the commissioners would meet at the Chickasaw council-house on the 1st of September; and Major Colbert, who was then here, informed us that abundant supplies of provisions could be furnished by the nation. I shall write to Mr. Cocks, who will be charged with procuring the supplies of provisions, by this mail. As it was doubtful whether goods at this season could be transported in time for the treaty, none were ordered. The commissioners are authorized to draw on this Department for such sums as may be found necessary, either on account of contingent expenses, or on account of such presents as they may think proper to make to the chiefs. Some particular articles might be procured at Nashville, but I suspect that money would generally have more influence among those Indians than goods.

The commissioners will appoint their own secretary, who will be allowed five dollars a day, exclusive of his necessary expenses.

A regular commission will be forwarded to you this week; it has been delayed as well on account of the uncertainty of your acceptance, as from an expectation of hearing by every mail from General Meriwether. Should he not accept, Mr. F. Sharp, of Kentucky, will be appointed to fill the vacancy. No delay, however, will be occasioned by such a change, as the commissioners are authorized to act jointly or severally.

I have the honor to be, &c.

GEORGE GRAHAM, *Chief Clerk.*

Gen. ANDREW JACKSON.

GENTLEMEN:

DEPARTMENT OF WAR, *September 10, 1816.*

Enclosed you will receive an extract of a letter from the agent of the United States in the Cherokee nation, from which it is conjectured you will receive some aid in accomplishing the objects of your mission. It is presumed that Colonel Meigs has furnished you with the information which it contains, as it will necessarily have some influence upon the negotiations with which you are charged.

The commissioners for running the lines of the Creek cession have represented that the Chickasaw nation have remonstrated against the running and marking of the line designated in the Cherokee convention as infringing upon their rights.

Although it is manifest that they have no interest in the matter, as the Cherokee claim to the lands north of that line will not receive any additional force from that event, nor the Chickasaw claim to the south of it be in any degree weakened, yet, as the negotiations with which you are charged may make the running of a part of that line unnecessary, they have been directed to postpone their operations until the result of your efforts shall be known. They have also been instructed to run and mark any line connected with the Creek purchase which may be made necessary by the treaty or treaties which you may conclude, without waiting for further directions from this Department. To enable them to fulfil this duty with the least possible delay, you are required to furnish them with a definition of the lines which it shall be their duty to run pursuant to their instructions.

It will be proper to stipulate for the attendance of Indian commissioners for the purpose of marking the lines, and that immediately after the termination of the negotiations.

I have the honor to be, &c.

General A. JACKSON,
General D. MERIWETHER, and
J. FRANKLIN, Esq.,

WM. H. CRAWFORD.

Commissioners, &c., Chickasaw Agency.

GENTLEMEN:

DEPARTMENT OF WAR, *September 10, 1816.*

Your communication of the 13th ultimo, covering the address of the Chickasaw nation remonstrating against running the line designated by the Cherokee treaty, has been received.

Although it is not conceived that the running of that line can in any degree affect the claims of that nation, whatever they may be, yet, as it is probable that the result of the negotiations now pending in the Chickasaw nation may change the line in question, there is no urgent necessity for completing it at this time. Should these negotiations terminate without effecting that line, you, or either of you, will proceed to run and mark the line without further delay. Should the commissioners succeed in obtaining the cessions which they are instructed to demand, you will, upon due notification thereof, run such lines south of the Tennessee as are in any degree connected with the Creek cession, as may be defined in the treaty or treaties which may be formed by them. They will be instructed to furnish you with the definition of the lines which you are to run, with the least possible delay. Perhaps your attendance at the place of negotiation may be useful, especially as it will prevent the loss of time in receiving the information necessary for the government of your conduct, and may secure a prompt attendance on the part of the tribes concerned at the running of the lines.

What is the distance to the Flat Rock recognised by the Cherokees? What the probable course of the line from the Ten Islands to that point? Any information on any subject connected with this line, the nature of the soil, and face of the country through which it will run, will be acceptable.

I have the honor to be, &c.

WM. H. CRAWFORD.

P. S. The authority to run these lines contemplated in the foregoing letter is to be understood as joint or several, for the purpose of avoiding unnecessary delay.

W. H. C.

WM. BARNETT, Esq. and General JOHN COFFEE,

Commissioners for running the line of the Creek cession.

GENTLEMEN:

DEPARTMENT OF WAR, *September 12, 1816.*

The extracts mentioned in the postscript to my letter of the 11th instant, not being prepared at the closing of the mail, are now forwarded, together with an extract from a letter from this Department, under date of the 27th May, 1816, to the commissioners to whom the complaints of the Cherokees on the Arkansas have been referred. The bearing of these papers upon the negotiations in which you are engaged is so obvious as to require no explanation from me.

Should an arrangement be made, founded upon the principle of exchange as contemplated by Mr. Jefferson and the Cherokee emigrants, a cession adjoining the settlements of Georgia may possibly be obtained. A part of the lands ceded by the Cherokees to the State of Georgia in the treaty of 1783 was relinquished by the treaty of 1790; a considerable portion of which has never been receded, and none of it regularly. That part, at least, ought to be receded; and, if the cession could be extended to the Chattahoochie, it would not be more than what the State had a right to expect. This, however, is mentioned rather as what is expected than what is attainable. General Meriwether, one of the commissioners, is fully acquainted with all the circumstances, and will give the explanations which may be necessary, should there be a prospect of obtaining a cession.

I have the honor to be, &c.

To ANDREW JACKSON,
DAVID MERIWETHER, and
JESSE FRANKLIN,

WM. H. CRAWFORD.

Commissioners, &c.

SIR:

CHICKASAW COUNCIL-HOUSE, *September 20, 1816.*

In a communication to you of the 4th instant from Generals Jackson and Meriwether, you were advised of the Big Warrior's having sent a runner to this nation, excusing himself and the chiefs of the Creek nation from attending at this convention, but inviting the four southern tribes to assemble at Turkeytown on the 1st of October next.

It was stated that this was believed to be, in combination with the Cherokees, to defeat the objects of this conference; and that, to counteract it, George Mayfield, accompanied by a Creek chief, had been sent on a second mission to the Creek nation, to invite their attendance, and bring on, if possible, the upper chiefs of said nation.

The Cherokee delegates arrived here on the 6th instant, and on the 8th Generals Jackson and Meriwether held a conference with the chiefs of the Chickasaws, Cherokees, and Choctaws, for the substance of which, as well as the proceedings of the subsequent meetings, you are respectfully referred to the journal that will be forwarded you. As was anticipated, much difficulty was encountered in negotiating with the Chickasaws; the conference being held with the whole nation, every individual had to be consulted; and the chiefs, together with the agent, seemed more

anxious to maintain their popularity, than to promote the views of Government, or the best interests of the nation they ruled. Much embarrassment was occasioned by your letter of the 16th of April to the agent having been read to the Chickasaws previous to the arrival of the commissioners, and the interpretation given it. The charter from General Washington was supposed unobjectionable, and an idea prevailed that it would be supported in preference to any other title. Generals Jackson and Meriwether, the two commissioners present, (Jesse Franklin, Esq. not having arrived,) believing that no Creek title to territory actually occupied and settled could be impaired by any charter to which the Creeks did not give their assent, deemed it an act of justice and sound policy, and absolutely necessary to the correct discharge of the duties assigned them, to examine the testimony on which the conflicting claims of the three parties were founded. They accordingly proceeded to take all the evidence offered, which has been recorded in the journal for your information. From that testimony, it appears that the Creeks were the earliest settlers of this section of country; that they were found here by the other nations on their first arrival; that they continued in possession until 1813, when they were driven away by the American troops. It also appears, from the declaration of the whole Chickasaw nation, that the Cherokees never had any land adjoining them on the south side of the Tennessee river, and that the Creeks were always their neighbors; that the Chickasaws never complained of Creek encroachments while settled at Cold Water, but permitted the Creeks to remain in peaceable possession until destroyed by General Robinson in 1786, but that the moment a settlement was attempted on Bear creek, Pioningo notifies the intruders to remove, or he will destroy them, and takes part of their goods for rent. (See Gordon's testimony.) It further appears that the Creeks were in possession not only of Cold Water, but had settlements on the Tennessee, a little below Flint, on Tarchecunda creek, and at Thompson's creek; at Black Warrior, a very old town; and at Littleputche, on Caney creek, near Will's creek, the lower boundary of lands stated to have been loaned by the Creeks to the Cherokees. From this collective testimony, and a belief that possession is the best, if not the only substantial evidence of Indian title, the commissioners then present (Generals Jackson and Meriwether) expressed their conviction of the Creek claim being the strongest, in an address to the council on the 12th instant, and then made proposals to the Chickasaws and Cherokees, as will be found recorded in the journal. The Cherokees, on the 14th, made a communication in writing, refusing to yield any lands on the north side of the Tennessee, but proposing to cede their claim to the disputed territory on the south for certain considerations, which were acceded to, embodied in the form of a treaty, and duly executed and signed by all the commissioners, (the Hon. Jesse Franklin having previously arrived.) As the Cherokee delegates seemed doubtful as to the extent of their powers, this treaty has been concluded subject to the ratification of the Cherokee nation, and it is provided that the said nation shall meet the commissioners on the 28th instant at Turkeytown, to express their approbation or not. In concluding the treaty with the Cherokees, it was found both wise and politic to make a few presents to the chiefs and interpreters.

The execution of the treaty with the Cherokees alarmed and seemed to irritate the Chickasaws, and the death of a principal chief (the Factor) appeared to distract their councils. Confusion amongst them was visible. When solicited for an answer to the propositions made them on the 12th instant, they invariably begged time to deliberate. It was soon found that a favorable result to the negotiation was not to be anticipated, unless we addressed ourselves feelingly to the predominant and governing passions of all Indian tribes, *i. e.* their avarice or fear. Our instructions pointed to the former, and forbade the latter; we therefore were compelled, not from choice, but from instructions, to apply the sole remedy in our power. It was applied, and presents offered to the influential chiefs, amounting to \$4,500, to be paid on the success of the negotiation. This measure seemed to produce some sensible effect. Time was asked for reflection; the chiefs that had left the ground were sent for; and we have this day concluded a treaty that secures to the West a free and uninterrupted intercourse with the low country. Independent of the accession of a rich and large body of lands to the United States, the objects otherwise obtained by this treaty are of incalculable political advantage to our country. We have obtained a connexion of Tennessee with the low country; the free use and navigation of the Coosa, Black Warrior, and Tombigbee rivers; and, what is truly grateful to the human mind, prevented the destruction of many of our red brethren, and possibly a civil war; secured the affections of the population of the South and West to the present administration; and restored that confidence that formerly existed between the rulers and the people. If the annuity given has been larger than usual, it is not more than proportionate to the benefits obtained.

We have drawn upon the Department of War for the amount of those presents distributed to the principal chiefs, and which could not appear on the treaty. Secrecy was enjoined as to the names. Secrecy is necessary, or the influence of the chiefs would be destroyed, which has been, and may be useful on a future occasion. The chiefs will accompany the drafts, which we have no doubt will be duly honored and paid.

The land within the State of Tennessee, and ceded by this treaty, being within the congressional district, and all the vacant lands being the property of the United States, we did not conceive it necessary to make any discrimination. We did not consider it of any importance, when compared with the value of the cession in a political point of view; and we were more particularly urged to the measure from a belief that an adjustment between the United States and this State was practicable, and the ratification of the treaty thereby not hazarded by a reference to a State Legislature.

Finding the jealousy of the Chickasaw Indians aroused when we obtained the cessions embraced in the treaty, we did not think it prudent to urge them on the other points of our instructions; we conceived it not prudent, and of course did not name it to them.

Agreeably to our instructions, we put to the council the question whether their agent had the confidence of the nation. On this day the question was answered by Tishomingo—that they did not want their present agent, and gave this as the full sense of the whole nation. The chiefs have spoken to us this evening to say to you that they want an agent sent them from the East, capable of doing justice to their red and white brethren.

The enclosed petition of James Colbert and Turner Brashears, Indian interpreters, is referred for your consideration.

We remain, &c.

ANDREW JACKSON,
D. MERIWETHER, } Commissioners.
J. FRANKLIN, }

Hon. Wm. H. CRAWFORD, *Secretary of War.*

To the Commissioners of the Chickasaw and Choctaw Nations, appointed by the President of the United States to treat with the said nations.

Your petitioners beg leave to state to you the grievances under which we labor, as interpreters of the said nations. That, whereas we are daily called on to do business with the agent of our nations by the natives thereof, and are constantly more or less crowded with company, the support of whom is a very considerable tax upon us, the sala-

ries which we receive from the Government of the United States is not more than sufficient to defray this unavoidable expense. We therefore request of the commissioners to take into consideration the aforesaid grievances, and to give to the United States a just view of our situation, and to request of the Government to afford to us such further allowance as will cover this expense, and thereby enable us to save our present salaries as a support for our families, and a compensation for our loss of time from our homes and attention to business.

We hope that this request will be deemed just and right by the commissioners, and that they will use their influence in our favor as far as they may deem proper, which will be thankfully acknowledged by

Your friends and obedient servants,

JAMES COLBERT,
TURNER BRASHEARS.

SIR:

CHICKASAW AGENCY, *September 22, 1816.*

The treaty with the Chickasaws has terminated in a manner beneficial to the United States, every way highly gratifying to all the good people of the western country, and removes many causes of discontent which unjust intrusion had created among the Indians. I assure you I should have been extremely happy to have had it in my power to concur with General Jackson in every thing that appertained to my duty as agent for the United States, and I willingly indulge the hope that neither he nor you will attach blame to me for an honest difference in opinions, which only happened as to the time and manner proper for me to impress on the minds of the Indians the benefits and advantages that would result to them from the terms offered them by the commissioners of the United States. After the propositions were made by the commissioners, an admirable letter, written by Colonel Meigs to the Cherokees, was publicly read. His advice well became that of a father and a friend. It declared to them, in the strongest terms, how much it was their duty and interest to grant to the United States all the country the President wanted. I then thought it a proper time to rise in public council and declare my concurrence with every sentiment contained in Colonel Meigs's letter, and, at the same time, to tell the Chickasaws that the doctrine was not new to them, and that their agent had on many occasions made known in their councils that the President and Secretary of War must be listened to and obeyed by them, for that they never would desire them to do any thing but what would be for the benefit of all their children. The commissioners and the whites then withdrew, and left the Indians in council, when Major General Jackson, without apprizing me of his desire, observed to me that he thought at that time I ought to have pointed out to the Indians the special advantages that would result from the terms offered them. I answered him, "Advice, when asked for, was better received, more respected, and generally more relied on, than opinion given before sought for." He replied, with a strong verification, "that the Indians were then in council, and that they would not ask my advice." I answered him in terms equally positive, affirming "that I knew I had the entire confidence of the nation, except Tishomingo and James Colbert, and that the council would call on me for my advice and opinion." While thus in conversation with the general, the council sent Levi Colbert and William McGilvery to solicit my attendance for the purpose of asking my advice, which offered me a favorable opportunity to deliver what was, and still is, my real opinion, which was as follows: As the commissioners had, from examining all the evidence that had been offered for their consideration, declared it to be their opinion that the Creek claim was the best and strongest to the land south of Tennessee and east of the line run by General Coffee, that it was, therefore, my opinion that interest and prudence united should induce the Chickasaws to make the best terms they could respecting that land, and that the land north of the Tennessee river had long been a place of contention, and that a liberal price was offered for it; that, if they refused the offer made, I did not think it probable they would ever get a better; that accepting the offer would renew and perpetuate the good understanding which so happily existed, and that a refusal might by possibility be the means of discord, and, finally, some event might happen which would produce a worse state of things; and, therefore, my opinion and advice was decidedly in favor of the policy of accepting the offer, and thereby removing all causes of difference and discontent which might grow into disturbances of a more serious nature; that the now President was kind and liberal in his offers; that none could tell what would happen in future. I will claim no honor from these sentiments; they embrace the universal opinion. But I do aver, protest, and declare, that the Chickasaws, as a nation, have at all times expressed the most sincere friendship for me, and in every council publicly declared their unbounded confidence in me. Tishomingo and James Colbert are the only Indians in this nation who appear to have any dislike to me. The first cause of Tishomingo's dislike proceeded from the wild disorder he suffered to take place by a party commanded by him when I had formed the nation into four divisions for the purpose of issuing to them provisions, while distributing the goods sent as presents and as an annuity. I ordered four beeves to be killed, and directed that one should be given to each division. Tishomingo's party, in a rude and impertinent manner, seized upon the whole. The others apprized me of the outrage; I applied to him, and informed him mildly, but positively, that I would not suffer such disorder. He answered he could not help it, and said his men would do as they pleased, appearing rather to countenance than discountenance their conduct, for which I severely rebuked him. When I proceeded to parcel out the goods, and had formed the Indians under his command for the purpose of receiving their rateable part of annuity and presents, a number of them changed their positions, and drew several times. This fraud was likewise discovered by the other Indians, and complained of, as well as seen and corrected by me. About the 1st of January last past, the storehouses of the United States near the Chickasaw Bluffs were broken open in the night-time, by a party of Chickasaw Indians, and a considerable quantity of peltry stolen out of them. Mr. Rawlings, the factor for the United States at that place, informed me of the burglary, and I called upon the chiefs to have the fellows punished; and I, in a letter addressed to the Secretary of War, advised him of the demand I had made. You will see Tishomingo's speech on that occasion, stating that the Indians who had committed that felony had left the nation, (which statement he knew was not true, and that those Indians were then living on Cold Water and in his neighborhood.) No person that has travelled the road in the year 1815 from Nashville to Natchez has been a stranger to the complaints which travellers frequently made of having their horses stolen and hid out by Indians on that road, in the neighborhood of the Good springs and Brown's swamp. This unpleasant state of things, in my opinion, ought to have met my disapprobation; at least, that the idea of exemplary punishment should have been holden out by the agent of the United States, you may see, as well by the deposition of James G. Neely as by that of George Maxwell, which are now in the War Office, and whose reputations and families do not rank behind any in the United States for candor, probity, and good morals. This assertion would be verified by the honorable Samuel Powell, the honorable William G. Blount, and all the Representatives in Congress from the State of Tennessee who know them. The other causes of dislike, when known, have equal claim to your approbation, the esteem of my Government, and the confidence of the Chickasaw nation.

James Colbert, William Colbert, and others, their confederates, being desirous of engrossing all the trade of this nation, demanded that I should drive all the traders trading under regular license out of the nation. This demand was also made by Tishomingo in council, early last spring, when I informed him that the power exclusively belonged

to Congress to regulate trade with foreign nations, among the several States, and with the Indian tribes. He then said his young men might steal the traders' goods—that is, he might steal them—and that then I would want him branded, (alluding to the recommendation I had given to him and the rest of the chiefs to whip and brand the Indians that had broken open the houses and stolen the peltry of the United States at the Chickasaw Bluffs.) I answered him that I hoped he was an honest man, but that if he would steal, I certainly had rather see him punished than an ignorant young man; for that he ought to set good examples to his young men, and not encourage, countenance, or excuse men who had stolen the property of the United States or of travellers; and that complaints were frequently made to me of travellers' horses being hid out by Indians to get money for feeding them; and that if he did not, I would put a stop to it, for that such conduct might, if not prevented, occasion the loss of good men on both sides. I then inquired of him if there were any horses in the possession of the Indians that belonged to the white people, and ordered, if there were, they should be given up. I then obtained the delivery of nine horses, some of which the Indians gave up with great reluctance. When the delegation of the Chickasaws was about to set out to Washington city, objections were made by a number of Indians against James Colbert going as an interpreter of the United States. I thought it advisable, and most likely to silence all clamor, to direct him to go on with the delegation. On the 17th April, the king, headmen, and warriors met at the old council-house, where it was named that James Colbert was going to take on Wigton King with him—a man that the Indians generally, and particularly Tishomingo, had requested the agent to order out of the nation for misconduct; at which time it was said that King and James Colbert's views were to join in bringing out goods, and Colbert was to cause all the traders to be drawn out of the nation, and that they were to engross the entire trade themselves. All this Colbert denied in the most positive terms, and said that no man of Wigton King's character should travel in company with him. James Colbert, at the same time, in presence of the King and the other chiefs, as well as in the presence and hearing of Mr. George Maxwell, declared his love for and confidence in the agent, calling me his father and his friend, and said I had done more for the benefit of the nation than all the agents they ever had. Major General Jackson, after he had made known the powers of the commissioners, inquired of the Indians in council whom they depended on to transact their business? Tishomingo then, in full council, informed the commissioners that their agent could write, and knew how to manage their cause, and that they would rely on him to do it. The commissioners do know that I arranged their evidence and managed their cause much to their satisfaction, without neglecting the views and interests of the United States, or departing, in any instance, from those principles of justice and liberality which it is the pride and glory of the Government of the United States to administer. Could I, for convenience, with pleasure, be as ready as some are to change with the popular sound to defame the best of men, and condemn the best of measures, because I did not know their objects, or had neither patience nor prudence to wait for information, I might be the beloved friend of discord, join the popular clamor, and retreat, like the editor of the *Clarion*, with disgrace to himself and friends. My errors may be many, but my enemies appear to be strangers to them; for every thing they charge me with, all who know me will affirm is directly opposite to my very nature, and contrary to the practice of all my life. I am sorry to name that, when General Jackson informed me he was merely to ask a question whether the nation had confidence in me, and that I could have no opportunity to justify my conduct, or to show that I had done my duty; and that the offender, or, I may say, the prince of offenders, was to arraign my conduct, and act in the capacity of accuser, witness, and judge, who held the power and had the will to speak his own unjust prejudices, and declare them as the voice of the nation, without being able to show a single reason why—I certainly have several times solicited an inquiry into my public conduct while agent; I repeat the solicitation, and challenge investigation.

The honorable Jesse Franklin, Esq., before the question was put, inquired of me what I thought would be the answer of the council; I informed him I knew that, if the question was put to each individual of the council, there would be no dissenting voices but James Colbert and Tishomingo; but that if Tishomingo was to speak, he would speak his own prejudices, and say the nation did not like me, although he knew the fact to be otherwise. I should not conclude this letter without informing you that several negroes have been lately murdered in this nation in a most barbarous, cruel, and unprovoked manner; one belonging to Mr. Thomas Love was shot by an Indian while in his master's yard riving boards. The only excuse for this murder is, that the Indian says he did not like Mr. Love, and that he would spoil his property. At the request of Mr. Love, I applied to the chiefs, who refused to do any thing in the matter, Tishomingo saying that the man who murdered the negro was Mr. Love's relation; as if sufficient excuse for the outrage. An Indian called the Young Factor a few weeks since murdered a negro by whipping and burning; another sufficient excuse is, that the negro belonged to him. Such are existing circumstances. I have at all times understood that I held my appointment during the pleasure of the President of the United States; recent proceedings seem to show it may depend on the Chickasaws. But I have a confidence not to be diminished in his magnanimity, justice, and good disposition, which affords a firm reliance that I will be indulged with an opportunity of a full inquiry.

Accept, sir, assurances of the high respect with which I have the honor to be your obedient servant,
WILLIAM COCKE, *Agent for the U. S. to the Chickasaws.*

Hon. WILLIAM H. CRAWFORD, *Secretary of War.*

SIR:

NASHVILLE, *October 18, 1816.*

Your letters of the 10th and 12th ultimo, with the extracts referred to, were not received until my arrival at this place on the 12th instant. The important contents of those communications could, of course, have no effect on a negotiation already concluded.

As had been reported to you, I learned that the Chickasaws remonstrated with the commissioners against running the line as defined in the late treaty with the Cherokees. This remonstrance was founded on a claim to territory which the Chickasaws deemed unobjectionable, as derived from a charter given and executed by President Washington, in the year 1794, defining their territorial limits on the north and east. By a treaty with the Chickasaws in 1801, this charter was recognised, with a solemn guaranty, not only of territorial limits, but of protection in that territory from intruders of every description. The territorial boundaries of the Chickasaws, as defined in said charter, include nearly all the land ceded to the Cherokees by the late treaty, but a small triangular extent remains. These facts, no doubt, induced the commissioners to listen to the remonstrance of the Chickasaws, and suspend their operations until they had reported to you and received the positive instructions of the President of the United States on the subject. Sound policy dictated the measure; for had the commissioners run the line, it would inevitably have excited the Chickasaws to an immediate war against the Cherokees.

These guaranties and treaties are happily done away, and, generally, to your directions. The definition of the lines established by the treaties lately concluded with the Cherokees and Chickasaws shall be furnished the commissioners, with instructions to commence running the lines as early as practicable.

The Cherokees, as I believe, will make a tender of their whole territory to the United States, for lands on the Arkansas, west of the Mississippi. A council is to be held shortly at Willstown, probably to select proper persons to explore that country and report its situation, &c. to the nation. As soon as that is done, a delegation will be sent to the President to effect the exchange, and General Meriwether will be invited from Georgia to accompany them.

After the ratification of the treaty at Turkeytown, the Cherokees in council complained of the intruders on their lands north of the Tennessee river, to both the agent and myself. The agent consequently made the demand for their removal, and I have given notice to all intruders accordingly; and on the 1st of November the troops at Fort Hampton will be in motion on this service.

With respect, &c.

ANDREW JACKSON, *Maj. Gen. commanding Div. of the South.*

Hon. W. H. CRAWFORD, *Secretary of War.*

GENTLEMEN:

DEPARTMENT OF WAR, *October 26, 1816.*

Your communication of the 4th instant, dated at Turkeytown, has been received, and submitted to the President, who expressed his entire approbation of that communication, and of the manner in which the great objects of your mission had been accomplished. It would have been very gratifying to the President to have obtained a cession of that part of the Chickasaw lands which lies within the limits of the State of Kentucky, and also of that part of the lands of the Cherokees which lies within the State of Tennessee; but it was foreseen that the attainment of the great objects of the mission would materially increase the difficulty of obtaining those cessions for the present.

Whenever the Cherokee nation shall be disposed to enter into a negotiation for an exchange of the lands they now occupy for lands on the west side of the Mississippi, and shall appoint delegates clothed with full authority to negotiate a treaty for such exchange, they will be received by the President, and treated with on the most liberal terms.

I have the honor to be, &c.

GEORGE GRAHAM, *Chief Clerk.*

General ANDREW JACKSON and General DAVID MERIWETHER, *Nashville, Tennessee.*

[Duplicates sent to General Meriwether and Major Jesse Franklin, at their places of residence.]

SIR:

DEPARTMENT OF WAR, *October 31, 1816.*

Bills to the amount of \$5,043, drawn by the commissioners and by Mr. Cocke, on account of the expenses attending the treaties lately held with the Indians, have been presented to this Department. As \$5,000 had been remitted to you on account of expenses, &c., and as Mr. Anderson, who transmitted those bills, has requested that they may not be protested, if money had been forwarded to the commissioners, I have thought it best to return them; and to direct an additional remittance of \$3,000 to be made to you, on account of the expenses attending the treaty. This course can be productive of no inconvenience, as Mr. Anderson has requested that the bills may be paid by a check on Nashville.

I have the honor to be, &c.

GEORGE GRAHAM, *Acting Secretary of War.*

General ANDREW JACKSON, *Nashville, Tennessee.*

SIR:

DEPARTMENT OF WAR, *November 7, 1816.*

I have the honor to acknowledge the receipt of your letter of the 18th ultimo, and am pleased to find that you are about to take prompt measures for the removal of all intruders on the lands of the Cherokees. In consequence of information which has been received from General Meriwether that some persons from Georgia were about to take possession of the reservations on the north side of the Tennessee, mentioned in the treaty with the Cherokees of January 7, 1806, and which are included in the late cession made by the Chickasaws, I am instructed by the President to request that you will persevere in removing all intruders from that part of the lands lately ceded by the Chickasaws, and which lie on the north of the Tennessee river, and particularly from the above-mentioned reservations. With respect to the intruders on the south side of the Tennessee, and who are not protected by the act of Congress of the last session, instructions will be forwarded to you in a short time.

The pay-roll of Captain Allen's company was approved by the late Secretary of War, and the paymaster general directed to take immediate measures for the payment of the men. I enclose to you Captain Allen's forage return, approved, and with directions to the quartermaster to pay it. It was lately returned to this Department by the paymaster to whom it had been sent with the muster-roll, as not belonging properly to his department.

I have the honor to be, &c.

GEORGE GRAHAM, *Acting Secretary of War.*

Gen. ANDREW JACKSON, *Nashville, Tennessee.*

SIR:

DEPARTMENT OF WAR, *November 11, 1816.*

I have the honor to acknowledge the receipt of your letter of the 21st ultimo, in consequence of which instructions were immediately given to General Jackson to remove all intruders immediately from the lands ceded by the Chickasaws on the north side of the Tennessee river, and particularly to prevent any person from taking of those particular tracts of land which had been reserved by the treaty of January, 1806, with the Cherokees. The bills which the commissioners drew on account of presents have been presented and paid, and eight thousand dollars have been remitted to General Jackson, at Nashville, on account of the expenses, compensation, &c. of the commissioners. After defraying the expenses of the treaty, it is probable the residue of this sum will not be sufficient to pay the compensation of all the commissioners; I will therefore thank you to make out your account, and forward it to this Department for payment.

I had the honor to address a joint letter to the commissioners a few days since, expressing the entire approbation of the President relative to their conduct in the interesting and important negotiations in which they had been engaged.

I have the honor to be, &c.

GEORGE GRAHAM, *Acting Secretary of War.*

Gen. DAVID MERIWETHER, *Athens, Georgia.*

SIR:

DEPARTMENT OF WAR, *December 4, 1816.*

I have the honor to acknowledge the receipt of your letter, by Lieutenant Gadsden, of the 12th ultimo, together with the original treaties lately concluded with the Cherokee and Chickasaw nations. The treaties have been submitted to the President, who has expressed his entire approbation of both of them.

Your accounts, forwarded by Lieutenant Gadsden, have been approved, and an allowance made for your service as a commissioner (which is a claim of right and not of favor) of eight dollars a day from the 20th of August until the 1st of November, the amount of which will be retained by you out of the money placed in your hands for the Indian department, and the balance then remaining may be applied to the quartermaster's department. General Meriwether and Mr. Franklin will settle their accounts at this Department.

You are authorized, if you deem it proper and expedient, to make an additional present to Tishomingo of five hundred dollars.

I have the honor to be, &c.

GEORGE GRAHAM, *Acting Secretary of War.*Gen. ANDREW JACKSON, *Nashville, Tennessee.*

DEAR SIR:

DEPARTMENT OF WAR, *April 4, 1816.*

I have the honor to enclose you a copy of the treaty or convention which has been made with the Cherokees for the cession of that portion of their lands which lies within the chartered limits of the State of South Carolina. It is to be apprehended that this convention will not be ratified, as it was made with some degree of reluctance, which was finally overcome by the strong desire which they felt to settle their southern boundary upon just and equitable principles. This, I believe, has been done, and they are perfectly satisfied with it.

I shall address a talk to the nation, in which I shall endeavor to impress them with the justice and fairness of the transaction, and the bad consequences which may possibly flow from its rejection.

Colonel Meigs will be instructed to use his influence with the nation to secure its ratification. He will give you the earliest intelligence of the result of his efforts. Should you be disposed to send an agent to attend the national council upon this occasion, he will be directed to give you such notice of the time and place of holding the council as will enable you to effect that object.

I have the honor to be, &c.

WM. H. CRAWFORD.

DAVID R. WILLIAMS, *Governor of South Carolina.*

GENTLEMEN:

DEPARTMENT OF WAR, *April 16, 1816.*

Enclosed you will receive the copy of a convention concluded at this place with the deputation of Cherokee Indians, which has been ratified by the President.

It is the desire of the President that you proceed without delay to run and mark the line defined in this convention. You will be attended by some of the Cherokee chiefs, who are acquainted with the point at which it is to terminate. The surveys which General Coffee has made will probably be of some use to you in the execution of this duty. Upon an examination of his report, which is now in this Department, he appears to have taken no notice of the point at which this line is to terminate, notwithstanding he appears to have had in view the convention made with the Cherokees in the year 1806, which proposes Caney creek, and a line drawn from its source to the "Flat Rock," as the boundary between the Cherokees and Chickasaws.

Instructions will be immediately given to the Chickasaw and Choctaw agents to collect such evidence as shall be in the power of those nations to furnish concerning their eastern boundaries. They will also be instructed to ascertain whether those nations can be induced to dispose of their possessions east of the Tombigbee river, if it shall appear that their titles to those lands are valid.

When you shall have completed the line in question, a general report of your proceedings, comprehending all the information you have acquired of the situation, extent, fertility, and salubrity of the ceded country, will be received with pleasure.

I have the honor to be, &c.

WM. H. CRAWFORD.

WM. BARNETT, Esq.

Colonel BENJAMIN HAWKINS,

Maj. Gen. EDMUND P. GAINES,

Commissioners for running the line of the Creek cession.

FRIENDS AND BROTHERS:

DEPARTMENT OF WAR, *May 13, 1816.*

The deputation of your nation has been received by your great father the President as children of the great American family. He has taken them by the hand, and spoken to them the words of peace and truth. He has listened to all their complaints, and has redressed, and will redress, all their wrongs.

Friends and brothers: Your beloved men who have visited your great father the President have, by your instructions, agreed upon a convention, by which a small portion of land has been ceded to the State of South Carolina for the sum of \$5,000. His excellency the Governor of that State has signified to the President his assent to this convention, and has authorized me to inform you that you may draw for the money whenever your nation shall ratify the cession.

Brothers: The land ceded by this convention is of little value to you or to the State of South Carolina. It affords no game, and none of your people live upon it. It is desirable to South Carolina only as it will complete her settlements, and will bring within her jurisdiction some dishonest white men, who are equally injurious to you and to the citizens of that State. Your great father the President will be gratified by the ratification of this convention by your nation, as he will see in it a disposition to oblige him and your brothers of South Carolina when it can be done without injury to either.

Friends and brothers: The long peace which has subsisted between the Cherokees and the whites, and the good faith which the State of South Carolina has always observed towards their red brethren, will be more strongly cemented by the ratification of this convention. The ratification of this convention is due to the liberality and love for the Cherokees which your good father the President has manifested in establishing the line between your lands and the Creek cession, and in paying for all the losses which they have sustained in the course of the last war.

Your great father the President will not believe that his beloved children of the Cherokees will refuse their consent to what has been agreed upon by their worthy deputation, pursuant to the instructions which have been given to them.

Friends and brothers: Your great father the President has given orders that all white men who have settled upon your lands shall be immediately removed. Colonel Meigs, who resides among you, has been directed to call upon the military officers of the United States to remove by force all white men who have settled upon your lands against your consent. As often as they return to their settlements, they will be removed, and, besides, be punished by our courts for the violation of your rights.

Brothers: Disorderly white men have settled among you, who have harassed and vexed the peaceable inhabitants of the State of Tennessee, and have made their complaints reach the ears of your great father the President. These men ought to be removed by your nation to a great distance from our settlements, where they can do no mischief to the peaceable inhabitants of Tennessee, or your agent ought to require them to be removed from your lands as intruders.

Friends and brothers: The white men whom you permit to live among you must be considered as Cherokees, and the nation must be answerable for their actions. Your great father the President expects that you will restrain their improper conduct, or have them removed as intruders upon your lands.

Friends and brothers: The President will continue to watch over your peace and happiness: in return, you will conduct yourselves peaceably, pursuing your game, attending to your flocks, and cultivating your lands for the support of your women and children. The money which he sends you by your agent, Colonel Meigs, will furnish you with the means of buying cattle, sheep, and hogs sufficient to supply your wants. Cultivate the arts of peace with your red and white neighbors, and your happiness will never be disturbed.

WM. H. CRAWFORD.

To the principal HEADMEN and WARRIORS of the *Cherokee Nation*.

SIR:

DEPARTMENT OF WAR, *May 27, 1816.*

The Senators and Representatives of Tennessee, before the adjournment of Congress, presented an address to the President urging the expediency of extinguishing the Cherokee title to the lands north of the Tennessee, within the limits of that State. As there is no game upon the land, and, I believe, no Indians settled upon it but Colonel Lowry, it would appear to be their interest to sell it for a fair consideration: by giving Lowry a present equal to the value of his possessions, it is probable that a purchase can be effected of all their lands to the north of the river. The President desires that you shall make every exertion to obtain this cession at their next national council: to enable you to effect this, you are authorized to give them, either by way of annuity, or to be paid at one or more payments after the ratification, the sum of \$20,000, and to distribute presents among them to the amount of \$5,000, and to Lowry to the value of his possessions north of the Tennessee river. It will be proper to ascertain the relative value of the lands belonging to Tennessee compared with that in the Mississippi Territory, as the State of Tennessee ought and must pay her proportion of it.

Major Walker, in private conversation, told me that he thought the Cherokee nation would sell the land which we attempted to purchase last winter: it is deemed expedient to make the effort. You are therefore authorized to offer them for their claim to the lands lying west of a line to be run due south from that point on the Tennessee river which is intersected by the eastern boundary of Madison county, to the line agreed upon by the late treaty, an annuity of \$6,000 a year in perpetuity. Considering that the most of this land is claimed by the Chickasaws, and that there is little or no game upon it, there is some reason to believe that this offer will not be rejected by the nation in their grand council.

The President calculates upon the exercise of all your influence in effecting these objects. No commissioner will be appointed, as it is deemed inexpedient to make an impression upon them that we are extremely solicitous to obtain the cessions in question.

I have the honor to be, &c.

WM. H. CRAWFORD.

RETURN J. MEIGS, *Cherokee Agent*.

SIR:

NASHVILLE, *June 10, 1816.*

I have the honor to acknowledge the receipt of your letter of the 20th ultimo, in answer to mine from New Orleans of the 11th April. I regret that my best exertions to ward the Government from imposition and prevent serious difficulties have proved abortive.

Mine of April was in answer to yours of the 8th of March, announcing the disapprobation of the President to the lines run by the commissioners appointed under the Creek treaty. At that time I had no knowledge of the convention entered into with the Cherokees, and addressed you with a hope that I might prevent a hasty surrender of the country, which, for national security, was all-important to be preserved. On the principle of right and justice, the surrender ought never to have been made. The Government has certainly been imposed on. That convention should not have been ratified, unless we are getting like the nations of old, who, having become so hardened, would not listen to the voice of instruction until brought to repentance by the visitation of some serious calamities.

The treaty of 1806 is referred to in this convention as a reason for what has been done. I can either not see, or not understand, if, in the clause relied on, there is any thing like a recognition of boundary or title. The United States undertake, and so declare, that they will use their best endeavors that a settlement of the western boundary of the Cherokees shall be agreed on by the Chickasaws; but, even if it had been an absolute acknowledgment of their boundary, (which is not the fact,) let it be recollected that it was altogether an *ex parte* inquiry, to which the Cherokees were, alone present, and could not or ought not to affect the interest and title of adverse claimants, who were not present and not heard. Why the Government should feel a wish to aggrandize the nation at the expense of other tribes, or against the interest of their own citizens, is unknown. In this matter the Indians—I mean the real Indians, the natives of the forest—are little concerned; it is a stratagem only acted on by the designing half-breeds and renegade white men who have taken refuge in their country. If the course now adopted by the Government is to be pursued, it is difficult to say at what remote period we may calculate on our uniting settlements and giving security to our frontiers: this connexion and security, so important, it was believed, had been secured under the Creek treaty; Georgia, with the Mobile country, and Tennessee were united; the Chickasaws and Choctaws were, under that arrangement, detached from the other tribes, and here security was obtained; the communication between the northern and southern Indians was cut off by the interposition of the white settlements, and thus an additional security was had; but, in one day, at the city of Washington, without any evidence in support of the right, except what was brought forward by a party deeply interested, and in the absence of all testimony in support of other

claimants, is this inquiry taken up, and the surrender made. Can it be right? Either the Creeks had a title, or they had not; if they held under the treaty, it was ceded; if not, it should have been open to investigation, that the certainty of the fact might have been ascertained, and a full adduction of every information that could be had on the subject.

Were I disposed to throw off the military garb and assume the character of a politician, I think it susceptible of argument if the President and Senate have not just as much right in hasty convention to cede away West Florida to Spain as to do what has been done. In the circumstances of the two cases there is a marked resemblance: France cedes the lower country; Spain claims it; the cession makes the title complete; and, if France had any, it estops the President and Senate to give it to any Power whatever. The Creek treaty makes the country ceded, beginning where the Cherokee southern line crosses the Coosa, and running, &c.: these lines are, by the treaty, to be ascertained by commissioners hereafter to be appointed. I understand it to be a maxim both of law and reason that what can be rendered certain is already sufficiently special. Though it was not defined where this line would cross the Coosa, yet when the commissioners, the agents of the Government, came to act, it was their duty to call in and rely on the best evidence they could procure declarative of this fact: this was done; from that moment the title to the ceded country vested in the United States became a part of its territory, and was beyond the control of the treaty-making power.

Agreeably to the present course adopted, I would ask, when will Indian claims be extinguished on our borders? The title is procured of one tribe, another claims it, and from him also is the extinguishment to be had; effect this, and again another claimant presents himself. On the principles pursued by the Government of so carefully avoiding injustice to these tribes as even to be unjust to themselves, I say it is difficult to fix a time when we may expect a connexion of our territory by the possession of their claims: the assent of all will first be necessary to be had; and all will require to be extravagantly paid. With the commissioners there was no difficulty in ascertaining the Cherokee boundary; if their report had been agreed to, all would have been satisfied, except a few designing half-breeds and white men, who have manifested such deep concern on this occasion.

I accord with you perfectly in sentiment that a nation should never acquire advantages, however important, by acts of injustice; and expect you will be equally ready to concede that, for the sake of being over just, that nation should not heap injustice on herself and her own people. Justice and right are concomitant. If a nation has no right to the thing demanded, there can be no justice in acceding to the demand; it may be charity to do so; and then I would deny they could practise this Christian virtue at the expense of their own citizens: I deny it to be good policy to buy the friendship of any nation; it costs too much; for it lasts no longer than the price is recollected and continued; and I very much question, too, if it is not of as much importance to preserve the confidence of our own citizens as that of the Cherokee Indians.

The universal clamor is, that injustice has been done, and that the Indians had no title to the lands ceded. Tennessee, I hope, will never disgrace herself by opposing the Government; but when it is recollected that, in open violation of the orders of the United States, in 1794, a campaign was set on foot that broke the hostile spirit of the Cherokees and secured peace, judging of human nature it may be believed that when these people are ordered from the old Creek villages burnt by General Coffee, and which they aided to conquer, they will feel disposed to wreak their vengeance on this tribe. Common report says that these people, who have settled in considerable numbers on this land, are much enraged; that they are perfectly disposed to meet the views of the Government, but cannot accede to the idea of its being taken away to be given to a people who have no title, and who have been assailing them from the earliest settlement of the country. Should these people be attempted to be removed, how is it to be done? The militia will not answer for this service; they are not to be relied on for such an undertaking, because their feelings are the same with the settlers. If a regular force be resorted to, that force will require to be kept up, or the situation of these people will be hazardous indeed. When I say the militia will not aid in obtaining a surrender of this land to the Cherokees, I speak in reference to the discontents, murmurs, and anxieties manifested by all upon this subject, from whence the conclusion is fairly to be inferred. Enclosed is a letter from the Governor of the State, which will show you how important the country is considered, and how unrighteous and unjust the cession is viewed.

You are mistaken in supposing an army can so readily pass this section of country; it could not be passed in two or three days, as you suppose. There is no point on the Tennessee where a road to New Orleans and Natchez will cross that is less than eighty miles from the Creek village, on the Black Warrior, burnt by General Coffee, below which the line is to cross. A road leading through this country will make the distance not less than one hundred miles. The Flat Rock spoken of in the conversation nobody knows any thing about, unless it be the southeast and northeast corner of where the Choctaw and Chickasaw tribes claim, which is south of the Cotton Gin Port, on Mobile. Should the Choctaw claim prevail, as the Cherokee has done, the country below will contain a very narrow strip of good land, not sufficient to afford supplies adequate to the support of an army necessary for the defence of the lower country.

I have now done: political discussion is not the province of a military officer. As a man, I am entitled to my opinion, and have given it freely.

I have the honor to be, &c.

ANDREW JACKSON.

Hon. WILLIAM H. CRAWFORD, *Secretary of War.*

SIR:

DEPARTMENT OF WAR, June 15, 1816.

Your letter of the 26th ultimo reached the Department this day. In my letter of the 16th April, which enclosed a copy of the convention with the Cherokees, you were instructed to run the line agreeably to that treaty. As you do not state the date of the last letter which you have received from the Department, it is presumed that the letter before referred to had not then been received. A copy of it is enclosed.

As the resignation of General Gaines created the contingency upon which General Coffee was to act, it was thought unnecessary to give any special authority in the case.

Should he decline acting, upon the receipt of the letter this day sent to him, you are authorized and required to run the line agreeably to the treaty, in the absence of both the other commissioners, should Colonel Hawkins not have rejoined you before the receipt of this letter.

The report to which you refer has reached this Department only through Colonel Hawkins, who says he was informed of it by you. It is not an object of any importance at this time, and it is more than probable that an attempt to ascertain its truth would be fruitless.

I am obliged to you for the names of the persons who can establish the frauds practised upon the Government by the agents of the contractor. The matter must be examined, and the culprits exposed to the public indignation.

I have the honor to be, &c.

WM. H. CRAWFORD.

WILLIAM BARNETT, *Huntsville, Madison county, Mississippi Territory.*

SIR:

DEPARTMENT OF WAR, June 19, 1816.

Your letter of the 4th instant has been received this day by the mail. The paper enclosed was produced by the Cherokee deputation which accompanied Colonel Meigs to this place last winter. The whole paper, taken together, certainly presents the idea that the boundaries designated in the first part of it had been agreed upon by the parties, and that you were acquainted with the facts. The note at the bottom of that article asserts that the execution of a convention was deferred upon your advice.

I agree with you that the particular instrument to which your name is subscribed, taken separately, warrants the construction which you have placed upon it. The whole paper, taken together, is certainly calculated to make an impression that is inconsistent with the rational construction of the instrument signed by you, when considered separately. I have no distinct recollection of any representations of Colonel Meigs upon this subject; and, on that account, can only say that he made none which were calculated to remove the impressions which that paper produced, considered as one entire act.

By the proceedings of our commissioners, the Cherokee boundary was considered to extend down the Coosa to the lower end of the Ten Islands. Testimony furnished by Colonel Hawkins establishes the same fact. By our conventions with that tribe, we have admitted that their claim south of the Tennessee extended west as far as Caney creek, and from thence to the Flat Rock, and engaged to endeavor to obtain the Chickasaws' consent to that boundary. This latter tribe have the declaration of General Washington that their title extends over the greatest part of the lands claimed by the Cherokees west of the Chickasaw old fields. All these circumstances, if they do not clearly establish their respective rights, at least prove that there is but little certainty in Indian boundaries. We know that the Cherokee title extends as far south on the Georgia side as the high shoals on the Appalachee, from whence a due west line would strike the Coosa south of the Ten Islands. It is not wonderful that great uncertainty should exist in Indian boundaries, where records are unknown, and where the lands claimed are never wholly occupied. In this state of uncertainty, an enlightened and liberal nation should not set aside the claims of its ignorant and savage neighbors, where they have ever been recognised by any act of the Government. These recognitions have been made in favor of the Cherokees and Chickasaws to the land which you insist belonged to the Creeks. Where we are judges in our own cause, and where the weakness of the other party does not admit of an appeal from our decision, delicacy, as well as a proper sense of justice, should induce us to lean in favor of the claim adverse to ours. I am very far from believing that we have yielded any thing to the Cherokees which they had not a right to demand. In this opinion I may be mistaken, as the evidence is certainly not of the character which amounts to demonstration. We have done, in this case, what I would have done where my individual interest was concerned, and where the decision was left to myself. This is the point of view in which the case ought to be considered. We are in no danger from any act of liberality towards the Indian tribes within our limits. The lands south of the Cherokee line, when settled, will furnish a population equal to the repulsion of any enemy which may be brought to act against it. There is, therefore, no inducement to re-examine this subject, or to question its validity. In an enlightened nation, submission to the laws is the fundamental principle upon which the social compact must rest. No apprehension is entertained of the consequences which you appear to forebode. The treaty with the Cherokees has been approved by the Senate and House of Representatives, and is the supreme law of the land. Submission to it is a duty which will not be neglected. At the same time, it is admitted that the acquisition of this territory is desirable, and no proper occasion for acquiring it will be omitted. The same policy will be pursued with regard to the Chickasaws. The claims of the United States will be pressed as far as justice will admit, and liberal compensation will be offered where their rights are deemed to be valid. For this purpose, you will, in the instructions which will be forwarded, have the most ample powers. The views of the Executive will be fully explained in those instructions, and, I have no doubt, will be approved by an enlightened public.

I have the honor to be, &c.

WM. H. CRAWFORD.

Major General ANDREW JACKSON, *Nashville, Tennessee.*

SIR:

DEPARTMENT OF WAR, June 24, 1816.

In my letter of the 27th of May, you were instructed to renew to the Cherokee nation the offer which was made to their deputation last winter for extinguishing their title to the lands lying west of a line drawn due south from that point of the Tennessee river intersected by the eastern boundary of Madison county. In my letter of the 15th instant, you were directed to use your best exertions to induce the Cherokees to send a deputation to the negotiations which are to be opened with the Chickasaws on the 1st of September next, for the purpose of settling all disputes in relation to boundary between the several Indian tribes represented in that negotiation.

Should you not have an opportunity to act upon the former of these instructions before this deputation shall set out for the Chickasaw nation, or should the proposition be declined, the President desires that you will make every exertion in your power to induce the nation to invest the deputation with full powers in relation to this object.

As these lands are respectively claimed by the Cherokees and Chickasaws, and as it is intended that their respective rights shall be investigated by the American commissioners, the impossibility of agreeing among themselves may lead to a determination on both sides to dispose of their litigated claims to the United States, who are disposed to give them a liberal price for the lands in dispute between them.

I have the honor to be, &c.

WM. H. CRAWFORD.

Colonel RETURN J. MEIGS, *Cherokee Agent, Rhea Court-house, Tennessee.**Extract of a letter from W. H. Crawford, Secretary of War, to Major General Andrew Jackson, dated*

SIR:

JULY 1, 1816.

The ferment produced in the public mind in the State of Tennessee, by misrepresentations in relation to the Cherokee convention, is the more to be regretted as it can only tend to the injury of those who are led astray. That convention, as well as every other which has been, or shall be, ratified by the President, with the advice of the Senate, will be strictly executed, unless the Cherokee and Chickasaw title to the lands in question shall be extinguished by the commissioners appointed to treat with the latter tribe.

The idea attempted to be imposed upon the public by the intruders, that they are ready to remove from their settlements as public property, but not as Indian lands, is too shallow a device to deceive the most inconsiderate.

The most of these intruders have entered upon the land in question since the running of General Coffee's line, and are as liable to be removed as though the act of Congress had never passed. That act provides only for those who had intruded before the 1st day of February last, on the ground that the proclamation was not known before they had entered upon the public land.

The intruders upon the lands in question acted with full knowledge upon the subject, (or, at least, they had the means of knowing that their intrusion was both in violation of the law and the proclamation,) and yet they have the effrontery to talk of submission to the laws. It is easy to make professions, and nearly as easy to devise pretexts for an unlawful act, especially if it is not thought necessary that they should even be plausible: this appears to be the case in the present instance. This delusion must be terminated. The idea of resisting the authority of the Government must not be admitted for a moment. As the execution of the law, should it be resisted, will immediately devolve upon you, as the commanding general of the southern division, it is expected that you will use your influence to arrest this momentary delusion, which, otherwise, may possibly be carried so far as to make the interference of the military indispensable. This unpleasant alternative is by no means apprehended; but the very idea of it ought not to be permitted to exist.

I have the honor to be, &c.

WM. H. CRAWFORD.

Major General ANDREW JACKSON, *Nashville, Tennessee.*

[In answer to the letter of the Secretary of War, dated May 13, 1816.]

FRIENDS AND BROTHERS:

CHEROKEE AGENCY, *July 31, 1816.*

We this day considered the substance of the Secretary of War's letters respecting the cession of land made to the State of South Carolina, concluded at the city of Washington. We have unanimously agreed and confirmed the above cession of land, saving and reserving five tracts of land, each tract to contain six hundred and forty acres, to each of the following improvements, viz: one tract to Samuel Adair, an improvement on the village creek, waters of Fugalo river; one tract to Sally Nicholson, an improvement on the waters of Keowee river; one tract to Nancy Starr, an improvement on the village creek, adjoining to Samuel Adair's improvement; one tract to Waller Adair, on Chattuga river, at a place called Chattuga Old Town; one tract to Samuel Martin, on the waters of Keowee river. The above reserved tracts of land to descend to the above-named persons, their heirs, and assigns, forever. The nature of holding our lands is such, that we hold our lands in common right; the chiefs, therefore, have no right to dispose any Cherokee whatever of his improvement without his consent, which causes us to make the above reserves to the persons above named; and, hoping all the money will be paid in specie as soon as possible,

We remain your friends and brothers, in behalf of the national council,

FOOCHALEE, his × mark.
SOUR MUSH, his × mark.
BOOTS, his × mark.

WALLER ADAIR and THOMAS WILSON, *Clerks.*

SIR:

CHEROKEE AGENCY, *August 8, 1816.*

I feel anxiously concerned on account of the agitation of the public mind in relation to the late commotion of boundary with the Cherokees. I have not time to enumerate the arguments founded on documents or on traditional history that may be advanced in support of that convention; but, so far as I have been able to examine the subject, that convention, in my view, appears to have been correctly made. I have seen observations in the Clarion on that subject, that convince me that the writers were not well informed on the subject of Indian rights, or bearing on their claims. Arguments raised, and deductions and conclusions founded on premises merely assumed, not bottomed on facts, are of no value; and the connecting that subject with the character of the army under your command has an appearance of making a sectional division, which the enemies of our country may avail themselves of. I have reflected on these things with painful sensations.

As to the army under your command, it stands unrivalled in fame. The misconduct of individuals, the depredations committed by some men in an army, do no more commit the military character of that army than the spots in the sun destroy the splendor of that luminary. It may only be compared to the transit of Venus over its disk; its light and heat are not diminished by such adventitious things, which have always happened, and will ever happen, in the course of events. After the conquest of Canada by General Wolfe, General Murray commanded Quebec with a garrison of four thousand men, veteran soldiers; those veterans mutinied, and succeeded; that great general was compelled to make stipulations with them: yet I never heard that the military character of the conquerors of Canada suffered any diminution on that account. Your character, and the character of Coffee, and Carroll, and others, cannot be even touched by the conduct of some unruly, insubordinate men. And to demand the expunging an article of a treaty solemnly made by the constitutional treaty-making power, appears to me to be fraught with an evil of very great magnitude, and cannot add any thing to the acknowledged character of your army.

All the mischief that has been done only proves the acknowledged fact, that men of great virtues may make sometimes aberrations from the right, and, like the tremulous needle, settle to the polar star. My motives for giving you the trouble to read this as supplemental to my letter of the 7th are independent of all selfish considerations.

I have, &c.

Major General ANDREW JACKSON.

RETURN J. MEIGS.

SIR:

CHEROKEE AGENCY, *August 19, 1816.*

The Cherokee chiefs and others having pay due for military service, and on account of spoliations on their property by disorderly men among the troops during the Creek war, assembled here on the 20th July ultimo, agreeably to notice, for receiving their respective dues. The principal business being done, the council broke up on the 3d instant. During their stay here, conferences were had on the subject of obtaining cessions of the lands pointed out by your instructions. Governor McMinn attended in person with Colonel Williams, the commissioner in behalf of the State of Tennessee, to negotiate with the Cherokees for the cession of the lands of that State lying on the north side of the river Tennessee, including the land in the Mississippi Territory adjoining Madison county.

In the course of the several conferences, I made every exertion in my power, and was duly aided by Governor McMinn and Colonel Williams, to induce the Cherokees to relinquish their claim to the lands on the south side of

the river Tennessee, lying within the following limits, that is to say: Beginning at a point where the eastern boundary of Madison county intersects the Tennessee river, and bounded east on a line to be run due south from that point until it shall intersect the line to be drawn from a point opposite the Ten Islands in Coosa river; such course and distance as will strike the "Flat Rock or Stone, the old corner boundary," on a branch of Bear creek; thence, a direct course, to the main source of Caney creek; thence, down the said creek, to its confluence with the Tennessee river; thence with the Tennessee river, in its meanders, to the place of beginning. For this relinquishment and cession I offered them \$6,000 in perpetuity, and that the first annuity arising out of this stipulation should be paid within thirty days after the ratification of the treaty. In this stage of the negotiation there appeared a good prospect of succeeding. It was urged on them that their duty to the Government, which had listened to them while at the city by their deputation, and by the constant care of them, required a compliance with the demands of that Government; that their interest, perhaps their security, required it, (having reference to the agitation of the citizens of West Tennessee;) and although in my opinion groundless, it nevertheless existed. But notwithstanding all that could be done, they the next day gave an answer in the negative, not without some apparent concern, and agreed to appoint a delegation invested with full powers to renew the negotiation with the United States commissioners at the Chickasaw national council-house on the 1st September next. The Cherokee chiefs are to meet on the 20th instant at Willstown; they will there appoint the delegation, who will proceed from that place to meet the United States commissioners at the place above mentioned on the 1st of September.

They refused to comply with the proposals and offers for the lands in the State of Tennessee lying on the north side of Tennessee river. Colonel Lowry would have been entirely willing to comply with the offers made to him, (he retaining the ferry place he now holds on the Tennessee river,) but there were others (not less than thirty or forty families) on that land; some of them have very valuable possessions, among whom are George Lowry, a brother of Colonel Lowry, Major James Brown, and John Brown. The chiefs objected to the price, (\$20,000;) and the principal settlers on that land urged it as a hardship to be removed without remuneration. It was not in my power, and Governor McMinn and Colonel Williams would not take on themselves the responsibility of offering more. Governor McMinn will probably be at the council in the Chickasaw nation. With respect to confirming the treaty made conditionally at the city by the Cherokee deputation for South Carolina, they also objected to the consideration, (\$5,000;) but they, as they expressed it, agreed to confirm that treaty, but annexed conditions that deprive it of half its value—by reserving five tracts for individuals, probably the most of the good land on that tract. This was deemed entirely inadmissible, as it could not be received clogged with new conditions. I enclose their answer.

Notwithstanding we failed in our efforts here, I have no doubt of their complying with and agreeing to cede the lands southwest of Madison county. They have been informed of the state of the popular mind in West Tennessee; and, whether right or wrong, it equally affects their interests. But, independent of these circumstances, it is evidently their interest to cede that land to the United States, and I am confident they will do it.

I received two letters from General Jackson, making use of strong language in reproaching the convention with the Cherokees, both with respect to boundary and the grant to indemnify the Cherokees for spoliation on their property, asking me for an explanation of the last. I have sent him a copy of all the claims, with such explanations as I think ought to remove his objections. I sent him certificates from Brigadier General White and Brigadier General Doherty, and, if it were necessary, could have sent a hundred. The more I examine those claims, the more I am convinced that they are just and ought to be paid. There may be instances of fraud—I know of none such. I had a doubt about the great claim of Ratcliff, and inquired of numbers about it; they all, except one, replied to me that Ratcliff had very large stocks of cattle. When he came for pay, I questioned him and explained to him the nature of an oath, and required of him to make affirmation of the truth of his account of loss; which he did, before I paid him, solemnly, in the presence of the Great Spirit.

I wrote two letters to General Jackson, (one of the 6th, one of the 7th, and one supplemental to that of the 7th, dated the 8th instant,) a copy of which I send by this conveyance. An attempt to expunge an article of a treaty as a peace-offering to groundless demands! What a monstrous perversion of language to say that drawing a line between two Indian tribes is a cession to either of them. By the nature of the compact between the United States and Cherokees, they were considered as in a state of minority. The United States, by the first treaty held with them, have the exclusive right to regulate trade and to manage all their affairs as they think proper, as expressed in the ninth article of the treaty of Hopewell in 1785. This language undoubtedly includes the right of the allotment of land. When the Government, therefore, propose to them an alteration of their boundary line for a valuable consideration, they, in fact, have not the right to refuse a compliance with such proposal. We have never told them this in plain language, because we wish them to see their true state and condition; they cannot carve out for themselves. If the compacts between them and the United States were dissolved, and they left as an independent community, their ruin, their annihilation as a distinct people, would very soon be a consequence of such fictitious independence. I am one of the last men that would infringe their rights. I would lead them to civilization without injuring an individual, until they gradually and almost imperceptibly become blended with ourselves. And to effect this, they must circumscribe their immense limits; for while they can roam through extensive forests, (where in this mild temperature they can partly subsist themselves on the spontaneous productions,) they will not make use of their physical or mental faculties to raise themselves up. "Poor human nature, alone, revolts at the thought of the labor required and the sacrifices to be made to arrive at a state of civilization."

One of the scribblers in the Clarion, a paper edited at Nashville, has the audacity to say, "Who ever heard of the spoliations on the Cherokees, except through the channel of the convention?" and proceeds to ask, "What services have the Cherokees rendered in the war?" It may be answered that thousands witnessed both; that, in nearly all the battles with the Creeks, the Cherokees rendered the most efficient service, and at the expense of the lives of many fine men, whose wives and children and brothers and sisters are mourning their fall. A number of the widows and children have applied to me for something for support, and I have advanced them some aid—perhaps in the whole to the amount of \$100. Some of these have made repeated applications for aid, but I was compelled to deny them, having no authority to do it. I shall as soon as possible recommend a person to be appointed an assistant or deputy in this agency.

I have the honor, &c.

RETURN J. MEIGS.

P. S. If the convention of boundaries with the Cherokees shall be suffered to be mutilated, or altered in any way to deprive the Cherokees of their rights to the land as secured by that convention, or of the pay for spoliations, it will be unjust. Human ingenuity cannot make a convention better founded on justice and on the best evidence the nature of the case could possibly admit.

The writers on this subject in the Nashville papers only show their inability and their utter incompetency for discussing the subject.

R. J. M.

Hon. WILLIAM H. CRAWFORD, *Secretary of War.*

SIR:

EXECUTIVE OFFICE, *October 25, 1816.*

Your confidential and esteemed favor of the 2d instant came safe to hand by the last mail. I have read its very interesting contents with my utmost attention, and very much esteem the plan for its marked circumspection, and at the same time for its liberality in point of the exercise of the power it is intended to convey.

I must beg your excellency's goodness in assuring the President of the United States that I shall equally guard against a construction of his orders which might lead to a profligate waste of blood or treasure, as I would against a parsimonious policy, which eventually might lead us into a state of difficulty and danger, without the means of being extricated; and further to express to the President that, if his highly beneficial and honorable administration is not to close without again unsheathing the sword, the citizen soldiery of Tennessee, who were last in the field at the close of the late war, will ardently thirst to be in the front at the commencement of the next.

With high consideration, &c.

JOS. McMINN.

HON. WILLIAM H. CRAWFORD, *Secretary of War Department.*

SIR:

EXECUTIVE OFFICE, KNOXVILLE, *October 25, 1816.*

I do myself the honor of addressing you on the subject of a treaty with the Cherokee Indians, authorized by your order of the 27th May last, for extinguishing their entire claim to lands on the north side of Tennessee river.

According to existing statutes, Tennessee was called upon to participate in the expense, and, by the same authority, became vested with a qualified power to aid in the formation of treaties within a given space. Colonel John Williams was therefore appointed commissioner, who, with myself, attended at the Cherokee agency in the latter part of July, when your instructions were read and explained, and the sum total ordered to be given was distinctly proposed by Colonel Williams in the precise manner contained in your directions before referred to.

The proposition, however, resulted contrary to our earnest wishes, and even to an expectation which was generally entertained in the latter stage of the negotiation, (the close of which took place on the 3d August,) or rather the adjournment, as the Indians proposed that we should have an interview prior to Colonel Williams setting out for Washington city, and for the result of which I beg leave to refer you to that gentleman.

In the mean time, however, I determined to make another experiment with them at the Chickasaw agency, and for which purpose I obtained the favor of General Jackson under a special commission to renew your proposition of the 27th May last, to which General Jackson made the following report: "The Cherokees would not cede their claim north of Tennessee, but are inclined, and as I believe will, shortly tender to the United States their whole territory where they now live for lands west of the Mississippi." "They say," continued he, "if we sell our lands north of the Tennessee river, we will not have sufficient area left to obtain by barter a sufficient country west of the Mississippi for our whole nation." Thus, it seems, that part of the negotiation ended.

Since the policy of the Cherokees appears to be in favor of exchanging territory, I would beg leave to be indulged in suggesting to your honor the propriety of renewing to the Cherokees a proposition made to them during the administration of Mr. Jefferson for an exchange of territory as heretofore stated, with such modifications as you may deem expedient. And I will here ask your permission to offer one or two for your consideration.

1st. That each able-bodied male Cherokee embracing the plan shall be furnished at some suitable point west of the Mississippi with a good new rifle gun, some powder, lead, &c.; and allot to those who choose to remain where they now reside, say six hundred and forty, or one thousand acres of land to each family, to them, their heirs, &c. during their continuance thereon; and each Cherokee Indian thus settled to be considered as entitled to all the rights of a free citizen of color of the United States, to be subject to the payment of taxes for their lands, polls, &c.

2d. And should any one or more of the Cherokees to whom lands have been allotted, their heirs or legal representatives, incline to dispose of their land claim with its improvements, they may be at liberty to sell, but to none other than an American citizen, and that on a lease for say five or ten years; at the expiration of which lease the land shall revert to the United States, unless it should lie within the limits of some particular State, the Legislature of which shall dispose of said lands at discretion.

Very respectfully, &c.

JOS. McMINN.

HON. WILLIAM H. CRAWFORD, *Secretary of Department of War.*

SIR:

EXECUTIVE OFFICE, *October 26, 1816.*

I take the liberty of forwarding one other extract from General Jackson's letter to me of the 16th instant, in the following words: "We have obtained from the Cherokees and Chickasaws all the disputed territory on the south side of the Tennessee, and all the Chickasaw claim north of that river."

This tract of country is the one which excited so much sensibility within the State of Tennessee through the course of last summer, and it was not until the views of the General Government were in some measure disclosed that its fury could be repelled; but, sir, at present the most zealous and turbulent are hushed into a pleasing silence, and the former high confidence reposed by the citizens in the Executive and heads of departments, so far as I see and hear, is entirely restored; and, for myself, I most ardently regret its absence for a moment.

I presume I stand enrolled in your office as one of the discontented, and I became so from having a very ancient and tolerably accurate knowledge of the country, and the vast importance it would be to the nation at a period perhaps not very remote from the present; and this opinion will be demonstrated should a state of war render it necessary to march an army to Mobile, or its neighboring points of fortification. To have the possession we now enjoy of this country will not only facilitate, but it will render secure, the transportation of military stores to a more satisfactory extent than if taken through the dominions of any nation, however well disposed. But there is a second reason of at least equal weight with the preceding one. This immense territory will enable us to consolidate our settlements from Lake Erie, on the north, to the St. Mary's, Mobile, &c. on the south. These being the two extremes of the nation, and liable to attack by our late as well as by our anticipated enemy, renders the acquisition of this country valuable almost beyond description.

My third and last reason why I felt so very solicitous that the Indian claim should be extinguished to the country in question was for the special benefit of my fellow-citizens of Tennessee. The possession of that country will enable not only the citizens of Tennessee, but also those of the western counties of Virginia, to find a market for their surplus produce and domestic manufactures infinitely nearer home than any other which has been or ever will be discovered.

My object in first addressing this letter was, in the first place, to point out to your view some of the national and special advantages which I have supposed would result; and, if you conceive the positions laid to be founded in truth and national policy, I pray you to have the goodness to believe that they formed the only motive from which I acted. And the copy of my letter addressed to General Jackson, which I have already presumed is in your office, is the only paper in existence written on this subject to which my signature does appear, except what I had previously written to General Jackson; and, on the score of private interest in relation to this subject, I have not now, nor do I ever expect to possess to the amount of one cent.

In the second place, I beg leave to tender to the President of the United States, and to you as the head of the War Department, my grateful obligations, my entire approval of and high esteem for the able, frank, and friendly manner in which a period was placed to the first and only transaction through the whole of Mr. Madison's administration which did not receive the warm and decided approbation of the citizens of Tennessee, whose cheerful acquiescence, in the present instance, I beg leave to enrol with that of, sir,

Hon. W. H. CRAWFORD, *Secretary of War.*

Yours, &c.

JOS. McMINN.

SIR:

CHEROKEE AGENCY, *November 8, 1816.*

I have had the honor to receive your letter of the 18th September last. Your observations relating to the present condition and future prospects of the Cherokee nation, both in this country and on the Arkansas river, correspond perfectly with my ideas. You observe that "the chiefs of that nation must be sensible that they cannot much longer exist in the exercise of their savage rights and customs; they must become civilized, or they will finally (as so many tribes have already) become extinct."

I have a long time been of this opinion, and have stated the same ideas to such of them as I thought capable of comprehending the subject. These ideas have lately apparently gained ground amongst them; a considerable number are in preparation to move to the Arkansas, where they contemplate to continue agriculture and manufactures, and the means of school education. Some of their first characters have recently expressed their determination to remove to that country. They find that pressures on them for cessions of land will probably be soon made from Tennessee, South Carolina, and Georgia; and although they can, in the first instance of the application, say *no*, at the same time they feel that they cannot long resist reiterated applications; and they anticipate that in this way their limits will be circumscribed. And this is not all they have to fear: for many of them will migrate to the west, *land or no land*. And in this way they will crumble to pieces, and their identity as a nation will be lost; to prevent which it is clear to me that they must exchange their land here for land west of the Mississippi river; there they may preserve their national existence to some more remote period. They are aware, even if placed on the west of Arkansas, that they must probably make cessions of lands to the United States in that country, but they presume that they shall be less pressed on that subject there than here; and to guard against, or rather to provide for, such a contingency, it has been suggested to me by an intelligent Cherokee, that, in allotting a tract of land for them on Arkansas river, it would be well for them, and no damage to the United States, to have only three definite lines drawn to designate such allotment, leaving the boundary westward open as a wilderness; so that, as they make cessions on the east side, they may make proportionate advances on the west. He added that he did not require the United States to buy out the Indian rights, if such existed; that the Cherokees would manage that in their own way. This state of things I have some years expected would take place, and, in order to place the subject of exchange in a more specific point of view, I have drawn for my own satisfaction the form of a treaty or convention of an exchange of land with the Cherokees—it is only an essay, but we must begin somewhere—a transcript of which will accompany this letter. It will be found, by calculation, that the cost of the articles enumerated in the second article for the encouragement of agriculture, domestic manufactures, and for hunting, will amount to about \$20,000. The articles for the chase and for agriculture are of the first necessity for them on their arrival in that country. They must the first year make crops of corn for bread; they will suffer the first year unless they have the means of acquiring a subsistence ready at hand. It is a great thing to remove such a number of families to that country, and will cause a great expense. They will require a considerable number of boats to move their families of old men and young children, and such articles for housekeeping as are necessary for them. The men will principally go with their live stock by land, by way of Chickasaw Bluffs. The whole expense of moving, which will amount to some thousands of dollars, I have omitted in the estimate. Whether this expense ought to be borne by themselves or by Government, is a question for consideration. It appears to me that the expense of making the exchange ought greatly to exceed what I have stated above. The sum, as contemplated above, is only a *feather* contrasted with the advantage to be derived to the United States by the exchange. The garrison ought not to be considered as an expense incurred on this account, because we ought to have strong posts on the western frontier; and the factory, it may be presumed, will maintain itself. If the Spanish patriots succeed prosperously, we shall have good neighbors; but if Ferdinand shall rule Spanish America, we shall have bad neighbors: it cannot be otherwise, because superstition and fanaticism will quarrel with liberality in religion and politics.

I beg leave to hazard my opinion that if \$100,000 should be expended, to be paid by proper instalments, to effect this exchange, it would be but just. The Cherokees think they have suffered great loss by the inaccuracies of land transactions with them formerly, (not from design, but from inevitable errors,) since the first treaty with them under the American Government in 1785. By the contemplated exchange we shall gain eleven or twelve millions of acres of land in the very place, above all others, where we could wish it to strengthen our country towards the sea-coast. Georgia will be made immensely rich by the exchange, Tennessee will acquire a very great addition to her wealth, and the United States will have a valuable tract for sale lying within the limits of the Mississippi Territory. Some people are willing to consider the Indians as devoid of those sentiments which we feel. Many of them have strong local attachments to the country where the bones of their fathers are deposited; some of them are well settled as able farmers. It is easily conceived, therefore, that, to induce them to move, it must be done by holding out to them real, solid, and substantial advantages. The Indians are very slow in their negotiations; it will take time to effect such an important change in their circumstances; and, as far as I can discover, they would prefer having the business in question done at the seat of Government. If not done there, it will be necessary to have two or three commissioners appointed, of very respectable characters; and if of high rank, the better; they have a strong predilection in favor of rank.

My tour to Turkeytown, and in attending trial of the two Indians, having been particularly requested, has prevented me from earlier answering your letters. I have lost by those hindrances twenty-seven days. Governor McMinn and Colonel Williams are very desirous to have a deputation of Cherokee chiefs to go to the city during the session of Congress on the business of the exchange. It is very doubtful at present whether the Cherokees will be prepared by their consultations soon enough to go before very late in the winter or early in the spring. Would it not be well to have the subject of the exchange of lands laid before the Cherokees in a specific form, or as nearly so as the nature of the business will admit? Perhaps it might be best to have a number of copies printed and cir-

culated amongst them, because the chiefs never conclude any very important business before they find the popular sentiments of their people. I had omitted to mention that the Cherokees are not half of them armed, and those arms they have are generally bad and wanting frequent repairs. If they remove, they must have one or two good armorers, besides the common blacksmiths; these last can be induced, without any expense to the Government, except by doing work expressly required by order of the agent.

I have the honor, &c.

RETURN J. MEIGS.

Hon. WILLIAM H. CRAWFORD, *Secretary of War.*

SIR:

NASHVILLE, *November 12, 1816.*

On the 4th ult. General Meriwether and myself advised you of the ratification of the treaty made with the Cherokee delegates by a full council of their nation, and that it would be forwarded by our secretary, Lieutenant Gadsden, as early as possible. Lieutenant Gadsden has been detained here longer than was anticipated by indisposition, and in preparing copies of proceedings and instructions required by the commissioners. I have detained him likewise that he might be the bearer of the Choctaw treaty; but I have as yet received no intelligence from the commissioners treating with that nation, and am apprehensive they have encountered difficulties not anticipated.

I forward by Lieutenant Gadsden a statement of the application, in part, of the five thousand dollars remitted on account of the Indian department, as also my account of necessary expenditures, and a blank to be filled with the amount of compensation due me as commissioner. This being extra service of the most unpleasant nature, I presume I am entitled to some additional emolument, though I freely declare that I should not have urged a claim had it not been for the loss sustained by the death of my horses, amounting to more than my allowance as commissioner. It is the first time I have claimed compensation, though I might have done so for the treaty held with the Creeks in 1814. Should it be allowed, the blank in the duplicate receipt may be filled up, and the amount of my whole demand may be either passed to my credit in the Accountant's office, or a draft on the Nashville Bank transmitted me. It may be necessary to state (as appears on the face of my account) that Lieutenant Gadsden's expenses as private secretary are included with those of my own.

Major Wm. O. Butler, who was employed to run the experimental line from this place to Lake Pontchartrain, so as to ascertain the nearest practicable route for a road, returned a few days since, being compelled by indisposition to abandon the prosecution. Nearly the whole party were seriously attacked with fever, and two of the soldiers, from their low state, had to be left in the nation. As Major Butler's health will not permit him to resume this duty, I have, agreeably to your instructions, engaged a Mr. Hugh Young with the pay and emoluments of a captain of infantry, with a promise (as authorized in one of your communications) that he should be nominated to the Senate as an assistant topographical engineer. Mr. Young has been well recommended by Major Dent, judge advocate of the United States army, and says to me, in a writing, that he stands well recommended in the War Office for appointment. He is a native of Baltimore, of good connexions, as I am informed, and possesses talents improved by an excellent education. I have, therefore, to request that the promise made to him may be fulfilled. He will set out on the duties assigned him in a day or two, and will commence where Major Butler discontinued his operations. Major Butler had proceeded about eighty miles to the southwest of the Tennessee, and, when compelled to discontinue his operations, must have been about twenty miles southeast of the Cotton Gin Port, on the Tombigbee.

I have received several communications of late from the Ordnance Department on the subject of suitable positions for military depots in the western country. I had the honor of addressing you on this subject last spring, recommending Baton Rouge as an eligible site for such purpose; and, in a subsequent communication to Colonel Bomford, I have pointed out those advantages. It was not contemplated, however, that any thing more than arsenals for the reception of arms sufficient to supply the military stationed in the eighth department, and the militia of Lower Louisiana, on any sudden emergency, should be erected at that point.

From the extent of our country, it is necessary for its defence that many minor depots should be erected, all dependant for supplies on some large establishment in an interior and safe position. It is injudicious to depend on these large depots in cases of emergency; their remote situation from the exposed portions of our country and vulnerable points of attack preclude the possibility of that early and efficient aid which may be necessary; and the delays in the transportation, which are often unavoidable, may (as experience has proven) jeopardize the safety of a country. With these remarks, I observe that, in addition to Baton Rouge, and other situations which may hereafter be occupied as minor depots, it is absolutely necessary that some large establishment should be formed in this southwestern country for the supply of these lesser or minor ones, with workshops attached for the fabrication of arms, and repair of such as may be injured in the southern service. The situation of Pittsburg is too remote for these objects; the navigation from thence is often obstructed, and arms, &c. subjected to an increased and heavy charge for transportation.

The whole southern country from Kentucky and Tennessee to Mobile has been opened by the late treaties, and, from a knowledge of that country, I know of no situation combining so many advantages, and so well adapted for a large depot well stored with all the munitions of war as the lower end of the Muscle shoals, on the Tennessee river. From hence the navigation to the Ohio is unobstructed at all seasons of the year, and may be performed in two days. The falls of the shoals may be diverted into any channels, and adapted to any machinery. Shoal creek, which empties into the Tennessee half a mile above this position, is literally paved with iron ore. Extensive saltpetre caves are now in operation up the Tennessee river; and it is reported that a well-supplied cave has lately been discovered on the late Chickasaw cession. Flint abounds on the Tennessee, and I need not advert to the facility with which lead may be obtained from the Upper Mississippi.

The distance from the Muscle shoals to the navigable waters of the Tombigbee is but sixty miles, and from the Coosa eighty. This short land portage will enable Government (should it ever become necessary) to transport arms, &c. down those waters for the supply of Mobile and its dependencies. But what constitutes the chief advantage of this position is, its being at the very point where the military road contemplated to be opened must cross the Tennessee, and, consequently, on the very route of troops moving from the upper to the support of the lower country. Hence the troops may rendezvous at the depot, receive all their arms, accoutrements, &c., and transport themselves to the scene of action. Their services performed, and on their return march, they can re-deposit their arms received, to be repaired and prepared for future use.

With great respect, &c.

ANDREW JACKSON, *Major General Com'ding.*

P. S. I have just received a communication from General Coffee, stating that they [the commissioners] have concluded a treaty with the Choctaws, by which they have obtained a surrender of all their lands east of the Tombigbee.

Hon. Wm. H. CRAWFORD, *Secretary of War.*

SIR:

DEPARTMENT OF WAR, *May 20, 1816.*

Enclosed you will receive instructions for holding a treaty with the Choctaw nation, for the purpose of adjusting the limits of the Creek cession as far as it interferes with the Choctaw boundary. You are required to adopt the measures necessary to convene the chiefs of that nation with the least possible delay, and to give the earliest information of the time and place of the convention to your colleagues. The President expects that you will use your best exertions to prepare the Choctaws to make the relinquishment which is desired. Considering the nature of Indian title in general, and the benefit which they derive from their lands, the sum which you are authorized to give is deemed liberal; but when the doubtful nature of the claim of that nation to the land in question is taken into view, the sum may appear rather extravagant. The President is desirous of erring (if necessary to err) on the side of liberality to the Indians, who have been our auxiliaries in the late war; and, in the event of future wars, may be rendered more useful to the United States. Every effort must be used to convince them that we require nothing of them but what is compatible with their rights and consistent with their interests.

The factor will be instructed to furnish you with the merchandise necessary for making presents to the principal chiefs. A liberal and judicious distribution of these presents among the most influential chiefs may have the most beneficial effects upon the negotiation.

I have the honor to be, &c.

WM. H. CRAWFORD.

Col. JOHN MCKEE, *Choctaw Agent.*

GENTLEMEN:

DEPARTMENT OF WAR, *May 20, 1816.*

The Choctaw and Chickasaw nations having set up claims to a part of the lands supposed to have been ceded to the United States by the treaty concluded with the Creek Indians at Fort Jackson, in the year 1814, the President has deemed it expedient to inquire into and decide upon their validity; or to obtain a relinquishment of them, for a valuable consideration, before they are surveyed and offered for sale.

To attain this object with the least possible delay, it has been determined to appoint commissioners, who, in conjunction with the chiefs of the Choctaw nation, shall have authority to investigate the conflicting claims of the two parties, and to decide upon them definitively. Confiding in your judgment, discretion, and patriotism, the President has selected you for the discharge of this important trust.

In all our transactions with the Indian tribes in amity with the United States, the appearance of force or menace should be sedulously avoided. Whilst the claims of the Government are distinctly presented, and asserted with firmness, theirs should be heard with patience and respect.

Considering the uncertainty which is generally found in definitions of Indian boundaries, it is not surprising that the claims of the United States under the treaty with the Creek Indians should be contested by all the tribes whose hunting grounds are conterminous with the lands acquired by that treaty. The cause which produces these contentions necessarily renders the testimony upon which they are to be decided vague and unsatisfactory. Under these circumstances, it is deemed advisable not to scrutinize with too much rigidity the evidence which shall be produced in support of their claim, provided that the relinquishment of their title can be obtained for a fair consideration. In fixing the sum which shall be given to them, due regard will be had to the extent of country claimed, and to the nature of the title which they shall establish, which, in no case, shall exceed an annuity of \$6,000 for twenty years, and \$10,000 in presents to the principal chiefs. For this sum, a full relinquishment of title to the lands claimed by the Choctaws lying east of the Tombigbee may reasonably be required of them. The possession of the left bank of this river is so important to the United States, that their right to it under the Creek cession cannot be relinquished by treaty. The importance of having a natural boundary, such as the Tombigbee river, from one end of their country to the other, cannot be overlooked by them. Its advantages should be explained and enforced upon every suitable occasion.

If, after hearing the testimony which shall be produced, the claim of the United States to the lands on the east bank of that river should appear to be doubtful, and the Choctaw nation shall refuse to relinquish their title for the consideration which you are authorized to give them, you must terminate the negotiation without entering into any convention upon the subject. The claims of both parties will remain unimpaired, until, under more favorable auspices, the controversy shall be amicably adjusted. With a view to this adjustment, you are authorized to distribute such presents among their principal chiefs as, in your opinion, will tend to hasten the attainment of that object.

Colonel McKee, one of your colleagues, will be charged with convening the chiefs of the Choctaw nation, and will give you timely notice of the time and place of the negotiation.

As a compensation for your services, you will receive eight dollars a day for the time you are actually employed in the negotiation, and in going to and returning from the treaty, besides your necessary expenses. Your secretary will be allowed five dollars a day and his necessary expenses.

I have the honor to be, &c.

WM. H. CRAWFORD.

General JOHN COFFEE, JOHN RHEA, Esq., and Colonel JOHN MCKEE,
Commissioners, &c. to treat with the Choctaw Indians.

SIR:

CHOCTAW AGENCY, *July 1, 1816.*

I am making ready, and in a few days will set out for the eastern part of the nation, to prepare for the contemplated negotiation with the Choctaws. There is nothing to prevent the assembling of the Indians immediately, but the uncertainty of procuring a sufficient supply of provisions at the new factory, which, in every other respect, is the most proper place. As soon as I am assured of provisions, I will notify my colleagues and the Indian chiefs. Among the difficulties in the way of a successful negotiation, (and if we had again occasion for the services of these people in the field, they would, I fear, be serious,) are the following claims against the United States, to which I beg leave again to call your attention.

1st. Claims presented in my letter of the 22d August, 1815, from Nashville. I told the claimants that I had made the reference to the Department of War, and entertained hopes that, if the accounts were not admitted in their present shape, some person would be ordered to audit and settle them.

2d. Many of the people living on the road had furnished provisions to the Tennessee and Kentucky militia on their passage through the nation, taking the orders of the commanding generals on the quartermaster's department in Tennessee. Of these orders, I took on upwards of \$2,000 for collection last summer. Mr. Lewis, the quartermaster, had resigned before I got to Nashville, and payments were suspended till a successor could be appointed. I left the drafts in the hands of Mr. Sommerville, who writes me, on the 19th May, "they [the drafts] must be sent to the city of Washington for examination." This arrangement will subject these illiterate people to loss and vexation; ignorant

as they are, how, at this late hour, are they to obtain payment for provisions so long ago sold to a Government in which they had the most implicit confidence?

3d. Pay due to the warriors who have been in the service of the United States. In some cases, muster-rolls have been made out and transmitted to the Department; in other cases, they never were made out. The company officers could not do it. I had at the time so many other duties to attend to, that it was out of my power, and there were no other persons who considered it as their duty. About six hundred, who were with me destroying the enemy's settlements on the Black Warrior, in January, 1814, are in this situation, as well as upwards of seven hundred who were at Alabama Heights in the spring following. Whilst on the subject of claims against the Government, permit me to solicit your attention to the charge of Turner Brashears, exhibited in my letter of 30th November, 1814, and referred to in those of 31st December, 1815, and 1st April, 1816. Having so often referred this particular case to the Department of War, I am unwilling to pay it on my own responsibility, though I have no doubt of its justice, (as far, at least, as the beef and corn,) and I hope to be honored as early as possible with your decision.

I have the honor to be, sir, your obedient servant,

JOHN MCKEE.

Hon. Wm. H. CRAWFORD, *Secretary of War.*

SIR: MOUNT LAWRENCE, CHOCTAW TRADING-HOUSE, July 13, 1816.

I find it is impossible to have at this place either the provisions or goods necessary for the contemplated treaty with the Choctaws much sooner than the 15th day of October, and have appointed that day for the meeting, and notified my colleagues and the chiefs of the nation.

This will afford time to receive the decision of the Government on the subjects embraced in my letter of the 1st instant, which will, in all probability, have a great influence on the issue of the negotiation.

I will proceed in a few days to New Orleans, to superintend the selection of the goods for the occasion, with a view to the fancy of the Indians, especially in articles of clothing and ornaments for the chiefs.

I have the honor, &c.

JOHN MCKEE.

Hon. Wm. H. CRAWFORD, *Secretary of War.*

SIR: CHOCTAW TRADING-HOUSE, July 20, 1816.

In reply to your inquiry relating to the murder of the two Choctaws by white men in the settlement of Basset's creek, in the summer of 1813, I hand you the accompanying paper, and make no hesitation in adding my opinion that the Choctaw nation is entitled to some satisfaction for the murder. The persons who killed the Indians can have no other excuse for conduct so rash than the circumstance of some Choctaws having joined the Creeks in the war which was about that time breaking out with us.

I am, &c.

GEORGE S. GAINES.

Col. JOHN MCKEE, *Agent to the Choctaws.*

FRIEND AND BROTHER:

AUGUST 9, 1813.

I am sorry to inform you that two of my relations have been barbarously, and without any just cause, killed by some of your people, and that at a time when we are in the sincerest bonds of friendship with your nation; I therefore wish you to inform me for what cause was this murder committed on my people, whether it was through mistake or accident, and what my people had done to provoke them to this act. My people who are living at Passechuker are near to me, and I do not wish the white people to injure them. As soon as the corn of my people is dry enough to eat, I will call them all into the nation, as it is not my wish that any of them should join the Creeks in the war with your people.

I have four men and a woman missing; they were innocently pursuing their avocations near the place where this massacre on my people took place; should any of your people have taken them prisoners, thinking them to be Creeks, you will please to treat them kindly, and send them to their own land. With regard to this murder committed on my nephews, the man who was wounded gives the following account: they had been some time encamped hunting and collecting beeswax and honey to trade with your people; with that intention they went to a house, where, finding the people had gone, they started to return to their camp; on their way, they shot a hawk; in a little time they saw a number of white people armed, and on horseback; they called to them in a friendly manner; when they came near to them, they offered them their hands as usual, but the white people surrounded them, took them, disarmed them, and tied them; they then led them to a place about three miles from where they took them; then they intended to kill them. Under this impression, they endeavored to escape: the sequel you are too well acquainted with. The guns your people took are two rifles and a shot gun, also a keg of honey. Six of my men I have sent to you with this letter. You will endeavor to send me the guns your people took in this unfortunate affair, and pay for the keg of honey, which belonged to the wounded Indian who fortunately made his escape.

It is my wish that the road between our people be always kept white; I want no blood spilt between us; I want you to answer my letter without delay, and hide nothing from me.

The President of the United States I have seen; I have given him the hand of friendship; his people I love; to him I look for injuries committed on my nation. Your quarrel with the Creeks I have nothing to do with; I love peace, and wish to remain so. As soon as my people can return to their own land and secure their corn, your people may treat as enemies any they find among the enemies of white people.

My friendship for you and your people, I again repeat, is sincere, and I hope will always remain so.

Your friend and brother,

POOSHEMATAHA, his \times mark.

SIR: NASHVILLE, August 14, 1816.

The importance of a good military road direct to New Orleans and Mobile has induced the Government to direct the undersigned to have it explored, run, marked, and opened, with the least possible delay. For this purpose they have instructed me to employ an assistant topographical engineer, who will be entitled to the pay and emoluments of a captain of infantry. Finding it impossible to procure a character competent to the task, at this season of the year, for the compensation authorized, and the safety of the lower country requiring that this duty should

be executed with as little delay as possible, it has become indispensable to order you to perform it, for which you will receive the additional compensation, as an assistant topographical engineer, as specified above.

You will therefore, with as little delay as possible, proceed to run a line from Nashville to the Tennessee river, south, 20° west, marking where it crosses all public roads, watercourses, &c., noting the same in a journal to be kept for that purpose, and describing the country through which the line passes. When you reach the Tennessee river, you will explore the banks on each side, and select a good place for crossing with a ferry boat, and report the same to me at Campbell's, at the lower end of the shoals, at which place I shall be on the 24th instant. You will be governed in the selection of the crossing by the point at which you strike the shoals; as the crossing cannot be in them, it must be above or below. The course directed is supposed to be the direct course to Orleans, hence the propriety of making the crossing place of the Tennessee river as near a straight line as the river and country on the south side will permit. As soon as you fix upon the point on the Tennessee river, you will proceed to run, measure, and explore the country to Lake Pontchartrain, in a direct line, calculating the variation you have made from south 20° west run to the river; marking in your journal all the remarkable places, watercourses, swamps, and general face of the country through which you pass. You will advise me of the point at which you cross the Tombigbee as early as possible.

When you reach the lake, you will proceed to Chefuncty, taking the course and direction from the point you strike, make your calculations, and return in a direct line to the point at which you crossed the Tennessee, provided that proves the shortest practicable route for a road to Nashville; if not, you will take any other route that will accomplish the above object. You will mark the direction by which you return, so that it may be traced and followed by those ordered to superintend the opening of the road.

You will explore the country on both sides through which the road passes, and carefully note its general appearance. To assist you in this duty, I have employed an excellent woodsman to accompany you, and who will be under your orders. When you enter the Choctaw nation, you will employ a confidential Indian as a pilot, who is well acquainted with the country to the lake.

Colonel Butler, acting as quartermaster general, is instructed to procure and furnish you with the necessary supplies.

The importance of a good military road to Orleans (the emporium of the West) and Mobile, running the nearest and best way, and the confidence reposed in your integrity, skill, and enterprise, have induced the commanding general to assign to you the duty of exploring the country and selecting the route, being well assured it will be performed with skill and despatch.

Respectfully, yours, &c.

ANDREW JACKSON,
Commanding Division of the South.

To Major WM. O. BUTLER,
1st Regiment United States infantry.

SIR:

NASHVILLE, August 18.

I am directed by the honorable Secretary of War to hold a treaty with the Chickasaw Indians on the 1st of next month, in conjunction with Jesse Franklin, Esq., of North Carolina, and General Meriwether, of Georgia, at the old council-house in said nation.

I am advised by the agent of the Chickasaws (Col. Cocke) that he has no instructions to provide the necessary supplies for the Indians and commissioners during the treaty.

I have received no instructions from the Secretary of War on this subject, nor can I learn that any measures have been adopted by the Department of War to insure a supply for the Indians expected to attend the treaty. Evil consequences may result from calling them together and having no supplies for them; to prevent which, I have to request that you will undertake, as agent for the commissioners, to lay in the necessary supplies for the Indians and commissioners.

Your duty in this capacity will be to provide a wagon at this place for the transportation of the necessary supplies for the commissioners and principal chiefs that may attend the treaty. Herewith I enclose you a memorandum of such articles as I think will be needed, leaving you to add such as you may think will be wanted. None of these articles can be procured in the nation.

As soon as you have accomplished this, you will proceed to the nation and procure such a supply of beef, corn, &c. as you may judge sufficient, from the information you may receive from the agent, interpreters, and principal chiefs, for the probable number that will attend, calculating on a delegation of twenty from each of the other tribes.

You will make engagements for the delivery of the beef, corn, and flour, at or near the council-house. The agent informs me that he has engaged a small quantity of flour, which you will receive and pay for. In all things you will consult economy, but you must procure a sufficient supply.

The wagon must set out by the 19th instant. I enclose you a check for \$500 to cover the first expenses, and you will have to draw on me for any additional funds that may be necessary.

Yours, &c.

ANDREW JACKSON,
One of the commissioners to treat with the Chickasaws.

Memorandum of necessaries to be purchased by Mr. J. Hutchings.

Two boxes of claret.
One barrel of good whiskey.
One hundred pounds of coffee.
Two hundred pounds of sugar.
Four dozen knives and forks.
One dozen spoons.
Sixty pounds of rice.
Three loaves of white sugar.

One barrel of biscuit.
Four tin dishes, assorted.
Two dozen tin plates.
Two ovens.
One frying pan.
Two dozen tumblers.
One coffee pot.
Two tin buckets.
One keg of molasses.

J. HUTCHINGS, Esq., &c.

SIR:

NASHVILLE, August 18, 1816.

I wrote you on the 20th ultimo, calling your attention to the subject of supplies to be furnished the Indians and commissioners during the treaty to be held in the Chickasaw nation. Having received no reply to that com-

munication, being further advised by Colonel Cocke that he had no authority for making the necessary provisions, and knowing the evil that may arise from assembling the Indians without being prepared to administer to their wants, I have been induced to appoint Captain John Hutchings as agent for this purpose. I have advanced to him five hundred dollars, with authority to draw on me for such additional sums as may be requisite in making the necessary purchases and arrangements. A copy of instructions delivered Captain Hutchings is herewith enclosed, with a hope that they will meet with your approbation.

I leave this on the 20th for the Chickasaw nation. As yet, I have no intelligence of Major Franklin or General Meriwether, but trust I shall meet them at the place and time appointed.

Finding it impossible to procure a capable person to run the line and mark the direction of the road to Mobile and New Orleans for the compensation authorized, and knowing the importance of ascertaining the point from whence the road would leave the Tennessee and cross the Tombigbee river previous to the approaching convention with the Chickasaws and other Indians, I have been induced to order Major William O. Butler to perform this arduous duty, promising him the extra compensation of an assistant topographical engineer. A copy of his instructions is herewith enclosed.

With respect, your obedient servant,

ANDREW JACKSON.

The Hon. WILLIAM H. CRAWFORD.

SIR:

DEPARTMENT OF WAR, *September 13, 1816.*

Upon my return from the State of Georgia, your letters of the 1st and 20th of July last were laid before me. I am fearful that some of the difficulties in the way of a successful negotiation with the Choctaws cannot be removed in time. The claims presented in your letter of the 22d of August, 1815, are under the examination of the Accountant of the War Department, and will be allowed as far as the existing regulations will permit. The mass of business which had accumulated in the Accountant's office during the war has been so great as to induce the National Legislature to appoint an additional Accountant; but even this assistance will not be sufficient to secure the immediate settlement of old accounts. No time, however, will be lost in adjusting those of the Indian department.

The claims which you have left with Mr. Sommerville had better be sent on without delay, as it is more than probable their irregularity will render the sanction of the Secretary indispensable. All the Indian claims of this nature which have been presented have been found to require this sanction.

Payment has been ordered upon the muster-rolls which have been forwarded to this Department, and the money will be sent to you for that purpose as soon as the pay-rolls are made out by the paymaster general. This would have been done long since, but the muster-rolls were sent to the superintendent of Indian trade, who sent them to this office with other papers, by which means they have been overlooked until the receipt of your letter of the 1st of July.

The pay which is due to the other warriors will be discharged upon the production of the best evidence which can, at this time, be procured; which evidence you are now authorized to obtain with as little delay as possible. It is expected that you will accompany the evidence in support of their claims with such remarks as will enable the Department to decide with some degree of correctness upon them. Your opinion of the justice of the claims will necessarily have great weight. In the case of those employed on the Black Warrior, under your immediate command, it is supposed you will have no difficulty. In the case of those employed on the Alabama, the best evidence which can be obtained will be sufficient to secure them their pay.

You are authorized to pay the account of Turner Brashears as far as you are satisfied of its justice, and shall be credited for whatever amount you shall pay.

The letter of the 5th of April, in which you say the case of Wayna is mentioned, has never been received at this Department; it is therefore impossible that any decision can be made, as there is no trace of the claim except the incidental mention of it in your letter of the 20th of July last.

The request for a gin to be built for the use of the nation will be submitted to the President, who will, no doubt, order it to be erected. Cotton cards will be supplied by the superintendent of Indian trade without delay, and others will be presented to them as soon as the will of the President can be known.

Complaints of the Indians of the murder of their people by the whites must be inquired into as early as possible, with a view to do them ample justice. This inquiry is confided to you by the President. The enclosed account is transmitted as possibly having some connexion with the complaint. The murders complained of may have been committed by parties of the hostile Creeks, or other tribes not in amity with the Choctaws.

I have the honor to be, &c.

WILLIAM H. CRAWFORD.

Colonel JOHN MCKEE, *Choctaw Agent.*

SIR:

CHOCTAW AGENCY, *November 18, 1816.*

I had the honor to receive your several letters of the 2d, 13th, and 23d September last, whilst occupied in the negotiations for the late treaty with the Choctaws, which afforded me neither time nor opportunity to reply to them before my return to the agency.

I have not yet, but expect in a few days, the information necessary to a satisfactory compliance with the resolution of Congress of 27th April last, and will not delay a moment in transmitting it to you.

The letter of the 13th September arrived in good time, and had, in my opinion, a very happy effect, if not on the issue of the treaty, at least in soothing the wounded spirit of the Choctaws; for it would be misleading the Government to conceal that they were considerably mortified to find the Creek claims on Tombigbee waters more generally and zealously advocated than theirs. The papers Nos. 1 and 2 will present to the view of the President their wishes; and granting them to a reasonable extent would, I think, have a happy effect on the temper of these people. The mechanics, judging from the effect produced by those already employed, would accelerate their approximation to the habits of the whites; and schoolmasters, well selected, would aid very much in the great work of civilization.

No. 3 is a petition signed by some of the most respectable citizens in Wayne county, and the Choctaw chiefs of the district adjoining.

No. 4 covers all I have been able to collect relating to the killing of two Choctaws on Bassett's creek, east of Tombigbee, in the summer of 1813. The mingo Pooshemataha seldom fails to introduce this subject in council. He thinks, and so do most of the respectable inhabitants from the neighborhood where the act was committed, that these Indians were very improperly killed.

No. 5 is a statement of the murder of Tehoachabby, on Washita, during last winter. I have little doubt but this statement is substantially correct. In similar cases, I believe the Indians have heretofore accepted money as an atonement for the blood of their relations. I find from a memorandum book of my predecessor, that, in some cases more doubtful than those now reported, two hundred dollars were paid as an atonement for the life of a man. I am not authorized to say that this sum would be satisfactory in these cases; for, although I infer from their manner of applying to me that money would satisfy them, having no instructions on the subject, I never inquired what sum would meet their expectations.

No. 6 is the copy of my letter of the 5th April, stating Wayna's complaint, referred to in my letter of 20th July, and which had not been received at the Department.

I have fortunately been enabled to avail myself of the services of Thomas H. Williams, Esq., secretary to the late Choctaw commission, to go through the nation to collect and report a list of such Choctaws as have performed military service during the late war, and were not mustered, and such other claims as remain unliquidated and appear to be just; which I hope he will be able to complete before Christmas.

The late acquisition of territory bordering immediately on the eastern settlements of the Choctaws will, in my opinion, require an assistant in this agency, to reside on the Tombigbee, or here, if the agency should be removed to that place, as the Indians have requested. I have no person in view for such an appointment, (if it should meet the approbation of the President,) unless Mr. Nicholas Byers, late United States factor to the Cherokees, could be induced to accept it; he is honest, firm, and well acquainted with the Indian character. Such an assistant might be of great service on that frontier, until the parties, from their necessary intercourse, could become acquainted with each other, and would aid in promoting civilization among the Indians, which their narrowed limits render more necessary now than ever.

I have the honor to be, with very great respect and esteem, sir, your obedient servant,

JOHN McKEE.

The Hon. WM. H. CRAWFORD, *Secretary of War.*

[NOTE.—The papers referred to in this letter from Nos. 1 to 6 are not now to be found.]

Extract from the minutes of a conference held with the Choctaws, at the Choctaw factory, by the commissioners of the United States.

THURSDAY, October 24, 1816.

David Folsom, as the organ of the Choctaw commissioners, stated that it was unanimously agreed to cede the land lying east of the Tombigbee river; that the Choctaws were always anxious to please their father the President of the United States, who had on so many occasions manifested his kindness towards his red children; was sorry to learn that the Creeks claimed the country in question as being within their original boundary; that the claim was unjust; that the land belonged to the Choctaws, who were now wishing to cede it to the United States, because there seemed to be some difficulty about the title, which they were anxious to remove, and, above all, were desirous, by thus complying with the President's wishes, to afford a strong demonstration of their respect for and attachment to him. He was instructed, he said, to urge some points in favor of the nation, before the negotiations were brought to a close, which he proceeded to state as follows:

1st. That the purchase money for the land about to be ceded should be paid in hand; or, if that was inadmissible, that the annual payments should remain in the hands of the Government, and the nation draw interest thereon. The object of this plan was to create a fund for the rising race to defray the expense of schools and other plans for their improvement.

2d. That the present system of peddling in the nation be prohibited.

3d. That the Choctaw agency be removed to the eastern part of the nation, for the purpose of having the agent's attention more particularly directed to the prevention of irregularities between the new settlers in the ceded territory and the Indians. That, on the other frontier borders, they were already acquainted with the whites, and lived in harmony.

4th. That the Indians have the option of receiving the annual payments in money or merchandise; and that, in either case, the expense and risk to be on the part of the United States.

5th. That the new as well as the old annuity be paid or distributed in future at the trading-house or factory.

6th. That, as many red people are now settled on the western bank of the Tombigbee, who cultivate lands on the east side, some indemnity should be given for their improvements in clearing and fencing their fields.

7th. That, as it has been usual in Indian treaties to make reserves in favor of individuals, the chiefs of the Choctaws in this instance wished to stipulate for reserves east of Tombigbee in favor of some half-breeds.

8th. That the Choctaw nation, in the proposed cession, do not mean to give up the reserve made at Fukitchee-pona, by the treaty of 1805.

He then concluded by inquiring whether the Choctaws would be deprived of the use of the navigation of the Tombigbee.

General Coffee, in behalf of the United States commissioners, replied extemporaneously, and in substance as follows:

With respect to the prompt payment, beyond the sum of ten thousand dollars stated in the proposition, and that the United States should retain in their hands the annual payments, and pay the Indians an interest, they were equally inadmissible.

In relation to new regulations with respect to trade, to removal of the agency, the option of receiving the payments in goods or money, and the place where to be received or distributed, they were questions within the control of the President, who would, no doubt, on the representations of the agent, take such measures as were best calculated to promote the interest and gratify the reasonable wishes of the Choctaws.

SIR:

DEPARTMENT OF WAR, December 4, 1816.

The treaty signed by the commissioners on the part of the United States with the Choctaw nation has been received, and will be approved. As all difficulties on account of conflicting Indian titles are now happily removed, every exertion will be made to complete the surveys, and bring the lands in the Mississippi Territory to market as soon as practicable; and as the opening of the contemplated road from the Tennessee river to the State of Louisiana will, no doubt, have a considerable effect on the price of the land contiguous to the road, it is desirable that the road should not only be marked off, but opened as far as practicable, previous to the sales of the public land. A knowledge of your own opinions on this subject inspires entire confidence, not only in relation to your own exertions, but as to the proper application of the means in your power to the speedy accomplishment of the object.

It is understood from Major Woolley that the requisition made on him for tools, &c. &c. has been complied with. Mr. Young, agreeably to your request, will be nominated to the Senate as an assistant topographical engineer. It would be very desirable, in laying off this road, that the number of the sections of land through which it passes should be noted: this, I presume, can only be done by the combined exertions of the surveyor of the public land and of your assistant topographical engineer.

Your idea relative to a military depot on the Tennessee, at or near the Muscle shoals, is approved; and as it may be expedient ultimately to connect an armory and foundry for cannon with this depot, I have to request that you explore, or cause to be explored by some judicious and capable person in whom you have entire confidence, the country adjacent to the Muscle shoals, for the purpose of selecting such sites as may embrace a command of water, fuel, and iron ore, that the Government may be prepared to make the necessary reservations previous to the sale of the lands. My opinion is that the reservations, altogether, should not be less than thirty thousand acres. The increased value of the lands in ten years will probably be equal to the expenses of erecting the necessary buildings for the establishment.

I have the honor to be, &c.

GEORGE GRAHAM, *Acting Secretary of War.*

General ANDREW JACKSON, *Nashville, Tennessee.*

GENTLEMEN:

DEPARTMENT OF WAR, *December 5, 1816.*

Your communication covering the treaty with the Choctaws has been received, and I am requested by the President to express to you his approbation of the treaty which has happily terminated all our difficulties with the southern Indians. You will draw on this Department for your compensation at the rate of eight dollars per day for the time you were engaged in this business, and for your necessary expenses.

I have the honor to be, &c.

GEORGE GRAHAM,
Acting Secretary of War.

Gen. JOHN COFFEE,
Hon. JOHN RHEA,
Col. JOHN MCKEE,

Commissioners, &c. to treat with the Choctaw Nation.

HEAD-QUARTERS, DIVISION OF THE SOUTH,

NASHVILLE, *December 21, 1816.*

Sir:

Your letter of the 4th instant, acknowledging the receipt of the late treaty with the Choctaws, came to hand by yesterday's mail, and I am happy to learn that the whole of the treaties made with the southern tribes meet the approbation of the President.

Nothing can promote the welfare of the United States, and particularly the southwestern frontier, so much as bringing into market, at an early day, the whole of this fertile country. The proceeds accruing thence to the treasury will be great, and it will also give a permanent population to that frontier competent to its defence; and the sooner the laws can be extended over that section of the country the better.

The importance of the contemplated military road is duly appreciated, and no delay will be permitted after Mr. Young, acting assistant topographical engineer, finishes the line which he is now occupied in running.

I am happy to find that Mr. Young will be nominated for the appointment of assistant topographical engineer; he possesses talents that may, with experience, be usefully employed by the United States; and, as soon as he returns, he will be instructed to note the sections through which the road passes, so soon as the sections are run and marked.

I will, at as early a day as my health will permit, explore the country adjacent to the Muscle shoals for the purpose expressed in your letter, and report the result of my researches to you without delay. I fully agree with you that the reservation of thirty thousand acres is little enough for the grand object contemplated.

I am, very respectfully,

ANDREW JACKSON,
Major General Commanding.

GEORGE GRAHAM, Esq.
Acting Secretary of War.

14th CONGRESS.]

No. 145.

[2d SESSION.

EXCHANGE OF LANDS WITH THE INDIANS.

COMMUNICATED TO THE SENATE, JANUARY 9, 1817.

Mr. MORROW, from the Committee on the Public Lands, who were instructed by a resolution of the 25th ult. "to inquire into the expediency of authorizing, by law, an exchange of territory with any of the Indian tribes," reported:

That, from a view of the proceedings of Government relative to the extinguishment of Indian title and the settlement of vacant lands, it appears to have been a policy early adopted that new settlements which became necessary from the increase of population should be formed on the adjoining vacant territory, and proceed by a regular advance, so as to preserve always a compact population on the frontier. Anterior to the Revolution, that policy seems to have been pursued. The proclamation of the King of Great Britain of the 7th of October, 1763, prohibited settlements being made on the Indian territory, and the purchase of their lands by unauthorized persons. It also restricted the grants for new lands to certain defined limits. The first ordinances of the Congress under the confederation for disposing of the public lands were formed on the same principles of policy. But circumstances not originating in the measures of our Government imposed the necessity of a departure from the

system first adopted. Several settlements, distant from the mass of population, and detached from each other, were embraced by the boundaries of the United States as established by the treaty of 1783. These settlements had been early formed under the Government of France, and the inhabitants had from thence derived titles to lands which were recognised as valid, and as citizens they had a just claim to defence and protection. The most easy and certain measure for their security, and to afford them defence, was the increase of their population. The Indian title to the adjoining lands was extinguished; and these separate settlements extended, while extensive intervening territory lay vacant, still subject to the claim of Indian title. The acquisition of Louisiana by the treaty of 1803 has still more increased the irregularity of the frontier boundary, and added to the number of distant and detached settlements.

The evils and inconvenience resulting from the irregular form of the frontier are manifest. While separate settlements, or such as project with a narrow front far into the Indian country, are formed, the causes of provocation to hostility with the Indian tribes are multiplied, and at the same time the means of protection and defence proportionally diminished. Where so many assailable points are presented to an enemy, the expense would be incalculable (and, indeed, no force within the means of Government can be adequate) to afford complete protection.

The present irregular form of the frontier, deeply indented by tracts of Indian territory, presents an extended boundary on which intercourse is maintained between the citizen and the savage, the effect of which on the moral habits of both is not unworthy of regard. It is an intercourse by which the civilized man cannot be improved, and by which there is ground to believe the savage is depraved; not being sufficiently enlightened to receive a favorable impression from the virtues of civilization, while he is exposed to the contagion of its vices.

The committee are of opinion that the proposition contained in the resolution on which they are instructed to report is better calculated to remedy the inconvenience and remove the evils arising out of the present state of the frontier settlements than any other within the power of the Government. The removal of the Indian tribes from their lands surrounded by and contiguous to our settlements will give place to a compact population, and give strength to the means of national defence. This, however, can only take place with the voluntary consent of those tribes, and must be effected by negotiation and treaty in the usual manner. Those tribes have been recognised so far, as independent communities, as to become parties to treaties with us, and to have a right to govern themselves without being subject to the laws of the United States; and their right to remain in possession of the lands they occupy, and to sell them when they please, has been always acknowledged. Whether any legislative aid (beyond that of appropriation of money) is necessary for forming treaties for exchange of territory with the Indian tribes, is questionable. The grant of power to make treaties is undefined by the constitution; it has been considered to extend to all subjects proper for treaty regulation with other independent States, except the cases in which the special grant of power to other branches of the Government may operate as a restriction to its exercise. The question as to the power of alienating any portion of the public domain, by treaty or otherwise, is not involved in the present case. The contemplated exchange is no other than a transfer of the Indian *right of possession* from one portion of the public domain to another. This transfer cannot be made without the agreement of a community independent of our laws; hence it only can be effected by a treaty with them. The incompetency of the treaty-making power to act in the proposed case, without a legislative authorization, is inferred from the power granted to Congress "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." It is probable that, viewing this provision as fixing a limit to the power of making treaties for an exchange of territory with Indian tribes, a former Congress did by law authorize the President to stipulate with the Indian tribes residing east of the Mississippi for an exchange of lands the property of the United States on the west side of that river; that law remains yet in force, except the appropriation provided by it, which must have passed to the surplus fund. No other legislative provision appears necessary on the subject of the resolution, but an appropriation of such sum of money as will enable the President to carry into effect the provisions of the former law, and form treaties with the other tribes for that purpose. The committee have not the means for ascertaining the quantity of lands to which the Indian title is extinguished west of the Mississippi that may be appropriated for the residence of tribes who may consent to remove; but it is believed there will be a deficiency, should several tribes give their consent, after a proper reservation is made, for settlements in that quarter. In estimating the appropriation to be made, the expense of negotiations with the tribes west of the Mississippi for lands to be applied for the purpose in view, must be taken into consideration. From the foregoing, the committee respectfully submit the following resolution:

Resolved, That an appropriation be made, by law, to enable the President of the United States to negotiate treaties with the Indian tribes, which treaties shall have for their object an exchange of territory owned by any tribe residing east of the Mississippi for other land west of that river.

[14th CONGRESS.]

No. 146.

[2d SESSION.]

EXCHANGE OF LANDS WITH THE INDIANS.

COMMUNICATED TO THE SENATE, JANUARY 17, 1817.

SIR:

DEPARTMENT OF WAR, WASHINGTON, *January 16, 1817.*

In compliance with the resolution of the Senate of the 14th of this month, requesting information respecting the "exchange of lands with any of the Indian tribes now completed, or contemplated under the act of Congress approved on the 26th day of March, 1804, entitled 'An act to erect Louisiana into two Territories, and to provide for the temporary government thereof,'" I have the honor to enclose the papers marked A, B, C, and D, which embrace all the information relative to the measures which have been taken in relation to an exchange of lands with the Cherokee nation of Indians.

I have the honor to be, with great respect, your most obedient, humble servant,

GEORGE GRAHAM, *Acting Secretary of War.*

The Hon. JOHN GAILLARD, *President of the Senate.*

A.

My Children, deputies of the Cherokees of the upper and lower towns:

JANUARY 9, 1809.

I understand by the speeches which you have delivered me that there is a difference of disposition among the people of both parts of your nation; some of them desiring to remain on their lands, to betake themselves to agriculture and the industrious occupations of civilized life, while others, retaining their attachment to the hunter's life, and having little game on their present lands, are desirous to remove across the Mississippi, to some of the vacant lands of the United States, where game is abundant. I am pleased to find so many disposed to insure, by the cultivation of the earth, a plentiful subsistence to their families, and to improve their minds by education; but I do not blame those who, having been brought up from their infancy to the pursuit of game, desire still to follow it to distant countries. I know how difficult it is for men to change the habits in which they have been raised. The United States, my children, are the friends of both parties, and, as far as can reasonably be asked, they will be willing to satisfy the wishes of both. Those who remain may be assured of our patronage, our aid, and good neighborhood; those who wish to remove are permitted to send an exploring party to reconnoitre the country on the waters of the Arkansas and White rivers—and the higher up the better, as they will be the longer unapproached by our settlements, which will begin at the mouths of those rivers. The regular districts of the government of St. Louis are already laid off to the St. Francis river. When this party shall have found a tract of country suiting the emigrants, and not claimed by other Indians, we will arrange with them and you the exchange of that for a just portion of the country they leave, and to a part of which, proportioned to their numbers, they have a right. Every aid towards their removal, and what will be necessary for them there, will then be freely administered to them, and, when established in their new settlements, we shall still consider them as our children, give them the benefit of exchanging their peltries for what they will want at our factories, and always hold them firmly by the hand.

I will now, my children, proceed to answer your kind address on my retiring from the Government. Sensible that I am become too old to watch over the concerns of the seventeen States and their Territories, I requested my fellow-citizens to permit me to retire, to live with my family, and to choose another President for themselves, and father for you. They have done so, and in a short time I shall retire and resign into his hands the care of your and our concerns. Be assured, my children, that he will have the same friendly dispositions towards you which I have had, and that you will find in him a true and affectionate father: indeed, this is now the disposition of all our people towards you. They look upon you as brethren, born in the same land, and having the same interests. Tell your people, therefore, to entertain no uneasiness on account of this change, for there will be no change as to them. Deliver to them my adieus, and my prayers to the Great Spirit for their happiness. Tell them that, during my administration, I have held their hand fast in mine, and that I will put it into the hand of their new father, who will hold it as I have done.

TH: JEFFERSON.

B.

Extract of a letter from William H. Crawford, Secretary of War, to Messrs. Clark, Edwards, and Chouteau, commissioners, &c., St. Louis, dated

MAY 27, 1816.

The adjustment of the Cherokee claim to the settlements they have made under the permission given them by Mr. Jefferson, will necessarily occupy your attention. It is difficult to give precise instructions upon this subject. In deciding upon it, you must keep in view the fact that the Cherokee nation refuse to make any cession of their lands in consideration of the settlements which have been assigned to their countrymen. This may have proceeded, in some degree, from a knowledge that no lands had been specifically assigned to the Cherokee emigrants by the United States. In any arrangements of this kind, there ought to be an express provision that an assignment should not be binding upon the United States unless the same extent of country should be ceded by the Cherokees who have not emigrated, or at least an extent of country equal to what the emigrants would be entitled to upon an equal partition of their lands according to their relative numbers.

C.

GENTLEMEN:

DEPARTMENT OF WAR, September 12, 1816.

The extracts mentioned in the postscript of my letter of the 11th instant, not being prepared at the closing of the mail, are now forwarded, together with an extract from a letter from this Department, under date of the 27th of May, 1816, to the commissioners, to whom the complaints of the Cherokees on the Arkansas have been referred. The bearing of these papers upon the negotiations in which you are engaged is so obvious as to require no explanation from me.

Should an arrangement be made, founded upon the principle of exchange as contemplated by Mr. Jefferson and the Cherokee emigrants, a cession adjoining the settlements of Georgia may possibly be obtained. A part of the lands ceded by the Cherokees to the State of Georgia in the treaty of 1783 was relinquished by the treaty of 1790, a considerable portion of which has never been receded, and none of it regularly. That part, at least, ought to be receded, and if the cession could be extended to the Chattahoochee, it would not be more than what the State had a right to expect. This, however, is mentioned rather as what is expected than what is attainable. General Meriwether, one of the commissioners, is fully acquainted with all the circumstances, and will give the explanations which may be necessary, should there be a prospect of obtaining a cession.

I have the honor to be, &c.

WILLIAM H. CRAWFORD.

General ANDREW JACKSON,
DAVID MERIWETHER, and }
JESSE FRANKLIN, Esqs. } *Commissioners, &c.*

D.

Extract of a letter from William H. Crawford, Secretary of War, to Messrs. Clark, Edwards, and Chouteau, commissioners, &c., St. Louis, dated

SEPTEMBER 17, 1816.

Upon the subject of an eventual cession from the Osages or Quapaws becoming necessary to secure the Cherokee emigrants in their possessions, no precise instructions can be given. Those settlements were made upon an understanding which has never been fulfilled, or even acknowledged by the Cherokee nation, since that period. On the contrary, when urged upon that point last winter, they rejected the idea of exchange of lands in consideration

for those upon which their emigrant brethren had settled, and said that they should be compelled to return and live with the nation. They even refused to consider them as entitled to any part of the annuities payable to the Cherokees.

This subject has been referred to the commissioners now holding a treaty in the Chickasaw nation with the four southern tribes. Should the condition upon which the settlements upon the Arkansas were founded be recognised by the nation, it will then become the duty of the United States to provide permanently for those emigrants, by securing them in the peaceful enjoyment of their possessions. Should the nation, however, persevere in the sentiments by which their deputation was animated last winter, all obligation on the part of the United States is extinguished. To their own nation they must look for indemnity for any losses which they may sustain in consequence of their emigration. The United States cannot be bound if the conditions on the other part are violated.

The result of the pending negotiation will remove all doubt on the subject, either by releasing us from all obligations, or by defining the extent of the duties imposed upon us in relation to the settlers upon the Arkansas.

14th CONGRESS.]

No. 147.

[2d Session.]

CLAIM OF THE CREEKS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 29, 1817.

Mr. LOWNDES, from the Committee of Ways and Means, to whom had been referred a resolution instructing them to inquire into the expediency of making an appropriation to satisfy the claims of the friendly Creek Indians whose property was plundered by the hostile Creeks, in consequence of their attachment to the United States, reported:

That the foundation of a claim on the part of the friendly Creek Indians to an indemnity for the losses which they sustained from hostile Indians of their own tribe is best explained by the instrument delivered by them to General Jackson on the 9th August, 1814. In this they say: "We call ourselves, as we are, masters of the land. We have adhered faithfully in peace and war to our treaty stipulations with the United States. Finding that General Jackson, in drawing the lines around our country, to retain so much of that conquered from the hostile Indians as he deemed just, found it necessary, for political motives and purposes, to run a line within which there is a great quantity of lands, actually our property, for which he, as an equivalent, leaves to the conquered Indians lands between Coosa and Tallapoosa, we do not deem the exchange as an equivalent. It shall not, however, interfere with running the line, as we rely on the justice of the United States to cause justice to be done us. And, on these conditions, we request that General Pinckney's letter of the 23d of April, to Colonel Hawkins, and the answer thereto, of the 25th, be sent on with the treaty, which we will sign after delivering this instrument." The remainder of the instrument was designed to confer donations of land, and is not connected with the subject referred to the consideration of the Committee of Ways and Means. It is included among the documents which accompany this report, and which also comprise several letters from Colonel Hawkins on the subject of the Indian claim, and minutes of occurrences at Fort Jackson during the negotiation.

In delivering this instrument, the speaker (of the Creeks) urged "that it should be sent on to the Government, with the treaty and the letters" from General Pinckney and Colonel Hawkins; "and after this, they would sign with the general. The general said he would send up his secretary with the treaty and documents mentioned; and such of the Indians then present, who have claims, might make them out, lodge them with him, and his secretary should take them with him; which was done accordingly."

The plan of signing the treaty of cession, and accompanying it by a declaration of their claims, appears to have been supported by the advice of Colonel Hawkins, the United States agent. This gentleman writes to the Secretary of War that "he feels that the chiefs, by their confidence in the United States, will not have to reproach him for advising them to concede this line of accommodation." The instrument delivered to General Jackson, the Indians consider, according to Colonel Hawkins, as their part of the treaty.

In the letter referred to in this instrument, General Pinckney tells Colonel Hawkins that "he may inform the [friendly] Indians that the United States will not forget their fidelity; but, in the arrangements which may be made of the lands to be retained as indemnity, their claims will be respected, and such of their chiefs as have distinguished themselves by their exertions and valor in the common cause will also receive a remuneration in the ceded lands, and in such manner as the Government shall direct."

These extracts appear to the committee to be sufficient to show that, if the friendly Creeks are to be considered as having consented to the cession made by the treaty of 1814, it was only on the condition that their claims to indemnity should not be disregarded. Congress, indeed, may be considered as having recognised their claim by the act of the last session for the relief of Samuel Manac, one of their number.

At the time of the treaty, the friendly Creeks would have been satisfied, in the opinion of Colonel Hawkins, to have received as an indemnity for their losses the sum of \$60,000. As it is to be considered in some measure a claim under a treaty, as they seem to have expected that some fixed sum would be distributed among them as an equivalent for their losses, and as to do so will be to make it the interest of each sufferer that the losses of another shall not be exaggerated beyond their real amount, the committee believe that it will be best to appropriate a definite sum to be applied, under the direction of the Secretary of War, to indemnify the friendly Creek Indians for property destroyed by the hostile Creeks, in fair proportion to their losses.

[14th CONGRESS.]

No. 148.

[2d Session.]

TRADE AND INTERCOURSE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 4, 1817.

Mr. THOMAS, from the Committee on Indian Affairs, to whom were referred two resolutions on the 19th of December, 1816, reported:

That the capital appropriated for the prosecution of Indian trade was, in 1809, augmented from \$200,000 to \$300,000, which sum, by succeeding acts, has been continued down to this period. Of the capital thus appropriated, \$290,000 have been drawn from the treasury, and actively employed under the direction of the superintendent of Indian supplies. Under the various laws enacted for the support and encouragement of Indian trade, eight factories or trading posts have been established at the following points:

1. Fort Mitchell, Georgia.
2. Chickasaw Bluffs, Mississippi Territory.
3. Fort Confederation, on the Tombigbee river.
4. Fort Osage, on the Missouri river, near the mouth of the Osage.
5. Prairie du Chien, on the Mississippi, near the mouth of the Ouisconsin river.
6. At a place not named, nine miles from Natchitoches.
7. Green Bay, on the Green Bay of Lake Michigan, Illinois Territory.
8. Chicago, Lake Michigan.

The committee, averse to the supposition that it was the will of the House that they should present a detailed view of the profit and loss of each particular agency, submit, in relation to the general establishment, that it has been a losing institution; owing, it is presumable, to adventitious circumstances, originating in our recent belligerent state, and not growing out of any defect in the organization or government of the trade. From the first operations of this traffic up to December, 1809, it sustained a loss of \$44,538 36. Since that period the trade has been more successful, it having yielded a profit on the capital actually vested in merchandise of about \$15,000 annually, after covering a loss of \$43,369, which accrued in consequence of the capture of several trading posts by the enemy during the late war.

In this view of the subject the committee have not embraced an item of \$20,000, annually disbursed at the Treasury, for the pay of the superintendent and his clerks, the factors, &c., and which, when applied to the concern, as necessarily it must be, in making an estimate of profit and loss, will absorb the profits arising from the funds employed in trade, and furnish an annual charge against the establishment of \$5,000. This annual loss being sustained by the treasury, pursuant to specific appropriations for the pay of the superintendent and his assistants, is a positive loss to the Government, but not to the concern, in the diminution of its capital, which, under all circumstances, remains stationary. The act of the last session, giving to the President the discretionary power of licensing foreigners to a participation in the Indian trade, is less exceptionable in theory than in practice. With all the guards of the act and precautions of the Executive, it has been found impracticable, under a dispensing power, to avoid the admission of men of the most inflammable and vicious habits. Nor can such be interdicted while the door is left open to foreign traders. Either admit or exclude all. A system partial in its character will, by inhibiting a worthy applicant, do him injustice; and, by permitting the fraudulent speculator, the savage, for whom the provision is made, and the country, are wronged. In the nature of things, the Executive must rely on recommendations, in the exercise of the power deposited with him. And who is it, or what must his character be, that cannot be recommended to presidential patronage?

The committee are apprized that the exclusion of foreigners will be attended with a momentary irritation, and a temporary expense to the nation, as the inhibition will devolve on the Government an obligation to increase its trading posts and augment its Indian capital, so as to supply the wants of such tribes as are now dependant on foreign trade. The prosecution of this policy will be strongly aided by the additional vigor with which the system will inspire the commercial enterprise of the American citizen. The committee have been unable to ascertain, with any degree of accuracy, the amount of capital employed by foreigners in this trade; consequently, they are somewhat at a loss to suggest the amount necessary to fill the vacuum occasioned by the withdrawing of foreign capital. But from the best lights which have been afforded, the committee are induced to believe that \$200,000, in addition to the present appropriation, having the auxiliary exertions of individual enterprise, and aided by a superintendency at St. Louis, would be amply sufficient to accomplish what must be desirable to the Government—the supply of those dependant upon her humanity, upon terms advantageous to both.

[15th CONGRESS.]

No. 149.

[1st Session.]

TREATIES WITH SEVERAL TRIBES.

COMMUNICATED TO THE SENATE, DECEMBER 11, 1817.

To the Senate of the United States:

DECEMBER 10, 1817.

I submit to the Senate, for their consideration and advice, the following treaties entered into with several of the Indian tribes, to wit:

A treaty of peace and friendship made and concluded by William Clark, Ninian Edwards, and Auguste Chouteau, commissioners on the part of the United States of America, and the chiefs and warriors of the Menomonic tribe or nation of Indians, on the 30th of March, 1817, at St. Louis.

A treaty of peace and friendship made and concluded on the 4th of June, 1817, at St. Louis, by William Clark, Ninian Edwards, and Auguste Chouteau, commissioners, on the part of the United States of America, and the chiefs and warriors of the Ottoes tribe of Indians.

A treaty of peace and friendship made and concluded on the 5th of June, 1817, at St. Louis, by William Clark, Ninian Edwards, and Auguste Chouteau, commissioners on the part of the United States of America, and the chiefs and warriors of the Poncarar tribe of Indians.

A treaty concluded at the Cherokee agency, on the 8th of July, 1817, between Major General Andrew Jackson, Joseph McMinn, Governor of the State of Tennessee, and General David Meriwether, commissioners of the United States of America, of the one part, and the chiefs, headmen, and warriors of the Cherokee nation east of the Mississippi river, and the chiefs, headmen, and warriors of the Cherokees on the Arkansas river, and their deputies, John D. Chisholm and James Rogers.

A treaty concluded on the 29th day of September, 1817, at the foot of the Rapids of the Miami of Lake Erie, between Lewis Cass and Duncan McArthur, commissioners of the United States, and the sachems, chiefs, and warriors of the Wyandot, Seneca, Delaware, Shawanee, Pattawatamie, Ottawa, and Chippewa tribes of Indians.

The Wyandots and other tribes, parties to the treaty lately concluded with them, have, by a deputation to this city, requested permission to retain possession of such lands as they actually cultivate and reside on, for the ensuing year.

They have also expressed a desire that the reservations made in their favor should be enlarged, representing that they had entered into the treaty in full confidence that that would be done, preferring a reliance on the justice of the United States for such extension rather than that the treaty should fail.

The Wyandots claim an extension of their reservation to sixteen miles square, and the other tribes in a proportional degree. Sufficient information is not now in the possession of the Executive to enable it to decide how far it may be proper to comply with the wishes of these tribes, to the extent desired. The necessary information may be obtained in the course of the next year; and if they are permitted to remain in the possession of the lands they cultivate during that time, such further extension of their reservations may be made by law, at the next session, as justice and a liberal policy towards these people may require. It is submitted to the consideration of the Senate, whether it may not be proper to annex to their advice and consent for the ratification of the treaty a declaration providing for the above object.

JAMES MONROE.

TREATY WITH THE MENOMONIES.

A treaty of peace and friendship made and concluded by and between William Clark, Ninian Edwards, and Auguste Chouteau, commissioners on the part and behalf of the United States of America, of the one part, and the undersigned chiefs and warriors, deputed by the Menomonic tribe or nation of Indians, on the part and behalf of their said tribe or nation, of the other part.

The parties being desirous of re-establishing peace and friendship between the United States and the said tribe or nation, and of being placed in all things, and in every respect, on the same footing upon which they stood before the late war, have agreed to the following articles:

ARTICLE 1. Every injury, or act of hostility, by one or either of the contracting parties against the other shall be mutually forgiven and forgot.

ART. 2. There shall be perpetual peace and friendship between all the citizens of the United States and all the individuals composing the said Menomonic tribe or nation.

ART. 3. The undersigned chiefs and warriors, on the part and behalf of their said tribe or nation, do, by these presents, confirm to the United States all and every cession of land heretofore made by their tribe or nation to the British, French, or Spanish Governments, within the limits of the United States, or their territories; and, also, all and every treaty, contract, and agreement heretofore concluded between the said United States and the said tribe or nation.

ART. 4. The contracting parties do hereby agree, promise, and oblige themselves, reciprocally, to deliver up all prisoners now in their hands, (by what means soever the same may have come into their possession,) to the officer commanding at Prairie du Chien, to be by him restored to the respective parties hereto, as soon as it may be practicable.

ART. 5. The undersigned chiefs and warriors as aforesaid, for themselves and those they represent, do hereby acknowledge themselves to be under the protection of the United States, and of no other nation, power, or sovereign whatsoever.

In witness whereof, the commissioners aforesaid, and the undersigned chiefs and warriors, as aforesaid, have hereunto subscribed their names and affixed their seals this thirtieth day of March, in the year of our Lord one thousand eight hundred and seventeen, and of the independence of the United States the forty-first.

WILLIAM CLARK,
NINIAN EDWARDS,
AUGUSTE CHOUTEAU.

[Signed, also, by the chiefs and warriors of the Menomonic tribe.]

TREATY WITH THE OTTOES.

A treaty of peace and friendship made and concluded between William Clark and Auguste Chouteau, commissioners on the part and behalf of the United States of America, of the one part, and the undersigned chiefs and warriors of the Ottoes tribe of Indians, on the part and behalf of their said tribe, of the other part.

The parties being desirous of re-establishing peace and friendship between the United States and their said tribe, and of being placed, in all things, and in every respect, upon the same footing upon which they stood before the late war between the United States and Great Britain, have agreed to the following articles:

ARTICLE 1. Every injury or act of hostility by one or either of the contracting parties against the other shall be mutually forgiven and forgot.

ART. 2. There shall be perpetual peace and friendship between all the citizens of the United States of America and all the individuals composing the said Ottoes tribe; and all the friendly relations that existed between them before the war shall be, and the same are hereby, renewed.

ART. 3. The undersigned chiefs and warriors, for themselves and their said tribe, do hereby acknowledge themselves to be under the protection of the United States of America, and of no other nation, power, or sovereign whatsoever.

In witness whereof, the said William Clark and Auguste Chouteau, commissioners as aforesaid, and the chiefs aforesaid, have hereunto subscribed their names and affixed their seals this twenty-fourth day of June, in the year of our Lord one thousand eight hundred and seventeen, and of the independence of the United States the forty-first.

WILLIAM CLARK,
AUGUSTE CHOUTEAU.

[Signed, also, by the chiefs and warriors of the Otooes tribe.]

TREATY WITH THE PONCARARS.

A treaty of peace and friendship made and concluded between William Clark and Auguste Chouteau, commissioners on the part and behalf of the United States of America, of the one part, and the undersigned chiefs and warriors of the Poncarar tribe of Indians, on the part and behalf of their said tribe, of the other part.

The parties being desirous of re-establishing peace and friendship between the United States and their said tribe, and of being placed in all things, and in every respect, upon the same footing upon which they stood before the late war between the United States and Great Britain, have agreed to the following articles:

ARTICLE 1. Every injury or act of hostility by one or either of the contracting parties against the other shall be mutually forgiven and forgot.

ART. 2. There shall be perpetual peace and friendship between all the citizens of the United States of America and all the individuals composing the said Poncarar tribe; and all the friendly relations that existed between them before the war shall be, and the same are hereby, renewed.

ART. 3. The undersigned chiefs and warriors, for themselves and their said tribe, do hereby acknowledge themselves to be under the protection of the United States of America, and of no other nation, power, or sovereign whatsoever.

In witness whereof, the said William Clark and Auguste Chouteau, commissioners as aforesaid, have hereunto subscribed their names and affixed their seals this twenty-fifth day of June, in the year of our Lord one thousand eight hundred and seventeen, and of the independence of the United States the forty-first.

WILLIAM CLARK,
AUGUSTE CHOUTEAU.

[Signed, also, by the chiefs and warriors of the Poncarar tribe.]

TREATY WITH THE CHEROKEES.

Articles of a treaty concluded at the Cherokee agency, within the Cherokee nation, between Major General Andrew Jackson, Joseph McMinn, Governor of the State of Tennessee, and General David Meriwether, commissioners plenipotentiary of the United States of America, of the one part, and the chiefs, headmen, and warriors of the Cherokee nation east of the Mississippi river, and the chiefs, headmen, and warriors of the Cherokees on the Arkansas river, and their deputies John D. Chisholm and James Rogers, duly authorized by the chiefs of the Cherokees on the Arkansas river, in open council, by written power of attorney, duly signed and executed, in presence of Joseph Sevier and William Ware.

Whereas, in the autumn of the year one thousand eight hundred and eight, a deputation from the upper and lower Cherokee towns, duly authorized by their nation, went on to the city of Washington—the first named to declare to the President of the United States their anxious desire to engage in the pursuits of agriculture and civilized life in the country they then occupied, and to make known to the President of the United States the impracticability of inducing the nation at large to do this, and to request the establishment of a division line between the upper and lower towns, so as to include all the waters of the Hiwassee river to the upper town; that, by thus contracting their society within narrow limits, they proposed to begin the establishment of fixed laws and a regular government: the deputies from the lower towns to make known their desire to continue the hunter life, and also the scarcity of game where they then lived, and, under those circumstances, their wish to remove across the Mississippi river, on some vacant lands of the United States: And whereas the President of the United States, after maturely considering the petitions of both parties, on the ninth day of January, A. D. one thousand eight hundred and nine, including other subjects, answered those petitions as follows: “The United States, my children, are the friends of both parties, and, as far as can reasonably be asked, they are willing to satisfy the wishes of both. Those who remain may be assured of our patronage, our aid, and good neighborhood; those who wish to remove are permitted to send an exploring party to reconnoitre the country on the waters of the Arkansas and White rivers—and the higher up the better, as they will be the longer unapproached by our settlements, which will begin at the mouths of those rivers. The regular districts of the government of St. Louis are already laid off to the St. Francis.

“When this party shall have found a tract of country suiting the emigrants, and not claimed by other Indians, we will arrange with them and you the exchange of that for a just portion of the country they leave, and to a part of which, proportioned to their numbers, they have a right. Every aid towards their removal, and what will be necessary for them there, will then be fræely administered to them; and when established in their new settlements, we shall still consider them as our children, give them the benefit of exchanging their peltries for what they will want at our factories, and always hold them firmly by the hand:”

And whereas, the Cherokees, relying on the promises of the President of the United States, as above recited, did explore the country on the west side of the Mississippi, and made choice of the country on the Arkansas and White rivers, and settled themselves down upon the United States lands, to which no other tribe of Indians have any just claim, and have duly notified the President of the United States thereof, and of their anxious desire for the full and complete ratification of his promise; and to that end, as notified by the President of the United States, have sent on their agents, with full powers to execute a treaty, relinquishing to the United States all the right, title, and interest to all lands of right to them belonging as part of the Cherokee nation, which they have left, and which they are about to leave, proportioned to their numbers, including with those now on the Arkansas those who are about to remove thither, and to a portion of which they have an equal right, agreeably to their numbers:

Now know ye, that the contracting parties, to carry into full effect the before-recited promises with good faith, and to promote a continuation of friendship with their brothers on the Arkansas river, and for that purpose to make an equal distribution of the annuities secured to be paid by the United States to the whole Cherokee nation, have agreed and concluded on the following articles, viz:

ARTICLE 1. The chiefs, headmen, and warriors of the whole Cherokee nation cede to the United States all the lands lying north and east of the following boundaries, viz: Beginning at the high shoals of the Appalachee river, and running thence, along the boundary line between the Creek and Cherokee nations, westwardly, to the Chatahoochee river; thence, up the Chatahoochee river, to the mouth of Souque creek; thence, continuing with the general course of the river until it reaches the Indian boundary line, and, should it strike the Turrur river, thence, with its meanders, down said river to its mouth, in part of the proportion of land in the Cherokee nation east of the Mississippi to which those now on the Arkansas, and those about to remove there, are justly entitled.

ART. 2. The chiefs, headmen, and warriors of the whole Cherokee nation do also cede to the United States all the lands lying north and west of the following boundary lines, viz: Beginning at the Indian boundary line that runs from the north bank of the Tennessee river, opposite to the mouth of Hiwassee river, at a point on the top of Walden's ridge, where it divides the waters of the Tennessee river from those of the Sequatchy river; thence, along the said ridge, southwardly, to the bank of the Tennessee river, at a point near to a place called the Negro Sugar Camp, opposite to the upper end of the first island above Running Water town; thence, westwardly, a straight line to the mouth of Little Sequatchy river; thence, up said river, to its main fork; thence, up its northernmost fork, to its source; and thence, due west, to the Indian boundary line.

ART. 3. It is also stipulated by the contracting parties that a census shall be taken of the whole Cherokee nation, during the month of June, in the year of our Lord one thousand eight hundred and eighteen, in the following manner, viz: That the census of those on the east side of the Mississippi river, who declare their intention of removing, shall be taken by a commissioner appointed by the President of the United States, and a commissioner appointed by the Cherokees on the Arkansas river; and the census of the Cherokees on the Arkansas river, and those removing there, and who, at that time, declare their intention of removing there, shall be taken by a commissioner appointed by the President of the United States, and one appointed by the Cherokees east of the Mississippi river.

ART. 4. The contracting parties do also stipulate that the annuity due from the United States to the whole Cherokee nation for the year one thousand eight hundred and eighteen is to be divided between the two parts of the nation, in proportion to their numbers, agreeably to the stipulations contained in the third article of this treaty; and to be continued to be divided thereafter, in proportion to their numbers; and the lands to be apportioned and surrendered to the United States, agreeably to the aforesaid enumeration, as the proportionate part, agreeably to their numbers, to which those who have removed, and who declare their intention to remove, have a just right, including these with the lands ceded in the first and second articles of this treaty.

ART. 5. The United States bind themselves, in exchange for the lands ceded in the first and second articles hereof, to give to that part of the Cherokee nation on the Arkansas as much land on said river and White river as they have or may hereafter receive from the Cherokee nation east of the Mississippi, acre for acre, as the just proportion due that part of the nation on the Arkansas, agreeably to their numbers; which is to commence on the north side of the Arkansas river, at the mouth of Point Remove, or Budwell's old place; thence, by a straight line, northwardly, to strike Chataunga mountain, or the hill first above Shield's ferry, on White river; running up and between said rivers for complement, the banks of which rivers to be the lines; and to have the above line, from the point of beginning to the point on White river, run and marked, which shall be done soon after the ratification of this treaty; and all citizens of the United States, except Mrs. P. Lovely, who is to remain where she lives during life, removed from within the bounds as above named. And it is further stipulated that the treaties heretofore [existing] between the Cherokee nation and the United States are to continue in full force with both parts of the nation, and both parts thereof entitled to all the immunities and privileges which the old nation enjoyed under the aforesaid treaties; the United States reserving the right of establishing factories, a military post, and roads, within the boundaries above defined.

ART. 6. The United States do also bind themselves to give to all the poor warriors who may remove to the western side of the Mississippi river one rifle gun and ammunition, one blanket, and one brass kettle, (or, in lieu of the brass kettle, a beaver trap,) which is to be considered as a full compensation for the improvements they may leave; which articles are to be delivered at such point as the President of the United States may direct: and, to aid in the removal of the emigrants, they further agree to furnish flat-bottomed boats and provisions sufficient for that purpose; and to those emigrants whose improvements add real value to their lands, the United States agree to pay a full valuation for the same, which is to be ascertained by a commissioner appointed by the President of the United States for that purpose, and paid for as soon after the ratification of this treaty as practicable. The boats and provisions promised to the emigrants are to be furnished by the agent on the Tennessee river, at such time and place as the emigrants may notify him of; and it shall be his duty to furnish the same.

ART. 7. And for all improvements which add real value to the lands lying within the boundaries ceded to the United States by the first and second articles of this treaty, the United States do agree to pay for at the time, and to be valued in the same manner, as stipulated in the sixth article of this treaty; or, in lieu thereof, to give in exchange improvements of equal value which the emigrants may leave, and for which they are to receive pay. And it is further stipulated that all these improvements left by the emigrants within the bounds of the Cherokee nation east of the Mississippi river, which add real value to the lands, and for which the United States shall give a consideration, and not so exchanged, shall be rented to the Indians by the agent, year after year, for the benefit of the poor and decrepit of that part of the nation east of the Mississippi river, until surrendered by the nation, or to the nation. And it is further agreed that the said Cherokee nation shall not be called upon for any part of the consideration paid for said improvements at any future period.

ART. 8. And to each and every head of any Indian family residing on the east side of the Mississippi river, on the lands that are now, or may hereafter be, surrendered to the United States, who may wish to become citizens of the United States, the United States do agree to give a reservation of six hundred and forty acres of land, in a square, to include their improvements, which are to be as near the centre thereof as practicable, in which they will have a life estate, with a reversion in fee-simple to their children, reserving to the widow her dower; the register of whose names is to be filed in the office of the Cherokee agent, which shall be kept open until the census is taken as stipulated in the third article of this treaty: *Provided*, That if any of the heads of families for whom reservations may be made should remove therefrom, then, in that case, the right to revert to the United States: *And provided further*, That the land which may be reserved under this article be deducted from the amount which has been ceded under the first and second articles of this treaty.

ART. 9. It is also provided by the contracting parties that nothing in the foregoing articles shall be construed so as to prevent any of the parties so contracting from the free navigation of all the waters mentioned therein.

ART. 10. The whole of the Cherokee nation do hereby cede to the United States all right, title, and claim to all reservations made to Doublehead and others, which were reserved to them by a treaty made and entered into at the city of Washington, bearing date the seventh of January, one thousand eight hundred and six.

ART. 11. It is further agreed that the boundary lines of the lands ceded to the United States by the first and second articles of this treaty, and the boundary lines of the lands ceded by the United States in the fifth article of this treaty, are to be run and marked by a commissioner or commissioners appointed by the President of the United States, who shall be accompanied by such commissioners as the Cherokees may appoint; due notice thereof to be given to the nation.

ART. 12. The United States do also bind themselves to prevent the intrusion of any of its citizens within the lands ceded by the first and second articles of this treaty, until the same shall be ratified by the President and Senate of the United States, and duly promulgated.

ART. 13. The contracting parties do also stipulate that this treaty shall take effect and be obligatory on the contracting parties so soon as the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate of the United States.

In witness of all and every thing herein determined by and between the before-recited contracting parties, we have, in full and open council, at the Cherokee agency, this eighth day of July, A. D. one thousand eight hundred and seventeen, set our hands and seals.

ANDREW JACKSON,
JOSEPH McMINN,
D. MERIWETHER.

[Signed, also, by the chiefs, headmen, and warriors of the Cherokees.]

TREATY WITH THE WYANDOTS, SENECAS, DELAWARES, SHAWANEES, PATAWATAMIES, OTTAWAS, AND CHIPPEWAS.

Articles of a treaty made and concluded at the foot of the Rapids of the Miami of Lake Erie, between Lewis Cass and Duncan McArthur, commissioners of the United States, with full power and authority to hold conferences and conclude and sign a treaty or treaties with all or any of the tribes or nations of Indians within the boundaries of the State of Ohio, of and concerning all matters interesting to the United States and the said nations of Indians, on the one part, and the sachems, chiefs, and warriors of the Wyandot, Seneca, Delaware, Shawanee, Pattawatamie, Ottawa, and Chippewa tribes of Indians.

ARTICLE 1. The Wyandot tribe of Indians, in consideration of the stipulations herein made on the part of the United States, do hereby forever cede to the United States the lands comprehended within the following lines and boundaries: Beginning at a point on the southern shore of Lake Erie, where the present Indian boundary line intersects the same, between the mouth of Sandusky bay and the mouth of Portage river; thence, running south with said line, to the line established in the year 1795 by the treaty of Greenville, which runs from the crossing place above Fort Lawrence to Loramie's store; thence, westwardly, with the last mentioned line, to the eastern line of the reserve at Loramie's store; thence, with the lines of said reserve, north and west, to the northwestern corner thereof; thence to the northwestern corner of the reserve on the river St. Mary's, at the head of the navigable waters thereof; thence, east, to the western bank of the St. Mary's river aforesaid; thence, down on the western bank of the said river, to the reserve at Fort Wayne; thence, with the lines of the last mentioned reserve, easterly and northerly, to the north bank of the river Miami of Lake Erie; thence, down on the north bank of the said river, to the western line of the land ceded to the United States by the treaty of Detroit, in the year 1807; thence, with the said line, south, to the middle of said Miami river, opposite the mouth of the Great Au Glaize river; thence, down the middle of said Miami river, and easterly with the lines of the tract ceded to the United States by the treaty of Detroit aforesaid, so far that a south line will strike the place of beginning.

ART. 2. The Pattawatamie, Ottawa, and Chippewa tribes of Indians, in consideration of the stipulations herein made on the part of the United States, do hereby forever cede to the United States the land comprehended within the following lines and boundaries: Beginning where the western line of the State of Ohio crosses the river Miami of Lake Erie, which is about twenty-one miles above the mouth of Great Au Glaize river; thence, down the middle of the said Miami river, to a point north of the mouth of the Great Au Glaize river; thence, with the western line of the land ceded to the United States by the treaty of Detroit in 1807, north forty-five miles; thence, west, so far that a line south will strike the place of beginning; thence, south, to the place of beginning.

ART. 3. The Wyandot, Seneca, Delaware, Shawanee, Pattawatamie, Ottawa, and Chippewa tribes of Indians accede to the cessions mentioned in the two preceding articles.

ART. 4. In consideration of the cessions and recognitions stipulated in the three preceding articles, the United States agree to pay to the Wyandot tribe, annually, forever, the sum of \$4,000, in specie, at Upper Sandusky; to the Seneca tribe, annually, forever, the sum of \$500, in specie, at Lower Sandusky; to the Shawanee tribe, annually, forever, the sum of \$2,000, in specie, at Wapaghkonetta; to the Pattawatamie tribe, annually, for the term of fifteen years, the sum of \$1,300, in specie, at Detroit; to the Ottawa tribe, annually, for the term of fifteen years, the sum of \$1,000, in specie, at Detroit; to the Chippewa tribe, annually, for the term of fifteen years, the sum of \$1,000, in specie, at Detroit; to the Delaware tribe, in the course of the year 1818, the sum of \$500, in specie, at Wapaghkonetta, but no annuity; and the United States also agree that all annuities due by any former treaty to the Wyandot, Shawanee, and Delaware tribes, and the annuity due by the treaty of Greenville to the Ottawa and Chippewa tribes, shall be paid to the said tribes, respectively, in specie.

ART. 5. The schedule hereunto annexed is to be taken and considered as part of this treaty; and the tracts herein stipulated to be granted to the Wyandot, Seneca, and Shawanee tribes of Indians are to be granted for the use of the persons mentioned in the said schedule, agreeably to the descriptions, provisions, and limitations therein contained.

ART. 6. The United States agree to grant by patent, in fee-simple, to Do-an-quod, How-o-ner, Ron-ton-dee, Tau-yau, Rod-ta-yau, Daw-a-tont, Ma-no-cue, Tau-yau-dau-tau-son, and Hau-dau-u-waugh, chiefs of the Wyandot tribe, and their successors in office, chiefs of the said tribe, for the use of the persons and for the purposes mentioned in the annexed schedule, a tract of land twelve miles square at Upper Sandusky, the centre of which shall be the place where Fort Ferree stands; and also a tract of one mile square, to be located where the chiefs direct, on a cranberry swamp, on Broken Sword creek, and to be held for the use of the tribe.

The United States also agree to grant by patent, in fee-simple, to Taw-aw-ma-do-yaw, Captain Harris, Isahow-nu-say, Joseph Tawgyou, Captain Smith, Coffee-house, Running-about, and Wiping-stick, chiefs of the Seneca tribe of Indians, and their successors in office, chiefs of the said tribe, for the use of the persons mentioned in the annexed schedule, a tract of land, to contain thirty thousand acres, beginning on the Sandusky river, at the lower corner of the section hereinafter granted to William Spicer; thence, down the said river to the east side, with the meanders thereof, at high-water mark, to a point east of the mouth of Wolf creek; thence, and from the beginning, east, so far that a north line will include the quantity of thirty thousand acres aforesaid.

The United States also agree to grant by patent, in fee-simple, to Ca-te-we-ke-sa, or Black Hoof; By-a-se-ka, or Wolf; Pom-the, or Walker; She-men-etoo, or Big Snake; Otha-wa-keseka, or Yellow Feather; Cha-ka-lo-wah, or the Tail's End; Pemthala, or John Perry; Wabepee, or White Color, chiefs of the Shawanee tribe, residing at Wapaghkonetta, and their successors in office, chiefs of the said tribe residing there, for the use of the persons mentioned in the annexed schedule, a tract of land ten miles square, the centre of which shall be the council-house at Wapaghkonetta.

The United States also agree to grant by patent, in fee-simple, to Pe-eth-tha, or Falling Tree, and to Onowaskemo, or the Resolute Man, chiefs of the Shawanee tribe residing on Hog creek, and their successors in office, chiefs of the said tribe residing there, for the use of the persons mentioned in the annexed schedule, a tract of land containing twenty-five square miles, which is to join the tract granted at Wapaghkonetta, and to include the Shawanee settlement on Hog creek, and to be laid off, as nearly as possible, in a square form.

The United States also agree to grant by patent, in fee-simple, to Qua-ta-wa-pee, or Captain Lewis; Shekagh-ke-la, or Turtle; Ski-lo-wa, or Robin, chiefs of the Shawanee tribe of Indians residing at Lewistown; and to Mesomea, or Civil John; Wa-kaw-ux-she-no, or the White Man; Oquasheno, or Joe; and Willaquasheno, or When you are tired sit down, chiefs of the Seneca tribe of Indians residing at Lewistown, and to their successors in office, chiefs of the said Shawanee and Seneca tribes, for the use of the persons mentioned in the annexed schedule, a tract of land to contain forty-eight square miles, to begin at the intersection of the line run by Charles Roberts in the year 1812, from the source of the Little Miami river to the source of the Scioto river, in pursuance of instructions from the commissioners appointed on the part of the United States to establish the western boundary of the Virginia military reservation with the Indian boundary line established by the treaty of Greenville, in 1795, from the crossings above Fort Lawrence to Loramie's store, and to run from such intersection northerly with the first mentioned line, and westerly with the second mentioned line, so as to include the quantity as nearly in a square form as practicable, after excluding the section of land hereinafter granted to Nancy Stewart.

There shall also be reserved for the use of the Ottawa Indians, but not granted to them, a tract of land on Blanchard's Fork of the Great Au Glaize river, to contain five miles square, the centre of which tract is to be where the old trace crosses the said fork; and one other tract to contain three miles square, on the Little Au Glaize river, to include Oquanoxa's village.

ART. 7. And the said chiefs or their successors may, at any time they think proper, convey to either of the persons mentioned in the said schedule, or his heirs, the quantity secured thereby to him, or may refuse so to do. But the use of the said land shall be in the said person; and after the share of any person is conveyed by the chiefs to him, he may convey the same to any person whatever. And any one entitled by the said schedule to a portion of the said land may at any time convey the same to any person, by obtaining the approbation of the President of the United States, or of the person appointed by him to give such approbation. And the agent of the United States shall make an equitable partition of the said share when conveyed.

ART. 8. At the special request of the said Indians, the United States agree to grant by patent, in fee-simple, to the persons hereinafter mentioned, all of whom are connected with the said Indians by blood or adoption, the tracts of land herein described:

To Elizabeth Whitaker, who was taken prisoner by the Wyandots, and has ever since lived among them, twelve hundred and eighty acres of land on the west side of the Sandusky river, below Croghansville, to be laid off in a square form, as nearly as the meanders of the said river will admit, and to run an equal distance above and below the house in which the said Elizabeth Whitaker now lives.

To Robert Armstrong, who was taken prisoner by the Indians, and has ever since lived among them, and has married a Wyandot woman, one section, to contain six hundred and forty acres of land, on the west side of the Sandusky river, to begin at the place called Camp Ball, and to run up the river, with the meanders thereof, one hundred and sixty poles; and from the beginning, down the river, with the meanders thereof, one hundred and sixty poles; and from the extremity of these lines, west, for quantity.

To the children of the late William McCulloch, who was killed in August, 1812, near Mauguagon, and who are quarter-blood Wyandot Indians, one section, to contain six hundred and forty acres of land, on the west side of the Sandusky river, adjoining the lower line of the tract hereby granted to Robert Armstrong, and extending in the same manner with and from the said river.

To John Vanmeter, who was taken prisoner by the Wyandots, and who has ever since lived among them, and has married a Seneca woman, and to his wife's three brothers, Senecas, who now reside on Honey creek, one thousand acres of land, to begin north, forty-five degrees west, one hundred and forty poles from the house in which the said John Vanmeter now lives; and to run thence, south, three hundred and twenty poles; thence, and from the beginning, east, for quantity.

To Sarah Williams, Joseph Williams, and Rachael Nugent, late Rachael Williams, the said Sarah having been taken prisoner by the Indians, and ever since lived amongst them, and being the widow, and the said Joseph and Rachael being the children of the late Isaac Williams, a half-blood Wyandot, one quarter-section of land, to contain one hundred and sixty acres on the east side of the Sandusky river, below Croghansville, and to include their improvements at a place called Negro Point.

To Catharine Walker, a Wyandot woman, and to John R. Walker, her son, who was wounded in the service of the United States at the battle of Mauguagon, in 1812, a section of six hundred and forty acres of land, each, to begin at the northwestern corner of the tract hereby granted to John Vanmeter and his wife's brothers, and to run with the line thereof, south, three hundred and twenty poles; thence, and from the beginning, west, for quantity.

To William Spicer, who was taken prisoner by the Indians, and has ever since lived among them, and has married a Seneca woman, a section of land to contain six hundred and forty acres, beginning on the east bank of the Sandusky river, forty poles below the lower corner of said Spicer's corn field; thence, up the river on the east side, with the meanders thereof, one mile; thence, and from the beginning, east, for quantity.

To Nancy Stewart, daughter of the late Shawanee chief Blue Jacket, one section of land, to contain six hundred and forty acres, on the Great Miami river, below Lewistown, to include her present improvements; three-quarters of the said section to be on the southeast side of the river, and one-quarter on the northwest side thereof.

To the children of the late Shawanee chief Captain Logan, or Spa-ma-ge-la-be, who fell in the service of the United States during the late war, one section of land, to contain six hundred and forty acres, on the east side of the Great Au Glaize river, adjoining the lower line of the grant of ten miles at Wapaghkonetta and the said river.

To Anthony Shane, a half-blood Ottawa Indian, one section of land, to contain six hundred and forty acres, on the east side of the river St. Mary's, and to begin opposite the house in which said Shane now lives; thence up the river, with the meanders thereof, one hundred and sixty poles; and from the beginning, down the river, with the meanders thereof, one hundred and sixty poles; and from the extremity of the said lines, east, for quantity.

To James McPherson, who was taken prisoner by the Indians, and has ever since lived among them, one section of land, to contain six hundred and forty acres, in a square form, adjoining the northern or western line of the grant of forty-eight miles, at Lewistown, at such place as he may think proper to locate the same.

To Horonu, or the Cherokee Boy, a Wyandot chief, a section of land, to contain six hundred and forty acres, on the Sandusky river, to be laid off in a square form, and to include his improvements.

To Alexander D. Godfroy and Richard Godfroy, adopted children of the Pattawatamie tribe, and at their special request, one section of land, to contain six hundred and forty acres, in the tract of country herein ceded to the United States by the Pattawatamie, Ottawa, and Chippewa tribes, to be located by them, the said Alexander and Richard, after the said tract shall have been surveyed.

To Saw-en-de-bans, or the Yellow Hair, or Peter Minor, an adopted son of Tondaganie, or the Dog, and at the special request of the Ottawas, out of the tract reserved by the treaty of Detroit, in 1807, above Roche de Bœuf, at the village of the said Dog, a section of land, to contain six hundred and forty acres, to be located in a square form, on the north side of the Miami, at the Wolf Rapids.

ART. 9. The United States engage to appoint an agent to reside among or near the Wyandots, to aid them in the protection of their persons and property, to manage their intercourse with the Government and citizens of the United States, and to discharge the duties which commonly appertain to the office of Indian agent; and the same agent is to execute the same duties for the Senecas and Delawares on the Sandusky river; and an agent for similar purposes, and vested with similar powers, shall be appointed to reside among or near the Shawanees, whose agency shall include the reservations at Wapaghkonetta, at Lewistown, at Hog creek, and at Blanchard's creek; and one mile square shall be reserved at Malake for the use of the agent for the Shawanees.

And the agent for the Wyandots and Senecas shall occupy such land in the grant at Upper Sandusky as may be necessary for him and the persons attached to the agency.

ART. 10. The United States engage to erect a saw-mill and a grist-mill upon some proper part of the Wyandot reservation, for their use; and to provide and maintain a blacksmith, for the use of the Wyandots and Senecas, upon the reservation of the Wyandots; and another blacksmith, for the use of the Indians, at Wapaghkonetta, Hog creek, and Lewistown.

ART. 11. The stipulations contained in the treaty of Greenville, relative to the right of the Indians to hunt upon the land hereby ceded, while it continues the property of the United States, shall apply to this treaty; and the Indians shall, for the same term, enjoy the privilege of making sugar upon the same land, committing no unnecessary waste upon the trees.

ART. 12. The United States engage to pay, in the course of the year 1818, the amount of the damages which were assessed by the authority of the Secretary of War, in favor of several tribes and individuals of the Indians who adhered to the cause of the United States during the late war with Great Britain, and whose property was, in consequence of such adherence, injured or destroyed. And it is agreed that the sums thus assessed shall be paid in specie, at the places and to the tribes or individuals hereinafter mentioned, being in conformity with the said assessment, that is to say:

To the Wyandots, at Upper Sandusky, four thousand three hundred and nineteen dollars and thirty-nine cents.

To the Senecas, at Lower Sandusky, three thousand nine hundred and eighty-nine dollars and twenty-four cents.

To the Indians at Lewis and Scoutashas towns, twelve hundred and twenty-seven dollars and fifty cents.

To the Delawares, for the use of the Indians who suffered losses at Greentown and at Jeromestown, three thousand nine hundred and fifty-six dollars and fifty cents, to be paid at Wapaghkonetta.

To the representatives of Hembis, a Delaware Indian, three hundred and forty-eight dollars and fifty cents, to be paid at Wapaghkonetta.

To the Shawanees, an additional sum of four hundred and twenty dollars, to be paid at Wapaghkonetta.

To the Senecas, an additional sum of two hundred and nineteen dollars, to be paid at Wapaghkonetta.

ART. 13. And whereas the sum of two thousand five hundred dollars has been paid by the United States to the Shawanees, being one-half of five years' annuities due by the treaty of Fort Industry: and whereas the Wyandots contend that the whole of the annuity secured by that treaty is to be paid to them, and a few persons of the Shawanee and Seneca tribes: now, therefore, the commissioners of the United States, believing that the construction given by the Wyandots to the said treaty is correct, engage that the United States shall pay to the said Wyandot tribe, in specie, in the course of the year 1818, the said sum of two thousand five hundred dollars.

ART. 14. The United States reserve to the proper authority the right to make roads through any part of the land granted or reserved by this treaty; and also to the different agents the right of establishing taverns and ferries for the accommodation of travellers, should the same be found necessary.

ART. 15. The tracts of land herein granted to the chiefs for the use of the Wyandot, Shawanee, Seneca, and Delaware Indians, and the reserve for the Ottawa Indians, shall not be liable to taxes of any kind so long as such land continues the property of the said Indians.

ART. 16. Some of the Ottawa, Chippewa, and Pattawatamie tribes being attached to the Catholic religion, and believing they may wish some of their children hereafter educated, do grant to the rector of the Catholic church of St. Anne of Detroit, for the use of the said church, and to the corporation of the college at Detroit, for the use of the said college, to be retained or sold as the said rector and corporation may judge expedient, each, one-half of three sections of land, to contain six hundred and forty acres, on the river Raisin, at a place called Macon, and three sections of land not yet located, which tracts were reserved for the use of the said Indians by the treaty of Detroit in 1807. And the superintendent of Indian affairs in the Territory of Michigan is authorized, on the part of the said Indians, to select the said tracts of land.

ART. 17. The United States engage to pay to any of the Indians the value of any improvements which they may be obliged to abandon in consequence of the lines established by this treaty.

ART. 18. The Delaware tribe of Indians, in consideration of the stipulations herein made on the part of the United States, do hereby forever cede to the United States all the claim which they have to the thirteen sections of land reserved for the use of certain persons of their tribe by the second section of the act of Congress passed March 3, 1807, providing for the disposal of the lands of the United States between the United States military tract and the Connecticut reserve, and the lands of the United States between the Cincinnati and Vincennes districts.

ART. 19. The United States agree to grant by patent, in fee-simple, to Zee-shaw-au, or James Armstrong, and to Sa-non-do-you-ray-quaw, or Silas Armstrong, chiefs of the Delaware Indians, living on the Sandusky waters, and their successors in office, chiefs of the said tribe, for the use of the persons mentioned in the annexed schedule, in the same manner, and subject to the same conditions, provisions, and limitations as are hereinbefore provided for the lands granted to the Wyandot, Seneca, and Shawanee Indians, a tract of land to contain nine square miles, to join the tract granted to the Wyandots, of twelve miles square, to be laid off as nearly in a square form as practicable, and to include Captain Pipe's village.

ART. 20. The United States also agree to grant by patent to the chiefs of the Ottawa tribe of Indians, for the use of the said tribe, a tract of land to contain thirty-four square miles, to be laid out as nearly in a square form as practicable, not interfering with the lines of the tracts reserved by the treaty of Greenville, on the south side of the

Miami river of Lake Erie, and to include Tushquegan or McCarty's village; which tracts thus granted shall be held by the said tribe, upon the usual conditions of Indian reservations, as though no patent were issued.

ART. 21. This treaty shall take effect and be obligatory on the contracting parties as soon as the same shall have been ratified by the President of the United States, by and with the advice and consent of the Senate thereof.

In testimony whereof, the said Lewis Cass and Duncan McArthur, commissioners as aforesaid, and the sachems, chiefs, and warriors of the Wyandot, Seneca, Shawanee, Delaware, Pattawamie, Ottawa, and Chippewa tribes of Indians, have hereunto set their hands, at the foot of the Rapids of the Miami of Lake Erie, this twenty-ninth day of September, in the year of our Lord one thousand eight hundred and seventeen.

[Signed by the commissioners of the United States and a number of Indian chiefs.]

Schedule referred to in the foregoing treaty, and to be taken and considered as part thereof.

Three sections, to contain six hundred and forty acres each, are to be reserved out of the tract of twelve miles square, to be granted to the Wyandots. One of said sections is to be appropriated to the use of a missionary, one for the support of schools, and one for the support of mechanics, and to be under the direction of the chiefs. Two sections, of six hundred and forty acres each, are to be granted to each of the following persons, being the chief of the Wyandot tribe and his six counsellors, namely: Do-ou-quod, or Half-king; Rou-tou-du, or Narpole; Tau-yau-ron-to-you, or Between the logs; Da-wa-tout, or John Hicks; Ma-no-cue, or Thomas; Tau-you-dau-tau-sau, or George Ruuh; and Haw-dow-u-waugh, or Matthews.

And after deducting the fifteen sections thus to be disposed of, the residue of the said tract of twelve miles square is to be equally divided among the following persons, namely: Hoo-cue, Rou-doo-touk, Ma-ho-ma, Na-atoue, Mau-ta-naw-to, Mau-run-quaws, Nay-mu-hanky, Abraham Williams, senior; Squ-au-taugh, Tau-you-ra-nata, Ta-haw-que-vouws, Da-sha-rows, Tray-he-tou, Haw-too-you, May-dou-nay-tove, Neu-doo-slaw, Dee-cal-rou-tou-say, Hou-too-ye-maugh, Da-too-waw-na, Ma-tsa-yea-an-you-rie, James Ranken; Sen-tu-mass, Ta-hau-to-show-we-da, Ma-duda-ra, Shau-dau-aye, Sham-a-dee-say, Som-mo-do-wot, Mo-au-ta-au, Naw-sot-to-maugh, Mau-rauskin-quaws, Taw-too-low-me, Shaw-dou-yea-you-roco, Show-we-no, Da-sho-ree, Sen-new-do-row, To-ayt-too-raw, Maw-skat-taugh, Ta-haw-sno-deu-yea, Hau-na-raw-leu-dee, Shau-rom-ou, Taw-yau-ron-tore-yea, Rou-me-lay, Na-do-cays, Carry-u-man-due-taugh, Big arms, Ma-don-raw-cays, Hau-ra-hoot, Syru-run-dash, Ta-ho-rou-tsem-dee, Roo-sayn, Dau-tore-say, Na-shaw-too-mous, Skaw-duu-tou-tee, Sa-no-row-sha, Nau-ten-nee, You-au-sha, Au-ma-tou-row, O-hou-tau-toon, Taw-you-gau-sta-you, Soo-ton-tee-ree, Doo-too-au, Haw-ree-wau-cu-dee, You-ra-ha-tsa, Town-to-re-shaw, Syu-we-wa-taugh, Cau-yau, Omitz-tse-naw, Gau-sa-waugh, Ska-show-ays-squaw, Maw-dov-doo, Nar-ow-ays-haus, Naw-ca-tay, Isu-how-ha-yea-to, My-a-tou-ska, Tau-oo-dow-ma, You-hrco, George Williams, O-har-va-toy, Saha-rossor, Issac Williams, Squin-da-tee, Ma-yea-to-hot, Lewis Coon; Isa-tou-que, or John Coon; Taw-au-ma-no-cay, or E. Wright; O-waw-ta-tuw, Ison-trau-dee, To-ma-tsa-hoss, Sar-ra-hoss, Tau-yue-ree-hor-yeow, Sau-do-toss, Tow-o-ror-du, or Big ears; Tau-o-ma-tsa-rau, Ta-ho-rou-do-you, or Two; Dau-ree-hau, Dau-o-ree-nu, Trau-to-hau-wee-tough, Yon-rou-quains, or the Widow of the Brane; Cau-nay-to-ma, Hot-to-mor-row, Ta-wee-sho, Dau-quau-say, Tou-mou, Hoo-gau-doo-row, New-dee-tou-tow, Daw-how-houk, Dau-shou-tee-hawk, Sa-wa-ro-nuis, Nor-ro-row, Taw-wass, Ta-ware-roons, Ne-shaus-tay, To-har-ra-toregh, Tau-rou-to-tu-ca-way, You-shin-dau-ya-to, Tau-o-sa-nays, Sa-do-wer-rais, Isa-now-tow-touk, or Fox Wooro; Tau-ra-tou-do, or William Zane; Hay-a-noise, or Ebenezer Zane; Maw-ca-shar-row, or Widow McCulloch; Susannah, Te-shaw-taugh, Bawews, Ta-ma-ta-rank, Razor, Ra-hi-saus, Ca-du-tore, Shaw-ne-tau-ree, Ta tra-row, Cu-qua, You-rou-on, Jau-you-na-o-skra, Ta-no-ra-way-out, How-cu-quaw-do-row, Goo-yea-mee, Dau-tsa-qua, Mau-da-mu, Sa-no-ree-shoc, Hawlee-yea-tau-say, Gue-roo-hee, Ma-to-skraw-touk, Daw-wee-shoe, Jaw-you-ra-wot, Na-cu-dse-o-ra-nau-au-rayk, You-ro-nu-rays, Scoutush, Jer-roy-much, Hoon-desh-otch, Ishu-ske-ah, Du-shar-raw, On-de-waaws, Du-yew-tale, Roue-you-ta-colo, Hoo-no-row-you-ta-cole, How-no-row-du-ro, Na-wa-nau-no-nelo, Tol-ho-ma-nona, Eki-ya-mik, Ty-yeak-wh-keu-no-hale, Au-shew-how-ole, Jeho-won-da-shres, Mon-du-shaw-quaw, Ta-you-dra-kele, Give-ri-a-hes, Soo-tree-shu-skoh, Su-you-tu-raw, Ti-u-dee, Ta-hor-ro-sho-quaw, Irah-ka-squaw, Ihore-a-meus-u-wat, Cu-rou-e-yot-tell, No-ri-yet-tete, Sa-ya-rech, Teste-a-tete.

The thirty thousand acres for the Senecas upon the Sandusky river are to be equally divided among the following persons, namely: Sy-u-wau-sau-tau, Naw-we-ne, Joseph, Iseu-me-taugh, or Picking up a club; Orau-hao-to-dee, or Turn over; Tau-dau-rous, or Split the river; Ta-how-too-rains, or Jo Smeech; Ismon-du-are-yellow-bay; Da-show-row-ra-mou, or Drifting sand; Hau-au-tou-na-squas, Ha-my-au-tu-how, Ta-ho-cayn, How-dau-tau-yeao, or King George; Standing Bones, Cy-a-ha-ga, or Fisher; Su-the-moore, Red Skin, Nen-tau-tu-hoore, Hy-na-skra-man, or Knife in his hand; Running about, John Smith, Carrying the basket; Cau-wau-ay, or Striking; Re-wau-yea-to, or Carrying the news; Half up the hill, Trow-you-doys, or G. Hunter; Spike Buck, Cau-goo-show, or Clearing up; Mark on his hip, Captain Hams, Ise-tau-ne, or Crying often; Tau-ne-roe-yea, or Two companies; Hau-don-wau-ays, or Stripping the river; Iso-hau-ha-say, or Tall chief; Ta-how-man-do-you, How-you-way, or Paddling, Clouding up, You-wau-tow-to-you, or Burnt his body; She-tou-you-wee, or Sweet foot; Tau-hau-gains-to-any, or Holding his hand about; O-har-raw-to-dee, or Turning over; Han-cau-ma-rout, Saw-row-shaw-is-ma-tare, or Striking sword; Sa-du-de-to, O-shou-toy, or Burning berry; Hard Hickory, Cure-tsee-tau, You-ro-no-cay, or Isaac; You-tra-dow-won-lee, New-tau-ya-ro, Ta-you-ou-te, or Old foot; Tau-o-sa-ne-tee, Sy-u-nout, or Give it to her; Doons-tough, or Bunch on his forehead; Ty-au-du-sout, or Joshua Hendricks; Tau-shau-shau-row, or Cross the arms; Henry, You-way-dau-yea, or the Island; Armstrong, Shake the ground, His neck down, You-he-no, Tow-o-to-you-do, or Looking at her; Captain Smith, Tobacco, Standing Stone, Ronu-nais, or Wiping stick; Tau-du-ha-tse, or Large bones, Ha-man-cha-gave, House-fly, or Maggot; Ron-dou-ma, or Sap running; Big Belt, Cat Bone, Sammy, Ta-on-gau-ats, or Round the point; Ra-mu-ye, or Hold the Sky; Men-tou-du-du, How-no-tant, Slippery Nose, Tau-slow-quow-say, or Twenty wives; Hoo-gau-row, or Madman; Coffee House, Long Hair.

The tract of ten miles square at Wapaghkonetta is to be equally divided among the following persons, namely: The Black Hoof, Pomthe, or Walker, Pi-as-e-ka, or Wolf, She-me-nu-tu, or Snake, O-tha-wa-ke-se-ka, or Yellow Feather; Pe-ne-tha-ta, or Perry; Cha-ca-la-way, or the End of the tail; Qui-la-wee, War chief, Sa-cha-che-wa, Wa-sew-wee-la, Wa-se-wee-la, or Bright horn; O-tha-rosa, or Yellow; Te-pe-to-se-ka, Can-nes-he-mo, Ne-wa-be-tuck-a, Caw-a-wes-cu-cka, Tho-kut-che-ma, Se-ta-kos-he-ka, To-pee, or James Saunders; Me-she-ne-wa, Ta-ti-a-pe, Po-ke-chaw, Ala-way-mot-a-kah, Lal-lo-way, or Perry; Wa-be-mee, Ne-me-ko-she, Ne-ne-pem-cshe-qua, or Cornstalk; She-she, Shaw-a-bagh-ke, Nan-es-ka-ka, Tha-kos-ka, or David McNair, Ska-pa-ka-ke, Sha-po-qua-ta, Pea-pak-se-ka, Quagh-quona, Quo-to-wa-me, Nit-as-ke-ka, Tha-kas-ka, or Spy buck; Pe-ka-thce-se-ka, Te-wa-skoo-ta, or James Blue Jacket; Ca-la-we-sa, Qua-ho, Ka-ketch-he-ka, or W. Perry; Swa-pee, Peek-too, or Davy Baker; Sko-ka-po-wa, or George McDougall, Che-pa-ko-sa, She-may, or Sam; Chi-a-kos-ka, or Captain Tom; General Wayne, Tha-way, Ot-haw-ee, Wee-a-se-sa-ka, or Captain Reed, Le-way-ta-ka, Te-go-she-a, or George; Ske-ka-cum-ske-ka, Wesh-e-she-mo, Ma-wen-at-che-ka, Quash-ke, Thas-wa, Baptieste, Way-wal-a-pee, Pes-he-qu-kame, Chak-a-la-kee, or Tom; Key-way-pee, E-go-ta-cum-she-qua, Wa-be-pee, A-qua-

she-qua, Pem-o-tah, Ne-pa-ho, Ta-ke-pee, To-po-she-ka, La-tha-wa-no-mo, So-wagh-ko-ta, or Yellow clouds; Meen-kes-he-ka, A-she-se-ka, O-chip-way, Tha-pa-e-ka, Cha-ka-ta, Na-ka-che-ka, Tha-thou-a-ka-ta, Pay-to-ko-the, Pa-las-ke, She-she-loo, Qua-na-qua, Kal-koo, Togh-she-na, Ca-po-wa, E-tho-wa-ko-se, Qua-que-sha, Ca-pe-a, Tha-ka-tch-e-way, the Man going up hill, Ma-go-tha, Te-cum-te-qua, Te-te-pa-ko-the, Ke-ken-tha, Shi-at-wa, Shi-ab-was-son, Kogh-ke-la, Ako-pee, or a heap of any thing, La-ma-to-the, Ke-sha, Pan-koor, Pe-it-ch-tha-tor, or Peter; Metch-e-pe-lah, Cape-ah, Show-a-ga-me, Waw-a-lee-pe-she-e-ka, Me-e-wen-she-ka, Na-ne-me-pah-too, or Trotter; Pamitch-e-pe-too, Cha-le-qua, Te-te-tee, Le-she-she, Na-wa-ba-she-ka, or White feather; Ske-pa-kes-ke-she, Te-na-kee, She-ma-ka, Pa-she-to, Thi-atch-eto, Meth-e-met-che, Cha-ko-wa, Law-ath-ska, Potch-e-tee, or the Man without a tail; A-wa-ban-e-she-kaw, Ha-ta-co-ma, Lam-a-ke-sha-ka, Pa-pa-show, Weath-ak-she-ka, Pe-way-pee, To-tah, Ca-na-qua, Ske-pa-kutch-e-ka, Wel-vie-sa, Kit-a-hoe, Neen-ta-ko-she, O-shai-she, Chi-lo-see, Qui-la-i-sha, Ma-weth-a-que, A-ke-pee, Quel-e-nee.

The tract of five miles square at Hog creek is to be equally divided among the following persons, namely:

Peeth-tha, O-now-as-him, Pe-ma-they-wa, Wa-be-kes-he-ke, Lee-so, Poh-cay-we-se, Shem-a-gau-a-she, Neh-qua-ka-huc-ka, Pa-pas-koo-te-pa, Me-am-e-pe-too, We-law-en-a-ka, Pe-tis-ka, Ke-tuck-e-pe, Law-it-che-tee, Epaum-ee, Cha-nac-ke, Jose, La-naw-y-tuc-ka, Shaw-ay-na-ka, Wa-wa-tath-ewa, Ketak-so-sa, Sha-she-ko-pe-ah, La-ko-see, Quid-as-ka.

The tract of forty-eight square miles, including Lewistown, is to be equally divided among the following persons, namely: Shawnoese, Colonel Lewis, Polly Kizer, She-ue-te-so-pevah, or Weed; Ca-los-se-te, Va-mau-we-ke, Waw-cuni-see, Skit-le-was, May-a-pe-be, Wo-she-ta, No-pa-mago, Wil-les-que, Salock, Wa-la-the, Silversmith, Si-a-tha, To-se-lu-o, Jemmy McDonald, Jackson, Mohawk Thomas, Silverheels, John, We-wach-ee, Cassic, Atshe-na, Frenchman, Sque-se-nau, Goo-hunt, Man-we-alte, Wal-i-see, Belly, Thaw-ma-me, Wop-squit-ty, Nay-wale, Big Turtle, No-la-wat, Na-wa-lip-pa, Razor, Blue, Tick, Nerer, Falling Star, Ha-le-clock, His-o-scock, Es-squa-see-to, George, Nuusso-me, Sau-ha-noe, Joseph, Scoto-we, Bat-te-ase, Crow, Shilling, Scot-ta, Now-pour, Name-a-wah, Que-mau-to, Snife, Captain, Tau-de-to-se, Sun-rise, Sow-get, De-shau, Little Lewis, Jac-quis, To-na-out, Swa-u-na-cou, General, Cus-sa-boee, Bald, Crooked Stick, Wes-pa-ta, Ne-wa-sa, Garter, Porcupine, Po-ca-lo-che, Wo-che-que, Sau-qua-ha, E-na-ta, Pau-ther, Co-le-se-tos, Joe, Senecas, Civil John, Wild Duck, Tall Man, Molasses, Ash, Na-ha-nex-a, Ta-sauk, A-gus-que-nah, Rough-leg, Que-que-saw, Pay-ful, Hair Lip, Tu-tin-que, Hill-ne-pe-wa-ya-tus-ka, Tau-hun-se-qua, Ny-no-ah, Such-us-que, Leem-ret-que, Treuse, Se-qate, Cau-mecus, Scou-ne-ti, To-con-dus-que, Con-hou-da-tvaro, Cow-is-ta, Ne-qua-tren, Cow-hou-sted, Gil-was, Axta-ea, Con-aw-we-how, Sut-te-a-see, Ki-a-hoot, Crane, Silver, By-saw, Crayfish, Woollyhead, Co-nun-da-hau, Sha-cosaw, Co-in-dos, Hut-che-qua, Na-yau, Con-no-dose, Con-ese-ta, Ne-slu-au-ta, Owl, Cou-au-ka, Co-che-co, Cou-c-wash, Sin-ne-cou-a-check-o-we, or Leek.

The tract of three miles square for the Delaware Indians, adjoining the tract of twelve miles square upon the Sandusky river, is to be equally divided among the following persons, namely: Captain Pipe, Ze-shau-au, or James Armstrong; Ma-hau-too, or John Armstrong; Sa-nou-do-yea-squaw, or Silas Armstrong, Te-o-row, or Black Raccoon, Haw-do-rou-wa-tis-tie, or Billy Montour, Buckwheat, William Dondee, Thomas Lyons, Johnny Cake, Captain Wolf, Isaac Hill, John Hill, Ti-sha-ta-hoo-nes, or Widow Armstrong, Aye-nu-cere, Hoo-mau-rou, or John Ming, You-do-rast.

LEWIS CASS, }
DUNCAN McARTHUR, } *Commissioners.*

ADDITIONAL ARTICLES.

ART. 1. The Ottawa tribe of Indians having long since promised to Doctor William Brown, of Detroit, a tract of land for the professional services which he has rendered to them, and has promised to render to them, and for many acts of kindness; and having in open council requested that a tract of land may be granted to him by the stipulations of this treaty; the commissioners of the United States, believing that these services and assistance have been rendered and promised without any pecuniary reward, but having no authority to act in the premises, have agreed with the said tribe that three sections of land, out of the six sections reserved for the use of the said tribe by the treaty of Detroit, in 1807, and not yet located, shall be granted by patent, in fee-simple, to the said Doctor William Brown: *Provided, and it is expressly declared and understood,* That the commissioners are acting herein without authority, and that it is their intention merely to submit this article for consideration to the President and Senate of the United States; and if it is ratified by them, it shall be obligatory on the parties hereunto. But it is clearly understood that its ratification or rejection will not affect any other stipulation in this treaty.

ART. 2. In the year 1812 Stephen Johnson was murdered by some of the Pattawatamie Indians, while he was in the service of the United States; and the said Pattawatamie tribe have, in open council, requested that a tract of land may be granted to Stephen Johnson and Eliza Johnson, children of the said Stephen Johnson, deceased, in order to atone, after the manner of the Indians, for the said murder: the commissioners of the United States, believing, as in the next preceding article, that they have no authority to act in the premises, do, in compliance with the request of the said tribe, agree that one section of land shall be granted by patent, in fee-simple, to the said Stephen Johnson and Eliza Johnson, children of the said Stephen Johnson, deceased, to be located by John Johnson, in the tract of country ceded by this treaty to the United States, after the same shall have been surveyed.

But it is expressly understood that the stipulation in this article is subject to the same conditions to which the next preceding article is subject.

LEWIS CASS, }
DUNCAN McARTHUR, } *Commissioners.*

SIR:

CHILICOTHE, April 6, 1816.

I deferred answering your letter of the 14th February with the hope of ascertaining ere this the disposition of the Sandusky Indians relative to the sale of their claim to the lands in that quarter.

A few days before your letter came to hand I received a letter from the principal Indians on the Sandusky, stating that they had been informed by the Shawanee Indians who reside on the Miami that the Government was devising means to obtain their lands, and requesting me to give them any information I could on the subject. In answer to that letter, I informed them that I was confident that the Government had no wish to obtain their lands, or the lands of any Indians who were friendly to the United States, unless they felt a disposition to dispose of them; but if they wished to sell their lands, as had been frequently reported here, and would make it known to the President, I thought it probable that the Government would take the subject into consideration, and give them an answer. I assured them, however, that I thought the proposition must come from them, as the Government had already more lands than could be disposed of. To this letter I have not received an answer.

In consequence of ill health, I last winter requested Colonel John Johnston, Indian agent, and Colonel James McPherson, subagent, to settle the claims of the Sandusky Indians for property destroyed by the troops of the United States during the late war, in pursuance of an arrangement made last summer at Detroit by General Harrison, Mr. Graham, and myself. They promised to attend to this business; but Colonel Johnston writes me that the Indians have been, and will be, so busily engaged in hunting and trapping, that they cannot be collected until May. I have thought that when they are called together for the purpose of having their claims settled, a favorable opportunity will be presented to ascertain their disposition relative to selling their lands in this State, without letting them know that Government has a wish to purchase. I will endeavor to be at Sandusky whenever the Indians may be collected.

I have the honor, &c.

DUNCAN McARTHUR.

Hon. WILLIAM H. CRAWFORD, *Secretary of War.*

SIR:

DEPARTMENT OF WAR, *March 23, 1817.*

It having been deemed advisable by the President to make an effort to extinguish the Indian title to all the lands now claimed by them within the limits of the State of Ohio, I am therefore instructed by him to request that, in your route to Detroit, you would endeavor to see some of the chiefs and headmen of the several tribes who claim those lands, with a view of ascertaining how far it may be practicable to obtain a relinquishment of the whole, or any portion of them, and on what terms.

The negotiation should be founded on the basis that each head of a family who wishes to remain within the limits ceded should have a life estate in a reservation of a certain number of acres, which should descend to his children in fee, reserving to the widow (if any) her thirds; and that those who do not wish to remain on those terms should have a body of land allotted to them on the west of the Mississippi. Should you find, on an interview with some of the leading men, that it will be impossible or impolitic to make an attempt to procure all the country claimed, you will then direct your efforts to induce them to enter into a negotiation for the relinquishment of their title to a portion of the land; and, as it is an object of very great importance that there should be a strong settlement connecting the State of Ohio with the Michigan Territory, you will therefore direct your efforts to obtain a cession of the lands lying north and east of the road leading from Fort Meigs to the reservation on Sandusky, and from thence to Norton, in Ohio; or, what would be preferable, a relinquishment of the land north and east of a line to be run directly from Fort Meigs to the point where the road from Sandusky to Norton crosses the Indian boundary line. The amount which may be stipulated to be given for the relinquishment must materially depend on the number of families who would wish to remain within the ceded territory on the terms above mentioned; it cannot, however, in any event, be expected that a relinquishment can be obtained of those lands on such terms as the lands in that quarter have heretofore been ceded; and it is only by paying liberally that we can expect to obtain them.

On your arrival at Detroit, you will advise this Department whether the Indians are disposed or not to enter into a negotiation for the whole or any part of their lands. For the time which you may be detained on your route in ascertaining the temper of the Indians on this subject, you will be allowed eight dollars per day.

I have the honor to be, &c.

GEORGE GRAHAM, *Acting Secretary of War.*

Governor LEWIS CASS.

SIR:

LOWER SANDUSKY, *April 17, 1817.*

Agreeably to your instructions, I yesterday passed through Upper Sandusky, in order to ascertain the probable views of the Indians with respect to a sale of part or of the whole of this country. From information there obtained, I entertain no doubt but that they will consent to cede a considerable portion of this most valuable tract. The terms upon which their assent to the measure may be expected depend not only so much upon the quantity and situation, but also so much upon their whims at the moment of executing the contract, that it would be impossible for me to state (or, I presume, for you to prescribe) any definite terms. Under any circumstances, they will fall infinitely short of the pecuniary and political value of the country obtained.

From the state of the appropriation for the Indian department, and from the difficulty of making previous arrangements, I do not think it necessary that there should be more than one person appointed to manage the business. Should the President be pleased to intrust the negotiation to me, it will be expedient that instructions should be issued as speedily as practicable. The terms mentioned in your letter are dictated equally by moral and political motives; nor is any thing more necessary than the pecuniary means to be appropriated to the object. The sum to be given will depend so much upon the quantity to be ceded, and this latter so much upon circumstances which cannot now be foreseen and calculated, that I rather think no specific sum can be fixed.

The person appointed to conduct the negotiation ought to be empowered to require of the contractor the necessary provisions to be deposited and issued at the place where it may be deemed expedient to hold the treaty; and, in the event of his failure, by other means to have them issued.

Very respectfully, sir, I have the honor to be your most obedient servant,

LEWIS CASS.

Hon. GEORGE GRAHAM, *Acting Secretary of War.*

SIR:

DEPARTMENT OF WAR, *May 19, 1817.*

I have the honor to acknowledge the receipt of your letter of the 17th ultimo, and I now enclose you a commission and instructions authorizing you and General McArthur to hold a treaty with the several tribes of Indians claiming lands within the boundaries of the State of Ohio for the relinquishment of the same. The act which passed the Senate at the last session, to authorize the President to negotiate with Indian tribes for an exchange of territory, and appropriating \$50,000 for that object, was not acted upon by the House of Representatives. The fifteenth section of the act passed the 26th of March, 1804, for the erection of Louisiana into two Territories, is considered as now in force; but, as our appropriations are deficient, you will make the execution of all the stipulations of the treaty to depend upon the ratification by the Senate, and consequent appropriation.

You will give the contractor for that district due notice of the time and place which yourself and General McArthur may fix upon for holding the treaty, and of the number of rations that may be required.

I have the honor to be, &c.

GEORGE GRAHAM.

Governor LEWIS CASS, *Detroit.*

GENTLEMEN:

DEPARTMENT OF WAR, *May 19, 1817.*

The representations which the President has received from the Senators and Representatives in Congress from the State of Ohio have rendered it expedient, in his judgment, to enter into a negotiation with those tribes of Indians who claim lands within the boundaries of the State of Ohio, with the view of extinguishing their claim to the whole or any part of those lands; and, confiding in your fidelity, discretion, and patriotism, he has been pleased to appoint you to be the commissioners on the part of the United States for holding a treaty with all or any of those tribes for that purpose. You will, therefore, give the chiefs notice of your appointment, and fix upon the time and place of holding the treaty; of which the contractor for that district must have due notice, in order that he may be prepared to supply the rations which may be required.

Should the information which Governor Cass has been enabled to obtain in relation to this subject, in consequence of the instructions from this Department of the 23d of March last, render it inexpedient to make an attempt to obtain a relinquishment from the Indians of all the land which they hold within the limits of the State of Ohio, you will then direct your efforts to obtain the relinquishment of their claim to a part, or the whole, of that tract of country which lies north and east of a line to be run directly from Fort Meigs, or some point higher up the Miami, to the present Indian boundary line, at the point where the road from Norton to Upper Sandusky crosses it, or to the point where the present boundary line crosses the Scioto river.

It is not deemed necessary to give any more definite instructions relative to the terms of the treaty than those contained in the letter to Governor Cass of the 23d of March, and to which you are referred. The removal of the Indians, generally, from the vicinity of Lake Erie, and the advantages that would be derived from connecting the population of the State of Ohio with that of the Michigan Territory, give to the acquisition of this country a political importance that would justify a more liberal compensation for its relinquishment than has hitherto been given for the relinquishment of Indian claims.

I have the honor to be, &c.

GEORGE GRAHAM.

Gov. LEWIS CASS, and Gen. DUNCAN McARTHUR, *Commissioners, &c.*

SIR:

DETROIT, *July 3, 1817.*

To attain with more certainty the proposed cession of land from the Wyandots, a timely distribution of presents to the influential chiefs is all-important. A continued succession of treaties, during a long course of years, has created a practice which, with any regard to prudence, cannot now be violated.

I have therefore the honor to propose that arrangements be made to furnish the commissioners with six thousand dollars in silver for this purpose.

This sum, through the medium of the banks at Chilicothe, might be placed at the disposal of General McArthur, with instructions to have it brought to Fort Meigs, (which is selected as the most suitable place for the treaty,) and applied to the objects above stated.

It is impracticable to procure it here; and to apply paper to this object would be to expend for the Government the same sum without procuring any corresponding beneficial result.

Paper is, to the Indians, almost valueless. It is the specie alone which is the object of their pursuit; and, by furnishing the quantity above mentioned, I trust we shall be able to obtain the cession of an important territory.

Very respectfully, sir, I have the honor to be your most obedient servant,

LEWIS CASS.

Hon. GEORGE GRAHAM, *Acting Secretary of War.*

SIR:

MIAMI RAPIDS, *September 29, 1817.*

The cession which has this day been made by the Indians to the United States, and the part which has been intrusted to us in the negotiation which has thus fortunately terminated, render it not improper that we should submit to the Government our views of a subject intimately connected with the pecuniary and political value of this portion of country.

It is well known that along the southern margin of this part of Lake Erie is a tract of wet land, which always presents serious difficulties to the traveller, and frequently insurmountable obstacles.

From Fort Meigs, for many miles towards Urbana, and nearly the whole distance to Lower Sandusky, it becomes a morass known by the name of the Black Swamp. To reach the Territory of Michigan from any part of the settlements of the State of Ohio, by land, this swamp must be crossed.

No description can convey to a person who is unacquainted with it an adequate idea of the difficulties to be surmounted before a tolerable road can be formed through this country. Little is hazarded in saying that individual enterprise, or the operation of ordinary causes, will not accomplish it for a period which the rapid improvement of the United States generally would leave without a parallel. But the country, from the extremities of this swamp northward to Detroit, and southward and eastward to the settlements in Ohio, is level and wet; and a good road through it, to be made at all, must be made at the national expense.

The events of the late war with Great Britain upon this frontier must have satisfied every reflecting person that a good road, at the commencement of that war, passing from the interior of Ohio to Detroit, would have saved to the nation the expenditure of immense sums of money, and would have rendered the reduction of that place at any time easy, and its tenure secure. The supplies of provisions and the munitions of war necessary to the operations of the army upon this frontier were transported at an enormous expense of time and treasure; and the principal obstacles opposed to those operations resulted from the nature of the country, and from its difficulty of access. This tract of country, in its present situation, renders the Territory of Michigan an insulated point upon the map of the nation. Its approach by water is uncertain, temporary, and, for many important purposes, inconvenient. By land it is difficult, tedious, and expensive. In any future war, its means of defence must be derived from the same States which were called upon to furnish them during the past. It is desirable, therefore, that the difficulties which were then experienced should be removed, and that the possession of a good road should enable the General Government at any time to throw into the country a force which would render it safe and secure. Such a road would remove the barriers which nature has interposed, and would, in effect, approximate this country to the western portion of the Union, and, connected with the natural advantages it possesses, would insure it a speedy settlement and an active and enterprising population.

But a road from the interior of Ohio to the lake only, would not answer this important purpose. Lake Erie may once more become the theatre of desperate exertion and skill; enterprise and courage may not again be

rewarded with victory. But were our naval superiority upon this lake beyond the reach of accident, it should still be recollected that its navigation is more hazardous than that of the ocean, and, for a considerable portion of the year, closed or impeded by the ice.

It is precisely at this season, with the exception of a short time in the middle of winter, that the communication by land is most difficult; and the obstacles which are then interposed to traversing the country in any direction are serious and dangerous.

Should circumstances destroy our naval superiority upon the upper lakes, our communication with Detroit and its dependant settlements could be preserved by land only; and our possession of the country would, in a great degree, depend upon the facilities which the roads might offer to the march of troops, and to the transportation of their munitions of war, baggage, and provisions. It is to be hoped that such an occurrence is remote. But the possibility of its happening, and its disastrous consequences should we be found unprepared, furnish powerful motives to provide, as far as human wisdom can do, for the event.

By completing a road from Sandusky to Detroit, considerable progress would be made towards opening a great national communication from the capital to one of the extremities of the Union. The western turnpike from Cumberland to the Ohio, terminating at Wheeling, would leave only the portion of road between that place and Sandusky to be made. Future enterprise and industry, either individual or national, might complete the work; and it would equally promote the varied intercourse of peace and the important operations of war.

This view is prospective, but the time cannot be remote when the policy of connecting the different parts of this vast republic by great permanent roads will be felt and acknowledged; when such a policy shall banish local jealousies; and discordant interests shall furnish new and increased facilities for private industry, and shall add strength and wealth to the resources of the nation.

Forts and military positions along a remote and exposed frontier will furnish little protection, unless the communication to it is rendered easy and expeditious. A great leading road, such as the nature of this country requires and the public good demands, would add more to its permanent security than any other defensive measure which could be adopted.

But there are considerations connected with the necessity of such a road in consequence of the nature of the country, of its importance to the nation for the preservation of a weak and important frontier, and of the improbability that such a road will ever be made unless some portion of the general resources are directed to this object. But, viewed exclusively as a subject affecting the revenue, there can be no doubt but its operation would be favorable.

From the settlements in Ohio to Detroit, nearly the whole country is the property of the United States. Every consideration, either of a fiscal or political nature, demands the immediate sale and settlement of this land, and every measure is important which will facilitate the acquisition of either object. Among these measures, the most obvious in itself, and most certain in its result, is the opening of a leading road. In any country, this would be important: in this country, it is absolutely necessary. Sales will only be made with a view to settlement, and settlement will be aided and encouraged by making roads where the population of the country will long be unable to make them.

There is little difficulty in proposing a plan which would accomplish this object, and in all probability increase the actual receipts at the Treasury, after the expenditures which may be necessary in effecting it.

Previous to the sale of the public lands, were the site of a permanent well-made road located from the line of the tract recently purchased of the Indians to Detroit, and were the national faith pledged for its completion within a reasonable period, the competition excited among the purchasers to procure the land in the vicinity of this road would add greatly to its value. Any estimate upon this subject must be loose and conjectural; but when it is considered that this road would pass through lands the property of the United States for at least one hundred and fifty miles, a great part of which is fertile and susceptible of compact settlements, and much of which is equal to any land in Ohio, it cannot be doubted but it will enter the market with every prospect of obtaining a price far exceeding that fixed by law. It would not be necessary, in order to secure the desired object, that the work should be actually commenced. Every purpose would be answered by determining the site of the road, and delaying its completion till sufficient funds for that purpose were received from the sale of the land.

We have travelled out of the proper object of our mission in bringing this subject to the attention of the Government; but we trust our excuse will be found in its vital importance to this section of our country, and in the consideration that, if the present opportunity passes away without producing any favorable result, we may consider as hopeless every effort to attain it.

Considered as the means of increasing the national strength, and of securing the possession of an important frontier, we are aware that it has no exclusive claim to the attention of the General Government. Every section of the Union has an equal right to urge its claims. But there is, probably, none in which the expenditure of an equal amount would be productive of more important consequences; and certainly there is none which is weaker in itself, or more difficult, from its position, to be defended.

But when it is recollected that this whole road, from the line of the purchase now made upon the frontier settlements of Ohio to the Detroit river, will pass through a country the property of the United States, except one Indian reservation, and a few tracts which have been sold or granted at Lower Sandusky, Fort Meigs, and the river Raisin, the effect of such a road upon the sale of the land is a fair object of inquiry; and if it is believed that the receipts from the sales will be increased by it, or even if such a result is doubtful, the importance and necessity of the measure, connected with other considerations, may fairly justify its adoption.

Very respectfully, sir, we have the honor to be your most obedient servants,

LEWIS CASS,
DUNCAN McARTHUR.

HON. GEORGE GRAHAM, *Acting Secretary of War.*

SIR:

FORT MEIGS, *September 30, 1817.*

Accompanying this, we have the honor to transmit to you a treaty which we have concluded with the Wyandot, Seneca, Shawanee, Delaware, Pattawatamie, Ottawa, and Chippewa tribes of Indians.

The country ceded by this treaty to the United States includes nearly all the land within the State of Ohio to which the Indians have any claim, a small part of the State of Indiana, and probably a small part of the Michigan Territory. Had the Miamies attended the council agreeably to our expectations, we doubt not but the whole Indian title in the State of Ohio would have been extinguished. Circumstances, however, which it is unnecessary here to enumerate, prevented their attendance; and, in the feverish state of mind in which we found the Indians, it was considered imprudent to await the expected arrival of the Miamies. They unquestionably own the country west of the St. Mary's river, and its acquisition must, consequently, be postponed till circumstances may render it expedient again to convene the Indians to a general council.

We are somewhat apprehensive that it may be supposed we have been too liberal in the terms which we have allowed to the Indians. These terms certainly exceed what we have been accustomed to find in Indian treaties; but it must be recollected that this is not an ordinary cession, nor has its acquisition been attended with ordinary difficulties.

Its importance to the United States in a financial and military point of view is too obvious to require any observation from us. We may, in fact, consider the purchase as the great connecting link which binds together our northwestern frontier.

The Wyandots, who owned it, and the Shawanees and Senecas, who live upon it, are fully aware of its importance to us and to them. By frequent communications with our citizens, they perfectly well know upon what terms the United States sell their land; and they also know the extravagant rate at which the reservations at Sandusky and this place were sold. This knowledge led them to expect a compensation for the land far exceeding any thing which is secured to them by the treaty.

A large portion of the country is beautiful and valuable, fertile, well watered, and handsomely situated. The ancestors of some of those Indians have occupied it for many generations, and they were attached to it by all the ties which bind men, white or red, to their country. Its acquisition was also rendered more difficult, because it is the last tract of land in the possession of the Wyandots—once a powerful, and still a high-spirited people. Its cession to the United States will make it necessary for those Indians to change the manners and customs of their whole nation; from this day they cease to be hunters, and must depend upon their own industry and the produce of their reservations for support. However advantageous and speculative men may consider this to be, still we must not view it as an abstract question, but as one intimately connected with their habits and feelings for life. Changes in the manners and customs of nations are generally slow and gradual; and it is only some violent convulsion, moral or physical, which renders these changes rapid and perceptible. When, therefore, we demand of the Indians an absolute relinquishment of every thing which gives zest to savage life, we must expect that this demand will be received with regret and obeyed with reluctance. In fact, the whole of the Wyandots and all the Shawanees and Senecas in this quarter have made the last attempt to preserve the inheritance of customs and of land transmitted to them by their ancestors; they feel that our settlements are surrounding them, and that the chase furnishes a scanty and precarious supply; they will cease to be hunters, and will, we trust, become farmers.

For these reasons we have agreed to the amount of the annuities stipulated in the treaty, and we hope, on reflection, it will not be found too great.

In the progress of our negotiations with the Indians, we have experienced much difficulty in adjusting the quantity, tenure, and conditions of the reservations to their and our satisfaction. Without troubling you with the detail of these difficulties, it is sufficient to say that the treaty exhibits the result of mutual demands and of mutual compromises. We considered our instructions as rather advisory than imperative; rather intending that we should comply with the general principles than with the minuter details. Any other course would have been fatal to our exertions and to the expectations of the Government. We have been compelled to admit the claims of a number of individuals, and to stipulate that patents shall be granted to them. Almost all these persons are Indians by blood. Some have been taken prisoners in early life, have married Indian women, and have identified themselves in feelings, manners, and interest with the Indians. In a few instances only are they merely Indians by adoption.

In every case, it was the urgent wish of the Indians that land should be granted to these persons. To have refused these requests would have embodied against us an interest, and created obstacles, which no efforts of ours would have defeated or surmounted.

Under these circumstances, we judged it expedient to consider these persons as the heads of Indian families, and to make for them the provision which is found in the treaty. It will be perceived that the greater part of them live upon or near the land secured to them, and it would have been equally impolitic and unjust to have attempted their removal.

We have provided that all the annuities due by this treaty, and some of those due by former treaties, shall be paid in cash. We have acceded to the request which the Indians have made upon this subject, because it is cheaper for the United States, by the freight and charges attending the transportation of goods to this country. These goods are delivered to the Indians at the invoice price in the place where they are purchased.

In the distribution of annuities by the Indians among themselves, every person, of whatever sex or age, is included. Each is enumerated, and all draw alike. It is, therefore, very difficult for them to make a partition in goods, agreeably to their ideas. But, independent of this consideration, the goods are often bad, and not suited to the taste and wants of the Indians; when this happens, they believe the Government is speculating upon them; and there are never wanting ill-disposed and unprincipled men to turn it to the injury of the United States. By paying them in specie, these difficulties are removed; the United States save at least fifteen per cent.; the Indians can make an easy and equitable partition; they cannot complain on account of the kind or quality of the goods; and all cause of dissatisfaction with the United States on the subject of annuities is removed. We have provided, at the particular request of the Indians, that these demands shall be paid, not in paper, but in specie. Paper is almost valueless to the Indians—it is a representative of wealth, with which they are little acquainted; they require something whose amount is more palpable and obvious. Besides, with paper, they are continually liable to impositions from every unprincipled man with whom they are brought into contact. There can be no doubt but payments in specie will be productive of advantages in our intercourse with the Indians which will far outweigh any inconvenience or expense of which such payments will be productive.

We trust that all the other provisions and stipulations in the treaty so obviously result from the nature of the transaction, and from the circumstances in which we and the Indians were placed, as to require no particular observations.

We have promised to the Indians that six copies on parchment, and enclosed in tin cases, shall be made and transmitted to them. We have had neither time nor opportunity to have it done here. We pray that this promise may be complied with at Washington.

We found it necessary to a fortunate issue to the negotiation that goods to the amount of \$6,000 should be purchased and distributed to the Indians.

Bills for this purchase, and for other necessary expenditures at the treaty, with the proper vouchers, have been drawn upon the War Department. We hope they will be duly honored.

Not knowing what may be the state of the appropriation for the Indian department, we have not made these bills payable till the 1st day of January next, in order that the necessary appropriation may be made, should it be found requisite, and should Congress deem it expedient.

Very respectfully, sir, we have the honor to be your obedient servants,

LEWIS CASS,
DUNCAN McARTHUR.

Hon. GEORGE GRAHAM, *Acting Secretary of War.*

GENTLEMEN:

DEPARTMENT OF WAR, *October 17, 1817.*

I have the honor to acknowledge the receipt of your communication of the 30th ultimo, accompanied by the treaty, which shall be submitted to the President immediately on his return to this place; and who, no doubt, will be highly gratified with the result of your negotiations. The extent of the cession far exceeds my most sanguine expectations, and there can be no *real or well-founded* objection to the amount of the compensation given for it, except that it is not an adequate one.

The desire of the Indians to locate the lands in such manner as to give them compact settlements was natural, and, in a fiscal point of view, it was better for the United States that they should do so. The only objection is, that it will have a tendency to preserve their customs and manners for a longer period than if they had made their locations more diffusively.

This treaty may be considered, in its fiscal, political, and moral effects, as the most important of any that we have hitherto made with the Indians.

Your drafts have not been presented, but will be accepted and punctually paid when at maturity.

General McArthur was advised on the 30th of July last that a draft for \$6,000 would be remitted to him by the Treasurer, which was to be paid in specie; to that letter no answer has been received.

I have the honor to be, &c.

GEORGE GRAHAM.

Governor LEWIS CASS, *Detroit.*

General DUNCAN MCARTHUR, *Chillicothe.*

Talk addressed to the Wyandot, Seneca, and Delaware nations.

DEPARTMENT OF WAR, *November 18, 1817.*

Brothers of the Wyandot, Seneca, and Delaware nations:

Notwithstanding you have left your homes without the approbation of your agent, yet your father the President has been glad to see you, and he has provided for all your wants while you remained with him. He has listened to your complaints, as a father should always listen to those of his children; and it is his desire to gratify your wishes when they are reasonable and just, and he has power to do so. It is the wish of your father the President that the reservations which have been made for you should be sufficient to afford to every Indian family a tract of good land of not less than 640 acres; and that they should live on it, cultivate it, and be protected by the laws of the United States, in the same manner and in every respect as his white children are; and he will make no difference between them.

Brothers: All of you who now reside on the lands which have been ceded, and over which your father the President has the control, will be permitted to reside on them and cultivate them without interruption, until they are surveyed and sold out to individuals; and at the public sales any of you will have the same right to purchase as the white people. But there is a part of the land ceded over which your father the President will not have the control after the treaty is ratified, unless some provision should be made by Congress for that purpose. This is the tract of land which was given to the officers and soldiers of the Virginia line, and in which Solomon's town is situated. As it respects this tract of land, your father can only promise that he will endeavor to obtain from Congress such a provision as will enable the families who now live at Solomon's town to remain there until they raise one more crop.

Brothers: Your father has directed me to tell you that he will pay your expenses home, and he wishes you a pleasant journey.

GEORGE GRAHAM.

SIR:

DEPARTMENT OF WAR, *December 9, 1816.*

The Legislature of the State of North Carolina have made an application to the President of the United States, through their Senators and Representatives in Congress, to obtain permission to hold a treaty with the Cherokees, for the purpose of purchasing such lands belonging to the nation as they may be disposed to sell, lying within the limits of that State. To this request of the State of North Carolina the President is disposed to give his assent; and I have to request that you will take immediate measures to sound the Path Killer and the other leading chiefs of the nation, for the purpose of ascertaining how far they may be disposed to enter into a negotiation for that purpose. Although the chiefs have expressed to the Government a wish not to be pressed any further at this time for a relinquishment of territory, yet, as the land which the State of North Carolina is desirous of purchasing at present is very mountainous, and of indifferent quality, and adjacent to the white settlements, and, therefore, probably of little service to the Cherokees, either for the purpose of settling or hunting upon, it is hoped that this proposition may be favorably received. You will, however, use every exertion in your power to induce the nation to consent to hold a treaty for the purposes stated in the resolution of the State of North Carolina, (a copy of which is enclosed,) and advise this Department, without delay, of the result of those exertions.

I have the honor to be, &c.

GEORGE GRAHAM, *Acting Secretary of War.*

Colonel R. J. MEIGS, *Cherokee Agent, Rhea Court-house, Tennessee.*

SIR:

DEPARTMENT OF WAR, *January 13, 1817.*

It being deemed advisable by the President to authorize you to extinguish the Indian title to the two reservations made by the first article of the convention with the Cherokees on the 7th of January, 1806, provided it can be done on such terms as you may think reasonable and just, you will please to take the requisite steps for that purpose, by a special agent, or otherwise, as you may think fit. Whether you succeed in purchasing the whole, or a part only, of these reservations from the reservees, it will be proper that the Cherokee nation be a party to the transaction, in order to quiet to the United States an undisputed jurisdiction over them; and you are hereby authorized to enter into a negotiation with the chiefs and warriors of the Cherokee nation for that purpose. The Cherokee agent will be instructed to promote your views.

I have the honor to be, &c.

GEORGE GRAHAM, *Acting Secretary of War.*

General JACKSON, *Nashville, Tennessee.*

SIR:

DEPARTMENT OF WAR, *March 22, 1817.*

Your letter of the 17th ult. has been laid before the President, who approves of the view which you have taken of the operation of the several treaties in relation to the two tracts of land reserved by the Cherokees in the treaty of 1806. The instruction to you of the 13th January was founded on the idea that some of the original reservees might possibly be settled on the land, and would interfere to prevent a relinquishment on the part of the nation; but if they have abandoned their possession, or sold out to citizens, they can have no claim. It is, however, considered necessary to obtain the relinquishment of such title or claim as the Cherokee nation may have under the fourth article of the treaty of 1806.

But as it is deemed advisable by the President to enter into a negotiation as soon as practicable with the Cherokees for an exchange of territory, in pursuance of the power vested in him by an act of the last session of Congress, I would recommend that the meeting you proposed to have with the Cherokees in May should be postponed until the 20th of June, when both objects may become the subjects of negotiation, and by which time, also, the agent will be prepared to distribute the annuities and the money due to the nation under the late treaty.

Your letter of the 12th ultimo, enclosing the survey of the lands which you had selected in pursuance of my letter of the 4th of December last, was not received until the last day of the session of Congress; therefore, no measures could be taken to obtain a legislative sanction for the reservation by the last Congress. The subject will, however, be presented to them at their next session; and as the land will not, in the mean time, be subject to location, (as I understand it is within the congressional reserve,) no serious inconvenience can result. It would be desirable to ascertain, previous to the session of Congress, whether any locations have been made on the land under warrants issued by the State of North Carolina that may be considered valid.

I have the honor to be, &c.

GEORGE GRAHAM, *Acting Secretary of War.*

General ANDREW JACKSON.

SIR:

DEPARTMENT OF WAR, *March 25, 1817.*

As circumstances may probably make it inexpedient to enter into a negotiation with the Cherokees for an exchange of territory at so early a period as that mentioned in my letter of the 22d instant, it will be unnecessary to take any measure for the postponement of the meeting you proposed to hold in May with the chiefs of that nation, provided such measures have not been taken by you in consequence of my letter of the 22d instant, previous to the receipt of this; and of which you will advise this Department without delay.

Mr. Meigs has drawn on this Department for the amount of the old annuities due for the year 1817, and I have requested him to draw for the amount due under the late treaty, with an expectation that he will be able to procure the money in time to distribute it at the meeting which you proposed.

I have the honor to be, &c.

GEORGE GRAHAM, *Acting Secretary of War.*General ANDREW JACKSON, *Nashville.*

SIR:

DEPARTMENT OF WAR, *May 14, 1817.*

Your letter of the 22d ultimo has been submitted to the President, who has determined to hold a treaty with the Cherokees on the 20th of June for an exchange of territory, in pursuance of the power vested in him by the fifteenth section of the act of the 26th March, 1804, for erecting Louisiana into two Territories. The act which passed the Senate at the last session, appropriating \$50,000 for that object, and which I thought had also passed the House of Representatives, was, it seems, not finally acted upon by that House, in consequence of the very great accumulation of business at the close of the session. The Governor of Tennessee, and General Meriwether, of Georgia, will be joined in the commission with you.

I have the honor to be, &c.

GEORGE GRAHAM, *Acting Secretary of War.*General ANDREW JACKSON, *Nashville.*

SIR:

DEPARTMENT OF WAR, *May 15, 1817.*

The President having determined to hold a treaty with the Cherokee nation on the 20th of June next, at Hiwassee, principally with a view of effecting an exchange of territory, in pursuance of the fifteenth section of an act passed on the 26th March, 1804, for erecting Louisiana into two Territories, has thought proper to appoint you a commissioner for that purpose, to act jointly or severally with Major General Andrew Jackson and the Governor of Tennessee. I have, therefore, to request that you will inform this Department, as early as practicable, whether or not it will be convenient for you to attend to the execution of this trust.

The commission and instructions will be forwarded to General Jackson.

I have the honor to be, &c.

GEORGE GRAHAM, *Acting Secretary of War.*General DAVID MERIWETHER, *Athens, Georgia.*

[A similar letter was addressed to Governor McMinn.]

SIR:

DEPARTMENT OF WAR, *May 16, 1817.*

I had the honor to inform you, on the 14th instant, that the President had determined to hold a treaty with the Cherokees, for an exchange of territory, in pursuance of the authority vested in him by the fifteenth section of the act passed on the 26th of March, 1804, for erecting Louisiana into two Territories. I now enclose you a commission authorizing Governor McMinn, General Meriwether, and yourself, to negotiate with the Cherokee nation for that and other objects. The lands proposed to be given to the Cherokees on the west of the Mississippi river, in exchange for those now occupied by that nation on the east of the said river, are the lands on the Arkansas, and immediately adjoining the Osage boundary line, and which are now occupied by a part of that nation. As a further inducement to that portion of the nation whose habits of life would dispose them to remove from a country where the products of the chase are daily diminishing, and no longer afford a certain support for their families, to one where game abounds, and where the means of subsistence are easily attainable in that mode which is most congenial to their habits, you are authorized to grant a given sum of money for the purpose of affording the means of transportation; and, also, to stipulate to furnish them with such number of arms, blankets, and other articles, as you may think expedient or

necessary. Those individuals (and they are understood to be numerous) who have acquired property, and wish to remain, and who experience the daily increasing embarrassments and difficulties arising from the want of proper laws for the protection and security of that property, will, it is believed, find sufficient inducements for the exchange in the benefits which they will derive from the enjoyment of the rights and immunities of a citizen of the United States, and in the protection of the laws of the particular State or Territory in which they may respectively reside; and in the assignment of a section of six hundred and forty acres of land, (and more, if, in particular instances, it may be deemed necessary,) to the head of each family, in which they will have a life estate, with a reversion in fee-simple to their child or children, reserving to the widow her dower.

I enclose, for your information, a copy of a talk delivered by the President of the United States, in 1809, to a deputation of the Cherokee nation; from which it will appear that the permission which was granted to a part of the nation to remove to the Arkansas was founded on an expectation of an exchange of territory, at least in part, and proportioned to the numbers of those who removed.

Should the nation not be prepared to enter into an arrangement for an exchange of territory at the present moment, much benefit may nevertheless be expected from your mission, as you will be able to explain fully the views and objects of the Government, and to impress on the minds of the different descriptions of people of which the nation is composed the advantages which they may, respectively, derive from an exchange of territory, the ultimate accomplishment of which will be as beneficial to themselves as to the people of the United States.

In consequence of the guaranty made in the fourth article of the convention with the Cherokees entered into at Washington on the 7th of January, 1806, it has become expedient to obtain a relinquishment of the claim of the Cherokee nation to the two tracts of land reserved by the first article of that convention; this relinquishment, it is believed, you will be easily enabled to obtain, and for a reasonable compensation.

I have the honor to be, &c.

GEORGE GRAHAM, *Acting Secretary of War.*

General ANDREW JACKSON.

[A similar letter was addressed to Governor McMinn, and to General Meriwether, respectively.]

HEAD-QUARTERS, DIVISION OF THE SOUTH,

HUNTSVILLE, M. T., June 11, 1817.

SIR:

I reached this place to-day, on my way to the proposed conference with the Cherokee tribe, to be held at Hiwassee, on the 20th instant, where I received your communication of the 14th, and the subsequent instructions of the 16th ultimo, together with the enclosures.

I have had the military road surveyed and marked from the mouth of Cypress creek to the crossing on Shoal creek, under my own immediate inspection, and have directed Major Perrault to continue it from the latter place, north 20° east, as far as the northern boundary of the reservation on Shoal creek, for the foundry. In performing this duty, I was compelled to employ a practical surveyor for a few days, finding the labor too arduous for Major Perrault, of the corps of topographical engineers.

I have ordered the commandant of the company late at Fort Hampton to commence the road at the mouth of Cypress, and continue it as far as the survey of Major Perrault, at which point I believe it will intersect the road leading to Columbia, Tennessee. Before the road north of the Tennessee is completed, I trust Captain Young will have returned from Lake Pontchartrain, when the above-named company will be directed to commence on the south side of Tennessee, and progress with the road until they meet the detachment ordered to commence at Lake Pontchartrain. This road being of great importance, I will have to employ an experienced woodsman to accompany Captain Young southwardly, until the road passes the high ridges which divide the waters of the Black Warrior and Tombigbee from those of the Tennessee. It would be well for Government to select the point where the road intersects the Tennessee for a military depot, it being below the shoals, and a good site; which object had much influence with me in selecting the place for the passage of the river.

I am happy to inform you that General Coffee is progressing very well with the duty assigned him. He has assured me that in all the month of July he will have the one hundred townships surveyed; of which, from my own views, I have no doubt. This will be very important, as it will enable the sales to be made in October or November next, which will enable the purchasers to take possession and provide for crops the ensuing year. Permit me to add that it is important to have the sales at as early a day as practicable.

It is found by many that fifteen days (the time allowed by law for the sales of the lands) will not give sufficient time for the disposal of the one hundred townships. To do justice to the Treasury, it should not be hurried like sales at auction; and permit me, therefore, to suggest the propriety, in proclaiming the sale of the one hundred townships, to provide for the event, by authorizing the proper officers (should the whole of the lands not be offered for sale in fifteen days) to resume the sale at an early named day, which will afford those attending an opportunity to purchase, without the trouble and expense of returning home, and again attending.

The latter part of this communication not relating immediately to the concerns of the Department of War, I have to request that you will lay it before the President for his consideration.

I am, &c.

ANDREW JACKSON,
Maj. Gen. Comd'g Division of the South.

GEO. GRAHAM, Esq., *Department of War.*

FRIENDS AND BROTHERS:

CHEROKEE AGENCY, July 2, 1817.

We have now convened in a general council of all the principal chiefs and headmen of this nation to deliberate on your talk to us. You give us to understand that you are appointed by the President of the United States to meet the chiefs of this nation and the chiefs and headmen of the Cherokees now residing on the Arkansas. We hear with sincere gratitude and pleasure with respect to the friendship of our father the President of the United States, which he has expressed towards us through his commissioners. It is well known to our father the President of the United States that it always has been our universal desire to meet and promote the views of the General Government, so far as is consistent with justice and reason.

Friends and brothers: You say about nine years ago a deputation from our nation, duly authorized, were sent on to see our father Mr. Jefferson, to transact the important concerns of our nation. We acknowledge they were sent. But we can assure the honorable commissioners that they were not authorized to transact any business as respects the division of the nation. It was merely to take leave of our father Mr. Jefferson, who was about to

retire to private life, which was communicated through Colonel Meigs, our agent, to the chiefs, and that our father the President of the United States had invited his red children, the Cherokees, to visit him previous to his retiring from public life. That of a division was proposed by a few chiefs of the lower part of the nation; nor was it known to the nation, until a few days before the delegation started to the city of Washington, that such were the intentions of the lower delegates who were sent from the river at the lower towns. The delegates from the upper towns knew nothing of the designs of the delegates from the lower towns until they arrived at the city of Washington.

Friend and brothers: As soon as the idea became doubtful to the chiefs and headmen of our nation who were friendly disposed towards their country, we then appointed two other delegates, in addition to those who were first chosen, in order to frustrate the designs of that part of the delegation who should attempt to do any thing that would be in anywise injurious to the nation in general. But, unfortunately, when the delegation arrived at the city of Washington, the two delegates, in whom the faith and confidence of the nation were placed, were rejected, and were not admitted to a hearing; and, in consequence of their not being allowed their voice, the first chosen delegates were divided when the subject of division took place.

Friends and brothers: We feel assured that our father the President will not compel us into measures so diametrically against the will and interest of a large majority of our nation. A part of those very men who were on at the city of Washington, who made the proposals for an exchange of lands, have, in a general council held at Costinally, in April, 1810, signed a talk that was sent to our agent with instructions to communicate it to the Secretary of War, insomuch that the Secretary of War might know the resolutions we had made with a determination not to dispose of any of our country, as will more fully appear from the tenor of the letter.

Brothers: We wish to remain on our land, and hold it fast. We appeal to our father the President of the United States to do us justice. We look to him for protection in the hour of distress. We are now distressed with the alternative proposal to remove from this country to the Arkansas, or stay and become citizens of the United States. We are not yet civilized enough to become citizens of the United States; nor do we wish to be compelled to move to a country so much against our inclination and will, where we would, in the course of a few years, return to the same savage state of life that we were in before the United States, our white brothers, extended their fostering care towards us, and brought us out of a savage state into a state similar to theirs.

Brothers: You tell us to speak freely and make our choice. Our choice is to remain on our lands, and follow the pursuits of agriculture and civilization, as all the Presidents, our fathers, have recommended and advised us to do; and we hope, by the benevolent societies of our white brothers from the north, that, in course of time, if we should be allowed to keep our country, our white brothers will not blush to own us as brothers.

Brothers: The Cherokees are nearly as free as the breeze which fans the shade. We are not yet prepared to adapt ourselves to the laws of the United States. We, as yet, have but few laws; and, agreeably to the advice of our former father, Mr. Jefferson, we ought not to have many—only those which will be suitable to our situation. If we accede to your proposition, loaded with a burden of laws which we do not understand, we would have eventually to surrender the little which your proposals offer us. We therefore request that you will press the subject no further at present, but suffer us to remain in peaceable possession of this our country, presented to us by our great father, the Good Spirit, from the creation, for our inheritance, and suffer us to keep it for the sake of the donor.

Brothers: The emigration of a small part of our people to the Arkansas was unauthorized by the chiefs and headmen of this nation. We have always wished them to remain in their native country. This we acknowledge to be the weak and feeble defence for our beloved country.

Culioa McTown,	Davis Locke,	Cabbin Smith,	Katehee,	Big Half-Breed,
Aoneyohitta,	Thomas Saunders,	Kelachuly,	Bridgewater,	Sour Mush,
Tesqueery,	Oonala,	Roman Nose,	Doctor Kilaka,	The Root,
Phillangottire,	Kee Kee,	Sleeping Rabbit,	Little Nettle Carrier,	The Bank,
Dreadful Water,	Big Rattling Gourd,	Geo. Sanders,	Kulsutchee,	Rabbit,
Esaya,	Woman Killer,	Cursohen Dick,	Twokiller,	Fleasktiska,
Jno. Ratcliff,	Jno. Doherty,	Jno. Walker,	John,	Beaver Carrier,
Kachetowy,	Jas. Downing,	James Brown,	Likemaqualocky,	Charles Hicks,
Jno. McTown,	Oo. Le Lowa,	George Lowry,	Th. Wilson, Clerk.	Whitman Kilcox,
Pheasant,	Oo. Water Chuyola,	Walter Adair,	Foochalar,	Jno. Watts,
Chenowee,	Yeoooyokee,	Richard Taylor,	Glass,	Jno. McIntosh,
Kunsculooga,	Bone Cracker,	Richard Riley,	Chickasantihee,	Geo. Harlem,
Tunnetehee,	Jno. Butler,	Schulya,	Duck,	Thos. Foreman.
Going Snake,	Richard Brown,			

To the Hon. COMMISSIONERS.

GENTLEMEN:

DEPARTMENT OF WAR, August 1, 1817.

Your communications, dated the 8th, 9th, and 10th ultimo, together with the treaty entered into with the Cherokees, and the accompanying papers, have been received.

Fully impressed with the importance of the object which has been obtained, I have, in the absence of the President, determined, on due consideration, to assume the responsibility of complying with the engagements which you have entered into. Your bills, therefore, as well as those which may be drawn by the agent under your authority, will be paid; and orders have been given for the collection, at Pittsburg, of the requisite number of rifles, with a sufficient supply of ammunition.

Should the Senate refuse their advice and consent to the ratification of the treaty, the expenses incurred will be charged to the general appropriation for the Indian department. My own opinion, however, is, that the treaty will be ratified, though there is no doubt but it will be opposed on the grounds taken in the Senate during the last session, in opposition to the general policy of removing the Indians to the west of the Mississippi. It is also probable that there will be an opposition founded on the assumption that the treaty has not received the unbiased sanction of a majority of that portion of the nation residing on the east of the Mississippi, as evinced by the small number of chiefs who signed it, in proportion to the numbers who appear to have been present during the progress of the negotiation; and on the ground that no right to any portion of the Cherokee lands had accrued to the United States in consequence of the transactions which took place in 1809; and that such right had been assumed and too strongly enforced by the commissioners.

With sentiments of very great respect, I have the honor to be, &c.

GEORGE GRAHAM.

Gen. ANDREW JACKSON,	} Commissioners, &c.
Gov. JOS. McMINN,	
Gen. D. MERIWETHER,	

SIR:

DEPARTMENT OF WAR, *August 9, 1817.*

In consequence of the recommendation of yourself and the other commissioners, I have contracted with Mr. Rockhold for sixty boats, to be delivered at any point designated by the agent between the mouths of Little Tennessee and Sequatchy rivers, and also for the delivery of four tons of lead. I have concluded to forward the other articles from this place to Blountsville, at which point Mr. Rockhold is to receive and forward them to Hiwassee with the first detachment of boats, which he has contracted to deliver by the 1st of November, and earlier if practicable. The articles which I propose to forward at present are five hundred rifles, six hundred traps and kettles, (three hundred of each, if the kettles are to be had,) eight hundred red blankets, and twenty-five hundred pounds of powder. The wagons will leave this place from the 10th to the 15th of September.

It is a matter of much importance that Mr. Meigs should have an assistant who is active and intelligent, well acquainted with the Indians, and particularly one who would be zealous in his exertions to promote the removal of the nation to the west of the Mississippi. From the recommendations of Colonel McKee, when last at this place, I am induced to think that Mr. Byers possesses generally the necessary requisites; but, not knowing how far he may be disposed to promote the removal of the Indians, I have deemed it proper to enclose the letter to Mr. Meigs authorizing his appointment to you, with authority to withhold it, provided you think Byers disposed to discourage among the Indians the idea of removal. In that event, you will nominate to this Department some other person whom you may think better qualified.

I have the honor to be, &c.

GEORGE GRAHAM.

Gen. A. JACKSON, *Nashville.*

SIR:

DEPARTMENT OF WAR, *August 9, 1817.*

In consequence of the recommendation of the commissioners, I have contracted with Mr. Rockhold for sixty boats, to be delivered to your order from the 1st of November to the 1st of January next, for the purpose of removing those Indians who are desirous to settle on the Arkansas. A copy of the agreement is enclosed. You will give due notice of the time and places you wish the boats to be delivered at, and you will so regulate the time and places for the Indians to assemble as that they may not be delayed for transportation. You will make a requisition on the contractors for the State of Tennessee for the necessary quantity of meat and flour, as it is not deemed necessary that any other part of the ration should be furnished. Mr. Rockhold has also contracted to deliver four tons of lead, and a ferry-boat, which is to be left with the United States factor at the Chickasaw Bluffs, for the purpose of ferrying across the Mississippi such Indians as may prefer going by that route. Should circumstances make it necessary, you will request Mr. Rockhold to finish that boat without delay, and you will have her sent to the factor at the Chickasaw Bluffs, for the purpose of establishing the ferry immediately. I shall forward from this place to Blountsville, to the care of Mr. Rockhold, five hundred rifles, twenty-five hundred pounds of powder, six hundred kettles and traps, (three hundred of each,) and eight hundred blankets, which he has undertaken to have delivered to you with the first detachment of boats. It is probable that the whole number of boats may not be required during the next winter and spring; in that case, it is presumed you will find no difficulty in disposing of them to the New Orleans traders. It is expressly understood that the boats will be such as to answer that purpose; otherwise, you are not to receive them.

You will keep this Department advised, from time to time, of the probable number of Indians who will emigrate this fall and spring; and you will make use of all the means at your disposal to induce the Indians generally to remove, and to impress on the minds of those who are desirous of remaining the advantages of selecting a section of six hundred and forty acres, and of becoming citizens of the United States.

I have the honor to be, &c.

GEORGE GRAHAM.

Colonel R. J. MEIGS, *Cherokee Agent.*

SIR:

DEPARTMENT OF WAR, *August 13, 1817.*

Your letter of the 12th ultimo was received yesterday, and I very much regret it had not come to hand previous to the arrangement with Mr. Rockhold, of which you were advised on the 9th instant.

It will be necessary for you either to go yourself, or to send a person in whom you can confide, to Blountsville, for the purpose of making the necessary arrangements with Mr. Rockhold for furnishing such portion of keel-boats, in lieu of part of flat-bottomed boats, as you may deem necessary, and for fixing the price at which the keel-boats are to be furnished. The price contracted to be given to Mr. Rockhold for transportation from Blountsville was founded on the presumption that it would be necessary in order to get the goods down in time to wagon them to Knoxville, or at least to a point below Cloud's falls. A part, if not all, the wagons will leave this by the 10th of September; and as the Indians seem anxious to be getting off, it will be desirable to have the goods and some of the boats at Hiwassee as early as possible in the month of October. With that view, the necessary arrangements should be made with Mr. Rockhold, and some of the keel as well as flat-bottomed boats should be built below Cloud's falls. Relying on the recommendation of the commissioners, and the zeal manifested by Mr. Rockhold, I agreed to fix the period for the delivery of the first detachment of boats on the 1st of November, on his assurance that they should be delivered at an earlier period, if practicable.

Lest my letter of the 9th instant may have miscarried, I forward a duplicate, with a copy of the contract.

The rifles to be sent out are long rifles; and, with the view of furnishing such Indians as may wish to remove before the articles sent from this place can reach you, I will order one hundred rifles to be sent immediately from Newport, in Kentucky, to the factor at the Chickasaw Bluffs, to be delivered by him to the Indians, on your order, with four pounds of powder and twelve pounds of lead for each rifle. If the lead cannot be forwarded from Newport, the factor must endeavor to furnish it.

You will, from time to time, advise this Department of the number of Indians who enter for removal, particularly designating the number of warriors who are entitled to rifles. And should you find that the number of boats contracted for is more than will be required for the emigration of this fall and spring, you will endeavor so to modify the contract as to meet your wants. You will take care to give a written notice, agreeably to the contract, of the place or places at which you may require the boats.

I have the honor to be, &c.

GEORGE GRAHAM.

Colonel RETURN J. MEIGS, *Cherokee Agent.*

FORTVILLE, CHEROKEE NATION, September 19, 1817.

Instructions to a deputation of our warriors, who were duly authorized and appointed, by a late council held at Amoha, to proceed on and visit our father the President of the United States, to wit: our beloved speaker Going Snake, and George Harlin, members of our council; and James Brown, Roman Nose, Richard Taylor, and Richard Riley, committee for the affairs of the Cherokee nation.

On your arrival at Washington city, you will deliver our letter to our elder brother the Secretary of War, which we have addressed through him to our new father the President of the United States. You will state to our father that you have come on for the purpose of making known to him in what manner the late treaty was conducted in July last, between Major General Andrew Jackson and other commissioners, on the part of the United States, and the headmen, chiefs, and warriors of our nation, on the other part. You will give the President, our father, a full detail of the transaction of that treaty; you will also state to our father that we have of late years been subjected to the control of the minority of our nation, which causes disaffection and jealousy among us, as will appear from our late treaty, viz: the treaty that was entered into in the Chickasaw nation. We were invited to attend that talk by General Jackson; Toochalar and others were sent on to meet the commissioners there, with positive instructions to dispose of no lands; but, contrary to his instructions, he entered into a conditional treaty to be ratified at Turkeytown on the 28th of September, 1816; that fatal treaty was confirmed by the chiefs of four towns, between the hours of 9 and 10 o'clock at night, 4th of October, 1816, and not by the whole Cherokee nation, as expressed by General Jackson in the ratification of that treaty; but, on the contrary, there were six or seven headmen present who objected to the ratification of the treaty, as the list of the towns and members from each town will show; and you will request that this subject may be investigated, as an act of justice. You will also state to our father that we have appointed thirteen warriors of our nation, and invested them with full power to transact all the national affairs of our nation, subject to the unanimous consent of the headmen and chiefs of the whole Cherokee nation; and we have also resolved that the committee of the Cherokee nation shall meet at the agency to receive our yearly annuity from our agent, as our great national meetings have of late produced quarrels among our people and divisions among our warriors. You will state to the President that the United States have been at a very considerable expense in furnishing us rations at our annuities; propose to the President to furnish us money instead of rations, and we will adopt a plan for the distribution of our annuities. Also state to the President, our father, that one of our people had purchased claims in Double Head's reserve some time previous to the relinquishment of that reservation, and solicit the President to allow him compensation for his claim, as other natives received pay for their claims in said reservation. You will state that, thirteen years ago, at a treaty held at Tellico, we relinquished a tract of country four miles wide, embracing all of William Wofford's settlement; make inquiry relative to the situation of that relinquishment. You will also state in what manner the first emigration took place to the Arkansas, and the causes of the emigration since. Also inform our father the President of the many impositions practised on us by our neighboring white brothers, viz: by committing unwarrantable murders upon us; stealing our property; intruding over into our country; destroying our range, by driving and herding large stocks of cattle on the same; though we cannot be astonished at these impositions being practised on us, as General Jackson told us, in open treaty, last summer, to look around us and recollect what had happened to our brothers the Creeks. You will also state that the road leading from Tennessee to Georgia, through our country, was given up to Colonel Erwin for seven years, to keep in repair; there has been very little work done on it since, and the blame is laid on the Cherokees for not keeping the road in better repair, for it is now almost impossible for carriages to pass; and request the management of the said road to be given up to us again. You will state that our beloved father, George Washington, had delivered a written talk, in a book, now twenty five-years ago, and said, "In order to be preserved among you as a witness of our transactions together, and to which you may have recourse in future, this book you will sacredly preserve, and not suffer any thing to be written therein. Besides this manner of recording our proceedings, I confirm all I have said to you, in your own method, by a white belt, as the emblem of the purity of our hearts towards you." These are his own words, and he has promulgated them to his white children, which have gone far and near in written talks. And as to us red people, this white belt has been delivered as the pledge of justice towards us; and upon these pledges, then, are we come before our father the President of the United States for justice. You will also state that, in a late council held at Etower, our warriors had requested our principal chiefs to apply to our new father the President of the United States for his aid and assistance in educating our children; and you are therefore requested to make this known to him, that it was the wish of our warriors, and that they had promulgated their wishes to the nation at large, for some other benevolent schools to be established in our nation, so that our children may be led to the knowledge of our Creator, and they obtain everlasting life through the merits of his Son, and that they may be taught the habits of industry and the comforts of life while here on earth.

Sour Mush, his × mark.

Chuli-o-a, his × mark.

Ridge, his × mark.

Tech-a-see, his × mark.

Chikasautchee, his × mark.

Rain, his × mark.

Sleeping Rabbit, his × mark.

Sweet Water, his × mark.

Dreamer, his × mark.

Chillargatche, his × mark.

Kelawaskee, his × mark.

Dick, his × mark.

Path Killer, } *Principal Chiefs.*

Charles Hicks, }

Achelaw his × mark.

So-we-culler, his × mark.

Richard Brown, his × mark.

Ke-la-chu-le, his × mark.

SIR:

CHEROKEE AGENCY, October 21, 1817.

This will be handed you by a deputation from the Cherokee Indians on the east side of the Mississippi. The deputation consists of six persons; they have been furnished by this agency with five hundred dollars to defray their travelling expenses to the city of Washington, and, upon their arrival there, will report themselves to you, and render an account of their expenses in travelling to the city.

I have the honor to be, &c.

WM. SMITH,

Acting as agent in the absence of Colonel Return J. Meigs.

The Hon. SECRETARY OF WAR, Washington City.

BROTHER:

HIWASSEE, October 28, 1817.

Having elected six of our warriors east of the Mississippi at our last council at Amoha to visit our new father the President of the United States, their names were reported to your beloved agent to apprise you of this resolve of the national council then and there held.

Brother: We are told you are the proper organ of talks through whom to approach our father the President of the United States, and beg your attentive hearing to what our warriors shall say in behalf of our country and people; and they will state nothing but what is just and to the interest of our people at large.

Brother: We are a great way from your hearing of every transaction of our national concerns, and we are necessarily committed to the care and protection of your servants, and have had many reasons to believe that we have not been treated with justice by our white brothers, which, we are sure, is far from your instructions or wishes to your beloved agent; which causes distrust and jealousy in the minds of our people, which, we are sure, is far from your wishes, but that confidence and harmony should pervade through your white children as well as in your benevolent care of your red children; though these unfriendly acts of our neighbors, we are sure, have been awed through the hands of power to prevent greater extent; and yet, among the many ill treatments of, and discouragement in, our relative situation, to our neighbors, your encouragement to our people has not been unavailing in agriculture, and manufacturing clothing, and educating our children; yet are we told by our neighbors that we shall all have to go over to the Arkansas country as hunters, and return to that state again in which our forefathers lived; for a great many of our people are now experiencing the advantages of the domestic habits of living by industry and raising stocks.

Brother: Our warriors are instructed to enter into a treaty with the United States, (if in their wisdom they may think we have been wrongly treated,) in which may be considered, in lieu of our late treaty, an alteration in some of the articles of it, and to make some additional articles in the mode of payment in our annuity, and to make final settlement with the Arkansas and Cherokees in land and money, as it may be attended with a great deal less trouble and expense than the late treaty authorized. And to all of which we beg your sincere consideration, which is, and that which will be, laid before your honorable control; and hope you will communicate these our wishes to our father the President of the United States, and permit us to subscribe ourselves

Your friends and brothers,

By order of the principal chiefs:

PATH KILLER, his × mark.
CHARLES HICKS.

THOMAS WILSON, *Clerk to the National Committee.*

To the Hon. SECRETARY OF WAR.

FATHER:

CITY OF WASHINGTON, *November 22, 1817.*

We, the undersigned, being a deputation from the Cherokee nation, beg leave to state to our father the President, that, in July, 1816, Return J. Meigs, commissioner on the part of the United States, having been instructed by the Government in behalf of the United States, offered to give to the Cherokee nation \$6,000 per annum, in perpetuity, for a cession of land, the western boundary whereof should be designated by a line beginning at a point opposite to the head of Chickasaw island, and to be drawn, due south, to a point from which a line should be drawn eastwardly to the lower end of the Ten Islands on Coosa river. When this offer was made, we declined a compliance with it, wishing to keep our land; but having been notified to meet Generals Jackson and Meriwether at the Chickasaw council-house, in September of that year, as commissioners of the United States, we met the said last-mentioned commissioners, and entered conditionally into a treaty, which we afterwards confirmed on the 4th of October, 1816, in which treaty we ceded to the United States more land than was asked for from us in July of the same year, as above stated, for the consideration of \$6,000 per annum, for *only* ten years. When we compare the consideration finally stipulated, (that is, for only ten years,) with that previously offered us, we are astonished. We find that by this our inability in negotiating we have lost an almost invaluable annuity, which would have enabled us to educate our children, and support our old men and women and poor people. We now, in behalf of our nation, respectfully and humbly ask our father to take these circumstances into consideration, and grant us such relief as a fair investigation of the circumstances would warrant and justify. We are sensible that the treaty has been made and ratified, and that legally we are barred from any relief, and we do not pretend to fly from our obligations; yet, permit us to observe that, when our case is considered, we are confident it will appear that we are entitled to some relief, by extending that part of our annuity for a term of years longer than was stipulated by that treaty. We cheerfully and respectfully submit this statement to a Government which will not refuse to listen to representations of its youngest children.

GOING SNAKE, *Speaker to the Deputation.*
GEORGE HARLIN, ROMAN NOSE,
JAMES BROWN, RICHARD TAYLOR,
RICHARD RILEY, *Clerk to the Deputation.*

To His Excellency JAMES MONROE, *President of the United States.*

FATHER:

CITY OF WASHINGTON, *November 22, 1817.*

The Cherokee deputation with the following observations may accompany their memorial this day presented. In the first place, the Cherokee deputation wish it to be understood that they disclaim every idea of improper reflection on Generals Jackson and Meriwether, and have no doubt that, as commissioners in making the treaty alluded to in the memorial, they acted with pure intentions; but, when the deputation reflect on the difference of the consideration given to the Chickasaws, and compare it with that given to the Cherokees, (their feelings suffer by the comparison,) the longer continuance of the annuity to the Chickasaws, the reserves made in favor of several Chickasaw chiefs, and pensions to several of those chiefs, (the Path Killer, our head chief, is old and infirm, and has as great claim on his country as any Indian chief—he fought for the United States in the late war,) they discover a marked difference between the two tribes, which the Cherokees conceive is not warranted, by having reference to facts and circumstances which actually exist. The deputation will enumerate some of these facts and circumstances, viz: The Chickasaws, compared with the Cherokees, are a recent people in that country; they are few in number; they acquired the residence where they now are, in the first instance, by the mere courtesy of the southern tribes, particularly of the Choctaws. We, the Cherokees, have always called them our youngest brothers; this they always acknowledge; they were once as strangers settled at the Chickasaw Old Fields, at the point where, by the Turkeytown treaty, we have established our western boundary. The Cherokees claimed that land, and drove them from that point to where they now reside.

In the grade of rank of the four nations south of Ohio, the Cherokees are the first, the Creeks the second, the Choctaws the third, and the Chickasaws the fourth: this rank has long been acknowledged. These three tribes call the Cherokees their eldest brothers, and the Cherokees call them youngest brothers and nephews. It appears to us that, by a combination of the Creeks and Chickasaws, they have deprived the Cherokees of their rights. We acknowledge that there is considerable uncertainty in traditional accounts relating to boundary; but all these tribes have no other, and, in point of credibility, Cherokee tradition is as good as others, and has been handed down from a more remote period than that of the Chickasaws.

RICHARD RILEY, *Clerk to the Deputation.*

To the PRESIDENT OF THE UNITED STATES.

Sir:

WASHINGTON CITY, December 13, 1817.

We, the undersigned, deputies from the Cherokee nation, having delivered our instructions to Mr. Graham on our arrival here, and conversed with him on the subject of our grievances, and having a partial conversation with you on the subject of our mission, we feel assured that you understand the object of our mission. We beg that you will give us your opinion on the various subjects of our instructions, in writing. Our object for asking you to give us your opinion in writing is to show our people, on our return to our nation, the friendly disposition of the United States towards us.

GOING SNAKE,
GEORGE HARLIN,
JAMES BROWN,

ROMAN NOSE,
RICHARD TAYLOR,
RICHARD RILEY,

The Hon. SECRETARY OF WAR, *Washington City.*

Clerk to the Cherokee Deputation.

Sir:

DECEMBER, 1817.

On the 22d ultimo we were favored with an interview with our father the President of the United States. We then laid before him our instructions, and, at the same time, presented to him a memorial and petition on a subject of very high and dear interest to our nation. The President listened to our communication like a father, and encouraged us that we might be sure of his influence in obtaining the redress we asked for. This gave us much satisfaction; and as the great national concerns demanded his time, he informed us that future communications on the business of our mission must be made to the Secretary of War; and we thank you for the present opportunity to converse on the various subjects enumerated in our instructions, of which we shall leave a copy in your hands. Many of those subjects are interesting to our nation; and as we have full confidence in our father the President, and in his administration of every thing committed to him, we cheerfully confide all our national concerns to his wise and just administration, and are confident that his youngest children, as well as our elder brothers, will equally have a place in his mind, and that protection and measures for the amelioration of our condition will be pursued until we can rise from our present state of minority to a state of more perfect manhood, and become citizens, sharing equally with our elder brothers all the advantages of enlightened society; and, in our progress towards such a state, it is probable very interesting transactions may be necessary. And here we beg leave to ask of our father that, in future transactions of a public nature between the United States and our nation, the American Government will not require of our nation any thing which, as our protectors and guardians, they will not, after due deliberation, *advise* us to comply with; and, having no doubt of the magnanimity and benignity of the Government, we shall return home satisfied, and report to our nation the result of our mission to this. With the greatest respect and fidelity, we subscribe our names.

GOING SNAKE,
ROMAN NOSE,
RICHARD TAYLOR,

JAMES BROWN,
GEORGE HARLIN,
RICHARD RILEY,

To the Hon. the SECRETARY OF WAR.

Clerk to Cherokee Deputation.

Sir:

WASHINGTON CITY, December 15, 1817.

We have seen, with painful feelings, a paragraph in the National Intelligencer, under the head of Milledgeville, dated the 2d instant; in it is asserted that the Seminole Indians, now threatening the United States with war, have received considerable reinforcements from disaffected Creeks and *Cherokees*. The United States cannot be more surprised at that account than we are, and we are induced to believe it a fabricated calumny, intended to injure our nation. We are now returning home, and, as soon as we arrive there, we shall do ourselves the honor to transmit a faithful account in relation to that statement.

With due respect, we are your faithful friends,

GOING SNAKE,
GEORGE HARLIN,
ROMAN NOSE,

JAMES BROWN,
RICHARD TAYLOR,
RICHARD RILEY,

The Hon. J. C. CALHOUN, *Secretary of War.*

Clerk to Cherokee Deputation.

Sir:

ST. LOUIS, MISSOURI TERRITORY, July 1, 1817.

After a long interval of business, as commissioners, &c., a very full and respectable deputation of chiefs and principal men from the Otoe, Missouri, and Poncarar tribes of Indians, accompanied by the first chief of the Pawnee republic, and two chiefs of the upper tribe of Sioux, arrived at St. Louis a few days ago, for the purpose of entering into a treaty with the United States. The cause of their not attending our general invitation earlier than the present time was (as they state) owing to an indirect warfare which existed between them and the other tribes inhabiting the country immediately between them and the white settlers. To avoid those enemies, they applied to Mr. Lisa, United States Indian agent, who has thought it his duty to accompany these chiefs to this place; and as they appeared extremely anxious to treat, and as we believed it important to gratify their wishes, on several accounts, and particularly so in consequence of the great exertions which we have some reasons to believe are making to prevent many of the Indian tribes, we, in the absence of Governor Edwards, at his home, in Kaskaskia, concluded with those tribes (who were fully represented) treaties, which we have the honor herewith to transmit.

The Upper Sioux, and the several tribes of Pawnees, not having a sufficient deputation to treat, we have postponed entering into any negotiation with them, further than merely explaining to them the just and honorable policy of the Government towards the Indian tribes. These Sioux chiefs are of a large tribe of that nation who rove on the upper parts of the Missouri. The Pawnee chief who visits us is the principal chief of one band only. It is to be regretted that a full deputation of all the tribes of the Pawnee nation did not attend and adjust the difference which exists between them and the white traders and hunters who have visited their country in the last two years, as we are informed a serious conflict took place last summer between a party of that nation and the white traders under the control of Mr. Auguste Chouteau, jun., in which one white man and several Pawnees were killed. Several other acts of violence have been committed by that nation unprovokedly. Their numbers, and the intervening country which they occupy, contiguous to the Spanish settlements, render them important to us as a nation with whom the United States should be on the most friendly terms.

In a former communication we gave it as our opinion that a treaty with those tribes would be highly important; and, should we receive instructions on that subject, we shall immediately adopt the most proper measures to have them carried into effect.

We have the honor, &c.

Hon. SECRETARY OF WAR, *Washington City.*

WILLIAM CLARK,
AUGUSTE CHOUTEAU.

SIR:

ST. LOUIS, *March 31, 1817.*

A deputation of chiefs and warriors from the Menomonies arrived at this place on the 20th instant, under the invitation we gave them last year, with the view of entering into a treaty of peace and friendship with the United States.

We invited them to meet us here at the commencement of last summer, or as soon thereafter as they should find it convenient. They now say they have done so; and have come in compliance with our invitation, urging many very plausible reasons for not having attended sooner.

It would have answered no good purpose for us to have told them we had no longer any authority to treat with them. They would not have understood us; and the British traders might have handled it very much to the injury of the Government, in persuading them they were deceived and trifled with, and had been invited to travel a long journey merely to be laughed at. In this way, the dissatisfaction felt at present by many of the lake tribes would doubtless have been greatly increased, and might probably have been blown up into an open war with us.

Taking all things into consideration, therefore, and regarding the general policy of the Government, we thought its interest would be promoted by entering into a treaty with them, conformably to instructions given us on former occasions, although our authority to do so has ceased.

We have the honor, herewith enclosed, to forward you a duplicate of the treaty;

And have the honor to be, most respectfully, sir, your obedient servants,

WILLIAM CLARK,
NINIAN EDWARDS,
AUGUSTE CHOUTEAU.

The Hon. SECRETARY OF WAR.

SIR:

DEPARTMENT OF WAR, *June 9, 1817.*

Your letters of the 31st of March and 20th of April were submitted to the President, and returned to this Department only a few days before he left this on his tour to the eastward.

The treaty entered into with the Menomonic tribe of Indians has been approved by him, and will be submitted to the Senate at the next session.

Should a deputation of the chiefs of the Pawnee and Ottoe tribes come to St. Louis with a view of entering into a treaty in consequence of the invitation formerly given to them by the commissioners, you will, in that event, reassemble the commissioners, and enter into a negotiation with them.

No decision has yet been made on any of the claims transmitted by you to my predecessor, or on those lately forwarded.

I have the honor to be, &c.

GEORGE GRAHAM.

Governor WM. CLARK, *St. Louis.*

15th CONGRESS.]

No. 150.

[1st SESSION.

AMENDMENTS PROPOSED TO THE TREATY WITH THE WYANDOTS, SENECA, DELAWARES, SHAWANEE, PATAWATAMIES, OTTOWAS, AND CHIPPEWAS.

COMMUNICATED TO THE SENATE, DECEMBER 29, 1817.

Mr. MORROW, from the Committee on the Public Lands, to whom were referred a treaty concluded on the 29th of September last with the Wyandots and sundry other tribes of Indians, and a message of the President of the United States communicating the said treaty, and a petition of a number of the inhabitants of Huron, in the State of Ohio, relating to the same subject, reported:

That, from due consideration of the provisions of the said treaty, the message of the President, and the facts stated by the petitioners, and the complaints stated by a delegation of the Wyandot and Seneca tribes, who were heard before the committee on the subject of their alleged grievances arising out of the treaty, the committee have agreed to propose several amendments to the treaty, when the particular articles to which they relate shall be under consideration in the Senate.

The articles which in their opinion require amendment are the sixth and seventh. It is provided by the sixth article that a grant be made to the Wyandot tribe of a tract of land of twelve miles square. It is objected, and appears to be a serious grievance, in their view, that the tract is too small (considering the bad soil it embraces) to afford them subsistence in the mode of life and occupation they intend to pursue—that of pasturage, for rearing and feeding of cattle.

Their tribe is computed at one thousand persons; calculating each family to consist of six persons, and allowing, on a division of property, a double quantity to the chiefs, to support their dignity, the grant would not afford to each family more than five hundred acres. And further, the grant appears in disproportion to the cession of land they have made, when compared with the cessions of other tribes, and the grants made to them. The Wyandots have ceded their whole territory, except the tract to be regranted; and their cession constitutes almost the whole of the lands obtained by the treaty. It further appears that, although they were not averse from a cession of their lands, they were not cordial in their agreement to the terms on which they actually surrendered them.

From these considerations, it has been deemed expedient to recommend that the grant to the Wyandot chiefs be so enlarged that it may contain a tract equal to sixteen miles square.

The Seneca grant provided for, of thirty thousand acres, to be laid off on the east side of the Sandusky river, is objected to, not as insufficient in quantity, but as the location excludes from its limits much of their improvements which are on the west side of the river. This fact is confirmed by the statement of the petition referred to the committee. It is not doubted that much inconvenience and distress would be occasioned to these people, destitute

as they are of the habits of industry, by an immediate removal from their huts and planting grounds; to prevent which, it will be proposed that while the location of their tract will remain as provided by the treaty, the lands on the west side of the river, which have been improved and are occupied by them, shall be reserved from sale, and for their use, while they continue to occupy the same.

The committee view as exceptionable that clause of the seventh article which, without any control on the part of Government, authorizes the individuals of those tribes, after separate allotments have been made by the chiefs, to dispose of their lands, and grant them in complete title to any person whatever. This provision, it is believed, is unprecedented by any former treaty, and at variance with the general principles on which intercourse with the Indian tribes has been conducted. The laws have regulated their trade, and confined it to persons licensed to carry it on; and have also prohibited any sale of their lands, except made in public council, and to authorized agents of the Government; thus presuming their incapacity to transact their business, and assuming on the part of Government a superintending concern and guardianship over their interests, in order to protect them against the impositions of civilized men, more enlightened than they, but too often less just. To dispense in the present instance with the usual prohibitions, or some other equivalent provisions, would appear to be improper. The lands regranted by the treaty are valuable, and, from the progress of cultivation and improvement in their vicinity, will soon become more so, presenting a desirable object for attainment to our citizens. It is probable that, if this provision should be ratified in its present shape, treaties with the chiefs would soon be commenced, by unauthorized persons, for the allotment of the lands among the individuals of the tribes, and with the individuals, for the alienation of their rights; and that a capital would be employed for that purpose, different from that which is usually applied to the purchase of public lands, for settlement and cultivation; and that the chiefs and other members of the tribes would not long resist (whatever their present resolutions may be) the force of arguments, and temptations of money, which would be brought to bear on their minds to effect that object. It will be proposed that no sale or transfer of the lands regranted to the Indians be made to any person except an Indian, without the approbation of the President, or some agent specially appointed for that purpose.

An abstract view of the cessions of land made to the United States, and the grants of land provided to be made, and moneys stipulated to be paid to the Wyandot, Seneca, Shawanee, Delaware, Pattawatamie, Ottawa, and Chippewa tribes of Indians, by a treaty concluded with the said tribes on the 29th of September, 1817, at the foot of the Rapids of the Miami of Lake Erie.

In estimating the quantity of land ceded to the United States by the said treaty, perfect accuracy was not attainable. The boundary lines of the tracts ceded were traced on the map lately published by Mellish, and the length and bearing of those lines determined thereby. If his map can be relied on for a tolerably accurate delineation of that part of the country, the view now given will approximate the truth. The principal tract is that ceded by the Wyandots, in form approaching to that of a regular square, or 70 miles north and south by 75 east and west, containing 5,250 square miles, or 3,360,000 acres. Of that quantity is receded or granted to the Wyandot and Seneca chiefs, in trust, and to individuals of the said tribe, in fee-simple, 128,440 acres; that is:

Tract ceded by the Wyandots,	-	-	-	-	-	3,360,000
Regranted to the chiefs, in trust, for the individuals of that tribe, 12 miles square,	-	-	-	-	92,160	
And one square mile, cranberry swamp,	-	-	-	-	640	
To individuals of the tribe, and adherents, in severalty,	-	-	-	-	5,640	
To the Senecas, who made no cession, but are considered as co-partners with the Wyandots, in trust, as above,	-	-	-	-	30,000	
Total lands regranted,	-	-	-	-	<u>128,440</u>	

Nett lands ceded by the Wyandots, after deducting lands regranted out of that tract, - - 3,231,560

The cession made by the Pattawatamie, Ottawa, and Chippewa tribes is equal to an oblong of 50 miles by 16,	-	-	-	-	-	512,000
Receded to them, viz: to Ottawa chiefs, in trust,	-	-	-	-	21,760	
Reserved for Ottawas, but not granted,	-	-	-	-	16,000	
To individuals of that tribe,	-	-	-	-	1,280	
To a Pattawatamie, -	-	-	-	-	640	
					<u>39,680</u>	

Nett lands ceded by the above tribes, after deducting grants and reservation, - - 472,320

The cession by the Delawares,	-	-	-	-	-	8,320
Regranted to the same tribe,	-	-	-	-	-	5,760

Nett cession by them, exclusive of regrants, - - - 2,560

Summary.

Gross quantity ceded, viz:						
Wyandots,	-	-	-	-	-	3,360,000
Pattawatamies, Ottawas, and Chippewas,	-	-	-	-	-	512,000
Delawares,	-	-	-	-	-	8,320
						<u>3,880,320</u>

Regranted and reserved, viz:						
Wyandots and Senecas,	-	-	-	-	-	128,440
Pattawatamies, Ottawas, and Chippewas,	-	-	-	-	-	39,680
Shawanees and Senecas,	-	-	-	-	-	11,900
Delawares,	-	-	-	-	-	5,760
						<u>185,780</u>

Nett total of lands ceded, exclusive of regrants and reserves, - - - Acres, - 3,694,540

In consideration of which was stipulated to be paid, viz:		
In perpetual annuity to the—		
Wyandots, - - - - -	- - - - -	\$4,000 00
Shawanees, - - - - -	- - - - -	2,000 00
Senecas, - - - - -	- - - - -	500 00
		\$6,500. 00
Annuity for fifteen years to the—		
Pattawatamies, - - - - -	- - - - -	1,300 00
Ottawas, - - - - -	- - - - -	1,000 00
Chippewas, - - - - -	- - - - -	1,000 00
		3,300 00
Delawares, for one year, - - - - -	- - - - -	500 00
The present worth of the annuities stipulated to be paid to the Indians by the treaty will be:		
First, The perpetual annuity of \$6,500, at 6 per cent., is worth	- - - - -	108,333 00
Annuity, for fifteen years: \$3,300, at 6 per cent., is worth	- - - - -	32,060 00
Delawares, in hand, - - - - -	- - - - -	500 00
		\$140,893 00
The present worth of the annuities and other moneys stipulated to be paid, - - - - -		
		\$140,893 00
Acres of land, - - - - -	- - - - -	3,694,540
Purchase money, - - - - -	- - - - -	\$140,893 00
Price per acre, 3 cents 8 mills.		

Amendments proposed by Mr. Morrow.

At the end of the first paragraph of the sixth article, insert—"And, in addition to the said grants of land, there shall be reserved, for the use of the said tribe, a tract of one hundred and twelve square miles, which shall be laid off adjoining to, and on three sides of, the aforesaid tract of twelve miles square, in equal quantities on each side, so that the boundary line adjoining the tract to be granted to the Delawares at Captain Pipe's town shall remain as provided by the original article."

At the end of the second paragraph of the sixth article, insert—"And there shall be reserved from sale by the United States, after a survey of the lands shall have been made, every quarter section, and fraction of a section, lying west of and adjoining the Sandusky river, opposite the aforesaid tract provided to be granted to the chiefs for the Seneca tribe, where such quarter section or fraction is now inhabited and occupied for cultivation by any Seneca Indian or Indians, and the same shall be reserved for the use of such Indian or Indians while he or they shall continue to inhabit and occupy the same for cultivation."

Strike out the seventh article, and insert—"And the said chiefs, or their successors, may, at any time they think proper, convey to either of the persons mentioned in said schedule, or his heirs, the quantity secured thereby to him, or may refuse so to do; the use of the said land, however, shall be in the said person. But no such person, whose share of land may have been conveyed to him by the chiefs, nor person who may receive a grant of land in virtue of any article of this treaty, shall have the right or power to sell, convey, or lease the same to any person whatever, other than an Indian, unless he shall be authorized so to do by an agreement entered into between the tribe to which he belongs, convened in public council, and an agent or commissioner of the United States authorized for that purpose, and such agreement ratified by the President, with the advice and consent of the Senate."

15th CONGRESS.]

No. 151.

[1st SESSION.]

TRADE, INTERCOURSE, AND SCHOOLS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 22, 1818.

Mr. HENRY SOUTHARD, from the committee to whom was referred so much of the President's message as relates to Indian affairs, reported:

That the capital appropriated for the prosecution of Indian trade was, in 1809, augmented from \$200,000 to \$300,000, which sum, by succeeding acts, has been continued down to this period. Of the capital thus appropriated, \$290,000 have been drawn from the treasury, and actively employed under the direction of the superintendent of Indian supplies. Under the various laws enacted for the support and encouragement of Indian trade, eight factories or trading posts have been established, at the following points:

1. Fort Mitchell, Georgia.
2. Chickasaw Bluffs, Mississippi Territory.
3. Fort Confederation, on the Tombigbee river.
4. Fort Osage, on the Missouri river, near the mouth of the Osage.
5. Prairie du Chien, on the Mississippi, near the mouth of the Ouisconsin river.
6. Ordered to Sulphur Fork, on Red river; formerly at Natchitoches.
7. Green Bay, on the Green Bay of Lake Michigan, Illinois Territory.
8. Chicago, Lake Michigan.

The committee, deeming it unnecessary to present a detailed view of the profits and loss of each particular agency, submit, in relation to the general establishment, that it has been a losing institution; owing, it is presumable, to adventitious circumstances, originating in our recent belligerent state, and not growing out of any defect in the organization or government of the trade. From the first operations of this traffic up to December, 1809, it sustained a

loss of \$44,538 36. Since that period the trade has been more successful, it having yielded a profit on the capital actually vested in merchandise of about \$15,000 annually, after covering a loss of \$43,369, which accrued in consequence of the capture of several trading posts by the enemy during the late war.

In this view of the subject the committee have not embraced an item of \$20,000, annually disbursed at the Treasury, for the pay of the superintendent and his clerks, the factors, &c., and which, when applied to the concern, as necessarily it must be, in making an estimate of profit and loss, will absorb the profits arising from the funds employed in trade, and furnish an annual charge against the establishment of \$5,000. This annual loss being sustained by the treasury, pursuant to appropriations for the pay of the superintendent and his assistants, is a positive loss to the Government, but not to the concern, in the diminution of its capital, which, under all circumstances, remains stationary. The act passed 29th of April, 1816, giving to the President the discretionary power of licensing foreigners to a participation in the Indian trade, is less exceptionable in theory than in practice. With all the guards of the act and precautions of the Executive, it has been found impracticable, under a dispensing power, to avoid the admission of men of vicious habits, whose conduct tends to interrupt the peace and harmony of the United States and the Indian tribes. Nor can such be interdicted while the door is left open to foreign traders. Either admit or exclude all. A system partial in its character will, by inhibiting a worthy applicant, do him injustice; and, by permitting the fraudulent speculator, the savage, for whom the provision is made, and the country, are wronged. The Executive must rely on recommendations, in the exercise of the power deposited with him; and, no doubt, is often deceived in the character of persons recommended to presidential patronage.

The committee are apprized that the exclusion of foreigners will be attended with a momentary irritation, and a temporary expense to the nation, as the inhibition will devolve on the Government an obligation to increase its trading posts and augment its Indian capital, so as to supply the wants of such tribes as are now dependant on foreign trade. The prosecution of this policy will be strongly aided by the additional vigor with which the system will inspire the commercial enterprise of the American citizen. The committee have been unable to ascertain, with any degree of accuracy, the amount of capital employed by foreigners in this trade; consequently, they are somewhat at a loss to suggest the amount necessary to fill the vacuum that may be occasioned by the withdrawing of foreign capital. But, from the best lights which have been afforded, the committee are induced to believe that \$———, in addition to the present appropriation, having the auxiliary exertions of individual enterprise, and aided by a superintendency at St. Louis, or some other suitable place, would be amply sufficient to accomplish what must be desirable to the Government—the supply of those dependant upon its humanity, upon terms advantageous to both.

Your committee further report that they consider supplying the Indian tribes with such articles of merchandise as are necessary to meet their pressing wants is not only an act of humanity, but of sound national policy; and that every measure that would tend to civilize those savage tribes ought to be pursued by the United States. Your committee are induced to believe that nothing which it is in the power of Government to do would have a more direct tendency to produce this desirable object than the establishment of schools at convenient and safe places amongst those tribes friendly to us. Your committee are aware that many plausible objections may be raised against the proposed measure; but we believe that all difficulties on this subject may be surmounted, and that the great object may be carried into practical effect. In the present state of our country, one of two things seems to be necessary: either that those sons of the forest should be moralized or exterminated. Humanity would rejoice at the former, but shrink with horror from the latter. Put into the hands of their children the primer and the hoe, and they will naturally, in time, take hold of the plough; and, as their minds become enlightened and expand, the Bible will be their book, and they will grow up in habits of morality and industry, leave the chase to those whose minds are less cultivated, and become useful members of society.

Great exertions have, of late years, been made by individuals and missionary societies in Europe and America; schools have been established by those humane and benevolent societies in the Indies, amongst the Hindoos, and the Hottentots; and, notwithstanding that superstition, bigotry, and ignorance have shrouded those people in darkness for ages, thousands of them have already yielded to instruction.

The Government has no such difficulties to encounter, no Bibles nor books to translate into foreign or other languages—only to establish some English schools. The experiment may be tried at a very small expense.

The committee believe that increasing the number of trading posts, and establishing schools on or near our frontiers for the education of Indian children, would be attended with beneficial effects both to the United States and the Indian tribes, and the best possible means of securing the friendship of those nations in amity with us, and, in time, to bring the hostile tribes to see that their true interest lies in peace, and not in war; and therefore the committee report a bill.

15th CONGRESS.]

No. 152.

[1st Session.]

TREATY WITH THE CREEKS.

COMMUNICATED TO THE SENATE ON THE 6TH OF MARCH, 1818.

*To the Senate of the United States:*WASHINGTON, *March 5, 1818.*

I lay before the Senate, for their consideration and the exercise of their constitutional power of advice and consent, respecting the ratification thereof, a treaty concluded on the 22d of January last with the Creek nation of Indians. This treaty is accompanied by certain documents having relation to it.

JAMES MONROE

DEPARTMENT OF WAR, *March 2, 1818.*

The Secretary of War has the honor to transmit the treaty recently made by Governor Mitchell, accompanied by a plat of the cession made by Major Kearney from a map of Georgia.

THE PRESIDENT OF THE UNITED STATES.

A treaty of limits between the United States and the Creek nation of Indians, made and concluded at the Creek agency, on Flint river, on the twenty-second day of January, one thousand eight hundred and eighteen.

James Monroe, President of the United States of America, by David Brydie Mitchell, of the State of Georgia, agent of Indian affairs for the Creek nation, and sole commissioner, specially appointed for that purpose, of the one part, and the undersigned kings, chiefs, headmen, and warriors of the Creek nation in council assembled, on behalf of the said nation, of the other part, have entered into the following articles and conditions, viz:

ARTICLE 1. The said kings, chiefs, headmen, and warriors do hereby agree, in consideration of certain sums of money to be paid to the said Creek nation by the Government of the United States, as hereinafter stipulated, to cede, and forever quit claim, and do, in behalf of their said nation, hereby cede, relinquish, and forever quit claim unto the United States, all right, title, and interest which the said nation have or claim in or unto the two following tracts of land, situate, lying, and being within the following bounds, that is to say: 1. Beginning at the mouth of Goose creek, on the Alatomaha river; thence, along the line leading to the Mounts, at the head of St. Mary's river, to the point where it is intersected by the line run by the commissioners of the United States under the treaty of Fort Jackson; thence, along the said last-mentioned line, to a point where a line leaving the same shall run the nearest and a direct course by the head of a creek called by the Indians Alcasalekie, to the Oakmulgee river; thence, down the said Oakmulgee river, to its junction with the Oconee, the two rivers there forming the Alatomaha; thence, down the Alatomaha, to the first-mentioned bounds at the mouth of Goose creek. 2. Beginning at the high shoals of the Appalachee river; and from thence, along the line designated by the treaty made at the city of Washington on the 14th of November, 1815, to the Ulcofauhatche, it being the first large branch or fork of the Oakmulgee, above the Seven Islands; thence, up the eastern bank of the Ulcofauhatche by the water's edge, to where the path leading from the high shoals of the Appalachee to the shallow ford on the Chatahoochee crosses the same; and from thence, along the said path, to the shallow ford on the Chatahoochee river; thence, up the Chatahoochee river, by the water's edge, on the eastern side, to Suwanee Old Town; thence, by a direct line, to the head of Appalachee; and thence, down the same, to the first-mentioned bounds at the high shoals of Appalachee.

ART. 2. It is hereby stipulated and agreed on the part of the United States, as a full consideration for the two tracts of land ceded by the Creek nation in the preceding article, that there shall be paid to the Creek nation by the United States, within the present year, the sum of twenty thousand dollars; and ten thousand dollars shall be paid annually for the term of ten succeeding years, without interest; making, in the whole, eleven payments in the course of eleven years, the present year inclusive; and the whole sum to be paid one hundred and twenty thousand dollars.

ART. 3. And it is hereby further agreed on the part of the United States that, in lieu of all former stipulations relating to blacksmiths, they will furnish the Creek nation for three years with two blacksmiths and strikers.

ART. 4. The President may cause any line to be run which may be necessary to designate the boundary of any part of both or either of the tracts of land ceded by this treaty, at such time and in such manner as he may deem proper. And this treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the Government of the United States.

Done at the place and on the day and year before written.

D. B. MITCHELL. [L. s.]

[Signed, also, by the kings, chiefs, headmen, and warriors of the Creek nation.]

SIR:

DEPARTMENT OF WAR, *October 31, 1817.*

In compliance with your request, I now enclose you a regular commission to treat with the Creeks for the lands mentioned in your former instructions. In the late treaty made with the Cherokees, they have ceded the lands lying north of a line run from the high shoals of the Appalachee to the Chatahoochee river, and bounded by that river; between this line (the line established by the treaty with the Creeks on the 14th of November, 1805,) and the Oakmulgee river, there will remain a *gore* of land, which it would be very desirable for the State of Georgia to obtain, and which, perhaps, may be obtained without agitating the question of the boundary line between the Creeks and Cherokees, by making the Oakmulgee river the boundary between the Creeks and us. You will therefore endeavor to obtain a relinquishment of all the lands claimed by the Creek nation on the east side of the Oakmulgee.

When McIntosh was here, he expressed much sensibility upon the question of the boundary line between the Creeks and Cherokees; and I understand that there has been a council held by the chiefs of those two nations for the purpose of settling their boundary, but that it terminated without coming to any agreement. The boundary line which is considered here as the proper one between those two nations is, a line run directly from the high shoals of Appalachee to the Ten Islands, or Turkeytown, on the Coosa river. If you find the sensibility of the Creek chiefs abated in relation to this question, in consequence of what may have passed at the council lately held with the Cherokees, and you find that the question of boundary can be agitated without endangering the other objects which you have in charge, you are authorized to establish the above-mentioned line as the northern boundary of the Creek nation; and if you can establish this line, it will justify you in giving a greater compensation for the relinquishment of the title to the two tracts of land for which you are authorized to negotiate.

I have the honor to be, &c.

GEORGE GRAHAM.

D. B. MITCHELL, *Creek Agent.*

SIR:

CREEK AGENCY, *January 6, 1818.*

I yesterday received a letter from the Little Prince, a copy of which I have the honor to enclose. It seems the messenger sent to the Seminoles has returned to Fort Mitchell without calling here. You will find the motives which induced me to send to the Seminoles explained in my letter of the 14th of December last, and, from the answer brought back, I have yet hopes that the difficulties we have gotten into with these people may be settled without entering the Spanish territory, if to avoid such a step be still desired by the Government.

All the principal chiefs and warriors of the friendly part of the nation are to meet me here on the 11th instant, and, in consequence of the report of Hopoie Haijo that he had "met the Mickasukies at the half-way ground coming with a peace talk to us," and of the wish expressed in the latter part of the Little Prince's letter respecting the Choctaws, I have despatched a messenger with a copy of the letter to General Gaines, or the officer commanding, (for I understand the general has gone to St. Mary's,) with a suggestion on my part that, if a little time is allowed for the decided interference of the friendly Indians, a settlement of differences may possibly be had; but, if not, that the friendly warriors, after their efforts shall have been ineffectual to procure peace, will heartily unite in compelling the hostile ones to submit.

Although I shall again, in a few days, have occasion to communicate the result of our deliberations at the contemplated meeting, yet I deemed it my duty not to delay one moment in communicating the result of the mission to the Seminoles.

I have the honor to be, with high consideration and esteem, your obedient servant,

D. B. MITCHELL.

Hon. JOHN C. CALHOUN, *Secretary of War.*

MY FRIEND:

FORT MITCHELL, *December 30, 1817.*

The messenger who was sent to the Mickasukies has returned with an answer to our talk. The Mickasukies say it was not they that began the war; they were sitting down in peace, and the white people came on them in the night and fired on them. The Mickasukies are all sitting down in their town, and doing no mischief, and waiting to see if the white people will make peace with them. The people that shot at the boat and killed all the white people were the Old Red Sticks from the upper towns—they that turned hostile last war. The man that was sent to the Mickasukies (Hopoie Haijo) with a peace talk met the Mickasukies at the half-way ground coming with a peace talk to us. Mr. Hambly and Mr. Doyle were taken prisoners. Hopoie Haijo saw them. Tustenuggee Chapeo has gone to relieve them, and carry them to the fort of St. Mark's.

I have sent you this little talk now; our meeting that you appointed will soon be, and then every thing will be made straight. We hear that the army has crossed at Hartford. The Chickasaws have received two letters from the army, and they had nobody to read them, and they do not know the contents, and wish the army could be stopped until our meeting is over.

TUSTENUGGEE HOPOIE.

To D. B. MITCHELL.

SIR:

CREEK AGENCY, *January 28, 1818.*

I have the honor to enclose a treaty made with the headmen of the Creek nation at this place on the 22d instant. The extent of territory ceded is much greater, and the price given much less, than I had any reason to expect either would be at the commencement of the meeting. It is the result of my best exertions, and I trust will meet the approbation of Government.

The great extent of territory which this nation lost by the late war makes them reluctant in parting with any more, and I could not prevail upon them to make the Oakmulgee the boundary of the second tract mentioned in that treaty; neither would they consent to bring the line of the lower tract so high up as Fort Hawkins. It is my opinion, however, that these two points can be attained before many years. There is a tract of land lying on Wills creek, and between that creek and the Coosa river, on the west side of the latter, and north of the treaty line of Fort Jackson, which they may be prevailed upon to part with; in treating for which they are willing to discuss and settle the subject of the boundary between them and the Cherokees. They, however, contend that their present boundary with the Cherokees is by the Suwanee path, where it leaves the western line of Jackson county, to the Suwanee Old Town, on the Chatahoochee river; and from thence, by a direct line, to the mouth of a certain watercourse, called by them Little river, where it unites with the Coosa. They have furnished me with a copy of certain questions put by the Creeks to an old Cherokee chief and the Cherokee interpreter, (who was their mutual interpreter on the first settlement of the Cherokees in the Creek country,) at their late meeting, a copy of which, and of the answers, is enclosed; by which it does appear that the Cherokees have for a long time occupied, and do now occupy, a certain portion of Creek land, and that they do not claim lower down the Chatahoochee than Suwanee Old Town, the path to which, from the high shoals of the Appalachee, has always been considered as their boundary east of Chatahoochee. This is a very different boundary to that which Mr. Graham informed me in his letter of the 31st October last was understood by the Government to be the boundary between the two nations.

It has always been customary, at meetings of the Indians called by the agent, either for treaty or for payment of annuities, &c., for the agent to furnish provisions during such meetings; and as the Indians, at the meeting at Fort Hawkins, in July last, paid for the provisions expended out of their annuity, Mr. Graham desired me to provide for the amount in the treaty which has just been concluded, and which was then in contemplation. This, however, has not been done, because the Indians did not seem to understand the necessity of inserting it, and did not wish the sum to appear larger than what they actually received for their land. I therefore did not insist upon it, but there can be no objection on that account to its being appropriated by Congress, when appropriations are made to carry the treaty into effect, if approved by the President and ratified by the Senate. The sum expended was a little upwards of six thousand dollars.

I shall have the honor to address you again by next mail upon some important matters relating to this agency, which the want of time prevents my doing now.

I am, sir, with high consideration and respect, your very obedient servant,

D. B. MITCHELL, *Agent for Indians.*

The Hon. J. C. CALHOUN, *Secretary of War.*

Questions put to, and answers of Shoe Boot, interpreter for the Creeks and Cherokees, from the first settling of the latter in the Creek country. October 19, 1817.

Question 1st. Were you an interpreter for the Creeks and Cherokees when the Cherokees first came into the Creek country?

Answer. I was the linguist; but the chiefs of both nations present at that time are either dead or absent, except these men, (Chowoloca, Micco, and Sour Mush.)

Question 2d. Where did the Cherokees come from? and was the country now in dispute their country or not?

Answer. They came from Tennessee, being driven away by the white people, and came into the Creek country.

Question 3d. Within what limits did the Creeks lend them land?

Answer. They talked with the Upper Creeks, being sent there by some of the Lower Creeks who saw them on their way to the Spanish settlements. They went to Au-beh-cau, a town in the Upper Creek country, and had their talk. The Creeks told them to live down as low as Wills creek, on the west side of Coosa river. They held a second talk at Hiwassee, when the Creeks told them they might live on the head waters of the Coosa or Hiw-tower river.

Question 4th. Did you think, at the time it was lent, that it was Creek country?

Answer. I did, and the Creeks told them to live on the Coosa or Creek river.

Question 5th. Did these men now present, (Chowoloca, Micco, and Sour Mush,) know any thing about its being Creek country? and do they know any thing about it now?

Answer. The old chiefs know it, and now acknowledge it.

W. S. MITCHELL, *Assistant Agent Indian Affairs.*
SAMUEL HAWKINS, } *Creek Interpreters.*
GEORGE LOVETT, }

Several of the Creek chiefs who were at the first council with the Cherokees were present and in council when the foregoing questions were put and the answers given thereto.

W. S. MITCHELL, *Assistant Agent Indian Affairs.*

15th CONGRESS.]

No. 153.

[1st Session.]

WAR WITH THE SEMINOLES.

COMMUNICATED TO THE SENATE, ON THE 25TH OF MARCH, 1818.

To the Senate of the United States:

WASHINGTON, March 25, 1818.

I now lay before Congress all the information in the possession of the Executive respecting the war with the Seminoles, and the measures which it has been thought proper to adopt for the safety of our fellow-citizens on the frontier exposed to their ravages. The enclosed documents show that the hostilities of this tribe were unprovoked, the offspring of a spirit long cherished and often manifested towards the United States; and that, in the present instance, it was extending itself to other tribes, and daily assuming a more serious aspect. As soon as the nature and object of this combination were perceived, the major general commanding the southern division of the troops of the United States was ordered to the theatre of action, charged with the management of the war, and vested with the powers necessary to give it effect. The season of the year being unfavorable to active operations, and the recesses of the country affording shelter to these savages, in case of retreat, may prevent a prompt termination of the war; but it may be fairly presumed that it will not be long before this tribe and its associates receive the punishment which they have provoked and justly merited.

As almost the whole of this tribe inhabit the country within the limits of Florida, Spain was bound by the treaty of 1795 to restrain them from committing hostilities against the United States. We have seen with regret that her Government has altogether failed to fulfil this obligation, nor are we aware that it has made any effort to that effect. When we consider her utter inability to check, even in the slightest degree, the movements of this tribe, by her very small and incompetent force in Florida, we are not disposed to ascribe the failure to any other cause. The inability, however, of Spain to maintain her authority over the territory and Indians within her limits, and, in consequence, to fulfil the treaty, ought not to expose the United States to other and greater injuries. Where the authority of Spain ceases to exist, there the United States have a right to pursue their enemy, on a principle of self-defence. In this instance, the right is more complete and obvious, because we shall perform only what Spain was bound to have performed herself. To the high obligations and privileges of this great and sacred right of self-defence will the movement of our troops be strictly confined. Orders have been given to the general in command not to enter Florida, unless it be in pursuit of the enemy; and, in that case, to respect the Spanish authority wherever it is maintained; and he will be instructed to withdraw his forces from the province as soon as he shall have reduced that tribe to order, and secured our fellow-citizens in that quarter, by satisfactory arrangements, against its unprovoked and savage hostilities in future.

JAMES MONROE.

DEPARTMENT OF WAR, March 24, 1818.

The Secretary of War has the honor to transmit to the President of the United States all the documents in relation to the origin of the Seminole war, accompanied by a copy of an order to Major General Gaines of the 16th of December, 1817, and an extract of an order to Major General Jackson of the 26th of the same month.

J. C. CALHOUN.

THE PRESIDENT OF THE UNITED STATES.

Extract of a letter from R. Sands, commanding Fort Gaines, to the Commanding Officer of Fort Hawkins, dated

FEBRUARY 2, 1817.

When the colonel with the troops left Fort Scott, he gave the buildings in charge of one of the Perrymans, from whom I have just received a letter, handed me by his brother, who arrived here after I had commenced writing this.

Perryman states in his letter that the Red Sticks, (or hostiles,) after we had left the fort, came in companies and carried off every thing we had left with him, and what he had purchased of Butler; burnt three houses, and threatened, if he did not leave the place, to burn it over his head. He got what few articles he could, with his family, in a canoe, and came to his brother's, who informs me that there are at present about three hundred Indians embodied at the forks, and others constantly joining them. He does not know their intentions, but understood a party was going out to steal horses, &c.

This morning [3d] one of the settlers waited on me to advise in what manner to act, as eight or ten Indians had been at his house and ordered him off; telling him that in six days they would come back, and, if he was not gone, they would drive him away.

Extract of a letter from the Governor of Georgia to General Gaines, dated

MILLEDGEVILLE, February 5, 1817.

You, no doubt, have already been informed that the notorious Woodbine has recently made his appearance again at the mouth of the Appalachicola, and that he has an agent now among the Seminole Indians and negroes in that quarter, stirring them up to acts of hostility against this country; and that Woodbine, himself, has gone in an armed vessel to some part of the West Indies for supplies. Connected with this fact is another, which may serve as an intimation of the future conduct of these people, when once in possession of the supplies which it is said they expect on the return of Woodbine. About ten or twelve days ago, a small party of those Indians entered the frontier of Wayne county, and stole two horses and some cattle: they were pursued by some of the inhabitants, who peaceably demanded a restoration of the stolen property; and, instead of a compliance on the part of the Indians, they immediately fired upon the whites, who retired without returning a shot. One of the whites was mortally wounded.

Copy of a letter from General Gaines to the Governor of Georgia, dated

MILLEDGEVILLE, February 5, 1817.

I have the honor to acknowledge the receipt of your excellency's letter of this date.

The facts which you have been pleased to communicate, in relation to the late hostile conduct of the Seminole Indians, must and shall receive my immediate and particular attention. I am not authorized to change the destination of the 4th infantry; but, should I receive no authority to recall a part of that corps, I shall order one or two companies of artillery (to do duty as infantry) from Charleston to the southern frontier of this State, with instructions to check Indian hostilities, and at the same time to remove from Indian land such intruders as may remain after being duly notified to remove.

I have the honor to be, &c.

E. P. GAINES.

Extract of a letter from George Perryman to Lieutenant Sands, dated

FEBRUARY 24, 1817.

• The charge given me by Colonel Clinch and yourself, and other officers of the United States, induces me to believe there is a confidence placed in me which I ought not to deceive. I therefore think it my duty, as well as my inclination, to give you the following information: There was a friend of mine not long since in the Fowl-town, on Flint, and he saw many horses, cattle, and hogs, that had come immediately from the State of Georgia; and they are bringing them away continually. They speak in the most contemptuous manner of the Americans, and threaten to have satisfaction for what has been done—meaning the destruction of the negro fort. There is another of my acquaintances returned immediately from the Seminole towns, and saw the negroes on parade there: he counted about six hundred that bore arms. They have chosen officers of every description, and endeavor to keep up a regular discipline, and are very strict in punishing violators of their military rules. There is said to be about the same number of Indians belonging to their party; and there are both negroes and Indians daily going to their standard. They say they are in complete fix for fighting, and wish an engagement with the Americans, or McIntosh's troops; they would let them know they had something more to do than they had at Appalachicola. They have chosen Bowlegs for their head, and nominated him king, and pay him all kind of monarchical respect, almost to idolatry, keeping a picket guard at the distance of five miles. They have a number of the likeliest American horses; but there are one or two chiefs who are not of the *choir*. Kenhijah, the Mickasuky chief, is one that is an exception.

Copy of a letter from Archibald Clarke, Intendant of St. Mary's, Georgia, to General Gaines, dated

SIR:

FEBRUARY 26, 1817.

In consequence of a recent and most obnoxious act perpetrated by a party of Indians (supposed to be of the Lower Creeks) in this county, in the murder of an unfortunate white woman and her two infant children, by which the defenceless inhabitants on our frontier have been thrown into a distressing state of alarm, I avail myself of the earliest opportunity in giving information that may be relied on, under the fullest assurance that immediate measures will be adopted to guard and prevent a repetition of such cruel and barbarous acts.

On the 24th instant, the house of a Mr. Garrett, residing in the upper part of this county, near the boundary of Wayne county, was attacked during his absence, near the middle of the day, by this party, consisting of about fifteen, who shot Mrs. Garrett in two places, and then despatched her by stabbing and scalping. Her two children, one about three years, the other two months old, were also murdered, and the eldest scalped; the house was then plundered of every article of value, and set on fire. A young man in this neighborhood, hearing the report of guns, went immediately towards the house, where he discovered the murdered family. The flames having only commenced, they were extinguished, and he spread the alarm. The workmen from my mills, and a few others, assembled to pursue; but, having but few arms, and not otherwise equipped, their pursuit proved fruitless. The Indians were tracked as far as the men dared venture. Their course was parallel with the western branch of *Spanish creek*, which induces the belief of their being Indians of the lower tribes.

On this open, extensive, and entirely unprotected frontier, the poor and innocent inhabitants have ever been exposed to these calamities. Representation after representation to the several *Governors* of this State, of cruel and unprovoked murders in this quarter by the Indians, have been made. A momentary disposition was manifested to afford relief; but little time, however, would elapse before the alarm would subside, and the subject never more thought of until again revived by an occurrence such as I have just related.

To you, sir, therefore, the inhabitants on the frontier, as well as others, through me, appeal for some protection. A small detachment of troops upon the head of the St. Mary's would answer a most valuable purpose, by at once checking the inroads of the savages, and preventing our abandoned and unprotected citizens from adventuring into the Indian country, and driving in herds of cattle.

Copy of a letter from R. Arbuthnot to the officer commanding at Fort Gaines, dated

SIR:

OCHLOCHNEE SOUND, March 3, 1817.

I am desired by Peter McQueen, an unfortunate Indian chief, who was some years since obliged to fly from the town of Tucky Batche, on the Tallapoohatch river, to claim of your friendship the delivery of a negro man, named Joe, (taken away from him since the peace,) whom he states to be in Fort Gaines. When McQueen left Tucky Batche, his property was considerable, both in negroes and cattle: of the former, ten grown negroes were taken by a half-breed man, named Barney, nine of which, he learns, were sold; and one (a girl) is still in possession of said Barney. Twenty able negroes were taken by a chief named Colonel, or Auchi Hache, who acts also as an interpreter; and as he never had possession of any of those persons' property, nor ever did them an injury, to his knowledge, he claims as a further proof of your friendship that you will use your influence in procuring those negroes for him; and should they be given up by the persons holding them, there is one faithful negro among them, named Charles, who will bring them to him at Ochlochnee river.

The American headmen and officers that were accustomed to live near him can testify to his civility and good fellowship with them; and there are none of them, he is convinced, that would not serve him, if in their power. As he owes nothing, nor ever took any person's property, *none* have a right to retain his; and he hopes that, through your influence, those persons now holding his negroes will be induced to give them up.

While I am thus advocating the cause of an unfortunate individual, allow me to claim an extension of your philanthropy to all the Indians within your circle, by your representing to them the folly of their quarrels, and that they ought to live quietly and peaceably with each other.

The Lower Creeks seem to wish to live peaceably and quietly, and in good friendship with the others; but there are some designing and evil-minded persons, self-interested, who are endeavoring to create quarrels between the Upper and Lower Creek Indians, contrary to their interest, their happiness, and welfare. Such people belong to *no* nation, and ought not to be countenanced by any Government. The head chiefs request I will inquire of you why American settlers are descending the Chatahoochee, driving the poor Indian from his habitation, and taking possession of his home and cultivated fields.

Without authority, I can claim nothing of you; but a humane and philanthropic principle guiding me, I hope the same will influence you; and, if such is really the case, and that the line marked out by the treaty between Great Britain and the United States respecting the *Indian nations* has been infringed upon by the subjects of the latter, that you will represent to them their improper conduct, and prevent its continuance.

I hold in my possession a letter received from the Governor of New Providence, addressed to him by His Britannic Majesty's chief secretary, informing him of the orders given to the British ambassador at Washington to watch over the interests of the Indian nations, and see that their rights are faithfully attended to and protected, agreeably to the treaty of peace made between the British and Americans.

I am in hopes that ere this there is arrived at New Providence a person from Great Britain with authority to act as agent for the Indian nations; and, if so, it will devolve on him to see that the boundary lines, as marked out by the treaty, are not infringed upon.

I hope you will not think these observations, *made by desire of the chiefs*, any improper interference; and, requesting the favor of an answer,

I am, respectfully, &c.

R. ARBUTHNOT.

P. S. McQueen states that the offspring of the negroes, when he left Tucky Batche, were seven of those taken by Barney, and none of those taken by Auchi Hache; and he supposes they have increased.

Copy of a letter from Lieutenant Richard M. Sands, 4th infantry, commanding at Fort Gaines, Georgia, to Colonel William King, or officer commanding the 4th regiment of infantry, dated

SIR:

MARCH 15, 1817.

I enclose for your information two letters which I received a few days since. Yesterday, William Perry man, accompanied by two of the lower chiefs, arrived here. He informs me that McQueen, the chief mentioned in one of the enclosed letters, is at present one of the heads of the hostiles; that they are anxious for war, and have lately murdered a woman and two children.

He likewise says that he expects the news in George Perryman's letter is true; for there are talks going through the towns that the English are to be at Ochlochnee river in three months.

I have sent an Indian runner to Ochlochnee to ascertain what preparations the hostiles are making.

I have the honor to be, &c.

R. M. SANDS.

Extract of a letter from David B. Mitchell, Indian Agent, to the Secretary of War, dated

MILLEDGEVILLE, GEORGIA, March 30, 1817.

By yesterday's mail I received a letter from Mr. Timothy Barnard, who resides on Flint river, in the Indian country, a considerable distance below the agency, in which he observes: "I have been informed two days past from below, where the Red Stick class reside, that a party have been down near St. Mary's, and murdered a woman and two children, and brought off some horses. I have heard, for some time past, that the Red Stick party have commenced their Red Stick dancings again, which is a proof that they mean to commence hostilities. Our Forts Crawford and Gaines having been evacuated, I believe, has been the cause of this Red Stick class beginning again to commence hostilities. They think that our troops were afraid to continue there."

The murder of the woman and two children, spoken of by Mr. Barnard, had been previously communicated to me by the magistrates of Camden county; and I have no doubt but it was perpetrated in retaliation for the killing of an Indian, about three or four weeks previous, on the Florida side of St. Mary's river, by some worthless white men who reside on the frontiers of East Florida, and who live by plunder. They have, for some time past, been a perfect nuisance to the frontier of Georgia in that quarter; and, although repeated complaints of their bad conduct have been made to the Governor of the province, yet, from the want of either ability or inclination, they have not been suppressed; but I believe their impunity is attributable to the first, viz: inability on his part to apprehend and punish them.

The single fact of this murder being easily accounted for on the Indian principle of retaliation, I should dread no further bad consequences from it; but the other facts stated by Mr. Barnard can only be attributed to a settled plan of hostility on the part of the Indians, and that such a disposition has been encouraged by the removal of the troops from Camp Crawford. And I have the more reliance upon the intelligence as coming from Mr. Barnard, who has resided nearly fifty years in the Indian country, and is perfectly well acquainted with their habits and customs, and whose family connexion gives him the best and surest means of correct information.

As an additional inducement to this measure, I will further state that I have received information from other persons at and near Fort Gaines that a British agent is now among these hostile Indians, and that he has been sending insolent messages to the friendly Indians and white men settled above the Spanish line: he is also charged with stimulating the Indians to their present hostile aspect; but whether he is an acknowledged agent of any foreign Power, or a mere adventurer, I do not pretend to determine, but am disposed to believe him the latter; but, be that as it may, and let the hostile disposition of the Indians proceed from what it may, a moderate regular force stationed at Camp Crawford, or any other suitable position in that quarter, will, I am confident, keep all quiet; and, without it, some serious mischief will result.

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Extract of a letter from General Gaines to the Secretary of War, dated

CAMP MONTGOMERY, M. T., April 3, 1817.

I received, by the last mail, a letter from Archibald Clarke, Esq., intendant of the town of St. Mary's, by which it appears that another outrage of uncommon cruelty has recently been perpetrated by a party of Indians upon the southern frontier, near the boundary of Wayne county. They have massacred a woman (Mrs. Garrett) and two of her children; the mother and eldest child were scalped; the house plundered and burnt.

SIR:

MONTGOMERY, April 3, 1817.

The enclosed letter contains some additional information upon the subject of my communication of this date. Most respectfully, &c.

EDM. P. GAINES.

Hon. the SECRETARY OF WAR.

FORT GAINES.

I am requested by all the citizens to inform you of our situation, believing that no communication has been forwarded, giving a detail of the information received, our distress, and the prospect of approaching destruction.

We are hourly told, by every source of information, by the friendly Indians, by letters from William Hambly and Edmund Doyle, who reside low down on the Appalachicola, that all the lower tribes of Indians are embodied, and are drying their meats to come on to the attack of this post. The British agent at Ochlochnee Sound is giving presents to the Indians. We have among us Indians who have been down and received powder, lead, tomahawks, knives, and a drum for each town, with the royal coat-of-arms painted on it. We have, at this time, at least five hundred Indians skulking in this neighborhood, within three or four miles of us, who will not act for themselves, and who are evidently waiting the signal to strike an effectual blow. They have stolen almost every horse belonging to the citizens. They have scared them from the fields which they have cleared, and have taken possession of their houses. They are now stealing horses, cattle, and hogs from the Georgia lines, and have killed one or two families on the Satilla.

The citizens have all assembled near the fort, not able to return to the States, nor any prospect of making crops. The Indians have all returned to their towns below the line, and this post is unable to remove them. The troops are scarce of provisions, and no prospect of the early arrival of more.

Nothing but speedy relief by troops can quiet the people, or save this country from destruction.

Respectfully, your most obedient, humble servant,

A. CULLOH.

General GAINES.

SIR:

CAMP MONTGOMERY, M. T., July 28, 1817.

Agreeably to your instructions of the 26th instant, I proceeded to the Burnt Corn Spring, near the place where the recent murder was committed by an Indian; and, from the best information received, I have the honor to make the following report:

1st. It does not appear that any misunderstanding existed between the Indians and the citizen killed, (Mr. Glass.)

2d. It appears that the Indians made the first assault, and that without any provocation on the part of the citizens.

3d. From the information received, it appears that Mr. Glass heard four or five guns fire some short distance from his house. He was under the impression that the Indians were doing some mischief, and went out for the purpose of ascertaining what the firing was at. He had proceeded but a short distance when he discovered an Indian woman. He went towards her, and asked her if she knew who it was that was shooting. She made him no answer. He asked her several times, and received no answer. She said something, and an Indian that was concealed in the bushes not more than fifteen steps from Mr. Glass, rose up, and shot him through the body. He snapped his gun at the Indian, who immediately ran off. He then fired at the woman as she was running after the man, but does not know whether he killed her or not. His wound being very painful, he dropped his gun and shot-bag, and attempted to return home. He had not proceeded more than three hundred yards when he fainted, and remained until found by a traveller. This was on a Saturday, and he died on Sunday morning, leaving a widow and eight children to lament his untimely death. He was a man who supported a good character in his neighborhood, though in limited circumstances. On the following day there was a cow found near the place where Mr. Glass was shot, with four balls shot through her.

4th. There was only one Indian man seen by Mr. Glass; but, the circumstances of his hearing four guns, and the cow being found near that place with four balls shot through her, induce a belief that he had several companions with him, although they were not seen by Mr. Glass. From the report of the friendly Indians, it is believed they are fifty or sixty in number, and that they have returned to the camp on Pine Barren creek, occupied by them at the time they murdered Johnson and Magasky, as a part of them were met by several persons near the Pine Barren spring a few days after the murder was committed.

Colonel Dales's party pursued them to their camp on the Sapelo Sound, but found it deserted, apparently several days. They have several small fields of corn growing at that place; from the sign left, it is believed they have a number of horses, and some of the largest description. The Indian who acted as a guide states they have at this time a negro boy and a horse belonging to Johnson and Magasky. It appears to be the prevailing opinion among the inhabitants that they may be found on Pine Barren creek.

I have the honor to be, &c.

General GAINES.

G. LEFTWICH, *Adjutant 7th infantry.*

Extract of a letter from General Gaines to the Secretary of War, dated

CAMP MONTGOMERY, M. T., August 25, 1817.

Having received several communications from persons settled upon the public land within the tract acquired by the treaty of Fort Jackson, containing general accusations against the Indians that they had killed cattle and hogs, and stolen corn, &c. from the inhabitants, and requesting the interposition of military authority, I have uniformly referred them to the civil magistrate, because I have in no case during the present year heard of any thing like an *assemblage of force* among the Indians in this quarter of the Territory. Nor could I see any reason why persons who had obtruded themselves upon the public land, contrary to law, should be allowed military protection against the petty offences of which these people complained, especially as it did not appear that the civil authority had been opposed, nor even resorted to by the complainants.

The enclosure (marked A) contains a copy of my reply to the inhabitants of Murder creek, and in this you will find the substance of my other replies, both written and verbal. Since the date of this reply, and as I have reason to believe some days after it reached the settlement of Murder creek, a Mr. Glass, near that place, was killed by an Indian, who was said to be accompanied by three others.

On receiving this information, I immediately despatched a discreet officer, Lieutenant Leftwich, to ascertain the particulars of the outrage, with a view to send a party in pursuit of the offenders, in case they should not have been arrested by the civil authority.

A.

GENTLEMEN:

HEAD-QUARTERS, CAMP MONTGOMERY, M. T., July 12, 1817.

I have received your communication of the 21st of last month, stating that the Indians residing upon the Conecuh had killed cattle and hogs belonging to the inhabitants of Murder creek, and had broken into their houses, and taken from them some provisions, corn, &c.

In reply, I have to observe that all Indians within the lately acquired territory are amenable to our laws, and may be prosecuted for the offences of which you complain, in the same manner as if they were white inhabitants.

The lands cultivated by friendly Indians within the ceded territory have been reserved and guaranteed to them by treaty; and, by a late act of Congress, the agent of Indian affairs has been authorized to settle the respective claims to such reservations. Until this is effected, there exists nowhere any sort of authority to drive off such Indians settled upon the public land.

Governor Mitchell, the agent, will in a short time enter upon the examination and adjustment of those claims.

The disposition which you have manifested to abstain from "rash measures"* towards those Indians affords ground to hope that, viewing them as a part of the human family, possessing the right of residing among us, you will make allowance for their ignorance and their wants, which are calculated rather to awaken our commiseration than to excite in us a spirit of hostility towards them.

That you may have peace and prosperity throughout your settlement is the sincere wish of

Your obedient servant,

EDMUND P. GAINES.

The INHABITANTS of *Murder Creek, Alabama Territory.*

Extract of a letter from Major Twiggs to General Gaines, dated

FORT SCOTT, September 17, 1817.

Your communication to the Indians on the east side of the Flint river was read and explained to the principal chief of the Mickasukies the 6th of this month. He promised to give an answer in ten days, at farthest. I have detained the express until this time in expectation of sending it on by him, but have been disappointed. I have not heard from them since. The interpreter informed me the principal warriors were absent when he was there, but those who were present said they had never heard of Indians being given up to be punished by the whites; that they had heard of their being sometimes killed by *themselves* for offences committed, but seemed to think that giving them up was out of the question, but said they would have a meeting, and would answer the letter in a few days. As they have not done so, I think but one construction can be put on their conduct. The young man seemed to dislike the communication very much, and when Gregory was about leaving the town he offered his hand to an Indian, who held out his with a knife in it, and refused to shake hands with him; he staid so short a time among them that it was impossible for him to give much information respecting them. Captain Donoho has returned; he has been sick in Hartford, which was the cause of his delay. On his return, the Indians were very rude to him, and frequently threatened his guide, and once caught hold of the captain's bridle in a threatening manner.

Extract of a letter from General Gaines to the Secretary of War, dated

CAMP MONTGOMERY, M. T., October 1, 1817.

I have the honor to lay before you a copy of a letter which I have received from the chiefs of ten of the Seminole towns in reply to my demand for the delivery of the murderers of our citizens.

By this communication it appears that, instead of a compliance with my demand, the chiefs have set up a claim against us for the lives of three Indians, for whom they allege they have not yet taken satisfaction. They charge us with

*The inhabitants promised not to resort to "rash measures."

having killed ten of their warriors, and claim a balance of three to be due to them; they admit, by necessary implication, that they have killed seven of our citizens.

They acknowledge the murder of a woman (Mrs. Garrett) and her two children; but the chiefs attempt to justify this act upon the ground that the warriors who committed the outrage had just before lost some friends, had entered our settlements to take satisfaction, found at the house of Garrett a kettle belonging to the Indian that had been killed, and, from that circumstance, supposed the murder had been committed by the husband of the woman; they, therefore, killed her and her two children.

By a letter from Major Twiggs, the commandant of Fort Scott, I learn that he had been warned some weeks past by the principal chiefs of the Fowltown (fifteen miles above the fort, and twenty above the national boundary) not to cut another stick on the east side of Flint river; adding that the land was his, and he was directed by the Powers above to protect and defend it, and should do so; and it would be seen that talking could not frighten him. Major Twigg adds, he had not seen the chief nor any of his people since he made this threat. The major states in another letter that this town had been detected in stealing one hundred head of cattle in one drove, all of which they had killed.

From Major Twiggs to General Gaines, dated

FORT SCOTT, September 18, 1817.

Since I started the express this morning, the Indians have delivered the enclosed letter to me.

I have the honor to be, &c.

DEAR SIR:

SEPTEMBER 11, 1817.

Since the last war, after you sent word we must quit the war, we, the red people, have come over on this side. The white people have carried all the red people's cattle off. After the war I sent to all my people to let the white people alone, and stay on this side of the river, and they did so; but the white people still continue to carry off their cattle. Barnard's son was here, and I inquired of him what was to be done, and he said we must go to the headman of the white people and complain. I did so, and there was no white headman, and there was no law in this case. The whites first began, and there is nothing said about that, but great complaint made about what the Indians do. This is now three years since the white people killed three Indians; since that they have killed three other Indians, and taken their horses and what they had; and this summer they killed three more, and very lately they killed one more. We sent word to the white people that these murders were done, and the answer was that they were people that were outlaws, and we ought to go and kill them. The white people killed our people first, and the Indians then took satisfaction. There are yet three men that the red people have never taken satisfaction for. You have written that there were houses burnt, but we know of no such thing being done; the truth in such cases ought to be told, but this appears otherwise. On that side of the river the white people have killed five Indians, but there is nothing said about that; and all that the Indians have done is brought up. All the mischief the white people have done ought to be told to their headman. When there is any thing done, you write to us, but never write to your headman what the white people do. When the red people send talks, or write, they always send the truth. You have sent to us for your horses, and we send all that we could find; but there were some dead. It appears that all the mischief is laid on this town; but all the mischief that has been done by this town is two horses—one of them is dead, and the other was sent back. The cattle that we are accused of taking were cattle that the white people took from us. Our young men went and brought them back, with the same marks and brands. There were some of our young men out hunting, and they were killed. Others went to take satisfaction, and the kettle of one of the men that were killed was found in the house where the woman and two children were killed; and they supposed it had been her husband who had killed the Indians, and took their satisfaction there. We are accused of killing up Americans, and so on; but since the word was sent to us that peace was made, we stay steady at home and meddle with no person. You have sent to us respecting the black people on the Suwanee river. We have nothing to do with them; they were put there by the English, and to them you ought to apply for any thing about them. We do not wish our country desolated by an army passing through it for the concern of other people. The Indians have slaves there, also—a great many of them. When we have an opportunity, we shall apply to the English for them, but we cannot get them now.

This is what we have to say at present.

Sir, I conclude by subscribing myself your humble servant, &c.

N. B. There are ten towns that have read this letter, and this is the answer.

To the COMMANDING OFFICER at Fort Hawkins.

Extract of a letter from George Graham, Acting Secretary of War, to Brevet Major General Edmund P. Gaines, Fort Hawkins, Georgia, dated

OCTOBER 30, 1817.

I have the honor to acknowledge the receipt of your letter of the 1st instant, covering a copy of the reply which was made by ten of the Seminole towns to the demand made by you on them for the surrender of the murderers of some of our citizens.

These papers have been submitted to the President, and I am instructed by him to inform you that he approves of the movement of the troops from Fort Montgomery to Fort Scott. The appearance of this additional force, he flatters himself, will at least have the effect of restraining the Seminoles from committing further depredations, and, perhaps, of inducing them to make reparation for the murders which they have committed. Should they, however, persevere in their refusal to make such reparation, it is the wish of the President that you should not on that account pass the line and make an attack upon them within the limits of Florida, until you shall have received instructions from this Department.

You are authorized to remove the Indians still remaining on the lands ceded by the treaty made by General Jackson with the Creeks; and, in doing so, it may be proper to retain some of them as hostages until reparation may have been made for the depredations which have been committed. On this subject, however, as well as to the manner of removing them, you will exercise your discretion. McIntosh and the other chiefs of the Creek nation, who were here some time since, expressed then, decidedly, their unwillingness to permit any of the hostile Indians to return to their nation.

P. S. The authority to remove the Indians will, of course, not extend to those Indians and their families who have claims to reservations of lands under the treaty.

Extract of a letter from General Gaines to the Secretary of War, dated

CHATAHOOCHEE, November 9, 1817.

From various reports from the Seminole Indians, I can only learn that they are determined to deliver up none of their offenders, nor will they restore stolen property, except one town, (the Mickasukies,) the chief of which professes to be friendly. By the enclosed letter from Major Twiggs, it appears they are determined to attack us as soon as we cross Flint river, and that they have 2,700 warriors. Although I feel little faith in their threats, and believe their numbers to be overrated, yet I deem it proper to be provided with additional force. I have therefore requested of his excellency the Governor of Georgia a regiment of infantry and a squadron of cavalry, which he has informed me are held in readiness to march.

Extract of a letter from General Edmund P. Gaines to Major General Andrew Jackson, dated

HEAD-QUARTERS, FORT GAINES, GEORGIA, November 9, 1817.

Previous to my leaving the Conecuh, I ascertained that the accounts I had received respecting the Seminole Indians being at Pensacola were incorrect, and that the number of Indians of different tribes there did not exceed what has been usual at this season of the year. This statement was soon after confirmed by Mr. Denson and the interpreter, (Cornels;) the latter, however, states that he had seen and conversed with the hostile party of Uchee warriors, part of whom killed Johnson and Magasky, and Mr. Glass. They now consist of about thirty warriors, or thirty-five. They were, a few days past, at the mouth of Yellow Water; had several stolen horses, which they offered for sale; and declared their determination to be always hostile towards our citizens.

From Major Twiggs I learn that he has received information, upon which he places reliance, that the Indians have recently had a meeting at the Mickasuky town of near 2,700 warriors, when it was determined they would attack us as soon as we should cross the Flint river. Although I put little faith in these threats, and believe their numbers to be overrated, yet I deem it proper, keeping an eye to the safe side, to be provided with additional force; and have, therefore, desired the Governor of Georgia to send me the regiment of infantry and squadron of cavalry held in readiness for that purpose; for, in a war with savages, I think little should be hazarded, as every little advantage which we suffer them to acquire tends to add, in an extraordinary degree, to their strength and confidence.

Extract of a letter from General Gaines to Major General Andrew Jackson, dated

FORT SCOTT, GEORGIA, November 21, 1817.

The first brigade arrived at this place on the 19th instant. I had previously sent an Indian runner to notify the first town chief, E-me-he-maut-by, of my arrival, and, with a view to ascertain whether his hostile temper had abated, requested him to visit me. He replied that he had already said to the commanding officer here all he had to say, and he would not come.

He had warned Major Twiggs not to cross or cut a stick of wood on the east side of Flint river, alleging that the land was his; that he was directed by the Powers above and below to protect and defend it, and should do so. This being the talk referred to, and his town having continued to be hostile ever since the last war, (having participated, as the friendly Indians assert, in the predatory war carried on for some time past against the Georgia frontier,) I yesterday detached two hundred and fifty men, (supposed to be about the strength of the town,) under the command of Major Twiggs, with orders to bring to me the chief and warriors, and, in the event of resistance, to treat them as enemies.

The detachment arrived at the town early this morning, and was instantly fired upon, but without effect. The fire was briskly returned by the detachment, and the Indians put to flight, with the loss of four warriors slain, and, as there is reason to believe, many wounded.

It is with deep regret I have to add that a woman was accidentally shot with some warriors in the act of forcing their way through our line, formed for the purpose of arresting their flight. The unfortunate woman had a blanket fastened round her, as many of the warriors had, which, amidst the smoke in which they were enveloped, rendered it impossible, as I am assured by the officers present, to distinguish her from the warriors.

Among the articles found in the house of the chief was a British uniform coat, (scarlet,) with a pair of gold epaulettes, and a certificate signed by a British captain of marines, "Robert White, in the absence of Colonel Nichols," stating that the chief had always been a true and faithful friend to the British.

Major Twiggs reports that the officers and men of the detachment, generally, performed their duty with zeal and propriety.

The reports of friendly Indians concur in estimating the number of hostile warriors, including the Red Sticks and Seminoles, at more than two thousand, besides the blacks, amounting to near four hundred men, and increasing by runaways from Georgia. They have been promised, as several Indians inform me, assistance from the British at New Providence. This promise, though made by Woodbine, is relied on by most of the Seminole Indians. I have not a doubt but they will sue for peace as soon as they find their hopes of British aid to be without foundation.

Extract of a letter from General Gaines to the Secretary of War, dated

FORT SCOTT, GEORGIA, November 26, 1817.

With a view to ascertain the strength of the hostile Indians in the vicinity of Fowltown, and to reconnoitre the adjacent country, I a few days past detached Lieutenant Colonel Arbuckle with three hundred officers and men. The colonel reports that the Indians had placed themselves in a swamp, out of which about sixty warriors made their appearance near the town, and, with the war-whoop, commenced a brisk fire upon our troops, which they returned in a spirited manner. The fire continued but fifteen or twenty minutes, when the Indians were silenced, and retired into the swamp with a loss which the colonel estimates at six or eight killed, and a greater number wounded. We had one man killed and two wounded.

SIR:

DEPARTMENT OF WAR, *December 2, 1817.*

Your letter of the 9th ultimo, advising of the call on the Governor of Georgia to assemble the auxiliary force which had been previously required by you at Fort Hawkins on the 25th ultimo, has been received.

It is hoped that the letter addressed to you from this Department on the 30th of October will have been received, and that you will confine your operations to the objects stated in that communication, and to such a disposition of the regular force under your command as will deter the Seminole Indians from making further depredations on the frontiers of Georgia.

The state of our negotiations with Spain, and the temper manifested by the principal European Powers, make it impolitic, in the opinion of the President, to move a force at this time into the Spanish possessions for the mere purpose of chastising the Seminoles for depredations which have heretofore been committed by them.

I have the honor to be, &c.

GEORGE GRAHAM.

Major General EDMUND P. GAINES.

Extract of a letter from General Gaines to the Secretary of War, dated

FORT SCOTT, GEORGIA, *December 4, 1817.*

I would much more willingly devote my time and humble faculties in the delightful occupation of bringing over savage man to the walks of civil life, where this is practicable, without force, than to contribute to the destruction of any one of the human race. But every effort in the work of civilization, to be effectual, must accord with the immutable principles of justice. The savage must be taught and compelled to do that which is right, and to abstain from doing that which is wrong. The poisonous cup of barbarism cannot be taken from the lips of the savage by the mild voice of reason alone; the strong mandate of justice must be resorted to, and enforced.

After all that the wisdom and philanthropy of our country and Government, aided by millions of money, have yet been able to effect, it is a melancholy truth that, in no Indian nation within my knowledge, (the Chickasaws excepted,) has the scalping-knife been laid aside for any considerable length of time, until their every hope of using it with impunity had been defeated.

SIR:

DEPARTMENT OF WAR, *December 9, 1817.*

Your letter bearing date the 21st ultimo, advising of the arrival of the first brigade at Fort Scott on the 19th ultimo, and of the subsequent affair with the Indians at Fowltown, has been received. Although the necessity of this attack, and the consequent effusion of blood, is exceedingly to be regretted, yet it is hoped that the prompt measures which were taken by you on your arrival at Fort Scott, and the display of such an efficient force in that quarter, will induce the Indians to abstain from further depredations, and sue for peace.

Referring to the letters addressed to you from this Department on the 30th of October and 2d of December, as manifesting the views of the President, I have to request that you conform to the instructions therein given. Should the Indians, however, assemble in force on the Spanish side of the line, and persevere in committing hostilities within the limits of the United States, you will, in that event, exercise a sound discretion as to the propriety of crossing the line for the purpose of attacking them and breaking up their town.

I have the honor, &c.

GEORGE GRAHAM.

Major General EDMUND P. GAINES.

Extract of a letter from David B. Mitchell, Indian Agent, to George Graham, Acting Secretary of War, dated

CREEK AGENCY, *December 14, 1817.*

I have the honor to acknowledge the receipt of your two letters of the 31st of October and 3d November last. Before the receipt of those letters, a meeting of the principal chiefs had been called by the Little Prince, at the town of Thla-cotch-cau, on the Chatahoochee river, near Fort Mitchell, at which I attended; the object of which was to take into consideration the state of the nation, and particularly the measures which it would be proper for them to take in relation to those Indians residing between Fort Gaines and the Spanish line; and, also, the conduct they should pursue with regard to the war with the Seminoles. They unanimously expressed much regret that hostilities should have commenced between the troops under General Gaines and the Fowltown Indians, who reside within our boundary, because those Indians, although they did not unite with the friendly ones during the late war, neither did they join the Red Sticks, and had recently expressed a great desire to become decidedly friendly. They were, however, perfectly willing that their warriors should join General Gaines against the Seminoles. I stated to them that it was not the desire of the President to go to war with the Seminoles, if he could honorably avoid it; and at the present moment he would not consent to their going against the Seminoles, within the Spanish territory, under authority of the United States; that they must wait, therefore, until I gave them the order to march: at the same time, I advised them to send a confidential and trusty chief down to the Indians living between Fort Gaines and the Spanish line, and desire them immediately to remove above the line of Jackson's treaty, and that the same chief should then proceed directly to the Mickasuky town, the head-quarters of the Seminoles and Red Sticks of the late war, and propose to them certain terms of peace and a junction of their force to go against the negro camp. The objects which this chief was instructed to hold out to those Indians, as attainable by adopting this course, were various, and of sufficient importance, in the view of those making the proposition, to induce a belief that they would be favorably received; in which event, I should proceed to Fort Scott to adjust their differences. This course of proceeding was immediately adopted, and the headman of the Osoochees, Hoppie Hajjo, set out on the same day, charged with the mission. To afford time to ascertain the result of this plan, and that I might be able to communicate with the War Department, another meeting was assigned for the 11th of next month, at this place, when all the friendly warriors, with McIntosh at their head, will attend to receive their final orders. But, on my return to this place, I fortunately fell in with General Gaines on his way to Fort Hawkins, from whom I learned the fatal disaster which had befallen a detachment of his troops under Lieutenant Scott, on the 30th of last month; the particulars of which he informed me he had communicated, which renders a detail from me unnecessary.

Extract of a letter from General Gaines to the Secretary of War, dated

FORT HAWKINS, GEORGIA, December 15, 1817.

I arrived at this place the day before yesterday morning. In the afternoon of the same day, I received the detachment of Georgia militia, under the command of Brigadier General Glasscock. They look well, and are ready to march; but, the inattention on the part of the contractor's agent to the requisitions for a supply of rations will, I apprehend, according to custom, delay the movement of the militia until some part of the frontier settlements suffer by the Indians, who, I have no doubt, will detach considerable parties for this purpose as soon as they find themselves unable to succeed in any attempt against the regular troops at Fort Scott; and I think it cannot be long before they are convinced of this. But, although I consider the regular troops secure in the positions they occupy, yet I am satisfied their numbers will not warrant their being detached, or leaving their places of defence, except to a very small extent.

I have just now received Mr. Graham's letter of the 2d instant. The views of the President, so far as may depend on me, shall be scrupulously observed. I should instantly discharge the Georgia militia, were I not strongly impressed with a belief that such a step would hazard the safety of the frontier settlements.

The Seminole Indians, however strange and absurd it may appear to those who understand little of their real character and extreme ignorance, entertain a notion that they cannot be beaten by our troops. They confidently assert that we never have beaten them, or any of their people, except when we have been assisted by red people. This will appear the less extraordinary when it is recollected that they have little or no means of knowing the strength and resources of our country; they have not travelled through it; they read neither books nor newspapers; nor have they opportunities of conversing with persons able to inform them. I feel warranted, from all I know of these savages, in saying they do not believe we can beat them.

This error of theirs has led them, from time to time, for many years past, to massacre our frontier citizens—often the unoffending and helpless mother and babes.

I felt myself fully authorized to adopt the only measures which long experience has proven to be adequate to put a stop to these outrages. I was pleased with the prospect of being instrumental in effecting an object of so much importance to our exposed frontier settlements, and which I felt, and still feel, persuaded would, in the end, benefit the Indians.

Extract of a letter from Major General Andrew Jackson to George Graham, Acting Secretary of War, dated

HEAD-QUARTERS, DIVISION OF THE SOUTH,

NASHVILLE, December 16, 1817.

I am in hopes that this check to the savages may incline them to peace. Should it not, and their hostility continue, the protection of our citizens will require that the wolf be struck in his den; for, rest assured, if ever the Indians find out that the territorial boundary of Spain is to be a sanctuary, their murders will be multiplied to a degree that our citizens on the southern frontier cannot bear. Spain is bound by treaties to keep the Indians within her territory at peace with us; having failed to do this, necessity will justify the measure, after giving her due notice, to follow the marauders, and punish them in their retreat. The war hatchet having been raised, unless the Indians sue for peace, your frontier cannot be protected, without entering their country. From long experience, this result has been fully established.

SIR:

DEPARTMENT OF WAR, December 16, 1817.

On the receipt of this letter, should the Seminole Indians still refuse to make reparation for their outrages and depredations on the citizens of the United States, it is the wish of the President that you consider yourself at liberty to march across the Florida line, and to attack them within its limits, should it be found necessary, unless they should shelter themselves under a Spanish post. In the last event, you will immediately notify this Department. I have the honor to be, &c.

J. C. CALHOUN.

Gen. EDMUND P. GAINES, *Fort Scott, Georgia.**Extract of a letter from the Secretary of War to Major General Andrew Jackson, at Nashville, Tennessee, dated*

DECEMBER 26, 1817.

You will repair, with as little delay as practicable, to Fort Scott, and assume the immediate command of the forces in that quarter of the southern division.

The increasing display of hostile intentions by the Seminole Indians may render it necessary to concentrate all the contiguous disposable force of your division upon that quarter. The regular force now there is about eight hundred strong, and one thousand militia of the State of Georgia are called into service. General Gaines estimates the strength of the Indians at two thousand seven hundred. Should you be of opinion that our numbers are too small to beat the enemy, you will call on the Executives of the adjacent States for such an additional militia force as you may deem requisite.

15th CONGRESS.]

No. 154.

[1st SESSION.]

INDIAN AGENTS.

COMMUNICATED TO THE SENATE, APRIL 10, 1818.

To the Senate of the United States:

WASHINGTON, April 9, 1818.

In compliance with the resolution of the Senate, requesting me to cause to be laid before them a list of the names of the several agents of Indian affairs, and of the agents of Indian trading-houses, with the pay and emoluments of the agents, respectively, I now transmit a report from the Secretary of War, which contains the information required.

JAMES MONROE.

DEPARTMENT OF WAR, April 1, 1818.

The Secretary of War, to whom was referred the resolution of the Senate, requesting the President of the United States to cause to be laid before them "a list of the names of the several agents of Indian affairs, and of the agents of Indian trading-houses, together with the pay and emoluments of each of said agents," has the honor to transmit papers A and B, which furnish the information required by the resolution.

J. C. CALHOUN.

The PRESIDENT OF THE UNITED STATES.

A.

List of Indian Agents, with the salary, &c. allowed to each.

Names.	Occupation.	Salary per annum, &c.	
		Dollars.	Rations per day.
David B. Mitchell, - - -	Creek agent, - - -	2,000	12
Return J. Meigs, - - -	Cherokee agent, - - -	1,000	6
John McKee, - - -	Choctaw agent, - - -	1,000	6
Peter Chouteau, - - -	Agent, St. Louis, - - -	1,200	
Benjamin O'Fallon, - - -	Do. Arkansas, - - -	1,200	
Richard Graham, - - -	Do. Illinois Territory, - - -	1,000	6
Nicholas Boilvin, - - -	Do. Prairie du Chien, - - -	1,200	
John Jamison Jamison, - - -	Do. Natchitoches, - - -	1,200	
Charles Jouett, - - -	Do. Chicago, - - -	1,000	6
John Bowyer, - - -	Do. Green Bay, - - -	1,000	6
William H. Puthuff, - - -	Do. Mackinac, - - -	1,000	6
Thomas Posey, - - -	Do. Vincennes, - - -	1,000	4
Henry Sherburne, - - -	Chickasaw agent, - - -	1,000	*
Benjamin F. Stickney, - - -	Agent, Fort Wayne, Ohio, - - -	750	4
John Johnston, - - -	Do. Piqua, - - -	750	4
Maurice Blondeau, - - -	Sub-agent, Peoria, - - -	800	
Thomas Forsyth, - - -	Sub-agent, - - -	600	3
Peter Menard, - - -	Do. - - -	600	
Manuel Lisa, - - -	Do. - - -	547	
Gabriel Godfrey, - - -	Do. - - -	500	
Whitmore Knaggs, - - -	Do. Detroit, - - -	500	†
John Johnson, - - -	Do. Fort Madison, - - -	300	
Jasper Parish, - - -	Do. Canandaigua, N. Y. - - -	450	
Benjamin Parke, - - -	Do. - - -	480	
Philemon Hawkins, - - -	Do. - - -	500	
Samuel Houston, - - -	Do. Cherokee nation, - - -	1,000	4
David Godfrey Cook, - - -	Do. Chickasaw nation, - - -	1,000	

NOTE.—Indian agents have been allowed rations, or money in lieu thereof, in addition to their annual compensation; and, in some cases, an allowance has been made for a servant and forage for a horse.

DEPARTMENT OF WAR, April 1, 1818.

* \$365 in lieu of subsistence. † 1 ration, or \$72 per annum in lieu thereof.

B.

List of persons employed in the Indian trade department, with their salary, &c.

Names.	Occupation.	Salary, &c. per annum.	
		Dollars.	Subsistence money in lieu of rations.
Thomas L. McKenney, - - -	Superintendent of Indian trade, - - -	2,000	
George C. Sibley, - - -	Factor, - - -	1,000	\$365
M. Ely, - - -	Assistant, - - -	500	150
John W. Johnson, - - -	Factor, - - -	1,000	365
Robert B. Belt, - - -	Assistant, - - -	500	150
Matthew Irwin, - - -	Factor, - - -	1,000	365
Jacob B. Varnum, - - -	Do. - - -	1,000	365
Isaac Rawlings, jun. - - -	Do. - - -	1,000	365
John Fowler, - - -	Do. - - -	1,000	365
George S. Gaines, - - -	Do. - - -	1,000	365
Benjamin Everitt, - - -	Assistant, - - -	500	150
Thomas Hughes, - - -	Factor, - - -	1,000	500

DEPARTMENT OF WAR, April 1, 1818.

[15th CONGRESS.]

No. 155.

[2d Session.]

TREATIES WITH SEVERAL TRIBES.

COMMUNICATED TO THE SENATE, NOVEMBER 30, 1818.

To the Senate of the United States:

NOVEMBER 30, 1818.

I lay before the Senate, for their advice and consent, the several treaties which have recently been made with the Chickasaws, Quapaws, Wyandots, Senecas, Delawares, Shawanees, Pattawatamies, Ottawas, Chippewas, Peorias, Kaskaskias, Michigamias, Cahokias, Tamarois, Great and Little Osages, Weas, Pattawatamies, Delawares, Miamies, Wyandots, and the four Pawnee tribes of Indians.

By reference to the journal of the commissioners, it appears that George and Levi Colbert have bargained and sold to the United States the reservations made to them by the treaty of September, 1816, and that a deed of trust of the same has been made by them to James Jackson, of Nashville. I would, therefore, suggest, in case the Chickasaw treaty be approved by the Senate, the propriety of providing, by law, for the payment of the sum stipulated to be given to them for their reservations.

JAMES MONROE.

TREATY WITH THE CHICKASAWS.

To settle all territorial controversies, and to remove all ground of complaint or dissatisfaction that might arise to interrupt the peace and harmony which has so long and so happily existed between the United States of America and the Chickasaw nation of Indians, James Monroe, President of the said United States, by Isaac Shelby and Andrew Jackson, of the one part, and the whole Chickasaw nation, by their chiefs, headmen, and warriors, in full council assembled, of the other part, have agreed on the following articles, which, when ratified by the President and Senate of the United States of America, shall form a treaty binding on all parties:

ARTICLE 1. Peace and friendship are hereby firmly established and made perpetual between the United States of America and the Chickasaw nation of Indians.

ART. 2. To obtain the object of the foregoing article, the Chickasaw nation of Indians cede to the United States of America (with the exception of such reservation as shall be hereafter mentioned) all claim or title which the said nation have to the land lying north of the south boundary of the State of Tennessee, which is bounded south by the thirty-fifth degree of north latitude, and which land hereby ceded lies within the following boundary, viz: Beginning on the Tennessee river, about thirty-five miles, by water, below Colonel George Colbert's ferry, where the thirty-fifth degree of north latitude strikes the same; thence, due west, with said degree of north latitude, to where it cuts the Mississippi river, at or near the Chickasaw Bluffs; thence, up the said Mississippi river, to the mouth of the Ohio; thence, up the Ohio river, to the mouth of the Tennessee river; thence, up the Tennessee, to the place of beginning.

ART. 3. In consideration of the relinquishment of claim and cession of lands in the preceding article, and to perpetuate the happiness of the Chickasaw nation of Indians, the commissioners of the United States before named agree to allow the said nation the sum of twenty thousand dollars per annum, for fifteen successive years, to be paid annually; and, as a further consideration for the objects aforesaid, and at the request of the chiefs of the said nation, the commissioners agree to pay to Captain John Gordon, of Tennessee, the sum of one thousand one hundred and fifteen dollars, it being a debt due by General William Colbert, of the said nation, to the aforesaid Gordon; and the further sum of two thousand dollars due by the said nation of Indians to Captain David Smith, now of Kentucky, for that sum by him expended in supplying himself and forty-five soldiers from Tennessee, in the year one thousand seven hundred and ninety-five, when assisting them (at their request and invitation) in defending their towns against the invasion of the Creek Indians; both which sums (on the application of the said nation) are to be paid, within sixty days after the ratification of this treaty, to the aforesaid Gordon and Smith.

ART. 4. The commissioners agree, on the further and particular application of the chiefs, and for the benefit of the poor and warriors of the said nation, that a tract of land, containing four miles square, to include a salt-lick or springs, on or near the river Sandy, a branch of the Tennessee river, and within the land hereby ceded, be reserved, and to be laid off in a square or oblong, so as to include the best timber, at the option of their beloved chief, Levi Colbert, and Major James Brown, or either of them, who are hereby made agents and trustees for the nation to lease the said salt-lick or springs on the following express conditions, viz: for the benefit of this reservation as before recited, the trustees or agents are bound to lease the said reservation to some citizen or citizens of the United States, for a reasonable quantity of salt, to be paid annually to the said nation for the use thereof; and that from and after two years after the ratification of this treaty, no salt made at the works to be erected on this reservation shall be sold within the limits of the same for a higher price than one dollar per bushel of fifty pounds weight; on failure of which, the lease shall be forfeited, and the reservation revert to the United States.

ART. 5. The commissioners agree that there shall be paid to Oppassantubby, a principal chief of the Chickasaw nation, within sixty days after the ratification of this treaty, the sum of five hundred dollars, as a full compensation for the reservation of two miles square, on the north side of Tennessee river, secured to him and his heirs by the treaty held with the said Chickasaw nation on the twentieth day of September, one thousand eight hundred and sixteen; and the further sum of twenty-five dollars to John Lewis, a half-breed, for a saddle he lost while in the service of the United States. And, to show the regard the President of the United States has for the said Chickasaw nation, at the request of the chiefs of the said nation, the commissioners agree that the sum of one thousand and eighty-nine dollars shall be paid to Major James Colbert, interpreter, within the period stated in the first part of this article; it being the amount of a sum of money taken from his pocket in the month of June, one thousand eight hundred and sixteen, at the theatre in Baltimore. And the said commissioners, as a further regard for said nation, do agree that the reservations made to George Colbert and Levi Colbert, in the treaty held at the council-house of said nation on the twenty-sixth day of September, one thousand eight hundred and sixteen, the first to Colonel George Colbert, on the north side of Tennessee river, and those to Major Levi Colbert, on the east side of the Tombigbee river, shall inure to the sole use of the said Colonel George Colbert and Major Levi Colbert, their heirs and assigns, forever, with their butts and bounds as defined by said treaty, and agreeably to the marks and boundaries as laid off and marked by the surveyor of the United States, where that is the case; and where the reservations have not been laid off and marked by the surveyor of the United States, the same shall be so done as soon after the ratification of this treaty as practicable, on the application of the reservees, or their legally appointed agent under them, and agreeably to the definition in the before-recited treaty. This agreement is made on the following express

conditions: that the said land, and those living on it, shall be subject to the laws of the United States, and all legal taxation that may be imposed on the land, or citizens of the United States inhabiting the territory where the said land is situate. The commissioners further agree that the reservation secured to John McCleish, on the north side of Tennessee river, by the before-recited treaty, in consequence of his having been raised in the State of Tennessee and marrying a white woman, shall inure to the sole use of the said John McCleish, his heirs and assigns, forever, on the same conditions as are attached to the lands of Colonel George Colbert and Major Levi Colbert, in this article.

ART. 6. The two contracting parties covenant and agree that the line of the south boundary of the State of Tennessee, as described in the second article of this treaty, shall be ascertained and marked by commissioners appointed by the President of the United States; that the marks shall be bold, the trees to be blazed on both sides of the line, and the fore and aft trees marked U. S.; and that the commissioners shall be attended by two persons, to be designated by the Chickasaw nation; and the said nation shall have due and reasonable notice when said operation is to be commenced. It is further agreed by the commissioners, that all improvements actually made by individuals of the Chickasaw nation, which shall be found within the lands ceded by this treaty, that a fair and reasonable compensation shall be paid therefor to the respective individuals having made or owning the same.

ART. 7. In consideration of the friendly and conciliatory disposition evinced during the negotiation of this treaty by the Chickasaw chiefs and warriors, but more particularly as a manifestation of the friendship and liberality of the President of the United States, the commissioners agree to give, on the ratification of this treaty, to Chennubby, king of the Chickasaw nation, to Teshuamingo, William McGilvery, Anpassantubby, Samuel Seely, James Brown, Levi Colbert, Ickaryoucuttaha, George Pettygrove, Immartarharmicco, Chickasaw chiefs, and to Malcolm McGee, interpreter to this treaty, each, one hundred and fifty dollars in cash; and to Major William Glover, Colonel George Colbert, Hopoyeahaumar, Immauklusharhopoyea, Tushkarhopoyea, Hopoyeahaumar, jun., Immauklusharhopoyea, James Colbert, Coweamarlar, Illachouwarhopoyea, military leaders, one hundred dollars each; and do further agree that any annuity heretofore secured to the Chickasaw nation of Indians, by treaty, to be paid in goods, shall hereafter be paid in cash.

In testimony whereof, the said commissioners and undersigned chiefs and warriors have set their hands and seals. Done at the treaty ground, east of Old Town, this nineteenth day of October, in the year of our Lord one thousand eight hundred and eighteen.

ISAAC SHELBY,
ANDREW JACKSON.

[Signed, also, by a number of Indian chiefs.]

TREATY WITH THE QUAPAWS.

A treaty of friendship, cession, and limits, made and entered into this twenty-fourth day of August, eighteen hundred and eighteen, by and between William Clark and Auguste Chouteau, commissioners on the part and behalf of the United States, of the one part, and the undersigned chiefs and warriors of the Quapaw tribe or nation, on the part and behalf of their said tribe or nation, of the other part.

ARTICLE 1. The undersigned chiefs and warriors, for themselves and their said tribe or nation, do hereby acknowledge themselves to be under the protection of the United States, and of no other state, power, or sovereignty whatsoever.

ART. 2. The undersigned chiefs and warriors, for themselves and their said tribe or nation, do hereby, for and in consideration of the promises and stipulations hereinafter named, cede and relinquish to the United States, forever, all the lands within the following boundaries, viz: Beginning at the mouth of the Arkansas river; thence, extending up the Arkansas, to the Canadian fork, and up the Canadian fork to its source; thence, south, to Big Red river, and, down the middle of that river, to the Big Raft; thence, a direct line, so as to strike the Mississippi river thirty leagues in a straight line below the mouth of Arkansas; together with all their claims to land east of the Mississippi, and north of the Arkansas river, included within the colored lines 1, 2, and 3, on the above map, with the exception and reservation following, that is to say, the tract of country bounded as follows: Beginning at a point on the Arkansas river, opposite the present post of Arkansas, and running thence a due southwest course to the Washita river; thence, up that river, to the Saline fork, and up the Saline fork, to a point from whence a due northeast course would strike the Arkansas river at the Little Rock; and thence, down the right bank of the Arkansas, to the place of beginning; which said tract of land last above designated and reserved shall be surveyed and marked off, at the expense of the United States, as soon as the same can be done with convenience; and shall not be sold or disposed of by the said Quapaw tribe or nation, to any individual whatever, nor to any state or nation, without the approbation of the United States first had and obtained.

ART. 3. It is agreed between the United States and the said tribe or nation, that the individuals of the said tribe or nation shall be at liberty to hunt within the territory by them ceded to the United States, without hindrance or molestation, so long as they demean themselves peaceably, and offer no injury or annoyance to any of the citizens of the United States, or until the said United States may think proper to assign the same, or any portion thereof, as hunting grounds, to other friendly Indians.

ART. 4. No citizen of the United States, or any other person, shall be permitted to settle on any of the lands hereby allotted to and reserved for the said Quapaw tribe or nation to live and hunt on; yet it is expressly understood and agreed on by and between the parties aforesaid, that, at all times, the citizens of the United States shall have the right to travel and pass freely, without toll or exaction, through the Quapaw reservation, by such roads or routes as now are, or hereafter may be, established.

ART. 5. In consideration of the cession and stipulations aforesaid, the United States do hereby promise and bind themselves to pay and deliver to the said Quapaw tribe or nation, immediately upon the execution of this treaty, goods and merchandise to the value of four thousand dollars; and to deliver, or cause to be delivered, to them yearly, and every year, goods and merchandise to the value of one thousand dollars, to be estimated in the city or place in the United States where the same are procured or purchased.

ART. 6. Lest the friendship which now exists between the United States and the said tribe or nation should be interrupted by the misconduct of individuals, it is hereby agreed that, for injuries done by individuals, no private revenge or retaliation shall take place; but, instead thereof, complaints shall be made by the party injured to the other: by the tribe or nation aforesaid, to the Governor, superintendent of Indian affairs, or some other person authorized and appointed for that purpose; and by the Governor, superintendent, or other person authorized, to the chiefs of the said tribe or nation. And it shall be the duty of the said tribe or nation, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the State or Territory where the offence may have been committed; and, in like manner, if any robbery, violence, or murder shall be committed on any Indian or Indians belonging to the said tribe or nation, the person or persons so offending shall be tried, and, if found guilty, punished in like manner

as if the injury had been done to a white man. And it is further agreed that the chiefs of the said tribe or nation shall, to the utmost of their power, exert themselves to recover horses or other property which may be stolen from any citizen or citizens of the United States by any individual or individuals of the said tribe or nation; and the property so recovered shall be forthwith delivered to the Governor, superintendent, or other person authorized to receive the same, that it may be restored to the proper owner. And in cases where the exertions of the chiefs shall be ineffectual in recovering the property stolen as aforesaid, if sufficient proof can be obtained that such property was actually stolen by an Indian or Indians belonging to the said tribe or nation, a sum equal to the value of the property which has been stolen may be deducted by the United States from the annuity of the said tribe or nation. And the United States hereby guaranty to the individuals of the said tribe or nation a full indemnification for any horse or horses, or other property, which may be taken from them by any of their citizens: *Provided*, The property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen or citizens of the United States.

ART. 7. This treaty shall take effect and be obligatory on the contracting parties as soon as the same shall have been ratified by the President of the United States, by and with the advice and consent of the Senate.

WILLIAM CLARK,
AUGUSTE CHOUTEAU.

[Signed, also, by a number of Indian chiefs.]

TREATY WITH THE WYANDOT, SENECA, SHAWANEE, AND OTTAWA TRIBES.

Articles of a treaty made and concluded at St. Mary's, in the State of Ohio, between Lewis Cass and Duncan McArthur, commissioners of the United States, with full power and authority to hold conferences, and conclude and sign a treaty or treaties with all or any of the tribes or nations of Indians within the boundaries of the State of Ohio, of and concerning all matters interesting to the United States and the said nations of Indians; and the sachems, chiefs, and warriors of the Wyandot, Seneca, Shawanee, and Ottawa tribes of Indians; being supplementary to the treaty made and concluded with the said tribes and the Delaware, Pattawatamie, and Chippewa tribes of Indians at the foot of the Rapids of the Miami of Lake Erie, on the twenty-ninth day of September, in the year of our Lord one thousand eight hundred and seventeen.

ARTICLE 1. It is agreed between the United States and the parties hereunto that the several tracts of land described in the treaty to which this is supplementary, and agreed thereby to be granted by the United States to the chiefs of the respective tribes named therein, for the use of the individuals of the said tribes, and also the tract described in the twentieth article of the said treaty, shall not be thus granted, but shall be excepted from the cession made by the said tribes to the United States, reserved for the use of the said Indians, and held by them in the same manner as Indian reservations have been heretofore held. But it is further agreed that the tracts thus reserved shall be reserved for the use of the Indians named in the schedule to the said treaty, and held by them and their heirs forever, unless ceded to the United States.

ART. 2. It is also agreed that there shall be reserved, for the use of the Wyandots, in addition to the reservations before made, fifty-five thousand six hundred and eighty acres of land, to be laid off in two tracts—the first to adjoin the south line of the section of six hundred and forty acres of land heretofore reserved for the Wyandot chief the Cherokee Boy, and to extend south, to the north line of the reserve of twelve miles square at Upper Sandusky; and the other to adjoin the east line of the reserve of twelve miles square at Upper Sandusky; and to extend east, for quantity.

There shall also be reserved, for the use of the Wyandots residing at Solomon's town, and on Blanchard's fork, in addition to the reservations before made, sixteen thousand acres of land, to be laid off in a square form, on the head of Blanchard's fork, the centre of which shall be at the Big Spring, on the trace leading from Upper Sandusky to Fort Findlay; and one hundred and sixty acres of land, for the use of the Wyandots, on the west side of the Sandusky river, adjoining the said river, and the lower line of two sections of land, agreed by the treaty to which this is supplementary to be granted to Elizabeth Whitaker.

There shall also be reserved, for the use of the Shawanees, in addition to the reservations before made, twelve thousand eight hundred acres of land, to be laid off adjoining the east line of their reserve of ten miles square at Wapaghkonetta; and for the use of the Shawanees and Senecas, eight thousand nine hundred and sixty acres of land, to be laid off adjoining the west line of the reserve of forty-eight square miles at Lewistown; and the last reserve hereby made, and the former reserve at the same place, shall be equally divided by an east and west line to be drawn through the same; and the north half of the said tract shall be reserved for the use of the Senecas who reside there, and the south half for the use of the Shawanees who reside there.

There shall also be reserved for the use of the Senecas, in addition to the reservations before made, ten thousand acres of land, to be laid off on the east side of the Sandusky river, adjoining the south line of their reservation of thirty thousand acres of land, which begins on the Sandusky river, at the lower corner of William Spicer's section, and excluding therefrom the said William Spicer's section.

ART. 3. It is hereby agreed that the tracts of land which, by the eighth article of the treaty to which this is supplementary, are to be granted by the United States to the persons therein mentioned, shall never be conveyed by them or their heirs, without the permission of the President of the United States.

ART. 4. The United States agree to pay to the Wyandots an additional annuity of five hundred dollars, forever; to the Shawanees, and to the Senecas of Lewistown, an additional annuity of one thousand dollars, forever; and to the Senecas, an additional annuity of five hundred dollars, forever; and to the Ottawas, an additional annuity of one thousand five hundred dollars, forever; and these annuities shall be paid at the places and in the manner prescribed by the treaty to which this is supplementary.

ART. 5. This treaty shall take effect and be obligatory on the contracting parties as soon as the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof.

In testimony whereof, the said Lewis Cass and Duncan McArthur, commissioners as aforesaid, and the sachems, chiefs, and warriors of the Wyandot, Seneca, Shawanee, and Ottawa tribes of Indians, have hereunto set their hands, at St. Mary's, in the State of Ohio, this seventeenth day of September, in the year of our Lord one thousand eight hundred and eighteen.

LEWIS CASS,
DUNCAN McARTHUR.

[Signed, also, by the sachems, chiefs, and warriors of the above tribes of Indian

TREATY WITH THE PEORIA, KASKASKIA, MICHIGAMIA, CAHOKIA, AND TAMAROIS TRIBES.

A treaty made and concluded by and between Ninian Edwards and Auguste Chouteau, commissioners on the part and behalf of the United States of America, of the one part, and the undersigned principal chiefs and warriors of the Peoria, Kaskaskia, Michigamia, Cahokia, and Tamarois tribes of the Illinois nation of Indians, on the part and behalf of the said tribes, of the other part.

Whereas by the treaty made at Vincennes on the thirteenth day of August, in the year of our Lord one thousand eight hundred and three, between the United States, of the one part, and the head chiefs and warriors of the tribe of Indians commonly called the Kaskaskia tribe, (but which was composed of, and rightfully represented, the Kaskaskia, Michigamia, Cahokia, and Tamarois tribes of the Illinois nation of Indians,) of the other part, a certain tract of land was ceded to the United States, which was supposed to include all the land claimed by those respective tribes, but which did not include, and was not intended to include, the land which was rightfully claimed by the Peoria Indians, a tribe of the Illinois nation, who then did, and still do, live separate and apart from the tribes above mentioned, and who were not represented in the treaty referred to above, nor ever received any part of the consideration given for the cession of land therein mentioned: and whereas the said tribe of Peorias are now also disposed to cede all their land to the United States, and, for the purpose of avoiding any dispute with regard to the boundary of their claim, are willing to unite with the Kaskaskia, Michigamia, Cahokia, and Tamarois tribes, in confirming the cession of land to the United States which was made by the treaty above referred to, and in extending the cession so as to include all the land claimed by those tribes and themselves, respectively:

ARTICLE 1. For which purpose, the undersigned head chiefs and warriors of the Peoria, Kaskaskia, Michigamia, Cahokia, and Tamarois tribes of the Illinois nation of Indians, for the considerations hereinafter mentioned, do hereby relinquish, cede, and confirm to the United States all the land included within the following boundaries, viz: Beginning at the confluence of the Ohio and Mississippi rivers; thence, up the Ohio, to the mouth of Saline creek, about twelve miles below the mouth of the Wabash; thence, along the dividing ridge between the waters of said creek and the Wabash, to the general dividing ridge between the waters which fall into the Wabash and those which fall into the Kaskaskia river; thence, along the said ridge, until it reaches the waters which fall into the Illinois river; thence, a direct line, to the confluence of the Kankakee and Maple rivers; thence, down the Illinois river, to its confluence with the Mississippi river; and down the latter to the beginning.

ART. 2. It is mutually agreed by the parties hereto that all the stipulations contained in the treaty above referred to shall continue binding and obligatory on both parties.

ART. 3. The United States will take the Peoria tribe, as well as the other tribes herein above mentioned, under their immediate care and patronage, and will afford them a protection as effectual against any other Indian tribes, and against all other persons whatever, as is enjoyed by the citizens of the United States. And the said Peoria tribe do hereby engage to refrain from making war, or giving any insult or offence to any other Indian tribe, or to any foreign nation, without first having obtained the approbation and consent of the United States.

ART. 4. In addition to two thousand dollars worth of merchandise this day paid to the above-mentioned tribes of Indians, the receipt whereof is hereby acknowledged, the United States promise to pay to the said Peoria tribe, for the term of twelve years, an annuity of three hundred dollars, in money, merchandise, or domestic animals, at the option of the said tribe, to be delivered at the village of St. Genevieve, in the Territory of Missouri.

ART. 5. The United States agree to cede to the said Peoria tribe six hundred and forty acres of land, including their village on Blackwater river, in the Territory of Missouri, provided that the said tract is not included within a private claim; but, should that be the case, then some other tract of equal quantity and value shall be designated for said tribe, at such place as the President of the United States may direct. And the said Peoria tribe hereby agree to accept the same, together with the presents now given them, and the annuity hereby promised them, as a full equivalent for all and every tract of land to which they have any pretence of right or title.

In testimony whereof, the commissioners aforesaid, and the undersigned chiefs and warriors as aforesaid, have hereunto subscribed their names and affixed their seals. Done at Edwardsville, in the State of Illinois, this twenty-fifth day of September, in the year of our Lord one thousand eight hundred and eighteen, and of the independence of the United States the forty-third.

NINIAN EDWARDS,
AUGUSTE CHOUTEAU.

[Signed, also, by the chiefs and warriors of the above tribes of Indians.]

TREATY WITH THE OSAGES.

A treaty made and concluded by and between William Clark, Governor of the Missouri Territory, superintendent of Indian affairs, and commissioner in behalf of the United States, of the one part, and a full and complete deputation of considerate men, chiefs, and warriors of all the several bands of the Great and Little Osage nations, assembled in behalf of their said nations, of the other part.

ARTICLE 1. Whereas the Osage nations have been embarrassed by the frequent demands for property taken from the citizens of the United States, by war parties, and other thoughtless men of their several bands, (both before and since their war with the Cherokees;) and as the exertions of their chiefs have been ineffectual in recovering and delivering such property, conformably with the condition of the ninth article of a treaty entered into with the United States at Fort Clarke, the tenth day of November, one thousand eight hundred and eight; and as the deductions from their annuities, in conformity to the said article, would deprive them of any for several years; and being destitute of funds to do that justice to the citizens of the United States which is calculated to promote a friendly intercourse, they have agreed, and do hereby agree, to cede to the United States, and forever quit claim to, the tract of country included within the following bounds, to wit: Beginning at the Arkansas river, where the present Osage boundary line strikes the river, at Frog Bayou; thence, up the Arkansas and Verdigris, to the falls of Verdigris river; thence, eastwardly, to the said Osage boundary line, at a point twenty leagues north from the Arkansas river, and with that line, to the place of beginning.

ART. 2. The United States, on their part, and in consideration of the above cession, agree, in addition to the amount which the Osages do now receive in money and goods, to pay their own citizens the full value of such property as they can legally prove to have been stolen or destroyed by the said Osages since the year one thousand eight hundred and fourteen, provided the same does not exceed the sum of four thousand dollars.

ART. 3. The articles now stipulated will be considered as permanent additions to the treaties now in force between the contracting parties, as soon as they shall have been ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

In witness whereof, the said William Clark, commissioner as aforesaid, and the considerate men and chiefs aforesaid, have hereunto subscribed their names and affixed their seals at St. Louis, this twenty-fifth day of September, in the year of our Lord one thousand eight hundred and eighteen, and of the independence of the United States the forty-third.

WILLIAM CLARK.

[Signed, also, by the chiefs and warriors of the Osage tribes of Indians.]

TREATY WITH THE WEAS.

Articles of a treaty made and concluded at St. Mary's, between the United States of America, by their commissioners, Jonathan Jennings, Lewis Cass, and Benjamin Parke, and the Wea tribe of Indians.

ARTICLE 1. The said Wea tribe of Indians agree to cede to the United States all the lands claimed and owned by the said tribe, within the limits of the States of Indiana, Ohio, and Illinois.

ART. 2. The said Wea tribe of Indians reserve to themselves the following described tract of land, viz: Beginning at the mouth of Raccoon creek; thence, by the present boundary line, seven miles; thence, northeasterly, seven miles, to a point seven miles from the Wabash river; thence, to the Wabash river, by a line parallel to the present boundary line aforesaid; and thence, by the Wabash river, to the place of beginning; to be holden by the said tribe as Indian reservations are usually held.

ART. 3. The United States agree to grant to Christmas Dageny and Mary Shields, formerly Mary Dageny, children of Me-chin-qua-me-sha, sister of Jacco, a chief of the said tribe, and their heirs, one section of land, each; but the land hereby granted shall not be conveyed or transferred to any person or persons by the grantees aforesaid, or their heirs, or either of them, but with the consent of the President of the United States.

ART. 4. The said Wea tribe of Indians accede to and sanction the cession of land made by the Kickapoo tribe of Indians, in the second article of a treaty concluded between the United States and the said Kickapoo tribe, on the ninth day of December, one thousand eight hundred and nine.

ART. 5. In consideration of the cession made in the foregoing articles of this treaty, the United States agree to pay to the said Wea tribe of Indians one thousand eight hundred and fifty dollars, annually, in addition to the sum of one thousand one hundred and fifty dollars, (the amount of their former annuity,) making a sum total of three thousand dollars, to be paid in silver by the United States, annually, to the said tribe, on the reservation described by the second article of this treaty.

In testimony whereof, the said Jonathan Jennings, Lewis Cass, and Benjamin Parke, commissioners as aforesaid, and the sachems, chiefs, and warriors of the Wea tribe of Indians, have hereunto set their hands, at Saint Mary's, in the State of Ohio, this second day of October, in the year of our Lord one thousand eight hundred and eighteen.

JONATHAN JENNINGS,
LEWIS CASS,
BENJAMIN PARKE.

[Signed, also, by the sachems, chiefs, and warriors of the Wea tribe of Indians.]

TREATY WITH THE PATAWATAMIES.

Articles of a treaty made and concluded at St. Mary's, in the State of Ohio, between Jonathan Jennings, Lewis Cass, and Benjamin Parke, commissioners of the United States, and the Pattawatamie nation of Indians.

ARTICLE 1. The Pattawatamie nation of Indians cede to the United States all the country comprehended within the following limits: Beginning at the mouth of the Tippecanoe river, and running up the same to a point twenty-five miles in a direct line from the Wabash river; thence, on a line as nearly parallel to the general course of the Wabash river as practicable, to a point on the Vermilion river, twenty-five miles from the Wabash river; thence, down the Vermilion river, to its mouth; and thence, up the Wabash river, to the place of beginning. The Pattawatamies also cede to the United States all their claim to the country south of the Wabash river.

ART. 2. The United States agree to purchase any just claim which the Kickapoos may have to any part of the country hereby ceded below Pine creek.

ART. 3. The United States agree to pay to the Pattawatamies a perpetual annuity of two thousand five hundred dollars, in silver, one half of which shall be paid at Detroit, and the other half at Chicago; and all annuities, which by any former treaty the United States have engaged to pay to the Pattawatamies, shall be hereafter paid in silver.

ART. 4. The United States agree to grant to the persons named in the annexed schedule, and their heirs, the quantity of land therein stipulated to be granted; but the land so granted shall never be conveyed by either of the said persons, or their heirs, unless by the consent of the President of the United States.

In testimony whereof, the said Jonathan Jennings, Lewis Cass, and Benjamin Parke, commissioners as aforesaid, and the sachems, chiefs, and warriors of the Pattawatamie tribe of Indians, have hereunto set their hands, at St. Mary's, in the State of Ohio, this second day of October, in the year of our Lord one thousand eight hundred and eighteen, and of the independence of the United States the forty-third.

JONATHAN JENNINGS,
LEWIS CASS,
BENJAMIN PARKE.

[Signed, also, by the sachems, chiefs, and warriors of the Pattawatamie tribe of Indians.]

Schedule referred to in the foregoing treaty.

There shall be granted to James Burnett, John Burnett, Isaac Burnett, Jacob Burnett, and Abraham Burnett, two sections of land, each; and to Rebecca Burnett and Nancy Burnett, one section of land each; which said James, John, Isaac, Jacob, Abraham, Rebecca, and Nancy, are children of Ca-ki-mi, a Pattawatamie woman, sister of To-pi-ni-be, principal chief of the nation; and six of the sections herein granted shall be located from the mouth of the Tippecanoe river, down the Wabash river, and the other six sections shall be located at the mouth of Flint river.

There shall be granted to Perig, a Pattawatamie chief, one section of land on the Flint river, where he now lives. There shall also be granted to Mary Chatalie, daughter of Neebosh, a Pattawatamie chief, one section of land, to be located below the mouth of Pine river.

JONATHAN JENNINGS,
LEWIS CASS,
B. PARKE.

TREATY WITH THE DELAWARES.

Articles of a treaty made and concluded at St. Mary's, in the State of Ohio, between Jonathan Jennings, Lewis Cass, and Benjamin Parke, commissioners of the United States, and the Delaware nation of Indians.

ARTICLE 1. The Delaware nation of Indians cede to the United States all their claim to land in the State of Indiana.

ART. 2. In consideration of the aforesaid cession, the United States agree to provide for the Delawares a country to reside in upon the west side of the Mississippi, and to guaranty to them the peaceable possession of the same.

ART. 3. The United States also agree to pay the Delawares the full value of their improvements in the country hereby ceded, which valuation shall be made by persons to be appointed for that purpose by the President of the United States; and to furnish the Delawares with one hundred and twenty horses, not to exceed in value forty dollars each; and a sufficient number of pirogues to aid in transporting them to the west side of the Mississippi; and a quantity of provisions, proportioned to their numbers and the extent of their journey.

ART. 4. The Delawares shall be allowed the use and occupation of their improvements for the term of three years from the date of this treaty, if they so long require it.

ART. 5. The United States agree to pay to the Delawares a perpetual annuity of four thousand dollars; which, together with all annuities which the United States by any former treaty engaged to pay to them, shall be paid in silver, at any place to which the Delawares may remove.

ART. 6. The United States agree to provide and support a blacksmith for the Delawares, after their removal to the west side of the Mississippi.

ART. 7. One half-section of land shall be granted to each of the following persons, namely: Isaac Wobby, Samuel Cassman, Elizabeth Petchaka, and Jacob Dick; and one-quarter of a section of land shall be granted to each of the following persons, namely: Solomon Tindell and Benoni Tindell, all of whom are Delawares; which tracts of land shall be located, after the country is surveyed, at the first creek above the old fort on White river, and running up the river; and shall be held by the persons herein named, respectively, and their heirs, but shall never be conveyed or transferred without the approbation of the President of the United States.

ART. 8. A sum not exceeding thirteen thousand three hundred and twelve dollars and twenty-five cents shall be paid by the United States to satisfy certain claims against the Delaware nation; and shall be expended by the Indian agent at Piqua and Fort Wayne, agreeably to a schedule this day examined and approved by the commissioners of the United States.

ART. 9. This treaty, after the same shall be ratified by the President and Senate of the United States, shall be binding on the contracting parties.

In testimony whereof, the said Jonathan Jennings, Lewis Cass, and Benjamin Parke, commissioners as aforesaid, and the chiefs and warriors of the Delaware nation of Indians, have hereunto set their hands, at St. Mary's, in the State of Ohio, this third day of October, in the year of our Lord one thousand eight hundred and eighteen.

JONATHAN JENNINGS,
LEWIS CASS,
BENJAMIN PARKE.

[Signed, also, by the chiefs and warriors of the Delaware nation of Indians.]

TREATY WITH THE MIAMIES.

Articles of a treaty made and concluded at St. Mary's, in the State of Ohio, between Jonathan Jennings, Lewis Cass, and Benjamin Parke, commissioners of the United States, and the Miami nation of Indians.

ARTICLE 1. The Miami nation of Indians cede to the United States the following tract of country: Beginning at the Wabash river, where the present Indian boundary line crosses the same, near the mouth of Raccoon creek; thence, up the Wabash river, to the reserve at its head, near Fort Wayne; thence, to the reserve at Fort Wayne; thence, with the lines thereof, to the St. Mary's river; thence, up the St. Mary's river, to the reservation at the portage; thence, with the line of the cession made by the Wyandot nation of Indians to the United States, at the foot of the Rapids of the Miami of Lake Erie, on the twenty-ninth day of September, in the year of our Lord one thousand eight hundred and seventeen, to the reservation at Loramie's store; thence, with the present Indian boundary line, to Fort Recovery; and with the said line, following the courses thereof, to the place of beginning.

ART. 2. From the cession aforesaid, the following reservations, for the use of the Miami nation of Indians, shall be made: one reservation extending along the Wabash river, from the mouth of Salamanie river to the mouth of Eel river, and from those points, running due south, a distance equal to a direct line from the mouth of Salamanie river to the mouth of Eel river; one other reservation of two miles square on the river Salamanie, at the mouth of Atchepong-qwa-we creek; one other reservation of six miles square on the Wabash river, below the forks thereof; one other reservation of ten miles square, opposite the mouth of the river A Bouthe; one other reservation of ten miles square, at the village on Sugar Tree creek; one other reservation of two miles square, at the mouth of a creek called Flat Rock, where the road to White river crosses the same.

ART. 3. The United States agree to grant by patent, in fee-simple, to Jean Bapt. Richardville, principal chief of the Miami nation of Indians, the following tracts of land: Three sections of land beginning about twenty-five rods below his house, on the river St. Mary's, near Fort Wayne; thence, at right angles with the course of the river, one mile; and from this line and the said river, up the stream thereof, for quantity. Two sections upon the east side of the St. Mary's river, near Fort Wayne, running east one mile with the line of the military reservation; thence, from that line and from the river, for quantity. Two sections on the Twenty-seven Mile creek, where the road from St. Mary's to Fort Wayne crosses it, being one section on each side of said creek. Two sections on the left bank of the Wabash, commencing at the forks, and running down the river.

The United States also agree to grant to each of the following persons, being Miami Indians by birth, and their heirs, the tracts of land herein described:

To Joseph Richardville, and Joseph Richardville, jun., two sections of land, being one on each side of the St. Mary's river, and below the reservation made on that river, by the treaty of Greenville, in one thousand seven hundred and ninety-five.

To Pe-met-che, or the Crescent, one section below and adjoining the reservation of Anthony Chesne, on the west side of the St. Mary's river, and one section immediately opposite to Macultamunqua, or Black Loon.

To Keen-qua-tak-qua, or Long Hair, Aronzon, or Twilight, Pe-con-be-qua, or a Woman striking, Augh-qua-mau-da, or Difficulty, and to Miagh-qua, or Noon, as joint tenants, five sections of land upon the Wabash river, the centre of which shall be the Wyandot village, below the mouth of Tippecanoe river.

To François Godfroy, six sections of land on the Salamanie river, at a place called La Petite Prairie.

To Louis Godfroy, six sections of land on the St. Mary's river, above the reservation of Anthony Shane.

To Charley, a Miami chief, one section of land on the west side of the St. Mary's river, below the section granted to Pe-met-che, or the Crescent.

To the two eldest children of Peter Langlois, two sections of land at a place formerly called Village Du Puant, at the mouth of the river called Pouce au Pichoux.

To the children of Antoine Bondie, two sections of land on the border of the Wabash river, opposite a place called l'Isle à l'Aille.

To François Lafontaine and his son, two sections of land adjoining and above the two sections granted to Jean Bapt. Richardville, near Fort Wayne, and on the same side of the St. Mary's river.

To the children of Antoine Rivarar, two sections of land at the mouth of the Twenty-seven Mile creek, and below the same.

To Peter Langlois, youngest child, one section of land opposite the Chipaille, at the Shawanee village.

To Peter Labadie, one section of land on the river St. Mary's, below the section granted to Charley.

To the son of George Hunt, one section of land on the west side of the St. Mary's river, adjoining the two sections granted to François Lafontaine and his son.

To Mesh-e-no-qua, or the Little Turtle, one section of land on the south side of the Wabash, where the portage path strikes the same.

To Josette Beaubien, one section of land on the left bank of the St. Mary's, above and adjoining the three sections granted to Jean Bapt. Richardville.

To Ann Turner, a half-blooded Miami, one section of land on the northwest side of the Wabash river, to commence at the mouth of Fork creek, on the west bank of the said creek, and running up said creek one mile in a direct line; thence, at right angles with this line, for quantity.

To Rebecca Hackley, a half-blooded Miami, one section of land, to be located at the Munsee town, on White river, so that it shall extend on both sides, to include three hundred and twenty acres of the prairie in the bend of the river, where the bend assumes the shape of a horse-shoe.

To William Wayne Wells, a half-blooded Miami, one section of land at the mouth of the Fork creek, where the reservation for Ann Turner commences, running down the Wabash river, on the northwest bank, one mile; thence, back, one mile; thence, east, one mile, to the boundary line of the grant to Ann Turner.

To Mary Wells, a half-blooded Miami, one section of land at the mouth of Stony creek, on the southeast side of the Wabash river, the centre of which shall be at the mouth of said creek, running with the meanders thereof, up and down the Wabash river, one half mile, and thence back, for quantity.

To Jane Turner Wells, a half-blooded Miami, one section of land on the northwest side of the Wabash river, to commence on the west bank of said river, opposite the old limekiln; thence, down the said river, one mile, and back, for quantity.

ART. 4. The Miami nation of Indians assent to the cession made by the Kickapoos to the United States, by the treaty concluded at Vincennes on the ninth day of December, one thousand eight hundred and nine.

ART. 5. In consideration of the cession and recognition aforesaid, the United States agree to pay to the Miami nation of Indians a perpetual annuity of fifteen thousand dollars, which, together with all annuities which by any former treaty the United States have engaged to pay to the said Miami nation of Indians, shall be paid in silver.

The United States will cause to be built for the Miamies one grist mill and one saw-mill, at such proper sites as the chiefs of the nation may select, and will provide and support one blacksmith and one gunsmith for them, and provide them with such implements of agriculture as the proper agent may think necessary.

The United States will also cause to be delivered, annually, to the Miami nation, one hundred and sixty bushels of salt.

ART. 6. The several tracts of land, which, by the third article of this treaty, the United States have engaged to grant to the persons therein mentioned, except the tracts to be granted to Jean Bapt. Richardville, shall never be transferred by the said persons or their heirs, without the approbation of the President of the United States.

ART. 7. This treaty shall be obligatory on the contracting parties after the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof.

In testimony whereof, the said Jonathan Jennings, Lewis Cass, and Benjamin Parke, commissioners as aforesaid, and the chiefs and warriors of the Miami nation of Indians, have hereunto set their hands, at St. Mary's, the sixth day of October, in the year of our Lord one thousand eight hundred and eighteen.

JONATHAN JENNINGS,
LEWIS CASS,
BENJAMIN PARKE.

[Signed, also, by the chiefs and warriors of the Miami nation of Indians.]

TREATY WITH THE WYANDOTS.

Articles of a treaty made and concluded at St. Mary's, in the State of Ohio, between Lewis Cass, commissioner of the United States, thereto especially authorized by the President of the United States, and the chiefs and warriors of the Wyandot tribe of Indians.

ARTICLE 1. The Wyandot tribe of Indians hereby cede to the United States all the right reserved to them in two tracts of land in the Territory of Michigan; one including the village called Brownstown, and the other the village called Maguagua, formerly in the possession of the Wyandot tribe of Indians, containing in the whole not more than five thousand acres of land; which two tracts of land were reserved for the use of the said Wyandot tribe of Indians and their descendants, for the term of fifty years, agreeably to the provisions of the act of Congress passed February 28, 1809, and entitled "An act for the relief of certain Alabama and Wyandot Indians."

ART. 2. In consideration of the preceding cession, the United States will reserve, for the use of the said Wyandot Indians, sections numbered twenty-three, twenty-four, twenty-five, twenty-six, thirty-four, thirty-five, thirty-six, twenty-seven, and that part of section numbered twenty-two which contains eight acres, and lies on the south side of the river Huron, being in the fourth township, south of the base line, and in the ninth range, east of the first meridian, in the Territory of Michigan, and containing four thousand nine hundred and ninety-six acres; and the said tract of land shall be reserved for the use of the said Wyandot Indians and their descendants, and be se-

cured to them in the same manner, and on the same terms and conditions, as is provided in relation to the Alabama Indians by the first section of the before-mentioned act of Congress, except that the said Wyandot Indians and their descendants shall hold the said land so long as they or their descendants shall occupy the same.

In testimony whereof, the said Lewis Cass, commissioner as aforesaid, and the chiefs and warriors of the said Wyandot tribe of Indians, have hereunto set their hands, at St. Mary's, in the State of Ohio, this twentieth day of September, in the year of our Lord one thousand eight hundred and eighteen.

LEWIS CASS.

[Signed, also, by the chiefs and warriors of the Wyandot tribe of Indians.]

TREATY WITH THE GRAND PAWNEES.

A treaty of peace and friendship made and concluded by and between William Clark and Auguste Chouteau, commissioners of the United States of America, on the part and behalf of the said States, of the one part, and the undersigned chiefs and warriors of the Grand Pawnee tribe, on the part and behalf of their said tribe, of the other part.

The parties being desirous of establishing peace and friendship between the United States and the said tribe, have agreed to the following articles:

ARTICLE 1. Every injury or act of hostility by one or either of the contracting parties against the other shall be mutually forgiven and forgot.

ART. 2. There shall be perpetual peace and friendship between all the citizens of the United States of America and all the individuals composing the said Grand Pawnee tribe.

ART. 3. The undersigned chiefs and warriors, for themselves and their said tribe, do hereby acknowledge themselves to be under the protection of the United States of America, and of no other nation, power, or sovereign whatsoever.

ART. 4. The undersigned chiefs and warriors, for themselves and the tribe they represent, do moreover promise and oblige themselves to deliver up, or cause to be delivered up, to the authority of the United States, to be punished according to law, each and every individual of the said tribe who shall, at any time hereafter, violate the stipulations of the treaty this day concluded between the said tribe and the said United States.

In witness whereof, the said William Clark and Auguste Chouteau, commissioners as aforesaid, and the said chiefs and warriors as aforesaid, have hereunto subscribed their names and affixed their seals this eighteenth day of June, in the year of our Lord one thousand eight hundred and eighteen, and of the independence of the United States the forty-second.

WILLIAM CLARK,
AUGUSTE CHOUTEAU.

[Signed, also, by the chiefs and warriors of the Grand Pawnee tribe.]

TREATY WITH THE PITAVIRATE NOISY PAWNEES.

A treaty of peace and friendship made and concluded by and between William Clark and Auguste Chouteau, commissioners of the United States of America, on the part and behalf of the said States, of the one part, and the undersigned chiefs and warriors of the Pitavirate Noisy Pawnee tribe, on the part and behalf of their said tribe, of the other part.

The parties being desirous of establishing peace and friendship between the United States and the said tribe, have agreed to the following articles:

ARTICLE 1. Every injury or act of hostility by one or either of the contracting parties against the other shall be mutually forgiven and forgot.

ART. 2. There shall be perpetual peace and friendship between all the citizens of the United States of America and all the individuals composing the said Noisy Pawnee tribe.

ART. 3. The undersigned chiefs and warriors, for themselves and their said tribe, do hereby acknowledge themselves to be under the protection of the United States of America, and of no other nation, power, or sovereign whatsoever.

ART. 4. The undersigned chiefs and warriors, for themselves and the tribe they represent, do moreover promise and oblige themselves to deliver up, or cause to be delivered up, to the authority of the United States, to be punished according to law, each and every individual of the said tribe who shall, at any time hereafter, violate the stipulations of the treaty this day concluded between the said Noisy Pawnee tribe and the said States.

In witness whereof, the said William Clark and Auguste Chouteau, commissioners as aforesaid, and the chiefs and warriors aforesaid, have hereunto subscribed their names and affixed their seals this nineteenth day of June, in the year of our Lord one thousand eight hundred and eighteen, and of the independence of the United States the forty-second.

WILLIAM CLARK,
AUGUSTE CHOUTEAU.

[Signed, also, by the chiefs and warriors of the Pitavirate Noisy Pawnee tribe.]

TREATY WITH THE PAWNEE REPUBLIC.

A treaty of peace and friendship made and concluded by and between William Clark and Auguste Chouteau, commissioners of the United States of America, on the part and behalf of the said States, of the one part, and the undersigned chiefs and warriors of the Pawnee republic, on the part and behalf of their tribe, of the other part.

The parties being desirous of establishing peace and friendship between the United States and the said tribe, have agreed to the following articles:

ARTICLE 1. Every injury or act of hostility by one or either of the contracting parties against the other shall be mutually forgiven and forgot.

ART. 2. There shall be perpetual peace and friendship between all the citizens of the United States of America and all the individuals composing the said Pawnee tribe.

ART. 3. The undersigned chiefs and warriors, for themselves and their said tribe, do hereby acknowledge themselves to be under the protection of the United States of America, and of no other nation, power, or sovereign whatsoever.

ART. 4. The undersigned chiefs and warriors, for themselves and the tribe they represent, do moreover promise and oblige themselves to deliver up, or cause to be delivered up, to the authority of the United States, to be punished according to law, each and every individual of the said tribe who shall, at any time hereafter, violate the stipulations of the treaty this day concluded between the said Pawnee republic and the said States.

In witness whereof, the said William Clark and Auguste Chouteau, commissioners as aforesaid, and the chiefs and warriors aforesaid, have hereunto subscribed their names and affixed their seals this twentieth day of June, in the year of our Lord one thousand eight hundred and eighteen, and of the independence of the United States the forty-second.

WILLIAM CLARK,
AUGUSTE CHOUTEAU.

[Signed, also, by the chiefs and warriors of the said Pawnee tribe.]

TREATY WITH THE PAWNEE MARHARS.

A treaty of peace and friendship made and concluded by and between William Clark and Auguste Chouteau, commissioners of the United States of America, on the part and behalf of the said States, of the one part, and the undersigned chiefs and warriors of the Pawnee Marhar tribe, on the part and behalf of their said tribe, of the other part.

The parties being desirous of establishing peace and friendship between the United States and the said tribe, have agreed to the following articles:

ARTICLE 1. Every injury or act of hostility by one or either of the contracting parties against the other shall be mutually forgiven and forgot.

ART. 2. There shall be perpetual peace and friendship between all the citizens of the United States of America and all the individuals composing the said Pawnee tribe.

ART. 3. The undersigned chiefs and warriors, for themselves and their said tribe, do hereby acknowledge themselves to be under the protection of the United States of America, and of no other nation, power, or sovereign whatsoever.

ART. 4. The undersigned chiefs and warriors, for themselves and the tribe they represent, do moreover promise and oblige themselves to deliver up, or cause to be delivered up, to the authority of the United States, to be punished according to law, each and every individual of the said tribe who shall, at any time hereafter, violate the stipulations of the treaty this day concluded between the said Pawnee Marhar tribe and the said States.

In witness whereof, the said William Clark and Auguste Chouteau, commissioners as aforesaid, and the chiefs and warriors aforesaid, have hereunto subscribed their names and affixed their seals this twenty-second day of June, in the year of our Lord one thousand eight hundred and eighteen, and of the independence of the United States the forty-second.

WILLIAM CLARK,
AUGUSTE CHOUTEAU.

[Signed, also, by the chiefs and warriors of the said Pawnee Marhar tribe.]

A treaty of amity and friendship made and concluded at St. Louis, this 6th day of October, A. D. 1818, in presence of his excellency William Clark, Governor of Missouri Territory, commander-in-chief of the militia thereof, and superintendent of Indian affairs for the same, between the tribe of Cherokees residing on the Arkansas, and their allies the Shawanees and Delawares, of the one part, and the several bands composing the Big and Little Osage nations, of the other part.

Whereas the parties are anxious that the war which has existed between them shall cease and determine, and that the most perfect harmony and friendship should exist, they have agreed to the following articles:

ARTICLE 1. There shall be perpetual peace and friendship between the Cherokees of Arkansas, and their allies, and all the bands of the Big and Little Osage nations.

ART. 2. The Cherokees and their allies shall deliver to the Osages, as early as possible in the ensuing spring, all the prisoners which they or their allies may have in their possession; and the Osages, in like manner, agree to deliver to the Cherokees such persons as may be in their possession.

ART. 3. The Osages do hereby grant to the Cherokees and their allies an undisturbed passage to the hunting country, with permission to occupy and hunt on all the lands which they claim south of the Arkansas river.

ART. 4. It is agreed by the parties that no private revenge shall be taken for property stolen, but that complaint shall be made to the agents of the different nations, who shall have full power to return such property.

In witness whereof, we, the chiefs and considerate men of the Cherokees and Great and Little Osage tribes, do sign our names.

[Signed by forty-six chiefs and principal men of the Big and Little Osages, twelve Cherokee chiefs, &c., and one Shawanee chief.]

[This treaty is not signed.]

HEAD-QUARTERS, DIVISION OF THE SOUTH,

NASHVILLE, December 1, 1817.

SIR:

On the 27th of October last I left this to visit a friend and nephew of mine, who was lying dangerously ill, of which you have been advised by the adjutant general already; and, having performed the last duty to him, who expired on the 20th ultimo, I reached this on the 30th.

On my return journey I received your letter of the 25th October, marked "private;" also a copy of the adjutant general's to you of the 19th ultimo.

I perfectly coincide with Colonel Butler, and for the reasons he has assigned, that nothing can be done with the Chickasaws on the subject named until the arrearages due them are paid; as it would, in my opinion, completely jeopardize the objects in view, which, I fully agree with you, are of the greatest importance. Indeed, it is my opinion that, until their arrearages are paid, even to name the subject would tend to frustrate the object of the Government.

So soon as the money arrives, I will proceed to the Chickasaw nation, and use my best exertions to obtain a relinquishment to their title to the lands proposed; of which, although not sanguine, I do not despair of effecting so soon as they are made friendly disposed, by the change of their agent and the receipt of their annuities.

I sincerely hope that General Platt will accept of the agency, as the chiefs of that nation have expressed their wish to General Meriwether and myself that their agent should be taken from the eastward. Should General Platt not accept, and you will forward the amount due the Chickasaw nation to Colonel Robert Butler, (who has been for a long time doing the extra duty of quartermaster general from real necessity,) and furnish him with particular instructions for its appropriation, I will undertake to see the faithful distribution thereof, and take that moment to obtain their relinquishment to the lands proposed.

Your several communications of the 11th and 30th October and the 6th and 13th of November, with their respective enclosures, have been received and attended to. Notification has been made, and proposals will be received, for the repair of the old Natchez road, from where the Reynoldsburg road intersects it, to the Mississippi line.

The adjutant general has been directed to order Lieutenant Colonel Lindsay to form the recruits of the 4th battalion into two companies, and have them marched to Mobile without delay.

I am, sir, &c.

ANDREW JACKSON, *Major General Commanding.*

To the ACTING SECRETARY OF WAR.

SIR:

WASHINGTON CITY, *February 6, 1818.*

In the event of its being thought necessary to extinguish the Quapaw claim to the lands south of the Arkansas river, I must beg leave to suggest the necessity of the commissioners having specific instructions on the following points:

1st. A conference to be held with a deputation of that tribe for the purchase of all or such part of their claim as it may be thought necessary to extinguish at this time; the western line, at least, to include the white settlements.

2d. Or whether it would be better to extinguish all their claim, with a view to exchange that part lying north-west and west of the settlements with the Cherokees for lands east of the Mississippi, reserving to the Quapaws for their own use a sufficient quantity, including their villages, &c.

3d. The terms on which the purchase should be made, either by an amount in goods and an annuity, or by a fixed sum paid in hand, or by instalments.

4th. The terms on which the quantity reserved by them shall be held—whether as tenants in common, or shall they have power to divide it amongst themselves, and the right to dispose thereof, afterwards, separately?

5th. They have expressed an unwillingness to sell the noted *hot spring* and a valuable salt-lick now worked to advantage. Shall they be allowed to reserve them? If so, on what terms? or what shall be proposed to induce them to give them up?

6th. If it is thought best to confer with them at St. Louis, (which is believed to be the cheapest way,) then I would suggest the propriety of Colonel Auguste Chouteau being associated.

I have, &c.

WILLIAM CLARK.

Hon. J. C. CALHOUN, *Secretary of War.*

SIR:

DEPARTMENT OF WAR, *March 7, 1818.*

I have the honor to inform you that Auguste Chouteau, Esq. has been appointed a commissioner, to be associated with you, in making a treaty or treaties with the several tribes of Indians named in your commission transmitted by this Department on the 1st of November last. Mr. Chouteau is appointed in the place of Governor Clark, who has declined acting.

The placing that gentleman's name before yours in the instructions addressed to you for holding the treaty was wholly accidental, and therefore should not be placed to an intention of giving him a precedence in the commission. It is hoped this explanation will be satisfactory, and that your excellency will consent to act as commissioner, as the President is desirous to avail himself of your talents and experience in concluding the treaty.

The objects of holding a treaty are explained in the letter of the Acting Secretary of War to you and Governor Clark, dated the 1st November last. Mr. Chouteau is directed to apply to you for information as to the time and place of holding the treaty.

I have the honor to be, &c.

J. C. CALHOUN.

Governor NINIAN EDWARDS, *Kaskaskia.*

GENTLEMEN:

DEPARTMENT OF WAR, *May 2, 1818.*

I have the honor to enclose to you a commission to treat with the Chickasaw Indians for that portion of their country which lies in the States of Kentucky and Tennessee. The object and importance of extinguishing their title to that tract of country are so obvious as to require no comment; and the President anticipates, from your weight of character and knowledge of the Indians, that the object in view will be effected. The President is very anxious to remove the Indians on this side to the west of the Mississippi; and if the Chickasaws could be brought to an exchange of territory, it would be preferred. It is intended to acquire from the Quapaws a large tract of country, in order to make the exchange with the Indians on this side; and if the Chickasaws will agree to the exchange, they may have it for lands in that quarter; but the terms of the cession, as well as the time and place of holding the treaty, are left to your judgment and discretion.

Congress have appropriated \$53,000 for the expenses incidental to holding treaties with the Indians; and Colonel McKenney, the superintendent of Indian trade, has been directed to purchase and forward to the Chickasaw Bluffs \$6,500 worth of goods, suitable to the taste of the southern Indians, to be distributed under your orders, in pres-

ents, to effect the objects of the treaty. He will furnish you with an invoice, and advise you of the goods being forwarded. Should moneyed presents be necessary to the chiefs, you are authorized to make them, and to draw on the Department, provided the whole amount drawn for, including your compensation and that to your secretary and interpreters, does not exceed \$4,500.

The contractor will furnish, on the requisition of either of you, the rations which it may be necessary to issue to the Indians while attending the treaty. Notice should be given to him, in order that he may be prepared to furnish the rations.

Your compensation will be at the rate of eight dollars a day while actually engaged; and that of the secretary, whom you are authorized to appoint, will be at the rate of five dollars per day.

You will render to this Department the usual accounts and vouchers for settlement.

I have the honor to be, &c.

J. C. CALHOUN.

General ISAAC SHELBY and
General ANDREW JACKSON,
Commissioners, &c.

GENTLEMEN:

DEPARTMENT OF WAR, *May 2, 1818.*

I have the honor to enclose you a commission to treat with the Miamies, Delawares, and other tribes of Indians who have claims to the tract of land in the State of Indiana watered by the White river and the Wabash. By a reference to a map of Indiana, it will be seen that the part of it to which Indian title is extinguished is of an inconvenient form; and the object of the present negotiation is to acquire from the tribes interested such additional cession as, being added to the present, will render it more convenient and compact.

You will designate the time and place the most suitable, in your opinion, for holding the treaty. The terms to be offered depend so much on the whims and tempers of the tribes interested in the land, that no particular instructions can be given to you; but the President, reposing full confidence in your judgment and discretion, expects that you will acquire it on terms as advantageous to the United States as is practicable.

Congress have appropriated (\$53,000) fifty-three thousand dollars for the purpose of holding Indian treaties; (\$21,000) twenty-one thousand dollars of which will be applied to the treaty with which you are charged.

Colonel McKenney, superintendent of Indian trade, has been directed to vest \$15,000 in such goods as are most agreeable to the taste of the Indians, to be distributed as presents to them under your orders. He will send the goods to Cincinnati, and you will be furnished with an invoice as soon as the purchases are effected. On their arriving at Cincinnati, they will be subject to your orders. The residue (\$6,000) is intended for your pay and that of a secretary to the commission, interpreters, &c., and such moneyed presents as you may judge proper to make to the chiefs. You are authorized to draw on the Department for that amount.

The contractor will issue, on your requisition, such rations as may be necessary for a supply of the Indians while attending the treaty. You will give him notice of the time and place of holding the treaty, so that he may be prepared to make the issues.

Your compensation will be at the rate of eight dollars a day while actually engaged; and that of your secretary, whom you are authorized to employ, five dollars a day.

You will render this Department the usual accounts and vouchers for settlement at the Treasury.

I have the honor to be, &c.

J. C. CALHOUN.

His Excellency JONATHAN JENNINGS,
His Excellency LEWIS CASS, and
Honorable BENJAMIN PARKE.

GENTLEMEN:

DEPARTMENT OF WAR, *May 8, 1818.*

I have the honor to enclose a commission to you to treat with the Quapaws. A principal object of the negotiation is to acquire lands on the west of the Mississippi, in order to exchange with such of the Indians on this side as may choose to emigrate to the west. The time and place of holding the treaty are subject to your discretion. The terms of the cession must, of course, depend on the temper and wishes of the Indians; after ascertaining which, you will propose such terms to them as, in your opinion, will be the most advantageous to the United States. The lands reserved for the Quapaws must be held by the tenure by which the Indians usually hold their lands, as the Senate would probably ratify no treaty which recognises in the Indians the right of acquiring individual property, with the power of selling, except to the United States.

You will be allowed at the rate of eight dollars a day while actually engaged in performing the duties of your commission; and the secretary, whom you are authorized to appoint, at the rate of five dollars a day.

You are authorized to draw on this Department for a sum not exceeding \$3,000, to defray the expenses of the commission, and to make such presents to the Indians as are usual or necessary. You will render the usual vouchers for settlement, for such sums as may be disbursed under your directions.

I have the honor to be, &c.

J. C. CALHOUN.

Governor WILLIAM CLARK and
AUGUSTE CHOUTEAU, Esq.
Commissioners, &c.

SIR:

DEPARTMENT OF WAR, *May 8, 1818.*

His excellency Jonathan Jennings, his excellency Lewis Cass, and the honorable Benjamin Parke, having been appointed commissioners to hold a treaty with the Indians in the State of Indiana; Colonel John McKee, General William Carroll, and David Burnett, Esq. commissioners to hold a treaty with the Choctaws; and his excellency Isaac Shelby and General Andrew Jackson, commissioners to hold a treaty with the Chickasaw nation of Indians, it becomes necessary to place at the disposition of these commissioners merchandise suitable for Indian presents, to be distributed by them in such manner as they may think best calculated to promote the views of the Government in the proposed negotiations.

You are, therefore, requested to purchase \$15,000 worth of goods, properly assorted, to suit the tastes and habits of the northern Indians, and forward them to Cincinnati, consigned to such person as you may judge proper, and in whom you can place confidence, to be held subject to the orders of the commissioners to treat with the Indians in Indiana; and \$13,000 worth of such goods as are in your judgment adapted to the fancy and climate of the southern Indians; to be

put up in two parcels of \$6,500 worth each; one to be forwarded to the Chickasaw Bluffs, consigned to some discreet person on whom you can rely, to be held subject to the orders of the commissioners to treat with the Chickasaw Indians; and the other to be forwarded to New Orleans, to be consigned in like manner, and subject to the orders of the commissioners to treat with the Choctaws.

You will furnish the commissioners, in each case, with an invoice of the goods, and advise them of their being forwarded, to whom consigned, and of the probable time of their arrival at the place of their destination.

I have the honor to be, &c.

J. C. CALHOUN.

THOS. L. MCKENNEY.

GENTLEMEN:

DEPARTMENT OF WAR, *May 11, 1818.*

I have the honor to enclose you a commission to renew the negotiation with the Shawanees, Delawares, Pattawatamies, Ottawas, and Chippewas. I also enclose a copy of the resolution of the Senate, by which you will perceive that the consideration of the treaty has been postponed, and that it has been recommended to the President to renew the negotiation. The resolution itself will best explain the views of the Senate, and you will consider it as a part of your instructions. You will determine the time and place of renewing the negotiation, of which you will give due notice to the contractor. On the requisition of either of you, he will make the necessary issue of rations to the Indians while attending the treaty.

I am fearful that the change of tenure proposed by the Senate will indispose the Indians to renew the negotiation, and that they will expect not only a great increase of their annuity, but a great increase of lands to be reserved for their use. No particular instructions can be given to you on these points, as they depend on the disposition of the Indians. The President reposes entire confidence in your judgment and discretion, and expects that the land will be obtained on as favorable terms as possible.

The Wyandot and Seneca delegates expressed a desire that their relations in Canada, not exceeding one hundred and fifty persons, might be permitted to join them, and might be taken into the estimate in the lands to be reserved for their use. The President thinks the request reasonable, and I now state it to apprise you of his opinion in case they should mention it at the treaty.

You will be allowed at the rate of eight dollars a day while performing the duties of your commission, and your secretary at the rate of five dollars per day. You will appoint your secretary.

To defray the expenses attending the commission, and make the usual and necessary presents, you are authorized to draw on the Department for a sum not exceeding \$7,000. You will render the usual vouchers for the sums which may be disbursed under your directions.

I have the honor to be, &c.

J. C. CALHOUN.

His Excellency LEWIS CASS and
General DUNCAN MCARTHUR,
Commissioners, &c.

SIR:

DEPARTMENT OF WAR, *June 29, 1818.*

In the absence of the Secretary of War, I have had the honor to submit your letter to the President of the United States, and have it in charge to communicate his sentiments on the subject in reply.

The great object is to remove, altogether, these tribes beyond the Mississippi. If that be accomplished, every difficulty is removed; there then ceases to be any question about the tenure by which the Indians shall hold lands. To effect this removal, you are aware that great exertion and address must be used on the part of the commissioners, and some sacrifices be made by the United States.

To achieve this plan, other lands, equal in quantity to what the Indians may wish to retain in Ohio, will be granted to them west of the Mississippi; and you are authorized to give them, in cash, on the spot, from 20,000 to 50,000 dollars, and an equal sum in goods, if the object cannot be effected by a less sum. You are also authorized to grant a liberal annuity—say double the amount which you granted to the several tribes by the treaty of the Rapids of the Miami. The United States will pay the expense of removal, giving permission, if necessary, to remain on certain lands, with limits defined, for three years; or until lands which may suit them can be procured west of the Mississippi.

The interests of the Government demand that the cession should be obtained at the least expense. If the removal of the tribes can be effected, permanent annuities to a reasonable amount will indubitably contribute much to the advantage of the United States, in restraining the Indians from engaging in wars on their own account, or as allies of any foreign hostile Power.

The measure of removal is important in a national point of view, and especially to that section of country advanced, of which a settlement of these Indians, who have already made a considerable progress in civilization, and evinced a fidelity to our institutions, will be formed. If joined by the Six Nations of Indians, whose friendship and steady adherence to our Government have been well tried, they would form a defence for our settlements, formidable for the quality of its force, and important from its relative position to us and to the hostile Indians. These considerations induce the President to desire that they should be removed beyond the Mississippi. But it is impossible to determine here to what particular part of country the Indians should be removed; so much depends on the preference which they themselves may give to one portion over another, and the impossibility, perhaps, of granting the spot which they may select. Therefore, in indicating the portion of country to which they may be willing to remove, you will exercise your judgment. It is evident, however, that the location must be beyond the Mississippi, or west of Lake Michigan. It is understood that it will not be difficult to procure a cession from the Indians west of the Mississippi. Governor Clark will be instructed on this point, and I am directed to request you to correspond with him on this subject. The confidence reposed in the zeal and knowledge of the commissioners precludes the necessity of more enlarged instructions on this point, and, at the same time, affords the best hopes that, in the progress of the negotiation, every exertion will be made "to conduct it to a successful issue, upon terms as advantageous to the United States as practicable." Secondly, if a treaty cannot be obtained upon the above terms, make the best contract you can for the territory, granting small reservations to families or to individuals, with the right of pre-emption to the United States. If indispensably necessary to abandon this principle, let the deviation be restricted as much as possible. Let the title to the lands reserved, for example, be to the present incumbent for life, and the fee to their offspring, making the assent of the President to any sale by the immediate or future descendants indispensable.

Should it be found indispensable to the formation of a treaty, on satisfactory conditions, that some lands should be ceded in fee to some few persons in the tribe, half-breeds, or others of great influence, it may be done, guarding

the sales in the manner above stated. This, however, should be avoided, if possible, as it would be to sacrifice the interest of the tribe to the accommodation of individuals—perhaps of the innocent and ignorant to the artful and unprincipled. If reservations are made to the Indians in any form whatever, the precise number of acres should be stipulated in preference to “miles square or square miles.”

In these views you will perceive the great importance which the President attaches to the successful termination of the negotiation, on principles of justice and liberality to the Indian tribes. The best interests of the western community will be greatly advanced by the removal of these tribes to a more remote part of the country. An efficient white population will supply the place of their feeble society, and will give strength and vigor to our frontier, as well as develop, by the progress of improvement, many resources which will largely contribute to the power and safety of our institutions.

You are authorized to draw bills on this Department, payable after the ratification of the treaty, for such sums as you may require, after the sum of \$7,000, already set apart, shall be expended.

A copy of this letter will be sent to General McArthur for his instruction.

I have the honor to be, &c.

C. VANDEVENTER, *Chief Clerk.*

His Excellency LEWIS CASS, *Detroit.*

SIR:

DEPARTMENT OF WAR, *June 29, 1818.*

I have the honor to transmit to you, by order of the President of the United States, an extract of a letter of instructions to his excellency Governor Cass, respecting the negotiation which he, in conjunction with General McArthur, is about to open with the Wyandots, Delawares, &c.

The President requests that you will take proper measures, as early as practicable, to ascertain what tribes of Indians west of the Mississippi may be disposed to relinquish their lands, or a suitable portion of them, to the United States, and the probable terms upon which they will make the cession.

He desires your excellency to communicate the result, as well as your views of the subject generally, to Governor Cass and General McArthur, or to either of them.

I have the honor to be, &c.

C. VANDEVENTER, *Chief Clerk.*

His Excellency WILLIAM CLARK, *St. Louis, Missouri Territory.*

SIR:

ST. LOUIS, *July 9, 1818.*

A very full and respectable deputation of the principal chiefs and warriors from the four Pawnee tribes having arrived here a short time since, (in compliance with the general views of the Government, and the instructions received from your Department of the 9th June, 1817,) we entered into negotiations with them, and concluded treaties which we have the honor herewith to transmit for the President's approbation.

The Pawnee tribes are warlike and powerful, and inhabit the country about the river Platte, stretching immediately between us and the Spanish settlements, with whom they are now at war. Their numbers and warlike character, the commanding position they occupy in relation to the Missouri trade, and the contemplated establishment at the mouth of Yellow Stone river, coupled to the facility with which (in the event of hostilities between us and the Spanish provinces) they might be sent down in force upon our extended western frontier, evince the wisdom and propriety of cultivating industriously their friendship, in conformity with the general policy of the Government.

Since the conclusion of the late war with England, and the general pacification with the Indians of the Mississippi and Missouri, the Pawnees have committed several wanton and unprovoked murders; and did not, perhaps, in strictness, deserve to have been dealt with so favorably. But they were strangers to the whites—that is, to the Americans; had never visited our settlements, and knew nothing of the character or strength of our Government. They had met with hunting parties occasionally, and, finding them weak and contemptible in their estimation, they had learned (with the help of a few lessons from the Spaniards) to look upon the Government in the same light. Believing, as we did, that their conduct had grown out of these misconceptions, and perceiving the most clear and unequivocal proofs of their humiliation and repentance, we deemed it best to forgive their injuries, and grant them the protection and friendship of the United States; and no Indians with whom we have treated have ever discovered such entire satisfaction, pride, and pleasure at the event.

These people travel principally on horseback, are but little used to marching, and know nothing of canoes. In consequence, we have thought it most advisable to send them home with a handsome present, in order to impress them still more strongly and favorably towards us, and to operate thereby (in some measure) upon the neighboring tribes of the Missouri above them.

To further the views of the Government in relation to the Quapaws, we have despatched an agent (Mr. Benjamin O'Fallon) to them, to communicate our wishes, and make the necessary arrangements for a treaty with them at this place as soon as possible. As yet, we have received no information as to the probable result of his mission.

Our colleague, Governor Edwards, being absent in Kentucky, we have been compelled to proceed in these matters without his counsel or co-operation.

We have the honor to be, most respectfully, sir, your obedient servants,

WM. CLARK,
AUGUSTE CHOUTEAU.

To the Hon. J. C. CALHOUN, *Secretary of War.*

SIR:

DEPARTMENT OF WAR, *August 19, 1818.*

I enclose an extract of a letter from Mr. Ogden, of New York, in relation to the removal of the Six Nations of Indians, and request your attention to the subject when you meet the Indians for the purpose of entering into negotiations with them, agreeably to the instructions from this Department; and ascertain whether the Indians on Fox river and its vicinity, or any of the tribes inhabiting the country north of the State of Indiana and Illinois Territory are disposed to make a grant of lands to the Six Nations, and permit them to reside among them. In the event of any of them assenting to the proposal, you will report it to this Department, when you will be instructed to make any arrangements that may be necessary to facilitate the removal of the Six Nations to the country thus selected for their future residence, provided it meets their approbation.

I have the honor to be, &c.

J. C. CALHOUN.

Governor LEWIS CASS, *Detroit.*

SIR:

ST. LOUIS, *September 6, 1818.*

We have the honor herewith to transmit the treaty concluded with the Quapaws on the 24th ultimo; by which it will be seen that a large tract of valuable country (which at all times heretofore has been considered their property, as well by the former governments as by the Osages, their neighbors,) has been ceded to the United States, embracing all the white settlements in that quarter, and extending far to the west of them. The current of emigration is setting with considerable force to the Red river and Washita; and, unless early measures are taken to limit and circumscribe those settlements, by assigning to the Cherokees and other Indians the lands intended for them, (which seems to have been intended by the Government,) the whole country purchased will probably be soon occupied by the white settlers, thinly scattered in every direction.

Within the purchase are several very valuable salines, one of which has been worked by individuals for some time past, and several medicinal springs which are much resorted to from the lower country. These are objects of great public interest, and are thought to be well worth the attention of Government. Whatever disposition it is proposed to make of that country in general, it would perhaps be good policy, and very essential, to reserve the warm springs, with a small portion of the adjoining lands, which are poor and broken.

The land reserved by the Quapaws is quite sufficient for their purposes, and, in truth, is perhaps more than they actually need. It fronts on the Arkansas river more than a hundred miles, including all their villages, and extending to the Washita, being a tract of level, low, rich land, interspersed with swamps, and a great portion of which is subject to annual inundation. This tribe is anxious to have an agent, and we are inclined to think the Government would do well to indulge them. Mr. Charles de Villemont, a native of Louisiana, the old Spanish commandant of the post at Arkansas, who now resides near their villages, was mentioned by them as the person whom they would wish appointed.

We would beg leave also to suggest the propriety of having the boundary lines of the reserve run and marked out as soon as it may be found convenient, in compliance with the stipulations of the treaty.

Our accounts of expenses incurred in negotiating the purchase of the Quapaws are likewise forwarded herewith.

We have, &c.

WM. CLARK,
AUGUSTE CHOUTEAU.

Hon. J. C. CALHOUN, *Secretary of War.*

SIR:

ST. MARY'S, *September 18, 1818.*

Accompanying this, we have the honor to transmit to you a treaty, yesterday concluded by us with the Wyandot, Shawanee, Seneca, and Ottawa tribes of Indians.

The proposition to remove to the west of the Mississippi was made to the three former tribes, and enforced as far as we believed it politic to enforce it. It was received by them with such strong symptoms of disapprobation, that we did not think it proper to urge them too far upon the subject. The time has not yet arrived for them voluntarily to abandon the land of their fathers, and seek a new residence in a country with which they are unacquainted, and among powerful and hostile Indians. As our settlements gradually surround them, their minds will be better prepared to receive this proposition, and we do not doubt but that a few years will accomplish what could not now be accomplished except at an expense greatly disproportioned to the object.

The treaty now concluded requires few observations from us. We trust all its stipulations will be found in strict conformity with our instructions.

The Chippewa, Pattawatamie, and Delaware tribes of Indians are not parties to this treaty. None of the provisions in the treaty to which this is supplementary, which related to them, has now been affected, and their participation was therefore unnecessary, and might have been injurious.

We have promised to the tribes, parties hereunto, that they shall receive a quantity of goods equal in value to \$12,000. These goods cannot now be distributed, because such distribution would provoke the jealousies of the other tribes, who are waiting the result of the treaty to be negotiated for a cession of land in Indiana. It is thought politic to make a general distribution to all the tribes at the same time, and it is certainly proper that these tribes should receive as much, in proportion to their numbers, as any others.

At the conclusion, therefore, of that treaty, bills will be drawn upon the War Department for the amount of goods which we think it correct to purchase, payable after the ratification of the treaty; and we trust they will be duly honored.

We transmit an extract from the speech of the Ottawas in relation to the grant made by them to Doctor William Brown by the treaty concluded last year at the foot of the Rapids. We cannot but hope that the claim will be confirmed. Doctor Brown's professional services to these Indians have been long continued and gratuitous, equally uncommon in their occurrences and honorable to him.

Very respectfully, sir, we have the honor to be your obedient servants,

LEWIS CASS,
DUNCAN McARTHUR.

Hon. J. C. CALHOUN, *Secretary of War.*

Extract from a speech of the Ottawas in council to the commissioners of the United States.

FATHERS: You last year promised us that you would grant to our friend Dr. William Brown two sections of land at Macon, but we do not find that he has received them. He has rendered us many services, for which we have never paid him. It is owing to him that some of us are now here. It is fortunate for us that he came here, as many of us are sick, and he has attended us. We wish he may get the land.

SIR:

ST. MARY'S, *September 21, 1818.*

I have the honor to transmit you a treaty concluded by me with the chiefs of the Wyandot tribe of Indians, in conformity with the instructions from the War Department of May 19, 1817.

The delay in concluding this treaty has arisen from the difficulty of effecting the exchange until the land in the Territory of Michigan was surveyed. It could not be located prior to that time without unnecessarily interrupting the continuity of the surveys, and the time which would have been gained was not of sufficient importance to justify this measure. The surveys were not returned until the beginning of last July, and I have embraced the first opportunity which the meeting of the Wyandot chiefs afforded since that time to effect the object.

My letter to the Secretary of War of the 30th July, 1816, contains all the information which it is in my power to give upon this subject; and it renders it unnecessary for me to trouble you with any of the details connected with it.

Very respectfully, sir, I have the honor to be your most obedient servant,

LEWIS CASS.

To the Hon. JOHN C. CALHOUN, *Secretary of War.*

HEAD-QUARTERS, DIVISION OF THE SOUTH,

NASHVILLE, July 13, 1818.

SIR:

I shall proceed to-morrow to the Tennessee river, to meet, under an appointment, James Colbert, interpreter to the Chickasaw nation, preparatory to holding a treaty with that nation. It is my duty, however, to state to you my impression that no negotiation can be carried on, with any possibility of success, until Government have fulfilled their engagements with the Chickasaw nation. The annuities due for lands purchased more than two years ago still remain unpaid; I hope, therefore, that early remittances will be made to liquidate all claims against the United States, previous to any propositions being made for further purchases from the Chickasaw nation.

With respect, &c.

ANDREW JACKSON, *Maj. Gen. Commanding.*

The remittance to Colonel Butler in January last, subject to my direction, was redeposited in the Nashville Bank, to the credit of the United States, previous to my moving southwardly.

A. J.

Hon. J. C. CALHOUN, *Secretary of War.*

SIR:

CHICKASAW AGENCY, July 29, 1818.

Yesterday I received a letter from General Jackson, dated the 24th instant, at Cypress, Tennessee river, relative to the time and place it will suit this nation to meet the United States commissioners to confer on the subject of selling or exchanging land. Major Colbert, on the 17th instant, wrote General Jackson, in answer to a letter he had received from him, that they would meet him at Cypress on the 5th August, which letter the general unfortunately did not receive before he left home for Cypress; if he had, it would have prevented his setting out as early as he did to meet the chiefs from the nation. Major Colbert is now with me, and says that himself and some others will set out to-morrow to meet the United States commissioners at Cypress, and endeavor to agree upon the time and place of holding the treaty; but, from the disposition I now discover in the leading men of the nation, it is not probable they are willing to sell or exchange any more land. From the ill health of Governor Shelby, General Jackson is desirous of having the treaty held as near Nashville as the chiefs can be got to assemble. This proposition for accommodating the comfort of Governor Shelby I sincerely hope may be agreed to; but I much doubt their acquiescence, as, on its being suggested to them, they replied "that all treaties heretofore made with them had been holden in their own nation, and no other place was proper."

I am, respectfully, &c.

H. SHERBURNE, *Agent for the Chickasaw Nation.*

Hon. J. C. CALHOUN, *Secretary of War.*

SIR:

DEPARTMENT OF WAR, July 30, 1818.

I regret exceedingly the delay which has taken place in the payment of the annuity to the Chickasaw Indians. It has arisen from the long delay of the arrival of their agent. The former agent being dismissed, it was not thought proper to make the payment through him. The annuity of this year was transmitted in goods, through the superintendent of Indian trade, as it was understood that goods, in lieu of money, would be acceptable to the Indians. They have, I presume, been received. The annuity for 1817, and a sum of about \$7,000 to be paid under their late treaty, have been transmitted to their agent this day. He has been directed to pay the whole immediately, unless directed otherwise by you or Governor Shelby. It is possible that the payment of so large an amount at the time of negotiating the treaty might be turned to some account. If you judge it advisable to have it then paid, you will direct the agent accordingly.

I enclose a copy of a letter to Governor Shelby of the date of this, which will point out the extent of power intended by the instructions accompanying the commission to be given to you, in regard to which he appears to labor under a mistake.

I have the honor to be, &c.

J. C. CALHOUN.

General ANDREW JACKSON, *Nashville.*

SIR:

DEPARTMENT OF WAR, July 30, 1818.

Your letter of the 16th July, relating to the proposed negotiation with the Chickasaw Indians, was received this morning.

In the instruction which was given to you, it was not intended to place any limitations on the powers of the commissioners as to the terms on which the land should be acquired. The goods sent to the Chickasaw Bluffs, and the sum for which you were authorized to draw, were intended to be used at your discretion in bringing about the treaty, by presents to the principal chiefs, or otherwise. Should a larger sum be necessary in that way, you are authorized to draw for it, provided it does not exceed \$5,000. The treaty itself you will, of course, make on such terms as you may judge proper. The goods sent to the Bluffs were ordered to be selected with great care; and I think you will find them useful to put the Indians in a good temper to negotiate. You are authorized to take such measures, and to incur such expense, to have the goods brought to the place of the treaty, as you may judge proper. About \$30,000 (two years' annuity, and a sum due under the late treaty with the Chickasaws,) will be shortly paid to the nation. I have directed the agent, Colonel Sherburne, to pay it immediately, unless you or General Jackson should direct the suspension of the payment. It is possible that the payment at the time of making the treaty might be turned to advantage. It is submitted, however, to your discretion.

I have the honor to be, &c.

J. C. CALHOUN.

His Excellency ISAAC SHELBY, *Shelbyville, Kentucky.*

HEAD-QUARTERS, DIVISION OF THE SOUTH,

NASHVILLE, August 18, 1818.

SIR:

I have the honor to acknowledge the receipt of your letter of the 30th ult., with its enclosure. The 1st day of October has been fixed upon by the chiefs of the Chickasaw nation for holding the treaty; and Colonel Sherburne, their agent, will be instructed to withhold the payment of the sums which may be due the Indians until that time, as the payment of so large an amount at the time of negotiation will, no doubt, have considerable effect in forwarding the objects of the treaty, and will also be a saving of considerable expense.

There being no contractor's agent for the State of Mississippi, it will be necessary that a contract should be made with some individual for furnishing the necessary supplies for the Indians. I have, however, directed the adjutant general of this division to make a requisition on the contractor for 75,000 rations, to be delivered at the time and place of holding the treaty.

Your letters of the 27th and 28th ult. have been received, and shall receive, in due time, that attention which they merit.

I have the honor to be, &c.

ANDREW JACKSON, *Maj. Gen. commanding.*Hon. J. C. CALHOUN, *Secretary of War.*

SIR:

ST. MARY'S, October 6, 1818.

We have the honor to forward to you treaties concluded at this place with the Pattawatamies, Delawares, Weas, and Miamies, for the purchase of lands in the State of Indiana. Owing to the peculiar circumstances under which we are placed, a detailed communication is deferred, and which you will receive from Governor Jennings, together with a statement of the disbursements incident to the negotiation.

We have the honor to be, sir, very respectfully, your obedient servants,

JONATHAN JENNINGS,
LEWIS CASS,
B. PARKE.The Hon. JOHN C. CALHOUN, *Secretary of War.*

SIR:

ST. LOUIS, October —, 1818.

In compliance with the wishes of Government, as expressed in your letter of the 8th of May, I have, with much difficulty, succeeded in bringing about a peace between the Osages and Cherokees.

As it was thought by both parties that no treaty they could make would be considered as reciprocally binding upon them, unless it should be ratified and confirmed in my presence, I invited both tribes to send a deputation of eight or ten of their principal men to meet in council at this place. The Osage chiefs and considerate men (to the number of about sixty) arrived early last month, and have waited the coming of the Cherokees, which was not until last week.

Their conferences resulted in a solemn treaty, a copy of which I have the honor herewith to forward.

Finding the Osages willing to pay for the property which they have taken, to a very considerable amount, from the citizens of this Territory; and knowing the views of the Government on the subject of Indian emigration to the west of the Mississippi; finding, too, that it was the intention of the Cherokees to demand of the Osages the country west of their settlements on the Arkansas, which the Osages were determined not to cede to them; and believing the Shawanees may be induced to exchange their lands in Cape Girardeau for the lands on the Arkansas and White rivers, I thought it advisable to enter into a treaty, by which the Osages have ceded to the United States the country north of Arkansas, from their old boundary line to the Three Forks, with a width of sixty miles, which will include a large body of very fine land. The treaty is likewise herewith enclosed.

The Osages have determined to unite themselves in one village, and have requested that Mr. Peter Chouteau may be re-appointed their agent. Mr. Chouteau has certainly more influence with that nation than any other person; and if the agency should be re-established, (which I would strongly recommend,) it would perhaps be well to gratify their wishes. They complain of the mode in which they have received their annuities from the factor at Fort Osage, and desire that they may for the future be delivered to them, unopened, at their village on the Osage river. The request is certainly a reasonable one; and if they unite themselves into one village, (which I have advised, from a wish to bring them more under the eye and superintendence of the agent, and the control of the Government,) it perhaps would be well to remove their blacksmiths to the spot they select for their village, which will tend to unite them as much as any other indulgence that could be extended.

Mr. O'Fallon, the agent for the Missouri tribes, has been instructed to sound them on the subject of ceding a portion of their lands, in conformity with the wishes of the Government, communicated in a letter received from Major Vandeventer, of the 20th June, 1818. On this subject I have written to Governor Cass, who is authorized to treat with the Indians of Ohio and Michigan, and have informed him of the late treaty with the Quapaws, from whom a cession has been obtained of nearly thirty millions of acres. This, together with the cession now made by the Osages, places an immense country at the disposal of the United States.

It is the wish of the Indians that the lines of the late cession, as also those of the Cherokee lands on the Arkansas, may be run and marked as soon as possible, and the whites moved off, and prevented from settling upon the lands set apart for them.

The Osage deputation left this yesterday, and the Cherokees will follow in a few days, both parties apparently much pleased with the arrangements that have been entered into.

Enclosed, I send you a communication from the Shawanees and Delawares who reside within our settlements near the Mississippi, by which you will be apprized of their wishes in regard to an exchange of country, &c.

I have, &c.

WM. CLARK.

Hon. JOHN C. CALHOUN, *Secretary of War.*

SIR:

DEPARTMENT OF WAR, March 27, 1819.

I have the honor to enclose you a commission to act as commissioner to survey and mark off the tract of land reserved by the Quapaw tribe of Indians under the second article of the treaty concluded with said tribe on the 24th August, 1818, of which an extract is enclosed for your instruction.

Your compensation will be at the rate of eight dollars per day, including your pay as agent, during the time you are actually engaged in ascertaining and surveying said boundary lines, you providing for your own expenses.

To aid you in the performance of this duty, and insure as speedy a completion of it as practicable, you are authorized to employ a skilful surveyor, who will be allowed five dollars per day, and the necessary number of chainmen and axemen, who will be allowed at the rate of two dollars per day in full for their services.

So soon as the survey is completed, you will make your report of it, accompanied by a plat of the land, to this Department. You will, also, immediately after the completion of the survey, give due notice to all intruders on the land surveyed to depart therefrom within a definite period of time; and, should it be found necessary, you will make a requisition on the commanding officer at Belle Point for that purpose.

Your Indian agency comprises the performance of the necessary duties as well to the Quapaws as the Cheerokees.

I am, &c.

J. C. CALHOUN.

REUBEN LEWIS, *Indian Agent and Commissioner, &c., Arkansas, M. Territory.*

15th CONGRESS.]

No. 156.

[2d SESSION.]

EMIGRATION OF THE CHOCTAWS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 1, 1818.

Mr. POINDEXTER made the following report:

The Committee on the Public Lands, to whom was referred a resolution instructing said committee "to inquire into the expediency of prohibiting the emigration and settlement of the Choctaw tribe of Indians on the lands of the United States west of the river Mississippi, until they shall have acquired that right by treaty with the United States, founded on a cession of lands inhabited by said tribe of Indians east of the river Mississippi," have had that subject under consideration, and submit the following report:

That, by the third article of the treaty concluded between the United States and the Choctaw tribe of Indians, bearing date the 3d day of January, 1786, commonly called the treaty of Hopewell, it was stipulated between the contracting parties that the lands allotted to said Indians to *live and hunt on*, within the limits of the United States, should be limited by the following boundaries, to wit: "Beginning at a point on the thirty-first degree of north latitude, where the eastern boundary of the Natchez district shall touch the same; thence, east, along the said thirty-first degree of north latitude, being the southern boundary of the United States of America, until it shall strike the eastern boundary of the lands on which the Indians of the said nation did *live and hunt* on the 29th day of November, 1782, while they were under the protection of the King of Great Britain; thence, northwardly, along the said eastern boundary, until it shall meet the northern boundary of the said lands; thence, westwardly, along the said northern boundary, until it shall meet the western boundary thereof; thence, southwardly, along the same, to the beginning." That, of the above-described tract of country, a very small portion has, since the date of said treaty, been ceded to the United States for a valuable consideration, and the residue thereof remains in the possession of said Indians, for the purposes set forth in the above-recited article. It further appears to your committee that, since the cession of Louisiana to the United States by France, Congress, by an act passed on the 26th of March, 1804, did authorize the President of the United States "to stipulate with any Indian tribes owning lands on the east side of the Mississippi, and residing thereon, for an exchange of lands the property of the United States on the west side of the Mississippi, in case the said tribes shall remove and settle thereon; but in such stipulation the said tribes shall acknowledge themselves to be under the protection of the United States, and shall agree that they will not hold any treaty with any foreign Power, individual State, or with the individuals of any State or Power; and that they will not sell or dispose of the said lands, or any part thereof, to any sovereign Power, except the United States, nor to the subjects or citizens of any other sovereign Power, nor to the citizens of the United States." The obvious intention of this act was to enable the Government, as soon as practicable, to transfer to the extensive uninhabited territories of the United States west of the Mississippi the several Indian tribes, who, by their local situation east of that river, retard the progress of population in that section of country, and prevent the facilities which ought to be afforded to the commercial intercourse between the western States and Territories and the city of New Orleans. The accomplishment of this object would be productive of incalculable advantages to a large and respectable portion of the Union, who depend solely on the Mississippi as an outlet to the rich productions which annually float down that river in search of a suitable and profitable market. But your committee are informed, from sources entitled to their entire confidence, that for several years past the Choctaw tribe of Indians, to whom has been allotted a vast and fertile territory east of the Mississippi to *live and hunt on*, finding their favorite pursuit there unprofitable, and, in consequence of the scarcity of game, not capable of yielding them an ordinary support, have gradually emigrated to the west, and formed considerable settlements for hunting, and even for agricultural purposes, on the lands of the United States within the territories acquired by the purchase of Louisiana, in direct violation of the treaty of Hopewell, and of the spirit and meaning of the act of Congress to which your committee have referred. In consequence of a representation of these facts, and of the probable disposition of this tribe of Indians to exchange lands which had become of no value to them for an equal quantity west of the Mississippi, to which their young men and hunters are accustomed annually to resort, the President of the United States, during the last session of Congress, appointed, by and with the advice and consent of the Senate, three commissioners, who were instructed to propose to these Indians an exchange of lands, which seemed to be called for as well by their own wants and necessities as by a due regard to justice and the rights and interests of the United States. The proposition was accordingly made by our commissioners, on fair and equitable principles, which resulted in a total refusal on the part of the chiefs of the aforesaid tribe to relinquish their right of possession to the lands designated

for them to *live and hunt on*, although they at this time occupy those lands on the west of the Mississippi which have been offered as an equivalent for such relinquishment.

Your committee are of opinion that these unwarrantable proceedings ought no longer to be tolerated. The power vested in the President of the United States by the act of the 26th of March, 1804, will become obsolete if the tribes of Indians east of the Mississippi are permitted to emigrate and form settlements west of that river, without the previous sanction of the Government. The Cherokee tribe, whose hunters had removed to the Arkansas, were compelled to indemnify the United States by a cession of their lands on the Chatahoochee and Tennessee rivers; the same rule ought to be adopted in relation to every other tribe. The Choctaws possess the east bank of the Mississippi for a distance of near three hundred miles, which will remain an uninhabited wilderness for centuries to come, unless their claim is extinguished, and the country populated by the United States. A variety of important considerations urge the expediency of effecting this object at an early period. The defence of the southern frontier of the United States from foreign invasion imperiously requires a strong physical force on the Mississippi, from the mouth of the Ohio to New Orleans. The navigation of that river, also, by means of steamboats, so essential to the welfare of the western country, cannot be prosecuted with safety and convenience without the aid of a population adequate to the supply of fuel, and other necessary articles, in a long and dangerous voyage against the rapid current of the river. Your committee are satisfied that, so long as the Choctaw tribe of Indians are permitted to live and hunt on the lands of the United States west of the Mississippi, they will never cede to the United States any part of the valuable country which they occupy by treaty east of said river. Justice and policy, therefore, combine in recommending the necessity of confining them to the boundaries heretofore appropriated for their use, until they shall acquire the right to other lands by treaty with the United States. Your committee report a bill for that purpose.

15th CONGRESS.]

No. 157.

[2d SESSION.

ALTERATION OF THE SYSTEM FOR TRADING WITH THE INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 8, 1818.

Sir:

DEPARTMENT OF WAR, *December 5, 1818.*

In compliance with a resolution of the House of Representatives of the 4th of April, 1818, directing the Secretary of War to prepare and report, at their next session, "a system providing for the abolition of the existing Indian trade establishments of the United States, and providing for the opening of the trade with the Indians to individuals, under suitable regulations," I have the honor to make the following report:

The nations of Indians who inhabit this portion of our continent were, on its first discovery, in a state of the most perfect commercial independence. Their knowledge of the useful arts was, indeed, very limited, but it was commensurate with their wants and desires. With their rude implements of husbandry, their hook and bow, in the construction of which they were well instructed, they drew a scanty but (for them) a sufficient supply from the soil, the water, and the forest. A great change has since taken place, such as appears to be inevitable by a fixed law of nature, in the intercourse between a civilized and savage people. Helplessness has succeeded independence. While their wants have been greatly multiplied and enlarged by their intercourse with their more civilized neighbors, their knowledge even of their former rude arts has been lost, without acquiring those which are necessary in their new condition. The manufacture of the axe and the hoe, by which they now clear and cultivate the soil, and the gun and ammunition, by which they take their game, are far above their skill; and, with the exhaustion of their present stock, without a new supply, they would be reduced to extreme want. On trade, then, with those from whom they can draw these and other supplies, they are wholly dependant. We have the exclusive right to trade with those within our limits; and cut off, as the southern tribes are, by our acquisition in the late war, from intercourse with foreigners on the side of the Gulf of Mexico, we have the means, by a proper extension of our posts on the lakes, the Mississippi, and the Missouri, (to effect which measures have already been taken,) to enforce effectually, without much additional expense, this important right. The period seems, then, to have arrived to give to our control over the Indians, through an exclusive supply of their wants, the greatest efficiency, and to promote their and our interest, by a judicious system of trade fairly and justly directed.

A similar view of this branch of our trade seems to have been taken at an early period by our Government. It directed its attention to this interesting and important subject as early as the year 1775, when a committee was appointed by Congress to devise a plan for carrying on trade with the Indians. In the next year a very considerable purchase of goods was directed to be made for the Indian trade; and trade with them, except under license and bond, was strictly prohibited. The subject was frequently acted on during the confederation, but no systematic effort was made to regulate it till 1786, when an ordinance was passed dividing the Indian department into two districts, and appointing a superintendent with a deputy to each. It was made their duty to execute such regulations as Congress might establish in relation to Indian affairs; to correspond with the Secretary of War, through whom their communications were directed to be made to Congress; to obey the instructions of the War Department; and to grant licenses to trade with Indians. This ordinance directed that no license should be granted to foreigners, and only to citizens whose good moral character should be certified by the Governor of a State, under the seal of the State; and that bonds should be given to conform to established regulations. Licenses were granted to continue in force for one year only, and upon the payment of \$50. To trade without license incurred a penalty of \$500 and forfeiture of goods. The superintendents and their deputies were prohibited from engaging in trade.

The change in the form of the government a few years after the passing of this ordinance, and the debility into which public affairs fell about the termination of the confederation, prevented this judicious system from being carried into effect.

Under the present constitution, the subject of Indian trade attracted the attention of Congress as early as the year 1790. The system of trade by licenses was retained, which were directed to be granted for two years, by persons

to be appointed by the President, to applicants of good character, who gave bonds to conform to regulations; and to trade without license was subjected to a forfeiture of merchandise. The act contains no prohibitions of foreigners, and requires nothing to be paid for the licenses. In the years 1793 and 1796, acts were passed very similar in their provisions to the one just recited; and in the year 1802, an act repealing former acts, and which still continues in force, was passed. It inflicts a fine of \$100, and imprisonment not exceeding thirty days, in addition to the forfeiture of goods, for trading without license; and directs licenses to be granted on bond, with sufficient security, to conform to law and regulations, without making a good character or citizenship a requisite.

By an act of 1816, (the last passed on this subject,) foreigners are prohibited from trading with the Indians, except permitted by the President, and under such regulations as he should establish. Instructions have been given under this act to prohibit foreigners from passing into the Indian country, except as boatmen, and, under certain conditions, as interpreters.

The system of trade by public factors, now proposed to be abolished, commenced in the year 1796, but without superseding the original mode of carrying on the trade by license. The President was authorized to establish trading-houses, and to appoint an agent to each house, to carry on, as the act states, "a liberal trade with the Indians." The act appropriated \$150,000 as the capital of this trade, and the additional sum of \$8,000 annually, for the payment of agents and clerks; and directed the trade to be carried on so as not to diminish the capital. It was limited to two years; but was, by a subsequent act, continued in force till 1806. A superintendent of Indians was then appointed, and the capital increased to \$260,000, and \$13,000 was annually appropriated for the payment of superintendent, agents, and clerks. This act was limited to three years, but afterwards continued in force till 1811. The capital was then increased to \$300,000, with an annual appropriation of \$19,250 for the payment of superintendent, agents, and clerks. It was limited to three years, but has been extended by subsequent acts to the 1st of March next.

The capital at present is distributed among eight trading-houses, or factories, established at the following places: Fort Mitchell; the Chickasaw Bluffs; Fort Confederation, on the Tombigbee; Fort Osage, on the Missouri; Prairie du Chien, on the Mississippi; Sulphur Fork, on Red river; Green bay; and Chicago.

Such is the rise, progress, and present condition of our Indian trade. It was commenced, and has been continued, from motives both of prudence and humanity; and though it may not have fully realized the expectations of its friends, it has no doubt produced beneficial effects. If wars have not been entirely prevented by it, they probably, without it, would have been more frequent; and if the Indians have made but little advances in civilization, they probably, without it, would have made less. If greater effects have not resulted, it is to be attributed not to a want of dependence on the part of the Indians on commercial supplies, but to defects in the system itself, or in its administration. Scarcely any attempt has been made till lately to exclude foreigners, and the granting of licenses has not been subject to those checks which are necessary to give it the most salutary effects.

Should it be thought unadvisable to continue the present trading system by factories, by permitting the act to expire by its limitation on the 1st of March next, it will then, of course, terminate. In winding up its concerns, two points are to be regarded: to sustain as little loss as possible; and to withdraw from the trade gradually, in order that the capital employed may be supplied from other sources. To effect both of these objects, I would suggest that so much of the act of 1811 as authorizes the appointment of a superintendent and factors be continued in force for one year; and that they be authorized to make sales, as heretofore, of the goods and effects on hand, and those which may be acquired from the Indians.

The superintendent of Indian trade should also be authorized and directed to exhibit at his office, for inspection, an inventory of the stock in trade, with the property attached to the respective factories; and he should be directed to sell the same on the best terms offered, provided the sales can be effected at cost and charges. It would be proper to allow considerable credit, upon approved bonds and security; and the President ought to be empowered to annex, as the condition of the sale, if he should think it advisable, to sell the goods to the Indians at the place at which the factory is established, provided the sales can be effected within the period of one year. The factory at Fort Clarke, being established by a treaty with the Great and Little Osages in the year 1808, must be continued by the Government, or sold out, subject to the condition of being continued so long as the Indians may desire it. It would, perhaps, be advisable to direct a new treaty, rescinding, on suitable compensation, the stipulation referred to.

The establishment would, by these means, terminate gradually, without the hazard of any considerable losses.

To provide for opening the trade to individuals, under suitable regulations, is a task of much greater difficulty. The vast extent of the country inhabited by the Indians, and the numbers and variety of the tribes, render it impossible to apply, with propriety, any one uniform system to the whole. The various tribes, for the purpose of trade, may, however, be comprehended in two classes: those in our immediate neighborhood, surrounded by our settlements and our military posts, and who, from long intercourse with us, have become partially civilized; and those more remote, who still retain their original character and customs. In the former are comprehended the four southern tribes; the Osages, and the small tribes immediately west of the Mississippi; those within the limits of Illinois, Indiana, Ohio, and that part of the Michigan Territory east of Lake Michigan. The latter comprehends all of the tribes without those limits. I propose to consider the system of trade best calculated for each division, beginning with the former.

After giving the subject that full consideration which its importance merits, it appears to me that the provisions of the ordinance of 1786, with a few additions and modifications, particularly in the administrative part, so as to adjust it to our present form of government, are, for this division of our Indian trade, the best that can be devised. The provisions of the acts now in force in relation to licenses are not as well guarded or as efficient as those of the ordinance referred to. The introduction of the factories seems to have relaxed the attention of Government to the system of trade under license. I would then propose to assume the provisions of the ordinance referred to, as the basis of a system to open the trade with the contiguous tribes of Indians to individual enterprise. Instead, however, of appointing two superintendents, I would propose a superintendent of Indian affairs, to be attached to the War Department, with a salary of \$3,000 per annum; the superintendent to be under the control of the Secretary of War, and to be charged, subject to such regulations as the President may prescribe, with the correspondence, superintendence, and general management of Indian affairs; and to be authorized, with the approbation of the Secretary of War, to grant licenses to trade with the Indians. Licenses to be granted to citizens of good moral character, and to continue in force till revoked. A sum not less than \$100, nor more than \$500, to be determined under regulations to be prescribed by the President, to be paid for the privilege of using it at the time of granting the license, and annually during its continuance; and bonds, with sufficient security, to be taken to conform to law and regulations. Licenses to be revoked by the President whenever he may judge proper. To trade without license, to subject to a fine not exceeding \$1,000, and imprisonment not to exceed six months, with a forfeiture of the goods. Licenses to be granted to trade at specified places, to be selected by the applicants, and not to be changed without the consent of the superintendent. All peddling and sales of spirituous liquors to be strictly prohibited. Each trading-house, or establishment, to require a separate license; and books to be kept at the establishment, in which the prices

of the goods sold and the articles purchased should be regularly and fairly entered; and to be subject at all times to the inspection of the Indian agent, or such persons as the superintendent may appoint.

The reasons for most of these provisions are so obvious as to require no illustration. They will all be passed over, accordingly, without observation, except the provision which requires the payment of an annual sum for the use of a license, and that which requires the trading establishment to be fixed. The former provision is taken from the ordinance of 1786, which directed licenses to be granted for one year only, and on payment of \$50 to the superintendent, for the use of the United States; a sum nearly equal to that now proposed, if the value of money at that time be taken into consideration.

But it will probably be objected that it is our interest, and, as we propose to monopolize their trade, our duty, too, to furnish the Indians with goods on as moderate terms as possible; and that the sum to be paid for a license, by acting as a duty on the goods sold under it, will tend to enhance their price. In answer to which it may be justly observed, that it is not a matter of so much importance that they should obtain their supplies for a few cents more or less, as that the trade should, as far as practicable, be put effectually under the control of the Government, in order that they may be protected against the fraud and the violence to which their ignorance and weakness would, without such protection, expose them. It is this very ignorance and weakness which render it necessary for the Government to interfere; and, if such interference is proper at all, it ought to be rendered effectual. Such will be the tendency of this provision. Its first and obvious effects will be to diminish more certainly, and with less injurious effect than any other provision which can be devised, the number of traders, and to increase the amount of capital which each would employ. The profit of a small capital of a few hundred dollars would scarcely pay for the license; while that on a large one would not be much diminished by it. Both of these effects—the diminution of the number of traders, and the increase of the capital—would add greatly to the control of the Government over the trade. It would be almost impossible to inspect the conduct, and consequently control the actions, of the multitude of traders with small capitals, diffused over the Indian country, and settled at remote and obscure places. The greatest vigilance on the part of the superintendent and his agents would be unequal to the task. By diminishing the number, and bringing each more permanently before the view of the Government, a due inspection and superintendence becomes practicable. Again: what control can the Government have over the conduct of a trader, with a capital of a few hundred dollars only? Suppose he should violate the express injunctions of law and regulations; what serious loss would he sustain by revoking his license, or by putting his bond in suit? To him it would be nothing to wind up his business, and give his capital another direction; and as to the bond, in such distant and obscure transactions, he might pretty safely calculate on escaping its penalty. Very different would be the case with the trader of a large capital. To revoke his license would be a serious evil, which must subject him to certain loss; and, should he break the conditions of his bond, he would be much more in danger of feeling its penalty. The control of the Government would not only be greater over such traders, but (what is of equal importance) their influence with the Indians would have a more salutary direction. A war between them and us would, in all cases, be injurious, and in many cases would be ruinous to the trader of a large capital; but not so with one of small capital. A single profitable speculation may be of more importance to him than the continuance of peace. From the effects of war he can as easily escape as from the revocation of his license or the penalty of his bond. Let the character of the former be what it may, he must, from interest, be the advocate of peace and the influence of his own Government; while the latter, unless influenced by virtuous motives, would feel in either but little interest.

From the nature of the trade, the more it can be concentrated, provided there is reasonable competition, the better it will be for the Indians and ourselves. The very opposite, it is true, would be the fact if they had the capacity and intelligence to take care of their own interest without our protection; but, situated as they are, indefinite competition would be no less injurious to them than to our citizens; and such appear to be their sentiments. The Chickasaws, in a late treaty, complained of the injury which they had sustained from peddlers and small traders; and they had a stipulation inserted against the granting of any license to trade with their nation, as the only effectual means which suggested itself to prevent it.

The reasons for fixing the trading establishments are no less strong. By rendering them stationary, and compelling the proprietor to keep books, containing regular entries of all their sales and purchases, important checks will be presented to prevent fraud and exorbitant charges. It will also strongly tend to prevent collision between the traders, and, consequently, the creation of parties among the Indians for or against particular traders—a state of things unfriendly to their interest, and dangerous to the peace of the frontier. Besides, the trading establishments, being fixed, as they will be, in the most advantageous positions, will, in time, become the nucleus of Indian settlements, which, by giving greater density and steadiness to their population, will tend to introduce a division of real property, and thus hasten their ultimate civilization.

Such are the provisions under which the trade with those tribes of Indians in our immediate neighborhood may, with safety and advantage, be opened to individual enterprise. With a vigilant administration, it will produce results equally salutary to the Indians and ourselves. In fact, the knowledge of the use of money, and the prices of most of the ordinary articles of trade, is so far advanced among them, as to guard them, to a considerable extent, against mere fraud and imposition; and, with the control which the Government may exercise over the trade with them, they would generally receive their supplies on fair and moderate terms. The system is not less calculated to secure peace. The regular traders, who have paid for the use of their licenses, will be the most active to prevent vexatious peddling and retailing of spirituous liquors, which are the bane of the frontier. They will, besides, become the most active promoters of industry; for the almost total destruction of game has rendered the amount of peltries and furs of little value in this branch of Indian trade; and their capacity of paying for the goods purchased must consequently, in a great measure, depend on the proceeds of the soil. In fact, the neighboring tribes are becoming daily less warlike, and more helpless and dependant on us, through their numerous wants; and they are rendered still more pacific by the fear of forfeiting their lands and annuities. They have, in a great measure, ceased to be an object of terror, and have become that of commiseration. The time seems to have arrived when our policy towards them should undergo an important change. They neither are, in fact, nor ought to be, considered as independent nations. Our views of their interest, and not their own, ought to govern them. By a proper combination of force and persuasion, of punishments and rewards, they ought to be brought within the pales of law and civilization. Left to themselves, they will never reach that desirable condition. Before the slow operation of reason and experience can convince them of its superior advantages, they must be overwhelmed by the mighty torrent of our population. Such small bodies, with savage customs and character, cannot, and ought not, to be permitted to exist in an independent condition in the midst of civilized society. Our laws and manners ought to supersede their present savage manners and customs. Beginning with those most advanced in civilization, and surrounded by our people, they ought to be made to contract their settlements within reasonable bounds, with a distinct understanding that the United States intend to make no further acquisition of land from them, and that the settlements reserved are intended for their permanent home. The land ought to be divided among families; and the idea of individual property in the soil carefully inculcated. Their annuities would constitute an ample school fund; and education, comprehending as well the

common arts of life, as reading, writing, and arithmetic, ought not to be left discretionary with the parents. Those who might not choose to submit, ought to be permitted and aided in forming new settlements at a distance from ours. When sufficiently advanced in civilization, they would be permitted to participate in such civil and political rights as the respective States within whose limits they are situated might safely extend to them. It is only by causing our opinion of their interest to prevail, that they can be civilized and saved from extinction. Under the present policy, they are continually decreasing and degenerating, notwithstanding the Government has, under all of its administrations, been actuated by the most sincere desire to promote their happiness and civilization. The fault has been, not in the want of zeal, but in the mode by which it has been attempted to effect these desirable objects. The Indians are not so situated as to leave it to time and experience to effect their civilization. By selecting prudently the occasion for the change, by establishing a few essential regulations, and by appointing persons to administer them fairly and honestly, our efforts could scarcely fail of success. Nor ought it to be feared that the power would be abused on our part; for, in addition to the dictates of benevolence, we have a strong interest in their civilization. The enmity even of the frontier settlers towards them is caused principally by the imperfection of the present system; and under the one which I have suggested, it will greatly abate, if not entirely subside. The natural humanity and generosity of the American character would no longer be weakened by the disorders and savage cruelty to which our frontiers are now exposed. A deep conviction of the importance of the subject, and a strong desire to arrest the current of events, which, if permitted to flow in their present channel, must end in the annihilation of those who were once the proprietors of this prosperous country, must be my apology for this digression.

It remains to consider in what manner our trade can be the most successfully prosecuted with the numerous Indian tribes who occupy the vast region extending west to the Pacific ocean. It is obvious that the system proposed for the partially civilized tribes bordering on our settlements would prove altogether inadequate to this branch of our Indian trade. It will require a system of far more energy to effect the great objects which ought to be pursued through it. To establish a decided control over the numerous and savage tribes within these vast limits, and to give to our trade with them its utmost extension, are deemed to be objects of great national importance. It is believed that, within our limits, along the range of the Rocky Mountains, quite to the Mexican frontier is the best region for fur and peltries on this continent. With proper efforts, the whole of this valuable trade, extending quite across to the great western ocean, would, in a few years, be exclusively in our possession. To produce these desirable results, foreign adventurers, whose influence must at all times be hostile to our interest, and dangerous to our peace, must be excluded. With this view, and to protect our own trade, means have been taken to extend our military posts on the Mississippi and Missouri. Whatever character our trade in that quarter may assume, the extension of our posts, as contemplated, will be indispensable to its enlarged and successful prosecution; but it is believed that, with all of the advantages which they will afford, unless the trade be properly and efficiently organized, we shall not be able to compete with entire success with the British companies on the north, nor to acquire that decided control over the Indians which is indispensable to its complete success.

In order to have just ideas on this subject, it is necessary to take into consideration not only the vast extent and remoteness of the region over which it is proposed to extend our trade, but the character of the numerous tribes who inhabit it. They are all more or less migratory; in the summer moving towards the north, and in the winter to the south, in pursuit of the buffalo and other game. They are thus, in the summer, brought into the neighborhood of the British establishments to the north of our limits, where, notwithstanding our military posts and the advantage of our position, much of the trade and influence over these fierce and warlike tribes will centre, unless our means of carrying it on should be as well organized and as efficient as theirs. The difficulty, though of an opposite kind, is no less considerable on the southern frontier of this portion of our country. The line between us and the Spanish possessions in Mexico is, in its whole extent, a subject of discussion; and, even should it be adjusted, will probably, to a considerable extent, be without natural and visible boundaries. To a trade thus situated, extending over so vast a region, inhabited by numerous tribes not less warlike than savage, with the competition of powerful and long established companies on one side, and danger of collision on the other, the unorganized efforts of individuals, always with jarring, and frequently with opposing interests, appear to be wholly inadequate to its successful or safe prosecution. The rivalry of trade, which, in well-regulated communities, gives the greatest prosperity to commerce, would, in these distant regions, beyond the control of law or superior authority, amongst fierce and ignorant savages, lead to the most fatal consequences. Each trader, or association of traders, would endeavor to monopolize the trade within certain limits, and would exert their cunning and influence to render the savages their partisans, and the enemy of their rivals in trade. Among a people at once so fierce and so easily duped, the result may be readily anticipated. A state of disorder and violence would universally prevail, equally unfortunate to the Indians and ourselves; and which would strongly tend to turn the trade, and with it the influence over the Indians, to the well-organized foreign fur companies near our limits.

If these observations are correct; if the uncombined efforts of individuals are inadequate to a successful competition with the British fur companies; if they will endanger our peace with our southern neighbors, and lead to fierce and dangerous rivalry among themselves, it only remains to consider whether a mode can be devised of carrying on this branch of our Indian trade which will obviate these evils, and accomplish the desirable objects of giving the greatest extension to it, accompanied with the most efficient control over the Indians themselves.

The united influence and combined efforts of the fur companies referred to can be met successfully, it is believed, only by an equal concentration of influence and efforts on our part; the jealous rivalry of independent traders, with its fatal consequences, can be obviated only by removing the diversity of interest by which it would be excited, and the danger of collision on our southern limits, by subjecting the trade completely to the will and control of the Government. The mode, then, which I would propose, would be to vest the trade in a company with sufficient capital, to be divided into shares of one hundred dollars each, and to be limited to the term of twenty years; to pay an annual tax on its subscribed capital, for the privilege of exclusive trade; and to be subject, in like manner as private traders, to such rules and regulations as may be prescribed. It is thus that most of the evils to be apprehended, by leaving the trade open to the competition of private adventurers, would, it is believed, be avoided. The efforts of the company, undisturbed by rival interests, would be directed to establish its control over the various tribes of Indians, to exclude foreign adventurers, and to give the greatest degree of profits to its trade. The success of such a company, properly conducted, scarcely admits of a doubt. Our position in regard to this trade, the facility which the navigation of our great and numerous rivers in that quarter would afford, and the protection from our military posts, would speedily destroy all foreign competition, and would in a few years push our trade to the Pacific ocean. The most profitable fur and peltry trade in the world would be ours, accompanied with a decided influence over the numerous and warlike tribes inhabiting those extensive regions. The mere objection that it would create a monopoly ought not to outweigh so many advantages. The trade with the Indians has never been opened, without restrictions, to our citizens. Licenses from the Government have at all times been required; and the Government has, itself, through its factories, to a considerable extent, monopolized the trade; and, by an exten-

sion of its capital only, might engross the whole of it. All of these provisions, however necessary in the Indian trade, would be absurd in any other branch of our commerce. Besides, the profit of the trade with the Indians has, at all times, been confined to a few individuals; and it is highly probable that a greater portion of the community would participate in it, by carrying it on in the manner proposed, than in any other mode. In fact, absurd as commercial monopoly would be, where law and authority exist to repress the mischievous effects which might spring from unbounded rivalry, and to give to such rivalry salutary consequences, just in the same degree would it be wise and advantageous to carry on the trade under consideration by an incorporated company. A nation discovers its wisdom no less in departing from general maxims, where it is no longer wise to adhere to them, than in its adherence to them in ordinary circumstances. In fact, it evinces a greater effort of reason. The first advance of a nation is marked by the establishment of maxims which are deemed universal, but which further experience and reflection teach to be only general, admitting of occasional modifications and exceptions.

Should the House, however, not adopt these views, but prefer to open the trade to the enterprise of single individuals, or such associations as might be formed for the purpose, I would suggest the provisions already proposed for the trade with the neighboring tribes of Indians as the most advisable, with the exception of the provisions which require the trader to be located, and that regular books of sales and purchases should be kept. In lieu of which provisions, I would propose that the goods intended for this branch of Indian trade, and the articles acquired by purchase from the Indians, should be entered under oath, (the former with a copy of the invoice, and the latter with a statement of prices,) with the Indian agent at Mackinaw, St. Louis, Belle Point, on the Arkansas river, or Natchitoches on Red river, or such other places as the President may designate.

The entry can be made without much inconvenience to the trader, as the geography of the country is such as to make it necessary for the trade to pass by one or the other of the points proposed, at each of which there is now an agent.

It is believed that these provisions would be as effectual as any that can be devised, short of a company incorporated for the purpose; but it is proper to observe that they are open to the objections which have already been stated. In fact, they equally apply to any system, so long as the trade is exposed to the effects which must flow from the jealous rivalry of independent traders, where law and authority cannot step in to restrain its consequences within proper bounds. The Indians themselves are not the proper judges of their own interests, and, so far from restraining the effects of such rivalry, they would become the instruments of the most cunning and vicious of the traders, to wreak their vengeance on such as might stand in the way of their profits.

All which is respectfully submitted.

J. C. CALHOUN.

[NOTE.—See Nos. 158, 163, 165.]

15th CONGRESS.]

No. 158.

[2d SESSION.]

ALTERATION OF THE SYSTEM FOR TRADING WITH THE INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 15, 1819.

Mr. HENRY SOUTHARD, from the committee to whom was referred so much of the President's message as relates to Indian affairs, reported:

That they have considered the subject to them referred with that attention and solicitude which the importance of it demands, both with regard to the peace and future happiness of those savage tribes, and the safety and permanent security of the citizens of the United States.

Your committee have examined the several laws of the United States, from the commencement of the Government to this time; the primary object of which appears to have been to cultivate peace and amity with the Indian tribes on our frontiers, by establishing trading-houses or posts convenient to their settlements, so as to supply them with such articles of trade as their necessities required in exchange for their peltry and furs.

This trade has been carried on for more than forty years, with alternate loss and gain. The sums of money that have been appropriated by the several acts of Congress, as a fund for carrying on said commerce, have amounted, in the whole, to \$300,000, exclusive of the sum of \$20,000 annually drawn from the treasury of the United States for the payment of superintendent, agents, clerks, &c.

It is deemed unnecessary to exhibit a detailed and particular statement of the increase or diminution of the capital of this establishment at the respective periods at which they have taken place; it is sufficient to state that, previous to and during the late war with Great Britain, at the respective agencies, in the whole we sustained a loss, by the destruction and ravages of the enemy, to the amount of \$44,538 36. After the ratification of the treaty of peace with England, on the 1st of April, 1815, the value of the capital in stock, fur, and property on hand, was stated to amount to \$273,989 03. On the 30th of June, 1818, it is estimated at \$308,536 37. The gain arising from the prosecution of the trade from 1st of April, 1815, to 30th of June, 1818, is \$34,547 34.

Although these establishments have been a pecuniary loss to the United States, in some respects, yet no doubt is entertained that, on the whole, they have been of great advantage, not only on the score of humanity to the Indian tribes, but also in preserving the lives and property of our frontier inhabitants, which would otherwise, under the influence of foreign traders, have been in hostile array against us; and, no doubt, this policy has much weakened the power and force of those nations that have been at war with us.

Notwithstanding the committee are sensible that much good has been done by the partial system now in operation, they are induced to believe that it is susceptible of great improvement on the present plan; but, from the importance of the subject in its various bearings and consequences, they believe that more extensive and energetic measures ought to be adopted by Government to effect the humane and benevolent purposes of Congress, and meet the ardent wishes of the people of the United States, as manifested by the various memorials presented to the National Legislature, and which have been referred to the committee.

From these sources of information, which have been drawn from the experimental knowledge of several religious societies and associations of friends, who, at their own expense, and by their unwearied exertions, have done much to ameliorate the distressed condition of those wretched inhabitants of the forest, little or no doubt remains of the policy and practicability of improving the friendly Indians in agriculture, manufacture, education, and all the arts of civilized life; and, at the same time, of teaching the hostile tribes that their safety, interest, and happiness will be promoted by cultivating peace and amity with us.

Under the existing regulations, the United States have sustained great injury by foreigners and improper characters having been licensed to trade on their own account, with little or no responsibility to any Government; and a kind of peddling traders, without license, vending their wares and ardent spirits, to the great injury not only of the savages, but to the peace and safety of our frontier inhabitants.

Your committee have paid due attention to the report of the Secretary of War, made the 8th day of December, in obedience to a resolution of the House of Representatives of the 4th day of April last, [see No. 157;] and, having considered the system now in force, and compared it with the principles contained in said report, are of opinion that a more energetic and extensive system is necessary to improve the various Indian tribes in agriculture, education, and civilization, and, at the same time, secure the interest and safety of the citizens of the United States. In order to promote these desirable objects, the committee beg leave to report several bills.

[NOTE.—See Nos. 157, 163, 165.]

15th CONGRESS.]

No. 159.

[2d SESSION.

CLAIM OF THE CREEKS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 18, 1819.

SIR:

DEPARTMENT OF WAR, *January 16, 1819.*

In compliance with the resolution of the House of Representatives of the 4th instant, directing the Secretary of War "to lay before the House such information as he may possess respecting the adjustment of the claims of the friendly Creek Indians, made in consideration of their treaty with the United States of the 9th August, 1814," I have the honor to transmit a copy of a letter addressed by General D. B. Mitchell, agent to the Creek Indians, to this Department, accompanied by a statement of the sums paid by him to satisfy the claims of the friendly Creek Indians for the property destroyed by the hostile Creek Indians during the war which was terminated by the treaty of the 9th of August, 1814; and an extract of a letter addressed by the War Department to General Mitchell; which contain all the information in possession of the Department on that subject.

I have the honor to be your most obedient servant,

J. C. CALHOUN.

The Hon. the SPEAKER of the *House of Representatives.*

SIR:

CREEK AGENCY, *March 18, 1818.*

I have now the honor to enclose a concise statement of the accounts presented by the friendly Indians for losses during the late war, and of the application of the sum appropriated by Congress for their payment, by which it appears that a little upwards of \$100,000 is still due.

The gross amount of claims presented, including the abstract made by Colonel Hawkins, is very little over or under \$300,000; but they were reduced by the chiefs to \$195,417 90. A general abstract of the whole will be forwarded as soon as completed.

Eighty-three thousand dollars of the amount appropriated having been remitted in drafts upon the United States Bank in Philadelphia, I went to Savannah, and presented them to the officers of the branch of that bank established there, but they refused to take them up. I then returned and consulted the chiefs, and they agreed to allow two and a half per cent., that being the lowest rate of exchange between Philadelphia and Savannah, or Augusta, at that time, rather than be delayed, or risk the conveyance of so large a sum by an agent. The remaining \$2,000 was paid to McIntosh in Washington.

I am yours, &c.

D. B. MITCHELL, *Agent for Indian Affairs.*

Hon. J. C. CALHOUN, *Secretary of War.*

Statement of claims for losses by the friendly Creek Indians during the late war, as liquidated and settled by the chiefs in council, at Fort Hawkins, in July, 1817, and at the agency, in January, 1818; also, showing the sums paid, and balance due.

1. Amount liquidated for Upper Towns, at Fort Hawkins, in July, 1817,	-	\$77,572 50	
Deduct this amount, paid at the same time, -	-	31,029 00	
			\$46,543 50
2. Amount liquidated for Lower Towns, at Fort Hawkins, in July, 1817,	-	29,775 00	
Deduct this amount, paid at the same time, -	-	11,910 00	
			17,865 00
3. Miscellaneous claims, liquidated at Fort Hawkins, in July, 1817,	-	27,157 00	
Deduct this amount, paid to these claims, -	-	10,862 00	
			16,295 00
4. Amount liquidated at the agency, in January, 1818,	-	49,524 00	
Deduct this amount, paid to these claims, -	-	19,809 60	
			29,714 40
Whole balance due, -	-	-	\$110,417 90

RECAPITULATION,

Showing the application of the sum appropriated.

Paid to Upper Creeks, in July, 1817,	-	-	-	-	\$31,029 00
Paid to Lower Creeks, in July, 1817,	-	-	-	-	11,910 00
Paid to miscellaneous claims,	-	-	-	-	10,862 00
Paid at agency, in January, 1818,	-	-	-	-	19,809 60
					73,610 00
Paid Major Hughes, by special order of the chiefs,	-	-	-	\$3,400	
Paid two and a half per cent. discount on sale of bills for \$83,000,	-	-	-	2,075*	
Received by McIntosh, at Washington,	-	-	-	2,000	
					7,475 00
Amount,	-	-	-	-	81,085 60
† This balance, placed in the hands of the two principal chiefs by general consent, to be applied to some cases of peculiar hardship otherwise unprovided for,	-	-	-	-	3,914 40

D. B. MITCHELL, *Agent for Indian Affairs.*CREEK AGENCY, *March 18, 1818.**Extract of a letter from George Graham, Esq., Acting Secretary of War, to David B. Mitchell, Esq., dated*WAR DEPARTMENT, *March 20, 1817.*

Two thousand dollars of the amount appropriated have been paid to Major McIntosh, in part of his claim for losses; and the balance (\$83,000) will be remitted to you by the Treasurer.

15th CONGRESS.]

No. 160.

[2d Session.

TREATY WITH THE CHEROKEES.

COMMUNICATED TO THE SENATE, MARCH 2, 1819.

*To the Senate of the United States:*WASHINGTON, *March 2, 1819.*

A convention having been concluded between John C. Calhoun, Secretary of War, especially authorized therefor by me, and the chiefs and headmen of the Cherokee nation of Indians, likewise duly authorized and empowered by said nation, I now lay the original instrument before the Senate for the exercise of its constitutional power respecting the ratification thereof.

JAMES MONROE.

TREATY WITH THE CHEROKEES.

Articles of a convention made between John C. Calhoun, Secretary of War, being especially authorized therefor by the President of the United States, and the undersigned chiefs and headmen of the Cherokee nation of Indians, duly authorized and empowered by said nation, at the city of Washington, on the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and nineteen.

Whereas, a greater part of the Cherokee nation have expressed an earnest desire to remain on this side of the Mississippi, and being desirous, in order to commence those measures which they deem necessary to the civilization and preservation of their nation, that the treaty between the United States and them, signed the eighth of July, eighteen hundred and seventeen, might, without further delay, or the trouble or expense of taking the census, as stipulated in the said treaty, be finally adjusted, have offered to cede to the United States a tract of country at least as extensive as that which they probably are entitled to under its provisions, the contracting parties have agreed to and concluded the following articles:

ARTICLE 1. The Cherokee nation cedes to the United States all of their lands lying north and east of the following line, viz: Beginning on the Tennessee river, at the point where the Cherokee boundary with Madison county, in the Alabama Territory, joins the same; thence, along the main channel of said river, to the mouth of the Hiwassee; thence, along its main channel, to the first hill which closes in on said river, about two miles above Hiwassee Old Town; thence, along the ridge which divides the waters of the Hiwassee and Little Tellico, to the Tennessee river, at Tallassee; thence, along the main channel, to the junction of the Cowee and Nantagulee; thence, along the ridge in the fork of said river, to the top of the Blue Ridge; thence, along the Blue Ridge, to the

* Eighty-three thousand dollars of the money having been remitted in drafts upon the United States Bank in Philadelphia, and the branch of that bank in Savannah refusing to pay them, this charge arose from the difference of exchange between Savannah and Augusta and Philadelphia at that time, and has been allowed by the chiefs, rather than be delayed, or run the risk of conveyance by an agent.

† When the first payments were made, it was necessary, as the claims were not all received at that time, and the amount was much greater than the sum appropriated, to adopt some rule of proportion in making the payment; two-fifths was finally determined upon; and this sum is the balance, after paying two-fifths of the whole claims liquidated; and, as some cases have occurred which merit attention, but were excluded in consequence of the limitation, this amount has been set apart to relieve them by general consent.

Unicoy turnpike road; thence, by a straight line, to the nearest main source of the Chestatee; thence, along its main channel, to the Chatahoochee; and thence to the Creek boundary: it being understood that all the islands in the Chestatee, and the parts of the Tennessee and Hiwassee (with the exception of Jolly's island, in the Tennessee, near the mouth of the Hiwassee,) which constitute a portion of the present boundary, belong to the Cherokee nation: and it is also understood that the reservations contained in the second article of the treaty of Tellico, signed the twenty-fifth day of October, eighteen hundred and five, and a tract equal to twelve miles square, to be located by commencing at the point formed by the intersection of the boundary line of Madison county already mentioned, and the north bank of the Tennessee river; thence, along the said line, and up the said river twelve miles, are ceded to the United States in trust for the Cherokee nation as a school fund; to be sold by the United States, and the proceeds vested as is hereafter provided in the fourth article of this treaty; and, also, that the rights vested in the Unicoy turnpike company by the Cherokee nation, according to certified copies of the instruments securing the rights, and herewith annexed, are not to be affected by this treaty. And it is further understood and agreed by the said parties that the lands hereby ceded by the Cherokee nation, are in full satisfaction of all claims which the United States have on them, on account of the cession to a part of their nation who have or may hereafter emigrate to the Arkansas; and this treaty is a final adjustment of that of the eighth of July, eighteen hundred and seventeen.

ART. 2. The United States agree to pay, according to the stipulations contained in the treaty of the eighth of July, eighteen hundred and seventeen, for all improvements on land lying within the country ceded by the Cherokees which add real value to the land; and do agree to allow a reservation of six hundred and forty acres to each head of any Indian family residing within the ceded territory (those enrolled for the Arkansas excepted) who choose to become citizens of the United States in the manner stipulated in said treaty.

ART. 3. It is also understood and agreed by the contracting parties, that a reservation, in fee-simple, of six hundred and forty acres square, (with the exception of Major Walker's, which is to be located as is hereafter provided,) to include their improvements, and which are to be as near the centre thereof as possible, shall be made to each of the persons whose names are inscribed on the certified list annexed to this treaty, all of whom are believed to be persons of industry, and capable of managing their property with discretion, and have, with few exceptions, made considerable improvements on the tracts reserved. The reservations are made on the condition that those for whom they are intended shall notify, in writing, to the agent for the Cherokee nation, within six months after the ratification of this treaty, that it is their intention to continue to reside permanently on the land reserved.

The reservation for Lewis Ross so to be laid off as to include his house, and out-buildings, and ferry adjoining the Cherokee agency, reserving to the United States all the public property there, and the continuance of the said agency where it now is, during the pleasure of the Government; and Major Walker's, so as to include his dwelling-house and ferry: for Major Walker an additional reservation is made of six hundred and forty acres square, to include his grist and saw-mill: the land is poor, and principally valuable for its timber. In addition to the above reservations, the following are made, in fee-simple; the persons for whom they are intended not residing on the same: To Cabbin Smith, six hundred and forty acres, to be laid off in equal parts, on both sides of his ferry on Tellico, commonly called Blair's ferry; to John Ross, six hundred and forty acres, to be laid off so as to include the Big island, in Tennessee river, being the first below Tellico—which tracts of land were given, many years since, by the Cherokee nation to them; to Mrs. Eliza Ross, step-daughter of Major Walker, six hundred and forty acres square, to be located on the river below and adjoining Major Walker's; to Margaret Morgan, six hundred and forty acres square, to be located on the west of, and adjoining, James Riley's reservation; to George Harlin, six hundred and forty acres square, to be located west of, and adjoining, the reservation of Margaret Morgan; to James Lowry, six hundred and forty acres square, to be located at Crow Mocker's old place, at the foot of Cumberland mountain; to Susannah Lowry, six hundred and forty acres, to be located at the toll bridge on Battle creek; to Nicholas Byers, six hundred and forty acres, including the Toqua island, to be located on the north bank of the Tennessee, opposite to said island.

ART. 4. The United States stipulate that the reservations, and the tract reserved for a school fund, in the first article of this treaty, shall be surveyed and sold in the same manner, and on the same terms, with the public lands of the United States, and the proceeds vested, under the direction of the President of the United States, in the stock of the United States, or such other stock as he may deem most advantageous to the Cherokee nation. The interest or dividend on said stock shall be applied, under his direction, in the manner which he shall judge best calculated to diffuse the benefits of education among the Cherokee nation on this side of the Mississippi.

ART. 5. It is agreed that such boundary lines as may be necessary to designate the lands ceded by the first article of this treaty may be run by a commissioner or commissioners, to be appointed by the President of the United States, who shall be accompanied by such commissioners as the Cherokees may appoint, due notice thereof to be given to the nation; and that the leases which have been made under the treaty of the eighth of July, eighteen hundred and seventeen, of land lying within the portion of country reserved to the Cherokees, to be void; and that all white people who have intruded, or may hereafter intrude, on the lands reserved for the Cherokees, shall be removed by the United States, and proceeded against according to the provisions of the act passed thirtieth of March, eighteen hundred and two, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers."

ART. 6. The contracting parties agree that the annuity to the Cherokee nation shall be paid, two-thirds to the Cherokees east of the Mississippi, and one-third to the Cherokees west of that river, as it is estimated that those who have emigrated, and who have enrolled for emigration, constitute one-third of the whole nation; but, if the Cherokees west of the Mississippi object to this distribution, of which due notice shall be given them before the expiration of one year after the ratification of this treaty, then the census, solely for distributing the annuity, shall be taken at such times and in such manner as the President of the United States may designate.

ART. 7. The United States, in order to afford the Cherokees who reside on the lands ceded by this treaty time to cultivate their crop next summer, and for those who do not choose to take reservations to remove, bind themselves to prevent the intrusion of their citizens on the ceded land before the first of January next.

ART. 8. This treaty to be binding on the contracting parties so soon as it is ratified by the President of the United States, by and with the advice and consent of the Senate.

Done at the place and on the day and year above written.

J. C. CALHOUN.

[Signed, also, by the chiefs and headmen of the Cherokee nation.]

List of persons referred to in the third article of the foregoing treaty.

Richard Walker, within the chartered limits of North Carolina.		John Brown, within the chartered limits of Tennessee.	
Yonah, alias Big Bear, do. do.		Elizabeth Lowry, do. do.	
John Martin, do. Georgia.		George Lowry, do. do.	
Peter Linch, do. do.		John Bengé, do. do.	
Daniel Davis, do. do.		Mrs. Eliza Peck, do. do.	
George Parris, do. do.		John Walker, sen. do. do.	
Walter S. Adair, do. do.		John Walker, jun. do. do.(unmarried.)	
Thomas Wilson, do. Alabama Territory.		Richard Taylor, do. do.	
Richard Riley, do. do.		John McIntosh, do. do.	
James Riley, do. do.		James Starr, do. do.	
Edward Gunter, do. do.		Samuel Parks, do. do.	
Robert McLemore, do. Tennessee.		The Old Bark, (of Chota,) do. do.	
John Baldrige, do. do.		Number of reserves within the limits of North Carolina,	- - - - 2
Lewis Ross, do. do.		Georgia, - - - -	- - - - 5
Fox Taylor, do. do.		Alabama Territory, - - - -	- - - - 4
Richard Timberlake, do. do.		Tennessee, - - - -	- - - - 20
David Fields, (to include his mill,) do.			—
James Brown, (to include his field by the long pond,) within the chartered limits of Tennessee.		Total number of reserves, - - - -	- - - - 31
William Brown, do. do.			—

I hereby certify that I am, either personally, or by information on which I can rely, acquainted with the persons before named, all of whom I believe to be persons of industry, and capable of managing their property with discretion; and who have, with few exceptions, long resided on the tracts reserved, and made considerable improvements thereon.

RETURN J. MEIGS, *Agent in the Cherokee Nation.*

CHEROKEE AGENCY, HIWASSEE GARRISON.

We, the undersigned chiefs and councillors of the Cherokees, in full council assembled, do hereby give, grant, and make over, unto Nicholas Byers and David Russell, who are agents in behalf of the States of Tennessee and Georgia, full power and authority to establish a turnpike company, to be composed of them, the said Nicholas and David, Arthur Henly, John Lowry, attorney, and one other person, by them to be hereafter named, in behalf of the State of Georgia; and the above-named persons are authorized to nominate five proper and fit persons, natives of the Cherokees, who, together with the white men aforesaid, are to constitute the company; which said company, when thus established, are hereby fully authorized by us to lay out and open a road from the most suitable point on the Tennessee river, to be directed the nearest and best way to the highest point of navigation on the Tugaloo river; which said road, when opened and established, shall continue and remain a free and public highway, unmolested by us, to the interest and benefit of the said company, and their successors, for the full term of twenty years yet to come, after the same may be open and complete; after which time, said road, with all its advantages, shall be surrendered up, and reverted in the said Cherokee nation. And the said company shall have leave, and are hereby authorized, to erect their public stands or houses of entertainment on said road; that is to say, one at each end, and one in the middle, or as nearly so as a good situation will permit; with leave, also, to cultivate one hundred acres of land at each end of the road, and fifty acres at the middle stand, with the privilege of a sufficiency of timber for the use and consumption of said stands. And the said turnpike company do hereby agree to pay the sum of one hundred and sixty dollars yearly to the Cherokee nation for the aforesaid privilege, to commence after said road is opened and in complete operation. The said company are to have the benefit of one ferry on Tennessee river, and such other ferry or ferries as are necessary on said road; and, likewise, said company shall have the exclusive privilege of trading on said road during the aforesaid term of time.

In testimony of our full consent to all and singular the above-named privileges and advantages, we have hereunto set our hands and affixed our seals, this eighth day of March, eighteen hundred and thirteen.

[Signed by the chiefs and councillors of the Cherokees.]

The foregoing agreement and grant was amicably negotiated and concluded in my presence.

RETURN J. MEIGS.

WASHINGTON CITY, *March 1, 1819.*

I certify I believe the within to be a correct copy of the original.

CHARLES HICKS.

CHEROKEE AGENCY, *January 6, 1817.*

We, the undersigned chiefs of the Cherokee nation, do hereby grant unto Nicholas Byers, Arthur H. Henly, and David Russell, proprietors of the Unicoy road to Georgia, the liberty of cultivating all the ground contained in the bend on the north side of Tennessee river, opposite and below Chota Old Town, together with the liberty to erect a grist-mill on Four Mile creek, for the use and benefit of said road, and the Cherokees in the neighborhood thereof; for them, the said Byers, Henly, and Russell, to have and to hold the above privileges during the term of lease of the Unicoy road, also obtained from the Cherokees, and sanctioned by the President of the United States.

In witness whereof, we hereunto affix our hands and seals.

JOHN MCINTOSH, *and others.*

CHEROKEE AGENCY, *July 8, 1817.*

The above instrument was executed in open Cherokee council, in my office, in January, 1817.

RETURN J. MEIGS.

The use of the Unicoy road, so called, was for twenty years.

RETURN J. MEIGS.

WASHINGTON CITY, *March 1, 1819.*

I certify I believe the within to be a correct copy of the original.

CHARLES HICKS.

DEPARTMENT OF WAR, *February 11, 1819.*

In order to avoid mistakes, and to present my views more fully on some of the points which were touched on at our last interview, I have judged it proper to make the following written communication.

The Cherokees to make a cession in proportion to the estimated number of their nation on the Arkansas and the emigrants who are enrolled to go there. The United States prefer the cession to be made in the States of Tennessee and Georgia; and, in the latter State, it would be desirable that it should be made as near and convenient to the present settlements in Georgia as possible.

The reservation which the Cherokees wish to make of a portion of their land for a school fund, must be in the Alabama Territory, as the cession which will be made in Georgia will belong to that State, and that which may be made in Tennessee will be subject to the location of the warrants granted by the State of North Carolina. It is also understood that the reservation so to be made is not to constitute any part of that portion of land which the Cherokees may cede in conformity to the principle which is contained in the preceding paragraph, but is to be made in addition to such cession, as it will be wholly for the benefit of the Cherokee nation.

The United States will extend its kindness and protection to both branches of the Cherokee nation—to that which is west as well as that which may choose to continue to the east of the Mississippi; but as the Cherokees on the Arkansas are unrepresented, no particular stipulation in regard to them can be binding, and therefore must be waived. The land which has been granted to them on the Arkansas they will hold in the same manner, and by the same title, by which the Cherokees now hold theirs.

It is understood that the delegation, in behalf of their nation, wish to strengthen the guaranty of that portion of the land which may be left to them after making the proposed cessions, so that it may be to them a permanent and lasting home, without further cessions. To secure such great benefits, it is indispensable that the cessions which they may make should be ample, and the part reserved to themselves should not be larger than is necessary for their wants and convenience. Should a larger quantity be retained, it will not be possible, by any stipulation in the treaty, to prevent future cessions. So long as you may retain more land than what is necessary or convenient to yourselves, you will feel inclined to sell, and the United States to purchase. The truth of what I say you know cannot be doubted, as your own experience, and that of all Indian nations, proves it to be true. If, on the contrary, you only retain a suitable quantity, no more cessions will be asked for or made, and they will be settled down permanently. You are now becoming like the white people; you can no longer live by hunting, but must work for your subsistence. In your new condition, far less land is necessary for you. Your great object ought to be to hold your land separate among yourselves, as your white neighbors; and to live and bring up your children in the same way as they do, and gradually to adopt their laws and manners. It is thus only that you can be prosperous and happy. Without this, you will find you will have to emigrate, or become extinct as a people. You see that the Great Spirit has made our form of society stronger than yours, and you must submit to adopt ours, if you wish to be happy by pleasing him. I believe you know what is right, and feel disposed to do it; and it is our wish that you should be happy and prosperous. We take an interest in your fate, as you were the first proprietors of this happy country, and are our near neighbors; but it is proper you should put confidence in our Government, and take the advice which is offered sincerely for your good.

I am, respectfully, &c.

J. C. CALHOUN.

To the CHEROKEE DELEGATION.

DEPARTMENT OF WAR, *February 22, 1819.*

I transmit you propositions on which I am willing to close the treaty of the 8th July, 1817. The session of Congress is drawing to a close, and it is desirable that the treaty should be formed as soon as practicable, so as to have it ratified by the Senate before the adjournment of Congress. If you are willing to adopt the terms proposed, they can be reduced to form immediately, and the treaty be signed to-morrow or next day.

I am, &c.

J. C. CALHOUN.

The CHEROKEE DELEGATION.

SIR:

DEPARTMENT OF WAR, *March 6, 1819.*

I have the pleasure to inform you that a treaty has been concluded with the Cherokee delegation, which it is hoped will be satisfactory to all parties; and you are requested, as no further encouragement will be given to the emigrations to the Arkansas, to take immediate measures to wind up the business in which you have been engaged under the former treaty, in the most economical manner.

Your communications, which were intended to be here before the delegation, did not reach the Department until after the arrangement was made; but it is believed that it has been made on the best terms that could be effected. So soon as the treaty is printed, you will be furnished with a copy.

I will thank you to furnish a statement of your expenditures, in order that I may know the state of the appropriation to carry into effect the Cherokee treaty; and you will also furnish an estimate of the sums necessary to close the business.

I have the honor to be, &c.

J. C. CALHOUN.

Governor JOSEPH McMINN.

SIR:

DEPARTMENT OF WAR, *March 9, 1819.*

I enclose a copy of a letter written by Captain Hicks, of the Cherokee nation on the Tennessee, to Colonel Meigs, their agent, who has submitted it to this Department. It is not the wish of the Department to interfere with the Cherokees on the east and west of the Mississippi, on the subject to which this communication refers; but as it is probable the former will make a representation to the latter, with a view to procure an arrangement on this point, I have to request that you will use your endeavors to induce them to make such a one as may be just and equitable.

A treaty has been concluded with the Cherokee delegation at the seat of Government, and I enclose you a copy of the sixth article, which relates to a division of the annuity, of which you are requested to give them notice; and, if objections are made, to enter into such explanations on the subject as you may think necessary to satisfy them as to the justice of the distribution; and inform this Department of their decision.

A copy of the treaty will be sent to you after it is published.

I have the honor to be, &c.

J. C. CALHOUN.

REUBEN LEWIS, *Indian Agent on the Arkansas.*

SIR:

DEPARTMENT OF WAR, *March 11, 1819.*

The President has thought it best to suspend the running of the line between East Florida and the State of Georgia, of which you were informed on the 2d instant; and I now enclose a copy of a letter to the Governor of that State, which details the reasons for this order.

A treaty has been made with the Cherokee nation, which requires the lines necessary to designate the lands thereby ceded to be run by a commissioner; and for the purpose of running that part of said line which is within the State of Georgia, commencing at the point where the Unicoy turnpike road crosses the Blue Ridge, to the nearest main source of the Chestatee, and to lay off the reservations which are within the limits of that State, you are hereby vested with the same power and authority as were given to you by your commission and instructions of the 4th of August last to run the lines under the treaty with the Creek nation.

You will be allowed at the rate of eight dollars a day, while engaged in running the line; and, as a compensation in full for your services in locating the reservations, an allowance equal to the usual surveying fees will be made.

With respect to the reservations, you will correspond with Colonel Meigs, the Cherokee agent, as it will be necessary to lay off those only which are accepted by the persons for whom they are intended. Should it be inconvenient for you to attend to this part of the duty assigned you, you are authorized to employ a surveyor to locate the reservations, who will be allowed the customary fees of surveyors.

I enclose a National Intelligencer, containing the treaty, which more particularly designates the duties required of you.

The sum of one thousand dollars (\$1,000) will be remitted to you, on account, by the Treasurer. The usual accounts and vouchers must be rendered for settlement.

I have the honor to be, &c.

WILSON LUMPKIN, *Commissioner, &c.*

J. C. CALHOUN.

SIR:

DEPARTMENT OF WAR, *March 12, 1819.*

I have the honor to enclose you a commission from the President of the United States, appointing you a commissioner "to run that part of the line described in the first article of the treaty concluded with the Cherokee nation on the 27th ultimo which is within the State of Tennessee, commencing on the Hiwassee, about two miles above Hiwassee Old Town; thence, to the Tennessee, and from between the forks of the Nantagulee, to the top of the Blue Ridge; and to lay off the tracts reserved within the limits of that State." It is thought unnecessary to make the line along the Blue Ridge.

In addition to the duties required of you by the commission, you are requested to lay off, also, the tracts reserved in North Carolina and the Alabama Territory.

You will be allowed at the rate of eight dollars a day, while engaged in running the line; and, as a full compensation for your services in locating the reservations, an allowance equal to the usual surveying fees will be made.

On the subject of the reservations, you are requested to correspond with Colonel Meigs, the Cherokee agent, as it will be necessary to lay off those only which are accepted by the persons for whom they are intended. Should it be inconvenient for you to attend to this part of the duty assigned you, you are authorized to employ a surveyor to locate the reservations as well within the limits of the Alabama Territory and North Carolina, as within those of Tennessee, who will be allowed the customary fees of surveyors.

I enclose a National Intelligencer, containing the treaty, which more particularly designates the duties required of you.

The sum of \$1,000 will be remitted to you, on account, by the Treasurer. The usual accounts and vouchers will be rendered for settlement.

I have the honor to be, &c.

JOHN C. CALHOUN.

P. S. Should the assistance of a surveyor in running the line be necessary, you are authorized to employ one, and as many chain and axemen as may be required, at a rate of compensation not exceeding five dollars a day for the former, and two dollars a day for each of the latter, in full for their services.

ROBERT HOUSTON, *Commissioner, &c., Knoxville, Tennessee.*

SIR:

KNOXVILLE, *May 4, 1819.*

I am appointed by the President of the United States to run part of the lines described in the late treaty made with the Cherokee nation, to wit: From the first hill which closes in on Hiwassee river, about two miles above Hiwassee Old Town; thence, along the ridge which divides the waters of the Hiwassee and Little Tellico, to the Tennessee river at Tallassee; and from the junction of the Cowee and Nantagulee, along the ridge in the fork of said river, to the top of the Blue Ridge.

I am very desirous that the nation appoint commissioners, agreeably to the terms of said treaty, on their part, to accompany me in the running and designating those lines above mentioned; which appointment I hope you will cause to be made immediately—the sooner the better, so that we may proceed before the weather grows too warm. I would name the 25th of this instant as a proper time to meet at some point as near the place of beginning (Hiwassee Old Town) as would be convenient. You will appoint some good pilot, well acquainted with the ridges, hills, mountains, watercourses, &c.

You will also furnish two good packhorses, to carry provisions and baggage, and a packhorse man to attend the commissioners.

The bearer of this letter (Colonel John McNair) is employed as an express, and will wait for your answer. I hope that he will not be detained, but his business despatched as soon as possible, so that he can return with your letter to me on this subject in time to fix for the trip. All expenses will be paid by the United States.

I am, respectfully, sir, your obedient servant,

R. HOUSTON.

Captain CHARLES HICKS, *Cherokee Council.*

SIR:

NEAR FORTVILLE, CHEROKEE NATION, *May 10, 1819.*

Your letter by Colonel McNair, notifying me that you have been appointed by the President to run part of the lines described in the late treaty, I have received. Agreeably to your request, the chiefs in council have

appointed commissioners on the part of the nation to accompany you in running the lines, also two packhorses and a packhorse man, together with pilots. James McIntosh and Tesguice are the commissioners appointed to accompany you from the place of beginning, on Hiwassee, to Tallassee. The Crow is appointed as a pilot for that line, and Tallascasee as a packhorse man. Tesguice and the pilot will return from Tallassee, and McIntosh and the packhorse man will continue with you the balance of the road. On your arrival at the fork of the Cowee and Nantagulee, Willie and Choonstoolee, will join you—the former as a commissioner, and the latter as a pilot. The 25th of this month (the time chosen by yourself) the commissioners will meet you at Hiwassee Old Town, in readiness for the expedition.

I am, sir, your very obedient servant,

CHARLES HICKS.
PATH KILLER, his \times mark.

ROBERT HOUSTON, Esq., *Knox County, Tennessee.*

It appears from the statement of James McIntosh, the commissioner, that, after Colonel McNair had left the council with the foregoing letter, a new arrangement was made, to wit: Crow appointed commissioner from Hiwassee to the forks of the river at Cowee, who acted as such to that place. Tesguice, *alias* Squire, for the same. James McIntosh interpreter as well as commissioner. Choonstoolee as a pilot from the place of beginning to the top of the Blue Ridge, who acted as such for the whole line. Seterwahr assistant pilot, who acted as such from near the Tellico plains to the said forks of the river. Willie, *alias* William Jones, from the forks of the river aforesaid to the top of the Blue Ridge. I gave to each of them a certificate of their performance of duty, naming the capacity that they acted in, with the number of days they were employed, and the number of days necessary for their travel home, stating in said certificate that the usual allowance would be paid to them for their services.

Squire,	commissioner,	24 days,	dismissed 12th June, 1819.
Crow,	do.	24 days,	12th do.
William Jones,	do.	9 days,	18th do.
James McIntosh,	commissioner and interpreter,	33 days,	22d do.
Choonstoolee,	pilot,	26 days,	17th do.
Seterwahr,	assistant pilot,	14 days,	12th do.
Tallascasee,	packhorse man,	33 days,	22d do.

R. HOUSTON, *Commissioner.*

We, the undersigned, commissioners duly authorized on behalf of the United States and the Cherokee nation to run part of the lines described in the late treaty concluded at Washington City with said nation upon the 27th day of February, 1819, have, pursuant to our authority, and conformably to the terms of said treaty, designated the line from the first hill which closes on Hiwassee river, about two miles and one-half above Hiwassee Old Town, to Tennessee river at Tallassee, as was practicable, (there being no ridge or mountain to be found dividing the waters of Tellico from those of Hiwassee to Tennessee river at Tallassee, as mentioned in said treaty,) in the following manner, measuring the distance, notching the sight trees with two notches fore and aft, side lines well blazed, and the mile trees marked in progressive order:

Beginning at a large white oak on the river bank, about two and one-half miles above Hiwassee Old Town, where the first hill closes in on Hiwassee river, north, four degrees west, from the upper point of a small island in said river, marked on the northwest side U. S., on the southeast C. N., dated on both sides of said "May 28th, 1819," red oak, maple, and a sour wood, marked as pointers; thence, north, eighteen degrees west, with said ridge, one hundred and sixty poles, to a Spanish oak; thence, north, ten degrees east, with said ridge, fifty-four poles, to a white oak; thence, north, forty degrees east, with said ridge, forty poles, to a rock; thence, north, fifty-five degrees east, direct course to the but of Hiwassee mountain, sixty-six poles, to a hickory tree marked 1 M.; thence, north, fifty-four degrees east, sixty poles, to the but of said mountain; same course continued, two hundred and thirty poles, to the top of said mountain, to a black jack tree, and pointers near an old Indian path; thence, along the extreme height of said mountain, north, thirty-five degrees east, thirty poles, to a pine tree marked 2 M.; thence continued along the extreme height of said mountain, as aforesaid, three hundred and twenty poles, to a pine tree marked 3 M.; thence continued, as aforesaid, three hundred and twenty poles, to a pine tree marked 4 M.; thence, continued as aforesaid, three hundred and twenty poles, to a Spanish oak marked 5 M.; thence, continued as aforesaid, three hundred and twenty poles, to a pine tree marked 6 M.; thence, continued as aforesaid, three hundred and twenty poles, to a chestnut oak on the top of said mountain, opposite Caleb Starr's plantation, marked 7 M.; thence, continued as aforesaid, three hundred and twenty poles, to a pine tree marked 8 M.; thence, north, sixty-seven degrees east, crossing the spurs of said mountain, three hundred and twenty poles, to a white oak marked 9 M.; same course continued as aforesaid, three hundred and twenty poles, to a large black oak marked 10 M.; same course continued as aforesaid, one hundred and seventy-four poles, to a pine tree on the top of a very steep rocky spur or but of Hiwassee mountain aforesaid; thence, south, seventy-five degrees east, one hundred and forty-six poles, to a pine tree marked 11 M.; same course continued, three hundred and twenty poles, to a small pine tree marked 12 M.; same course continued as aforesaid, leading through a gap called Starr's gap, leaving Connesauga town-house to the left, three hundred and twenty poles, to a poplar tree marked 13 M.; same course continued, three hundred and twenty poles, to a chestnut tree on the south side of a large ridge, marked 14 M.; thence, north, fifty degrees east, with the said ridge, three hundred and twenty poles, to a red oak marked 15 M.; thence, continued with said ridge as aforesaid, three hundred and twenty poles, to a pine tree marked 16 M.; same course continued as aforesaid, forty poles, to a ridge that divides the waters of Tellico from those of Hiwassee; thence, south, fourteen degrees east, with said ridge, to a stake at fifty-six poles; thence, continued with said ridge, south, ten degrees west, one hundred poles, to a chestnut tree; thence, south, thirty degrees east, forty poles, to a pine tree; thence, north, fifty degrees east, along the top of said ridge, sixty poles, to a red oak; thence, south, thirty degrees east, with the said ridge, twenty-four poles, to a pine tree marked 17 M.; thence, south, fifteen degrees east, with said ridge, eighty poles, to a chestnut tree; thence, continued with said ridge, south, eighty degrees east, twenty poles, to a stake; thence, continued with said ridge, south, seventy-five degrees east, twenty-eight poles, to a pine tree; thence, south, forty degrees east, with said ridge, fifty-two poles, to a chestnut tree; thence, south, forty-five degrees east, with said ridge, sixty poles, to a black oak; thence, north, forty degrees east, with said ridge, eighty poles, to a large chestnut oak marked 18 M.; thence, north, thirty-eight degrees east, with said ridge, two hundred and sixty poles, to three chestnut trees and a hickory; thence, south, forty-seven degrees east, with said ridge, sixty poles, to a red oak marked 19 M.; thence, south, thirty-five degrees east,

with said ridge, eighty poles, to a white oak; thence, south, twenty degrees west, with said ridge, one hundred and sixty poles, to a large pine tree, on the west side of the Unicoy turnpike road, marked 19 $\frac{3}{4}$ M., U. S., C. N.; thence, south, seventy-five degrees east, crossing said road, eighty poles, to a chestnut tree marked 20 M.; thence, same course continued, as aforesaid, three hundred and twenty poles, to a pine tree marked 21 M.; thence, same course continued, as aforesaid, three hundred and twenty poles, to a pine tree on the top of a very high ridge, leading towards Tallassee, marked 22 M.; thence, north, forty degrees east, along the extreme height of said ridge, one hundred poles; thence, north, thirty degrees east, with the height of said ridge, one hundred poles; thence, north, forty degrees east, one hundred and twenty poles, to a small maple tree marked 23 M.; thence, same course continued, as aforesaid, three hundred and twenty poles, to a white oak marked 24 M.; thence, continued as aforesaid, three hundred and twenty poles, to a white oak marked 25 M.; thence, continued as aforesaid, three hundred and twenty poles, to a large spruce pine, on the top of a high ridge, marked 26 M.; thence, north, twenty-five degrees east, with the extreme height of said ridge, three hundred and twenty poles, to a pine tree marked 27 M.; thence, continued as aforesaid, three hundred and twenty poles, to a black oak marked 28 M.; thence, north, thirty-eight degrees east, three hundred and twenty poles, to a pine tree marked 29 M.; thence, continued as aforesaid, three hundred and twenty poles, to a red oak marked 30 M.; thence, continued as aforesaid, three hundred and twenty poles, to a pine tree marked 31 M.; thence, continued as aforesaid, three hundred and twenty poles, to a black jack tree marked 32 M.; thence, continued as aforesaid, three hundred and twenty poles, to a pine tree marked 33 M.; thence, continued as aforesaid, with the extreme heights of a very high ridge, and along an Indian path leading to Tallassee, three hundred and twenty poles, to a pine tree marked 34 M.; thence, continued as aforesaid, three hundred and twenty poles, to a black oak marked 35 M.; thence, continued as aforesaid, three hundred and twenty poles, to a pine tree marked 36 M.; thence, continued as aforesaid, three hundred and twenty poles, to a chestnut oak marked 37 M.; thence, continued as aforesaid, three hundred and twenty poles, to a chestnut tree marked 38 M., near to Sittico creek; thence, continued as aforesaid, to said creek, and down said creek, three hundred and twenty poles, to a stake in the creek; thence, continued as aforesaid, down said creek, three hundred and twenty poles, to the but of a hill, on the east side of said creek, near a branch; thence, up the branch, three hundred and twenty poles, to a white oak marked 41 M.; thence, along an old Indian path, three hundred and twenty poles, to a black gum marked 42 M.; thence, continued, along the ridge with the said path, three hundred and twenty poles, to a black oak marked 43 M.; thence, continued, along the ridge and with the path aforesaid, three hundred and twenty poles, to a red oak marked 44 M.; thence, south, eighty degrees east, up a point of a large ridge, one hundred poles, to the top thereof; thence, north, fifty degrees east, with the extreme height of said ridge, two hundred and twenty poles, to a red oak marked 45 M.; thence, continued as aforesaid, three hundred and twenty poles, to a chestnut tree, in view of Tallassee, marked 46 M.; thence, due east, down the mountain, three hundred poles, to the mouth of the first creek that puts in on the south side of Tennessee river, opposite Tallassee, and below the town-house.

Given under our hands and seals at the forks of the Nantagulee and Cowee, this 12th day of June, 1819.

R. HOUSTON,
JAMES McINTOSH,
SQUIRE, his \times mark.
CROW, his \times mark.

Attest: JOHN WEBB,
DRURY P. ARMSTRONG.

We, the undersigned commissioners, duly authorized on behalf of the United States and the Cherokee nation to run part of the lines described in the late treaty, concluded at Washington city with the said nation, upon the 27th day of February, 1819, have, pursuant to our authority, and conformably to the terms of said treaty, designated the line from the junction of the Cowee and Nantagulee, along the ridge in the fork of said rivers, (which ridge divides the waters of the Cowee from those of the Nantagulee,) to the top of the Blue Ridge, in the following manner: By pursuing the extreme height of said ridge, with the various meanders thereof, measuring the distance, notching the sight trees with two notches fore and aft, side lines well blazed, and the mile trees marked on the north side U. S., and on the south C. N., dated on both sides "June 12, 1819;" which tree stands about seventy poles up the Cowee fork from its junction with the Nantagulee, and at the commencement of the said ridge; thence, south, sixty-five degrees east, forty poles, to the top of said ridge; thence, same course continued, along the extreme height thereof, two hundred and eighty poles, to a black oak marked 1 M.; thence, continued as aforesaid, three hundred and twenty poles, to a post oak marked 2 M.; thence, continued as aforesaid, three hundred and twenty poles, to a white oak marked 3 M.; thence, continued as aforesaid, three hundred and twenty poles, to a black oak marked 4 M., in a low gap of said ridge, near an old Indian path leading to Cowee town, and near the head of a branch that falls into the Nantagulee; thence, south, forty-five degrees west, with said ridge, as aforesaid, three hundred and twenty poles, to a black oak marked 5 M.; thence, south, thirty degrees east, with said ridge as aforesaid, three hundred and twenty poles, to a black oak marked 6 M., in view of the Nantagulee fork; thence, south, twenty degrees east, with said ridge as aforesaid, three hundred and twenty poles, to a black oak marked 7 M.; thence, south, with said ridge, as aforesaid, three hundred and twenty poles, to a black oak marked 8 M., upon a very high part of said ridge; thence, south, twenty degrees east, with said ridge as aforesaid, three hundred and twenty poles, to a black oak marked 9 M., in view of Cowee town; thence, due south, along the ridge as aforesaid, three hundred and twenty poles, to a chestnut tree marked 10 M.; thence, continued as aforesaid, three hundred and twenty poles, to a post oak marked 11 M.; thence, south, twenty degrees east, along the ridge as aforesaid, three hundred and twenty poles, to a post oak in a gap of said ridge, on an Indian path that leads from Cowee to Nantagulee town, marked 12 M.; thence, continued as aforesaid, along the ridge aforesaid, three hundred and twenty poles, to a chestnut oak marked 13 M.; thence, continued as aforesaid, three hundred and twenty poles, to a red oak bush, on a very high part of said ridge, in view of the Blue Ridge, marked 14 M.; (the general course of the ridge was then taken to the top of the Blue Ridge, and found to be south, twenty degrees east, the course then running;) thence, continued as aforesaid, three hundred and twenty poles, to a rock upon a bald place marked 15 M.; thence, continued as aforesaid, three hundred and twenty poles, to a red oak marked 16 M.; thence, continued as aforesaid, three hundred and twenty poles, to a post oak marked 17 M.; thence, continued as aforesaid, three hundred and twenty poles, to a post oak marked 18 M.; thence, continued as aforesaid, three hundred and twenty poles, to a bald knob, 19 M.; thence, continued as aforesaid, three hundred and twenty poles, to a red oak marked 20 M.; thence, continued as aforesaid, three hundred and twenty poles, to a post oak marked 21 M.; thence, continued as aforesaid, three hundred and twenty poles, to a post oak marked 22 M.; thence, continued as aforesaid, three hundred and twenty poles, to a post oak marked 23 M.; thence, continued as aforesaid, three hundred and twenty poles, to a post oak marked 24 M.; thence, continued as aforesaid, three hundred and twenty poles, to a black oak marked 25 M.; thence, continued as aforesaid, three hundred and twenty poles, to a post oak marked 26 M.; thence, continued as aforesaid, three hundred and twenty poles, to a white

oak marked 27 M.; thence, continued as aforesaid, three hundred and twenty poles, to a chestnut tree marked 28 M.; thence, continued as aforesaid, three hundred and twenty poles, to a white oak marked 29 M.; thence, continued as aforesaid, three hundred and twenty poles, to a red oak marked 30 M.; thence, continued as aforesaid, three hundred and twenty poles, to a red oak marked 31 M.; thence, continued as aforesaid, three hundred and twenty poles, to a post oak marked 32 M.; thence, continued as aforesaid, three hundred and twenty poles, to a chestnut tree marked 33 M.; thence, continued as aforesaid, three hundred and twenty poles, to a post oak marked 34 M.; thence, continued as aforesaid, three hundred and twenty poles, to a white oak bush marked 35 M.; thence, continued as aforesaid, three hundred and twenty poles, to a red oak, upon the top of the Blue Ridge, marked 36 M.; and on the north side of said tree U. S.; on the south C. N.; also several scrubby oaks marked as points.

Given under our hands and seals, at Cowee Gap, this 18th day of June, 1819.

In the presence of JOHN WEBB,
DRURY P. ARMSTRONG.

R. HOUSTON,
JAMES McINTOSH,
WILLIAM JONES, his X mark.

SIR:

KNOXVILLE, July 30, 1819.

Herewith you will find enclosed to you a map of the late Cherokee treaty, as run from Hiwassee to Tennessee river, at Tallassee, and from the junction of the Cowee and Nantagulee to the top of the Blue Ridge, with a description of each line; also, an abstract and vouchers of the expenses incurred.

The lines are accurately laid down as run and designated. We travelled from Tallassee up the Tennessee river, took the general bearings of said river to the forks, (where the upper line commences,) computed the distance by the time it took us to travel the same, which I presume is nearly correct. The other parts of the map are drawn from our own knowledge of the country, and the best information we could get from the natives. The lands, exclusive of the mountains within the State of Tennessee, and between the Hiwassee and Tennessee rivers, are represented to be about second quality. The lands north of the line dividing the Cowee and Nantagulee waters, and within the chartered limits of North Carolina, are considered poor, and almost a perfect bed of mountains. It is supposed that there are now residing on those lands nearly two thousand Indians, great and small.

Upon the settlement of my account there will be due to the United States \$23 67, which sum may be placed to my debit on account of outstanding claims against the quartermaster's department in East Tennessee, or otherwise.

There being no quartermaster's store at this place to deposite our camp equipage, what must be done with it?

I am, sir, very respectfully, your obedient servant,

R. HOUSTON.

J. C. CALHOUN, *Secretary of War, Washington.*

16th CONGRESS.]

No. 161.

[1st SESSION.]

TREATIES WITH THE KICKAPOOS AND CHIPPEWAS.

COMMUNICATED TO THE SENATE, JANUARY 4, 1820.

To the Senate of the United States:

WASHINGTON, December 31, 1819.

I transmit to the Senate, for its advice and consent as to the ratification, three treaties which have been concluded in the course of the present year with the Kickapoos, the Chippewas, and the Kickapoos of the Vermilion, by commissioners who were duly authorized for the purpose.

With the Chippewas, there is a supplementary article stipulating certain advantages in their favor, on condition that the same shall be ratified by the Executive, with the advice and consent of the Senate; which I likewise submit to your consideration.

JAMES MONROE.

TREATY WITH THE CHIPPEWAS.

Articles of a treaty made and concluded at Saginaw, in the Territory of Michigan, between the United States of America, by their commissioner, Lewis Cass, and the Chippewa nation of Indians.

ARTICLE 1. The Chippewa nation of Indians, in consideration of the stipulations herein made on the part of the United States, do hereby forever cede to the United States the land comprehended within the following lines and boundaries: Beginning at a point in the present Indian boundary line, which runs due north of the mouth of the Great Au Glaize river, six miles south of the place where the base line (so called) intersects the same; thence, west, sixty miles; thence, in a direct line, to the head of Thunder Bay river; thence, down the same, following the courses thereof, to the mouth; thence, northeast, to the boundary line between the United States and the British Province of Upper Canada; thence, with the same, to the line established by the treaty of Detroit, in the year one thousand eight hundred and seven; thence, with the said line, to the place of beginning.

ART. 2. From the cession aforesaid the following tracts of land shall be reserved, for the use of the Chippewa nation of Indians:

One tract of eight thousand acres on the east side of the river Au Sable, near where the Indians now live.

One tract of two thousand acres on the river Mesagwisk.

One tract of six thousand acres on the north side of the river Kawkawling, at the Indian village.

One tract of five thousand seven hundred and sixty acres upon the Flint river, to include Reaum's village and a place called Kishkawbawee.

One tract of eight thousand acres, on the head of the river Huron, which empties into the Saginaw river, at the village of Otusson.

One island in the Saginaw bay.

One tract of two thousand acres, where Nabobask formerly lived.

One tract of one thousand acres, near the island in the Saginaw river.

One tract of six hundred and forty acres, at the bend of the river Huron, which empties into the Saginaw river.

One tract of two thousand acres, at the mouth of Point Augrais river.

One tract of one thousand acres, on the river Huron, at Menoquet's village.

One tract of ten thousand acres, on the Shawassee river, at a place called the Big Rock.

One tract of three thousand acres, on the Shawassee river, at Ketchewaundaugenink.

One tract of six thousand acres, at the Little Forks on the Tetabawasink river.

One tract of six thousand acres, at the Black Bird's town, on the Tetabawasink river.

One tract of forty thousand acres, on the west side of the Saginaw river, to be hereafter located.

ART. 3. There shall be reserved, for the use of each of the persons hereinafter mentioned, and their heirs, which persons are all Indians by descent, the following tracts of land:

For the use of John Riley, the son of Menawcumegoqua, a Chippewa woman, six hundred and forty acres of land, beginning at the head of the first marsh above the mouth of the Saginaw river, on the east side thereof.

For the use of Peter Riley, the son of Menawcumegoqua, a Chippewa woman, six hundred and forty acres of land, beginning above and adjoining the apple trees on the west side of the Saginaw river, and running up the same, for quantity.

For the use of James Riley, the son of Menawcumegoqua, a Chippewa woman, six hundred and forty acres, beginning on the east side of the Saginaw river, nearly opposite to Campeau's trading-house, and running up the river, for quantity.

For the use of Kawkawiskou, or the Crow, a Chippewa chief, six hundred and forty acres of land, on the east side of the Saginaw river, at a place called Menitegow, and to include in the said six hundred and forty acres the island opposite to the said place.

For the use of Nowokeshik, Metawanene, Mokitchenoqua, Nondashemau, Petabonaqua, Messawwaket, Chec-balk, Kitchegeequa, Sagosequa, Annoketoqua, and Tawcumegoqua, each, six hundred and forty acres of land, to be located at and near the grand traverse of the Flint river, in such manner as the President of the United States may direct.

For the use of the children of Bowkowitz, six hundred and forty acres, on the Kawkawling river.

ART. 4. In consideration of the cession aforesaid, the United States agree to pay to the Chippewa nation of Indians, annually, forever, the sum of one thousand dollars in silver; and do also agree that all annuities due by any former treaty to the said tribe shall be hereafter paid in silver.

ART. 5. The stipulation contained in the treaty of Greenville, relative to the right of the Indians to hunt upon the land ceded, while it continues the property of the United States, shall apply to this treaty; and the Indians shall for the same term enjoy the privilege of making sugar upon the same land, committing no unnecessary waste upon the trees.

ART. 6. The United States agree to pay to the Indians the value of any improvements which they may be obliged to abandon in consequence of the lines established by this treaty, and which improvements add real value to the land.

ART. 7. The United States reserve to the proper authority the right to make roads through any part of the land reserved by this treaty.

ART. 8. The United States engage to provide and support a blacksmith for the Indians at Saginaw, so long as the President of the United States may think proper, and to furnish the Chippewa Indians with such farming utensils and cattle, and to employ such persons to aid them in their agriculture, as the President may deem expedient.

ART. 9. This treaty shall take effect, and be obligatory on the contracting parties, so soon as the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof.

In testimony whereof, the said Lewis Cass, commissioner as aforesaid, and the chiefs and warriors of the Chippewa nation of Indians, have hereunto set their hands, at Saginaw, in the Territory of Michigan, this twenty-fourth day of September, in the year of our Lord one thousand eight hundred and nineteen.

LEWIS CASS.

[Signed, also, by the chiefs and warriors of the Chippewa nation.]

SUPPLEMENTAL ARTICLE.

The Chippewa Indians, being desirous to reward Dr. William Brown, of Detroit, for the professional services which he has rendered to them for twenty years past, request that three sections of land may be granted to him and his heirs in the tract of country hereby ceded.

The same request was urged at the treaty of Detroit, in the year 1807; at the treaty concluded at the foot of the Rapids of the Miami, in the year 1817; and at the treaty of St. Mary's, in the year 1818; and is now renewed by them, in the confident hope that the land herein granted will be confirmed to him.

The Chippewa Indians do also grant to Henry Conner and to James Conner, who were taken prisoners by them in early life, and lived with them many years, and to their heirs, twelve hundred and eighty acres of land.

The said Indians do also grant to Peter W. Knaggs, George Knaggs, and Jacques Godfroy, who have been adopted by them, and to their heirs, six hundred and forty acres of land, each.

The said Indians have further requested that twelve sections of land be sold in the same manner and upon the same terms as the lands of the United States are sold, and the proceeds appropriated, under the direction of the President of the United States, for the purpose of making roads to and through their reservations.

The said Indians have also requested that the sum of \$1,600 be paid, in five equal annual instalments, to Barnabas Campeau, out of the annuities which may hereafter be due to them.

The Chippewa Indians have also requested that the sum of \$1,298 20 be paid to Conrad Ten Eyck, as a compensation for property taken by them at Saginaw, in the year 1812.

The commissioner of the United States has admitted these grants and requests into this article; but, not being authorized to accede to them on the part of the United States, he refers the same to the President of the United States, and to the Senate thereof, for their decision. But it is hereby expressly understood and declared, that the ratification or rejection of this article, or any part thereof, is not to affect any other article of this treaty.

LEWIS CASS.

Attest: JOHN L. LEIB, *Secretary*.

TREATY WITH THE KICKAPOOS OF THE VERMILION.

A treaty made and concluded by Benjamin Parke, a commissioner on the part of the United States of America, of the one part, and the chiefs, warriors, and headmen of the tribe of Kickapoos of the Vermilion, of the other part.

ARTICLE 1. The chiefs, warriors, and headmen of the said tribe agree to cede, and hereby relinquish, to the United States, all the lands which the said tribe have heretofore possessed, or which they may rightfully claim, on the Wabash river, or any of its waters.

ART. 2. And, to the end that the United States may be enabled to fix with the other Indian tribes a boundary between their respective claims, the chiefs, warriors, and headmen of the said tribe do hereby declare that their rightful claim is as follows, viz: Beginning at the northwest corner of the Vincennes tract; thence, westwardly, by the boundary established by a treaty with the Piankeshaws on the thirtieth day of December, eighteen hundred and five, to the dividing ridge between the waters of the Embarras and the Little Wabash; thence, by the said ridge, to the source of the Vermilion river; thence, by the same ridge, to the head of Pine creek; thence, by the said creek, to the Wabash river; thence, by the said river, to the mouth of the Vermilion river; and thence, by the Vermilion, and the boundary heretofore established, to the place of beginning.

ART. 3. The said chiefs, warriors, and headmen of the said tribe agree to relinquish, and they do hereby exonerate and discharge the United States from, the annuity of one thousand dollars to which they are now entitled. In consideration whereof, and of the cession hereby made, the United States agree to pay the said tribe two thousand dollars, annually, in specie, for ten years; which, together with three thousand dollars now delivered, is to be considered a full compensation for the cession hereby made, as also of all annuities, or other claims, of the said tribe against the United States, by virtue of any treaty with the said United States.

ART. 4. As the said tribe contemplate removing from the country they now occupy, the annuity herein provided for shall be paid at such place as may be hereafter agreed upon between the United States and said tribe.

ART. 5. This treaty, after the same shall be ratified by the President and Senate of the United States, shall be binding on the contracting parties.

In testimony whereof, the said Benjamin Parke, commissioner as aforesaid, and the chiefs, warriors, and headmen of the said tribe, have hereunto set their hands, at Fort Harrison, the thirtieth day of August, in the year one thousand eight hundred and nineteen.

B. PARKE.

[Signed, also, by the chiefs, warriors, and headmen of the said tribe.]

TREATY WITH THE KICKAPOOS.

A treaty made and concluded at Edwardsville, in the State of Illinois, between Auguste Chouteau and Benjamin Stephenson, commissioners on the part and behalf of the United States of America, of the one part, and the undersigned principal chiefs and warriors of the Kickapoo tribe of Indians, on the part and behalf of said tribe, of the other part.

ARTICLE 1. The undersigned chiefs and warriors, for themselves and their said tribe, for and in consideration of the promises and stipulations hereinafter made, do hereby cede and relinquish to the United States, forever, all their right, interest, and title of, in, and to the following tracts of land, viz:

All their land on the southeast side of the Wabash river, including the principal village in which their ancestors formerly resided, consisting of a large tract, to which they have had, from time immemorial, and now have, a just right, that they have never heretofore ceded, or otherwise disposed of, in any manner whatever.

Also, all the land within the following boundaries, viz: Beginning on the Wabash river, at the upper point of their cession, made by the second article of their treaty at Vincennes, on the ninth of December, one thousand eight hundred and nine; running thence, northwestwardly, to the dividing line between the States of Illinois and Indiana; thence, along said line, to the Kankakee river; thence, with said river, to the Illinois river; thence, down the latter, to its mouth; thence, with a direct line, to the northwest corner of the Vincennes tract, as recognised in the treaty with the Piankeshaw tribe of Indians, at Vincennes, on the thirtieth of December, one thousand eight hundred and five; and thence, with the western and northern boundaries of the cessions heretofore made by the said Kickapoo tribe of Indians, to the beginning. Of which last described tract of land, the said Kickapoo tribe claim a large portion by descent from their ancestors, and the balance by conquest from the Illinois nation, and uninterrupted possession for more than half a century.

ART. 2. The said tribe hereby confirm all their former treaties with the United States, and relinquish to them all claim to every portion of their lands which may have been ceded by any other tribe or tribes, and all and every demand which they might have had in consequence of the second article of the treaty made with the Pattawatamic nation of Indians, at St. Mary's, on the second of October, one thousand eight hundred and eighteen.

ART. 3. The said tribe acknowledge themselves now to be, and promise to continue, under the protection of the United States of America, and of no other nation, power, or sovereign whatever.

ART. 4. The said tribe release the United States from all obligations imposed by any treaties heretofore made with them.

ART. 5. The United States, in lieu of all former stipulations, and in consideration of cessions of land heretofore made by the said tribe, promise to pay them, at their town on the waters of the Osage river, two thousand dollars in silver, annually, for fifteen successive years.

ART. 6. In consideration of the cession made by the aforesaid tribe in the first article of this treaty, the United States, in addition to three thousand dollars worth of merchandise this day paid to the said tribe, hereby cede to them and their heirs, forever, a certain tract of land lying in the Territory of Missouri, and included within the following boundaries, viz: Beginning at the confluence of the rivers Pomme de Terre and Osage; thence, up said river Pomme de Terre, to the dividing ridge which separates the waters of Osage and White rivers; thence, with said ridge, and westwardly, to the Osage line; thence, due north with said line, to Nerve creek; thence, down the same, to a point due south of the mouth of White Clay or Richard creek; thence, north, to the Osage river; thence, down said river, to the beginning: *Provided, nevertheless,* That the said tribe shall never sell the said land without the consent of the President of the United States.

ART. 7. The United States promise to guaranty to the said tribe the peaceable possession of the tract of land hereby ceded to them, and to restrain and prevent all white persons from hunting, settling, or otherwise intruding upon it. But any citizen or citizens of the United States, being lawfully authorized for that purpose, shall be per-

mitted to pass and repass through the said tract, and to navigate the waters thereof, without any hindrance, toll, or exaction from the said tribe.

ART. 8. For the purpose of facilitating the removal of the said tribe to the tract of land hereby ceded to them, the United States will furnish them with two boats, well manned, to transport their property from any point they may designate on the Illinois river; and some judicious citizen shall be selected to accompany them in their passage through the white settlements to their intended residence.

ART. 9. The United States will take the said Kickapoo tribe under their care and patronage, and will afford them protection against all persons whatever, provided they conform to the laws of the United States, and refrain from making war, or giving any insult or offence to any other Indian tribe, or to any foreign nation, without first obtaining the approbation and consent of the United States.

ART. 10. The said tribe, in addition to their above-described cessions, do hereby cede and relinquish to the United States, generally, and without reservation, all other tracts of land to which they have any right or title on the left side of the Illinois and Mississippi rivers.

In testimony whereof, the commissioners aforesaid, and the undersigned chiefs and warriors as aforesaid, have hereunto subscribed their names and affixed their seals. Done at Edwardsville, in the State of Illinois, this thirtieth day of July, in the year of our Lord one thousand eight hundred and nineteen, and of the independence of the United States the forty-fourth.

AUG. CHOUTEAU,
BEN. STEPHENSON.

[Signed, also, by the chiefs and warriors of the Kickapoo tribe.]

Sir:

VINCENNES, *April 15, 1819.*

Understanding, from a communication made to me by Judge Parke some short time since, that it was desirable that the Indian title to the country inhabited by the Vermilion Kickapoos should be extinguished, I have lately paid them a visit to ascertain the probable success, should a proposition of the kind be made to them; and, from every thing I have been able to discover, I think there is but little doubt of a successful negotiation being made with them in the course of this summer. I have, in order to secure this object, expended, in a few horses and other presents to the most influential men of the Kickapoo tribe of Indians, between two and three hundred dollars, and which is included in the account of James B. McCall of the 11th instant.

I have also had in the employ of the Indian department a half-blood for two months past, at \$1 per day. My object in employing this man has been to discover the situation of some copper and lead mines upon the Vermilion river and Pine creek; the former is found in great abundance, and of good quality; the latter is to be found, but in what quantity is not ascertained. Some time since, three Indians of the Delawares killed a Mr. McCall, a resident of the State of Illinois. The Indians are now in confinement, and will be tried in two or three weeks; and, from all the circumstances which I have been enabled to collect, I fear there is but little chance of their acquittal—at least two of them. One of their principal chiefs is now with me, and will attend their trial. Your favors of the 19th and 25th ult. were brought me by the last mail. It appears that from General Wayne's treaty of 1795, the Kickapoos are entitled to an annuity of \$500; by General Harrison's treaty at Fort Wayne, 30th September, 1809, it was stipulated that they should be entitled to a further sum of \$400 when that article in the treaty which related to the Kickapoos, for a portion of the Vermilion country, should be acceded to; and by the accession of said treaty, on the 9th December, 1809, an additional sum of \$100 was allowed them, making a sum total of \$1,000; and as I am authorized to draw upon you for \$500 only, and as in the late treaty of St. Mary's there is no stipulation that their annuity should be paid in silver, I shall make up the \$1,000 out of the United States goods at Fort Harrison, and, at the time I shall deliver the Wea annuity of \$3,000 to them, will also obtain the Kickapoos' receipt for their annuity of \$1,000. With respect to the issues to the Indian department at Fort Harrison for the years 1816, 1817, and for part of 1818, I am not yet prepared to make a report; I shall complete that investigation in a few days.

I, however, risk nothing when I say that perhaps not more than one-half the provisions contained on the abstracts (of that quantity) were really issued. I shall use all the economy possible, as well in the distribution of the Indian annuities, as at other times, in this agency; but, from the extravagance of this agency heretofore, it will require some little time to bring it to a proper medium.

I have the honor, &c.

WILLIAM PRINCE.

Sir:

EDWARDSVILLE, ILLINOIS, *June 7, 1819.*

In compliance with your instructions, we have held a council at this place with the Kickapoo tribe of Indians, upon whose minds impressions very favorable to the propositions we were authorized to make to them, had been produced by the artful, insidious representations of certain traders, who were amongst them last winter, and whose object evidently was, from interested motives, to prevent their removal to the west side of the Mississippi. We, however, have been so fortunate in removing those impressions, as to render them not only willing but anxious to make the proposed exchange. And, for the purpose of consummating the arrangement, they have promised to meet us at this place in eight or ten weeks.

But we feel it our duty to apprise you of a difficulty that probably will occur, which will be much more within your than our control, and which may, indeed, require efficient interposition on the part of the Government.

The Pattawatamies, who are neighbors to the Kickapoos, instigated, no doubt, by white men, and unwilling to see our settlements approximate to theirs, (as they think they will soon do if the latter cede their land,) have, by every kind of menace, endeavored to deter the Kickapoos from entering into any agreement with us; and they openly declare that, the moment the Kickapoos commence their removal to the west side of the Mississippi, they will waylay, attack, plunder, and murder them; and we are not without some apprehensions that they may attempt to carry their threat into execution. We shall, however, endeavor to conciliate them, and earnestly warn them of the danger of opposing the views of our Government in this particular. But if all this should prove insufficient, what next is to be done is for you to decide.

We are, &c.

AUGUSTE CHOUTEAU,
BENJAMIN STEPHENSON.

Hon. J. C. CALHOUN, *Secretary of War.*

GENTLEMEN:

DEPARTMENT OF WAR, *July 16, 1819.*

I have received your letter of the 7th ult. It is gratifying that you have so far succeeded in accomplishing the object of your commission as to obtain the consent of the Kickapoos to remove west of the Mississippi.

It is to be hoped that the Pattawatamies will not be so indiscreet as to attempt to execute their threats upon the Kickapoos, on their removal across the Mississippi. Should they, however, oppose the movement in that way, it will be considered an act highly unfriendly to the United States, and will be noticed accordingly.

I have the honor to be, &c.

J. C. CALHOUN.

AUGUSTE CHOUTEAU and
BENJAMIN STEPHENSON, } *Commissioners, &c., St. Louis.*

SIR:

VINCENNES, August 10, 1819.

There is now every reason to believe that the Vermilion Kickapoos will accede to the Pattawatamie cession of the 2d of October last, and also cede all the lands to which they have any claim in this and the adjoining State. Our Governor has had a surfeit of Indian treaties, and Governor Cass is too distant for him to attend without great inconvenience. I shall, therefore, enter upon the negotiation myself, and meet the Indians at or near Fort Harrison on the 27th instant.

I have seen a copy of the depositions procured in justification of Major Chunn and the issuing commissary at Fort Harrison. Browlet may have acted improperly; but the misconduct imputed to him affords no justification to Chunn and Lambert and Dixon. The major's correspondence with me in 1816 and 1818 overturns the whole fabric, a copy of which I shall furnish Captain Prince, to be forwarded to you. It seems this was forgotten; and, what is more extraordinary, the major threw the provision orders into the fire when he signed the abstracts. Emison, too, burnt his accounts.

I have, &c.

B. PARKE.

Hon. J. C. CALHOUN, *Secretary of War.*

SIR:

VINCENNES, August 12, 1819.

The Vermilion Kickapoos have determined to cede to the United States their country west of the Wabash river, without reserve; and Judge Parke has appointed the 27th instant to meet them in the neighborhood of Fort Harrison. A few pounds of meat and bread will necessarily be wanted at that point; and I have contracted for its delivery at the fort—flour at seven dollars and fifty cents per barrel, and meat at five dollars per hundredweight. This was the best contract which could be made at this season of the year. Such an understanding has been had with the Indians, that but few days will be necessary to complete the negotiation; and, consequently, the expenses attendant but trifling. I have no doubt but that an advantageous contract will be made with them. The reluctance of those persons who have had an opportunity of knowing the probable issues made the Indians at Fort Harrison, in the years 1817 and 1818, in coming forward and giving the information wanted, has prevented me from completing the report directed by you; it will, however, be shortly done, and forwarded, together with some letters written by Major Chunn to the agent, during those periods, which will show that the issues were made by his orders alone.

I have understood that depositions have been taken, (secretly,) tending to show the innocence of the commanding officer at that post, and attaching the blame entirely to the late General Posey and his interpreter. Had I a copy of them, I have no doubt but that such rebutting testimony could be procured as would destroy their credibility entirely; indeed, all acknowledge that a gross fraud has been practised. Should it be desirable with the Government to give to the Weas a sum in hand for their perpetual annuity, such an arrangement might be made with them more advantageous than the one which now exists; and they, as well as the Kickapoos, induced to migrate to the country west of the Mississippi; and such arrangement would supersede the necessity of keeping up this agency.

I have, &c.

WILLIAM PRINCE.

Hon. J. C. CALHOUN, *Secretary of War.*

GENTLEMEN:

DEPARTMENT OF WAR, September 28, 1819.

Your communication of the 20th ultimo was received by the Secretary of War the day before he left the seat of Government for South Carolina; and, by his direction, I have the honor to acknowledge its receipt, and to express to you his approbation of your proceedings, and of the treaty which you have concluded with the Kickapoos.

I am, &c., by order,

SAM. S. HAMILTON.

Messrs. A. CHOUTEAU, and
B. STEPHENSON, } *Commissioners, &c., St. Louis.*

SIR:

DETROIT, September 11, 1819.

I shall leave here on Monday next to meet the Indians at Saginaw, and to endeavor, agreeably to your instructions, to procure a cession of that valuable country.

I had the honor some time since to communicate to you the circumstances respecting the protest of the draft transmitted for the payment of the Indian annuities. I had hoped that, before leaving here, I should have received from you further instructions upon this subject.

It would be hopeless to expect a favorable result to the proposed treaty, unless the annuities previously due are discharged. Under these circumstances, I have felt myself embarrassed, and no course has been left me but to procure the amount of the Chippewa annuity upon my own private responsibility.

By the liberal conduct of the directors of the bank at this place, I have succeeded in procuring that annuity in silver, and shall thus be able to comply with past engagements before I call upon the Indians to form others.

I trust the receipt of a draft will soon relieve me from the situation in which I am placed, and enable me to perform my promise to the bank.

Very respectfully, &c.

LEWIS CASS.

Hon. J. C. CALHOUN, *Secretary of War.*

SIR:

DETROIT, September 30, 1819.

Accompanying this, I have the honor to transmit to you a treaty concluded by me, on the part of the United States, with the Chippewa Indians, for the cession of a considerable portion of their country within this Territory. I trust the general provisions of the treaty will meet with your approbation.

The boundaries of the tract ceded may be easily traced upon any good map of the United States; but, owing to our ignorance of the topography of the interior of this Territory, it may be eventually found, when the lines are run, that the southeastern corner of the tract ceded is in the possession of the Grand River Indians. If so, there will be no difficulty, and very little expense, in quieting their claims.

That portion of the Chippewa Indians which owned this land have not made the necessary advances in civilization to appreciate the importance of education for their youth. It was, therefore, hopeless to expect from them any reservations for this object, or to offer it as an inducement for a cession of their country. Some consideration more obvious in its effects, and more congenial to their habits, was necessary to insure a successful termination to the negotiation.

In acceding to the propositions which they made upon this subject, I endeavored to give such form to the stipulations on the part of the United States, for the payment of annuities, as would be permanently useful, and, at the same time, satisfactory to them.

Their own wishes unquestionably were, that the whole sum stipulated to be annually paid to them should be paid in specie. With the habitual improvidence of savages, they were anxious to receive what they could speedily dissipate in childish and useless purchases, at the expense of stipulations which would be permanently useful to them.

The opinions advanced in your letter of instructions of March 27, 1819, respecting the injurious tendency of large annuities to the Indians, are correct; and the effect of these annuities upon the Indians is stated with as much precision as they could be were they the result of daily intercourse with these unfortunate people.

Viewing the subject in this manner, I finally concluded to admit a stipulation, conformably to their wishes, for an annuity of one thousand dollars, but to secure the payment of whatever additional sum the Government of the United States might think they ought to receive, in such a manner as would be most useful to them.

A stipulation, therefore, was inserted that the United States should provide and support a blacksmith for them, and should furnish them with cattle, farming utensils, and persons to aid them in their agriculture.

The amount which shall be expended for these objects by the United States, the term during which this expense shall continue, and the mode in which it shall be applied, are left discretionary with the President.

In taking this course, I was influenced by the consideration that the negotiator of an Indian treaty is not always the best judge of the value of the purchase, or of the amount which should be paid for it. Sometimes too much has been allowed, and at other times too little. He is not sent upon such a negotiation to ascertain the lowest possible sum for which the miserable remnant of those who once occupied our country are willing to treat, and to seize with avidity the occasion to purchase. Certain I am that both you and the President would censure me, (and justly, too,) were I governed in my intercourse with the Indians by such principles. The great moral debt which we owe them can only be discharged by patient forbearance, and by a rigid adherence to that system of improvement which we have adopted, and the effects of which are already felt in this quarter.

It is due to the Indians and to myself to say, that the sum which it was expected by us would be expended for the objects which I have mentioned is from fifteen hundred to two thousand five hundred dollars annually. But they distinctly understand that the amount of this expenditure is entirely discretionary with the President. Of course, the Government can now apply such a sum to these objects, as the value of the cession and the wants and population of the Indians may justify. Although I am firmly persuaded that it would be better for us and for these Indians that they should migrate to the country west of the Mississippi, or, at any rate, west of Lake Michigan, yet it was impossible to give effect to that part of your instructions which relates to this subject, without hazarding the success of the negotiation. An indisposition to abandon the country so long occupied by their tribe, an hereditary enmity to many of the western Indians, and a suspicion of our motives, are the prominent causes which, for the present, defeat this plan. When they are surrounded by our settlements, and brought into contact with our people, they will be more disposed to migrate.

In the mean time, we may teach them those useful arts which are connected with agriculture, and which will prepare them, by gradual progress, for the reception of such institutions as may be fitted for their character, customs, and situation.

Reservations have been made for them to occupy; and I indulge the hope that they will appreciate the advantages which are now offered to them, and will aid, by their own efforts, the plans of improvement which have been adopted by the Government. Reservations have also been made for a few half-breeds. It was absolutely necessary to our success that these should be admitted into the treaty. Being only reservations, and the fee of the land remaining in the United States, I trust it will not be thought improper that I admitted them.

In a supplemental article several provisions are inserted, which were urged by the Indians, but which I did not feel authorized to accede to in the body of the treaty. The first is a grant of three sections of land to Dr. Brown, of this place, for the professional services which he has rendered, and the medicine he has furnished them during a period of more than twenty years. This claim to remunerate Dr. Brown has been urged by the Indians with great zeal at every treaty which I have attended. Its rejection has always been difficult, and I am satisfied it is a dear object with them. His attention and services to them have been unremitting and gratuitous, and of the most exemplary character. I cannot but hope that it may be deemed proper to admit this grant, either in this manner, or by special legislative provision.

Of the five grants, in the same article, to white persons, it is only necessary to say they were admitted at the particular request of the Indians, and their confirmation would be gratifying to them.

Had I not been a resident of the country affected by it, I should have admitted an unconditional stipulation respecting the land appropriated for the making of roads. But the principle being new in Indian treaties, I thought it most advisable to leave the stipulation upon this subject discretionary with the President and Senate. I do not perceive, however, that the admission of this principle generally, or that its application in this particular case, can be injurious to the United States.

The private debts conditionally assumed are *bona fide* due by the Indians, and they appeared solicitous to discharge them. Two worthy men are interested in the result. It was my object to insert in the supplementary article every provision which was demanded by the Indians respecting the principle of which I felt doubtful, so that the President and Senate might avoid the establishment of a precedent, the effect of which may be dangerous.

A large portion of the country ceded is of the first character for soil and situation; it will vie with any land I have seen north of the Ohio river. The cession probably contains more than six millions of acres.

I shall be anxious to learn that you approve the result of this negotiation.

Very respectfully, &c.

LEWIS CASS.

Hon. JOHN C. CALHOUN, *Secretary of War, Washington City.*

SIR:

DETROIT, *October 1, 1819.*

I have the satisfaction to state that the expense of the treaty recently concluded with the Chippewa Indian for the Saginaw country will be defrayed from the sum appropriated for Indian expenditures within my superintendency.

I required of the commissioners at this place twenty-five thousand rations of fresh beef, salt provisions being unfit for the Indians. Little more than half of this has been issued. The residue will be issued to the troops here. I presume the bills drawn by the commissary for these provisions, together with the amount of the flour and other articles received from the public store here, will be charged to the sum of forty-five thousand dollars assigned to the agencies upon this frontier.

Whatever has not been issued will, I trust, be credited to the same appropriation.

I am perfectly aware of the necessity of economy in Indian expenditures, and I claim no merit, except for an earnest wish strictly to carry into effect all your instructions.

Very respectfully, &c.

Hon. J. C. CALHOUN, *Secretary of War.*

LEWIS CASS.

SIR:

DEPARTMENT OF WAR, *October 21, 1819.*

Your letters of the 30th ultimo and of the 1st and 2d instant, accompanied by the treaty with the Chippewa Indians, have been received.

The President and Secretary for the Department of War are absent from the seat of Government. So soon as they return, the treaty and your communications will be laid before them; and I have no doubt you will then be made acquainted with the satisfaction they will have derived from the result of your negotiations, as well as with their entire approbation of the measures you have pursued to obtain that result.

I have the honor to be, &c.

C. VANDEVENTER, *Chief Clerk.*

LEWIS CASS, *Governor, &c., Detroit.*

16th CONGRESS.]

No. 162.

[1st SESSION.

PROGRESS MADE IN CIVILIZING THE INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 17, 1820.

SIR:

DEPARTMENT OF WAR, *January 15, 1820.*

In compliance with a resolution of the House of Representatives of the 6th instant, "that the Secretary of War be directed to report whether any and, if any, what progress has been made in the civilization of the Indian tribes, and the sums of money, if any, which have been expended on that object, under the act of the last session," I have the honor to make the following statement:

No part of the appropriation of \$10,000 annually, made at the last session, for the civilization of the Indians, has yet been applied. The President was of opinion that the object of the act would be more certainly effected by applying the sum appropriated in aid of the efforts of societies, or individuals, who might feel disposed to bestow their time and resources to effect the object contemplated by it; and a circular (of which the enclosed is a copy) was addressed to those individuals and societies, who have directed their attention to the civilization of the Indians. The objects of the circular were to obtain information, and disclose the views of the President, in order to concentrate and unite the efforts of individuals and societies in the mode contemplated by the act of the last session. The information collected will enable the President to apply, early in this year, the sum appropriated. The economy and intelligence with which it will be applied, under the superintendence of zealous and disinterested individuals, will, it is hoped, carry into effect, as far as practicable, the views of Congress.

While many of the Indian tribes have acquired only the vices with which a savage people usually become tainted, by their intercourse with those who are civilized, others appear to be making gradual advances in industry and civilization. Among the latter description may be placed the Cherokees, Choctaws, Chickasaws, and perhaps the Creeks, most of the remnants of the Six Nations in the State of New York, the Wyandots, Senecas, and Shawanees at Upper Sandusky and Wapaghkonetta. The Cherokees exhibit a more favorable appearance than any other tribe of Indians. There are already established two flourishing schools among them: one at Brainard, under the superintendence of the American Board for Foreign Missions; at which there are at present about 100 youths of both sexes. The institution is on the Lancasterian plan, and is in a very flourishing condition. Besides reading, writing, and arithmetic, the boys are taught agriculture and the ordinary mechanic arts; and the girls, sewing, knitting, and weaving. At Spring Place, in the same nation, there is a school on a more limited scale, under the superintendence of the United Brethren, or Moravians. Two other schools are projected in the same nation: one by the American, and the other by the Baptist Board for Foreign Missions; and arrangements are making to establish two other schools among that portion of the Cherokee nation which reside on the Arkansas. The Choctaws and Chickasaws have recently evinced a strong desire to have schools established among them, and measures have been taken by the American Board for Foreign Missions for that purpose. A part of the former nation have appropriated \$2,000 annually, out of their annuity, for seventeen years, as a school fund. A part of the Six Nations in New York have, of late, made considerable improvements; and the Wyandots, Senecas, and Shawanees at Upper Sandusky and Wapaghkonetta, have, under the superintendence of the Society of Friends, made considerable advances in civilization.

Although partial advances may be made under the present system to civilize the Indians, I am of an opinion that, until there is a radical change in the system, any efforts which may be made must fall short of complete suc-

cess. They must be brought gradually under our authority and laws, or they will insensibly waste away in vice and misery. It is impossible, with their customs, that they should exist as independent communities in the midst of civilized society. They are not, in fact, an independent people, (I speak of those surrounded by our population,) nor ought they to be so considered. They should be taken under our guardianship; and our opinion, and not theirs, ought to prevail, in measures intended for their civilization and happiness. A system less vigorous may protract, but cannot arrest their fate.

I have the honor to be your most obedient servant,

J. C. CALHOUN.

Hon. H. CLAY, *Speaker of the House of Representatives.*

[CIRCULAR.]

SIR:

DEPARTMENT OF WAR, *September 3, 1819.*

In order to render the sum of \$10,000, annually appropriated at the last session of Congress for the civilization of the Indians, as extensively beneficial as possible, the President is of opinion that it ought to be applied in co-operation with the exertions of benevolent associations, or individuals, who may choose to devote their time or means to effect the object contemplated by the act of Congress. But it will be indispensable, in order to apply any portion of the sum appropriated in the manner proposed, that the plan of education, in addition to reading, writing, and arithmetic, should, in the instruction of the boys, extend to the practical knowledge of the mode of agriculture, and of such of the mechanic arts as are suited to the condition of the Indians; and in that of the girls, to spinning, weaving, and sewing. It is also indispensable that the establishment should be fixed within the limits of those Indian nations who border on our settlements. Such associations or individuals who are already actually engaged in educating the Indians, and who may desire the co-operation of the Government, will report to the Department of War, to be laid before the President, the location of the institutions under their superintendence, their funds, the number and kind of teachers, the number of youths of both sexes, the objects which are actually embraced in their plan of education, and the extent of the aid which they require; and such institutions as are formed, but have not gone into actual operation, will report the extent of their funds, the places at which they intend to make their establishments, the whole number of youths of both sexes which they intend to educate, the number and kind of teachers to be employed, the plan of education adopted, and the extent of the aid required.

This information will be necessary to enable the President to determine whether the appropriation of Congress ought to be applied in co-operation with the institutions which may request it, and to make a just distribution of the sum appropriated.

In proportion to the means of the Government, co-operation will be extended to such institutions as may be approved, as well in erecting necessary buildings, as in their current expenses.

I have the honor to be your most obedient servant,

J. C. CALHOUN.

16th CONGRESS.]

No. 163.

[1st SESSION.]

TRADE AND INTERCOURSE.

COMMUNICATED TO THE SENATE, FEBRUARY 16, 1820.

MR. LEAKE, from the Committee on Indian Affairs, to whom was referred the resolution of the Senate respecting the trade and intercourse with the Indian tribes, made the following report:

The committee have had that subject under consideration, and have discovered that the trade, as it is at present conducted with the Indian tribes, has been productive of serious injuries, as well to the interests of the Indians as to the interests of the United States in their intercourse with them; that, instead of being calculated to aid in the civilization, and add to the comfort and happiness of that unfortunate portion of the human family, and to promote the beneficial influence of the United States over them, the course pursued by those who carry on the Indian trade has in most instances produced the contrary effect, as will be seen by referring to the documents herewith presented, and marked A and B, which have been received in a communication from the Secretary of War, made to the committee at their request, which they beg leave to make a part of this report, and which are as follows:

A.

SIR:

CAMP MISSOURI, MISSOURI RIVER, *October 29, 1819.*

Agreeably to your request, I lay before you my views on the subject of Indian trade on this river, the result of personal observation among the Osage, Kansas, Otoe, Missouri, Iowa, Pawnee, and Maha nations, and what I have collected from persons acquainted with the more remote tribes.

The history of this trade under the Spanish and French colonial governments would be the recital of the expeditions of vagrant hunters and traders, who never ventured up the river beyond a few miles of this place. The return of Captains Lewis and Clarke, and the favorable account they brought with them of the rich furs to be obtained on the upper branches of the Missouri, and the respectful reception which their admirable deportment towards the natives had gained for them, encouraged Manuel Lisa, one of the most enterprising of these traders, to venture up the Missouri with a small trading equipment as far as the Yellow Stone river.

He passed the winter of 1807-'08 at the mouth of the Yellow Stone and Big Horn rivers. It is an act of justice due to the memory of the late Captain Lewis, to state that the Blackfeet Indians (in whose vicinity Lisa now lives) were so convinced of the propriety of his conduct in the rencounter which took place between him and

a party of their people, in which two of them were killed, that they did not consider it as cause of war or hostility on their part: this is proved, inasmuch as the first party of Lisa's men that were met by the Blackfeet were treated civilly. This circumstance induced Lisa to despatch one of his men (Coulter) to the forks of the Missouri, to endeavor to find the Blackfeet nation, and bring them to his establishment to trade. This messenger unfortunately fell in with a party of the Crow nation, with whom he staid several days. While with them, they were attacked by their enemies the Blackfeet. Coulter, in self-defence, took part with the Crows. He distinguished himself very much in the combat; and the Blackfeet were defeated, having plainly observed a white man fighting in the ranks of their enemy. Coulter returned to the trading-house. In traversing the same country, a short time after, in company with another man, a party of the Blackfeet attempted to stop them, without, however, evincing any hostile intentions; a rencounter ensued, in which the companion of Coulter and two Indians were killed, and Coulter made his escape. The next time whites were met by the Blackfeet, the latter attacked without any parley. Thus originated the hostility which has prevented American traders from penetrating the fur country of the Missouri. Lisa returned in 1808 to St. Louis, and in 1809 the Missouri Fur Company was formed. The objects of this company appear to have been to monopolize the trade among the lower tribes of the Missouri, who understand the art of trapping, and to send a large party to the head waters of the Missouri river capable of defending and trapping beaver themselves. To the latter object, however, the attention of the company was more particularly directed. In the spring of 1809, the principal partners of this company ascended the Missouri at the head of about 150 men. They left small trading establishments at the Arickara, Mandan, and Gros Ventres villages, and the main body of the party wintered in 1809-'10 at the old trading position of Manuel Lisa, at the junction of the Yellow Stone and Big Horn rivers. In the spring of 1810, they proceeded to the Three Forks of the Missouri, where they erected a fort, and commenced trapping. They had every prospect of being successful, until their operations were interrupted by the hostility of the Blackfeet Indians. With these people they had several very severe conflicts, in which upwards of 30 of their men were killed; and the whole party were finally compelled to leave that part of the country. They proceeded in a southwardly direction, crossed the mountains near the source of the Yellow Stone river, and wintered in 1810-'11 on the waters of the Columbia. At this position they suffered much for provisions, and were compelled to live for some months entirely upon their horses. The party by this time had become dispirited, and began to separate: some returned into the United States by the way of the Missouri, and others made their way south, into the Spanish settlements, by the way of the Rio del Norte. The company languished through 1812, 1813, and 1814, and finally expired. Equally unfortunate, in a commercial point of view, was another company, which embarked the year preceding the one I have described, having in view the same objects. It left St. Louis in 1808, headed by two traders, Messrs. McClinnon and Crooks, and consisted of near eighty men. They met returning, near this place, the boat sent by the United States to carry back the Mandan chief brought into this country by Captains Lewis and Clarke. You undoubtedly recollect that this boat was attacked by the Arickaras, and compelled to make a precipitate retreat. This act of hostility discouraged Messrs. McClinnon and Crooks, and they thought it prudent to decline going on. Encouraged, however, by the attempt of the Missouri Fur Company, they followed their boats in the spring of 1809. They were met, however, by the Sconi band of the Sioux, who refused to permit them to pass, and compelled them to remain among them. By affecting to submit, and commencing to erect houses, the Indians were thrown off their guard; and the party, taking advantage of their absence on a hunting excursion, embarked with their goods, and descended the river to the Ottoo village, where they passed the winter of 1809-'10. They have always attributed their detention by the Sioux to the Missouri Fur Company, or some of its members, who, to procure themselves a passage, informed the Sioux that the boat coming up was intended to trade, and that they must not permit her to pass. Considering the character of Indian traders, when in competition, the fact is very far from being improbable. In 1811, the views of these traders appear to have changed: they added to their association Mr. Wilson P. Hunt, and appear to have acted under the direction of Mr. Astor, of New York. They ascended the river again in 1811, and reached the mouth of the Columbia; but they carried no goods, nor made any attempts to trade or trap on the Missouri: whatever might have been their intentions, they were probably frustrated by the war of 1812. The dissolution of the Missouri Fur Company, the disaster that befel the United States' boat, and the difficulties encountered by Messrs. McClinnon and Crooks, extinguished the spirit of enterprise that had promised to carry our trade into the valuable fur country of the Missouri. Since that period, two companies have been formed, both of which dissolved unsuccessfully; and a third is now in operation, independent of several individual traders; but no attempts have since been made to carry on trade beyond the Arickaras; nor, in fact, do traders often venture beyond the upper band of the Sioux.

The following statement exhibits the trade of this river, viz:

The company consists of Messrs. Lisa, Pilcher, Perkins, Wood, Carson, Williams, and Tenonee. They bought out the company of 1817 and 1818 for \$10,000, and bought about \$7,000 worth of goods. They trade with the Ottoes, Missouriias, Ioways, the Mahas, Pawnees, Piankeshaws, and Sioux; their principal trading establishment is near this place; capital	\$17,000
Seres and Francis Chouteau trade with the Kansas and Osage nations. They have a trading-house not far from the mouth of the river Kansas, and their capital is about	\$4,000
Legarc, Chouteau, and Brothers, trade with the Osage and Kansas nations, near their village on the Osage river; their capital	\$6,000
The United States factory also trade with the Osages and Kansas. This factory is at Fort Osage. Roberdeau and Pepin, in partnership with Chouteau and Butholl, of St. Louis, trade with the Ottoes, Ioways, Missouriias, Pawnees, Mahas, Piankeshaws, and Sioux. Their principal establishment is at Nshanotollona; capital	\$12,000
Pratt and Vasquer trade with the same nations. Their principal establishment is near the Mahas village; capital	\$7,000
Broseau and De Lorion trade occasionally with the Sioux and Arickaras: they do not trade this year; capital	\$7,000

It is evident, from this statement, that the trade is of little importance in a pecuniary point of view, and that various individuals having opposite interests trade with the same Indians. These traders are continually endeavoring to lessen each other in the eyes of the Indians, not only by abusive words, but by all sorts of low tricks and manœuvres. If a trader trusts an Indian, his opponent uses all his endeavors to purchase the furs he may take, or prevent in any way his being paid. Each trader supports his favorite chief, which produces not only intestine commotions and divisions in the tribe, but destroys the influence of the principal chief, who should always be under the control of the Government. The introduction of ardent spirits is one of the unhappy consequences of this opposition among traders. So violent is the attachment of Indians for it, that he who gives most is sure to obtain furs; while, should any one attempt to trade without it, he is sure of losing ground with his antagonist; no bargain is ever concluded without it, and the law on that subject is evaded by their saying they give, not sell it. The traders

being afraid to trust the Indians, they cannot make distant hunts: this, and their attachment to whiskey, induce them to hang about in the vicinities of trading establishments. As they take furs, they sell them for whiskey; the consequence is, that but few furs are taken, as much of the hunting season is lost in intoxication and indolence. The Indians witnessing the efforts of these people to cheat and injure each other, and knowing no other or no more important white men, they readily imbibe the idea that all white men are alike bad. The imposing appearance of arms and equipments of white men, and the novelty and convenience of their merchandise, had impressed the Indians with a high idea of their power and importance; but the avidity with which beaver skins are sought after, the tricks and wrangling made use of, and the degradation submitted to in obtaining them, have induced a belief that the whites cannot exist without them, and made a great change in their opinion of our importance, our justice, and our power.

Under the plea of trading with the Indians, white trappers and hunters obtain a footing in their country. The old man and his son whipped and robbed this summer by the Pawnees, and the three men killed about the same time by the Sioux, were persons of this description; the trouble these sorts of transactions may occasion the Government cannot be readily calculated. It will illustrate what I have said to narrate what happened on my visit to the Maha nation, from which I yesterday returned. The nation were preparing to start on their winter hunt, and endeavoring to obtain guns, powder, and lead, to subsist themselves while trapping: they complained bitterly that they could not procure enough of these articles; the traders were afraid to trust them; there were two traders in the camp, both jealous and apprehensive of each other; (in conversation with the Indians, they invariably abused the traders, and the traders abused each other.) The tribe separated into small hunting bands, very much dissatisfied, and the traders would send round occasionally to their hands to purchase their furs. A keg of whiskey was considered an indispensable equipment for such an undertaking. I had found, on my arrival, most of the principal men drunk. The Big Elk, who is so much our friend, and who formerly possessed unlimited power in his nation, was so drunk for two days that I could not deliver your letter to him; when I gave it, I requested the interpreter to inform him that I had been two days waiting to deliver a letter from you, but that, very much to my surprise, I had found him too drunk to transact business. He appeared affected at what I said, acknowledged how unworthy it was in him to be in that situation, and admitted he had lost much power by it. He blamed the whites for bringing liquor into the country; said that when he knew it was not to be had, he felt no inclination for it; but that when it was near and attainable, his attachment for it was irresistible. Besides, said he, your traders come among my nation, give metals, and make chiefs of every man who can obtain a party to trap beaver. It is the ambition of these chiefs that opposes me and makes me powerless. I know there are Mahas now alive as brave and as wise as I am. It was fortune or chance that placed me at the head of the nation, and I cannot control my tribe while the whites assist those who oppose me. Thus is the influence of this valuable and sensible Indian lost to his tribe and the Government, and thus is a man who possesses some traits that do honor to human nature debased and made a beast of; he had not influence enough to lead a hunting band. By the establishment of military posts, the Government expect to secure the trade to American citizens, to obtain such an ascendancy over them as will secure their assistance or prevent their being employed against us, and thereby to civilize them. The facility with which any man may become nominally a citizen of the United States gives but little advantage to those who have really claims to that character; and I appeal to your personal knowledge of the present traders to say if they are likely to instil among the Indians favorable opinions of the Government, or if the establishment of an isolated military post among the Indians is likely to obtain such an ascendancy over them as will secure their assistance, or prevent their being employed against us, while the real influence is in the hands of the description of men who now trade on the Missouri. Those traders who reside near the military posts, or who are willing to lend their influence to the Government, will be the objects of jealousy to their rivals, whose establishments may be farther off. The readiest way of destroying the trade of their rival will be to create such disturbances between the tribe and the troops as will prevent the Indians frequenting the post. This is not an imaginary apprehension. Recollect that our difficulty last year with the Kansas nation arose from the intrigues of a trader, who, finding that the Kansas were trading at an establishment near the cantonment, induced some of their young men to commit such outrages, (stopping our men, whipping them, &c.) as had nearly produced a war, and which ended in whipping the Indians and expelling them from camp. The fact cannot be legally proved, but I sincerely believe it.

The impossibility of civilizing the Indians, when exposed to the temptations and delusions of interested traders, needs no comment.

The establishment of a company capable of monopolizing the trade would be attended in this country with innumerable difficulties. I will not detail them, but submit with great deference to your better judgment my own opinion. Let the Government take the trade into their own hands; let their agents be honest, capable, and zealous; let their factories be established, not only where the troops may be stationed, but at all points convenient for trading with the Indians; let certain prices be fixed, and let the compensation of the factors depend upon the value of the furs they obtain; and let their accounts be rigidly inspected.

The Indians would then be completely within the influence of the Government; there would then be no difficulty in giving credit; because, if the Indian did not pay, he would find no one else to trust him; neither would it be necessary to debauch the Indians with whiskey. With credits to obtain the means of subsistence, and without the incitement of whiskey to indolence, they would make more furs than when surrounded by a host of traders.

In short, sir, to my humble judgment, it appears that in the present state of affairs, at an enormous expense, we obtain nothing. By placing the trade in the hands of the Government, we can, without the expense of one cent, obtain every thing they appear to desire.

With sentiments of the greatest respect and esteem, your obedient servant,

THOMAS BIDDLE.

To Col. H. ATKINSON, *Commanding 9th Military Department.*

Extract of a letter from Colonel Henry Atkinson to the Secretary of War, dated

St. Louis, November 23, 1819.

I have no doubt, however, but all the posts can be established, and the objects of Government attained, without hostility with the Indians, should the Indian trade be properly regulated by law. But, under the present system, which is miserably defective, and most shamefully abused by the traders, much trouble and difficulty may be apprehended.

B.

Sr. Louis, November 26, 1819.

SIR:

I take the liberty of submitting to you a report made by Major Biddle, of whom I required a particular attention to Indian affairs whilst prosecuting the expedition up the Missouri in the summer and autumn. His opportunities were such as to enable him to form a very correct idea of the manner the Indian trade has been carried on, and of the character of those engaged in it. Much has fallen under my own observation, and agrees with his statements.

The conduct of the traders, generally, tends more to distract and corrupt the Indians than to effect the objects contemplated by the laws establishing the intercourse. Instead of carrying on a liberal, open, and fair trade with the Indians, and impressing them with a proper sense and respect for the character and views of Government, every thing is made to bend to an underhand, backbiting policy. Each trader endeavors to impress the Indians with a belief that all other traders have no object but to cheat and deceive them, and that Government intend taking away their lands by sending troops into their country. Hence the jealousy and distrust of the Indians towards Government, and the bad opinion they have of the whites for truth and honesty. So illiberal are the traders in their conduct towards each other, that, when one of them gives a credit to a tribe to enable it to send out hunting and trapping parties, another despatches an agent, or agents, with a supply of goods and whiskey to dog the parties on their excursions, and, by the lure of a little whiskey and some trifling articles, rob them of their peltries and furs as soon as they are taken from the animal's back, and the just creditor of his pay. This sort of conduct has very injurious consequences; for, as it is so generally practised, every trader is afraid to give such credits as are necessary to enable the Indians to provide such articles as their women and children stand in need of; and the dogging gentry leave little or nothing in their hands at the end of their hunts to purchase with. However, notwithstanding the arts and wiles practised by the traders on the Indians, they have unbounded influence over them; for trade is the strong cord by which they are all bound. Withhold their trade, and you bring them to any terms; afford it, and you make them do any thing. If this be the fact, (and I assure you it is,) is it just or proper that the influence over the Indians should be left in such corrupt hands? Their friendship, at no time, while this state of things exists, can be calculated on. It appears to be an easy matter for Congress to remedy the evil; and it would seem that they will, if they can believe those who are personally acquainted with the facts. To do it, all intercourse by individual traders with the Indians should be prohibited; and let Government take the whole trade into their own hands, or confide it to a single company with a sufficient capital. The first, in my opinion, would be preferable, as all the influence desirable might be acquired by Government over the Indians. Besides, if the factories were well managed, the profits arising from them would, probably, defray all the expenses of the military that might be necessary to establish the posts and protect the trade in the Indian country. If the latter should be thought preferable, the individuals of a single company, having but one interest, would find their account in impressing the Indians with a proper regard and respect for the character and views of Government.

The foregoing subject being so intimately connected with your views relative to the Missouri expedition, and deeming a change in the system so essential to the interests and views of Government in that quarter, I have thought proper to order Major Biddle to report in person to you, for the purpose of giving any further information on the subject that might be thought necessary.

With the greatest respect, I have the honor to be your most obedient servant,

H. ATKINSON, *Col. 6th Inf. com'g 9th Mil. Dep.*

Hon. JOHN C. CALHOUN, *Secretary of War.*

To remedy the evils detailed in those documents, the committee herewith report a bill.

But the committee are sensible that the provisions of this bill are calculated only for the trade of those tribes of Indians in our immediate neighborhood which may with safety and advantage be opened to individual enterprise, and, with a vigilant administration, will produce results equally salutary to the Indians and ourselves.

But the committee conceive that those provisions are insufficient for the successful prosecution of our trade with the numerous Indian tribes who occupy the vast region extending to the Pacific ocean. It will require a system of much greater energy to effect the great objects which ought to be pursued through it. The committee, therefore, beg leave to reserve to themselves the privilege of reporting more fully hereafter on this subject.

[NOTE.—See Nos. 157, 158, 165.]

16th CONGRESS.]

No. 164.

[1st SESSION.]

EXTINGUISHMENT OF THE INDIAN TITLE TO LAND IN GEORGIA.

COMMUNICATED TO THE SENATE, MARCH 20, 1820.

To the Senate of the United States:

WASHINGTON, March 17, 1820.

It being stipulated by the fourth article of the articles of agreement and cession entered into on the 24th of April, 1802, with the State of Georgia, that the United States should, at their own expense, extinguish for the use of that State, as soon as it might be done on reasonable terms, the Indian title to all lands within its limits; and the Legislature of Georgia being desirous of making a further acquisition of said lands at this time, presuming that it may be done on reasonable terms; and it being, also, represented that property of considerable value had been taken by the Creek and Cherokee Indians from citizens of Georgia, the restoration of which had been provided for by different treaties, but which has never been made: it is proposed to hold a treaty with those nations, and more particularly with the Creeks, in the course of this summer, for the attainment of these objects. I submit the subject to the consideration of Congress, that a sum adequate to the expense attending such treaty may be appropriated, should Congress deem it expedient.

JAMES MONROE.

16th CONGRESS.]

No. 165.

[1st Session.

TRADE AND INTERCOURSE.

COMMUNICATED TO THE SENATE, ON THE 5TH OF APRIL, 1820.

Mr. LEAKE, from the Committee on Indian Affairs, who were "instructed to inquire into the expediency of providing for the abolition of the system of Indian trade established by a law of the 2d of March, 1811, which has been continued in force until the 3d of March, 1821, and for the disposition of the goods and property of the United States, and for the payment of the proceeds thereof, and of the funds vested in this trade, into the treasury," made the following report:

That, from the year 1775 to August, 1786, our Indian relations were regulated by the agencies of commissioners, who executed, under the direction of the Congress, such arrangements as were from time to time deemed best by that body to be adopted, and pursued such a course of policy as was thought best calculated to promote the peace of the frontiers and the welfare of the Indians. The Indians, under the first system, were divided into three departments—the northern, middle, and southern. Five commissioners were appointed for the southern department, and two for the middle and northern.

Among the first arrangements which your committee find to have been adopted, were those which embraced a system of trade with the Indians; and the privilege of prosecuting it was confined to those who should first provide a license from one or more of the commissioners of each respective department; and no person was permitted to trade, *except at such posts and places* as the commissioners for each department should respectively appoint. On the 29th of April, 1776, it was resolved by the Congress that no traders ought to go into the Indian country without license from the agent in the department, and that care be taken by him to prevent exorbitant prices for goods being exacted from the Indians. Measures were adopted, also, in the same year, though on a limited scale, for the introduction amongst some of the tribes of civilization and Christianity; and the acts of those earlier times are characterized with kindness and a solicitude for the welfare of the Indians.

On the 7th of August, 1786, the Congress passed an ordinance for the regulation of Indian affairs, when the Indian department was divided into *two* districts—the northern and southern; to each of which was attached a superintendent. It was made the duty of these two superintendents to attend to the execution of such regulations as the Congress should from time to time adopt; to correspond with each other, and with the Secretary of War, in all matters relating to these trusts.

Under this ordinance, none but citizens of the United States were suffered to reside among the Indian nations, or were allowed to trade with any nation of Indians within the territory of the United States. No person, citizen or other, under the penalty of \$500, was permitted to reside among or trade with any Indian or Indian nation, within the territory of the United States, without a license for that purpose first obtained from the superintendent of the district, or one of his deputies. No person could entitle himself to a license who should not first produce a certificate from the Supreme Executive of one of the States, under the seal of the State, certifying to the applicant's good moral character, and that he was *suitably* qualified and provided for the employment of trader; for which license he was to pay to the superintendent, for the use of the United States, \$50. The term of a license was not to exceed one year. No person obtained a license under this ordinance without first giving bond in \$3,000 for his adherence to and observance of such rules and regulations for the government of the trade as the Congress might from time to time adopt.

It would appear that, notwithstanding all this precaution, the systems were not suited to the humane designs of the Government. The plan of holding intercourse with the Indian tribes by the agency of private traders, notwithstanding the regulations with which it was attempted to control them, was unsuited to the promotion of those relations which it was, and is yet, so desirable to sustain with the aborigines of our country—a people over whose welfare the Government should feel itself particularly bound to exercise the most liberal and parent-like agency. Hence, in 1796, an act was passed under which the existing system of the United States trade and intercourse was organized, and an appropriation of \$150,000 was made to carry it into effect. This system provides for the supplying the Indians with all necessary and useful articles at such rates as shall preserve the capital from diminution. This act also provides an additional sum of \$8,000 annually, for the payment of agents and clerks, denominated factors and assistant factors, &c. In 1806, a superintendent of Indian trade was authorized to be appointed, and the capital increased to \$260,000, and the sum of \$13,000 was annually appropriated for the payment of the superintendent, factors, &c. In the year 1811, the capital was increased to \$300,000, and \$19,250 was annually appropriated for the payment of the superintendent, factors, &c.

From a report made by the superintendent of Indian trade to the Committee on Indian Affairs in the House of Representatives on the 7th of January last, it appears that, of the \$300,000 appropriated in the year 1811, not more than \$290,000 has been drawn from the treasury; from which it is proper to deduct \$10,000 on account of debts contracted by the Indians in their intercourse with the factory then at Fort Wilkinson, and which was secured to the United States by the treaty of Fort Wilkinson, but has not as yet been paid over to the office of superintendent; also, \$43,369 61 for property destroyed by the enemy during the late war. This would reduce the capital actually employed in the Indian trade to \$236,630 39. The gain appears to be the difference between this amount and \$308,855 45, which is \$72,225 06.

The several acts now in force require that the factors and assistant factors shall engage in their duties upon fixed salaries, and be debarred from the prosecution of any trade, directly or indirectly, except on the public account, under bond and security, and an oath of office. They also require that semi-annual returns be made of all the transactions of each factory, respectively, to the Secretary of the Treasury, and duplicate accounts to be rendered quarter-yearly; one copy to be sent to the Secretary of the Treasury, and the other to be sent to the superintendent of Indian trade.

It appears, therefore, that this system is as little liable to abuse as any system could be which is conducted by public agents and carried on upon the public account. And, notwithstanding the losses occasioned by the enemy in the late war, and the great embarrassment under which this trade has labored, occasioned by the opposing influence of a great many unprincipled private traders, it has still sustained itself, unless it be proper to tax the trade with the annual disbursements made out of the specific annual appropriation for the pay of the superintendent and agents attached to the factory system. Your committee do not conceive it was intended to be so; for, whether the factory system be abolished or not, agents must still be employed and paid, in order to keep up a friendly intercourse with the Indians, and to carry into effect that policy which the United States have so long since adopted for the benevo-

lent purpose of civilizing the Indians, and relieving their wants, and rendering their condition more comfortable, by directing their attention to agriculture and domestic manufactures.

Notwithstanding the situation of the Indians upon our borders has been greatly ameliorated by the present system, yet, owing to the imperfection of the mode of granting licenses to private traders, the beneficial effects of the system have not been so extensive as they might have been had the mode of granting those licenses been better regulated. With a view to this end, your committee prepared and presented a bill for the better regulation of the private intercourse with the Indians, which bill has passed the Senate, and is now before the House of Representatives. Should this bill eventually become a law, it is believed that the trade with the Indians will be placed on a footing better calculated to promote the benevolent intentions of the Government towards the Indians than any other system which is likely to be effected, inasmuch as it will be in the power of the President of the United States to confine the licenses to those only who can procure recommendations, from sources entitled to the highest credit, of their good moral conduct, of their suitable qualifications, and of their ability to carry on a trade calculated to supply the wants of the Indians, and render their situation more comfortable. And the power to revoke the license of such traders as shall not conform to the regulations prescribed by the President gives to the Government such an entire control over the trade carried on by private traders as to make it subservient to the views of the Government in promoting harmony and tranquillity among the Indians, and gradually improving them in the arts of civilization; and, at the same time, preventing collisions between the traders themselves, as well as between them and the factories of the United States; and, above all, to prevent the introduction of ardent spirits among the Indians.

The evils resulting from selling or giving whiskey to the Indians are incalculable. A reference to the documents contained in a report which your committee recently made to the Senate, on the subject of Indian affairs, furnishes abundant evidence of this lamentable fact.

Adopting the experience of the past, relying on the beneficial effects which it is believed will result from the contemplated law just alluded to, and judging from the nature of the factory system, your committee are of opinion that it ought not now to be abandoned. It was commenced, and has been continued, from motives both of prudence and humanity; and though it may not have fully realized the expectations of its friends, it has no doubt produced beneficial effects. If wars have not been entirely prevented by it, they probably, without it, would have been more frequent; and if the Indians have made but little advances in civilization, they probably, without it, would have made less. If greater effects have not resulted, it is to be attributed not to a want of dependence on the part of the Indians on commercial supplies, but to defects in our system of intercourse with them. Scarcely any attempts have been made till lately to exclude foreigners; and the granting licenses has not been subject to those checks which are necessary to give it the most salutary effects. Your committee, therefore, beg leave to recommend the following resolution:

Resolved, That it is inexpedient to abolish the present system of Indian trade as it is now established by law.

[NOTE.—See Nos. 157, 158, 163.]

16th CONGRESS.]

No. 166.

[1st Session.]

CLAIM OF THE STOCKBRIDGE INDIANS.

COMMUNICATED TO THE SENATE, APRIL 13, 1820.

Mr. LEAKE, from the committee to whom was referred the bill entitled "An act for the relief of Jacob Konkopot and others, of the nation of Stockbridge Indians, residing in the State of New York," made the following report:

That the petitioners state that, in the year 1813, in consequence of an invitation from the Secretary of War, accompanied with a promise that they should be fed, paid, and supplied as the troops of the United States, they entered into the service of the United States some time in September of that year, and served about two months under the command of General Wilkinson; that they have never received any compensation for said service, except forty dollars; they, therefore, pray relief.

The evidence in support of this claim is a contract entered into between J. W. Jacobs, on the part of the petitioners, and General Wilkinson, on the part of the United States, by which it was stipulated that the petitioners, consisting of John W. Jacobs, who was made captain, Jacob Konkopot, lieutenant, and thirty-five warriors, should serve in the army of the United States for the term of two months.

In consideration of which, the said Captain John W. Jacobs was to receive thirty dollars per month, Lieutenant Jacob Konkopot was to receive twenty, and each of the other thirty-five Indians was to receive eight dollars per month; exclusive of which, they were to be furnished with certain articles of clothing mentioned in the said contract, which contract is signed by John W. Jacobs and Jacob Konkopot only, and attested by Major R. C. Nicholas, 12th regiment infantry, and H. Lee, jun. In addition to this contract, there is an affidavit of Jacob Konkopot, one of the petitioners, which states that the petitioners served, agreeably to their contract, from the 30th of September till about the 30th of November, 1813, and for which they have received no consideration except the sum of forty dollars. This affidavit further states that all the papers that have been in his possession, in relation to this transaction, have been sent to the War Office.

Your committee discover, from a letter written by the Secretary of War to the chairman of the Committee of Claims in the House of Representatives, to whom this petition was then referred, that the contract made with General Wilkinson is the only document ever sent to that office; no muster-roll or other voucher of any kind is there to be found; and the contract which is alleged to have been made between the petitioners and General Wilkinson is not signed by General Wilkinson, but only has the signature of two of the petitioners, and is not authenticated in any manner whatever; so that it may be fairly said that there is no evidence that the service was actually rendered, except the affidavit of Jacob Konkopot, one of the petitioners.

But, as Indians are ignorant of the rules of proceedings in entering and leaving the army, it may be fairly presumed that they were not mustered either into or out of the service; and that, as soon as they had served the time agreed on, they left the army without the performance of these ceremonies; and, as the bill which has been referred to your committee only authorizes the Secretary of War to ascertain and settle, upon the principles of justice and equity, the claim of the petitioners, your committee, therefore, recommend its passage.

16th CONGRESS.]

No. 167.

[1st SESSION.

TRANSACTIONS AT THE INDIAN TRADING-HOUSES SINCE THE PEACE IN 1815.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 13, 1820.

SIR:

DEPARTMENT OF WAR, *April 12, 1820.*

Pursuant to a resolution of the House of Representatives of the 25th ultimo, directing the Secretary of War to transmit to the House "a statement showing the amount and costs (including transportation and other charges) of the goods furnished annually to each factory, or Indian trading-house, since the peace of 1815; specifying, also, the kind and quantity of furs, peltries, or other property, annually received since that period at each factory; also, the amount of the sales of such furs, peltries, or other property; and the balance, if any, now due from such sales to the Government," I have the honor to transmit, herewith, a report of the superintendent of Indian trade, which contains the information required.

I have the honor to be your most obedient servant,

J. C. CALHOUN.

Hon. HENRY CLAY, *Speaker of the House of Representatives U. S.*

SIR:

OFFICE OF INDIAN TRADE, GEORGETOWN, *April 7, 1820.*

I have the honor, in compliance with your request of the 27th ultimo, herewith to furnish you with a statement embracing all the information called for by a resolution of the House of Representatives of the 25th ultimo.

Very respectfully, I have the honor to be your obedient servant,

THO. L. MCKENNEY, *Superintendent of Indian Trade.*

Hon. J. C. CALHOUN.

16th Congress.]

No. 168.

[2d Session.

EXPENDITURES FOR THE INDIAN DEPARTMENT SINCE THE DECLARATION OF INDEPENDENCE.

COMMUNICATED TO THE SENATE, DECEMBER 7, 1820.

SIR:

TREASURY DEPARTMENT, *December 5, 1820.*

In obedience to a resolution of the Senate of the 3d of April, 1820, directing that the Secretary of the Treasury "cause to be prepared and laid before the Senate, at the commencement of the next session of Congress, a statement of the money expended in each year since the declaration of independence, in holding conferences and making treaties with the Indian tribes; specifying grants and presents, whether in money or goods; annuities paid and now payable to the Indian tribes; the money annually appropriated and paid for the Indian trade, including the sums allowed for salaries and allowances to superintendents, clerks, factors, commissioners, agents, interpreters, and all other persons employed under the authority of the United States in the negotiations and intercourse with the Indian tribes," I have the honor to submit the enclosed letter and statements from the Register of the Treasury, which contain the information required by the resolution.

I remain, with respect, your most obedient servant,

WM. H. CRAWFORD.

The Hon. JOHN GALLARD, *President of the Senate pro tem.*

SIR:

TREASURY DEPARTMENT, REGISTER'S OFFICE, *December 4, 1820.*

Agreeably to your instructions for the purpose of furnishing documents in relation to the expenditures in the Indian Department, I have the honor to transmit the following statements in relation to the appropriations by law, and the payments of moneys from the treasury, and their subsequent application.

No. 1 is a statement of the expenditures, reduced to a value in specie money, which had been paid in the several currencies, subject to a depreciated value, from the declaration of independence to the 4th March, 1789, - - - - -	\$580,103 41
No. 2 is a statement of the payments made at the Treasury, under the head of Indian treaties, from the 4th March, 1789, to the 31st December, 1819, - - - - -	1,458,601 37
No. 3 is a statement of the payments made at the Treasury, through the medium of the War Department, selected from the appropriations made under the general head of "military establishment," amounting to - - - - -	3,341,803 71
No. 4 is a statement of the payments made at the Treasury from the appropriations on account of trading-houses with the Indian tribes, - - - - -	540,673 14
Total amount being - - - - -	\$5,921,181 63

The application thereof, as far as the preserved records admit, is referred to in the statement No. 5, under the following heads, viz:

1. Incidental expenses attending the intercourse with the different tribes of Indians; purchase of implements of husbandry, stock, &c.; expenses attending their visits to the seat of Government, &c. - - - - -	\$1,969,485 58
2. Pay and expenses of commissioners holding conferences and making treaties, pay of their secretaries, interpreters, &c. - - - - -	547,690 98
3. Pay of agents, factors, clerks, superintendents, interpreters, &c. - - - - -	556,232 43
4. Presents in money, - - - - -	192,251 92
Presents in goods, - - - - -	904,098 36
5. Annuities which became payable in each year, agreeably to treaties (as per schedule A,) to December 31, 1819, - - - - -	1,233,850 00
6. Pay of commissioners, surveyors, interpreters, and others engaged in surveying and fixing boundary lines, and expenses incidental thereto, - - - - -	74,497 36
7. Trade fund, - - - - -	290,000 00
	5,768,106 63
Add estimated amount of advances on account of treaties, &c. accounted for in 1820, being the amount of annuities now payable to the Indian tribes, - - - - -	153,075 00
Amounting to - - - - -	\$5,921,181 63

I beg leave also to refer to statement No. 6, exhibiting the receipts and expenditures of moneys in the trade carried on with the Indians under the direction of the superintendents appointed under the acts for establishing trading-houses with the Indian tribes.

I have the honor to be, sir, with great respect, your most obedient servant,

JOSEPH NOURSE, *Register.*Hon. WILLIAM H. CRAWFORD, *Secretary of the Treasury.*

No. 1.

Statement of appropriations and expenditures on account of the Indian Department, from the declaration of independence to the 4th March, 1789, collected from the books of the Treasury in relation to the accounts of the revolutionary Government; furnished in pursuance of a resolution of the Senate of the 3d April, 1820.

Appropriations.	Amount.	Expenditures.	On account of treaties.	Goods.	Total.
1776 - -	261,783 44	1776 - -	42,928 64	218,854 80	261,783 44
1777 - -	107,929 15	1777 - -	57,622 29	50,306 86	107,929 15
1778 - -	55,082 11	1778 - -	10,322 11	44,760 00	55,082 11
1779 - -	3,520 47	1779 - -	3,326 45	194 02	3,520 47
1780 - -	3,409 20	1780 - -	2,337 79	1,071 41	3,409 20
1781 - -	2,836 05	1781 - -	2,195 60	640 45	2,836 05
1782 - -	10,267 05	1782 - -	905 00	9,362 05	10,267 05
1783 - -	5,608 57	1783 - -	1,718 00	3,890 57	5,608 57
1784 - -	19,402 37	1784 - -	4,534 48	14,867 89	19,402 37
1785 - -	43,249 56	1785 - -	8,738 88	34,510 68	43,249 56
1786 - -	37,598 23	1786 - -	27,092 85	10,505 38	37,598 23
1787 - -	16,381 74	1787 - -	750 00	15,631 74	16,381 74
1788 - -	4,747 10	1788 - -	4,747 10	-	4,747 10
1789 - -	8,288 37	1789 - -	2,650 10	5,638 27	8,288 37
Total dollars	580,103 41	Total dollars	169,869 29	410,234 12	580,103 41

NOTE.—The foregoing statement has been formed from the preserved records of the revolutionary Government, and is deemed essentially correct. At the commencement of the Revolution, large importations of goods were ordered by Congress to be imported by the Secret Committee of that honorable body, (Journal, page 41, January 27, 1776,) and were to be placed at the disposition of the commissioners of the Northern Department, including Canada, also the commissioners of the Middle Department and the commissioners of the Southern Department. This amount is assumed as an expenditure from the Treasury, because the moneys were advanced to the committee, and expended in the purchase of articles of domestic produce for exportation. Of the actual arrival of the articles, and their distribution by the commissioners who were appointed for the management of Indian affairs, we have not any existing records; it was, however, an object to which the Government of the United States paid great attention, as expressed by their resolution of the 5th of February following: "That a friendly commerce between the people of the United Colonies and the Indians, and the propagation of the Gospel and the cultivation of the civil arts among the latter, may produce many and inestimable advantages to both; and that the commissioners for Indian affairs be desired to consider of proper places in their respective departments for the residence of ministers and schoolmasters."

The annual expenditures subsequently to the year 1777 were comparatively to a small amount, from circumstances incident to the operations of war, whereby the efforts of the Government were overruled. The nominal amount of expenditures is reduced to specie medium by the scale of depreciation.

TREASURY DEPARTMENT, REGISTER'S OFFICE, November 8, 1820.

JOSEPH NOURSE, Register.

No. 2.

Statement of appropriations and expenditures on account of Indian treaties, from March 4, 1789, to Dec. 31, 1819.

Appropriations.	Amount appropriated.	Amount carried to surplus fund.	Balance of appropriation.	Expenditures.	Amount expended.
1789 - -	20,000 00	-	20,000 00	1789 - -	20,000 00
1790 - -	20,000 00	-	20,000 00	1790 - -	7,000 00
1791 - -	-	-	-	1791 - -	-
1792 - -	-	-	-	1792 - -	-
1793 - -	100,000 00	97,607 21	2,392 79	1793 - -	25,088 00
1794 - -	12,942 77	3,247 56	9,695 21	1794 - -	-
1795 - -	-	-	-	1795 - -	-
1796 - -	11,000 00	1,500 00	9,500 00	1796 - -	9,500 00
1797 - -	11,000 00	1,500 00	9,500 00	1797 - -	9,500 00
1798 - -	36,880 00	1,500 00	35,380 00	1798 - -	15,300 00
1799 - -	36,000 00	36,000 00	-	1799 - -	20,080 00
1800 - -	26,000 00	11,000 00	15,000 00	1800 - -	-
1801 - -	11,000 00	11,000 00	-	1801 - -	9,000 00
1802 - -	45,000 00	-	45,000 00	1802 - -	20,000 00
1802 - -	21,000 00	10,000 00	11,000 00	1803 - -	-
1804 - -	41,000 00	-	41,000 00	1804 - -	53,000 00
1805 - -	12,800 00	-	12,800 00	1805 - -	41,000 00
1806 - -	60,825 00	-	60,825 00	1806 - -	-
1807 - -	72,725 00	-	72,725 00	1807 - -	60,825 00
1808 - -	115,575 00	-	115,575 00	1808 - -	70,725 00
1809 - -	53,575 00	-	53,575 00	1809 - -	169,150 00
1810 - -	58,225 00	1,300 00	56,925 00	1810 - -	58,225 00
1811 - -	61,125 00	-	61,125 00	1811 - -	57,725 00
1812 - -	55,975 00	2,600 00	53,375 00	1812 - -	55,975 00
1813 - -	55,475 00	-	55,475 00	1813 - -	55,475 00
1814 - -	54,475 00	-	54,475 00	1814 - -	-
1815 - -	53,975 00	-	53,975 00	1815 - -	111,750 00
1816 - -	84,075 00	-	84,075 00	1816 - -	82,075 00
1817 - -	100,925 00	-	100,925 00	1817 - -	91,276 06
1818 - -	281,575 00	-	281,575 00	1818 - -	230,409 54
1819 - -	213,311 38	-	213,311 38	1819 - -	185,522 77
				Balance unexpended on the 31st Dec. 1819	1,458,601 37
					90,603 01
	\$1,726,459 15	\$177,254 77	\$1,549,204 38		\$1,549,204 38

TREASURY DEPARTMENT, REGISTER'S OFFICE, December 4, 1820.

JOSEPH NOURSE, Register.

No. 3.

Statement of appropriations and expenditures on account of the Indian Department, included in the Military Establishment, from the 4th of March, 1789, to the 31st of December, 1819.

Appropriations.	Amount appropriated.	Amount carried to surplus fund.	Balance of appropriations.	Expenditures.	Amount expended.
1792	39,424 71	-	39,424 71	1792	39,424 71
1793	50,000 00	-	50,000 00	1793	50,000 00
1794	50,000 00	-	50,000 00	1794	50,000 00
1795	80,000 00	-	80,000 00	1795	80,000 00
1796	60,000 00	-	60,000 00	1796	60,000 00
1797	90,000 00	-	90,000 00	1797	90,000 00
1798	71,000 00	-	71,000 00	1798	71,000 00
1799	51,500 00	-	51,500 00	1799	51,500 00
1800	34,000 00	-	34,000 00	1800	34,000 00
1801	72,000 00	-	72,000 00	1801	72,000 00
1802	76,750 00	-	76,750 00	1802	57,000 00
1803	53,750 00	13,500 00	40,250 00	1803	60,000 00
1804	89,000 00	-	89,000 00	1804	63,500 00
1805	92,600 00	-	92,600 00	1805	55,500 00
1806	96,600 00	-	96,600 00	1806	159,200 00
1807	100,600 00	-	100,600 00	1807	100,600 00
1808	140,600 00	-	140,600 00	1808	140,600 00
1809	125,600 00	-	125,600 00	1809	125,000 00
1810	146,600 00	-	146,600 00	1810	95,600 00
1811	146,500 00	-	146,500 00	1811	90,000 00
1812	184,500 00	-	184,500 00	1812	205,000 00
1813	164,500 00	-	164,500 00	1813	95,000 00
1814	214,500 00	-	214,500 00	1814	157,100 00
1815	200,000 00	-	200,000 00	1815	414,500 00
1816	200,000 00	-	200,000 00	1816	175,000 00
1817	215,000 00	-	215,000 00	1817	224,947 58
1818	245,000 00	-	245,000 00	1818	259,819 26
1819	265,279 00	-	265,279 00	1819	265,512 16
	\$3,355,303 71	\$13,500 00	\$3,341,803 71		\$3,341,803 71

TREASURY DEPARTMENT, REGISTER'S OFFICE, December 4, 1820.

JOSEPH NOURSE, Register.

No. 4.

Statement of appropriations and expenditures on account of trading-houses with the Indian tribes, from the 4th March, 1789, to the 31st December, 1819.

Appropriations.	Amount appropriated.	Amount carried to surplus fund.	Balance of appropriation.	Expenditures.	Amount expended.
1795	\$50,000 00	-	\$50,000 00	1795	\$2,000 00
1796	158,000 00	\$118,000 00	40,000 00	1796	58,000 00
1797	8,000 00	8,000 00	-	1797	30,000 00
1798	8,000 00	8,000 00	-	1798	-
1799	110,000 00	110,000 00	-	1799	-
1800	-	-	-	1800	-
1801	-	-	-	1801	-
1802	118,000 00	86,000 00	32,000 00	1802	32,000 00
1803	-	-	-	1803	-
1804	-	-	-	1804	-
1805	129,000 00	-	129,000 00	1805	100,000 00
1806	77,000 00	-	77,000 00	1806	75,000 00
1807	13,000 00	-	13,000 00	1807	44,000 00
1808	12,000 00	-	13,000 00	1808	2,250 00
1809	53,800 00	10,246 16	43,553 84	1809	43,353 84
1810	13,800 00	-	13,800 00	1810	23,800 00
1811	4,325 00	-	4,325 00	1811	4,150 00
1812	30,312 76	-	30,312 76	1812	16,870 00
1813	19,250 00	10,014 62	9,235 38	1813	16,883 28
1814	19,250 00	1,770 65	17,479 35	1814	10,294 86
1815	19,250 00	429 33	18,820 67	1815	4,500 00
1816	19,250 00	42 19	19,207 81	1816	17,437 16
1817	19,250 00	-	19,250 00	1817	18,820 67
1818	19,587 50	-	19,587 50	1818	21,866 98
1819	19,700 00	-	19,700 00	1819	19,446 35
	\$921,775 26	\$352,502 95	\$569,272 31	Balance unexpended on the 31st December, 1819,	\$540,673 14
					28,599 17
					\$569,272 31

STATEMENT No. 4—Continued.

Total amount appropriated, as above, -	\$569,272 31	Appropriated by the tenth section of the act of April 21, 1806, -	\$260,000 00
Deduct so much thereof, which does not form a part of the fund instituted by the act of the 2d March, 1811, -	269,272 31		
Capital, by act of 2d March, 1811, "for establishing trading-houses with the Indian tribes," -	300,000 00	Appropriated by the act of the 3d March, 1809, -	40,000 00
From which deduct this amount, carried to the surplus fund, as per printed public accounts for 1813, -	10,000 00		
Leaves this sum drawn from the treasury, forming the trade fund, per act of 2d March, 1811.	\$290,000 00		

TREASURY DEPARTMENT, REGISTER'S OFFICE, December 4, 1820.

JOSEPH NOURSE, Register.

No. 5.

Abstract statement, formed from the records of the Treasury, and from the documents rendered by the Second and Third Auditors of the Treasury, of the annual expenditures on account of the Indian Department, including the trade fund, from the declaration of independence to the 31st December, 1819.

Years.	Incidental expenses attending the intercourse with diff't tribes of Indians; purchase of imp's of husbandry, stock, &c.; expenses att'dg their visits to seat of Govm't; rations issued to Indians, &c.	Pay and expenses of commissioners conferences and mak'g treaties; pay of secretaries, interpreters, &c.	Pay of ag'ts, factors, clerks, superintendents, interpreters, &c.	Presents in money.	Presents in goods.	Annuities which became payable in each year, agreeably to treaties, as per schedule A.	Pay of commissioners, surveyors, and others eng'd in surveying and fixing bound'y lines, and expenses incidental thereto.	Trade fund.	Total annual expenditures.
1776	\$21,464 32	\$21,464 32	-	-	\$218,854 80	-	-	-	\$261,783 44
1777	28,811 15	28,811 14	-	-	50,306 86	-	-	-	107,929 15
1778	5,161 06	5,161 05	-	-	44,760 00	-	-	-	55,082 11
1779	1,663 23	1,663 22	-	-	194 02	-	-	-	3,520 47
1780	1,168 89	1,168 90	-	-	1,071 41	-	-	-	3,409 20
1781	1,097 80	1,097 80	-	-	640 45	-	-	-	2,836 05
1782	452 50	452 50	-	-	9,362 05	-	-	-	10,267 05
1783	859 00	859 00	-	-	3,890 57	-	-	-	5,608 57
1784	2,267 24	2,267 24	-	-	14,867 89	-	-	-	19,402 37
1785	4,369 44	4,369 44	-	-	34,510 68	-	-	-	43,249 56
1786	13,546 43	13,546 42	-	-	10,505 38	-	-	-	37,598 23
1787	375 00	375 00	-	-	15,631 74	-	-	-	16,381 74
1788	2,373 55	2,373 55	-	-	-	-	-	-	4,747 10
1789	1,325 05	1,325 05	-	-	5,638 27	-	-	-	8,298 37
1790	-	8,998 58	-	-	-	-	-	-	8,998 58
1791	-	8,998 57	-	-	-	\$1,500	-	-	10,498 57
1792	781 18	-	\$416 00	-	96 66	1,500	-	-	2,793 84
1793	5,069 76	1,203 77	4,568 39	750 00	-	3,000	-	-	14,591 92
1794	2,489 83	-	1,438 27	915 00	64 83	3,000	\$3,106 36	-	11,014 29
1795	2,648 38	9,134 18	1,182 86	5,400 00	21,302 39	9,050	-	-	48,717 81
1796	7,842 73	12,408 09	4,467 69	240 00	21,302 39	18,550	-	-	64,810 90
1797	24,767 57	9,358 17	15,392 71	1,232 81	22,735 96	18,550	-	-	92,037 22
1798	6,215 91	9,134 17	1,096 00	170 00	21,302 39	18,550	-	-	56,468 47
1799	11,362 39	1,987 26	3,736 83	700 00	528 64	24,550	-	-	42,865 12
1800	48,679 27	-	2,848 00	20 00	409 88	24,550	-	-	76,507 15
1801	20,317 06	-	6,828 69	100 00	346 80	24,550	7,266 58	-	59,409 13
1802	75,211 98	32,258 61	6,405 73	130 00	6,165 29	24,550	3,849 82	-	148,571 43
1803	12,776 37	4,864 89	13,738 91	446 66	4,664 09	28,550	90 00	-	65,130 92
1804	29,853 93	3,509 11	16,595 07	250 00	8,028 46	29,150	8,530 30	-	95,916 87
1805	73,734 15	47,348 44	47,453 19	3,700 00	17,126 29	30,650	12,811 74	-	232,823 81
1806	48,960 17	34,669 12	30,755 26	10,790 20	23,766 30	54,275	739 79	-	203,955 84
1807	86,352 23	11,044 53	25,209 33	500 00	16,966 33	56,275	3,847 07	-	200,194 49
1808	75,193 56	17,494 26	38,020 96	140 00	3,352 31	58,675	342 88	-	193,218 97
1809	93,122 84	10,669 47	58,933 63	9,429 50	2,940 78	60,175	4,938 20	-	240,209 42
1810	39,103 13	12,930 28	31,730 17	1,406 25	1,587 20	62,425	6,200 09	-	155,382 12
1811	73,138 13	7,777 94	55,557 87	100 00	5,336 99	62,325	132 91	\$290,000	494,368 84
1812	80,949 40	9,875 05	40,589 87	-	6,946 04	59,325	-	-	197,685 36
1813	88,006 44	8,894 03	21,064 29	8,000 00	3,738 85	59,325	-	-	189,028 61
1814	172,704 11	8,881 16	28,967 19	200 00	6,443 39	58,325	-	-	275,520 85
1815	121,077 27	40,044 02	19,583 73	8,147 00	4,363 47	57,825	6,823 92	-	257,864 41
1816	352,156 83	39,540 68	30,228 71	3,600 00	62,258 94	57,825	12,027 99	-	557,638 15
1817	127,381 57	19,134 68	26,522 04	15,634 50	45,915 30	83,025	2,588 36	-	320,201 45
1818	105,018 19	65,685 41	8,775 56	120,250 00	165,611 96	92,825	1,201 35	-	559,367 47
1819	99,636 54	26,911 88	14,125 48	-	20,562 31	150,975	-	-	312,211 21
	\$1,969,485 58	\$547,690 98	\$556,232 43	\$192,251 92	\$904,098 36	\$1,233,850	\$74,497 36	\$290,000	\$5,768,106 63

Add estimated amount of advances on account of Indian treaties, &c., accounted for in 1820, - 153,075 00

5,921,181 63

TREASURY DEPARTMENT, REGISTER'S OFFICE, December 4, 1820.

JOSEPH NOURSE, Register.

Statement of the receipts and expenditures of moneys in the trade carried on with the Indians, under the direction of the superintendents appointed under the acts for establishing trading-houses with the Indian tribes, extracted from their accounts rendered to the 31st of December, 1819.

Years.	RECEIPTS.													Total.
	From the Indian Department, from 1805 to 1819, inclusive.	Trade fund under the acts of April 21, 1806, March 3, 1809, and March 2, 1811.	From the annuity fund.	Am't of Treasury warrants on account of salaries of factors, agents, and clerks.	Am't of cash received from the several factories.	Cash received for furs and peltries sold at Geo'town and New Orleans.	Cash received for damaged merchandise sold.	Cash received for interest on notes.	Am't received from shipm'ts to Amsterdam and Bordeaux.	Surplus of merchandise from one per cent. on account of losses.	Salt-petre borrowed from the War Department.	Difference between the am't received from the Treasury and War Departments and the pay to factors, &c.	Balance of merchandise credited as received from individuals to whom advances had been made.	
1805	-	-	-	\$109,454 30	\$26,783 91	\$679 38	-	-	-	-	-	-	\$792 88	\$137,710 47
1806	-	-	-	55,668 34	39,877 50	6,908 71	-	-	-	-	-	-	5,356 74	107,811 29
1807	-	-	-	15,401 09	18,413 72	16,668 91	-	-	-	-	-	-	-	50,483 72
1808	-	-	-	-	16,264 83	22,105 07	-	-	\$6,192 10	\$1,668 76	-	-	-	46,230 76
1809	-	-	-	-	2,365 06	2,562 87	\$1,931 77	-	-	-	-	-	-	6,859 70
1810	-	-	-	-	16,607 74	25,040 29	-	-	-	-	\$2,005 66	-	-	43,053 69
1811	-	\$290,000 00	-	-	10,481 84	30,742 67	-	-	-	-	-	-	-	331,224 51
1812	-	-	-	12,370 00	8,212 98	80,288 29	-	-	-	-	-	-	-	100,871 27
1813	-	-	-	12,383 28	11,808 24	27,652 65	-	-	-	-	-	-	-	51,844 17
1814	-	-	-	5,794 86	20,421 67	28,127 33	-	-	-	-	-	-	-	54,343 86
1815	-	-	-	-	14,208 92	69,197 87	-	\$972 49	-	-	-	-	-	84,379 28
1816	-	-	\$10,000 00	12,979 35	33,527 17	73,305 52	147 23	300 00	-	-	-	\$12,048 42	6,628 70	148,936 39
1817	-	-	69,515 12	14,320 67	2,629 82	33,099 13	125 47	20 89	-	-	-	-	1,713 34	121,424 44
1818	-	-	123,274 77	17,141 98	5,147 07	29,145 86	248 29	8 61	-	-	-	-	18,858 33	193,824 91
1819	-	-	4,269 96	14,496 35	16,826 81	28,482 95	12 00	40 05	-	593 38	-	-	-	414,057 15
	\$349,335 65	\$290,000 00	\$207,059 85	\$270,010 22	\$242,977 28	\$474,007 50	\$2,464 76	\$1,342 04	\$6,192 10	\$2,262 14	\$2,005 66	\$12,048 42	\$33,349 99	\$1,693,055 61

STATEMENT No. 6—Continued.

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Years.	EXPENDITURES.											
	TREATIES.		Payments from annuity fund.	Merchandise forwarded to the several factories.	First cost of merchandise sold.	Rifles furnished to a rifle company, by order of Gen. W. Smith.	Repairs of factories.	Transportation of furs and peltries.	Contingent expenses.	Salaries of factors and clerks.	Property of the United States at the several factories, and at the seat of Government, on the 1st of July, 1818.	Total.
	Expenses of treaties, presents, &c.	Merchandise furnished.										
1805	-	-	-	\$71,530 95	-	-	-	\$4,685 82	\$3,093 97	-	-	\$79,310 74
1806	\$582 75	-	-	100,659 25	-	-	-	17,315 04	6,554 49	\$2,015 10	-	127,126 63
1807	-	-	-	39,513 83	-	-	-	4,012 07	4,934 44	-	-	48,460 34
1808	2,190 66	-	-	50,430 32	\$2,514 43	-	-	9,737 50	2,480 49	10,141 77	-	77,495 17
1809	23,533 85	-	-	46,354 57	-	-	-	10,855 23	2,054 03	10,010 34	-	92,808 62
1810	32,470 45	-	\$1,500 00	45,287 50	-	-	-	8,409 48	1,593 10	9,357 29	-	98,617 82
1811	21,463 97	-	1,500 00	42,811 23	-	-	-	8,658 05	1,929 16	12,257 50	-	88,619 90
1812	33,634 13	-	27,142 92	29,916 02	-	-	-	14,918 01	2,167 25	11,255 71	-	119,034 04
1813	28,493 39	-	9,033 91	28,494 46	-	-	-	20,104 10	1,559 08	8,000 00	-	95,684 94
1814	803 72	-	7,663 68	33,237 18	-	-	-	1,963 49	1,372 08	7,374 58	-	52,414 73
1815	29,392 37	-	2,300 00	68,283 47	-	-	-	8,596 59	1,176 63	7,680 79	-	117,429 85
1816	8,540 48	\$720 00	75,246 51	76,100 76	721 74	\$997 65	\$3,999 89	34,889 13	2,882 55	7,235 45	-	211,334 16
1817	-	38,815 35	11,470 20	69,709 23	438 71	-	-	4,619 33	2,981 60	8,648 63	-	136,683 05
1818	-	92,767 40	18,702 97	58,404 46	755 05	-	-	4,619 31	2,774 01	6,347 13	*\$308,536 37	492,906 70
1819	-	4,110 84	-	29,666 98	12 00	-	-	5,964 88	1,846 66	13,527 56	-	55 128 92
	\$181,105 77	\$136,413 59	\$154,560 19	\$790,400 20	\$4,441 93	\$997 65	\$3,999 89	\$159,348 03	\$39,399 54	\$113,852 45	\$308,536 37	\$1,893,055 61

TREASURY DEPARTMENT, REGISTER'S OFFICE, December 4, 1820.

JOSEPH NOURSE, Register.

* The accounts of the present superintendent are rendered to the close of the year 1819, but not yet settled; the state of the fund, therefore, may be varied in some degree on such settlement.

INDIAN AFFAIRS.

[No. 166.]

A.

Statement of the annuities which became payable in each year under Indian treaties, to the year 1819, inclusively.

INDIAN TRIBES.	1791.	1792.	1793.	1794.	1795.	1796.	1797.	1798.	1799.	1800.	1801.	1802.	1803.	1804.	1805.
Cherokees, - - - - -	-	-	-	-	-	-	-	-	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000
Chickasaws, - - - - -	-	-	-	-	\$3,000	\$3,000	\$3,000	\$3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000
Creeks, - - - - -	\$1,500	\$1,500	\$1,500	\$1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	5,500	5,500	5,500
Choctaws, - - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Chippewas, - - - - -	-	-	-	-	-	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Delawares, - - - - -	-	-	-	-	-	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,300
Eel Rivers, - - - - -	-	-	-	-	-	500	500	500	500	500	500	500	500	500	500
Foxes, - - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	400
Great Osages, - - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Kaskaskias, - - - - -	-	-	-	-	-	500	500	500	500	500	500	500	500	1,100	1,100
Kickapoos, - - - - -	-	-	-	-	-	500	500	500	500	500	500	500	500	500	500
Little Osages, - - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Miamies, - - - - -	-	-	-	-	-	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Ottawas, - - - - -	-	-	-	-	-	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Ottawas and Chippewas residing on the Illinois; also the Pattawatamies, - - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Piankeshaws, - - - - -	-	-	-	-	-	500	500	500	500	500	500	500	500	500	700
Pattawatamies, - - - - -	-	-	-	-	-	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Peorias, Kaskaskias, Cahokias, Michigamias, and Tamarois, tribes of the Illinois nation, - - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Quapaws, - - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Six Nations, - - - - -	-	-	1,500	1,500	4,550	4,550	4,550	4,550	4,550	4,550	4,550	4,550	4,550	4,550	4,550
Sacs, - - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	600
Senecas, - - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Shawanees, - - - - -	-	-	-	-	-	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Shawanees and Senecas of Lewistown, - - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Weas, - - - - -	-	-	-	-	-	500	500	500	500	500	500	500	500	500	500
Wyandots, - - - - -	-	-	-	-	-	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Wyandots, Munsees, Delawares, and those of the Shawanee and Seneca nations who reside with the Wyandots, - - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	\$1,500	\$1,500	\$3,000	\$3,000	\$9,050	\$18,550	\$18,550	\$18,550	\$24,550	\$24,550	\$24,550	\$24,550	\$28,550	\$29,150	\$30,650

STATEMENT A—Continued.

INDIAN TRIBES.	1806.	1807.	1808.	1809.	1810.	1811.	1812.	1813.	1814.	1815.	1816.	1817.	1818.	1819.	Total.
Cherokees, - - - - -	\$9,000	\$11,000	\$11,000	\$11,000	\$11,000	\$11,000	\$9,000	\$9,000	\$9,000	\$9,000	\$9,000	\$15,000	\$15,000	\$15,000	\$196,000
Chickasaws, - - - - -	3,100	3,100	3,100	3,100	3,100	3,100	3,100	3,100	3,100	3,100	3,100	15,100	15,100	35,100	132,400
Creeks, - - - - -	17,500	17,500	17,500	17,500	17,500	17,500	16,500	16,500	15,500	15,500	15,500	15,500	15,500	25,500	275,500
Choctaws, - - - - -	5,700	5,700	5,700	5,700	5,700	5,700	5,700	5,700	5,700	5,700	5,700	11,700	11,700	11,700	97,800
Chippewas, - - - - -	1,000	1,000	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800	2,800	2,800	35,600
Delawares, - - - - -	1,300	1,300	1,300	1,300	1,800	1,800	1,800	1,800	1,800	1,500	1,500	1,500	1,500	5,500	36,000
El Rivers, - - - - -	750	750	750	750	1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100	19,000
Foxes, - - - - -	400	400	400	400	400	400	400	400	400	400	400	400	400	400	6,000
Great Osages, - - - - -	-	-	-	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	11,000
Kaskaskias, - - - - -	1,100	1,100	1,100	1,100	1,100	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	20,700
Kickapoos, - - - - -	500	500	500	500	900	900	900	900	900	900	900	900	900	900	16,000
Little Osages, - - - - -	-	-	-	500	500	500	500	500	500	500	500	500	500	500	5,500
Miamies, - - - - -	1,600	1,600	1,600	1,600	2,300	3,300	2,300	2,300	2,300	2,300	2,300	2,300	2,300	17,300	54,400
Ottawas, - - - - -	1,000	1,000	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800	2,800	4,300	37,100
Ottawas and Chippewas residing on the Illinois; also the Pattawatamies, - - - - -	-	-	-	-	-	-	-	-	-	-	-	1,000	1,000	1,000	3,000
Piankeshaws, - - - - -	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	800	800	800	800	800	18,200
Pattawatamies, - - - - -	1,500	1,500	1,900	1,900	1,900	1,900	1,900	1,900	1,900	1,900	1,900	1,900	3,200	5,700	40,900
Peorias, Kaskaskias, Cahokias, Michigamias, and Tamarois, tribes of the Illinois nation, - - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	300
Quapaws, - - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	1,000	1,000
Six Nations, - - - - -	4,550	4,550	4,550	4,550	4,550	4,550	4,550	4,550	4,550	4,550	4,550	4,550	4,550	4,550	116,750
Sacs, - - - - -	600	600	600	600	600	600	600	600	600	600	600	600	600	600	9,000
Senecas, - - - - -	-	-	-	-	-	-	-	-	-	-	-	200	700	1,200	2,100
Shawanees, - - - - -	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	3,000	3,000	28,000
Shawanees and Senecas of Lewistown, - - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	1,000	1,000
Weas, - - - - -	850	850	850	850	1,150	1,150	1,150	1,150	1,150	1,150	1,150	1,150	1,150	3,000	21,750
Wyandots, - - - - -	1,000	1,000	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	5,400	5,900	37,300
Wyandots, Munsees, Delawares, and those of the Shawanee and Seneca nations who reside with the Wyandots, - - - - -	825	825	825	825	825	825	825	825	825	825	825	825	825	825	11,550
	\$54,275	\$56,275	\$58,675	\$60,175	\$62,425	\$62,325	\$59,325	\$59,325	\$58,325	\$57,825	\$57,825	\$83,025	\$92,825	\$150,975	*\$1,283,850

The amount of annuities payable in the year 1820 is as follows: The total amount as stated for 1819, is - - - \$150,975
 To which add additional annuities payable in 1820, - - - 2,100
 Now payable, - - - \$153,075

* The total amount of moneys appropriated by Government from March 4, 1789, to December 31, 1819, on account of Indian treaties, (exclusive of sums carried to the surplus fund,) was - - - \$1,549,204 38
 Whereof there remained to be drawn from the treasury on December 31, 1819, - - - 90,603 01
 Leaves the amount drawn from the treasury, - - - \$1,458,601 37
 Whereof, assumed as having been paid as per schedule,* - - - \$1,283,850 00
 Estimated amount of moneys advanced, being the whole amount of one year's annuities, - - - 153,075 00
 Difference, - - - 21,676 37
 \$1,458,601 37

* It was attempted to state the actual settlements made with the Indian tribes; but, from the destruction of the War and Treasury records, it was found impracticable.

16th CONGRESS.]

No. 169.

[2d Session.

INDIAN ANNUITIES.

COMMUNICATED TO THE SENATE, DECEMBER 7, 1820.

SIR:

DEPARTMENT OF WAR, *December 4, 1820.*

In obedience to a resolution of the Senate passed at the last session of Congress, on the 19th April, 1820, "directing the Secretary of War to lay before the Senate, at the commencement of its next session, a statement of all annuities payable by the United States to Indians or Indian tribes, or under treaties with Indians; distinguishing the several annuities, the periods during which they are respectively payable, and exhibiting the capitals or present values of such annuities, computing annual interest at six per centum," I have the honor to transmit the enclosed statement, furnished by the Second Auditor of the Treasury, which gives the information required.

I have the honor to be your most obedient servant,

J. C. CALHOUN.

The PRESIDENT of the Senate of the United States.

Statement of all annuities payable by the United States to Indians or Indian tribes, or under treaties with Indians; distinguishing the several annuities, the periods during which they are respectively payable, and exhibiting the capitals or present value of such annuities, computing annual interest at six per cent.

Names of Indians or Indian tribes.	Amount of annuities.	Terms of annuities.	Termination of limited annuities.	Periods on which annuities are payable annually.	Total amount of limited capitals.	Total amount of permanent capitals.	Total amount of annuities.	Total amount of capitals.
Piankeshaws, - - - -	Dollars. 500	permanent,	- - - -	On or before Aug. 3,	- - - -	\$8,333 33½	\$500	\$8,333 33½
Do. - - - -	300	do. - - - -	- - - -	December 30,	- - - -	5,000 00	300	5,000 00
	800							
Kaskaskias, - - - -	500	do. - - - -	- - - -	On or before Aug. 3,	- - - -	8,333 33½	500	8,333 33½
Six Nations, - - - -	4,500	do. - - - -	- - - -	On or before Nov. 11,	- - - -	75,000 00	4,500	75,000 00
Little Billy, (a chief,) - - - -	50	during life,	- - - -	November 11,	\$833 33½	- - - -	50	833 33½
	4,550							
Cherokees, - - - -	6,000	permanent,	- - - -	October 2, - - - -	- - - -	100,000 00	6,000	100,000 00
Do. - - - -	3,000	do. - - - -	- - - -	October 25, - - - -	- - - -	50,000 00	3,000	50,000 00
Do. - - - -	6,000	10 years, -	Sept. 14, 1826,	September 14,	100,000 00	- - - -	6,000	100,000 00
	15,000							
Chickasaws, - - - -	3,000	permanent,	- - - -	July 15, - - - -	- - - -	50,000 00	3,000	50,000 00
Do. - - - -	12,000	10 years, -	Sept. 20, 1826,	September 20,	200,000 00	- - - -	12,000	200,000 00
Do. - - - -	20,000	15 years, -	Oct. 19, 1828,	October 19, - - - -	333,333 33½	- - - -	20,000	333,333 33½
William Colbert, (a chief,) - - - -	100	during life,	- - - -	September 20,	1,666 66½	- - - -	100	1,666 66½
	35,100							
Creeks, - - - -	1,500	permanent,	- - - -	On or before Aug. 7,	- - - -	25,000 00	1,500	25,000 00
Do. - - - -	11,000	10 years, -	Nov. 14, 1823,	November 14, - - - -	183,333 33½	- - - -	11,000	183,333 33½
Do. - - - -	3,000	permanent,	- - - -	June 16, - - - -	- - - -	50,000 00	3,000	50,000 00
Do. - - - -	10,000	10 years, -	Jan. 22, 1829,	January 22, - - - -	166,666 66½	- - - -	10,000	166,666 66½
	25,500							
Sacs, - - - -	600	permanent,	- - - -	November 3, - - - -	- - - -	10,000 00	600	10,000 00
Foxes, - - - -	400	do. - - - -	- - - -	November 3, - - - -	- - - -	6,666 66½	400	6,666 66½
Great Osages, - - - -	1,000	do. - - - -	- - - -	November 10, - - - -	- - - -	16,666 66½	1,000	16,666 66½
Little Osages, - - - -	500	do. - - - -	- - - -	November 10, - - - -	- - - -	8,333 33½	500	8,333 33½

STATEMENT OF ANNUITIES—Continued.

Names of Indians or Indian tribes.	Amount of annuities.	Terms of annuities.	Termination of limited annuities.	Periods on which annuities are payable annually.	Total amount of limited capitals.	Total amount of permanent capitals.	Total amount of annuities.	Total amount of capitals.
Miamies, - - - -	Dollars. 1,000	permanent,	- - - -	August 3, - - - -	- - - -	\$16,666 66 $\frac{2}{3}$	\$1,000	\$16,666 66 $\frac{2}{3}$
Do. - - - -	600	do. - - - -	- - - -	August 21, - - - -	- - - -	10,000 00	600	10,000 00
Do. - - - -	500	do. - - - -	- - - -	September 30, - - - -	- - - -	8,333 33 $\frac{1}{3}$	500	8,333 33 $\frac{1}{3}$
Do. - - - -	200	do. - - - -	- - - -	September 30, - - - -	- - - -	3,333 33 $\frac{1}{3}$	200	3,333 33 $\frac{1}{3}$
Do. - - - -	15,000	do. - - - -	- - - -	October 6, - - - -	- - - -	250,000 00	15,000	250,000 00
	17,300							
Weas, - - - -	500	do. - - - -	- - - -	August 3, - - - -	- - - -	8,333 33 $\frac{1}{3}$	500	8,333 33 $\frac{1}{3}$
Do. - - - -	250	do. - - - -	- - - -	August 21, - - - -	- - - -	4,166 66 $\frac{2}{3}$	250	4,166 66 $\frac{2}{3}$
Do. - - - -	100	do. - - - -	- - - -	September 30, - - - -	- - - -	1,666 66 $\frac{2}{3}$	100	1,666 66 $\frac{2}{3}$
Do. - - - -	300	do. - - - -	- - - -	October 6, - - - -	- - - -	5,000 00	300	5,000 00
Do. - - - -	1,850	do. - - - -	- - - -	October 2, - - - -	- - - -	30,833 33 $\frac{1}{3}$	1,850	30,833 33 $\frac{1}{3}$
	3,000							
Kickapoos, - - - -	2,000	10 years, -	Aug. 30, 1829,	August 30, - - - -	33,333 33 $\frac{1}{3}$	- - - -	2,000	33,333 33 $\frac{1}{3}$
Ottawas, Chippewas, and Pattawatamies, residing on the Illinois and Milwakey rivers, &c. - - - -	1,000	12 years, -	Aug. 24, 1826,	August 24, - - - -	16,666 66 $\frac{2}{3}$	- - - -	1,000	16,666 66 $\frac{2}{3}$
Shawanees and Senecas of Lewistown, - - - -	1,000	permanent,	- - - -	September 17, - - - -	- - - -	16,666 66 $\frac{2}{3}$	1,000	16,666 66 $\frac{2}{3}$
Peorias, Kaskaskias, Michigamias, Cahokias, and Tam-arois, tribes of the Illinois nation, - - - -	300	12 years, -	Sept. 25, 1830,	September 25, - - - -	5,000 00	- - - -	300	5,000 00
Wyandots, - - - -	1,000	permanent,	- - - -	August 3, - - - -	- - - -	16,666 66 $\frac{2}{3}$	1,000	16,666 66 $\frac{2}{3}$
Wyandots, Munsees, Delawares, and those of the Shawanee and Seneca nations who reside with the Wyandots, - - - -	825	do. - - - -	- - - -	July 4, - - - -	- - - -	13,750 00	825	13,750 00
Wyandots, - - - -	400	do. - - - -	- - - -	November 17, - - - -	- - - -	6,666 66 $\frac{2}{3}$	400	6,666 66 $\frac{2}{3}$
Do. - - - -	4,500	do. - - - -	- - - -	September 29, - - - -	- - - -	75,000 00	4,500	75,000 00
	*6,725				\$1,204,166 66 $\frac{2}{3}$	\$1,338,750 00	\$152,575	\$2,542,916 66 $\frac{2}{3}$

* In addition to these annuities of \$6,725 allowed the Wyandots, &c., there is secured to them, by treaty of July 4, 1805, an annuity of \$175, for the payment whereof the capital of \$2,916 66 $\frac{2}{3}$ has been secured to the President of the United States, in trust, by the Connecticut Land Company, and by the company incorporated by the name of the "Proprietors of the half million of acres of land lying south of Lake Erie, called Sufferer's Land."

STATEMENT OF ANNUITIES—Continued.

RECAPITULATION.

					Annuities.	Capitals.
Limited annuities which expire in 1823,	-	-	-	-	\$11,000	\$183,333 33½
Ditto ditto 1826,	-	-	-	-	25,000	416,666 66¾
Ditto ditto 1828,	-	-	-	-	20,000	333,333 33½
Ditto ditto 1829,	-	-	-	-	12,000	200,000 00
Ditto ditto 1830,	-	-	-	-	300	5,000 00
Ditto ditto 1832,	-	-	-	-	3,300	55,000 00
Life annuities,	-	-	-	-	650	10,833 33½
Limited annuities and capitals,					\$72,250	\$1,204,166 66¾
Permanent annuities and capitals,					80,325	1,338,750 00
					\$152,575	\$2,542,916 66¾

In addition to the foregoing, there is a permanent annuity of one hundred and fifty bushels of salt to the Delaware, Shawnee, Pattawatamie, Miami, Kickapoo, Eel River, Wea, Piankeshaw, and Kaskaskia Indians, per treaty of June 7, 1803, and one hundred and sixty bushels of salt to the Miamies, per treaty of October 6, 1818; the usual cost of which has been \$2 50 per bushel at Fort Wayne. The Kickapoos, per treaty of August 30, 1819, relinquished to the United States their proportion of the salt annuity, under the treaty of June 7, 1803, but this Department is not yet advised of the exact amount thereof by the Indian agent, who will attend to the proper deduction upon the distributions subsequent to the treaty of August 30, 1819.

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE, *October 14, 1820.*

WILLIAM LEE.

16th CONGRESS.]

No. 170.

[2d SESSION-

TRADE AND INTERCOURSE.

COMMUNICATED TO THE SENATE, DECEMBER 13, 1820.

SIR:

INDIAN TRADE OFFICE, *December 6, 1820.*

I have the honor, in conformity with the request contained in your letter of yesterday, to enclose, herewith, a copy of my report in relation to Indian trade, made on the 30th ultimo to the chairman of the committee on this subject of the House of Representatives.

With great respect, I have the honor to be, sir, your obedient servant,

THO. L. MCKENNEY, *Sup. Indian Trade.*

To the HON. DAVID HOLMES,

Chairman of the Committee of Senate on Indian Affairs.

SIR:

OFFICE OF INDIAN TRADE, *November 30, 1820.*

I have had the honor to receive your letter of the 29th instant, conveying the request of the Committee on Indian Affairs to have "communicated to it such information respecting the Indian trade as I may deem necessary and proper in relation to that business."

In the communication which I had the honor to make to the committee in January last, the stock and property belonging to the trading establishment, estimating the merchandise on hand at its original cost prices, was reported to be worth \$308,855 45 including \$43,369 61 for property destroyed by the enemy during the late war, and \$10,000 which was provided for by the treaty of Fort Wilkinson, on account of debts due the factory there, and which has been absorbed in the surplus fund. These items it is thought proper to add, because their absence from the stock is not chargeable to any defect either in the principle or operations of the trade system. The gain of the trade, as reported, was \$72,225 06.

The average increase which produced this gain has had no accession made to it by the operations of the last year, nor has there been any loss. An unusual depression in the prices of bear and deer skins, together with a destruction by the worms, at New Orleans, of a considerable quantity of the latter, arrested the slow but gradual increase of profit, (and the profit, it will be recollected, is dependant for its increase upon the demand which may exist at home for the articles taken in barter from the Indians.) But these losses have been about balanced by the gains arising out of the sales of furs and other articles. Gain, however, is not one of the characteristics of this system. The law is definite upon this point in excluding from the system all considerations of gain. It fixes the advance at such a per centum only as shall save the capital from diminution. The expense of transportation, of incidental disbursements, and the probable damage to which the supplies are liable in passing over such an extent of country, form the items of advance on the original cost of the articles. The salaries allowed to the agents who conduct the trade have been otherwise provided for; these are paid direct from the treasury. The articles bar-

tered to the Indians are, therefore, not taxed (nor should they be) with the salary of agents, because this is paid them in support of our own policy; and the demand upon the treasury would be no less necessary, in the absence of the factory system, for the pay of at least an equal number of agents, whose services would be required in some other branches of our Indian relations. Such, doubtless, was the view taken of the subject by those who originated the scheme; otherwise, it were difficult to find a reason why the trade was not taxed with it from the beginning. If this be so, the profits which have been realized are so much clear gain to the Government. Should it be thought proper, however, to charge against the gain of the trade the compensation allowed to the agents for conducting it, the result will be an annual disbursement from the treasury of about five thousand dollars more than has been realized in the profits of the trade.

But if, as has been suggested, our Indian relations would have required, in the absence of the trade system, an equal number of agents, it follows that the profits which have arisen out of a prosecution of the trade are so much clear gain. This view, however it may serve to show the capacity of the trade to sustain itself, is considered to embrace a consideration of but minor importance. A few thousand dollars, either way, will not, it is presumed, furnish reasons for either the continuance or abandonment of the system. Greater objects than such as are included in making gains out of an impoverished people were in the view of those who originated this intercourse with our Indians; nor has the time that has elapsed since its commencement diminished any of their importance. The same justice is to be consulted, the same humanity exercised, and the same political influence is to be sustained, now, as then; and the civilization and preservation of these helpless people are to be accomplished. *A well-organized commercial intercourse, it is confidently believed, must form the basis of all these important objects.*

It is true a commercial intercourse has been long established; but it is also true that to its defects, and to counteracting influences, and not to the principle, are to be attributed whatever failures it may stand charged with. There is no power more influential than trade; nor is there any agent which the United States can more conveniently command, or at so little expense, for the proper control and regulation of our Indians. It is a lever, against the power of which, whenever it shall be brought properly to bear upon them, they will not make even a show of resistance. Indians are like other people in this, as in other things—they will make large sacrifices rather than be shut out from commercial privileges. But to this hour the experiment (in relation to our Indians) remains to be tried, on which the theory relies for its demonstration. Our having had a trade, or being engaged in trade now, and realizing but few of the advantages which are attributed to it, cannot be admitted as an argument against the principle, unless it were shown that the system was in all respects such as it ought to be—by being, first, commensurate, in the extent of its means, to the objects contemplated by it; and, secondly, not oppressed in its operations by opposing influences.

A slight examination of its history will satisfy any inquirer that it has been deficient in the former, and beset, from its commencement, by the latter. There can be no question but a million of dollars could be employed in our Indian trade profitably to the Government, usefully to the Indians, and affording to our manufacturers and dealers in furs, &c. great advantages. Instead of this capacity, only 300,000 dollars have been assigned to it; twenty thousand of which have reverted to the treasury, and forty-three thousand and odd dollars have been destroyed by the ravages of war; thus reducing the actual amount employed to a little over 236,000 dollars. But even this amount could have been made to subserve, more extensively, the designs of the Government, had it not been assailed, in its application to the objects contemplated by it, by counter influences. These owe their origin to the law under the provisions of which private traders have been admitted into the Indian country: not so much to their admission, as to the manner of it. It has literally turned them loose into the forests, with scarcely any stipulations as to qualifications or character, and without retaining a single efficient check to their proceedings. If this law had made this trading privilege to turn upon qualifications satisfactorily established, and enforced upon adventurers, after an approval of their fitness, an obligation to conduct their intercourse from previously recognized and permanent locations, other results might have been expected. The influences which it was intended should result from the pacific, humane, and improving designs of the Government, and the influences which must, of necessity, proceed from roving bands of private adventurers, cannot be otherwise than adverse to each other. Nor is it reasonable to look for any of these efficient results of policy which a well-organized trade would produce, whilst, by the side of it, are arranged such a multitude of interests, all of them aiming, by separate plans of policy, and with scarcely any control being had by the Government over any of them, to overcome and put down each other, and whatever else opposes the realization of their separate and clashing interests.

I deem it unnecessary to enumerate the evils which arise out of the intercourse carried on by individual traders with our Indians. But I beg leave respectfully to refer the committee to my report of the 7th January last, barely remarking that the experience of another year has been added, demonstrating the pernicious effects which continue to result from it.

A system established on principles securing to it, upon the one hand, a controlling power over those who might resort to it for their trade, and, on the other, from opposing and counteracting influences, would be productive of every consequence which it could be desirable to derive from it. The treasury would be secure, not only in its advances, but returns might be made to it, and with perfect justice to the Indians, if to no greater extent, yet so far as to insure a just equivalent for the use of the capital employed. It would be easy to provide for its security in the persons of the Indians themselves. Only make them to depend on our trade, and thus identify their interests with the security of the property located amongst them, and they would soon see that a destruction of the latter would be followed by an afflicting involvement of the former. A control being thus obtained, it would be only necessary then to place the designs of the Government before this power to insure their accomplishment. These designs being kind in their tendency, and having reference to the enlightening and preservation of these people, the happiest consequences might be justly expected to flow from them. Out of the prosecution of this trade would come large supplies of the finest furs for our manufacturers, whilst the commercial branches of our population might resort to the depot for supplies for exportation. It is much to be desired, in all the points of view which I have been able to take of this subject, that such a trade were established. But, if the system cannot be so enlarged as to fit the dimensions which a capital of a million of dollars would mark out, it is respectfully recommended to reinvest the capital with the \$20,000 which have been passed to the surplus fund, and the \$43,369 61, the amount of property destroyed during the late war. The accession to the capital of these items, amounting to \$63,369 61, all of which it might not be necessary to apply for a year to come, will make a capital from the treasury of \$300,000, which is the sum hitherto recognised by Congress, and which was provided by the several acts passed on the subject. But even this addition, or any other addition, would be unavailing, unless the law authorizing the admission of private traders into the Indian country (to the unsuitable provisions of which has been superadded much abuse) be so altered as to fix the right of appointing in the President of the United States, and to impose an obligation on such as may be thus appointed to locate, and at such points as may be approved by the President of the United States. Thus strengthened and thus defended, results may be calculated upon at

once gratifying to the Government, beneficial to our merchants and manufacturers, and friendly in their consequences both to the Indians and our civilized border population.

It were easy to multiply reasons in support of these views; but I will barely remark that great reliance is placed on a well-devised system of trade as an auxiliary in promoting the benevolent scheme of civilization which appears to have met the approbation, and secured the co-operation, of so many thousands of our most respectable citizens.

It is believed that whatever assistance the Congress can provide in aid of this interesting design will be most cheerfully granted. Without the co-operation of that body, the work must make a comparatively slow progress; with it, its accomplishment appears now to be certain.

All which is respectfully submitted.

THO. L. MCKENNEY, *Sup. Indian Trade.*

To the Hon. HENRY SOUTHARD.

16th Congress.]

No. 171.

[2d Session.

TREATIES WITH SEVERAL TRIBES.

COMMUNICATED TO THE SENATE, DECEMBER 14, 1820.

To the Senate of the United States:

WASHINGTON, December 14, 1820.

I submit to the consideration of the Senate, for their advice and consent as to the ratification, the following treaties, concluded with the several Indian tribes therein mentioned, since the last session of Congress, with their documents, viz: with the Weas, Kickapoos, Chippewas, Ottawas, Choctaws, and Mahas; and, also, a treaty with the Kickapoos, amended, as proposed by a resolution of the Senate at their last session.

JAMES MONROE.

TREATY WITH THE WEAS.

A treaty made and concluded by Benjamin Parke, a commissioner for that purpose on the part of the United States, of the one part, and the chiefs, warriors, and headmen of the Wea tribe of Indians, of the other part.

ARTICLE 1. The chiefs, warriors, and headmen of the said tribe agree to cede, and they do hereby cede and relinquish, to the United States, all the lands reserved by the second article of the treaty between the United States and the said tribe, concluded at St. Mary's, on the second day of October, eighteen hundred and eighteen.

ART. 2. The sum of five thousand dollars, in money and goods, which is now paid and delivered by the United States, the receipt whereof the chiefs, warriors, and headmen of the said tribe do hereby acknowledge, is considered by the parties a full compensation for the cession and relinquishment above mentioned.

ART. 3. As it is contemplated by the said tribe to remove from the Wabash, it is agreed that the annuity secured to the Weas by the treaty of St. Mary's, above mentioned, shall hereafter be paid to them at Kaskaskia, in the State of Illinois.

ART. 4. This treaty, as soon as it is ratified by the President and Senate of the United States, to be binding on the contracting parties.

In testimony whereof, the said Benjamin Parke, commissioner as aforesaid, and the said chiefs, warriors, and headmen of the said tribe, have hereunto set their hands, at Vincennes, this eleventh day of August, eighteen hundred and twenty.

B. PARKE.

[Signed, also, by the chiefs, warriors, and headmen of the Wea tribe of Indians.]

TREATY WITH THE KICKAPOOS OF THE VERMILION.

Articles of a convention made and concluded between Benjamin Parke, a commissioner on the part of the United States for that purpose, of the one part, and the chiefs, warriors, and headmen of the tribe of Kickapoos of the Vermilion, of the other part.

ARTICLE 1. It is agreed that the annuity secured to the said tribe by the treaty of the thirtieth of August, eighteen hundred and nineteen, shall hereafter be paid to the said tribe at Kaskaskia, in the State of Illinois.

ART. 2. As the said tribe are now about leaving their settlements on the Wabash, and have desired some assistance to enable them to remove, the said Benjamin Parke, on behalf of the United States, has paid and advanced to the said tribe two thousand dollars, the receipt whereof is hereby acknowledged; which said sum of two thousand dollars is to be considered as an equivalent, in full, for the annuity due the said tribe, by virtue of the aforesaid treaty, for the year eighteen hundred and twenty-one.

In testimony whereof, the said Benjamin Parke, commissioner as aforesaid, and the chiefs, warriors, and headmen of the said tribe, have hereunto set their hands, at Vincennes, the fifth day of September, eighteen hundred and twenty.

B. PARKE.

[Signed, also, by the chiefs, warriors, and headmen of the Kickapoos of the Vermilion.]

TREATY WITH THE CHIPPEWAS.

Articles of a treaty made and concluded at the Sault de St. Marie, in the Territory of Michigan, between the United States of America, by their commissioner, Lewis Cass, and the Chippewa tribe of Indians.

ARTICLE 1. The Chippewa tribe of Indians cede to the United States the following tract of land: Beginning at the Big Rock in the river St. Mary's, on the boundary line between the United States and the British Province of Upper Canada; and running thence, down the said river, with the middle thereof, to the Little Rapid; and from those points running back from the said river, so as to include sixteen square miles of land.

ART. 2. The Chippewa tribe of Indians acknowledge to have received a quantity of goods, in full satisfaction of the preceding cession.

ART. 3. The United States will secure to the Indians a perpetual right of fishing at the Falls of St. Mary's, and also a place of encampment upon the tract hereby ceded, convenient to the fishing ground; which place shall not interfere with the defences of any military work which may be erected, nor with any private rights.

ART. 4. This treaty, after the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, shall be obligatory on the contracting parties.

In witness whereof, the said Lewis Cass, commissioner as aforesaid, and the chiefs and warriors of the said Chippewa tribe of Indians, have hereunto set their hands, at the place aforesaid, this sixteenth day of June, in the year of our Lord one thousand eight hundred and twenty.

LEWIS CASS.

[Signed, also, by the chiefs and warriors of the Chippewa tribe of Indians.]

TREATY WITH THE OTTAWAS AND CHIPPEWAS.

Articles of a treaty made and concluded at L'Arbre Croche and Michilimackinae, in the Territory of Michigan, between the United States of America, by their commissioner, Lewis Cass, and the Ottawa and Chippewa nations of Indians.

ARTICLE 1. The Ottawa and Chippewa nations of Indians cede to the United States the St. Martin islands, in Lake Huron, containing plaster of Paris, and to be located under the direction of the United States.

ART. 2. The Ottawa and Chippewa nations of Indians acknowledge to have this day received a quantity of goods, in full satisfaction of the above cession.

ART. 3. This treaty shall be obligatory on the contracting parties after the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof.

In testimony whereof, the said Lewis Cass, commissioner as aforesaid, and the chiefs and warriors of the Ottawa and Chippewa nations of Indians, have hereunto set their hands, at Michilimackinac and L'Arbre Croche, in the Territory of Michigan, this sixth day of July, in the year of our Lord one thousand eight hundred and twenty.

LEWIS CASS.

[Signed, also, by the chiefs and warriors of the Ottawa and Chippewa nations of Indians.]

TREATY WITH THE CHOCTAWS.

A treaty of friendship, limits, and accommodation, between the United States of America and the Choctaw nation of Indians, begun and concluded at the treaty ground in said nation, near Doak's Stand, on the Natchez road.

Whereas it is an important object with the President of the United States to promote the civilization of the Choctaw Indians, by the establishment of schools amongst them, and to perpetuate them as a nation, by exchanging for a small part of their land here a country beyond the Mississippi river, where all who live by hunting and will not work may be collected and settled together: and whereas it is desirable to the State of Mississippi to obtain a small part of the land belonging to said nation: for the mutual accommodation of the parties, and for securing the happiness and protection of the whole Choctaw nation, as well as preserving that harmony and friendship which so happily subsists between them and the United States, James Monroe, President of the United States of America, by Andrew Jackson, of the State of Tennessee, major general in the army of the United States, and General Thomas Hinds, of the State of Mississippi, commissioners plenipotentiary of the United States, on the one part, and the mingoes, headmen, and warriors of the Choctaw nation, in full council assembled, on the other part, have freely and voluntarily entered into the following articles, viz:

ARTICLE 1. To enable the President of the United States to carry into effect the above grand and humane objects, the mingoes, headmen, and warriors of the Choctaw nation, in full council assembled, in behalf of themselves and the said nation, do, by these presents, cede to the United States of America all the land lying and being within the following boundaries, to wit: Beginning on the Choctaw boundary east of Pearl river, at a point due south of the White Oak spring, on the old Indian path; thence, north, to said spring; thence, northwardly, to a black oak, standing on the Natchez road, about forty poles eastwardly from Doak's fence, marked A. J., and blazed, with two large pines and a black oak standing near thereto, and marked as pointers; thence, a straight line, to the head of Black creek, or Bouge Loosa; thence, down Black creek, or Bouge Loosa, to a small lake; thence, a direct course, so as to strike the Mississippi one mile below the mouth of the Arkansas river; thence, down the Mississippi, to our boundary; thence, round and along the same, to the beginning.

ART. 2. For and in consideration of the foregoing cession on the part of the Choctaw nation, and in part satisfaction for the same, the commissioners of the United States, in behalf of said States, do hereby cede to said nation a tract of country west of the Mississippi river, situate between the Arkansas and Red rivers, and bounded as follows: Beginning on the Arkansas river, where the lower boundary line of the Cherokees strikes the same; thence, up the Arkansas, to the Canadian Fork, and up the same to its source; thence, due south, to the Red river; thence, down Red river, three miles below the mouth of Little river, which empties itself into Red river, on the north side; thence, a direct line, to the beginning.

ART. 3. To prevent any dispute upon the subject of the boundaries mentioned in the first and second articles, it is hereby stipulated between the parties that the same shall be ascertained and distinctly marked by a commis-

sioner or commissioners, to be appointed by the United States, accompanied by such person as the Choctaw nation may select; said nation having thirty days' previous notice of the time and place at which the operation will commence. The person so chosen by the Choctaws shall act as a pilot or guide, for which the United States will pay him two dollars per day whilst actually engaged in the performance of that duty.

ART. 4. The boundaries hereby established between the Choctaw Indians and the United States, on this side of the Mississippi river, shall remain without alteration, until the period at which said nation shall become so civilized and enlightened as to be made citizens of the United States; and Congress shall lay off a limited parcel of land for the benefit of each family or individual in the nation.

ART. 5. For the purpose of aiding and assisting the poor Indians who wish to remove to the country hereby ceded on the part of the United States, and to enable them to do well and support their families, the commissioners of the United States engage, in behalf of said States, to give to each warrior a blanket, kettle, rifle gun, bullet moulds and wipers, and ammunition sufficient for hunting and defence for one year; said warrior shall also be supplied with corn, to support him and his family for the same period, and whilst travelling to the country above ceded to the Choctaw nation.

ART. 6. The commissioners of the United States further covenant and agree, on the part of said States, that an agent shall be appointed, in due time, for the benefit of the Choctaw Indians who may be permanently settled in the country ceded to them beyond the Mississippi river; and, at a convenient period, a factor shall be sent there, with goods to supply their wants. A blacksmith shall also be settled amongst them, at a point most convenient to the population; and a faithful person appointed, whose duty it shall be to use every reasonable exertion to collect all the wandering Indians belonging to the Choctaw nation upon the land hereby provided for their permanent settlement.

ART. 7. Out of the lands ceded by the Choctaw nation to the United States, the commissioners aforesaid, in behalf of said States, further covenant and agree that fifty-four sections of one mile square shall be laid out, in good land, by the President of the United States, and sold, for the purpose of raising a fund, to be applied to the support of the Choctaw schools on both sides of the Mississippi river: three-fourths of said fund shall be appropriated for the benefit of the schools here, and the remaining fourth for the establishment of one or more beyond the Mississippi; the whole to be placed in the hands of the President of the United States, and to be applied by him, expressly and exclusively, to this valuable object.

ART. 8. To remove any discontent which may have arisen in the Choctaw nation, in consequence of six thousand dollars of their annuity having been appropriated annually, for sixteen years, by some of the chiefs, for the support of their schools, the commissioners of the United States oblige themselves, on the part of said States, to set apart an additional tract of good land, for raising a fund equal to that given by the said chiefs, so that the whole of the annuity may remain in the nation, and be divided amongst them. And, in order that exact justice may be done to the poor and distressed of said nation, it shall be the duty of the agent to see that the wants of every deaf, dumb, blind, and distressed Indian shall be first supplied out of said annuity, and the balance equally distributed amongst every individual of said nation.

ART. 9. All those who have separate settlements, and fall within the limits of the land ceded by the Choctaw nation to the United States, and who desire to remain where they now reside, shall be secured in a tract or parcel of land one mile square, to include their improvements. Any one who prefers removing, if he does so within one year from the date of this treaty, shall be paid their full value, to be ascertained by two persons to be appointed by the President of the United States.

ART. 10. As there are some who have valuable buildings, on the roads and elsewhere, upon the lands hereby ceded, should they remove, it is further agreed, by the aforesaid commissioners, in behalf of the United States, that the inconvenience of doing so shall be considered, and such allowance made as will amount to an equivalent. For this purpose, there shall be paid to the mingo Puckshenubbee, five hundred dollars; to Harrison, two hundred dollars; to Captain Cobb, two hundred dollars; to William Hays, two hundred dollars; to Ogleno, two hundred dollars; and to all others who have comfortable houses, a compensation in the same proportion.

ART. 11. It is also provided by the commissioners of the United States, and they agree, in behalf of said States, that those Choctaw chiefs and warriors who have not received compensation for their services during the campaign to Pensacola, in the late war, shall be paid whatever is due them over and above the value of the blanket, shirt, flap, and leggings which have been delivered to them.

ART. 12. In order to promote industry and sobriety amongst all classes of the red people in this nation, but particularly the poor, it is further provided by the parties, that the agent appointed to reside there shall be, and he is hereby, vested with full power to seize and confiscate all the whiskey which may be introduced into said nation, except that used at public stands, or brought in by the permit of the agent or the principal chiefs of the three districts.

ART. 13. To enable the mingoes, chiefs, and headmen of the Choctaw nation to raise and organize a corps of light horse, consisting of ten in each district, so that good order may be maintained, and that all men, both white and red, may be compelled to pay their just debts, it is stipulated and agreed that the sum of two hundred dollars shall be appropriated by the United States, for each district, annually, and placed in the hands of the agent, to pay the expenses incurred in raising and establishing said corps, which is to act as executive officers, in maintaining good order, and compelling bad men to remove from the nation, who are not authorized to live in it by a regular permit from the agent.

ART. 14. Whereas the father of the beloved chief Mushulatubbee, of the Lower Towns, for and during his life, did receive from the United States the sum of one hundred and fifty dollars, annually, it is hereby stipulated that his son and successor, Mushulatubbee, shall annually be paid the same amount during his natural life, to commence from the ratification of this treaty.

ART. 15. The peace and harmony subsisting between the Choctaw nation of Indians and the United States is hereby renewed, continued, and declared to be perpetual.

ART. 16. These articles shall take effect and become obligatory on the contracting parties so soon as the same shall be ratified by the President, by and with the advice and consent of the Senate of the United States.

In testimony whereof, the commissioners plenipotentiary of the United States, and the mingoes, headmen, and warriors of the Choctaw nation, have hereunto subscribed their names and affixed their seals at the place above written, this eighteenth day of October, in the year of our Lord one thousand eight hundred and twenty, and of the independence of the United States the forty-fifth.

ANDREW JACKSON, }
THOMAS HINDS, } *Commissioners.*

[Signed, also, by the mingoes, headmen, and warriors of the Choctaw nation.]

TREATY WITH THE MAHAS.

Articles of a convention made on the twenty-third day of September, one thousand eight hundred and twenty, at Camp Council Bluff, on the Missouri river, between Henry Atkinson, brigadier general of United States army, and Benjamin O'Fallon, Indian agent for the tribes on the Missouri, being specially authorized thereto by the Secretary of War, and the undersigned chiefs and headmen of the Maha nation of Indians, duly authorized and empowered by said nation.

ARTICLE 1. The undersigned chiefs and headmen of the Maha nation of Indians, for themselves, and in behalf of their nation, cede and relinquish to the United States all right, title, interest, and claim which they have, or ever had, to a tract of fifteen miles square of the country around Council Bluff, to be bounded by due east, west, north, and south lines, and so located that the flag-staff in the area of the new cantonment on Council Bluff shall be the centre of the aforesaid tract of fifteen miles square.

ART. 2. The said Henry Atkinson, brigadier general of United States army, and Benjamin O'Fallon, Indian agent for the tribes on the Missouri, on the part of the United States, hereby stipulate and agree that, in consideration of the relinquishment of title by the Maha nation, as stated in the preceding article, the United States will pay to the Maha nation thirty smooth-bored guns, one nest of brass kettles, sixty-three point Mackinaw blankets, two hundred and twenty-five yards of strouding, two hundred pounds of powder, four hundred pounds of lead, in balls, one thousand flints, forty-eight dozen belt knives, and two hundred and fifty pounds of tobacco, in or before the month of June next, at this place, provided this convention is duly ratified by the Government of the United States.

ART. 3. The United States grant to the Maha nation the privilege of hunting on such parts of the aforesaid ceded tract as may not be used for military purposes, trading establishments, farming, and range for stock.

Done at the place and on the day and year first above written.

H. ATKINSON, *Brig. Gen. U. S. Army.*

B. O'FALLON, *U. S. Indian Agent.*

[Signed, also, by the chiefs and headmen of the Maha Indians.]

We certify that the foregoing agreement has been faithfully interpreted to the chiefs and headmen who have subscribed to the within articles.

JOHN DOUGHERTY, *U. S. Indian Agent and Interpreter.*

MICHAEL BARDA, *Interpreter.*

TREATY WITH THE KICKAPOOS.

A treaty made and concluded at Edwardsville, in the State of Illinois, between Auguste Chouteau and Benjamin Stephenson, commissioners on the part and behalf of the United States of America, of the one part, and the undersigned principal chiefs and warriors of the Kickapoo tribe of Indians, on the part and behalf of said tribe, of the other part.

ARTICLE 1. The undersigned chiefs and warriors, for themselves and their said tribe, for and in consideration of the promises and stipulations hereinafter made, do hereby cede and relinquish to the United States, forever, all their right, interest, and title, of, in, and to the following tracts of land, viz:

All their land on the southeast side of the Wabash river, including the principal village in which their ancestors formerly resided, consisting of a large tract, to which they have had from time immemorial, and now have, a just right, that they have never heretofore ceded, or otherwise disposed of, in any manner whatever.

Also, all the land within the following boundaries, viz: Beginning on the Wabash river, at the upper point of their cession made by the second article of their treaty at Vincennes, on the ninth December, one thousand eight hundred and nine; running thence, northwestwardly, to the dividing line between the States of Illinois and Indiana; thence, along said line, to the Kankakee river; thence, with said river, to the Illinois river; thence, down the latter, to its mouth; thence, with a direct line, to the northwest corner of the Vincennes tract, as recognised in the treaty with the Piankeshaw tribe of Indians, at Vincennes, on the thirtieth December, one thousand eight hundred and five; and thence, with the western and northern boundaries of the cessions heretofore made by the said Kickapoo tribe of Indians, to the beginning: of which last-described tract of land the said Kickapoo tribe claim a large portion by descent from their ancestors, and the balance by conquest from the Illinois nation, and uninterrupted possession for more than half a century.

ART. 2. The said tribe hereby confirm all their former treaties with the United States, and relinquish to them all claim to every portion of their lands which may have been ceded by any other tribe or tribes, and all and every demand which they might have had in consequence of the second article of the treaty made with the Pattawatamie nation of Indians, at St. Mary's, on the second October, one thousand eight hundred and eighteen.

ART. 3. The said tribe acknowledge themselves now to be, and promise to continue, under the protection of the United States of America, and of no other nation, power, or sovereign whatever.

ART. 4. The said tribe release the United States from all obligations imposed by any treaties heretofore made with them.

ART. 5. The United States, in lieu of all former stipulations, and in consideration of cessions of land heretofore made by the said tribe, promise to pay them, at their town on the waters of the Osage river, two thousand dollars, in silver, annually, for fifteen successive years.

ART. 6. In consideration of the cession made by the aforesaid tribe, in the first article of this treaty, the United States, in addition to three thousand dollars worth of merchandise this day paid to the said tribe, hereby cede to them and their heirs, forever, a certain tract of land lying in the Territory of Missouri, and included within the following boundaries, viz: Beginning at the confluence of the rivers Pomme de Terre and Osage; thence, up said river Pomme de Terre, to the dividing ridge which separates the waters of Osage and White rivers; thence, with said ridge, and westwardly, to the Osage line; thence, due north, with said line, to Nerve creek; thence, down the same, to a point due south of the mouth of White Clay or Richard creek; thence, north, to the Osage river; thence, down said river, to the beginning: *Provided, nevertheless,* That the said tribe shall never sell the said land without the consent of the President of the United States.

ART. 7. The United States promise to guaranty to the said tribe the peaceable possession of the tract of land hereby ceded to them, and to restrain and prevent all white persons from hunting, settling, or otherwise intruding upon it. But any citizen or citizens of the United States, being lawfully authorized for that purpose, shall be permitted to pass and repass through the said tract, and to navigate the waters thereof, without any hindrance, toll, or exaction from the said tribe.

ART. 8. For the purpose of facilitating the removal of the said tribe to the tract of land hereby ceded to them, the United States will furnish them with two boats, well manned, to transport their property from any point they may designate on the Illinois river; and some judicious citizen shall be selected to accompany them in their passage through the white settlements to their intended residence.

ART. 9. The United States will take the said Kickapoo tribe under their care and patronage, and will afford them protection against all persons whatever, provided they conform to the laws of the United States, and refrain from making war, or giving any insult or offence to any other Indian tribe, or to any foreign nation, without first obtaining the approbation and consent of the United States.

ART. 10. The said tribe, in addition to their above-described cessions, do hereby cede and relinquish to the United States, generally, and without reservation, all other tracts of land to which they have any right or title on the left side of the Illinois and Mississippi rivers.

In testimony whereof, the commissioners aforesaid, and the undersigned chiefs and warriors, as aforesaid, have hereunto subscribed their names and affixed their seals. Done at Edwardsville, in the State of Illinois, this thirtieth day of July, in the year of our Lord one thousand eight hundred and nineteen, and of the independence of the United States the forty-fourth.

AUGUSTE CHOUTEAU,
BENJAMIN STEPHENSON.

[Signed, also, by the chiefs and warriors of the Kickapoo nation of Indians.]

TREATY WITH THE KICKAPOOS.

A treaty made and concluded by and between Auguste Chouteau and Benjamin Stephenson, commissioners of the United States of America, on the part and behalf of the said States, of the one part, and the undersigned chiefs and warriors of the Kickapoo tribe of Indians, on the part and behalf of their said nation, of the other part; the same being supplementary to, and amendatory of, the treaty made and concluded at Edwardsville, on the thirtieth July, one thousand eight hundred and nineteen, between the United States and the said Kickapoo nation.

ARTICLE I. It is agreed between the United States and the Kickapoo tribe of Indians that the sixth article of the treaty to which this is supplementary shall be, and the same is hereby, altered and amended so as to read as follows, viz:

In consideration of, and exchange for, the cession made by the aforesaid tribe, in the first article of this treaty, the United States, in addition to three thousand dollars worth of merchandise, this day paid to the said tribe, hereby cede to the said tribe, to be by them possessed, in like manner as the lands ceded by the first article of this treaty by them to the United States were possessed, a certain tract of land in the Territory of Missouri, and included within the following boundaries, viz: Beginning at the confluence of the rivers Pomme de Terre and Osage; thence, up said river Pomme de Terre, to the dividing ridge which separates the waters of Osage and White rivers; thence, with said ridge, and westwardly, to the Osage line; thence, due north, with said line, to Nerve creek; thence, down the same, to a point due south of the mouth of White Clay or Richard creek; thence, north, to the Osage river; thence, down said river, to the beginning.

In testimony whereof, the commissioners aforesaid, and the undersigned chiefs and warriors, as aforesaid, have hereunto subscribed their names and affixed their seals. Done at St. Louis, in the Territory of Missouri, the nineteenth of July, in the year of our Lord one thousand eight hundred and twenty, and of the independence of the United States the forty-fifth.

AUGUSTE CHOUTEAU,
BENJAMIN STEPHENSON.

[Signed, also, by the chiefs and warriors of the Kickapoo nation.]

SIR:

DEPARTMENT OF WAR, *September 8, 1819.*

Your letter of the 19th ultimo has been received. The plan you propose for extinguishing the title of the Weas to the reserve of the Raccoon creek, and removing them from their present residence, is approved; and you are at liberty to offer them a sum in gross, or payable in annual instalments, as may be most agreeable to them, in lieu of their present annuity.

It is desirable that the Weas, as well as the Kickapoos, in case treaties are concluded with them, should be removed to the country west of the Mississippi, where a more extended scope is afforded for the indulgence of their barbarous propensities and habits.

It is important, in an economical point of view, that the meetings which you are about to hold with these tribes of Indians should be terminated in as short a time as possible. The agent has been instructed as to the rations it may be necessary to issue at them.

BENJAMIN PARKE, *Vincennes.*

I have the honor, &c.

J. C. CALHOUN.

SIR:

DEPARTMENT OF WAR, *April 5, 1820.*

I have received your letters of the 10th, 11th, and 17th ultimo. In relation to procuring cessions of land from the Indians, the Government has decided that it would be inexpedient to obtain any further extinguishment of Indian title except at the Sault de St. Marie, where it is the wish of the Department that an inconsiderable cession, not exceeding ten miles square, (unless strong reasons for a greater cession should present themselves from an actual inspection of the country,) should be acquired upon the most reasonable terms, so as to comprehend the proposed military position there.

Herewith you will receive a plat of the country about the Sault de St. Marie, on which is indicated the military site intended to be occupied for defence. You will also procure the cession of the islands containing plaster, provided these islands are clearly within the boundary of the United States, and can be obtained without any considerable expense. A commission authorizing you to hold these treaties will be forwarded to you in a few days. The reason, in part, for the decision not to procure other cessions, is the dissatisfaction manifested in Congress at a too rapid extinguishment of Indian title. By extinguishing at remote points, this dissatisfaction will probably be increased, and may tend to prevent our obtaining other cessions at more important points.

As it is desirable to know by what title the people at Green Bay and Prairie du Chien hold their lands, and whether or not the Indian titles to those lands were extinguished by the French, at any period subsequent to their possession of the country, (which is the impression of this Department,) you will communicate such information as you possess, or may obtain during your tour, on this subject.

In addition to Mr. Schoolcraft, Captain Douglass of the engineer corps has been ordered to join you; and Mr. Whitney, in whose behalf application has been made for that purpose, may accompany you, if you can accommodate him. Should he accompany you, he will be allowed the same compensation made to Mr. Schoolcraft, who will be allowed one dollar and fifty cents a day for the time actually employed.

Upon your report upon Judge Riley's claim, it was decided that the Government was under no obligation to assume the payment of the Indian debt due to him; but, in consideration of his zeal and exertions, and of the influence of these upon your negotiations with the Indians, he has been allowed a compensation in full, which is satisfactory to him.

The money due on last year's estimate, and \$20,000 on account of this year's expenses of your superintendency, will be immediately remitted to you; in conformity with your suggestions, in future, funds for your superintendency will be remitted to you semi-annually. In order to ascertain the amount which ought to be remitted, and to keep the Department apprized of the nature of the disbursements in your superintendency, you will furnish semi-annual estimates, under the several heads, of disbursements of the several agencies under your control.

I send, herewith, a copy of a letter, with its enclosures, from Colonel Smith of the 3d regiment, to which I call your particular attention. You will see in the transactions alluded to that certain individuals of the Winnebagoes, Chippewas, and Menomonies have evinced a hostile spirit, which must be repressed. On your arrival in the country of these tribes, you will represent to them the desire of the Government to cultivate friendly dispositions towards them, but which cannot be continued unless they effectually restrain the hostile conduct of their people.

I have the honor to be, &c.

Governor LEWIS CASS, *Detroit*.

J. C. CALHOUN.

GENTLEMEN:

DEPARTMENT OF WAR, *June 1, 1820.*

I enclose you a commission to treat with the Indians of the Michigan Territory. The sum of \$20,000 has been appropriated to defray the expense of the proposed treaty. The time, place, and mode of conducting the treaty are left discretionary with you, taking care that the whole expenses of the treaty, including the expenses of your commission, presents, and rations, do not exceed the sum appropriated. Requisition will be made on the issuing commissary at Detroit for the provisions which may be required.

It is the wish of the President that the whole of the Indian titles within the peninsula of Michigan should be extinguished, in order to strengthen our population and resources in that heretofore feeble portion of our country. Any suitable arrangement by which the tribes who now inhabit it can be induced to change their residence to the west of Lake Michigan, or even to the west of the Mississippi, will meet with his approbation.

Your compensation will be at the rate of eight dollars per diem for the time you are actually engaged, and that of your secretary, whom you are authorized to appoint, at the rate of five dollars per diem for the time actually engaged. Your certificate of honor as to the time will be a sufficient voucher. Similar certificates as to the amount and kind of presents authorized by you, and to whom distributed, will be required.

The issue of provisions will be made according to the enclosed circular.

The expense which may be incurred will be paid by your draft on the receiver of public money, except the expense of furnishing the provisions, which will be adjusted here, by giving the appropriation for the commissary's department a credit to the amount of the value of the provisions issued.

I have the honor to be, &c.

LEWIS CASS and }
SOLOMON SIBLEY, } *Commissioners, &c.*

J. C. CALHOUN.

GENTLEMEN:

DEPARTMENT OF WAR, *June 10, 1820.*

You will see by the enclosed copy of a resolution that the Senate have refused to ratify the treaty with the Kickapoo Indians, concluded with them the 30th of July, 1819, for the reasons therein stated.

The President requests you to take measures to amend the treaty conformably to the resolution of the Senate. It is hoped no objections will be made to this alteration by the Indians, as it is of but little importance to them whether they hold their lands according to the tenure of the present treaty, or conformably to the terms of the resolution of the Senate, especially as it is believed the present treaty may be susceptible of the interpretation required by the Senate in the proposed alterations.

I have the honor to be, &c.

AUGUSTE CHOUTEAU and }
BENJAMIN STEPHENSON, } *Commissioners, &c.*

J. C. CALHOUN.

GENTLEMEN:

DEPARTMENT OF WAR, *October 1, 1820.*

Your letter of the 25th August has been received. The annuity to be paid to the Kickapoos by the treaty which you had concluded with them cannot be paid until the treaty is finally ratified by the Senate, and an appropriation made to carry it into effect. I am glad to find you have succeeded in obtaining the alteration in the treaty, for which it was returned to you, by order of the Senate; and will take the earliest opportunity, after you have transmitted it to this Department, to lay it before that body. When the treaty is ratified, and the necessary appropriations made, (which will, no doubt, be done early in the ensuing session of Congress,) its stipulations will be promptly and faithfully complied with. The Department is satisfied as to the economy with which the negotiation has been conducted.

I have, &c.

A. CHOUTEAU, Esq. and }
B. STEPHENSON, Esq. } *Commissioners, &c., St. Louis, Mo.*

J. C. CALHOUN.

SIR:

DEPARTMENT OF WAR, *October 5, 1820.*

I enclose extracts of letters received from Mr. Graham, Indian agent for Illinois, relative to a claim on the part of the Pattawatamies to the country which has been ceded by the treaty concluded with the Kaskaskias and other tribes of Indians, by Messrs. Edwards and Chouteau, in September, 1818, and by the treaty concluded with the Kickapoos, in the course of the last year, by Messrs. Chouteau and Stephenson.

As this Department does not possess sufficient information to decide upon the claim of the Pattawatamies, I have to request you will furnish me with all the information you possess, or can obtain, upon the subject, as early as practicable.

I have, &c.

JOHN C. CALHOUN.

His Excellency WILLIAM CLARK, *St. Louis.*

SIR:

DEPARTMENT OF WAR, *October 11, 1820.*

I have received your letter of the 11th ultimo. The treaty which was made last year with the Kickapoos not having been ratified by the Senate, no appropriation was made by Congress for the payment of the annuity.

Until the treaty, as recently amended, be approved by the Senate, no remittance on account of annuities can be made. So soon as Congress meet, the President will submit the treaty to the Senate; and, if ratified, the annuities will be immediately sent to the Kickapoos, through the proper agent, who will be instructed to use all suitable means to preserve peace between them and the Osages.

But, in the mean time, as I have no doubt but the tribe will be in great want of their annuity, I have instructed Governor Clark to draw on the Department for the amount payable on the passage of the appropriation. If the Governor can negotiate a bill on this condition, the Indians will receive the annuity of the last year immediately.

I have, &c.

J. C. CALHOUN.

A. CHOUTEAU, Esq., *St. Louis, Mo.*

DEAR SIR:

CHOCTAW NATION, *March 18, 1819.*

I take this pleasure to inform you I have got several families of the Choctaws who are willing to move west of the Mississippi; and, I believe, if there was a treaty held in the nation, there would be one-third or half of the nation would move in the fall. I find all the rich white people living in the nation; they give bad talks to the Indians; they tell them not to exchange lands, and some public men in the nation. Some of the Indians has threatened to knock me in the head on this account. I have never heard from you nor the President of the United States about my business. You wrote for me at your house. I hope you will write to me soon as you receive answer. Excuse my bad writing, as I told you I never went to school but six months.

I am your friend,

JAMES PITCHLYNN.

SIR:

HERMITAGE, NEAR NASHVILLE, *April 22, 1819.*

I have received a commission from the President to hold, in conjunction with yourself and Colonel Burnett, a treaty with the Choctaws. It appears, from the communication I have received, that you are instructed to obtain the sense of the nation whether or not they are disposed to treat, and that the treaty is not to be ordered unless there is a probability of success.

Permit me to suggest the propriety of making the following statement to the chiefs of the nation, by way of preparing them for the cession, so important to themselves, to the people of the State of Mississippi, and desirable to their friend and father the President of the United States. It is a fact, and ought not to be withheld from them, as it will bring to their view their true situation, and open their eyes to their own benefit and happiness; it is this: that a bill was reported at the last session of Congress, the object of which was to enforce the return of that part of the nation which had settled west of the river Mississippi; which bill is suspended until the next meeting of Congress, for the purpose of obtaining the sense of the nation whether a part or the whole of the nation would agree to exchange the land where they now live, and cross and settle with them. What is meant by the whole is, the great body of the nation who are not inclined to come under the immediate laws of the United States. All that are ripe for society, and wish it, would be indulged with a reservation, should it appear that the nation are opposed to the exchange of their present situation. The next Congress will pass a law, as I believe, to bring back those now settled west of the Mississippi river. This will place the nation in an unpleasant situation; for, as soon as it is made known that the Choctaw nation have declined removing to this country, procured for them by the United States, the whites will immediately settle on it, and the United States will be compelled to make sale of it. What, then, will be the situation of the nation? A vast portion of them will not labor, and they cannot support themselves east of the river by hunting. The Six Towns cannot exist where they now are; and the consequence will be, that necessity will compel them to separate, and some join one tribe and some another; by which they will become extinct and lost as a nation. Every friend to the welfare of that nation ought to advise them against a conduct which will lead to that event. Now is the time, and the only time, the Government will have it in its power to make them happy, by holding the land west of the Mississippi for them; and this can only be done by their consent to an exchange, in whole or in part. Now the Government has it in its power to act liberally with them; this is its wish.

The instructions given me are ample; and, if I act at all, it will be with a view to the happiness of the nation, and the convenience of the State of Mississippi. Every friend of the nation must see the road to the perpetuation and happiness of the whole nation in the plan proposed, and the happiness of those who wish to remain, by being secured in a reservation of land where they now are, and protected by the laws, and becoming citizens of the United States.

If they exchange, provision will be made for their comfort until they are settled in their new country; and if a treaty is held, you may say to the chiefs that we are instructed not only to be liberal to the nation, but to them individually.

I would recommend, should this meet your approbation, that you send it round to the chiefs by Young Pitchlynn, eldest son of the interpreter to the nation, that he may explain it to the chiefs and warriors; for which service, if a treaty is made, he will be amply rewarded. If the nation do not treat, you will have to stipulate, as agent, that he will be paid for his trouble and expenses. He has written to me that he would be willing to undertake the service. On the receipt of this, please write me.

I am, respectfully, &c.

ANDREW JACKSON.

Colonel JOHN MCKEE, *Choctaw Agent.*

MUSHULATUBBEE:

IN GENERAL COUNCIL OF THE CHOCTAW NATION, August 12, 1819.

We have heard the request of our father the President to exchange our country; but we are informed by some of our people who are acquainted with the situation intended for us that it is not so good as the one we live in. We have made arrangements, in respect to civilization, to do better in our country than we have heretofore done. We return thanks for the school established in our nation, which has been directed by our father; we have made up our minds not to leave the country of our fathers. We are sorry that we cannot comply with our father's request; a man cannot make up his mind at once to suit every object; but we have made up ours to remain where we have always lived.

POOSHAMATAHA:

This day we have made up our minds deliberately to answer our great father's talk. Children, even after they have grown to be men, ought to regard the advice of their father, as when they were small. I am sorry I cannot comply with the request of my father; I hope he will not be displeased. We wish to remain here, where we have grown up as the herbs of the woods; and do not wish to be transplanted into another soil. Those of our people who are over the Mississippi did not go there with the consent of the nation; they are considered as strangers; they have no houses or places of residence; they are like wolves; it is the wish of the council that the President would direct his agents to the west to order these stragglers home, and, if they will not come, to direct them where he pleases. I am well acquainted with the country contemplated for us. I have often had my feet sorely bruised there by the roughness of its surface.

We have always considered the proposition to purchase some of our lands; we have decided that we have none to spare. If a man should give one-half of his garment, the remainder would be of no use; and take two fingers from the hand, the remainder would be of little use. When we had land to spare, we gave it, with very little talk, to the commissioners you sent to us at Tombigbee, as children ought to do to a father. We hope our father will not be displeased; he has made us [happy] from our infancy; we hope the same protection will be found in the arms of our father as formerly. When a child wakes in the night, he feels for the arm of his father to shield him from danger.

The foregoing address to the President of the United States, through the honorable Secretary of War, was delivered by the two great medal chiefs whose names are prefixed to the parts delivered, by each, and subscribed in presence and on behalf of the council.

Certified copy: R. K. CALL.

MUSHULATUBBEE, his × mark.
POOSHAMATAHA, his × mark.

SIR:

FRENCH CAMP, CHOCTAW NATION, August 13, 1819.

I have the honor to enclose a copy of an address from the council of the nation to the President, which speaks for itself.

I had the fullest confidence, before the council convened, that the Six Towns, at least, would accede to the wishes of the Government. At a council in their own district, at which Messrs. Pitchlynn, E. Folsom, and Mackey were present, they expressed an unequivocal desire to cross the Mississippi; but a few half-breeds, with but little claim to distinction, have, by their exertions and misrepresentations of the country on Red river, alarmed many of the Indians who were disposed to migrate into an opinion that the country affords neither soil, water, nor game. These men are now exerting themselves to raise a party to go on to Washington. The chiefs asked pecuniary aid from me, which I refused, on the ground of a letter from the Department of War, directing me to inform the chiefs that such a visit was deemed useless and expensive, and, therefore, to be discouraged. They are now endeavoring to raise the means amongst themselves for the journey. The party, as far as I can learn, will consist of the three great medal chiefs, (if Puckshenubbee can be prevailed on to go,) Jesse Brashears, Abe Hamilton, Benjamin James, Levi Perry, and David Folsom—and, perhaps, some others; of these, the two latter only have any weight in the nation. If they go, I will also be there, if possible. They speak of starting about the last of September, and I can scarcely expect to obtain permission by that time. It is due to J. Pitchlynn, sen., E. Folsom, and M. Mackey, to say that they have exerted themselves with zeal and industry to accomplish the objects of the Government, and are sorely mortified at the failure.

I have, &c.

JOHN MCKEE.

Maj. Gen. ANDREW JACKSON.

SIR:

DEPARTMENT OF WAR, May 23, 1820.

During the late session of Congress, an appropriation of \$20,000 was made to defray the expenses of holding a treaty for the extinguishment of Indian title to lands within the State of Mississippi; and the delegation in Congress from that State have proposed that you and General Thomas Hinds of Mississippi be appointed the commissioners to hold the treaty.

The President is very desirous to employ you upon this duty, and it will afford him great satisfaction if it should be agreeable to you to accept of the appointment. I take pleasure in communicating his wishes upon the subject, and request the favor of an early answer.

If it should suit you to accept the appointment, a commission will be immediately forwarded to you as the first named commissioner, vesting you, in conjunction with General Hinds, with full powers to exercise your own judgment and discretion as to the time, place, and manner of commencing and conducting the negotiation, (of which he will be duly notified;) and the Choctaw agent will be instructed to prepare the chiefs to give you a friendly reception.

It is contemplated to place the whole appropriation at your disposal, which is intended to cover all the expenses of the negotiation, including the pay of the commissioners and of the secretary, (whom, should you agree to serve, you will be authorized to appoint,) except the sums that may be stipulated to be paid to the Indians in the treaty which shall be concluded with them.

General A. JACKSON, Nashville.

I have the honor to be, &c.

J. C. CALHOUN.

HEAD-QUARTERS, DIVISION OF THE SOUTH,

NASHVILLE, June 19, 1820.

SIR:

On last evening I reached this place, where I received your letter of the 24th of May last, and one from the delegation of the State of Mississippi of the 16th of May, requesting that I should accept the appointment of commissioner to aid in holding a treaty with the Choctaw Indians.

I had determined never to have any thing to do again in Indian treaties; but, finding "that the President of the United States is desirous that I should engage in this duty"—this, added to the solicitations of the delegation of that State, has determined me to depart from the resolution I had formed, and to accept of the appointment. I never can withhold my services when required by Mr. Monroe; and I owe a debt of gratitude to the people of Mississippi and their late Governor for their support in our late struggle with Great Britain; by him and them I was well supported. I feel it a duty, therefore, to endeavor to serve them, when they, by their representations, believe I have it in my power. There is no man I would rather be associated with than General Hinds, nor none in whom I have more confidence.

In making out the instructions, permit me to suggest the propriety of pointing out the bounds west of the Mississippi out of which the land to be given the Choctaws, in exchange for their land whereon they now live, is to be laid out. The wish of the real Indian chiefs is (as I am advised) to perpetuate the existence of their nation, by concentrating the whole in a country that will support them as a nation. At present, they are scattered and wandering over a great space of country, and, if not shortly united, will be lost to their nation in other tribes. The pride of a real Indian is in the strength of his nation; and this is a chord I mean to touch, to obtain the object in view. I therefore wish to have it in my power to point to the land, and describe its bounds where their father the President of the United States means to settle his red children, concentrate and perpetuate them as a nation, and thereby make his children happy.

I am, sir, with great respect, your most obedient servant,

ANDREW JACKSON.

To the Hon. J. C. CALHOUN, *Secretary of War.*

SIR:

OAKTIBEEHA, *June 22, 1819.*

I have the honor to inform you that I have received instructions from Colonel John McKee, on 7th instant, to take the sense of the nation on the contemplated treaty. Agreeably to instructions, I proceeded on the 10th to the Lower and Six Towns. I have conversed with all the chiefs and principal men of two districts, and find them entirely willing to meet your excellency, and hear the talk of their father the President of the United States. The chiefs with whom I have had talks are mingo Mushulatubbee, General Turner, Little Leader, Pooshamataha, and Red Fort, who are all highly gratified that their father the President has appointed General Jackson to treat with them.

I must, in justice to Captain Edmund Folsom, mention him to your excellency as one of your warmest friends. He in his district has effected what but few could. He has been of infinite service to me in my mission, and will be yet more useful with the lower class of people. I beg you will consider him the friend of the Government.

I have some things to communicate, which I cannot commit to the discretion of vagrant mail carriers. When we meet, I can then communicate freely.

On the receipt of this, you will please to write me when and where the treaty will be held. I could, by that means, inform those with whom I have talked of the particulars. My father is now in Puckshenubbee's district, exerting himself to the utmost in favor of the Government. What success he may have, I am not able positively to say; but, judging from circumstances, and the influence he has in the nation, I think he will effect the object of his mission.

Accept the assurance of my zeal for the cause in which you are engaged, and thanks for favors conferred on

Your most obedient servant,

JAMES PITCHLYNN.

P. S.—Address yours to the Chickasaw Agency, care of General Sherburne, to James Pitchlynn.
Major Gen. A. JACKSON.

DEAR SIR:

DEPARTMENT OF WAR, *July 12, 1820.*

I have received your letter of the 19th ultimo, and am happy to find that you have consented to serve as a commissioner to hold a treaty with the Choctaw Indians; and I herewith enclose your commission and instructions.

I cannot designate particularly the lands which it would be desirable to give to the Choctaws in exchange for theirs, not being sufficiently acquainted with the localities of the country west of the Mississippi belonging to the United States. In my general letter of instructions to the commissioners, you will observe I have said that they may be located any where on the Quapaw purchase, and I should suppose the farther to the south and west the better.

I have the honor to be, &c.

J. C. CALHOUN.

General ANDREW JACKSON, *Nashville, Tennessee.*

GENTLEMEN:

DEPARTMENT OF WAR, *July 12, 1820.*

I have the honor to enclose a commission for you to hold a treaty with the Choctaw nation of Indians.

The whole sum appropriated by Congress will be remitted to you from the treasury. The time, place, and mode of commencing and conducting the negotiation, will be determined by yourselves, taking care so to make your arrangements that the whole amount to be spent at it, including the expenses of your commission, issues of provisions to the Indians under your orders, presents to them, and such preliminary expenses as the agent may be authorized to incur, shall not exceed \$20,000, the amount of the appropriation.

The principal article of expense will probably be the issue of provisions to the Indians, while treating with them, as it is usual for the greater part of the nation to assemble on such occasions. The probable amount of provision which will be required, and the price at which it can be obtained, may be ascertained by a correspondence with the agent, Colonel John McKee, who has been instructed to obey your orders on all points connected with the proposed treaty, and to take such steps as he may judge best calculated to prepare them for it. The enclosed circular will be complied with in contracting for the provisions and issuing them; to which, as there have in some instances been great irregularities, I particularly call your attention.

The terms on which a cession or exchange of territory will be made must be left entirely to your sound discretion. In negotiating for an exchange of lands, you can offer them a portion of the Quapaw cession in the Arkansas Territory, (the boundaries of which, copied from the treaty, are enclosed,) to be located any where you may judge proper, so as not to include the lands of the Cherokees, the Quapaw reservations, or lands actually settled.

Your compensation will be at the rate of eight dollars per diem, and that of the secretary to the commission, whom you are authorized to appoint, at the rate of five dollars per diem, for the time actually engaged. The payment will be made on your certificate of honor, specifying the time that you have been actually engaged. You will also certify the time that the secretary may be actually engaged. Your certificate, in like manner, will be a necessary voucher for the presents distributed under your authority.

I have the honor to be, &c.

J. C. CALHOUN.

ANDREW JACKSON and }
THOMAS HINDS, } *Commissioners, &c.*

SIR:

DEPARTMENT OF WAR, *August 21, 1820.*

Your letters of the 2d and 5th instant have been received. Agreeably to your request, I have directed the \$20,000 appropriated for holding the treaty with the Choctaw nation to be remitted to you, by a draft on the bank at Natchez. In making the contract for supplies, as well as the other arrangements for the treaty, the commissioners are left entirely to their own discretion and judgment; and no doubt is entertained but that the limited sum placed at their disposal will be made to accomplish, as fully as possible, the object for which it was appropriated.

In answer to that part of your letter of the 2d instant which relates to the reservations, which you think will have to be made to some of the half-breeds, and in which you request instructions upon the subject, I have to state that it is very desirable that the treaty should be made without any provision for reservations, if it can be done. But if you should find such a provision necessary to the success of the negotiation, the right of the reserves ought to be restricted as you propose, or in the manner in which it has been restricted in similar cases in Indian treaties, to wit: "that the reserves and their descendants shall not convey or transfer the reservations granted to them by the treaty, but with the consent of the President of the United States."

Reservations in fee-simple will not be admitted by the Senate; but, if made in the manner proposed by you, or as above suggested, they would not probably be objected to; and you are at liberty to adopt that which you judge best for the interest of the United States. The Secretary of War has left the seat of Government on a short excursion to the north.

I have, &c.

C. VANDEVENTER, *Chief Clerk.*

Major General ANDREW JACKSON, *Nashville, Tennessee.*

SEPTEMBER 13, 1820.

General Commissioners of the United States, who are appointed to treat with the Choctaw Indians:

I take this opportunity to inform you that I have just held a talk with the Six Towns, concerning said treaty, and they generally appear to be in complete opposition towards selling or making any exchange of their land, (as they suppose that is the intention of said meeting,) although they appear to be willing to meet you at the place appointed for council. I will inform you of the contents of a letter that was written at the Pigeon Roost, by David Folsom, sent to Joel Nail, to be published to the Six Towns and Chickasawha Town Indians; the advice in this letter to the above-mentioned towns was to pay no regard to any thing relative to an exchange of land; not to believe the land the United States has in view to exchange for theirs is of any consequence, neither is the hunting ground of any value. Also, he inserts in said letter that he wishes the Indians to be of one mind till they come together, and then they will have a general talk.

Your obedient servant,

EDMUND FOLSOM, *Interpreter.*

General ANDREW JACKSON.

OCTOBER, *the 6th day, 1820, in the woods.*

Gentlemen Commissioners, at the Treaty Ground:

When we left you, we went on to the Six Towns, where we collected fifty-two warriors, and a few in another place; they were all friendly, and said they would have all gone to the treaty, but their chiefs, by the influence of bad men, neglected their duty and told them they did not want any but the leaders and captains to go; in consequence whereof, they had staid at home, and some had gone to the woods a hunting and gathering chestnuts, but they despatched runners in pursuit of them to collect, and said they would start as quick as possible. From there we sent your talks to Quanny's, and we went on to the Chickasawhas and Coonshas, where we found them all friendly, and would have gone to the treaty, but they were neglected in the same way and for the same reason that the Six Towns were; but they all promise to be on as quick as possible.—No more.

EDMUND FOLSOM,
M. MACKEY.

N. B. We met with one opposer; said he was a Spanish subject; he was very insolent, and I had a notion to give him my horse-whip.

M. MACKEY.

GENTLEMEN:

TREATY GROUND, CHOCTAW NATION, *October 18, 1820.*

For carrying into effect the benevolent wishes of the President relative to the civilization and general improvement of the Choctaws, the following plan is respectfully submitted, with an estimate of the expenses for each year.

That the advantages of education may be furnished as extensively and speedily as possible to the rising generation, it is proposed that there be established four large schools, and thirty-two small ones, viz: three large and twenty-four small schools on the east side of the Mississippi, and one large and eight small ones west of the Mississippi. It is further proposed that one large school and five small ones be established in each year, until the number is complete.

In the estimate \$15,000 are allowed for buildings, clearing and fencing plantations, stock, teams, wagons, farming tools, mechanical tools, &c. for each of the large establishments, and \$2,000 for the same purpose for each of the small ones; \$5,000 are allowed for the *annual support* of each of the large schools, and \$1,000 for the *annual support* of each of the small ones.

The large schools are calculated to contain from 80 to 100 scholars, most of whom are to be fed and clothed. The smaller ones to contain from 20 to 40 scholars, most of whom are supposed to board at home, and be clothed by their parents. Should a surplus remain after defraying the expenses of each school, it may be appropriated to the support of poor children in the family of the teacher.

<i>Estimate of expenses.</i>	
1821. For support of the school now in operation at Elliot, - - \$5,000 For completing the large establishment at Oaktibbeha, - - 12,000 Establishing five small schools, - 10,000 <hr/> \$27,000	1825. Support of four large schools, - \$20,000 Support of twenty small schools, - 20,000 Establishing five small schools, - 10,000 <hr/> \$50,000
1822. Support of two large schools, - 10,000 Support of five small schools, - 5,000 Establishing one large school, - 15,000 Establishing five small schools, - 10,000 <hr/> \$40,000	1826. Support of four large schools, - 20,000 Support of twenty-five small schools, 25,000 Establishing five small schools, - 10,000 <hr/> \$55,000
1823. Support of three large schools, - 15,000 Support of ten small schools, - 10,000 Establishing one large school, - 15,000 Establishing five small schools, - 10,000 <hr/> \$50,000	1827. Support of four large schools, - 20,000 Support of thirty small schools, - 30,000 Establishing two small schools, - 4,000 <hr/> \$54,000
1824. Support of four large schools, - 20,000 Support of fifteen small schools, - 15,000 Establishing five small schools, - 10,000 <hr/> \$45,000	1828. When all the schools are supposed to be in operation: Support of four large schools, - 20,000 Support of thirty-two small schools, - 32,000 <hr/> \$52,000

It is believed that a selected portion of the ceded country, equal to what was granted to the Cherokees for the same purposes on this side of the Mississippi, will be sufficient to carry the above plan into operation among the Choctaws, on both sides of the river; and, whether we consider the extent of country ceded, or the importance of the object to be accomplished, will it be thought too large an appropriation?

The fund will be placed in the hands of the President, to be appropriated under the eye of the agent, and will not, therefore, be liable to misapplication.

A large number of the children must be fed and clothed; all must be initiated in habits of industry, and a portion taught the mechanic arts.

The above is respectfully submitted by

Your obedient and humble servant,

CYRUS KINGSBURY,

Superintending Missionary to the Choctaws.

To Major General ANDREW JACKSON and General THOMAS HINDS,

Commissioners on the part of the United States for treating with the Choctaw Nation.

NASHVILLE, August 24, 1820.

We, the undersigned commissioners, deputed to hold a treaty with the Choctaw nation of Indians, by virtue of authority from the hon. Secretary of War, bearing date the 12th day of July, 1820, empowering us to appoint a secretary to the commission, do, by these presents, appoint Samuel R. Overton, Esq. secretary to the same, with the compensation of five dollars per day, for the time he shall actually be engaged.

In testimony whereof, we have hereunto set our hands, the 24th day of August, 1820.

ANDREW JACKSON,
THOMAS HINDS.

NASHVILLE, August 31, 1820.

Memorandum of an agreement made and entered into this 31st of August, in the year of our Lord one thousand eight hundred and twenty, between Andrew Jackson and Thomas Hinds, commissioners appointed to hold a treaty with the Choctaw nation of Indians, at Doak's Staud, on the Natchez road, in said nation, on the one part, and William Eastin, with Major William B. Lewis, as his security, on the other part, witnesseth: That the said William Eastin, with his security, undertakes to furnish all the rations necessary to be issued to the said Choctaw Indians, at the place aforesaid, and during the pendency of the treaty, commencing on the 1st of October next. The aforesaid William Eastin, with his security, further agrees to furnish all supplies necessary for the accommodation of the commissioners and suite, and chiefs of the aforesaid Indian nation, agreeably to a memorandum to be made out by Samuel R. Overton, Esq., secretary to said commission; for which last mentioned supplies the said William Eastin shall be allowed a commission of twenty-five per cent. on his purchases. The ration issued to the Indians is to consist of one pound and a half of beef, one pint of corn, and one quart of salt, for every hundred rations; for which the said Eastin is to receive from the commissioners, in cash, nine cents for each and every ration issued to the Indians, at the place and time aforesaid, agreeably to the returns to be furnished by the agent of said nation; or, on failure of his attendance at the treaty, agreeably to the returns to be made by such other person as may be appointed for that purpose by the commissioners. To the performance of this agreement, we, and each of us, bind and oblige ourselves in the penal sum of ten thousand dollars, (\$10,000.)

In witness whereof, we have hereunto set our hands and affixed our seals, the day and date above written.

WILLIAM EASTIN, [Seal.]

WM. B. LEWIS, [Seal.]

ANDREW JACKSON, [Seal.]

THOMAS HINDS, [Seal.]

By ANDREW JACKSON,

Commissioners.

Witness, SAMUEL R. OVERTON, *Secretary.*

NASHVILLE, *September 2, 1820.*

A schedule of supplies to be furnished the commissioners and suite, appointed to hold a treaty with the Choctaw Indians, was made out by the secretary, and delivered to Mr. William Eastin, the contractor. For the purchase and transportation of these supplies, the commissioners furnished five hundred dollars, as per receipt.

NASHVILLE, *September 14, 1820.*

Major General Jackson and suite left this place on to-day for Doak's Stand, on the Natchez road, for the purpose of holding a treaty with the Choctaw Indians.

DOAK'S STAND, *September 28, 1820.*

Major General Jackson and suite arrived at this place on to-day.

SEPTEMBER 30, 1820.

This day General Thomas Hinds, one of the commissioners, and Colonel McKee, agent, arrived at Mr. Doak's Stand; also Lieutenant Graham, with a command of about seventeen men.

TREATY GROUND, *October 2, 1820.*

The commissioners having made some progress in their encampment, removed to the treaty ground, about half a mile below Mr. Doak's. None of the headmen and warriors of the Choctaw nation had convened until late in the evening, when the Little Leader, about nine or ten of his men, and a boy, arrived, and drew their rations.

A few of Puck-she-nub-bee's men also arrived this evening, and refused to draw provisions, upon the ground that it was agreeable to an order given them by their chief. They were only about seven or eight in number. They, however, consented to receive their rations, after a short conversation with the commissioners, in which their interests and the views of the United States were explained to them.

TREATY GROUND, *October 3, 1820.*

Puck-she-nub-bee and Poos-ha-ma-ta-ha, two principal chiefs of the Choctaw nation, arrived at this place, with about 70 or 80 men. Those commanded by the latter only drew their rations. When the commissioners called upon Puck-she-nub-bee to know why he had given his headmen and warriors an order not to receive the provisions provided for them by the United States, he replied that it was not his intention to grant any thing which might be asked by his father the President, and did not wish to subject him to any expense. He was interrogated whether he knew what the United States wanted, and he acknowledged he did not. It was stated to him by the commissioners that they had been sent here to deliver a talk to the nation relative to their common good; that his conduct was such as was disrespectful, and would be so considered by his father the President of the United States. They also informed him that they understood many wicked efforts had been made to prevent a full council of the nation, and thereby defeat the attempt to treat with them. They had, therefore, determined to remain upon the ground forty days and nights, until the fact could be ascertained, and for the purpose of notifying all the headmen and warriors who were absent to attend at the treaty, and hear the friendly talk of their father the President of the United States.

The commissioners received a communication from Mr. Edmund Folsom, informing them that David Folsom had written a letter to the Indians of the Six Towns, recommending to them to disregard the talks of the President their father, and stating to them that the country which he proposed to exchange with them was not desirable to the nation. This letter was considered by Mr. Edmund Folsom as intended to oppose the treaty, by preventing a general meeting of the headmen and warriors of the nation. A letter was also received, which had been some time since written to Mr. James Pitchlynn, by General A. Jackson, with an insulting endorsement upon it. It related to the treaty, and was broken open before it reached the person to whom it was addressed. It was delivered to David Folsom, who states he left it with the Reverend Cyrus Kingsbury, by whom it was conveyed to Mr. Pitchlynn. From these and other circumstances, added to the verbal communications, and the backwardness of the arrival of the headmen and warriors of the nation, the commissioners were induced to believe that a combination had been formed by some of the white men and half-breeds to prevent a general and full council, and, if possible, to render an effort at negotiation abortive. Under these impressions, they despatched, this evening, to the Six Towns, Edmund Folsom and Middleton Mackey, as the bearers of the following talk:

CHOCTAW TREATY GROUND, *October 3, 1820.*

Friends and Brothers of the Choctaw Nation:

Your father the President of the United States has been informed that many of your nation have crossed the Mississippi, and that a number of others desire to remove. He has, therefore, appointed the undersigned commissioners to convene the headmen and warriors of his Choctaw children, and, when assembled in a general council, to deliver to them a friendly talk. He also desires to hear the wishes of your nation, and, in treaty, to do such things as will most promote the happiness and prosperity of all his Choctaw children.

With these instructions, we made known to the nation, through your agent, Colonel John McKee, that a general meeting of the chiefs, headmen, and warriors was requested and expected at Doak's Stand, in said nation, on the 1st day of October, 1820. On that day, the undersigned attended at this place, and expected that the chiefs, headmen, and warriors of the Choctaw nation were on the road to the treaty ground, to meet us in council, and listen to the talk of their father the President of the United States. This is the third day we have waited to see you; only about sixty chiefs and warriors have attended, and we are informed that not more than one hundred are expected. We are told that the chiefs and warriors have been advised by some bad men to stay away from the council, and not come forward to hear the talk of your father the President of the United States. We have also learned, with much pain, that many threats have been made, declaring that any one should be put to death who attends the treaty, and consents to sell or exchange any part of the Choctaw lands. Fear not those threats. The arm of your father the President is strong, and will protect the poor Indian from the threats of the white man and half-breed, who are growing rich by their labor. They make slaves of the poor Indians, and are indifferent to their happiness. They care not whether the poor perish, or are lost to the nation, if they can grow rich by their labor, and by living on the main roads through the country.

Many of your poor Indian brothers have gone over the Mississippi. It is represented to your father the President that a number more wish to go to that country. He has, at much expense, purchased it for you. He invites you to come forward, and tell him your mind freely, and without fear. You shall not be injured. He will protect you. Those who choose to remove beyond the Mississippi will receive there a good country for a small part of their lands here. Those who wish to stay and cultivate the earth, your father the President wants to remain here. He, therefore, desires to see you all at this place, so that each may make a choice freely, and all be happy. You are all inter-

ested, and must be heard. As the friends and brothers of the white people, you cannot refuse to listen to the counsel and advice of your father the President of the United States. As soon as you all assemble at this place, we will deliver his friendly talk to his Choctaw children. If you will not come and hear it, he may never speak to you again.

This talk is sent to you by your friends and our friends, Edmund Folsom and Middleton Mackey, by whom you will send us an answer, informing us whether you will, or will not, attend at the treaty, and hear the talk of your father the President of the United States.

We are your friends and brothers,

ANDREW JACKSON,
THO. HINDS.

TREATY GROUND, *October 4, 1820.*

About eighty headmen and warriors of the nation arrived at this place on to-day, and received their rations.

OCTOBER 5, 1820.

The Red Foot, a chief and warrior of the Six Towns, came in to-day, bringing with him about eighty of his men, all of whom drew their provisions.

The Rev. Cyrus Kingsbury visited the commissioners, and, in a conversation with one of them relative to the letter written by General Jackson to James Pritchlynn, and which was left in his possession, stated that he had never seen it, and was altogether ignorant of the insulting endorsement made upon it. Upon an explanation of the views of the United States relative to the Choctaw nation, he gave them his approbation.

In consequence of the headmen and warriors of Puck-she-nub-bee not having received any provision, about sixty in number left the treaty ground, to return home. The commissioners explained to him the disrespect and insult which was thereby offered to his father the President of the United States. They told him that his father the President was disposed to treat with them as friends and brothers, and that, if they refused to hear his friendly talk, he might determine never to speak to them again. He had Choctaw children beyond the Mississippi, who are our friends and brothers, and he might treat with them in future, if his talk was refused to be heard, or insultingly neglected. After this explanation, and others, relative to the views of the United States, he stated that they had departed with his permission; that they would return, with the whole of his warriors; and he hoped all would be well yet.

TREATY GROUND, *October 6, 1820.*

This day Mushulatubbee, a principal chief, arrived with only two of the headmen and warriors of the district under his command. He stated that a number were on the road, and would be here in a short time; that some were already here, and that he would make a report of them on to-morrow.

OCTOBER 7, 1820.

Puck-she-nub-bee and the other chiefs appeared to be in a better humor, and gave us a ball-play. In the evening Puck-she-nub-bee made known to the commissioners that he was desirous to hear the talk of the President, intended to be delivered to the Choctaw nation. The commissioners informed him that it should be delivered to them as soon as his headmen and warriors arrived upon the treaty ground. He observed that there was to be a great ball-play on Monday, at which all those belonging to his district would be present. In that event, the commissioners stated to him that the talk would be delivered to them on Tuesday succeeding.

OCTOBER 8, 1820.

On this day, our confidential agent reported that the prospect of a treaty was becoming more flattering. Some of the headmen and warriors belonging to the district of Puck-she-nub-bee arrived at the treaty ground, and received their rations.

OCTOBER 9, 1820.

Agreeably to promise, the principal chiefs of the nation gave us a ball-play on to-day, which was closed with a dance in the evening. All the Indians seemed to be in a good humor, and, as far as we could judge from appearances, in a favorable temper for negotiation.

OCTOBER 10, 1820.

In conformity with an appointment made by the commissioners, they met the chiefs, headmen, and warriors of the Choctaw nation in council this day. They informed them that although their runners had not returned, yet they had determined to deliver a talk to those now present. They also observed that the same talk would be given to those who were absent, as soon as they arrived. It was as follows:

FRIENDS AND BROTHERS:

CHOCTAW TREATY GROUND, *October 10, 1820.*

Your father the President of the United States has been informed that a number of his Choctaw children are gone and settled on the west side of the Mississippi river. He has also been told that many more of the chiefs and warriors of your nation are anxious to remove. They wish to obtain a new country there, in exchange for a small part of their lands here.

It is stated to your father the President that a large proportion of his Choctaw children are in a distressed condition, and require his friendly assistance. They live upon poor land, and are not willing to cultivate it. The game is destroyed, and many of them are often reduced almost to starvation. A few are to be found in Alabama, Louisiana, and Mississippi. A number are scattered over the country from Tennessee to New Orleans. Many have become beggars and drunkards, and are dying in wretchedness and want. Humanity requires that something should be done for them. Your father the President entreats you to assist him in providing for your friends and brothers. You cannot refuse it. Some of your nation work and live well; but a great number would be much benefited by removing to a new country, where the means of supporting their squaws and children are more easy and abundant.

Your father the President of the United States is anxious to make all his Choctaw children happy. He has sent General Hinds and myself, as his confidential friends, to shake you by the hand, and assure you of his friendship and regard. The Choctaws have always been the friends of his white children, and your father the President wishes them to continue to be so. As your father and friend, he wants you to listen to the talks delivered to you as coming from himself. He has directed us to point out to you a country beyond the Mississippi, where his Choctaw children who have removed may settle, and where those who wish to go ever may live and be happy. Those who choose to stay here, may do so, and be happy likewise. Then all the Choctaw children of your father the President will be satisfied.

The greater part of your country here is very poor. Those who will not be industrious, and plough the ground, cannot live on it long. For farming, you have more land than is necessary. As a hunting ground, it has not sufficient game. Without a change in your situation, the Choctaw nation must dwindle to nothing. This is what every good and wise chief will endeavor to prevent. Your father the President foresees it, and has chosen you a larger and better country, where all those who will not cultivate the ground may live by hunting. The land is rich, and water good. The fish, fowl, and game are plenty. He has, at much expense, procured this new country for his Choctaw children, where he will protect and defend them. Unless you make an exchange, and a part of your nation will go and settle upon it, and have a line marked, your father the President cannot keep it for them. His white children are anxious to live upon it. He looks forward to the time when the great body of your nation will be compelled by necessity to remove. This friendly offer of a new country is now made to you, where you can either plough the ground or hunt the deer, the bear, and the buffalo. If this timely proposal is refused, it may never be offered again. The wide and rapid settlements of his white children may put it out of the power of your father the President hereafter to make the exchange. When that time arrives, your land will be more poor, and the necessity of your moving greatly increased. Your nation will then be in a situation truly distressing. The poor chiefs and warriors will be compelled to cultivate the soil like their white brothers, or straggle about as a lost and miserable people.

Your father the President of the United States does not wish to drive you from your land by force; nor does he ask you to sell it, or give it away. He has not sent us here to cheat or to threaten you. All these things have been told you by mischievous persons, who are enemies of both his Choctaw and white children. They have been busy in circulating falsehoods amongst you, and you should hate them. We have come to show you that what your father the President wishes you to do, is as much for your good as for that of his white children.

As your game is destroyed, if you all remain here, you must cultivate the earth like your white brothers. You must also, in time, become citizens of the United States, and subject to their laws. Your father the President gives you your choice. If you agree to make an exchange of a small part of your land, it will be for the benefit of the poor and helpless Indians, who will not plough the ground, and whom you cannot support. He wishes it made upon terms that are just and honorable, and such as will best promote the interest and happiness of all his Choctaw children. Your father the President has no desire to deprive you of a home, but to provide for one part of your nation a better country, where they can enjoy more comfort and contentment. Many of your headmen and warriors have already settled upon it. For this new country you can exchange a small part of your land here. The State of Mississippi has not land enough to support and protect themselves. They want a small part of your country to cultivate and build their Government-house upon. It must be fixed upon Choctaw land in a short time, and you can now exchange it to advantage. The people of Mississippi are five times as many as your people; you have three times as much land as they have. They have not land enough to live upon. You have more land than you can cultivate; it is useless to yourselves and to the white people; you can let your white brothers have a small part, and there will be still enough for you. We do not wish to obtain land from you that you want, but only what you can spare. With so large a country without settlements, the people of Mississippi are much exposed to the invasion of foreign enemies. The Choctaw nation is equally exposed. A cession of part of your country is necessary for your defence. As many of your headmen and warriors are gone and settled over the Mississippi, your father the President must strengthen the hands of his white children and supply their place. He will then be able to protect his white children, and the whole of his Choctaw brothers on this and the other side of the Mississippi river.

Your father the President expects no difficulty with his Choctaw children, if they will attend to those who tell them the truth, and frown upon those who tell them lies. Those who fall within the bounds of the ceded lands, and wish to remain on this side of the Mississippi, let them do so. They shall have suitable reservations, to include their improvements, and be protected by our laws. If they prefer removing, they shall be paid for their improvements. Those who are poor and unwilling to become farmers like their white brothers, let them go; they also demand the care and protection of their affectionate father the President of the United States. They are his children, and he will not neglect them: He has directed us to make provision for them, by ceding them a new country; there they can live in abundance, and acquire riches and independence, like some of those now residing in this nation. As all parties are accommodated, and the interest and happiness of all consulted, there cannot be any honest opposition made to the friendly proposals of your father the President of the United States.

Upon the subject of your schools, no difficulty can arise; your father the President will do every thing in his power to accomplish the object of your nation. He has every wish to educate and civilize his Choctaw children. He will secure to the school now established here the funds and property belonging to it. Additional funds shall be raised out of the ceded land, to establish one beyond the Mississippi. The fund to be applied to this purpose, shall be so divided as to extend its support to both schools. Then all the Choctaw children of your father the President will enjoy its benefits. No loss or injury shall be suffered by the change; but additional aid given to them. They shall also be so regulated, that their funds cannot be misapplied. The advantages of these schools will thus be secured to the poor, as well as the rich, on both sides of the Mississippi.

Many of your nation are already beyond the Mississippi, and others are every year removing. At least one-third of your headmen and warriors are gone over. Your father the President is disposed to cede you the country where they are settling. He is desirous of collecting all those who are straggling about in every direction into one settlement; and, by keeping his Choctaw children together, to perpetuate them as a nation. Those beyond the Mississippi wish it, so that they may not be lost to their white and red brothers. Now is the time to accept of this friendly proposal. You will then preserve that strength and respectability which have always been the boast and pride of the Choctaw nation. If you refuse it, you will be divided amongst yourselves, and must be easily conquered by your enemies. Numbers of you will be scattered over a country not your own. They will be without a home, or the protection of their white friends and brothers. The greater part of the nation will be destroyed. It will be mixed with different tribes, as are many others of the red children of your father the President of the United States.

Should this kind offer of your father the President be rejected, it must proceed from the false statements of some of the white men and half-breeds living amongst you. There are a few who have poisoned your minds, and endeavored to make you unfriendly to the treaty. They are anxious to keep you in a state of poverty and servitude. You ought not to take their counsel and advice in opposition to your father the President of the United States. They ought to be contented with their reservations. They should be more just to you, and not wish to make the poor Indians any longer slaves to them and their children. This your father the President will prevent, if you desire it. Tell him your mind freely, and you shall be relieved from your oppressors. Their object must be riches and power, which you are bound to resist. Your father the President feels every friendship for all his Choctaw children, and is willing to do every thing in his power to prevent this imposition. One part of the nation is as dear to him as the other. He is determined to see justice done to the whole of his Choctaw children, and not let one part make fortunes unjustly out of the other. It is his desire that all should be treated honestly and fairly, and provided with a country where they can live in peace and plenty.

This is an important subject to the Choctaw nation; it is your duty to consider well before you decide. Your existence as a nation may depend upon it. The peace, power, and happiness of the Choctaws may be destroyed by a hasty and rash decision. Your father the President entreats you to be cool and cautious, and to study your true and lasting interests. He has always been your friend, and is desirous to promote these valuable objects: if you neglect them, you alone must feel the consequences. Your welfare is very near the heart of your father the President of the United States. It is his duty to give his children counsel and advice; it is theirs to determine whether they will accept them.

Your father the President has directed us to speak freely to the whole of his Choctaw children upon these subjects; he desires every one of them to express his wishes and feelings also, without fear or restraint. When he talks to you, he tells you the truth, and expects you to be equally candid. He has heard with much pain that threats have been used to prevent the poor chiefs and warriors from expressing their opinion upon the subject of a treaty. We are therefore directed by him to say to you, in full council, that no threats shall be used; if any one attempt it, he shall be severely punished, as he deserves. The voice of the poor Indian shall be heard, as well as that of the half-breed and white man. They shall not be imposed on by the few who have gotten rich by the industry of the poor, who occupy some of the valuable stands on the main roads, and wish to keep the poor Indians here, to enrich themselves by their labor. The whole of the nation are deeply concerned, and all must be heard. Your father the President will protect the poor as well as the rich, and expects that every one will speak out with boldness. His arm is strong, and he will not allow you to be injured; your rights shall be respected. Express your wishes with freedom and candor, and make such a choice as will most promote your safety and happiness.

As children of the same family, we entreat you to do justice to one another. Let every one act and judge for himself. Those who want to stay here, let them do so. If any wish to remove beyond the Mississippi, let them go. Here, they have a country that is old and poor; there, they will settle one that is new and rich. Here, they have no game; there, they will have a plenty. Here, they are separated from their friends and relations beyond the Mississippi; there, they will be collected together as one people. Here, they cannot support their squaws and children; there, they will live in peace and abundance. Will the real Indian chief and warrior consent that these people shall be cut off and lost to the nation? They are our friends and brothers. They have fought by our sides, and assisted to make us chiefs and great men. Will you desert them, and suffer them to be destroyed; or compel them to mix with other tribes, who may be our and your enemies? We may be then under the necessity of raising the hatchet against our own friends and children. Your father the President of the United States wishes to avoid this unnatural state of things. He wants to send an agent and establish a school amongst those who have gone over the Mississippi, and take you all by the hand as friends and brothers. Will you do less for your Choctaw friends and relations than your father the President of the United States? Will you not unite with him, and assist to make them happy? By removing beyond the Mississippi, they receive no annuity. They have also left their land and schools behind them. For the country here, they ought to have land where they live. It is your duty to provide for them, and preserve them as a part of your nation; you can do so, by exchanging a small part of your country. This land belongs to your brothers beyond the Mississippi as well as to you. It is out of your power to deprive them of it. You should not permit a few designing white men and half-breeds to make the attempt. It would be robbing your brothers beyond the Mississippi. It would be ungrateful to those who have shed their blood in our battles, and helped to make us chiefs and headmen of our nations. It would be injustice to yourselves and your children. Your father the President will not desert this part of your nation, which has assisted to fight his battles. You should not desert them. By preserving them, they will give you strength, and hereafter assist in your defence. If you withdraw your brotherly protection from them, your nation can never prosper by such conduct. Every wise and good chief will condemn it; and the Great Spirit above will look down upon it with displeasure.

This is the second time the confidential friends of your father the President have met you in council. If you refuse to listen to his talk, it may be the last he will ever send to the chiefs, headmen, and warriors of this nation. He has Choctaw children beyond the Mississippi, who desire his protection, and who will attend to what he has to say. The next attempt to treat may be made with them, instead of those on this side of the Mississippi. If you will refuse to be governed by his counsel and advice, he will give you up to the influence of those who are unfriendly to both his white and Choctaw children. He can no longer look upon you as friends and brothers, and as deserving his fatherly protection. Think seriously upon these matters. Pause and reflect before you decide. If you suffer any injury, none but yourselves will be to blame. If you will be advised by your enemies instead of your friends, you must feel the effects of your folly.

To the CHIEFS AND WARRIORS of the *Choctaw Nation*.

ANDREW JACKSON,
THOMAS HINDS.

At the close of the above talk, Puck-she-nub-bee, a principal chief, observed that the white people had the advantage of the Indians, in being enabled to commit their talks to writing. He said that the commissioners were better informed than the Indian chiefs, and knew already as well as he did the strength of the Choctaw nation. It was his wish that all he had to say, as well as the talks of all his chiefs and headmen, should be taken down in writing. He also requested that his half-breeds, who could read and write, might be permitted to perform this duty, to see that there were no mistakes, and that every thing was well done.

The commissioners, in reply, informed this chief that they wished all the proceedings conducted in writing, and that they would willingly comply with his request. They stated to him that his father the President of the United States had not sent them here to impose upon his people, but to promote their interests, by doing every thing in their power to preserve and protect the whole of his Choctaw children; that they had committed the talk to writing which had been delivered to them; so that they might read it over frequently, and understand its contents. It could not then be misrepresented by designing and mischievous persons who were hostile to the best interests of the white people, as well as those of the Choctaw nation.

One of the commissioners remarked that he had once known the strength of the Choctaw nation, at a former period, when they followed him to battle. He said he felt like a friend and father to their chiefs, headmen, and warriors, and entreated them to deliberate well upon the talk just delivered to them, before they decided upon the course to be adopted. They promised to do so, and gave each other the hand of friendship before their separation.

OCTOBER 11, 1820.

The chiefs, headmen, and warriors of the Choctaw nation were convened at their council-house on to-day; but the commissioners received no communication from them as to the result. They were, however, informed by their confidential agent that the prospect of a treaty still continued to promise a successful issue.

OCTOBER 12, 1820.

The chiefs, headmen, and warriors were again convened at their council-house this day; but nothing definitive as to their determination was communicated to the commissioners. Appearances continued to be favorable.

Middleton Mackey and Edmund Folsom, who had been despatched as runners with a talk to the Indians who were absent, and who, it was believed, were either not notified, or prevented by threats from attending the treaty, returned this evening. They reported that eighty or ninety warriors would be here in a short time. All they saw promised to come in, and stated to the runners that they had not been notified by their chiefs of the pending negotiation.

OCTOBER 13, 1820.

Puck-she-nub-bee, a principal chief of the nation, informed the commissioners that some of his headmen and warriors were disposed to go into council, and it was the wish of others to have a ball-play. He stated that he did not wish to mix his business, but to do one thing at a time. The commissioners replied to him that his view of the duty set was a correct one; that if his headmen and warriors were disposed to indulge themselves in amusement, it might be proper to gratify them, as they had no disposition to hurry them in their determinations. This chief then remarked that they would proceed on to-day with the ball-play, and on to-morrow go into council. In the mean time, he expressed a wish that the commissioners would furnish their definitive propositions; which were accordingly submitted to them, in manuscript, late this evening. The following is a copy:

FRIENDS AND BROTHERS:

CHOCTAW TREATY GROUND, *October 13, 1820.*

In order to carry into effect the grand and friendly object which your father the President of the United States has in view for securing the happiness and protection of all his Choctaw children, he proposes to give you a large country west of the Mississippi river. It will be laid off adjoining your Cherokee brothers, so that each can protect and befriend the other. The limits will extend from the Arkansas river, where the Cherokee line begins, south to the Red river, and west to the head source of the Arkansas river. There your father the President wishes to collect all his Choctaw children who have already gone over the Mississippi, as well as those who are straggling about in every direction. It is also intended as a home for all those who will not cultivate the ground here, and wish to go over and settle upon it.

For the purpose of enabling those who desire to remove to that country to do well and support their families, your father the President, who is the true friend of the poor Indian, will give each warrior a blanket, kettle, rifle gun, bullet moulds and wipers, and ammunition, sufficient for hunting and defence. He will also furnish him with corn to support him and his family for the first year, and whilst travelling to that new country. It is his further intention to appoint an agent for them, and send his factor there with goods to supply their wants. A blacksmith shall be settled amongst them, as has been done here; and your father the President will provide for your schools both on this and the other side of the Mississippi. The fund for their support shall be raised out of part of the land he asks you to cede here, and which he wants to get where it will not injure your nation. Its proposed boundaries are as follows: Beginning on the Choctaw boundary, east of Pearl river, at a point due south of the White Oak spring, on the old Indian path; thence, north, to said spring; thence, northwardly, to a point on the main road from Nashville to Natchez, so as to include Doak's Stand; thence, westwardly, to Black creek; thence, down Black creek, to the lake into which it flows; thence, a direct line, to strike the Mississippi one mile below the mouth of the Arkansas river; thence, down the Mississippi river, to our boundary, and round and along the same to the beginning.

Out of this cession your father the President of the United States will set apart one township, that is, thirty-six sections of one mile square, (and, if necessary, more,) to be sold for the purpose of raising a fund to be applied to the support of your schools. We are told that there is some discontent in the nation about part of their annuity having been applied for the benefit of those now established here. Your father the President was much pleased to learn that this appropriation was made, and it is such a one as all wise men must approve. The education of your children is an important object with the Choctaw nation, and they cannot apply their funds to a more valuable purpose. To remove any discontent, if it exists, we will set apart more land in this cession, for raising an equal fund with that given by your chiefs to these schools, should it be desirable to the headmen and warriors of your nation. Then your chiefs will be exonerated from all censure, if any exists, and the whole of the annuity shall remain in your nation and be divided amongst them.

Your father the President loves you as his children; he wishes to have your children educated, and will provide the means out of the ceded land. We are sent here by him to make provision for all, and to endeavor to make the whole of the Choctaw nation happy. Any individual who falls within the bounds ceded will be paid a full value for his improvements, if he does not wish to live on them; should he prefer remaining on them, he shall be secured in a mile square, to include his improvements. There are some who have valuable improvements on the different roads through the country; if they remove, the inconvenience of doing so will be considered, and, in addition to the real value of their improvements, something shall be allowed that may be equal to the inconvenience.

Your father the President has sent us here to make you happy; the land he wants for his Mississippi children, and which they cannot do without, he has selected in a place where it does not interfere with your schools, or the great body of your nation. He must also provide a home for his wandering Choctaw children, and for those in your nation who will not work, and wish to remove. There can be no great and good chief, warrior, or leader, who can refuse to comply with the friendly and humane propositions of your father the President of the United States. Listen to them, and adopt them, and you are a happy people forever. Attend to his counsel and advice, and he will place your nation and its happiness upon a lasting foundation.

ANDREW JACKSON,
THOMAS HINDS.

To the CHIEFS AND WARRIORS of the Choctaw Nation.

OCTOBER 14, 1820.

The preceding talk was interpreted to the chiefs, headmen, and warriors of the Choctaw nation this morning. The commissioners represented to them the importance of the subject to which it related, and wished them all to hear it. It was a matter of deep concern, and they recommended them to listen and deliberate with great attention. They observed that it was put in writing, in order that it might be read in council, and that they might understand it well. The commissioners explained the views of the President to be, to obtain such a part of the Choctaw country as was absolutely necessary to the State of Mississippi, and as would permanently fix the boundary lines between the red and white people; they would be made to run in such a direction as not to interfere with their schools, or infringe upon the great body of their population. A poor country would be the limit on the east, which would answer all the purposes of grazing to the Indians, and which the white people could never wish to obtain; neither would it interrupt their settlements on the north; and, by exchanging it, they would discharge an imperative duty, by providing for all their Choctaw friends and brothers, and acquire a new country much larger than the part ceded here. Their white brethren could not then ask them for any more land; nor could those of the

nation who had gone over and settled beyond the Mississippi. The consequence would be, that the whole of the Choctaws would be happy, and live in plenty, peace, and harmony.

The commissioners remarked to the chiefs, headmen, and warriors, that it was the last time they ever expected to meet them in council, and that they now wished to fix the boundary between the Choctaws and white people, so as to carry into effect the grand object of the President in relation to their welfare and happiness. If they wished any explanation of the talk delivered to them, they were informed that it could be obtained by application to the commissioners. They were advised to deliberate maturely upon the subject, and to take their own time in forming a decision. The commissioners stated that they were not in a hurry, and that, whenever the council were ready to give them an answer to their talks, they would be ready to receive it; they then gave each other the hand of friendship, and separated.

Immediately after hearing the above talk, the chiefs, headmen, and warriors went into council, and were for some time engaged in discussing the propositions submitted to them as the basis of a treaty. The commissioners received no report from them as to the result. The chiefs, headmen, and warriors asked to be indulged with further time to deliberate, as it was a subject of uncommon magnitude to the nation. The commissioners replied, that the course which they proposed was a prudent one, and that they would wait on them with patience; it was not their wish that they should be precipitate, but that their determination should be the result of mature reflection; then all the Choctaw nation would be satisfied, and their true and lasting interests successfully promoted.

OCTOBER 15, 1820.

The commissioners had an interview with Puckshenubbee, one of the principal chiefs of the Choctaw nation, this morning; he stated that he would consent to an exchange of a small part of his country, but not as much as his father the President of the United States had proposed in the last talk, which he had delivered on the day preceding. He said he did not know how the President could accomplish all he had promised to his Choctaw children; and, until he understood more about it, and could visit his friends and brothers beyond the Mississippi, he could not agree to so large a cession as the one proposed.

The commissioners, in reply, told this chief that his father the President had requested an exchange with the Choctaw nation of a part of their land that was useless to them, and no more than was absolutely necessary for the cultivation and defence of the State of Mississippi; they had made such a selection as would not interfere with their schools, or the great body of the nation. They further observed that the cession proposed was equally necessary for the security of the Choctaws here, and to provide for those beyond the Mississippi.

The commissioners represented the President of the United States as having in view two grand objects in the present treaty. One was, the education and civilization of his Choctaw children; and the other, to perpetuate them as a nation, by collecting all those who had emigrated abroad, as well as those who wished to do so, and settle them together upon land of their own, beyond the Mississippi river. Provision would be made for all; and then they would be enabled to live in peace and harmony. By separating the idle and vicious from those who are disposed to be moral and industrious, they would derive every advantage promised by the establishment of their schools; their children would make gradual progress in letters and improvement, and contract the habits and character of the white people. If those who would not work remained here, when their children returned from school they would be poisoned by their vicious examples, and relapse into all their former savage habits; the advantages of education would then be forfeited, and, ultimately, the schools would be altogether abandoned.

The commissioners further remarked to this chief, that if the headmen and warriors of the nation would co-operate with the President in this friendly and humane project for their civilization and defence, he would be compelled to treat with those who had gone and settled over the Mississippi, and whom he was resolved to protect and preserve. They remarked, that if this chief chose to treat on the other side of the Mississippi, they would set out with him for this purpose, in the course of a day or two. They preferred treating here, for the purpose of giving this part of the nation the power of making a cession that would not interrupt their views and interests. They could run the line, so as to include the land they could best spare, and by which they would sustain the least injury. If a treaty were held with those beyond the Mississippi, they might be found to be a majority of the nation, and would make an exchange that might not suit those living here. They would probably give acre for acre, and might agree upon a cession which would cut up this country, so as to infringe upon its population and destroy its schools. This chief, and, through him, all the other chiefs, headmen, and warriors, were recommended to listen with attention to the talks delivered to them, and they would be enabled to see their true and lasting interests.

All the other chiefs, headmen, and warriors concurred in the opinion that the treaty should be held and concluded at this place, and that it was not the interest of the Choctaw nation to negotiate on the other side of the Mississippi river. They then separated and went into council, where they were some time engaged, but came to no conclusion as to the propositions which had been submitted to their consideration. They determined, however, to appoint the principal chiefs, commanding the three districts in the nation, together with six white men and half-breeds from each district, to act as a committee for the more speedy and effectual transaction of the business relative to the treaty.

OCTOBER 16, 1820.

The chiefs, headmen, and warriors again went into council to-day, and, after some discussion, appointed a committee, composed of three principal chiefs of the nation, and six white men and half-breeds from each of the three districts, for the purpose of taking into consideration the proposed terms of a treaty, and to make a report upon the same. There appeared to be a considerable want of harmony in council, in relation to the business before them, which some of the chiefs likened to a twisted grape-vine.

About forty or fifty Indians came in from the Six Towns. They were a part of those who had been notified by our runners to attend at the treaty, and who stated that their chiefs had neglected to give them that information.

The project of a treaty was submitted to the chiefs, headmen, and warriors of the Choctaw nation, to be read in council, and an answer requested to be returned, at a convenient time, to the commissioners.

OCTOBER 17, 1820.

The commissioners again met the chiefs, headmen, and warriors of the Choctaw nation, in council, and delivered to them the following talk:

FRIENDS AND BROTHERS:

CHOCTAW TREATY GROUND, *October 17, 1820.*

Your father the President of the United States has already delivered two talks to your nation; he has endeavored to explain to you your interests, and induce you to promote them. Your welfare and happiness are his grand objects. To advance your civilization, and to preserve and perpetuate you as a nation, are considerations

dear to his heart. The first he is desirous to accomplish, by establishing and fostering your schools. The second, by ceding you a country beyond the Mississippi, where all who have gone over and wish to remove may be collected together, upon land of their own. Here, also, he wishes to settle all those who will not work, but are straggling about in every direction, so as to preserve them as a part of your nation. These are the friendly and humane views of your father the President of the United States, and he is determined to effect them. If the nation here are so lost to humanity as to abandon those who have gone and settled over the Mississippi, it is a circumstance of great regret. Your father the President will not permit them to be lost. He could not have anticipated that any great and good chief and warrior would consent to consign his friends and brothers to misery and destruction, when they might preserve them, by exchanging a small part of their land, which they can conveniently spare. The friend of such a measure is the enemy of your happiness, and unworthy of the Indian character. He must be destitute of all magnanimity and virtue, and should not preside over the councils of your nation. It is the duty of every good and wise chief and warrior to make individual sacrifices for the benefit of all his people. He should not be governed by his own private convenience, or that of a small part of his nation. No other course can promote the welfare and happiness of any people. If the Choctaw children of your father the President will adopt the measures here recommended, they will be happy; if they should not, they may be lost forever.

We have been sent here by your father the President to explain these things to the chiefs, headmen, and warriors of this nation. These are the valuable objects which Mr. Jefferson promised you, and was desirous to accomplish. You have been requested to listen well, and avoid the counsel of bad men. All we wish is, that you should secure your own happiness. If you will not hear, and be advised by your father the President of the United States, you must suffer the consequences. He is resolved to preserve and protect his Choctaw children beyond the Mississippi. If you reject his friendly proposals, he will treat with them for the accomplishment of this humane object. They are ready to negotiate with us, and will receive us with open arms. If you will permit the obstinacy and folly of a few amongst you to work your own destruction, you cannot hereafter complain.

Such conduct on your part will force your father the President to adopt the course above mentioned; or Congress, at their approaching session, will take the business into their own hands. By the treaty of Hopewell, they have a right to manage the affairs of this nation; and they will do so, if compelled by the obstinacy of your chiefs and the wickedness of your advisers. It will be the last time a talk will ever be delivered by your father the President to his Choctaw children on this side of this Mississippi. You are advised to beware. This is the second time we have met you in council, and the patience of your father the President may be exhausted. He has heretofore treated you as friends and brothers. He has protected you, and more than once saved your nation. During the late war he took you by the hand as beloved children, and defended you from your and his enemies. Had he failed at New Orleans, your nation would have been destroyed. Be careful you do not forfeit his friendship and regard. He does not ask you for favors, but only for what is just and reasonable, and for your good. If you refuse it, you must submit to the consequences. Your evil advisers may rely upon it that they will suffer for their folly. They are now offered reservations and other advantages; but, hereafter, their interest will not be consulted, only as they are connected with that of the great body of the nation. This is the last attempt, we repeat it, that will be made to treat on this side of the Mississippi. When so many advantages are offered you, and they are rejected, it will be hereafter useless. If evil counsel is permitted to prevail amongst you, your nation must be discarded from the friendship and protection of their white brothers. It is painful to your father the President to do so; but necessity will compel him, and that, too, at a time when your people are weakened by emigration, and more than ever require his fatherly advice and assistance.

Your father the President offers you every advantage, and again wishes to preserve and perpetuate you as a nation. The chain which unites his white and Choctaw children will then be brightened. He wishes to treat with you upon terms that will accommodate those living here. He obliges himself to endow your schools, and to provide for the happiness of all. If he is compelled to treat with those beyond the Mississippi in an exchange of land, he will insist upon acre for acre; and the country here may be cut up so as to interfere with your schools as well as the great body of the nation. All the advantages now proposed may be lost forever. We may no longer be friends and brothers, and the Choctaw name here be irrecoverably lost.

Let us entreat you to avoid bad counsellors. Remember that your nation was in great danger of being governed by the advice of wicked men on two former occasions. When two of your Choctaw brothers were taken prisoners by the British, during the late war, they were sent amongst you with a talk, which you heard. They also brought with them, as presents, twelve bundles of goods and war hatchets, which were distributed in this nation. Your father the President then interposed. He destroyed the enemy, and saved your people. When General Jackson was at Mobile, he sent you a talk as his friends and brothers. Afterwards a Spanish agent paid you a visit, and, as he was informed, spoiled his talk. As soon as he received this intelligence, General Jackson immediately despatched the bearer back again, and directed him to say to the Red Foot, a chief of the Six Towns, that, unless he and his warriors joined him within a given time, he should find him and his army in his town in a few days. This chief was told that he must take sides either for or against us. He heard General Jackson's talk; and joined him within the time mentioned. He held his father the President fast by the hand, and, by our united efforts, the enemy was conquered, and your nation saved a second time. General Jackson has come a third time to preserve you, and he will do so, if you will listen to the talk of your father the President of the United States. Are you unmindful of all these things, and of what your father the President has done for you? Pause before you decide. Frown upon evil counsellors, and consult your best interests, and all will be well; otherwise, no foresight can calculate your distresses. Your father the President will not be trifled with and put at defiance. A heavy cloud may burst upon you, and you may be without friends to counsel or protect you. The chain which has hitherto united us may be broken. Listen well, and then determine. Your existence as a nation is in your own hands.

The project of a treaty delivered to you on yesterday contains the basis of every thing necessary for the permanent happiness of your nation. It is such a treaty as all real friends to your nation will say it is your interest to make, and by which your welfare and prosperity will be secured forever. Have the pegs driven down, and the lines distinctly marked as proposed, so that they never can be altered until you request it yourselves, or until you are advanced to that state of civilization when the land will be apportioned out to each family or individual in the nation. Hear and listen well. Decide for the happiness of all your people, and let not a few obstinate and wicked men destroy your welfare and security. We have labored hard to convince you of your real interests. We hope you will see them as we do, and adopt the treaty proposed, (an outline of which has been submitted to you,) in order that it may be frequently read to you, and that you may understand its objects. Should you reject it, it will be a source of great regret, as it may be a measure fatal to your nation.

ANDREW JACKSON,
THOMAS HINDS.

To the CHIEFS AND WARRIORS of the Choctaw Nation.

The chiefs, headmen, and warriors then went into council, but, for the want of harmony, separated without doing any thing. The committee appointed for the transaction of business was dissolved before they made a report by Puckshenubbee, a principal chief of the nation. After insulting many of the headmen and warriors, he abruptly left the council, declaring that he would not consent to an exchange of land as proposed in the project of a treaty submitted to them, and that he would have no further agency in the transaction.

In consequence of the insulting conduct of this chief, the commissioners called all the chiefs, headmen, and warriors together, and informed them that they were sent here to treat with the whole nation, and not with an individual chief. They said they felt themselves bound to consult their welfare and happiness, and they were determined that the obstinacy of one or more individuals should not defeat so important an object. The commissioners desired to know the wish of a majority; and if they were in favor of a treaty, it should be signed, independent of the voice of any one chief, or of his corrupt advisers. They had a right to adopt this course, and it was their imperative duty to do so. They were told that they should not suffer one or more men to sacrifice their dearest interests; if they did so, they were lost forever. The commissioners also informed them that if a majority of the nation believed this chief to be unfit to preside over them, they had the power to elect another; and, should they select an individual as his successor, he would be presented with a medal, and recognised as a principal chief. They further stated to the chiefs, headmen, and warriors, that on to-morrow the treaty would be presented for signature; and, if it met the wishes of a majority of the nation, the business should be concluded.

About forty or fifty headmen and warriors came in to-day, who had been notified to attend by the runners sent out on the 3d instant.

OCTOBER 18, 1820.

Agreeably to appointment, the commissioners met the chiefs, headmen, and warriors of the Choctaw nation, in full council, this day; and, after having read and explained to them the different articles of the treaty, submitted it to them for signature.

CHOCTAW TREATY GROUND, *October 19, 1820.*

This day the following request, with the names subscribed, was presented to the commissioners of the United States, which they promised to enclose to the President, to be laid before the Congress of the United States:

We, the undersigned chiefs, headmen, and warriors of the Choctaw nation, respectfully request the commissioners plenipotentiary, appointed by the President of the United States to hold and conclude a treaty with said nation, to annex to the treaty already signed an additional article, giving Alexander Hamilton, one-fourth Indian, the privilege of selecting one section of land within the country ceded to the United States, which he is to hold as a reservation in fee-simple.

The undersigned chiefs, headmen, and warriors of the Choctaw nation also respectfully request the commissioners aforesaid to annex to said treaty another article, securing to Noble Osborne, who keeps a public house on the road leading from Nashville to Natchez, the privilege of entering, at Congress price, one section of land where he now lives, making the gate posts in front of his house the centre of the tract.

Pooshamataba, his × mark.	Mushulatubbee, his × mark.
Jesse Brashears.	Captain Bob Cole, his × mark.
Captain Joel H. Nail.	Choctawestonockee, his × mark.
Oakchummee, his × mark.	Hookahooma, his × mark.
Attakeby, his × mark.	Chetuta, his × mark.

All the Indians on to-day, and since the signing of the treaty, appeared to be well pleased, and disposed to indulge in amusement. Notwithstanding the opposition heretofore made to the treaty, they, at this time, seem to be almost universally satisfied.

OCTOBER 20, 1820.

The petition, of which the following is a copy, was this day laid before the commissioners. They ordered it to be entered upon the journal, and promised to transmit it with the treaty, to be laid before the Congress of the United States:

We, the undersigned chiefs of the Choctaw nation, request that our father the President of the United States will order to be sold two tracts of land: one lying on Chickasawhay river, including the Hiyoowannee village; and the other on Tombigbee river, including a village called the Little Turkey; being two tracts reserved by the treaty of Mount Dexter; and that the money arising from the sales be appropriated to the use of the nation; and that, out of the sales aforesaid, there may be paid to Mrs. Mitchell, the wife of Edward Mitchell, for her services in instructing the Indians to weave and spin, for two years and three months, at the rate of thirty dollars per month.

Given under our hands, at the treaty ground in the Choctaw nation, this 20th day of October, 1820.

Puckshenubbee, his × mark.	Capt. Jas. Harrison, his × mark.
Captain Nackastona, his × mark.	Captain Chetuta, his × mark.
Captain Oakchummee, his × mark.	Captain Red Knife, his × mark.
Captain Cobb, his × mark.	William Hays, his × mark.
Choctawestonockee, his × mark.	Captain Bob Cole, his × mark.
Daniel McCurtain, his × mark.	Pausauchahubbee, his × mark.
Captain Oglemier, his × mark.	Joel Nail, his × mark.
John Cairn, his × mark.	David Sexton, his × mark.
Hopochemitta, his × mark.	Jerry Carney, his × mark.
Jesse Brashears.	Lewis Brashears, his × mark.
George Turnbull.	Alexander Hamilton.
Greenwood Leflore.	Benjamin James.

OCTOBER 21, 1820.

The commissioners, having concluded the treaty with the Choctaw nation this day, made the following communication to the Secretary of War:

SIR: CHOCTAW TREATY GROUND,
Commenced October 19, and continued to October 21, 1820.

We have the pleasure to inform you that on yesterday we concluded and signed a treaty with the Choctaw nation of Indians, by which the United States have obtained a cession of about six millions of acres of land, in exchange for the country between the Arkansas and Red rivers: beginning on the Arkansas, where the lower line of the Cherokee boundary strikes the same; thence, up the Arkansas river, to the Canadian fork; thence, up the same,

to its source; thence, due south, to Red river; thence, down Red river, to a point three miles below the mouth of Little river, which empties itself into Red river on the north side; thence, a direct line, to the beginning. From an examination of the map, you will find that Little river is about sixty miles above the Great Raft on Red river, and that we have located the Choctaws as high up the same as practicable.

Upon our first arrival in the nation, we found the Indians generally very much opposed either to ceding or exchanging any land. Those who had been in favor of a treaty were compelled to be silent, and every chief threatened with death if he consented to sell or exchange an acre. Upon inquiry, we discovered that their minds had been poisoned by white men and half-breeds living amongst them, and who had been uncommonly busy in the circulation of falsehoods, and misrepresenting the views of the American Government. From these and other causes, Puckshenubbee, a principal chief of the nation, was so averse to a treaty of any kind, that he gave an order to the headmen and warriors of the district under his command to bring with them only four days' provisions, and not to draw a single pound of public beef. When he arrived at the treaty ground, he was interrogated by the commissioners as to the reason of his order; to which he replied, that it was not his intention to grant any thing proposed by the United States, and did not, therefore, wish to subject them to any expense. At this time there were not more than one hundred and fifty headmen and warriors convened to meet in council; and, from every thing that could be learned, the commissioners entertained no doubt but that an organized opposition had been formed to prevent the attendance of those who were in favor of the treaty, and thereby render the effort abortive. Their arrangement seemed to be, to have a partial meeting of the nation, composed principally of those opposed to negotiation, to remain upon the ground a few days, and then return home.

As soon as we distinctly ascertained the views of these malecontents, we informed the chiefs and warriors present that we had been sent here to treat with the whole nation, and not with a small part of it; that all were interested, and a majority must be heard; and that we should remain upon the ground forty days and nights, in order to collect them together, and deliver to them the talk of the President of the United States. We immediately despatched two interpreters, Mr. Mackey and Edmund Folsom, with a talk addressed to those who had not been notified, or prevented by threats from attending at the treaty. This measure had the desired effect, as a considerable number arrived at this place in a few days afterwards, and in time to give their signatures to the treaty. For further information upon these subjects, we respectfully refer you to the letter of the Red Foot, (herewith transmitted,) which he acknowledged in council to be his, but not his language. For the same purpose, we submit to your examination the report of the interpreters, marked A, and that of Edmund Folsom, marked D.

When a majority of the nation had collected, we met them in council, and delivered them the talk of the President of the United States. The views and wishes of the Government were fully explained to them, and the benefits which would result to the Choctaws, if they would hear and adopt the counsel and advice which had been sent them. You will find this talk recorded on the journal, to which you are referred for further particulars.

After the return of our runners, and the great body of the nation were assembled, we gave them a second talk, which appeared to meet the wishes of all the chiefs and headmen, except Puckshenubbee and one of his captains, who still continued obstinately arrayed in the opposition. On the 17th October we addressed them a third time, and on the 18th laid before them the treaty for signature, which had been previously read and explained to them in council. It met the approbation of the whole nation, and all the mingoes, headmen, and warriors present subscribed their names. For a full history of our proceedings, we refer you to our journal accompanying the treaty, both of which will be forwarded from Nashville by Samuel R. Overton, Esq., secretary to the commission, or some other trusty and special messenger.

When the treaty reaches you, we believe it will be found as advantageous in its provisions as, under existing circumstances, we had a right to expect. We have amply provided for their schools on both sides of the Mississippi. This was an object truly desirable to the nation, and duly appreciated by the commissioners. Without providing for them, we were satisfied that we could not obtain the signature of the treaty, securing an exchange as therein proposed. We enclose with the treaty a plan of the missionary, Mr. Cyrus Kingsbury, for establishing schools in the Choctaw nation, on both sides of the Mississippi river; to which we beg leave to call your attention, and hope it will be adopted, as far as the funds will permit, when raised.

We must here remark that we found some dissatisfaction in the nation in consequence of their principal chiefs having made a donation of part of the annuity for the support of their schools. For the purpose of producing harmony amongst them, by which alone our success could be secured, we proposed the article raising an equal fund, and \$1,000 more, as an annuity for sixteen years. This produced all the good effects which were anticipated. For the effectuation of a similar purpose, and to bring over the old chief Puckshenubbee, the deserter mentioned in General Jackson's last letter was liberated, upon his producing an able-bodied substitute to serve for five years. It is believed to have had some influence.

The treaty provides that the lines to be run and marked as the boundary between the Choctaw nation and the United States on this side of the Mississippi river shall continue without alteration until the period when said nation shall become so civilized as to be made citizens of our Government, or remove across the Mississippi river. It also contains an article securing to those who have separate settlements within the ceded limits the value of their improvements, should they remove in one year from the date of the treaty. To run the boundary lines on both sides of the Mississippi, we would respectfully recommend for appointment Hinsey D. Downs and Eden Brashears, both of the State of Mississippi, as well qualified for the performance of that duty. For the appraisement of the improvements of those who remove from the lands ceded to the United States, we also suggest the propriety of selecting Mr. Garrard E. Nelson, a white man who resides in the nation, and Major Benjamin Smith, of Kentucky. They are qualified to do justice to all parties, and will give entire satisfaction to those concerned.

Agreeably to an article in the treaty, it is suggested that Congress should make an appropriation, as soon as convenient, to provide for the warriors who served in the campaign to Pensacola. They have been importunate upon the subject, and should be paid the amount due them as early as possible. A number of papers with which we have been furnished relative to this subject will be communicated with the treaty.

You will receive, accompanying the treaty, a request from the chiefs, headmen, and warriors of the Choctaw nation in favor of Noble Osborne and Alexander Hamilton, which it is our desire should be laid before Congress, and the object of the petition granted. Should a law be passed in favor of Hamilton, it is suggested that he ought to be restricted so as to be prevented from locating his section on a town site, or on any portion of land set apart for the support of schools in the Choctaw nation. Hamilton is three-fourths white man, and a native of the country. He has been a soldier, and at one time appointed an officer in the army of the United States. He is poor, and we have promised to use our endeavors to secure to him this grant of land, and that he be made a citizen, and subject to our laws. Mr. Osborne has for many years kept a United States stand on the public road running through the nation. His treatment to both Indians and white men has given general satisfaction, and all have interceded in his behalf.

We are also requested by the chiefs, headmen, and warriors to lay before you the petition in favor of Mr. Traion. We consented to comply with their wish; but have to observe that he is a white man, who has married a second time in the nation, and who we cannot say is more entitled to exclusive privileges or advantages than many other white men who live among the Choctaw Indians. The application of Greenwood Leflore to become a citizen of the United States, and have his section of land, to include his improvement, secured to him in fee, is believed to be just and reasonable, and ought to be granted. It will, it is presumed, have a good effect, and in a short time induce all those who remain on this side of the Mississippi to petition for the same privilege. The applications of George Turnbull and Alexander McKee are reasonable, and should also be granted by Congress.

Upon the subject of the petition of the chiefs, headmen, and warriors, for the sale of certain reservations, the proceeds of which are to be applied to the benefit of the nation, after deducting the expense of surveying, the commissioners have approved of the same, and pledged themselves to use their influence to have it effected. The paper with the signatures obtained by Mr. Silas Dinsmore we disapprove as unjust, undeserving, and as a bad precedent. It proposes an appropriation of part of Turkeytown for his benefit. It is not the wish of the nation, and, in our opinion, ought not to be granted.

For the purpose of carrying into effect the fourth article of the treaty, it is important that a confidential person should be appointed, who speaks the Choctaw language, whose duty it shall be to collect all those who wish to remove beyond the Mississippi, and conduct them thither. The blankets, kettles, guns, bullet-moulds, &c., ammunition, and provisions given in said article, in order to facilitate their removal, should be forwarded to the agent at as early a period as possible after the ratification of the treaty. The confidential person appointed to collect and conduct them beyond the Mississippi should, from time to time, report the number to the agent by whom they are to be supplied with the articles above mentioned.

It is also important that the agency should be removed to a point which may now be considered the centre of the nation. We have no doubt, from the information which has reached us since the treaty was signed, that at least two-thirds of the nation here will remove to the country ceded to them, if the intended facilities are afforded them. The remainder of this nation will then be prepared to have the laws of the United States extended over them; and it is hoped we shall no longer witness the farce and absurdity of holding treaties with the Indians residing within our territorial limits.

We have the gratification to state to you that the funds placed in our hands to meet the expenses incurred by the treaty have not been exceeded. The manner in which they have been expended is spread upon our journal, with the receipts accompanying it, as far as they could be procured. In justice to the public spirit of the late Governor Holmes, and other gentlemen of the State of Mississippi, we must inform you that \$10,000 were placed in our hands as an auxiliary fund in obtaining this treaty, so desirable to that State. It has not been found necessary to use it, and has consequently been returned.

By this treaty, the State of Mississippi has obtained a tract of country sufficient for ten additional counties. It will open a country within her limits capable of embracing a population double her present numbers. With regard to the Indians, the country ceded to them beyond the Mississippi will have the happy effect of gradually draining the nation of all those whose habits and dispositions are inimical to industry and improvement, and whose absence will greatly facilitate the views of the Government in the civilization of those who remain.

Enclosed with the treaty you will receive a letter signed "John Everett," relative to some goods said to have been stolen from Joel H. Nail, a half-breed of the nation. Upon this statement of Everett has Nail predicated the petition accompanying the letter. We cannot certainly determine upon the justice of the claim, but were informed by John Pitchlynn, United States interpreter, that the provision for his benefit which Nail has solicited ought not to be made. From these impressions of Mr. Pitchlynn, he refused to sign the petition. We, however, felt it our duty, in compliance with the wishes of those by whom it is subscribed, to communicate it, so that justice may be done.

The petition of the half-breeds, herewith enclosed, praying that a law may pass conferring upon them the privileges of citizens of the United States, is reasonable, and properly demands the attention of Congress. There are a number of other decorous and intelligent men of the same description in the nation, who we have understood are desirous of obtaining the same privileges. This we have encouraged, and hope the applications to that effect may be granted by the Government. It may have the happy effect of inspiring a similar disposition amongst that class throughout the nation. They will be enabled to make more rapid progress in education, by which alone they can be prepared to become citizens of the United States. Those whose habits are opposed to civilization will also be induced to remove; and if this idea be properly encouraged, in the course of ten years all on this side of the Mississippi will be made citizens of the Government. Even the old mingo Puckshenubbee has expressed to us his intention of remaining on his plantation, within the ceded limits, and be protected by the laws of the United States.

As soon as the objects of the Government in relation to the Choctaw nation on the other side of the Mississippi are in a state of progression, we would suggest the necessity of appointing an interpreter to reside amongst them. We would respectfully recommend for this purpose Mr. Edmund Folsom, now interpreter of the Six Towns in this nation. He has consented to go over. He speaks both languages well, and may be relied on as a faithful friend of the United States.

You will also receive, herewith, a petition, with a number of names subscribed, the object of which is to displace the old chief Puckshenubbee, and elect a successor. Owing to his obstinate opposition to the treaty until the last moment, he excited the displeasure of almost all his headmen and warriors present. They proposed electing a successor before the treaty was signed, but afterwards determined to pursue the course adopted. When the petition was presented to us, and whilst it was in circulation, we informed its friends that the commissioners would have no agency in the transaction; that it was a concern which belonged to the nation; and that they must dispose of it as they thought proper. From their importunities, however, we consented to communicate the paper enclosed as an expression of their wishes upon the subject.

For the satisfaction of the President of the United States, we transmit an aggregate of the expenses incurred during the treaty, save those necessary for the return of General Jackson and suite, which cannot at this time be estimated with certainty. All the vouchers will be forwarded with the treaty.

We are, with the highest consideration and respect, your most obedient servants,
 ANDREW JACKSON, }
 THOMAS HINDS, } *Commissioners.*

A list of donations made to the following chiefs and headmen of the Choctaw nation, under the directions of the commissioners.

To Mushulatubbee, a chief, - - -	\$500 00	To Edmund Folsom, - - -	\$105 00
To Pooshamataha, - - -	500 00	To Bob Cole, - - -	100 00
To Puckshenubbee, - - -	500 00	To Red Foot, - - -	200 00
To Major John Pitchlynn, - - -	500 00	To Oglemier, - - -	127 00
To Talking Warrior, - - -	200 00	To Chetuta, - - -	100 00
To Humming Bird, - - -	200 00	To Oontoola, - - -	100 00
To Little Leader, - - -	200 00	To James Pitchlynn, - - -	75 00
To Choctawestonockee, - - -	200 00	To Garlin, - - -	25 00
To Harrison, - - -	200 00	To cash furnished Mackey & Folsom, - - -	10 00
To S. Cobb, - - -	200 00	To cash for McCurtain, - - -	4 00
To W. Hays, - - -	200 00	To cash for ball-players, - - -	8 00
To Daniel McCurtain, - - -	104 00	To cash for Pallidore and others, - - -	11 50
To Thomas McCurtain, - - -	100 00		
To Lewis Durant, - - -	100 00		
To M. Mackey, - - -	105 00		
			\$4,674 50

I certify that the above presents were made, pending the treaty, to the headmen and warriors, under our inspection, and counted by me, this 21st October, 1820.

WILLIAM EASTIN.

CHOCTAW TREATY-GROUND, NEAR DOAK'S.

ANDREW JACKSON,
THOMAS HINDS.

The above donations were made agreeably to our order.

Attest: SAMUEL R. OVERTON, *Secretary*.

General Andrew Jackson and T. Hinds, United States' commissioners for holding a treaty with the Choctaw nation of Indians, in account current with the United States. Cr.

To William Eastin's bill, No. 1, - - -	\$6,555 49½	By Thomas T. Tucker's check on the Bank of Mississippi, at Natchez, No. 178, - - -	\$20,000 00
To donations made to chiefs and headmen, - - -	4,674 50	By balance due the United States, - - -	\$6,798 57½
To bills marked No. 3, presented by the agent, - - -	44 50		
To Smith's bill, marked No. 4, - - -	80 00		
To Maxfields Ludlow's account, No. 5, - - -	75 00		
To General Hinds's account, No. 6, - - -	521 12½		
To General Jackson's account, No. 7, - - -	876 81		
To L. Durant's and Mackey's accounts, No. 8, - - -	26 00		
To S. R. Overton's account, No. 9, - - -	290 00		
To sundry small presents to poor Indians, marked No. 10, - - -	58 00		
	13,901 42½		
By cash in the hands of General Jackson, - - -	6,798 57½		
	\$20,000 00		\$20,000 00

We certify that the above account exhibits a correct view of our expenditures during the present treaty.

ANDREW JACKSON,
THOS. HINDS.

Attest: SAMUEL R. OVERTON, *Secretary*.

We have carefully read and examined the preceding journal, and do hereby approve of the same as a correct statement of the events as they occurred pending the treaty with the Choctaw nation of Indians.

ANDREW JACKSON,
THOMAS HINDS.

DOAK'S STAND, October 22, 1820.

This day Major General Andrew Jackson and suite set out from this place on their return to Nashville.

NASHVILLE, November 10, 1820.

On this day Major General Andrew Jackson and suite reached this place.

The United States, to Major General Andrew Jackson, commissioner for holding a treaty with the Choctaw Indians. Dr.

To expenses incurred from the 21st October to the 10th November, inclusive, by General Jackson and suite, on their return from the treaty-ground to Nashville, including those of the two Cherokee chiefs, - - -	\$351 50
To pay as commissioner from 21st October to 10th November, inclusive, twenty days, at \$8 per day, - - -	160 00
To Samuel R. Overton's pay as secretary to the commissioners, from 21st October to 15th November, inclusive, twenty-five days, at \$5 per day, - - -	125 00
To money advanced to Samuel R. Overton, secretary, as travelling expenses from Nashville to Washington city, - - -	150 00
	\$786 50
	Cr.
By balance in the hands of General A. Jackson, 21st October, 1820, - - -	\$6,798 57½
By General Jackson's account, marked No. 11. - - -	786 50
Balance in General Jackson's hands, - - -	\$6,012 07½
To mistake in estimate of expenses, - - -	15 00
	\$6,027 07½

I do hereby certify that the above statement exhibits a correct account of expenditures incurred by General Jackson and suite, &c. from the 21st October to the 10th November, 1820, inclusive.

ANDREW JACKSON.

Attest: SAMUEL R. OVERTON, *Secretary*.

16th CONGRESS.]

No. 172.

[2d SESSION.]

RECEIPTS AND EXPENDITURES IN THE INDIAN DEPARTMENT, AND THE CONTRACTS
MADE SINCE MARCH, 1811.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 5, 1821.

To the House of Representatives:

WASHINGTON, January 4, 1821.

In compliance with a resolution of the House of Representatives of the 15th of December last, requesting "the President of the United States to cause to be laid before that House a statement of expenditures and receipts in the Indian department; also, the nature and extent of the contracts entered into, and with whom, from the 2d of March, 1811, to the present period," I now transmit a letter from the Secretary of War, with a report of the superintendent of Indian trade, which contain the information desired.

JAMES MONROE.

DEPARTMENT OF WAR, January 3, 1821.

The Secretary of War, to whom was referred the resolution of the House of Representatives of the 15th ultimo, requesting the President of the United States "to cause to be laid before this House a statement of expenditures and receipts in the Indian department; also, the nature and extent of the contracts entered into, and with whom, from the 2d of March, 1811, to the present period," has the honor to transmit, herewith, a report of the superintendent of Indian trade, which comprehends all the information that can be furnished by the Department of War.

J. C. CALHOUN.

TO THE PRESIDENT OF THE UNITED STATES.

SIR:

OFFICE OF INDIAN TRADE, December 26, 1820.

I have the honor, in compliance with your note of the 19th instant, submitting to me the resolution of the House of Representatives of the 15th instant, requiring "a statement of expenditures and receipts in the Indian Department; also, the nature and extent of the contracts entered into, and with whom, from the 2d of March, 1811, to the present period," with a "request to be furnished with the information required," herewith to enclose abstract A, showing the amount of receipts and expenditures from April 1, 1811, to 31st December, 1820, for each year, inclusive, with their respective headings. The 1st of April is recognised as it begins a quarter; and the difference in time, it is presumed, will not be considered important, especially as the previous month is in the same order, and embraces no new items. The 31st of December has been reached, so as to take in the period required by the resolution, and make out the last quarter of this year, by resorting to estimates for a part of the quarter.

In reply to the second division of the resolution, embracing a call for "the nature and extent of the contracts entered into, and with whom," for the same period, I have the honor to subjoin a copy of my letter to the honorable the Secretary of the Treasury, marked B, furnished at his request, under a similar call of the House of Representatives of the 10th April last. This copy is given because it refers to papers which accompanied this letter, and are, therefore, not now in my possession, but which, it is presumed, are in the hands of the Committee on Indian Affairs of last year. The committee, having this copy, can more easily recognise the said papers by the corresponding letters of reference which they bear. There has been no contract entered into with any person since the date of this letter.

I have the honor to be, sir, with great respect, your obedient servant,

THO. L. MCKENNEY, *Superintendent Indian Trade.*To the Hon. JOHN C. CALHOUN, *Secretary of War.*

A.

Abstract exhibiting the receipts and expenditures in the Indian Trade Department from the 1st of April, 1811, to the 31st of December, 1820, inclusive.

RECEIPTS.

	From the several trading-houses in cash and drafts.	From the several trading-houses on account of sales of furs, &c.	For damaged merchandise sold.	For interest on notes.	Cash received from annuity fund for goods taken from the trade stock.	From the Treasury, for the salary of the superintendent and his clerks.	From the Treasury, for the salary of the factors and their clerks.	Total.
In the year 1811, - -	7,861 35	23,056 01	- -	- -	1,500 00	3,375 00	9,277 50	45,069 86
1812, - -	8,212 98	80,288 29	- -	- -	27,142 92	4,500 00	10,879 96	131,024 15
1813, - -	11,808 24	27,652 65	- -	- -	9,033 91	4,500 00	8,459 06	61,453 86
1814, - -	20,421 67	28,127 33	- -	- -	7,663 68	4,500 00	7,455 43	68,168 11
1815, - -	14,208 92	69,197 87	- -	972 49	2,300 00	4,500 00	7,455 54	98,634 82
1816, - -	33,527 17	73,305 52	147 23	300 00	75,246 51	4,500 00	9,308 21	196,334 64
1817, - -	2,029 82	33,099 13	125 47	20 89	11,470 20	4,500 00	9,965 18	61,810 69
1818, - -	5,147 07	29,145 86	248 29	8 61	18,702 97	4,837 50	12,189 26	70,279 56
1819, - -	16,826 81	28,482 95	12 00	40 05	19,184 53	4,950 00	14,496 35	83,992 69
1820, - -	4,133 50	36,188 14	- -	20 69	13,853 45	4,950 00	13,450 00	72,595 78
Dollars, Grand total, -	124,777 53	428,544 75	532 99	1,362 73	186,098 17	45,112 50	102,936 49	889,364 16

EXPENDITURES.

	Merchandise forwarded to the several factories.	Transportation.	Contingencies.	Repairs of factories.	Salary of the superintendent and his clerks.	Salary of the factors and their clerks.	Total.
In the year 1811, - -	42,811 22	6,493 54	1,446 87	- -	3,375 00	9,277 50	63,404 13
1812, - -	29,916 02	14,918 01	2,167 25	- -	4,500 00	10,879 96	63,381 21
1813, - -	28,494 46	20,104 10	1,559 08	- -	4,500 00	8,459 06	63,116 70
1814, - -	33,237 18	1,963 49	1,372 08	- -	4,500 00	7,455 43	48,528 18
1815, - -	68,283 47	8,596 59	1,176 63	- -	4,500 00	7,455 54	90,012 23
1816, - -	76,100 76	34,889 13	2,882 55	- -	4,500 00	9,308 21	127,680 65
1817, - -	69,709 23	4,619 33	2,981 60	3,999 81	4,500 00	9,965 18	95,775 15
1818, - -	58,404 46	4,619 31	2,774 01	- -	4,837 50	12,189 26	83,824 54
1819, - -	29,666 98	5,964 88	1,846 66	- -	4,950 00	14,496 35	56,924 87
1820, - -	30,250 65	8,375 00	2,521 29	- -	4,950 00	13,450 00	59,546 94
Dollars, Grand total, -	466,874 43	110,543 38	20,728 02	3,999 81	45,112 50	102,936 49	750,194 63

OFFICE OF INDIAN TRADE, December 26, 1820.

THOMAS L. MCKENNEY, Superintendent.

B.

OFFICE OF INDIAN TRADE, April 14, 1820.

SIR:

In reply to your request of the 12th instant, to be furnished, as soon as possible, with the information required by a resolution of the House of Representatives of the 10th instant, "in relation to so much of said resolution as embraces the nature and extent of the contracts entered into by this office; also, the amount of debts due, and by whom," I have the honor to submit the accompanying papers, marked A, B, C, D, E, F, G, H, I, and K. These being copies of the original contracts, (although those marked G and H are all that are entitled to be so called,) will show their "nature and extent," and with whom made. Papers marked L and M will show the amount of moneys due to this office, and by whom.

It may not be deemed irrelevant to this inquiry to remark, that contracts are seldom resorted to. A knowledge of the existence of a demand for any description of articles generally implies a correspondent ability to supply it. This office has always, in addition to the employment of agents in our principal commercial cities, whose correspondence furnishes a knowledge of the state of the markets, given information to all persons who have requested it as to the particular articles in which it usually deals; furnishing, when required, samples of the same. Hence, but little difficulty has existed in realizing the necessary supplies by the arrival of the season in which it is proper to transport them. Any interruption or failure to provide the suitable supplies, by the arrival of the season for transportation, would involve, not only great disappointment, but much suffering and excitement amongst the Indians for whom they are destined. This is one of the reasons why it is deemed necessary to avoid, as much as possible, any mode of providing the articles necessary for the supplies that should involve the slightest contingency. The forfeiture and recovery of the penalty usually affixed to contracts for failure to comply with their conditions furnishes no equivalent in such a case. Hence, merchandise suited to the wants and tastes of the Indians is procured wherever, whenever, and of whomsoever it can be had; and the storehouses of the superintendent are generally furnished with the necessary supplies by the arrival of the period at which it is usual to transport them. The route being over mountains and up rivers, the season which brings with it the best roads and the best navigation is resorted to; and it being usually of short duration, is another reason why the contingency implied in contracts is as much as possible avoided, and the markets resorted to in preference. Sometimes, when supplies are offered particularly suited to the demands of this office, if there be means to purchase them in anticipation, they are realized; it being considered safer to realize suitable goods, and goods for which it is known a demand will arise a few months in advance, than to leave them in the market, subject to be bought up, and thus removed from the control of the superintendent.

Nor is it the practice of this office to make advances. This is seldom done; indeed, never, except to mechanics of known probity, to purchase the raw materials for the manufacture of particular articles, and then only on security; and in a few instances to manufacturers, as the contracts will show. Consequently, there are no debtors except those who become so by purchasing at the public sales of furs and peltries, on the time usually given. Such are the cases reported in paper marked L.

In the quarterly returns made to the Treasury, if they shall embrace, as they often do, payments made for merchandise purchased, advances will *appear* to have been made, until the subsequent quarter's returns are sent in with the invoices and vouchers, on account of which such payments were made; and which cannot always be got up and examined, and transmitted, with the returns, and in the same quarter.

I have the honor to be, sir, &c.

THO. L. MCKENNEY, *Superintendent Indian Trade.*The Hon. WILLIAM H. CRAWFORD, *Secretary of the Treasury.*

16th CONGRESS.]

No. 173.

[2d SESSION.

QUANTITY OF MERCHANDISE AT THE TRADING-HOUSES AND IN THE HANDS OF THE SUPERINTENDENT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 19, 1821.

SIR:

DEPARTMENT OF WAR, January 18, 1821.

In pursuance of a resolution of the House of Representatives of the 13th instant, directing the Secretary of War to transmit to the House a statement showing "the amount and value of goods (estimated at cost) on hand, by the last return, at the different Indian trading-houses, and at the depot in Georgetown, designating the amount at each place," I have the honor to transmit the enclosed letter and statement from the superintendent of Indian trade, which furnish the information required.

I have the honor to be your obedient servant,

J. C. CALHOUN.

Hon. JOHN W. TAYLOR, *Speaker House of Representatives of U. States.*

SIR:

INDIAN TRADE OFFICE, January 16, 1821.

I have the honor, in compliance with your call of to-day, to furnish the accompanying abstract, which, in compliance with the resolution of the House of Representatives of the 13th instant, shows "the amount and value of goods (estimated at cost) on hand, at the different trading-houses, and at the depot in Georgetown." The amount on hand at the depot is reported to the 30th September, which embraces the amount yet on hand; the amount at the several factories, and the supplies destined to them, respectively, to the several periods affixed to the abstract. The abstract is made up to embrace the last returns.

I have the honor to be, with great respect, sir, your obedient servant,

THO. L. MCKENNEY, *Sup't Indian Trade.*

To the Hon. the SECRETARY OF WAR.

Statement showing the amount of merchandise on hand at the different Indian trading-houses, and on their way to the same; and, also, in the hands of the superintendent of Indian trade, and his agents; run out at cost, viz:

Prairie du Chien trading-house, 30th September, 1820.			
Amount of merchandise on hand,	-	-	\$28,710 02
Amount of merchandise on the way from the depot in Georgetown,	-	-	5,801 36
Amount of merchandise on the way from Pittsburgh,	-	-	705 00
			\$35,216 38
Fort Edwards trading-house, 30th September, 1820.			
Amount of merchandise on hand,	-	-	8,460 17
Amount of merchandise on the way from the depot in Georgetown,	-	-	1,719 24
Amount of merchandise on the way from Pittsburgh,	-	-	125 00
			10,304 41
Osage trading-house, 30th September, 1820.			
Amount of merchandise on hand,	-	-	21,353 64
Amount of merchandise on the way from the depot in Georgetown,	-	-	530 75
			21,884 39
Arkansas trading-house, 30th June, 1820.			
Amount of merchandise on hand,	-	-	10,122 12
Amount of merchandise on the way from the depot in Georgetown,	-	-	2,203 84
			12,325 96
Green Bay trading-house, 30th June, 1820.			
Amount of merchandise on hand,	-	-	15,391 39
Amount of merchandise on the way from the depot in Georgetown,	-	-	1,019 12
Amount of merchandise on the way from Pittsburgh,	-	-	42 00
			16,452 51
Chicago trading-house.			
Amount of merchandise on hand,	-	-	10,811 14
Amount of merchandise on the way from the depot in Georgetown,	-	-	1,883 95
Amount of merchandise on the way from Pittsburgh,	-	-	110 00
			12,805 09
Red River trading-house, 31st March, 1820.			
Amount of merchandise on hand,	-	-	11,457 30
Amount of merchandise on the way from the depot in Georgetown,	-	-	2,016 04
			13,473 34
Choctaw trading-house.			
Amount of merchandise on hand,	-	-	12,359 45
Amount of merchandise on the way from the depot in Georgetown,	-	-	10,626 76
Amount of merchandise on the way from New Orleans,	-	-	2,218 33
			25,204 54
Amount of merchandise on hand in the stores of the superintendent of Indian trade at Georgetown, 30th September, 1820,*	-	-	28,797 31
Amount of merchandise in the hands of the agent at St. Louis, 30th September, 1820,	-	-	10,000 00
			\$186,463 93

GEORGETOWN, INDIAN TRADE OFFICE,
January 16, 1821.

THO. L. MCKENNEY, *Sup't Indian Trade.*

16th CONGRESS.]

No. 174.

[2d SESSION.]

TREATY WITH THE CREEKS.

COMMUNICATED TO THE SENATE, JANUARY 26, 1821.

To the Senate of the United States:

WASHINGTON, January 26, 1821.

I lay before the Senate, for their consideration and advice as to a ratification, a treaty concluded between the United States and the Creek nation of Indians.

JAMES MONROE.

TREATY WITH THE CREEKS.

Articles of a treaty entered into at the Indian Spring, in the Creek nation, by Daniel M. Forney, of the State of North Carolina, and David Meriwether, of the State of Georgia, specially appointed for that purpose, on the part of the United States, and the chiefs, headmen, and warriors of the Creek nation, in council assembled.

ARTICLE 1. The chiefs, headmen, and warriors of the Creek nation, in behalf of the said nation, do, by these presents, cede to the United States all that tract or parcel of land situate, lying, and being east of the following bounds and limits, viz: Beginning on the east bank of Flint river, where Jackson's line crosses; running thence up

* The same amount on hand at this date.

the eastern bank of the same, along the water's edge, to the head of the principal western branch; from thence, the nearest and a direct line to the Chatahoochee river; up the eastern bank of the said river, along the water's edge, to the Shallow Ford, where the present boundary line between the State of Georgia and the Creek nation touches the said river: *Provided, however,* That if the said line should strike the Chatahoochee river below the Creek village Buzzard-roost, there shall be a setoff made, so as to leave the said village one mile within the Creek nation; excepting and reserving to the Creek nation the title and possession, in the manner and form specified, to all the land hereafter excepted, viz: one thousand acres to be laid off in a square so as to include the Indian spring in the centre thereof; as also six hundred and forty acres on the western bank of the Oakmulgee river, so as to include the improvements at present in the possession of the Indian chief General McIntosh.

ART. 2. It is hereby stipulated, by the contracting parties, that the title and possession of the following tracts of land shall continue in the Creek nation, so long as the present occupants shall remain in the personal possession thereof, viz: one mile square, each, to include, as near as may be, in the centre thereof, the improvements of Michey Barnard, James Barnard, Buckey Barnard, Cussena Barnard, and Efaumathlaw, on the east side of Flint river; which reservations shall constitute a part of the cession made by the first article, so soon as they shall be abandoned by the present occupants.

ART. 3. It is hereby stipulated by the contracting parties, that, so long as the United States continue the Creek agency at its present situation on Flint river, the land included within the following boundary, viz: beginning on the east bank of Flint river, at the mouth of the Boggy branch, and running out, at right angles from the river, one mile and a half; thence up, and parallel with the river, three miles; thence, parallel with the first line, to the river; and thence, down the river, to the place of beginning, shall be reserved to the Creek nation for the use of the United States agency, and shall constitute a part of the cession made by the first article whenever the agency shall be removed.

ART. 4. It is hereby stipulated and agreed, on the part of the United States, as a consideration for the land ceded by the Creek nation by the first article, that there shall be paid to the Creek nation, by the United States, ten thousand dollars in hand, the receipt whereof is hereby acknowledged; forty thousand dollars as soon as practicable after the ratification of this convention; five thousand dollars, annually, for two years thereafter; sixteen thousand dollars, annually, for five years thereafter; and ten thousand dollars, annually, for six years thereafter; making, in the whole, fourteen payments in fourteen successive years, without interest, in money or goods and implements of husbandry, at the option of the Creek nation, seasonably signified, from time to time, through the agent of the United States residing with the said nation, to the Department of War. And, as a further consideration for said cession, the United States do hereby agree to pay to the State of Georgia whatever balance may be found due by the Creek nation to the citizens of the said State, whenever the same shall be ascertained, in conformity with the reference made by the commissioners of Georgia, and the chiefs, headmen, and warriors of the Creek nation, to be paid in five annual instalments, without interest, provided the same shall not exceed the sum of two hundred and fifty thousand dollars; the commissioners of Georgia executing to the Creek nation a full and final relinquishment of all the claims of the citizens of Georgia against the Creek nation, for property taken or destroyed prior to the act of Congress of one thousand eight hundred and two, regulating the intercourse with the Indian tribes.

ART. 5. The President of the United States shall cause the line to be run from the head of Flint river to the Chatahoochee river, and the reservations made to the Creek nation, to be laid off in the manner specified in the first, second, and third articles of this treaty, at such time and in such manner as he may deem proper, giving timely notice to the Creek nation; and this convention shall be obligatory on the contracting parties as soon as the same shall have been ratified by the Government of the United States.

Done at the Indian Spring, this eighth day of January, A. D. eighteen hundred and twenty-one.

D. M. FORNEY,
D. MERIWETHER

[Signed, also, by the headmen, chiefs, and warriors of the Creek nation.]

GENTLEMEN:

DEPARTMENT OF WAR, August 8, 1820.

I enclose you a commission to treat with the Creek Indians, and the sum of \$30,000 has been appropriated to defray the expense of the treaty with them and the Cherokees; but, from a belief that this sum would not be adequate to treat with success with both nations, it has been determined, after consulting the delegation from Georgia, to make the first efforts with the former nation; and to expend, should it be found necessary to success, the whole sum appropriated in treating with them. You will, therefore, consider that amount as subject to your control in your treaty with the Creeks, taking care so to make your arrangements that the whole amount spent in the negotiation (including the expenses of your commission, issues of provisions to the Indians under your orders, presents to them, and such preliminary expenses as the agent may be authorized to incur,) shall not exceed \$30,000. The principal articles of expense will probably be the issue of provisions to the Indians while treating with them, as it is usual for the greater part of the nation to assemble on such occasions. The probable amount of provision which will be required, and the price at which it can be obtained, can be ascertained by a correspondence with the agent, General D. B. Mitchell, who has been instructed to obey your orders on all points connected with the proposed treaty, and to take such steps as he may judge best calculated to prepare them for it. The enclosed circular will be complied with in contracting for the provisions, and in issuing them; to which, as there has, in some instances, been great irregularity, I particularly call your attention. On consulting with the members from Georgia, I am of the impression that a cession from the Creeks of the northern portion of their territory, so as to admit of a white population between them and the Cherokees, would be preferred, which you will accordingly first propose and urge on them. In the event of their agreeing to such a proposition, it may be proper to observe that there is some uncertainty as to the true line between the Creeks and the Cherokees; and that, after investigating the subject two years ago in the presence of a delegation from both nations, it is believed that the claims of the Creeks do not justly extend north of a line drawn due west from the high shoal of the Appalachee. Should they refuse the cession proposed, it would be next most desirable to obtain a cession to extend from the northern limits of the Creek territory, south, along the line between Georgia and the Creek Indians, to be extended as far south and west as can be obtained.

The sum to be stipulated for any cession which may be made must be left very much to your sound discretion, taking into consideration the extent and quality of the country to be ceded; but, rather than the treaty should fail, the price ought to be liberal. In no event, however, ought a price to be given which, on comparison with that usually given for Indian cessions, might be considered extravagant. The price given for the last cession, made in a treaty held by the present agent on the 22d of January, 1818, is considered (taking into calculation the extent of country acquired and the quality of soil) as very high, and ought not to form a precedent to be followed on the present

occasion. An annuity for a term of years would be preferred to a permanent one; or, if an exchange of territory for lands beyond the Mississippi can be agreed on, it would be preferred to an annuity in any shape.

Commissioners have been appointed by the State of Georgia to claim property of the citizens of that State, under the provisions of the treaties of New York and Coleraine.

You will correspond with them, and inform them of the time and place of holding the proposed treaty. You will render them every aid which may tend to effect the object of their commission.

For the expense of negotiating the treaty, you will draw on the United States Branch Bank at Savannah; of which you will give the Department information. The bank will be authorized by the Treasury Department to accept your drafts, provided they do not exceed \$30,000.

Your compensation will be at the rate of eight dollars per diem for the time actually engaged, and the secretary to the commissioners (whom you are authorized to appoint) at the rate of five dollars per diem for the time actually engaged. The payment will be made on your certificate of honor, specifying the time that you have been actually engaged. You will also certify the time that the secretary may be actually engaged. Your certificate, in like manner, will be a necessary voucher for the presents distributed under your authority.

The treaty, when made, will be forwarded to this Department.

I have, &c.

J. C. CALHOUN.

Colonel ANDREW PICKENS, }
General THOMAS FLOURNOY, } *Commissioners.*

SIR:

DEPARTMENT OF WAR, *October 19, 1820.*

I have laid your letter of the 13th instant before the President, and I am directed by him to say that he regrets much that any difference of opinion should exist between you and the commissioners on the part of the State of Georgia, which might, in its consequences, endanger the successful termination of the contemplated treaty.

The treaty contemplated to be held with the Creek Indians being at the request of that State, and intended for her benefit, it is desirable that the treaty should be conducted in a manner which may be perfectly satisfactory to her; and, for that purpose, as well as to insure success, the intercourse between the commissioners of the United States and hers should be of the freest character. You will, accordingly, co-operate with them in the fullest manner, in promoting, to the extent of your powers, the interests and views of the State, consistently with the instructions you have received from this Department. Yet there can be no doubt that the commissioners on the part of the United States have alone the power to conclude and sign the treaty. The State commissioners cannot, without holding a commission also from the United States, have any such power; and the Governor of Georgia will, through the proper Department, be accordingly so informed; which I hope may remove the difficulty between you and the commissioners, as I infer from your letter that is the sole difficulty. But it is proper to observe, that, by a letter from the Governor of Georgia, enclosing a copy of one from you to General Adams, which has been received at the State Department, it would seem that the sole difficulty was not the one which I have inferred from your letter. I do not understand from Governor Clark's letter that he insists on the right of the commissioners of Georgia to conclude and sign the treaty, but that he is of an opinion that you are not disposed to co-operate with their commissioners to the extent that he was led to believe, from his correspondence with the Executive Government here, that you would be instructed to do, and which, regarding the successful termination of the treaty, he thinks you ought. It is probable that he has received his impression from that portion of your letter to General Adams of the 7th September, in which you decline to furnish him with certain details which he requested. Not having a copy of General Adams's letter to you, I can form no opinion as to the propriety of his inquiries; but I cannot think there can be the least impropriety in communicating freely with them on all points, in order to a full co-operation. Their character, and the commission which they hold, are a full guarantee that the confidence reposed in them will not be betrayed; but, on the contrary, a full and reciprocal confidence may contribute much to the successful negotiation of a treaty in which the State has so deep an interest.

In order to apprise Governor Clark of the views of the Government in this business, extracts of that part of this letter, and of the original instructions to you, which relate to a co-operation with the commissioners of Georgia, will be communicated to him through the State Department.

Colonel Pickens, by his letter of the 11th September, has transmitted his resignation, which has been accepted, and the honorable D. M. Forney of Lincolnton, North Carolina, has been appointed in his place, who is instructed to correspond with you on all points connected with the proposed negotiation.

I am not sufficiently acquainted with the localities of the country beyond the Mississippi to which the Indian title has been extinguished to designate a particular tract to be offered to the Creek Indians in exchange for theirs, should they be inclined to make an exchange. But, in that event, a tract may be offered to them on the Quapaw cession, to be laid off any where upon it (the farther to the south and west the better) that the deputies whom the Creek nation may send out to explore the country may choose; provided the tract chosen does not interfere with any previous grants, or with the Quapaw reservation. The United States to furnish an agent to accompany the deputies in exploring the country. The enclosed extract from the treaty with the Quapaw nation designates the boundaries of the cession, which may be easily traced upon Mellish's map, and also those of the reservation above mentioned.

In relation to the transfer of funds, I cannot conveniently comply with your request, as the Treasury Department has no funds in Augusta; but the commercial intercourse between that place and Savannah is believed to be so intimate, as to render the difference of exchange between the two places so unimportant that you will experience little or no inconvenience from it.

I have the honor to be, &c.

J. C. CALHOUN.

To Gen. THOMAS FLOURNOY, *Commissioner, &c.*

SIR:

DEPARTMENT OF WAR, *October 19, 1820.*

I have the honor to inform you that the President of the United States has appointed you a commissioner, in conjunction with General Thomas Flournoy, of Augusta, Georgia, to negotiate a treaty with the Creek nation of Indians. Your commission will be forwarded to you as soon as it is prepared.

I enclose, for your information, a copy of my instructions to the commissioners. General Flournoy has been informed of your appointment, and that you would be requested to correspond with him upon all points connected with the negotiation.

I have the honor to be, &c.

J. C. CALHOUN.

Hon. DANIEL M. FORNEY, *Commissioner, &c.*

SIR:

DEPARTMENT OF WAR, *November 21, 1820.*

I am instructed by the President to inform you that General Thomas Flournoy having resigned his commission to treat with the Creek Indians, he has appointed General David Meriwether to act in his place as one of the commissioners of the United States; and I herewith enclose his instructions, which I will thank you to forward without delay. It is hoped and believed that his appointment will entirely remove the difficulty which had occurred between General Flournoy and the commissioners from Georgia, and that the negotiation will be conducted with perfect harmony between the commissioners of the United States and those of Georgia. The President deems it in some degree incompatible that General Meriwether should act in the double capacity of commissioner on the part of the State and the United States, and has appointed him in the confidence that he will resign his former appointment; to which it is hoped there will be no difficulty. He will be informed of the views of the President on that point. Should he decline to act, it is feared that there would be great embarrassment, as the time appointed for holding the treaty is too near at hand to make another appointment. Major Forney, of North Carolina, is joined to the commission with General Meriwether.

I have, &c.

JOHN C. CALHOUN.

His Excellency Governor CLARK, *Milledgeville, Georgia.*

SIR:

DEPARTMENT OF WAR, *November 21, 1820.*

I have received your letter of the 4th instant, and have laid it before the President for his direction in relation to it. In conformity with the determination which you expressed in your letter, the President has directed that your resignation should be accepted; and General Meriwether has been appointed as a commissioner in your place. The President regrets that you should have taken such a view of your instructions of the 8th of August and 19th of October as to induce you to tender your resignation. When the former instructions were given, the difficulty which has since taken place between the commissioners of the United States and those of the State of Georgia was not anticipated. The latter instructions grew out of that difficulty, which it was their object to remove. They were intended to be in addition to the former, being more full, and containing some particulars which they did not; but it was not thought that they contradicted them in any essential point. They had the same common object, so to conduct the negotiation as to give satisfaction to the State of Georgia. In fact, as the negotiation was commenced wholly for the benefit of that State, the President was solicitous to conduct it in perfect harmony with its local authority. He was of the opinion that a full and free intercourse would best promote the object; retaining, however, exclusively to our commissioners the right of making and signing the treaty.

I have, &c.

J. C. CALHOUN.

General THOMAS FLOURNOY, *Augusta, Georgia.*

SIR:

DEPARTMENT OF WAR, *November 22, 1820.*

The President of the United States has nominated you to the Senate as a commissioner to treat with the Creek Indians; and, in selecting you for this purpose, he has indulged the expectation that you would resign the appointment of commissioner of the State of Georgia, as he considers it incompatible with that of commissioner of the United States, which he hopes you will accept; for, should you decline it, there would be great embarrassment, as the time fixed for holding the treaty is so near that another commissioner could not be named in time to act. So soon as the Senate confirms the nomination, a commission will be forthwith transmitted to you; and, in the mean time, I send herewith copies of my letters to General Flournoy, which you will consider as your instructions to guide you in holding the treaty.

The honorable Daniel Forney, of North Carolina, has been appointed a commissioner to act with you, and has been instructed to confer with you on the subject.

I enclose, also, a regulation for the government of the issue of provisions to the Indians, which I request may be exactly observed. General Flournoy had, previous to declining to act on the commission, given orders to General Mitchell, Creek agent, to make a contract for the necessary supply of rations, and to request the Indians to meet the commissioners on the 20th of next month at the Indian Spring, (near Monticello.)

General Mitchell will be informed of your appointment, and will be instructed to communicate with you on the subject of the supplies, and the time and place of holding the treaty.

I have the honor &c.

J. C. CALHOUN.

General DAVID MERIWETHER, *Athens, Georgia.*

SIR:

DEPARTMENT OF WAR, *November 23, 1820.*

Since writing my letter to you of yesterday, informing you of your appointment by the President as a commissioner to treat with the Creek Indians, I find that a treaty has been concluded with the Choctaw nation, which renders it necessary to modify my instructions to General Flournoy, so far as they relate to an exchange of territory. I enclose an extract from the treaty with the Choctaw nation, by which you will see the tract of country which has been ceded to the Choctaws on the Quapaw reservation, in exchange for theirs, which might be chosen by the Creek nation; and you will consider the instructions as modified accordingly.

I have, &c.

J. C. CALHOUN.

General DAVID MERIWETHER, *Commissioner, &c., Athens, Georgia.*

SIR:

DEPARTMENT OF WAR, *December 23, 1820.*

Your letter of the 7th instant is received. The measures which you have taken preparatory to the negotiation are entirely satisfactory; and it is hoped your colleague will meet you at the time specified for holding the treaty, and that it will be speedily terminated to the satisfaction of all the parties concerned.

I regret to state that, on examination, it is found that the order was omitted to be given by the Treasury Department on the Branch Bank of the United States at Savannah, as was arranged with that Department, and

communicated to the commissioners on the 8th August last; but it is hoped that no inconvenience will result from the delay.

Thirty thousand dollars have this day been forwarded to the cashier of the Branch Bank at Savannah, for which the commissioners are accountable. Your drafts on him will be good on the receipt of this letter, should he not have accepted the draft of six thousand dollars, contrary to your reasonable expectation.

I have, &c.

J. C. CALHOUN.

D. MERIWETHER, Esq. *Commissioner, &c., Milledgeville, Georgia.*

Copy of a talk delivered by the United States commissioners.

FRIENDS AND BROTHERS:

General Meriwether and myself have been directed by your father the President to meet you here, to shake you by the hand, and renew to you the assurances of his friendship and protection.

Friends and brothers: The people of Georgia have complained to your father the President that you have not done them justice; that you have not given up the property which your people took from them, and which you promised to restore by the treaties which you have made with him at New York and Coleraine.

Friends and brothers: Your father the President is very sorry to hear of any difference between his white and his red children; he loves them both, and wishes them to love each other, and has sent us to hear what each has to say. The Governor of Georgia has sent commissioners to talk with you on the subject, and your father the President wishes you to listen to them. Your father the President wishes you to do justice to all his children, and has instructed us to endeavor to settle the differences between his children, like friends and brothers.

Brothers: Listen to the talk of your brothers from Georgia: think on it, and make your answer; when this is done, we will tell you what further business your father the President has directed us to lay before you.

Copy of a talk delivered by the Georgia commissioners to the Creek Indians.

BROTHERS:

INDIAN SPRING, December 27, 1820.

Our headman, the Governor of Georgia, under the authority of our father the President, has sent myself, General Adams, and General Newman to meet you here, to draw closer the bonds of friendship which our father the President hopes will always exist between his white and red children.

Brothers: In order that the chain of friendship may remain bright between the white and red people, it is necessary that they should do justice to each other. This the white people are always willing to do, and expect to meet the same friendly disposition amongst the red people, their brethren.

Brothers: Long before our father the President made a treaty with you, the headmen of Georgia and your nation talked together and agreed to bury all differences, and to have perpetual friendship. We wish these agreements to be fully and fairly complied with on the part of the red people, as they have been, and will be, on the part of the white people.

Brothers: Your headmen and warriors, at a treaty held at Augusta, a long while ago, then at a place called Galphinton, then at Shoulderbone, then at New York, then at Coleraine, promised to restore all the property which had been taken from us by your people, and to make good the damage they had done us.

Brothers: Your friend the Governor of Georgia has now sent us here to lay this business before you, and to listen to what you have to say on the subject. The white people wish to be friends to the red people, and hope that, as good men, on both sides, they can agree upon what is right.

Copy of a talk delivered by the Georgia commissioners to the Creek chiefs.

BROTHERS:

DECEMBER 28, 1820.

We now, agreeably to our promise of yesterday, lay before you a statement of the claims of the people of Georgia against your nation. These claims you have promised to adjust and settle, in all the several treaties which were mentioned to you yesterday.

This business has remained so long unsettled, that an adjustment of it now is necessary for the preservation of friendship between the white and red people.

Look at the accounts; they are proved according to the laws of our country, and we wish to hear what you have to say about them.

The President of the United States and the Governor of Georgia expect the red people to do justice to the white people. They ask no more.

Copy of the answer of the chiefs to the talk of the Georgia commissioners, delivered by General McIntosh.

He said he was glad to hear of the friendly disposition of the commissioners on the part of the State of Georgia; that he feels the same friendly disposition himself, and will now proceed to answer them. He then observed that two commissioners, on the part of the President of the United States, had delivered him the talk of the President; and he hoped the commissioners of Georgia and himself would be able to settle amicably all the differences between them. That he did not know he was called here to answer for the claims of the State of Georgia until he heard the talk of the State commissioners on yesterday; that he had looked over the statement of claims exhibited by the commissioners of the State; that many items in the account he knew nothing about; that, thirty years ago, after General McGilvery held the treaty of New York, on his return to the nation, he informed the people that he had promised to deliver up all the prisoners and negroes of the whites then in the nation, but they were not to be liable for any that were dead or removed, and nothing was said about any other claims; that, shortly after the treaty of New York, another was held at Coleraine, before which some of the white and black prisoners were collected, principally from the Upper Towns, and delivered to Major Seagrove, then the United States agent. At the treaty of Coleraine, a similar account with that now exhibited was presented by General James Jackson, and the chiefs then

refused to acknowledge it, except so far as the items therein contained were embraced in the provisions of the treaty of New York, in which no other property is promised to be restored than negroes and prisoners. At the treaty of Coleraine they agreed to restore the stolen property in the nation. That, in conformity with the treaty of New York, they have collected and delivered to Colonel Hawkins a number of the negroes alluded to; that Colonel Hawkins, in all his talks, reminded them of the provisions of the treaty of New York, but never brought forward such a claim as the present one, nor did he insist for any compensation for damage done before the treaty of New York; that Colonel Hawkins once informed them that he had an account, in favor of the people of Georgia, against the nation; that he never laid it before the nation, but said he had sent it to the President of the United States. These things all passed before he was a chief; since that, he has himself collected some and delivered them up. During the late war, the British collected many of the negroes of the nation, and carried them off, but left some of them in a fort, with a large quantity of arms and ammunition, and many of the negroes of the country joined them; he took his warriors and joined the American army under Colonel Clinch, attacked the fort and blew it up; many of the negroes were destroyed in it; those which remained were taken and delivered to Colonel Clinch, for their owners. Some of the negroes yet remained in Florida among the Seminoles. He joined General Jackson's army, went down and took some of them, which were reported to the United States agent, and some of them delivered. Some of them remained there yet. If the President admits that country to belong to the Creek nation, he will take his warriors, go down, and bring all he can get, and deliver them up. He thinks the Creeks have complied with the treaties of New York and Coleraine. If, however, any of the negroes remain in the nation, he will hunt them out and deliver them up, or pay for them.

On looking over the account, he finds many trifling things which he did not expect would be presented. The Indians have also many claims against the white people. He does not think this is the right way to settle them, but is willing to refer all the claims, on both sides, to his father and protector the President of the United States. He observes that no credit is given upon the accounts exhibited for the property which has been returned. When all the claims are exhibited and examined, he does not think there will be much difference between the Georgians and the Creeks. He will not say there is no property in the nation belonging to the Georgians, but he does not know of any; if there is any, he is willing to restore it, or pay its value. This is all he has to say. If two friends, one owe to the other, even individuals, they should not be too hasty in calling for pay, when the debtor is unable to pay. He is willing to pay whatever is just.

Copy of a talk delivered by the Georgia commissioners to the Creek Indians.

BROTHERS:

DECEMBER 29, 1820.

We have heard your talk of yesterday, and considered it over. The friendly disposition which it shows leaves little doubt but that the friendship which is so necessary to the prosperity of the white and red people may be long preserved by a mutual disposition to do justice. We are, however, sorry to find that you do not consider yourselves bound to restore to us the property as well as the negroes taken or destroyed by your nation before the treaty of New York.

Brothers: We are sorry and surprised to hear that you were not fully informed of the object of this meeting. It has been so long known, that we had no doubt but you were fully informed as to the business which we had with you.

Brothers: We, your friends, want nothing but what is right; but that we must insist upon. You were bound to restore all property taken from us, even by the common rules of justice, if you had not agreed to do so by treaty; but, in the treaty of Augusta, thirty-seven years ago, you agreed to restore "all negroes, horses, cattle, or other property, taken since the late war." By the treaty of Galphinton, thirty-five years ago, you agreed to restore "all the negroes, horses, or other property, that might be among you, belonging to any citizen of this State." In the treaty of Shoulderbone, thirty-four years ago, you made the same promise, in nearly the same words; and none of these promises have been fulfilled with good faith. By the treaty of New York, you promised to restore "all the negroes then in the nation, belonging to the Georgians, to the commanding officer at the Rock Landing;" and that has not been done. But even that treaty, although it mentioned nothing but negroes, could not discharge you from the obligations you were under to restore "all property" in the previous treaties. By the treaty of Coleraine you entered into the same obligation, and renewed the same promises, which you made at Augusta, Shoulderbone, and Galphinton.

Brothers: Knowing that some bad men live on our frontiers, who are disposed to do mischief, we are not surprised to hear that you have claims against the white people which have not been exhibited. We, too, have claims which have not been exhibited to you, but which we have always intended to exhibit, when a proper mode should be agreed on by which these respective claims should be adjusted. These claims have not been brought against you during the time of your troubles; but the people of Georgia have waited so long now to have these things settled, that a speedy adjustment is absolutely necessary.

Brothers: We know or have heard of very few negroes having been returned or paid for, except runaways; whilst a number, which have been plundered, and have otherwise got into your nation, never have been accounted for. This state of things has already existed too long. As to the negroes which have been carried away by the British, or have been destroyed in any manner, during the late war, we consider you responsible for such of them as belonged to the people of Georgia. If they had remained here, they would have been safe; and it was your act, and not ours, which carried them to the scene of war; and our headman, the Governor of Georgia, has directed us to insist, according to the laws of our country, upon the restoration of, or payment for, the increase of all such negroes belonging to the people of Georgia as have increased, and an adequate reward for the use of such negroes and property as may not have increased.

Brothers: As to the negroes now remaining among the Seminoles, belonging to the white people, we consider those people (the Seminoles) a part of the Creek nation; and we look to the chiefs of the Creek nation to cause the people there, as well as the people of the Upper Towns, to do justice.

Brothers: We know that a final adjustment of these things is extremely difficult; and, for the purpose of avoiding all causes of animosity between us, who are neighbors and friends, we agree to your proposition to submit all our claims on both sides to our common father, the President, whose decision we will conform to on our part, and hope there may never more be any cause for difference between us.

Brothers: It only now remains for us to repeat that we assent to the mode proposed by you for settling these differences; and, accordingly, will now present an agreement to be entered into between us, which will put an end, we hope, to all discontents.

Copy of a letter from D. M. Forney and D. Meriwether, enclosing a treaty with the Creeks, concluded on the 8th of January, 1821; also, talks in relation thereto.

SIR:

INDIAN SPRING, CREEK NATION, January 9, 1821.

We have the honor, herewith, to enclose a treaty with the Creek nation of Indians. In conformity with our instructions, we proposed to them a cession of country adjoining the Cherokee boundary, but found it impracticable to obtain such a cession at this time.

As an inducement to a cession, we also proposed an exchange of territory; but were informed that they were rather disposed to remain where they now are, and gradually turn their attention to husbandry, than cross the Mississippi in search of game; that they had made a law, by which those who abandoned their country, in the pursuit of game, were deprived of all their rights in the Creek nation; but that, in the event of any town or towns wishing to cross the Mississippi, the nation would be willing to give up *their* lands to the United States for lands there. With regard to the cession now made, so far as the wishes of the people of Georgia were to influence our conduct, (for whose benefit we were instructed this treaty was to be held,) we must believe that no tract of country, of equal extent, within the Indian boundary, is as fertile or as desirable as the one now ceded. The only difficulty that has presented itself to our minds in the execution of this business is the sum stipulated for the cession. We have endeavored to make this as easy as possible for the Government, by the extension of the time of payment.

The quantity of land embraced in the cession, by the most accurate calculations we have been able to make, falls but little, if any, short of 5,000,000 of acres; for which you will perceive, by the treaty, we have engaged the Government to pay \$450,000. But it is necessary to state that the sum of \$250,000, set apart as a fund for the payment in full of the claims of the citizens of Georgia against the Creek nation of Indians, must be considered more in the light of a nominal sum than an actual debt; for, from the partial investigation we have given this subject, we cannot believe these claims, on a fair settlement, will exceed \$100,000; and if they should be restricted to the stipulations of the treaties of New York and Coleraine, for which the Indians contend, the amount will be much lessened. Upon this point we forbear to express an opinion, as, under the articles of reference, which accompany this, it is left with the President to decide upon matters touching these claims, in such manner, and under such rules, regulations, and restrictions, as he may prescribe. To enable you to judge more correctly on this subject, we enclose the substance of the communications between the commissioners of Georgia and the Indian chiefs; and, for more particular information, we beg leave to refer you to General Mitchell, the agent, in whose possession the Indians will deposite a copy of a schedule containing nearly the whole of these claims, collected and embodied under an act of the Legislature of Georgia. But, independent of this consideration, we believe the whole amount would only be a fair and reasonable consideration for the cession. The annuities were arranged so as to meet the wishes of the nation, communicated to us through the agent, General Mitchell. In order, in some measure, to comply with the expectations of the chiefs, which had been improperly and unreasonably excited, we found ourselves compelled to make a payment in hand, or to swell another item in the account of expenditures, which, to us, was extremely odious and objectionable.

We have been considerably embarrassed in negotiating this treaty, by the claims of the citizens of Georgia, and conflicting instructions, emanating, as was pretended, from the same source. But, however unpleasant this may have been to us, it will afford us great pleasure to have been able to accomplish the views of the Government. Owing to the inclemency of the weather, and other causes, there have been but few Indians attending the treaty, and the issues during the whole period have not exceeded 1,600 rations. General Meriwether, in compliance with a previous promise of General Flournoy, advanced \$3,000 to the contractor. The issues having fallen so far short of what was contemplated in the contract, the contractor thinks an allowance should be made him for losses sustained on the provisions purchased. Not feeling ourselves warranted in making him the allowance he wished, we forward you his receipt for \$3,000, and have left the account open. Enclosed also is an account of all expenditures. It would be doing injustice to our own feelings to close this communication without acknowledging the great obligations we are under to the agent for his promptness in affording us every assistance, to the extent of his influence, in bringing this negotiation to a successful termination.

Very respectfully, &c.

D. M. FORNEY,
D. MERIWETHER.

Hon. JOHN C. CALHOUN, *Secretary of War.*

16th CONGRESS.]

No. 175.

[2d Session.]

CLAIMS OF THE CITIZENS OF GEORGIA AGAINST THE CREEKS.

COMMUNICATED TO THE SENATE, FEBRUARY 10, 1821.

To the Senate of the United States:

WASHINGTON, February 8, 1821.

In compliance with a resolution of the Senate of the 1st instant, requesting the President of the United States "to cause to be laid before the Senate any information he may have in relation to the claims of citizens of Georgia against the Creek nation of Indians; and why these claims, if any exist, have not been heretofore adjusted and settled, under the provisions of the treaties of 1790 and 1796," I now transmit a report from the Secretary of War, with accompanying documents,* which contain all the information on this subject in the possession of the Executive.

JAMES MONROE.

DEPARTMENT OF WAR, February 7, 1821.

The Secretary of War, to whom was referred the resolution of the Senate of the 1st instant, requesting the President of the United States "to cause to be laid before the Senate any information he may have in relation to the claims of citizens of Georgia against the Creek nation of Indians; and why these claims, if any exist, have

* Some of the documents here referred to are those which accompanied the Creek treaty. See preceding No. 174.

not been heretofore adjusted and settled, under the provisions of the treaties of 1790 and 1796," has the honor to report:

That, upon an examination of the records of the Department of War, it appears that letters of the following dates, viz. 19th May, 1803, 17th May, 1804, and 22d August, 1805, relating to the claims referred to by the resolution of the Senate, were received from his excellency John Milledge, the Governor of Georgia; but, upon searching the files of those years (which are very incomplete) for the originals of these letters, from which to furnish copies for the information of the Senate, they could not be found. The enclosed abstract, therefore, taken from the record of "letters received," as giving the best view the Department is enabled to give of them, is transmitted, accompanied with copies of the answers of this Department to Governor Milledge, and of instructions to Colonel Hawkins, upon the same subject.

The records and papers of the Department of War having been destroyed by fire in 1800, consequently no information, (if it possessed any,) with respect to the claims of Georgia against the Creek nation, previous to that time, can be given; and the abstract and copies of letters now transmitted, it is believed, contain all the correspondence of the Department since that period touching the subject, except that which has grown out of the treaty authorized by Congress at the last session to be held with the Creek nation; copies of which have already been communicated to the Senate through the chairman of the Committee on Indian Affairs.

The records of the Department furnish no information "why these claims, if any exist, have not been heretofore adjusted and settled under the provisions of the treaties of 1790 and 1796."

J. C. CALHOUN.

TO THE PRESIDENT OF THE UNITED STATES.

Abstract of letters, taken from the record of letters received in the Department from the Governor of Georgia.

From John Milledge, 19th May, 1803, giving notice that he shall appoint commissioners to repair to the Creek nation for the purpose of demanding negroes detained by it, and requesting directions from the President of the United States upon the subject.

From the same, 17th May, 1804, relative to the claim of Georgia upon the Creeks, appointment of commissioners, &c.

From the same, 22d August, 1805, relative to a deputation of Creeks, and claims of the citizens of Georgia.

Copy of a letter from the Secretary of War to his excellency John Milledge, Governor of Georgia.

SIR:

DEPARTMENT OF WAR, October 14, 1803.

Colonel Benjamin Hawkins has been instructed to accompany and aid, by all the means in his power, the commissioners appointed by the Governor of Georgia, for the purpose of carrying into effect the third article of the treaty of the 7th August, 1790, with the Creek nation of Indians, which provides for the recovery of any citizens or negroes, their prisoners, in the Creek nation.

As soon as the running and marking the boundary shall be completed, I presume that Colonel Hawkins will be able to attend to the object above mentioned.

Your excellency will undoubtedly see the necessity of selecting such characters, and of giving them such instructions, as will insure the most discreet and prudent execution of the mission.

I am, &c.

Copy of a letter from the Secretary of War to his excellency John Milledge, Governor of Georgia.

SIR:

WAR DEPARTMENT, June 4, 1804.

Your excellency's letter of the 17th ultimo has been duly received; and, for fear that any want of attention may have prevented as explicit instructions to Colonel Hawkins on the subject of the claims of the citizens of Georgia on the Creeks, by virtue of the treaty of Coleraine, &c., as might have been wished, I have written again to Colonel Hawkins on the subject, a copy of which is herewith enclosed.

I am, &c.

Copy of a letter from the Secretary of War to his excellency John Milledge, Governor of Georgia.

SIR:

WAR DEPARTMENT, September 24, 1805.

Your letter under date of the 22d ultimo, giving notice of the claims of the citizens of Georgia against the Creek Indians, was duly received in my absence. The General Government, in its negotiations with them, will, no doubt, pay that attention to these claims which justice requires.

I have the honor, &c.

Copy of a letter from the Secretary of War to Colonel Benjamin Hawkins, Indian Agent, &c.

SIR:

WAR DEPARTMENT, October 14, 1803.

By the third article of the treaty of the 7th of August, 1790, between the United States and the Creek nation, it was stipulated as follows: "The Creek nation shall deliver, as soon as practicable, to the commanding officer of the troops of the United States stationed at the Rock Landing, on the Oconee river, all citizens of the United States, white inhabitants or negroes, who are now prisoners in any part of the said nation; and if any such prisoners or negroes should not be so delivered on or before the first day of June ensuing, the Governor of Georgia may empower three persons to repair to the said nation in order to claim and receive such prisoners and negroes."

Governor Milledge has recently applied to the President of the United States for authority to carry the latter part of said treaty into effect, on the presumption that the aforesaid stipulation has not been complied with by the

Creeks. You are therefore requested to accompany such agents as the Governor of Georgia shall duly appoint for the purpose, in making proper inquiries, and in taking suitable measures for the discovery and recovery of any such prisoners or negroes; and you will please to afford all the aid in your power for obtaining justice in the premises.

I presume that this object must necessarily be postponed, until the running and marking the boundary line shall be completed.
I am, &c.

Copy of a letter from the Secretary of War to Colonel Benjamin Hawkins, Indian Agent, &c.

SIR:

WAR DEPARTMENT, June 4, 1804.

Three commissioners having been appointed by the Executive of Georgia for the purpose of obtaining from the Creeks compensation for negroes and other property not returned by the Creeks in conformity to the stipulation of the treaty of Coleraine, and the treaty of August, 1790, you will please to afford every aid in your power for obtaining such compensation to the citizens of Georgia as they ought to receive by virtue of said treaties, and for a final adjustment of any existing demands between the citizens of Georgia and the Creeks, respectively.

Your letter of the 8th ultimo has been duly received. It is most ardently to be hoped that such arrangements may be effected at the council in the present month as will be perfectly satisfactory to all concerned.

I am, &c.

Articles of agreement entered into between the undersigned commissioners, appointed by the Governor of the State of Georgia, for and on behalf of the citizens of the said State, and the chiefs, headmen, and warriors of the Creek nation of Indians.

Whereas, at a conference opened and held at the Indian Spring, in the Creek nation, the citizens of Georgia, by the aforesaid commissioners, have represented that they have claims to a large amount against the said Creek nation of Indians: Now, in order to adjust and bring the same to a speedy and final settlement, it is hereby agreed by the aforesaid commissioners, and the chiefs, headmen, and warriors of the said nation, that all the talks had upon the subject of these claims at this place, together with all claims on either side, of whatever nature or kind, prior to the act of Congress of 1802, regulating the intercourse with the Indian tribes, with the documents in support of them, shall be referred to the decision of the President of the United States, by him to be decided upon, adjusted, liquidated, and settled, in such manner, and under such rules, regulations, and restrictions, as he shall prescribe: *Provided, however,* If it should meet the views of the President of the United States, it is the wish of the contracting parties that the liquidation and settlement of the aforesaid claims shall be made in the State of Georgia, at such place as he may deem most convenient for the parties interested; and the decision and award thus made and rendered shall be binding and obligatory upon the contracting parties.

In witness whereof, we have hereunto set our hands and seals, this eighth day of January, one thousand eight hundred and twenty-one.

Present—D. M. FORNEY,
D. MERIWETHER.

J. McINTOSH,
DAVID ADAMS,
DANIEL NEWMAN,
WILLIAM McINTOSH,
TUSTUNNUGEE HOPOIE, his × mark.
EFAU EMAUTHLAU, his × mark.

Whereas a treaty or convention has this day been made and entered into by and between the United States and the Creek nation, by the provisions of which the United States have agreed to pay, and the commissioners of the State of Georgia have agreed to accept, for and on behalf of the citizens of the State of Georgia having claims against the Creek nation prior to the year one thousand eight hundred and two, the sum of two hundred and fifty thousand dollars: Now, know all men by these presents that we, the undersigned commissioners of the State of Georgia, for and in consideration of the aforesaid sum of two hundred and fifty thousand dollars, secured by the said treaty or convention to be paid to the State of Georgia for the discharge of all *bona fide* and liquidated claims which the citizens of the said State may establish against the Creek nation, do, by these presents, release, exonerate, and discharge the said Creek nation from all and every claim and claims, of whatever description, nature, or kind the same may be, which the citizens of Georgia now have, or may have had prior to the year one thousand eight hundred and two, against the said nation. And we do hereby assign, transfer, and set over unto the United States, for the use and benefit of the said Creek nation, for the consideration hereinbefore expressed, all the right, title, and interest of the citizens of the said State to all claims, debts, damages, and property, of every description and denomination, which the citizens of the said State have, or had prior to the year one thousand eight hundred and two, as aforesaid, against the said Creek nation.

In witness whereof, we have hereunto affixed our hands and seals, at the Mineral Spring in the said Creek nation, this eighth day of January, one thousand eight hundred and twenty-one.

Present—D. M. FORNEY,
D. MERIWETHER,
D. B. MITCHELL, *Agent for Indian Affairs.*

J. McINTOSH,
DAVID ADAMS,
DANIEL NEWMAN.

SIR:

DEPARTMENT OF WAR, February 3, 1821.

I have the honor to transmit, in compliance with the request contained in your letter of the 31st ultimo, copies of the instructions given to the commissioners of the United States appointed to treat with the Creek Indians. No instructions were given through this Department to the Governor of Georgia, in relation to the treaty; nor has a copy of the instructions, given by the Governor to the commissioners from that State, upon the subject

been transmitted to this Department. Upon application to the Department of State, the enclosed note, communicating copies of the correspondence of that Department with the Governor of Georgia, was received, and is herewith transmitted for the information of the committee.

I have the honor to be your obedient servant,

J. C. CALHOUN.

P. S. The ceded tract is computed to contain within the given boundaries 6,748 square miles, or 4,318,720 acres, as nearly as can be from the meandering of the streams, taken from the best map we have of the State of Georgia.

Hon. DAVID HOLMES, *Chairman of the Committee on Indian Affairs.*

DEPARTMENT OF STATE, *February 1, 1821.*

The Secretary of State has the honor of enclosing to the Secretary of War copies of the communications from this Department to the Governor of Georgia, relating to the treaty with the Creek Indians, supposed to be referred to by the chairman of the Committee of the Senate on Indian Affairs. No instructions on this subject have ever issued from this Department to the Governor of Georgia, nor has any copy been received of the instructions from him to the commissioners of the State.

The Secretary of State to the Governor of Georgia, dated

SIR:

DEPARTMENT OF STATE, WASHINGTON, *October 23, 1820.*

I have had the honor of receiving your letter of the 6th instant, enclosing a copy of a letter from General Flournoy to General Adams.

Although the President thinks that the proposed treaty with the Creek Indians can be held only by commissioners appointed under the authority of the United States, and subject to the concurring sanction of the Senate, yet, as it is to be held at the request of the Legislature of Georgia, and as that State has a peculiar interest, super-added to that of the Union, in the result, it has been and is his wish and intention that the freest and fullest co-operation between the commissioners of the United States and those of Georgia should be maintained; and that the most unreserved communications in relation to the treaty should be made to the commissioners of Georgia by those of the United States. He regrets that any misconceptions of this intention should have occurred, and hopes that they will be obviated for the future. I have the honor, by his direction, of enclosing herewith copies of extracts from the instructions which have been transmitted to the commissioners of the United States from the Department of War on the 8th of August last, and on the 9th instant to General Flournoy.

I am, &c.

JOHN QUINCY ADAMS.

Extract of a letter from the Secretary of State to the Governor of Georgia, dated

DEPARTMENT OF STATE, WASHINGTON, *June 1, 1820.*

I have the honor of informing you that General John Taylor, of South Carolina, and General John Floyd, of Georgia, have been appointed by the President commissioners on the part of the United States for treating with the Creek Indians, conformably to the appropriation made at the last session of Congress. They will be instructed to give notice of their appointment to the commissioners of the State of Georgia, and to co-operate with them in promoting, to the extent of their powers, the interests and views of the State. The whole appropriation has been made subject to their disposal, in case of necessity, for the object of treating only with the Creeks.

The name of General Andrew Jackson having been mentioned by your excellency as a person whose appointment, as one of the commissioners, would be very acceptable to the people of Georgia, I am directed to inform you that he would have been readily selected by the President but for two considerations: one, a very strong and earnest request of General Jackson himself to the President that he might, in future, be exempted from this species of service; and the other, that a similar wish for the appointment of General Jackson, having been manifested from the State of Mississippi, had already been overlooked, from the same motive of acquiescence in the general's wishes. The President hopes and trusts that the appointments, as made, will be satisfactory to you, and to the citizens of Georgia.

17th CONGRESS.]

No. 176.

[1st SESSION.]

TREATY WITH THE OTTAWAS, CHIPPEWAS, AND PATTAWATAMIES.

COMMUNICATED TO THE SENATE, DECEMBER 24, 1821.

To the Senate of the United States:

DECEMBER 24, 1821.

I transmit to the Senate a treaty recently concluded with the Indian tribes at Chicago, with the papers relating thereto, which is submitted for consideration as to its ratification.

JAMES MONROE.

TREATY WITH THE OTTAWAS, CHIPPEWAS, AND PATTAWATAMIES.

Articles of a treaty made and concluded at Chicago, in the State of Illinois, between Lewis Cass and Solomon Sibley, commissioners of the United States, and the Ottawa, Chippewa, and Pattawatamie nations of Indians.

ARTICLE 1. The Ottawa, Chippewa, and Pattawatamie nations of Indians cede to the United States all the land comprehended within the following boundaries: Beginning at a point on the south bank of the river St. Joseph of Lake Michigan, near the Parc aux Vaches, due north from Reaum's village; and running thence, south, to a line drawn due east from the southern extreme of Lake Michigan; thence, with the said line, east, to the tract ceded by the Pattawatamies to the United States by the treaty of Fort Meigs in one thousand eight hundred and seventeen, if the said line should strike the said tract; but, if the said line should pass north of the said tract, then such line shall be continued until it strikes the western boundary of the tract ceded to the United States by the treaty of Detroit in one thousand eight hundred and seven; and from the termination of the said line, following the boundaries of former cessions, to the main branch of the Grand river of Lake Michigan, should any of the said lines cross the said river; but if none of the said lines should cross the said river, then to a point due east of the source of the said main branch of the said river, and from such point, due west, to the source of the said principal branch, and from the crossing of the said river, or from the source thereof, as the case may be, down the said river, on the north bank thereof, to the mouth; thence, following the shore of Lake Michigan, to the south bank of the said river St. Joseph, at the mouth thereof; and thence, with the said south bank, to the place of beginning.

ART. 2. From the cession aforesaid there shall be reserved, for the use of the Indians, the following tracts:

One tract at Mangachqua village, on the river Peble, of six miles square.

One tract at Mickkesawbe, of six miles square.

One tract at the village of Natowasepe, of four miles square.

One tract at the village of Prairie Ronde, of three miles square.

One tract at the village of Matchebenashshewish, at the head of the Kekalamazoo river.

ART. 3. There shall be granted by the United States to each of the following persons, being all Indians by descent, and to their heirs, the following tracts of land:

To John Burnett, two sections of land.

To James Burnett, Abraham Burnett, Rebecca Burnett, and Nancy Burnett, each, one section of land; which said John, James, Abraham, Rebecca, and Nancy, are children of Kawkeeme, sister of Topinibe, principal chief of the Pattawatamie nation.

The land granted to the persons immediately preceding shall begin on the north bank of the river St. Joseph, about two miles from the mouth, and shall extend up and back from the said river for quantity.

To John B. La Lime, son of Nokenoqua, one-half a section of land, adjoining the tract before granted, and on the upper side thereof.

To Jean B. Chandonai, son of Chippewaqua, two sections of land, on the river St. Joseph, above and adjoining the tract granted to J. B. La Lime.

To Joseph Daze, son of Chippewaqua, one section of land, above and adjoining the tract granted to Jean B. Chandonai.

To Manguago, one-half a section of land, at Mishshewakokink.

To Pierre Moran, or Peeresh, a Pattawatamie chief, one section of land, and to his children two sections of land, at the mouth of the Elkhart river.

To Pierre Le Clerc, son of Moiqua, one section of land, on the Elkhart river, above and adjoining the tract granted to Moran and his children.

The section of land granted by the treaty of St. Mary's, in one thousand eight hundred and eighteen, to Peeresh, or Perig, shall be granted to Jean B. Cicot, son of Pesayquot, sister of the said Peeresh, it having been so intended at the execution of the said treaty.

To Osheakkebe, or Benac, one-half of a section of land, on the north side of the Elkhart river, where the road from Chicago to Fort Wayne first crosses the said river.

To Menawche, a Pattawatamie woman, one-half of a section of land, on the eastern bank of the St. Joseph, where the road from Detroit to Chicago first crosses the said river.

To Theresa Chandler, or Toeakqui, a Pattawatamie woman, and to her daughter Betsey Fisher, one section of land, on the south side of the Grand river, opposite to the Spruce swamp.

To Charles Beaubien and Medart Beaubien, sons of Mannabenaqua, each, one-half of a section of land, near the village of Kewigoshkeem, on the Washtenaw river.

To Antoine Roland, son of Igatpatawatamiequa, one-half of a section of land, adjoining and below the tract granted to Pierre Moran.

To William Knaggs, or Wasesukson, son of Chesqua, one-half of a section of land, adjoining and below the tract granted to Antoine Roland.

To Madeline Bertrand, wife of Joseph Bertrand, a Pattawatamie woman, one section of land, at the Parc aux Vaches, on the north side of the river St. Joseph.

To Joseph Bertrand, jun., Benjamin Bertrand, Laurent Bertrand, Theresa Bertrand, and Amable Bertrand, children of the said Madeline Bertrand, each, one-half of a section of land, at the portage of the Kankakee river.

To John Riley, son of Menawcumequoqua, one section of land at the mouth of the river Au Foin, on the Grand river, and extending up the said river.

To Peter Riley, the son of Menawcumequoqua, one section of land, at the mouth of the river Au Foin, on the Grand river, and extending down the said river.

To Jean B. Le Clerc, son of Moiqua, one-half of a section of land, above and adjoining the tract granted to Pierre Le Clerc.

To Joseph La Framboise, son of Shawwenoqua, one section of land, upon the south side of the river St. Joseph, and adjoining, on the upper side, the land ceded to the United States; which said section was also ceded to the United States.

The tracts of land herein stipulated to be granted shall never be leased or conveyed by the grantees, or their heirs, to any persons whatever, without the permission of the President of the United States. And such tracts shall be located after the said cession is surveyed, and in conformity with such surveys, as near as may be, and in such manner as the President may direct.

ART. 4. In consideration of the cession aforesaid, the United States engage to pay to the Ottawa nation one thousand dollars in specie, annually, forever; and also to appropriate, annually, for the term of ten years, the sum of fifteen hundred dollars, to be expended as the President may direct, in the support of a blacksmith, of a teacher, and of a person to instruct the Ottawas in agriculture, and in the purchase of cattle and farming utensils. And

the United States also engage to pay to the Pattawatamie nation five thousand dollars, in specie, annually, for the term of twenty years; and also to appropriate, annually, for the term of fifteen years, the sum of one thousand dollars, to be expended as the President may direct, in the support of a blacksmith and a teacher. And one mile square shall be selected, under the direction of the President, on the north side of the Grand river, and one mile square on the south side of the St. Joseph, and within the Indian lands not ceded, upon which the blacksmiths and teachers employed for the said tribes, respectively, shall reside.

ART. 5. The stipulation contained in the treaty of Greenville, relative to the right of the Indians to hunt upon the land ceded, while it continues the property of the United States, shall apply to this treaty.

ART. 6. The United States shall have the privilege of making and using a road through the Indian country from Detroit and Fort Wayne, respectively, to Chicago.

ART. 7. This treaty shall take effect, and be obligatory on the contracting parties, so soon as the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof.

In testimony whereof, the said Lewis Cass and Solomon Sibley, commissioners as aforesaid, and the chiefs and warriors of the said Ottawa, Chippewa, and Pattawatamie nations, have hereunto set their hands, at Chicago aforesaid, this twenty-ninth day of August, in the year of our Lord one thousand eight hundred and twenty-one.

LEWIS CASS,
SOLOMON SIBLEY.

[Signed, also, by the chiefs and warriors of the Ottawa, Chippewa, and Pattawatamie nations of Indians.]

17th CONGRESS.]

No. 177.

[1st Session.

EXTINGUISHMENT OF THE INDIAN TITLE TO LAND IN GEORGIA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 7, 1822.

Mr. GILMER, from the select committee appointed to take into consideration the treaties made by the United States with the Creek nation of Indians, on the 9th of August, 1814, and those with the Cherokee nation of Indians, on the 8th of July, 1817, and on the 29th of February, 1819; and also the articles of agreement and cession between the United States and the State of Georgia, entered into on the 24th of April, 1802, and to report whether the said articles have been executed according to the terms thereof, and the best means of executing the same, reported:

That, on the 24th of April, 1802, the State of Georgia ceded to the United States all that portion of its territory which now forms the States of Mississippi and Alabama. That the consideration given therefor, on the part of the United States, was \$1,250,000, and an obligation to extinguish the Indian title to all the lands within the limits of Georgia, whenever the same could be peaceably done, and on reasonable terms. The committee are of opinion that this agreement might have been more satisfactorily complied with than it was at the treaty made with the Creek nation of Indians on the 9th day of August, 1814; that the terms of that treaty were imposed upon the Indians, and they were compelled to yield up to the United States a large portion of their lands; that the United States demanded that the best part of those lands should be within what was at that time the Territory of Alabama; that, by this means, the Indians have been driven within the limits of Georgia, instead of being withdrawn; that lands could have been as easily procured of the Indians within the limits of Georgia as the Territory of Alabama, and that good faith required rather a punctual performance of a fair and *bona fide* agreement, than a bargain, by which the treasury of the United States might be filled. The United States, also, in the same treaty, guaranty to the Indians the integrity of the remaining part of their territory. Whether this guaranty was consistent with the previous agreement made by the United States with Georgia, is respectfully referred to the consideration of the House. The committee cannot but express the opinion, however, that this guaranty and that contract appear to them to create very opposite and conflicting obligations.

On the 8th day of July, 1817, a treaty was made by the United States with the Cherokee nation of Indians. It appears that, some time previous to the making of that treaty, the Cherokees had represented to the President of the United States that their upper and lower tribes wished to separate; that the Upper Cherokees desired to be confined to a smaller section of country, and to engage in the pursuits of agriculture and civilized life, and to begin the establishment of fixed laws and regular government; that the Lower Cherokees preferred continuing the hunter's life; and, as game had become scarce in the country which they occupied, they proposed exchanging it for one on the western side of the Mississippi river, which would be better suited to their habits of life. To carry into effect these wishes of the Indians, the above treaty was held. The United States had it now in their power to have so far complied with their contract with Georgia as to have extinguished the title of the Cherokee nation of Indians to most of its lands within the limits of that State; for the Upper Cherokees resided beyond the limits of Georgia, and had expressed a desire to retain the lands on the Hiwassee river, which are also beyond those limits. The Lower Cherokees, who wished to exchange their lands, resided mostly within that State; yet, favorable as this opportunity seems to have been for a faithful compliance with their contract, the United States neglected to take advantage of it. They purchased an inconsiderable tract of country within the limits of Georgia and the bounds of the Lower Cherokees, and a considerable tract within the State of Tennessee and the Upper Cherokees, apparently in opposition to the wishes of the Indians, the interests of Georgia, and good faith in themselves.

By the eighth article of the last-mentioned treaty, the United States granted to each head of any Indian family who should choose to remain on the eastern side of the Mississippi river 640 acres of land, for life, to the possessor, with a "reversion," in fee-simple, to his children.

The committee cannot but view this attempt on the part of the United States to grant lands in fee-simple within the limits of Georgia as a direct violation of the rights of that State. The United States have no jurisdiction over the country, or interest in the soil of the lands belonging to the Indians within the limits of Georgia. If there ever was any doubt of the truth of this assertion, it ceased to exist after the articles of agreement and cession made in 1802; by the second article of which the United States cede to that State all claim, right, or title which they may have had to the jurisdiction or soil of any lands within its limits: yet, in direct opposition to the terms of their own

agreement, the United States have, in numerous instances, in pursuance of the said eighth article of the treaty last referred to, granted lands belonging to Georgia to the Indians, and have also given to the Indian nation the right of changing their title of occupancy to that of fee-simple to all the lands which they held in that State. But it is not the rights of Georgia alone that are violated by this treaty; the rights of Congress are equally disregarded. By the same eighth article of the said treaty, all the Cherokee Indians, who may choose to do so, are authorized to become citizens of the United States. The committee are not aware of the existence of a power of conferring the rights of citizenship in any other branch of the Government than Congress. They think it unnecessary to make further comment on this part of the subject. The State of Georgia would, however, have had less reason to complain than at present, notwithstanding all these causes, if the remaining terms of this treaty had been executed as agreed upon. The Indians contracted that they would, in addition to the lands which they had ceded absolutely, convey an additional quantity, which should bear the same proportion to the whole quantity of lands belonging to them as the Indians on the western side of the Mississippi river bore to their whole nation. The number of all the Indians was to be ascertained by the month of June, 1818, and commissioners were then to be appointed to divide the lands according to the proportion just named. The State of Georgia had a right to expect that those lands would be laid off within its boundary. But the United States make another treaty with the same Indians, to wit, on the 27th day of February, 1819, by which they yield up to the Indians all the advantages derived from the former, upon certain conditions. The committee are of opinion that the United States had no such power. It has already been shown that they have no jurisdiction over, or right to, the soil of the lands belonging to the Indians within the limits of Georgia. They exercise the power of treating with the Indians for those lands by virtue of the obligation they are under to that State by their contract, and their general duty to treat with the Indians for the benefit of the States. They act as commissioners appointed by the constitution; and whenever their duty has been performed, by purchasing lands for the benefit of any State, and the terms accepted by that State, all power over the lands acquired ceases to exist. The treaty of the 8th July, 1817, had been so far accepted on the part of Georgia, previous to the treaty of the 27th of February, 1819, that most of the lands acquired thereby had been disposed of to its citizens by an act of its Legislature. The treaty, therefore, of the 27th February, 1819, so far as it affects any rights acquired by Georgia under the previous treaty, is void. The United States are bound to carry the first treaty into effect.

It appears, from the last treaty, that the United States are endeavoring to fix the Cherokee Indians upon the soil of Georgia, and thereby render it impossible for them ever to comply with their contract with that State. By this treaty, fee-simple titles to lands within the State of Georgia are granted in a still more objectionable manner than in the former, and all the Indians who choose are to be made citizens in the same manner as in the former treaty. Leases made in pursuance of the former treaty are made void by the latter.

There is one other feature in the last treaty which the committee think too objectionable to pass over in silence. It is agreed, on the part of the United States, that twelve miles square of the lands ceded by the Indians shall be disposed of, and the proceeds vested, under the direction of the President of the United States, in such stock as he may think proper; and the interest arising therefrom to be applied by him for the benefit of the Indians. They, however, can take no further notice of it than to bring the subject before the House for their consideration.

As to so much of the resolutions as directs the committee to report the best manner of executing the articles of agreement and cession therein referred to, they suggest that it will be necessary for the United States to relinquish the policy which they seem to have adopted with regard to civilizing the Indians, and rendering them permanent upon their lands, and changing their title by occupancy into a fee-simple title, at least in respect to the Creek and Cherokee Indians. Their contract with Georgia must remain forever unperformed so long as this policy is pursued. They would further recommend appropriations of money to be made, sufficiently large to enable the Government, from time to time, to hold treaties with those Indians who possess lands within the limits of Georgia, for the purpose of extinguishing their title thereto.

From the view which the committee have thus taken of the subject-matter referred to them, they recommend the following resolutions for adoption by the House:

1. *Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of the above treaties as pretends to grant to the Indians fee-simple titles to lands within the limits of Georgia is a violation of the sovereign rights of that State.
2. *Resolved,* That so much of the said treaties as purports to grant to the Indians the rights of citizenship is a violation of the rights of Congress.
3. *Resolved,* That the sum of ——— be appropriated, for the purpose of holding treaties with the Creek and Cherokee Indians, for the extinguishment of their title to lands within the limits of Georgia.
4. *Resolved,* That so much of the treaty made the 27th of February, 1819, as directs a large portion of the public lands to be sold, and the proceeds to be vested in some public stock by the President of the United States, and to be disposed of by him for the benefit of the Cherokee Indians, does not accord with the general policy of this Government, and the power of Congress over the public property of the United States.

TRADE AND INTERCOURSE.

COMMUNICATED TO THE SENATE, ON THE 14TH OF JANUARY, 1822.

SIR:

OFFICE OF INDIAN TRADE, December 27, 1821.

I have had the honor of receiving your communication of the 24th instant, in which you convey the request of the Committee on Indian Affairs to be informed, *first*, of the number of trading posts now in operation amongst the Indian tribes, and where located; *second*, of the amount of the several appropriations for carrying on trade and intercourse with the Indian tribes; *third*, the present value, according to the last returns from each trading post, of the property on hand, estimated at the original cost prices of the articles: to which I am requested to add my opinion of the advantages of the United States' commercial intercourse with the Indians over such other kinds as could be organized to take the place of it; and such amendments in the present system of the two kinds of intercourse which now obtain, (*viz*: that carried on by the Government, and that conducted under the license system by indi-

viduals,) as I may suppose best adapted to preserve the Indians from the speculations of the unprincipled, and secure justice to them; and such other views as I may think proper to add illustrative of the present state of our Indian relations, and the best methods to preserve the peace with them, tribe with tribe, and between the Indians and our civilized border population.

The abstract which I have the honor to enclose, herewith, contains the information requested under the three enumerated heads of the call; which shows a gain of \$59,001 99.

There are four kinds of commerce which could be established among and with our Indians; from a review of which some tolerable conception may be formed of the advantages of the United States' intercourse over the rest. These are: *first*, to leave the Indians to their own resources; *second*, to abandon them to the necessity of carrying on their traffic with individuals; *third*, to subject them to the regulations of a chartered or privileged company; or, *fourth*, for the Government to assume the intercourse with them direct.

Before the quiet of the aboriginal solitude was disturbed, and the habits with which nature had invested its natives were torn off by the hands of a more enlightened, but, perhaps, less humane race of men, there were no demands to satisfy other than the forests furnished; and no necessity existed, therefore, for commerce, save only that which was implied in the exchanges of bows and arrows, and stone axes; and these, again, for skins or meat, which might have been taken in extra quantities by some more fortunate hunter. But the advance of civilization upon this simple state has changed these easily adjusted relations; and its blessings, however highly to be appreciated, have, in reference to our Indians, been less numerous than its curses. New wants have been originated by it, but the corresponding supplies have not been furnished. Disease, physical and moral, has been communicated, without being accompanied by the appropriate remedies. New relations have been created, in which the civilized man has been more than a match for his less enlightened brother. The consequences to the Indians are notorious; and these involve *bereavement*, and *suffering*, and *death!* Considerations arising very naturally out of this view may not be considered as forming part of the request of the committee. I shall waive them, therefore, with the single remark, that, however consistent the extinction of the aboriginal race may be with the designs of Providence, in peopling this new world with a more enlightened and polished society, it is not so clear that some additional efforts were not required of the first settlers, and the generations which have succeeded them, to meliorate the condition and recover from barbarism those whose domain they invaded, and in the occupancy of which we have so completely succeeded.

Reduced as are our Indians to a state of such absolute dependence, keenly assailed by wants, artificial as well as real, and between which they find it no less difficult to decide than do their white brothers, it would be to perish them *en masse* to decree their exclusion from the commerce which has grown out of their new relations with the civilized world. *Their wants must, therefore, be met;* and for nothing do they clamor more than for commercial privileges; hence, so many stipulations with the Government for trading-houses, and the means to sharpen and keep in order their spears, and traps, and rifles, and, of late, among several tribes, their ploughs and axes; and these facilities are held by most of the tribes with which we have intercourse at all in the highest possible estimation.

It should seem that to a people thus circumstanced, the Government, which is their only protector, and which holds their destiny in its hands, would be solicitous to provide the most ample system for their improvement and preservation; a system embracing, not only a bare supply of the ordinary demands of nature, but the more ennobling gifts of intellectual and moral improvement. It is gratifying to believe that such is the feeling of the natural guardians of this unfortunate people; and additionally so, when to this good will in the Government is perceived to be superadded the sympathies and exertions of so many thousands of our citizens.

It is not doubted that individual enterprise is competent to supply all the demands which the wants of our Indians could levy upon it; nor that capital could be commanded even more than adequate to the supply of all these wants. But it is not so certain that such an intercourse would be characterized by the traits with which justice and humanity, or policy, would feel it incumbent on them to stipulate for; or, that laws could be enacted adequate in their provisions to secure them. It is one thing to enact laws, and another to enforce their violated provisions. It is not questioned but laws could be framed containing all the requisite severity, and embracing every variety of threatening for a breach, even in the wilderness, of their authority; but it is not so much to what the law threatens that offenders look, as to the probable chances which promise their safety from its punishment. In regions wild and wild, like those inhabited by our Indians, laws are of little more importance in regulating the conduct of the avaricious, who go there for the purposes of trade, than would be the testimony of the Indian for the security of whose person and property they might be enacted.

If in civilized society, where the means of detection are so numerous, and where the laws apply so universally to the security of rights, so many escape with impunity, and so many, again, elude the punishment which the laws denounce, what can we expect from the efficacy of a law which is to operate in the wilderness, and where those whose practices it was made to punish are the only legal witnesses?

Commercial intercourse ceases to reciprocate its advantages whenever either party shall yield to the other in intelligence or power. The keen and adventurous trader, skilled in the arts of deception and speculation, and who is bent on making gains, will be found oftentimes an overmatch for his less keen, and less intelligent, though *civilized* brother; but how entirely at the mercy of such must be an ignorant and powerless community of dependant savages!

Such is the theory of an intercourse between civilized and savage communities, or between our traders and our Indians; and the theory might be considered sufficiently demonstrative, were experience and facts not at hand on which to rest it. The system of a private intercourse has been tried; its provisions, though apparently so well contrived to screen the Indians from the fire of avarice, and protect them from its fangs, proved useless, and it was abandoned. I refer to the regulations of 1786. By these, the country was divided into two districts, northern and southern. To the northern district was attached a superintendent and two assistants; to the southern, a superintendent. The whole of the Indian relations were referred to these two divisions; and the following rules governed them: *No person*, citizen or other, was permitted to reside among, or trade with, any Indian, or Indian nation, within the territories of the United States, without a license for that purpose first obtained from one of the aforesaid superintendents; but no license was granted to *any person* who did not first present, from the Supreme Executive of a State, a certificate, under the seal of the State, testifying to his good character, and to his qualifications and fitness for the employment of Indian trade. For each license thus granted, and which was limited to a year, the person receiving it paid \$50 for the use of the United States, accompanying with this license money a bond in the penalty of \$3,000, which provided for a strict adherence to, and observance of, such rules and regulations as the Congress might from time to time impose. But, guarded as was this system, and well adapted as it certainly promised to be to the objects contemplated by it, the cunning of the traders was an overmatch for its provisions; and the Indians, thus given into the hands of "the unprincipled," (for it would be an affectation of respect for the calling to doubt that three-fourths, at least, are of this class,) were subjected to all the sufferings which avarice could inflict; and their peace and welfare involved in the scheme, involved, in their turn, the shedding of much blood, and

the waste of many lives. I am aware that, in those times, the afflicting apprehensions which arose on the part of the Indians, on witnessing the rapid and pressing march upon their settlements, carried with it a portion of this spirit of revenge; and, unyielding as yet, cherishing lordly notions of their prowess, and convinced of their right to the soil which was made thus to crumble from beneath their feet, they often resolved to abandon it only with their lives. But, however many of the conflicts of those times owed their origin to feelings of this sort, yet it has long ceased to be doubted that to the shameful practices of fraud, and the bereavement inflicted on them under it, are to be attributed the larger portion of the strifes of those days, and the blood and murder which resulted from them.

On the abandonment of the system of 1786, an intercourse was opened, (partial at first, as it yet is, and, by consequence, proportionally inoperative,) out of which grew the present Government system of trade and intercourse, and which I shall explain presently. The system of a private intercourse under a license system has, therefore, been tried, and it has been abandoned. An intercourse under the directions of a chartered company would, in the light in which I have been considering this subject, result in the same consequences. Gain would be the object, and the sole object, on the part of the stockholders and all concerned, under a company regulation, as it is under the plan of individual enterprise. The same difficulty would exist in enforcing upon the avarice of the company, as upon the avarice of individuals, those observances which involve humanity and justice in their application to the Indians. The terms would be all on one side, and the cunning and the power also; and as to the equipoise which law might be instructed to furnish, it *could not* be realized. But then, connected with this view of the subject, is another, which applies to our civilized population; and it is one which has not the same extent of application to the individual prosecution of Indian trade. It is the certainty that our fur market would be raised to the prices of the China market, freight, &c. deducted; or to any other market where the most could be commanded for the article. What though the company should consist of its thousands, yet its management would be turned over to a single head, or, at most, to a board of directors. The furs, being collected, would be so disposed of as to insure the highest price of a foreign demand. Our manufacturers, or rather consumers, would come in, by consequence, for the tax which this state of things implies; and should the prices of the China market be an advance of 100 per cent. upon the prices of our own market, the price of our hats, and other articles of which fur is an ingredient, would be doubled upon us, and the gains would go from the pockets of our citizens into the coffers of the fur company. In this view, a company treating the Indians, by their agents, no better than they are treated by the agents of individual capitalists, would superadd, in its application to our civilized community, the consequence to which I have referred. Individuals are less able to collect the furs in sufficient quantities to ship them, and, generally, they are not so well informed as a company would be in all the relations of a foreign commerce; hence, a large portion of them are disposed of at home. But a company is preferable in other respects. It would be more tangible; and, hardly possible as it would be to detect their wilderness agents in their violations of law, yet, if detected, their property could be come at, and some better chance for the operation of law might exist. The private adventurer goes with his pack on his own back, or his horses; and should he be detected violating the law, and convicted, his all (at least all that could be come at) would not remunerate the witness for his expense and trouble in conveying him for trial to the settlements. But shocking as is the practice of injustice and inhumanity, and additionally revolting as it must always be in proportion as its victims are impoverished, and helpless, and uninformed, it comes home to the feelings with a shock less afflictive than does the sight of that intellectual and moral degradation to which such a traffic necessarily dooms this unfortunate race of men.

The advantages of commerce are admitted to be vast. From the interchanges of a neighborly intercourse to the intercourse between nations, the social compact derives its advantages, and strength, and beauty. Expanding in its nature, it throws open the world of mind as well as matter, and the view kindles into all that is agreeable and lovely. But whoever witnessed any of these results from an intercourse between men, professedly traders, with a savage community; and to whose very prosperity, as traders, a deathblow would be struck by the improvement of this community in the arts and conveniences of cultivated life? So far from this, it is essentially degrading in its character, and disastrous in its consequences; for it is the principal business of such traders to oppose every thing like improvement. Such is the likeness which is stamped deep upon our Indians, and which may be traced out in all the poverty and misery which invests so large a portion of their population. History details the causes; and these are to be found in the superior intelligence and keen avarice of the one party, and their disregard to political and moral order, and the unenlightened and dependant condition of the other. It was natural, and entirely in conformity with the principles which actuate the Government of this country, and which give to it so much lustre in the eyes of the world, for it to devise, in its general plan of liberty, and rights, and justice, and humanity, some scheme which should act as a shield to screen an unfortunate and noble race of men, who were solely dependant upon it for aid, from an avarice so intense, and, if possible, to redeem a remnant of their race from the destiny which has swallowed up their progenitors. It is to be lamented, however, that this plan should have been so contracted. It ought to have been ample, and commensurate with the wants of our aboriginal population over the whole extent of their domain. But what is this plan? It embraces: First. *A disinterested commercial intercourse.* Merchandise, and whatever else is ascertained to make up the wants of the Indians, is bought, (so far as the capital will extend,) and transported to their settlements, with no view to gain; the law limiting the profits to the advances which may be necessary to secure the capital from diminution. Second. There being no object to realize but the advantage of the Indians, they are not only not encouraged to *neglect the soil* and other important matters connected with their civilization, but every inducement is held out to them, and every instruction given, to facilitate this great object, to the extent of the means which are furnished. Third. The agents intrusted with the execution of this benevolent scheme are separated, by law, by their bond and oath of office, from all interest in the affairs committed to their trust. They bond to the United States, with adequate security, in the sum of \$10,000, for the faithful discharge of their trust, in properly accounting for all the items connected with their factorship, and confirm these legal obligations by the solemnity of an oath.

Thus the Indians are guarded, so far as guards can be constituted by legislation, from imposition; and the means of detection, should frauds be attempted, are provided by the regulations which demand quarter-annual returns, *in detail*, by duplicate; one copy of which to be transmitted to the Treasury Department, the other to the superintendent of Indian trade.

Such, in brief, are the outlines of the United States' commercial intercourse with the Indian tribes. Its advantages "over such other kinds of intercourse as could be organized to take the place of it" may be thus summarily stated: First. In the disinterestedness which characterizes it, and the superior advantages which it holds out in the way of trade to the impoverished race for whose benefit it has been established, over any other system originating in plans of gain. Second. In the harmony which is the natural consequence of such a system. Third. In the tranquillity and peace which are the fruits of this harmony. Fourth. In the consequently easy access, under its benevolent operations, to the confidence and friendship of the Indians; and in the state of preparation which it secures for the introduction of those intellectual and moral lessons which, in the presence of any other system of commercial intercourse, it were useless to attempt to enforce upon them.

And is it thought a thing incredible to impress an Indian with designs of kindness, and get from him in return a corresponding attachment and fidelity? It cannot be admitted as a just view of the Indian character and manners to pronounce upon his treachery and cruelty as the characteristics of his moral constitution. These wily acts are rather the results of his best conceptions of defence, and of preserving himself from the treachery which is practised upon him; and the displays of his vengeance are but the ebullitions of a provoked temper. We see the Indian goaded into desperation by injustice and fraud, and we infer that he can never become the master of his passions, or a subject over whom the milder virtues can have any control. As well might it be thought by him who never saw the ocean, except when lashed by the storm into billows and foam, that it was incapable of rest.

But I have omitted to remark that the advantages which the United States' intercourse has been stated to possess over other kinds cannot be qualified by the objection which is so frequently made against it. This objection is, that the Government is depriving its citizens of advantages which they could derive from the fur trade, by the part which it takes in its prosecution. But, admitting this to be reason good enough to authorize a surrender of the Indians into the hands of the trading parts of our community, yet it can have no application to the trade in question, unless, indeed, it could be shown that the Government, by receiving the furs and peltries from the Indians, deprived its citizens from participating in the buying and selling of those articles. But this does not happen to be the case. A comparatively small portion, it is true, of the furs and peltries which are taken and disposed of by our Indians, are thrown into our markets by the Government sales; but all that come into the Government possession are thus disposed of; and were the means adequate to embrace the entire trade, and should a law of exclusion be enacted to keep out every trader save those in the employ of the Government, the same disposition would be made of them. They would then, as now, be thrown into our markets for the use of the manufacturer and merchant. The controversy is one, therefore, which resolves itself into a single point, and that embraces a struggle on the part of those who clamor for the abolition of the Government system to hold *personal intercourse* with the Indians. And wherefore? For the reason, doubtless, that the Indians being incompetent to measure skill and cunning with them, they can command, of course, these articles for trifles. But can this be considered a sufficient reason for the abolition of a system which, whilst it receives with one hand, on fair terms, whatever articles the Indians may have collected for barter, gives them out with the other to those who are interested as dealers? Or does it not rather bring the subject to its fairest illustration, and require it to be determined whether it is more consistent with the principles which distinguish our Government to place the Indians in a relation *so unequal*, and in which they must be necessarily subject to such imposition and suffering, or to occupy an intermediate place itself between them and the traders, and thus save them from those consequences?

If, in the wisdom of Congress, it be thought best to continue the two kinds of intercourse which now obtain, (viz: that carried on by the Government, and that conducted by individuals under the license system,) the regulations which I respectfully submit are the following:

First. To deny the privilege to trade with the Indians to all *persons whomsoever*, except from points located and built upon for the purpose, to be previously approved by the President of the United States; and then only on a license to be issued by the President of the United States, to be renewed annually, for which \$200 shall be paid. A bond should be required in the penal sum of \$10,000, obliging the trader to conform, in all respects, to the laws and regulations which may be from time to time adopted for the regulation of Indian trade.

Second. The license money to constitute a fund, to be employed, under the direction of the President of the United States, in the civilization and improvement of the Indians.

Third. An obligation should be enforced on all persons thus licensed to make quarter-annual returns, on oath, to the officer in charge of the Indian relations, of the amount and kinds of articles sold, at what prices, and of the kinds received, and the profits realized. *Spirituous liquors should be excluded under the severest penalties.* These regulations for the government of the license system would doubtless lessen some of the evils which prevail under it in its present state. A reimbursement to the trade fund of the \$63,369 61, embraced in the three items on the abstract, under its first division, marked A, B, and C, which may be very fairly said to be due to it by the Government, would enable this office to multiply its establishments, and thus extend the advantages which its policy implies to several tribes who could be now benefited by this extension. It is *essential* to the advantageous operations of the United States' intercourse that the period of its extension be made to embrace more than a year at a time; as out of this arrangement, which has obtained for the last three or four years, considerable relaxation has resulted, on account of the doubts which it implied as to the continuance of the system; and which, being circulated through the Indian country, has led many of the tribes to seek for the only resort which they supposed to be left, and make their exchanges in the best way they could with the private traders. Many instructions, also, which it was found necessary from time to time to give, some of them implying an expenditure of money in repairs, &c., have been from time to time suspended, lest the system should cease by its limitation, and the progress of the orders arrested, and the cost be therefore lost, before the instructions could be complied with. The great distance of some of the points with which the intercourse is carried on by this office, united with other causes, often consumes a considerable part of the year before an exchange of correspondence can be realized.

The restoring the capital which may be considered as properly due to the fund by the Government, amounting to the sum stated, and fixing the period for the continuance of the system to embrace not less than three years, (five would be better,) would include what appears to me all the necessary helps. But should the Congress determine that the Government shall occupy the place between the Indians and the traders, "more effectually to guard the former from the speculations of the unprincipled, and insure justice to them," then a capital will be required to take the place of that which would be withdrawn under such a regulation. A capital of half a million of dollars, under this arrangement, would not be more than could be employed beneficially to the Indians, and advantageously to the manufacturers and merchants of the country. Out of a trade thus enlarged, reasonable advances might be added to the present limits, which, if so directed, would constitute a fund for the improvement of those out of whose toils it had been extracted. And to what could profits thus realized, I respectfully ask, be more legitimately or humanely applied? Is it objected against this suggestion that the capital is too large an allotment of the public money for such an object? This may lose some of its weight, perhaps, when it is recollected that all the charges which can be brought together as expenditures on Indian account, including the present capital employed in the trade with them, bring the cost of the territory which has been acquired of them since the formation of our Government to about *two cents* an acre; and it may not be considered an irrelevant estimate, in this view of the subject, nor too large a one, to put down half a million of dollars as the cost of the preparations which the United States *may have to make* to enforce submission to laws, which, in the present state of Indian improvement, it is impossible for them to comprehend before this unfortunate race shall have become extinct. Nor is the waste of life, which must continue to be deplored whilst the Indian is left to adhere to his present habits, unworthy of an estimate in this account.

The trade carried on by the Government, by what is called "The American Fur Company," and by individuals, makes up our commercial relations with the Indians; except, indeed, that the lines are occasionally crossed by

the American Indians on the one side, and the Canadian traders on the other, very much to the injury of our relations, political as well as commercial, with the tribes included in this kind of intercourse.

Our political relations are intrusted to agents, whose duty it is made to reside in the Indian settlements, and discharge the treaty stipulations on the part of the Government, by delivering over to the tribes to whom they are due their respective annuities; and these agents are also the organs of communication between the authorities of the United States and the Indians. They are not connected, in any manner, with the factory system; nor has the superintendent of Indian trade any intercourse with them, except so far as he may be directed by the War Department, under the provisions of the act of 1811, to forward the supplies stipulated for by treaty, or presents, whenever these are to be made.

To the commercial and political may be added our moral relations. These are supported by an annual appropriation by the Congress of \$10,000, which is applied, under the direction of the President of the United States, for the intellectual and moral improvement of the Indians, so far as this sum can be made to embrace it. Its application has been intrusted to benevolent associations of citizens, who superadd, I should judge, three times this amount, annually, from their own voluntary contributions; all which, however, falls short of the demand which exists for a participation in this noble bounty.

But notwithstanding the frame-work of all this contrivance, of commerce, and politics, and morals, which it should seem contained within it every accommodation for the comfort and improvement of those over whom it has been placed, yet there are evils existing in some of these which require to be remedied, and new regulations to be made, before the most efficient of them can work out their appropriate results.

First, as I have endeavored to illustrate, our commercial relations as they now exist have their blessings overbalanced by their curses. For the want of a controlling power over the licentious, they riot in every sort of enormity which human depravity can contrive, and the Indians are the perpetual victims of their speculations and frauds. Poverty and wretchedness follow in their train; and war and bloodshed crown the whole. I have had the honor to suggest what, in my opinion, constitutes the remedy: it is to be found only in some such regulations as I have suggested for the government of the private traders; or, in their entire exclusion from any participation in the traffic, so far as this relates to a *personal intercourse* with the Indians; and, if this be adopted, in the addition of the adequate capital to enable the Government to supply the wants of its entire Indian population. Or, if the two-fold system of public and private intercourse be continued, it is considered essential that some other regulations than those which now obtain be adopted for the government of the private intercourse; that the term of the United States' intercourse be continued beyond twelve months; and important that the fund be reimbursed in the sum of \$63,369 61.

The political agencies have great power over the councils and acts of the Indians, especially in all matters that have relation to their accountability to the power of the United States. Most of the tribes with whom we have any direct intercourse are now sensible of the disparity of their force; and, in proportion to their estimation of their comparative weakness, do they submit to the restraints which it may be thought proper to impose. But these agencies are not respected in their interference with the policy of the Indians, for settling matters of difference among themselves. Hence, however strongly they may appeal to them in illustrating the impolicy of their wars with one another, and express the solicitude of their father the President of the United States that they would settle their disputes by appeals to less bloody means, they will, nevertheless, in the general, have their own way, and settle their matters of difference by an appeal to arms.

It is respectfully recommended that, to save these unfortunate people from the calamity of such appeals, the President of the United States be authorized to employ the military to enforce an observance of his fatherly counsels. Our Indians stand pretty much in the relation to the Government as do our children to us. They are equally dependant; and need, not infrequently, the exercise of parental authority to detach them from those ways which might involve both their peace and their lives. It would not be considered just for our children to be let alone to settle their quarrels in their own way; but rather that superior power be interposed for the adjustment of their differences for them. This authority given by the Congress, it is presumed that little more than an array of power would be necessary; so that no blood would be shed upon the one hand, whilst much of it would be spared on the other.

Those agents, honorable as they are presumed to be, and highly as some of them who are known to me deserve to be respected, yet their calling should be confined, under severe penalties, and by the strongest moral restraints, to its legitimate object. They should not be permitted to trade, directly or indirectly, nor transact business of any description except on the public account. And it should be made their duty to counsel the Indians to receive for their annuities those articles which are most useful, and on no account to countenance them in stipulating for a payment of them in specie. Nothing *impoverishes the Indians so much* as cash annuities. The specie is seldom seen by them after its first appearance on their annuity grounds; and, on awaking from their intoxication, in which it is taken care by the interested to steep them, they wreak an indiscriminate vengeance on such as may chance to fall in their way.

The strifes occasioned by the confusion in which their commercial relations are involved being allayed by a system which shall be free from them, their wars among themselves restrained, and the full exercise of disinterested agencies established, it were no difficult matter to realize the hopes of the most sanguine in whatever relates to their improvement and civilization. This remark is intended to apply to the young; and not, to any considerable extent, to the adult Indians. The experiment has been made. It is no longer a matter of speculation and theory. And it may not be considered as unworthy of remark, that the tribe, viz: the Cherokees, among whom such extraordinary advances in civilization and Christianity have been made, are freer than any others from the vexatious and demoralizing intercourse of trade. There seems to be a mutual dependence in those relations which I have referred to for the production of what seems to be, at last, so almost universally desired, viz: the security, and preservation, and improvement of the Indians. *Trade*, properly regulated, and a well-adjusted political intercourse, are essential; and, without these, all attempts to save the generations to come of our Indian population, it is humbly conceived, will prove useless. But, these properly, and, in reference to their extent, adequately adjusted, the present plan, as recognised by the President of the United States, for the introduction of letters, and the arts, and morals, will, if the latter also be made co-extensive with the numbers to be benefited by it, tend more effectually to "preserve peace with the Indians, tribe with tribe, and between them and our civilized border population," than any other means, it is not unreasonable to believe, which it is in the power of the Government to apply. Nor will such a policy, properly regulated, stop, after it shall have accomplished the peace of the Indians, tribe with tribe, and secured our border population from the consequences of bloody and frequent irruptions into their settlements; but, under its influence, the best hopes of humanity may reasonably be expected to be realized, by the introduction of the rising generation of the children of our Indians into the blessings of the civilized state.

All which is respectfully submitted.

THO. L. MCKENNEY, *Sup't Indian Trade.*

The Hon. HENRY JOHNSON, *Chairman Committee on Indian Affairs.*

No. 1.

Statement of the number of United States trading posts now in operation amongst the Indians, with their locations, viz.

- No. 1. Prairie du Chien, on the Upper Mississippi, at the mouth of Onisconsin river.
- No. 2. Fort Edwards, on the Upper Mississippi, at the mouth of Des Moines river.
- No. 3. Osage, at Fort Clark, on the Missouri, near the mouth of Osage river.
- No. 4. Branch of Osage, on the Marie Decine river, near the Grand Bar.
- No. 5. Green Bay, on the Green Bay of Lake Michigan.*
- No. 6. Chicago, south end of Lake Michigan.*
- No. 7. Arkansas, at the Spadrie bayou of Arkansas river.
- No. 8. Red river, Sulphur fork of Red river, Louisiana.
- No. 9. Choctaw, on the Tombigbee river, near old Fort Confederation, Alabama.

No. 2.

Statement showing the amount of the several appropriations for carrying on trade and intercourse with the Indian tribes, viz.

Act of Congress of April 18, 1796, \$150,000. Renewed by act of April 30, 1802; and renewed					
by act of April 21, 1806, when the fund was increased to	-	-	-	-	\$260,000 00
Act of Congress, March 3, 1809, appropriated,	-	-	-	-	40,000 00
					300,000 00
(A) Deduct this sum, not drawn from the treasury, absorbed in the surplus fund,				\$10,000 00	
(B) Deduct this sum for property in part destroyed, during the late war, by the enemy, at Mackinac, Chicago, Detroit, Sandusky, and Des Moines; and in part disposed of by the United States commanders in presents, &c. to the Indians, -				43,369 61	
(C) Deduct this sum for Indian debts due from the Creek Indians, assumed by the United States, as per treaty of Fort Wilkinson, -				10,000 00	
				63,369 61	
Balance of capital,	-	-	-	-	\$236,630 39

No. 3.

Statement showing the value, according to the last returns, which are made up to the 30th September last, of the property, &c. then on hand, at the original cost prices of the articles.

Amount of merchandise in the stores of the superintendent of Indian trade,	-	-	-	-	\$30,489 88
Amount of furs and peltries in store, and on their way to the superintendent's office,	-	-	-	-	12,500 00
Amount of cash on hand,	-	-	-	-	5,483 00
Amount of bills receivable,	-	-	-	-	8,744 94
Amount of balances on the superintendent's books,	-	-	-	-	6,455 11
					\$63,672 93
Amount of merchandise in the hands of transport agent at St. Louis,	-	-	-	-	10,100 00
Amount of property on hand at the several factories, as per their inventories:					
At Prairie du Chien,	-	-	-	-	52,041 77
Fort Edwards,	-	-	-	-	15,205 76
Fort Osage,	-	-	-	-	26,015 25
Branch of Fort Osage,	-	-	-	-	6,057 98
Green Bay,	-	-	-	-	22,521 41
Chicago,	-	-	-	-	13,164 33
Arkansas,	-	-	-	-	14,074 09
Choctaw,	-	-	-	-	40,613 10
Red River,	-	-	-	-	15,736 41
Amount of merchandise on the way to the factories,	-	-	-	-	16,429 34
					221,859 44
					295,632 37
Gain,					\$ 59,001 98

The above statement shows a gain of less by \$13,223 07 than what was reported for the year 1818. This arises from the following causes: *First*, The disposition which it has been judged proper to make, at reduced rates, of the merchandise purchased during the last war; and which, though the best that could then be had, was not suited to the wants or tastes of the Indians, and especially in times when other kinds can be obtained. *Second*, By the estimate at cost of the deer skins on hand at that time, of \$51,812 46, many of which perished in New Orleans by the worms; and the state of the market was such as not to make up the deficiency by profits in the sale of the remainder. *Third*, By loss in the Mississippi and in Mobile bay, by the sinking of boats, of two supplies of merchandise, amounting to \$3,700; to which may be added, *Fourth*, The relaxation of business referred to in the accompanying report, arising out of the uncertainty of the continuance of the system. It may be proper to add, however, that, by including the profits realized on sales made subsequent to the 30th September last, (the period at which this statement is made up,) the gain, according to the report of 1818, would stand now at about what it did then. Fluctuations in such an intercourse, dealing, as it is essential to do, in perishable articles, which cannot be kept for better markets, is one of the characteristics of the trade. It is one year more, and another less; depending always upon the markets for the articles taken in barter with the Indians.

*Ordered to be discontinued and removed under one to the river St. Peter's.

17th CONGRESS.]

No. 179.

[1st Session.]

EXPENDITURES FOR THE INDIAN DEPARTMENT FOR 1820 AND 1821.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 16, 1822.

SIR:

DEPARTMENT OF WAR, *January 15, 1822.*

The Secretary of War, to whom was referred the resolution of the House of Representatives of the 10th instant, "directing that the Secretary of War communicate to that House a statement (so far as the same may be in his power to make) of the items of all expenditures made, and expenses incurred, in the Indian Department, during the years 1820 and 1821, together with abstracts of the estimates furnished for said years by the Indian agents, upon which funds have been advanced, or expenses incurred; and, also, a statement of the several amounts to which their respective expenditures were limited by the instructions of said Secretary," has the honor to enclose, herewith, a statement of the Second Auditor, marked A, showing "the expenditures made, and expenses incurred, in the Indian Department, for the years 1820 and 1821," as far as the actual expenditures can be ascertained from the vouchers received; statement marked B, containing "abstracts of the estimates furnished for said years by the Indian agents, upon which funds were advanced, or expenses incurred;" and documents marked C, containing a circular of the 19th of March, 1821, to the superintendents and agents, by which will be seen "the several amounts to which their respective expenditures were limited," together with an estimate of the arrearages of the Indian Department at the termination of the last year, and the general regulations which have been adopted to control the expenditures of that department.

The estimates on which advances were made are necessarily imperfect for the year 1820, as the regulation changing the mode of making advances to agents and superintendents was adopted on the 19th February of that year. Before that period, the disbursements of the Indian Department were made without estimates, principally on drafts drawn on this Department by the agents and superintendents, care being taken in accepting the drafts not to exceed the sum allotted to each, without satisfactory explanation. This mode of covering the disbursements of the Indian Department was, however, found to be defective, as it gave no previous check over the disbursements, and exposed the Government to fraud in disposing of drafts on it, by the agents, without accounting for the premium which they might obtain. It is not, however, known that any fraud of the kind has been committed; but it was a strong objection to the mode of making disbursements that it was liable to abuse. Under the system adopted, if rigidly enforced, the possibility of such frauds is excluded.

Believing it to be within the intention of the resolution, I have annexed to the copy of the circular to the superintendents and agents of the 19th March last, which contains the amount to which their respective expenditures were limited, copies of various other circulars which had been at different times adopted in order to introduce economy and accountability, and thereby diminish the expenditure of the Indian Department. In addition to these, special instructions, applicable to the peculiar state of each agency, have, with the same view, at various times, been given to the different agents. On account of its amount, and liability to abuse, the expenditure which particularly claimed the attention of this Department was that on account of rations issued to Indians. Not long after the commencement of the present administration of this Department, the circulars in relation to issuing rations (copies of which accompany this report) were issued to the agents and superintendents. It is believed that the regulations which they contain, have had a very happy effect in preventing impositions on the Government, and in diminishing the disbursements of the Indian Department.

By referring to the accompanying documents, it will appear that the aggregate amount allotted to the agents and superintendents, under the circular of March last, is \$79,500, leaving \$20,500 to meet such general charges against the appropriation as belonged to no particular agency, such as the debits which might be brought against it in the settlement of former accounts of expenditures for the expenses of rations issued to the Indians through the commissary of provisions, of visits of Indians to the seat of Government, general expense under the Indian intercourse act of 1802, transportation of annuities, &c. The sum allotted to these various objects has proved insufficient. Even with the addition of the balance of the appropriation of the last year, it has not been sufficient to meet the debits arising from the settlement of old accounts. It was believed, when the estimates of the last year were made, that the balance of the appropriation of the preceding year, with such credits as might be brought to the Indian appropriation from the settlement of old accounts, would be sufficient to cover the debits. Such, however, has not proved to be the fact, as will appear by reference to the statement of the Second Auditor of the Treasury, which accompanies this report. It is proper to remark, that the debits which have been brought against the Indian appropriation in the last and preceding years have arisen principally out of the settlement of the accounts of army contractors, under contracts made before the establishment of the present system of supplying the army with provisions, which commenced on the 1st of June, 1819. The amount of rations issued to Indians could not, under the old system, be ascertained till the contractor rendered his accounts for settlement, on which the provisions issued to Indians were charged to the proper appropriation; and the appropriation for the Indian Department for the year was thus liable to be affected by the disbursements of former years. As the accounts of the former army contractors have been all audited, and as the prompt settlement of accounts under the present system of supplying the army with provisions prevents the accumulation of outstanding claims, it is believed that the appropriations for the Indian Department will not hereafter be affected materially by the settlement of outstanding accounts; but as balances remain due the United States, in several cases, on account of subsistence, for the recovery of which suits have been instituted against the contractors, it may occur that awards may be made in their favor on items chargeable to the Indian Department, which, on settlement by the accounting officers, have been decided to be inadmissible. In such cases, the appropriation for the Indian Department will be charged, and the subsistence credited with the amount.

In conclusion, it may not be improper to state, that, although \$200,000 has been the amount of the annual current appropriations for the Indian Department, from the termination of the late war till last year, yet the disbursements considerably exceeded that sum previous to the year 1820, the difference being made up from time to time by appropriations for arrearages. The acting Secretary of War, Mr. Graham, estimated the disbursements of the Indian Department at \$250,000, in the year 1817. In his letter to the chairman of the Committee of Ways and Means of the 4th of January of that year, he states: "The expenses of the Indian Department have been estimated at \$200,000; it is, however, recommended that this estimate should be increased, so as to make a permanent annual appropriation for this object of \$250,000, at least. The circumscribed limits of most of the Indian tribes east of the Mississippi and Illinois rivers, having rendered their dependence upon the chase for subsistence

more precarious, has produced a more frequent intercourse between those Indians and the agents of the United States, and a consequent increase of the issue of rations and of presents to them." In addition to these causes, the number and importance of the treaties which have been held with the Indians since the late war, the great increase of the annuities, and extension of the frontier, have tended very much to increase the disbursements of the Indian Department. Believing it, however, to be the intention of Congress that the expenditure should not exceed \$200,000 per annum, efficient measures were adopted, shortly after the commencement of the present administration of this Department, to reduce the amount of the expenditure within that sum.

Acting on the same principle, after the reduction of the appropriation of the last session to \$100,000 for the expenses of the Department, every effort was made to reduce the disbursements within the amount appropriated, which could be made without deranging the system established under existing laws. The consequence has been a very considerable reduction in the disbursements; but it has not been practicable to bring the expenditure within the appropriation. Though measures were taken immediately after the passage of the act making the appropriation, yet, at points so remote as those at which most of the agencies are fixed, nearly one-half of the year had elapsed before any considerable diminution could be effected in the rate of expenditure authorized by previous appropriations, by which time (the previous expenditure being at the rate of \$200,000 per annum) the appropriation was nearly exhausted, and the expenses of the Department have been accumulating against the Government, without the means of meeting them.

All of which is respectfully submitted.

J. C. CALHOUN.

Hon. PHILIP P. BARBOUR, *Speaker of the House of Representatives.*

SIR: TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE, *January 15, 1822.*

In compliance with the resolution of the House of Representatives, under date of the 10th instant, calling for a statement of "the items of all expenditures made, and expenses incurred, in the Indian Department, during the years 1820 and 1821," I have the honor to transmit you, herewith, a statement exhibiting the expenditures in each of those years.

Believing it would comply substantially with the intention of the House of Representatives, in their call for information, the statement which is furnished presents the amount of actual disbursements for the years 1820 and 1821, under general heads, instead of furnishing each item, which could not be done without causing a delay of several weeks, as those items are very numerous as well as various; the contingent disbursements, for the most part, being composed of small sums.

It is proper to observe, that the expenditure of 1820, as ascertained from accounts which have been actually rendered, amounts to the sum of \$142,385 27, while the amount of warrants issued that year amounts to that of \$191,735 19; making a difference of \$49,349 92, which is to be accounted for in the following manner:

Amount appropriated for 1820,	-	-	-	-	\$200,000 00
Balance of amount refunded by annuities, after deducting \$62,984 81 overdrawn by Indian Department on the 1st January, 1820,	-	-	-	-	15,448 16
					\$215,448 16
Amount available for 1820,	-	-	-	-	\$215,448 16
Disbursements made for 1820, exclusively, per statement A,	-	-	-	\$142,385 27	
Amount charged to the appropriation, by transfer from Third Auditor's office, for rations issued in 1818,	-	-	-	-	9,667 23
This amount advanced by warrant to subsistence, on account of larger sums claimed by that department for rations issued in 1818, 1819, and 1820,	-	-	-	-	15,000 00
This amount arising out of disbursements made in 1819, and paid by warrants in 1820; also, of advances made in 1820, which have only been accounted for in the first quarter of the ensuing year,	-	-	-	-	34,349 92
Balance of appropriation on 1st January, 1821,	-	-	-	-	14,045 74
					\$215,448 16

Thus accounting for the difference of \$49,349 92, by the \$15,000 advanced to subsistence, and \$34,349 92 arising out of disbursements or advances not immediately relating to the year 1820.

The accounts for 1821 have been rendered but partially for the third quarter, and none have yet been received for the fourth. The appropriation for that year has been charged, on the settlement of a contract under date of 6th December, 1817, of Turk and Henderson, for supplies of provisions to the army, with the sum of \$43,604 27; and there remains to be brought to the debit of the Indian Department, as soon as there are sufficient funds, the sum of \$18,803 37, under the contract, dated 26th January, 1816, of James Thomas, for issues of provisions in 1816 and 1817, which account has been audited in the course of last year.

The sum of \$130,205 44, appropriated for arrearages in 1821, has been absorbed in the settlement of the contracts of Ward and Johnson, of 20th January, 1815, and William P. Rathbone, of the 1st November, 1816.

I have the honor to be, very respectfully, sir, your most obedient servant,

WILLIAM LEE.

Hon. J. C. CALHOUN, *Secretary of War.*

A.

Statement of the expenditures of the Indian Department in the years 1820 and 1821, furnished in pursuance of a resolution of the House of Representatives of the 10th of January, 1822.

NATURE OF THE EXPENDITURE.	1820.	1821.
For compensation to commissioners for running boundary lines, agents, sub-agents, interpreters, and blacksmiths, - - - - -	\$59,517 66	\$45,310 74
For presents to and for Indians, - - - - -	22,249 71	14,451 58
For provisions for Indians, - - - - -	17,589 93	3,235 38
For contingent expenses, as buildings and repairs, tools, and general expenses of smith-shops, expresses, transportation, laborers, removal of Indian emigrants, repairing agricultural implements, and expenses incident to executing the intercourse per act of March, 1802, - - - - -	43,027 97	34,985 26
	\$142,385 27	\$97,982 96

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE, January 15, 1822.

WM. LEE, Second Auditor.

B.

Abstract of the estimates of the Superintendents and Agents for Indian Affairs, of the expenses of their several superintendencies and agencies for the years 1820 and 1821.

SUPERINTENDENCIES AND AGENCIES.	Pay of agents, sub-agents, interpreters, and blacksmiths.	Contingent expenses.*	Amount of estimates.	Amount to which the estimates were reduced by the Dept. of War.
1820.†				
Superintendency of the Governor of Michigan Territory, -	\$20,380 20	\$22,329 60	\$42,709 80	
Superintendency of the Governor of Missouri, (late Territory,) - - - - -	15,532 00	28,591 29	42,123 29	
Superintendency of the Governor of the Arkansas Territory, -	5,600 00	900 00	6,500 00	
Creek agency, - - - - -	4,900 00	650 00	5,550 00	
Choctaw agency, - - - - -	5,536 00	3,000 00	8,536 00	
Cherokee agency, Tennessee, - - - - -	2,600 49	7,818 79	10,419 28	
Chickasaw agency, - - - - -	1,825 00	2,480 00	4,305 00	
Illinois agency, - - - - -	3,993 60	1,323 92	5,317 52	
Red River agency, - - - - -	1,620 00	4,380 00	6,000 00	
	\$59,987 29	\$71,473 60	\$131,460 89	
1821.				
Superintendency of the Governor of Michigan Territory, -	21,755 00	22,635 00	44,390 00	\$31,410 00
Superintendency of the Governor of Missouri, (late Territory,) - - - - -	15,196 00	19,778 64	34,974 64	25,677 50
Superintendency of the Governor of Arkansas Territory, -	5,600 00	2,385 00	7,985 00	6,423 00
Creek agency, - - - - -	4,700 00	1,920 00	6,620 00	4,262 50
Choctaw agency, - - - - -	5,032 94	1,150 00	6,182 94	4,980 00
Cherokee agency, Tennessee, - - - - -	2,600 77	5,816 92	8,417 69	7,038 00
Chickasaw agency, - - - - -	2,200 00	1,200 00	3,400 00	
Red River agency, - - - - -	2,420 00	2,079 00	4,499 00	4,000 00
Illinois agency for the first and second quarters, the agent being transferred to the Osages; and for the two last quarters of the year is included in the estimate of Governor Clark, - - - - -	2,014 00	1,000 00	3,014 00	2,000 00
	\$61,518 71	\$57,964 56	\$119,483 27	

NOTE.—A small amount of disbursements have been made without estimates in Florida, and at the agency at Vincennes, which was discontinued in July last, and to which there was no allotment of funds.

C.

Copy of a circular to Superintendents and Agents for Indian Affairs.

SIR:

DEPARTMENT OF WAR, September 5, 1818.

The Fifth Auditor of the Treasury Department has been charged to adjust the claims which Indians may have, under existing treaties, or the fourth section of the act "to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," passed 30th March, 1802; and similar claims on the part of our citizens, embraced by the fourteenth section of the same act, or any existing treaty with the Indian tribes.

* Such as buildings and repairs, tools, and general expenses of smith-shops, removal of Indian emigrants, presents, rations issued by the agents, and all contingent expenses incurred at the agency.

† The estimates for 1820 are imperfect, the regulations requiring them having been adopted on the 19th of February of that year. Believing that it would better effect the intention of the call for information, the estimates of the whole year have been made out principally by those of the two last quarters, on the supposition that the expenses of the two first quarters were similar to those of the two last, which, it is believed, would be found to correspond substantially with the fact.

In case of injury to our citizens, after making the demand for a redress of the injury, as pointed out by the act, you will, if it is not redressed in the time specified, forward the claim, properly testified, stating the time, place, and circumstance of the injury complained of, to the Fifth Auditor, for his examination. Your opinion on the truth of the claim, and the amount of damage, will accompany your report.

In case of injury done to the Indians, you will make a similar report, accompanied with your opinion, to this Department, and to the district attorney where the person who has done the injury resides; so that proper legal steps may be taken against the wrong-doer, in order to make the reparation at his expense, and not at the expense of the public, which should, if possible, be avoided. No payment, except through the order of this Department, will be allowed.

I observe that, in most of the applications made for reparation of injury, no care is taken to comply with the requisitions of the act; but it is hoped that, in future, they will be made more regular, as none will be admitted but such as the law or treaties provide for, and in which the provisions of the act have been complied with.

I have, &c.

J. C. CALHOUN.

A circular to the Commissioners to hold treaties.

GENTLEMEN:

DEPARTMENT OF WAR, *September 11, 1818.*

The number and importance of the treaties to be held this year, and the great amount of rations which must necessarily be issued to the Indians while attending at the treaties, render it necessary that some system should be adopted to govern such large disbursements. I have therefore to request that you will designate the Indian agent, if he should be present, or, in case he is not, some suitable person, who shall ascertain the number and component parts of rations daily issued. The manner of issuing and certifying to conform, as near as may be, to the mode which prevails in issuing the rations to soldiers, and, at the conclusion of the treaty, to be presented to you for your approval. Where the rations have not been issued by the contractor for the district, the contract, or the condition on which the rations were furnished, must be certified to this Department for settlement.

I have, &c.

J. C. CALHOUN.

A circular to Indian Agents.

SIR:

DEPARTMENT OF WAR, *September 15, 1818.*

The disbursements on account of rations issued to the Indians have become so great as to require the most rigid rules and economy. If consistent with your other duties, you will in all cases attend treaties to be held with the Indians among whom you are agent, and will cause an exact enumeration to be made of those present to be furnished with rations, and will make a daily requisition, accompanied with a certificate of the number to be furnished with rations. The contractor, or deputy commissary, as the case may be, can obtain a credit at the office of the Fifth Auditor on such requisition and certificate only.

You will avoid, as much as possible, the causing such an assemblage of Indians as will render it necessary to issue rations to them; but when it becomes necessary, on account of distributing annuities, or any other sufficient cause, you will make your arrangements to do it with the greatest despatch, and in the most economical manner. If the meeting should be held at or near a place at which there may be a deputy commissary, after the 1st of June next, due notice will be given him of the time, place, and probable number of rations which may be required, in order that he may make his arrangements accordingly. The commissary will issue on your daily requisition, in which requisition you will state the number of Indians present who are to be furnished with rations. Should there be no deputy commissary at or near the place, you will cause a written contract for the supply of the rations to be made upon the most advantageous terms which you can for the Government; a duplicate of which you will certify to the Fifth Auditor, stating in your certificate, particularly, that the contract was made on terms the most advantageous to the Government which could be obtained.

In all cases where rations have been issued to an assemblage of Indians, except in holding a treaty, or for the purpose of distributing annuities or presents, you will immediately notify this Department of the cause; for neglect of which you will be liable to be charged with the rations issued.

Indiscriminate issues of rations to straggling Indians who may visit the agency having the most pernicious effect on them, by encouraging idleness, no allowance for such will be made.

I have, &c.

J. C. CALHOUN.

Circular to Indian Agents.

SIR:

DEPARTMENT OF WAR, *September 17, 1819.*

The enclosed extract of a letter from the Second Auditor of the Treasury will show you the necessity of punctuality in rendering quarterly statements of your expenditures; and it is expected that every Indian agent, after the receipt of this circular, will prepare and forward immediately, after the 31st December next, statements of all their expenditures up to that period, and thereafter regularly every quarter. The irregular manner in which they have heretofore been transmitted renders it impossible to settle up the accounts of the Indian Department, which is very desirable; and any omission to comply with this order will be viewed by the Department as evidence of neglect of duty, and inattention to the public interest.

I am, &c.

J. C. CALHOUN.

Extract of a letter to the Secretary of War.

SIR:

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE, *September 10, 1819.*

It appears, upon the examination of the accounts relating to Indian affairs, which have been transmitted to this office since the passage of the law of the 24th February, 1819, on that subject, that Messrs. Henry Sherburne, John McKee, John Johnson, and N. Boilvin, have been regular in rendering statements of their expenditures. Many of the agents have made no communication since the passage of the act aforesaid; and, as it frequently occurs that

the transactions of one agency are connected with those of some other, it is very desirable that a uniformity in rendering their statements should be kept up, so that the examining clerk may be enabled to refer from one to the other, as circumstances may require.

I have, &c.

WILLIAM LEE.

A circular to Indian Agents.

SIR:

DEPARTMENT OF WAR, *February 19 1820.*

It is required that, in future, no drafts be drawn by Indian agents on receivers of public moneys, or on this Department, for the current expenses of their agencies; but that quarterly estimates of the sums necessary for that purpose be furnished in advance by each agent, in order that the money may be remitted from the Treasury. This estimate to include the expenses of the sub-agent, if any, under your control.

Punctuality in rendering such estimates, for one quarter in advance, will be rigidly exacted; in default of which no funds will be furnished.

I have, &c.

J. C. CALHOUN.

A circular to Indian Agents.

SIR:

DEPARTMENT OF WAR, *February 19, 1820.*

The practice of the Indian chiefs in visiting the seat of Government during the session of Congress is attended with great inconvenience, as it is impossible to spare any time to devote to them or their affairs, from the more important and pressing business of the nation. In future, the chiefs of the several Indian tribes must not be permitted to visit the seat of Government, unless the Department is first notified through their agent of their desire to do so, and its sanction is obtained to the measure. You will inform the chiefs of the nation to which you are agent of this order on the subject, and that, if they visit the seat of Government without complying with it, they will have to bear their own expenses.

I have, &c.

J. C. CALHOUN.

Extract of a letter from the Secretary of War to Governor Cass, dated

NOVEMBER 24, 1820.

Your letter of the 28th ultimo, enclosing an estimate of the expenses at the different Indian agencies under your superintendence, for the half-year ending the 31st December next, has been received.

I am satisfied that the estimate has been formed from the best information in your possession, and is as low as the great expenditures in your superintendency the past season, arising out of various treaties, would permit it to be made. But it appears to me that in the estimates for the next year a considerable reduction may be made in the items of "presents and contingencies;" which, I presume, from the circumstance above mentioned, have been put in the present estimate at the highest probable amount. It is, in my opinion, formed from experience, the best policy to endeavor to make the Indians *feel* the necessity of laboring for themselves, by gradually withdrawing the supplies which they have usually received from the Government. While they depend upon the Government for such supplies, they can never be made to understand what is their true interest; and all our efforts to improve their condition will be unavailing.

Circular to Indian Agents.

SIR:

DEPARTMENT OF WAR, *March 19, 1821.*

Congress having, at the last session, reduced the appropriation for the Indian Department from \$200,000 to \$100,000, it necessarily follows that a proportionate reduction should be made in the expenses of the department.

This cannot be done without confining the disbursements of the department exclusively to objects which cannot be dispensed with, to wit: pay of agents, sub-agents, interpreters, blacksmiths, transportation and distribution of annuities, farming and manufacturing utensils, &c., and avoiding all others, as far as it can be done without injury to the public interest, or violation of the laws or treaties; otherwise, it will be impossible to make the appropriation adequate to meet even the positive and necessary expenditures of the department for the year.

The disbursements at your agency, in future, for the pay of yourself, sub-agent, and interpreter, and all other expenses, must not exceed _____ dollars; and you will endeavor, by rigid economy, to make it as much less as possible.

If the number of persons in the public employment at the agency can be reduced with propriety, it ought to be done immediately.

Funds will be remitted to you from the Treasury, upon your quarterly estimates, as heretofore.

I am, &c.

J. C. CALHOUN.

[NOTE.—A similar letter with the above was addressed to the superintendents.]

The following distribution of funds was made under the appropriation for the Indian Department for 1821.

Governor Cass, \$24,000; Governor Clark, \$20,000; Governor Miller, \$6,000; Creek agent, \$6,000; Choctaw agent, \$6,000; Chickasaw agent, \$4,000; Cherokee agent, (Tennessee,) \$4,000; Illinois agent, \$4,000; Red River agent, \$4,000; Sub-agent Six Nations, New York, \$1,500.

Estimate of arrearages in the Indian Department at the end of the year 1821.

Governor Clark,	-	-	-	-	-	\$6,726 00	} Sums authorized to be drawn for, to be paid upon the passage of the appropriation bill.
Robert Crittenden, (acting Governor of Arkansas Territory,)	-	-	-	-	-	1,500 00	
Colonel Meigs,	-	-	-	-	-	4,903 00	
Mr. Graham,	-	-	-	-	-	5,487 50	
P. Menard,	-	-	-	-	-	4,000 00	
George Gray,	-	-	-	-	-	1,000 00	
William Ward,	-	-	-	-	-	3,330 00	
Captain Bell, (acting Indian agent, Florida,)	-	-	-	-	-	1,000 00	
Governor Miller,	-	-	-	-	-	3,973 00	
Colonel Nicholas,	-	-	-	-	-	2,000 00	
Colonel Crowell,	-	-	-	-	-	1,262 50	
Governor Cass,	-	-	-	-	-	19,000 00	
On account of this amount due to the Stockbridge and Munsee Indians,	-	-	-	-	-	2,000 00	
Major O'Fallon,	-	-	-	-	-	4,318 53	
Thomas Forsyth,	-	-	-	-	-	909 00	
L. Taliaferro,	-	-	-	-	-	555 00	
						<u>62,000 00</u>	
Due for issues to Indians under Colonel James Thomas, contractor for supplying the army, under date of the 26th January, 1816, and which remained unsettled for want of an appropriation,	-	-	-	-	-	18,863 37	
						<u>\$80,863 37</u>	

In the settlement of accounts for Indian annuities, the foregoing estimate of arrearages in the Indian Department, at the close of the year 1821, will be reduced to about \$74,000, making \$4,000 more than was estimated at the time the letter of the 17th ultimo was written to the chairman of the Committee of Ways and Means.

DEPARTMENT OF WAR, *January 14, 1822.*

17th CONGRESS.]

No. 180.

[1st SESSION.]

EXPENDITURES FOR THE CIVILIZATION OF THE INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 22, 1822.

To the House of Representatives:

WASHINGTON, *January 20, 1822.*

In compliance with a resolution of the House of Representatives, requesting the President of the United States "to cause to be laid before this House an account of the expenditures made under the act to provide for the civilization of the Indian tribes, specifying the times when, the persons to whom, and the particular purpose for which such expenditures have been made," I herewith transmit a report from the Secretary of War.

JAMES MONROE.

DEPARTMENT OF WAR, *January 19, 1822.*

The Secretary of War, to whom was referred the resolution of the House of Representatives of the 31st ultimo, "requesting the President of the United States to cause to be laid before this House an account of the expenditures made under the act to provide for the civilization of the Indian tribes, specifying the times when, the persons to whom, and the particular purpose for which, such expenditures have been made," has the honor to transmit the enclosed statement, which contains the information required by the resolution.

The Secretary of War would respectfully refer to the report made by this Department to the House of Representatives on the 15th of January, 1820, in compliance with a resolution of that House, of the progress that had been made in the civilization of the Indians, which, with the regulations, a copy of which accompanies this report, will indicate the principles upon which the several allowances for buildings and tuition, referred to in the statement, have been made.

It may be proper to observe that, by a rigid construction of the rules adopted for the expenditure of the appropriation, the schools at Cornwall, in Connecticut, and Great Crossings, in Kentucky, would appear to be excluded from any benefit from it. It was believed, however, as there was not a sufficient number of schools in the Indian country, at the time the allowances were made, to absorb the whole appropriation, that it would advance the object of Congress in passing the act to include them in the distribution. All which is respectfully submitted.

JOHN C. CALHOUN.

TO THE PRESIDENT OF THE UNITED STATES.

Statement of the expenditures made under the act to provide for the civilization of the Indian tribes, exhibiting the times when, the persons to whom, and the particular purpose for which, such expenditures have been made.

When paid or remitted.	To whom.	Amount.	For what purpose.
1820. Feb. 12,	Rev. J. Morse, -	\$500 00	On account of expenses of a visit of observation and inspection to the various Indian tribes in our immediate neighborhood, &c. (See copy of a letter from the Secretary of War to Dr. Morse, herewith.)
Feb. 23,	Richard M. Johnson,	250 00	For tuition of Indian children at the school established by the Baptist Board for Foreign Missions, at Great Crossings, Kentucky, for the year 1820. (Paid to Col. Johnson, as agent of the Board.)
April 5,	Col. R. J. Meigs, -	500 00	On account of buildings for the school at the Valley Towns, in the Cherokee nation, established by the Baptist Board for Foreign Missions.
April 11,	Col. R. J. Meigs, -	62 50	Quarterly allowance for tuition to the school at Spring Place, in the Cherokee nation, established by the Society of United Brethren for the southern States, commonly called Moravians.
May 8,	Ephraim Chapman, -	700 00	On account of buildings for a school among the Osages, on the Arkansas, established by the United Foreign Missionary Society of New York. (Paid to Mr. Chapman, as the agent of the society.)
May 24,	R. J. Meigs, -	62 50	Quarterly allowance to the school at Spring Place, in the Cherokee nation, for tuition.
June 14,	J. Everts, -	400 00	For education and support of four Indian youths for one year at the school in Cornwall, Connecticut, established by the American Board of Commissioners for Foreign Missions.
June 14,	John McKee, -	250 00	Quarterly allowance to the school at Elliot, in the Choctaw nation, established by the American Board of Commissioners for Foreign Missions, for tuition.
June 14,	R. J. Meigs, -	250 00	Quarterly allowance for tuition to the school at Brainard, in the Cherokee nation, established by the American Board of Commissioners for Foreign Missions.
July 25,	S. N. Rowan, -	175 00	Quarterly allowance for tuition to the schools in the Tuscarora and Seneca nations, established by the Missionary Society of New York, of which Mr. Rowan is president.
Aug. 25,	R. J. Meigs, -	652 00	Quarterly allowance for tuition to the schools at Spring Place and Brainard, in the Cherokee nation, including \$250 for buildings for the school at the Valley Towns, in the said nation.
Sept. 1,	John McKee, -	250 00	Quarterly allowance for tuition to the school at Elliot, in the Choctaw nation.
Oct. 25,	S. N. Rowan, -	175 00	Quarterly allowance to the schools in the Tuscarora and Seneca nations, for tuition.
Oct. 28,	R. J. Meigs, -	312 50	Quarterly allowance for tuition to the schools at Brainard and Spring Place, in the Cherokee nation.
Dec. 22,	Rev. J. Morse, -	278 00	On account of expenses of a visit of observation and inspection, &c. (See note opposite to this name above.)
1821. Jan. 15,	S. N. Rowan, -	175 00	Quarterly allowance for tuition to the schools in the Tuscarora and Seneca nations.
March 3,	R. M. Johnson, -	150 00	Allowance for tuition to the Baptist Mission school at Great Crossings, Kentucky, 1821.
May 15,	William Ward, -	250 00	Quarterly allowance for tuition to the school at Elliot, in the Choctaw nation.
May 16,	H. Posey, -	250 00	Allowance for tuition for a half year to the school at the Valley Towns, in the Cherokee nation, of which Mr. Posey is the superintendent.
May 29,	John Hays, -	417 00	On account of allowance for tuition for two years to the school at Fort Wayne, Indiana, established by the Baptist Board, under the care of the Rev. Mr. McKoy.
June 27,	R. J. Meigs, -	1,533 33	For buildings and tuition at the schools at Spring Place, Brainard, and the Valley Towns, in the Cherokee nation.
June 18,	S. Worcester, -	638 00	For education and support of Indian youths at the Mission school, in Cornwall, Connecticut.
April 17,	R. J. Meigs, -	2,233 33	For buildings and tuition at the schools in the Cherokee nation.
April 30,	William Wilson, -	225 00	For buildings and tuition at the schools in the Tuscarora and Seneca nations.
July 6,	William Wilson, -	225 00	For buildings and tuition at the schools in the Tuscarora and Seneca nations.
July 9,	N. R. Dodge, -	1,000 00	On account of buildings for a school among the Osages, in Missouri, established by the United Foreign Missionary Society of New York. (Paid to Mr. Dodge, as the agent of the society.)
Aug. 22,	William Ward, -	250 00	Quarterly allowance for tuition to the school at Elliot, in the Choctaw nation.
Oct. 5,	William Wilson, -	225 00	Quarterly allowance for tuition to the schools in the Tuscarora and Seneca nations.
Oct. 5,	R. Nichols, -	500 00	On account of buildings for a school in the Chickasaw nation, established by the Synod of South Carolina and Georgia.
Oct. 5,	C. Kingsbury, -	2,275 00	On account of buildings for the school at Elliot, in the Choctaw nation, which is under the superintendence of Mr. Kingsbury.
Oct. 16,	John Peck, -	350 00	Allowance for tuition for one year to the school in the Oneida nation, established by the Hamilton Baptist Missionary Society of New York, of which Mr. Peck is president.

STATEMENT—Continued.

When paid or re-mitted.	To whom.	Amount.	For what purpose.
1821, Nov. 23,	J. Evarts,	- \$400 00	For education and support of Indian youths at the Mission school in Cornwall, Connecticut.
Dec. 10,	R. J. Meigs,	- 450 00	Quarterly allowance for tuition to the schools in the Cherokee nation.
Dec. 24,	William Ward,	- 330 90	One-quarter's allowance for tuition (including a part of another which had not been paid) to the school at Elliot, in the Choctaw nation.
		\$16,605 80	Whole amount expended for buildings and tuition, &c., in 1820 and 1821.

DEPARTMENT OF WAR, February 29, 1820.

The following regulations, in addition to those prescribed in the circular of the 3d of September, 1819, have been adopted, with the approbation of the President of the United States, to govern the future distribution of the sum appropriated by Congress for the civilization of the Indians, among individuals or societies who have established, or contemplate establishing, schools for the education of Indian children, in conformity to the above-mentioned circular, and who desire the co-operation of the Government:

The position selected for the establishment, a plan of the buildings contemplated, with an estimate of the cost, to be submitted to the Secretary of War, to be laid before the President.

Government will, if it has the means and approves the arrangement, pay two-thirds of the expense of erecting the necessary buildings.

No part of the money to be advanced until after the buildings are commenced, and one-fourth to be reserved until they are completed. The payment to be made on the certificate of the agent of Indian affairs for the tribe or nation in which the establishment is located, as to the facts of the commencement and completion of the buildings.

The President of the United States will contribute out of the annual appropriation, to each institution which may be approved of by him, a sum proportionate to the number of pupils belonging to each, regard being had to the necessary expense of the establishment and the degree of success which has attended it.

No advance to be made, except for the buildings, till the school is in actual operation; of which fact, and the number of pupils belonging to it, the certificate of the superintendent, or person having the principal control of the institution, will be sufficient evidence.

A report will be annually made for each establishment on the 1st of October of the number and names of the teachers and other persons belonging to it; the number of students; the number which have completed their course and left the institution since the 1st day of October of the preceding year; the number entered; the amount of disbursements for the same period; and the value and description of property on hand: which report will be certified by the superintendent, or person having the principal control of the establishment.

It is considered to be the duty of all persons who may be employed or attached to any institution, not only to set a good example of sobriety, industry, and honesty, but, as far as practicable, to impress on the minds of the Indians the friendly and benevolent views of the Government towards them, and the advantage to them in yielding to the policy of Government, and co-operating with it in such measures as it may deem necessary for their civilization and happiness. A contrary course of conduct cannot fail to incur the displeasure of Government, as it is impossible that the object which it has in view can be effected, and peace be habitually preserved, if the distrust of the Indians as to its benevolent views should be excited.

J. C. CALHOUN.

Copy of a letter from the Secretary of War to the Rev. Jedediah Morse, dated

SIR:

FEBRUARY 7, 1820.

I have laid before the President your proposition to make a visit of observation and inspection to the various Indian tribes in our immediate neighborhood, in order to acquire a more accurate knowledge of their actual condition, and to devise the most suitable plan to advance their civilization and happiness. The President approves of the proposed arrangement, and has directed me to allow you the sum of \$500 towards the expense of your contemplated journey; and he further authorizes me to state to you, that, should your actual expenses exceed that sum, the excess will be allowed you, provided the appropriation will, at the end of the year, justify the allowance.

It is desirable that you should make your visit to the northern tribes the next spring and summer, and to the southern the next autumn and winter, as it is the wish of the Department to have your report as early as practicable, in order to avail itself of it in the future application of the funds for the civilization of the Indians.

I enclose a general letter of introduction to the superintendents and agents for Indian affairs, with a list of their names and residence, who will afford you all the information and facilities in their power.

Your attention will be directed to ascertain the actual condition of the various tribes which you may visit, in a religious, moral, and political point of view; and your report to the Department, which you will make at such times as will be convenient, will comprehend all such facts, with your reflections on them, as will go to illustrate this interesting subject. You will particularly ascertain, as far as practicable, the numbers of the various tribes you may visit, and those adjacent; the extent of territory, with the nature of the soil and climate of the country occupied by them; their mode of life, customs, laws, and political institutions; and the character and disposition of their most influential men. You will also particularly report on the number of schools, their position, the number and character of the teachers, the number of scholars of each sex, the plan of education, with the degree of success which appears to attend the respective schools, and the disposition which exists in the tribes and with their chief men to promote among them education and civilization. You will also report your opinion as to improvements which may be made, and the new establishments, to promote the object of the Government in civilizing the Indians, which can be advantageously formed.

The moral condition of the Indians must necessarily be very dependant on the character of the trade with them, and a subject so important will, of course, claim your attention. You will report such facts as may come within your knowledge as will go to show the state of the trade with them, and the character of the traders, as, in your opinion,

will render it better calculated to secure peace between them and us, and will contribute more effectually to advance their moral condition.

You are so fully apprized of the views of the President in your intended visit to the Indian tribes, that a further enumeration of the objects which are thought interesting is deemed unnecessary, satisfied as I am that your zeal and intelligence will permit nothing to escape your observation which may be useful to be known to the Government.

After you have collected your materials, you will digest the whole into one body, and present it in such form, and accompany it with such reflections and suggestions, as you may deem necessary to accomplish the interesting objects which it is intended to promote by your tour.

I have, &c.

J. C. CALHOUN.

17th CONGRESS.]

No. 181.

[1st Session.

CIVILIZATION OF THE INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 28, 1822.

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned beg leave to approach your honorable body on a subject which deeply affects, in their apprehension, the cause of humanity and the honor of their country.

They will not dwell before the representatives of the nation on the state of the population of this country at its first settlement. It is well known that, when our fathers landed on these shores, they found the whole seaboard washed by the Atlantic inhabited by a race of intelligent and brave men, living in the state of uncivilized hunters and warriors. By purchase or by conquest, we now inherit the soil of these red men.

Wasted and wasting by their wars with the whites, or with each other, and still more by the baneful effects of an intoxicating poison industriously introduced among them by unprincipled traders, they have been driven before the tide of our rapidly increasing population, until they are found standing, even in their own apprehension, upon the very verge of political, and even of physical annihilation.

Attempts have been made, from time to time, by high and noble-minded individuals, to enlighten their red brethren, and not without effect.

The Indian mind has shown itself capable of culture, and their instructors have merited and received the only enviable title amongst freemen—that of benefactors of mankind.

The labors of these insulated individuals, however, when brought to bear upon our whole aboriginal population, could produce but a feeble and transient impression; like inscriptions on sand, they were seen, they were read, they were admired, and were then obliterated forever. Never, till the Government had acquired a powerful influence over Indian councils, could any feasible plan be devised for ameliorating their condition on a large scale. That time, however, has at length arrived. To the everlasting honor of the Government, it has projected a plan to save the scattered tribes from extinction, and eventually to incorporate them in the great American family. By occupying an intermediate space in the fur trade between them and men whose private interest has ever been at war with Indian happiness, and even with their very existence, they have thrown a shield over them worthy of the Government; a shield which, in preventing war and bloodshed, in advancing their moral culture, and in obviously promoting, in many other respects, the interests of these United States, is, in the view of your memorialists, of incalculable advantage. This plan of the Government, combining in itself much practical wisdom and sound philanthropy, has partially been carried into effect.

Under the auspices of Heaven, and patronized by Government, societies have been organized in various parts of the United States, to send the Gospel, together with the arts of civilized life, to the impoverished children of the forest.

Missionary families, invited by the Indians themselves, and composed of artificers, agriculturists, and teachers of various descriptions, have left their firesides, with all the enjoyments of civilized society, and, with their lives in their hands, and surrendering up all hope of temporal advantage, have bent their steps towards, and are now located in, the wilderness. The efforts of these missionaries and their friends, connected with other wise arrangements of the Government, are now in the full tide of successful experiment.

In confirmation of the above, we refer to the Cherokees. That tribe have recently divided their country into several districts; have laid a tax on their people to build a court-house in each; have appointed four circuit judges; and in other respects are rapidly adopting the laws and manners of civilized life. Like the plan now in operation, nothing has ever before been attempted in the country; and the rapidly growing popularity of the measures pursued in it clearly and strongly evinces a firm decision in its favor of a very large part of the American community.

Under these circumstances, the undersigned have learned with regret that attempts have recently been made to arrest this whole business in its course, and that, too, before even time has been given to test its advantages, or to bring its fruits to maturity.

Your memorialists cannot but view any resolution that should effect such an object as a deep wound to our country's honor, as grievously militating against its best interests, and as sealing in one death-warrant the fate of its whole Indian population. With these views of the subject, and earnestly deprecating such an act, as well as the awful consequences that must ensue, the undersigned respectfully approach the bar of the national representatives, and pray that they will not suffer a plan which has commenced with such fair prospects of success to be ruined in the morning of its increase; that the Indians may be saved from the cruel destiny which avarice stands ready to inflict; and that enough of the governmental funds may be appropriated to embrace the entire wants of these people in their commercial operations, that they may be thus freed from the necessity of having a destructive intercourse with their worst enemies.

If, in addition to the above, efficient measures can be taken by Congress to prevent the Indian wars with each other, it will save from interruption, and very much facilitate, the whole governmental plan.

In submitting these things, your memorialists beg leave respectfully to observe, that, if Congress shall continue to pursue and to cherish its present course of policy towards the Indians, they will receive the cordial thanks of all good men; and these, connected with the heart-cheering reflection that they have added to the moral and physical strength of their country, and saved thousands, perhaps millions, of their fellow beings from irredeemable destruction.

WILLIAM J. WILLIAMS, *and others.*

PHILADELPHIA, *November*, 1821.

17th CONGRESS.]

No. 132.

[1st SESSION.

CONDITION OF THE SEVERAL INDIAN TRIBES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 11, 1822.

To the House of Representatives:

WASHINGTON, *February* 15, 1822.

In compliance with a resolution of the House of Representatives "requesting the President of the United States to cause to be laid before this House any information which he may have of the condition of the several Indian tribes within the United States, and the progress of the measures hitherto devised and pursued for their civilization," I now transmit a report from the Secretary of War.

JAMES MONROE.

DEPARTMENT OF WAR, *February* 8, 1822.

The Secretary of War, to whom was referred the resolution of the House of Representatives "requesting the President of the United States to cause to be laid before this House any information which he may have of the condition of the several Indian tribes within the United States, and the progress of the measures hitherto devised and pursued for their civilization," has the honor to transmit the enclosed table, (marked A,) containing the number of schools established under the patronage of the Government within the Indian country; the number of scholars at each; the time of their commencement, where fixed, and by whom established; with remarks on their progress, present condition, &c. By reference to the table, it will appear that there are eleven principal schools, with three subordinate ones, in actual operation; and that three are in a state of preparation; and that the number of scholars at the last return at the principal and subordinate schools amounted to five hundred and eight. On these schools there has been expended \$15,827 56, of which \$7,447 56 has been on account of buildings, and the balance, \$8,380, on account of the expense of tuition. It is made a condition of the subscription on the part of the Government that the schools should be established within the Indian country, and that the system of education, in addition to reading, writing, and arithmetic, should, for the boys, embrace instruction in agriculture and the ordinary mechanic arts, and, for the girls, the common domestic industry of that sex.

It was thought advisable, at the commencement of the system, to proceed with caution, and to enlarge the sphere of operation as experience should indicate the proper measures to be adopted, by which a useless expenditure of public money would be avoided, and the system adopted for the civilization of the Indians have the fairest trial. Experience has thus far justified those which have been adopted; and it is accordingly intended to give this year a greater activity to the funds, of which a much larger portion may be applied to tuition; the necessary buildings at so many points having already been erected.

Whether the system which has been adopted by the Government, if persevered in, will ultimately bring the Indians within the pale of civilization, can only be determined by time. It has been in operation too short a period to pronounce with certainty on the result. The present generation, which cannot be greatly affected by it, must pass away, and those who have been reared under the present system of education must succeed them, before its effects can be fully tested. As far, however, as civilization may depend on education only, without taking into consideration the force of circumstances, it would seem that there is no insuperable difficulty in effecting the benevolent intention of the Government. It may be affirmed, almost without qualification, that all of the tribes within our settlements and near our borders are even solicitous for the education of their children. With the exception of the Creeks, they have every where freely and cheerfully assented to the establishment of schools, to which, in some instances, they have contributed. The Choctaws, in this respect, have evinced the most liberal spirit, having set aside \$6,000 of their annuity in aid of the schools established among them. The reports of the teachers are almost uniformly favorable, both as to the capacity and docility of their youths. Their progress appears to be quite equal to that of white children of the same age, and they appear to be equally susceptible of acquiring habits of industry. At some of the establishments a considerable portion of the supplies are raised by the labor of the scholars and teachers.

With these indications, it would seem that there is little hazard in pronouncing that, with proper and vigorous efforts, they may receive an education equal to that of the laboring portion of our community. Still, however, the interesting inquiry remains to be solved, whether such an education would lead them to that state of morality, civilization, and happiness, to which it is the desire of the Government to bring them; or whether there is not something in their situation which presents insuperable obstacles to such a state? To answer this inquiry, we have but little experience. There is certainly much encouragement to hope for the best, from the fact that the Cherokee nation, which has made the greatest progress in education, has also made the greatest towards this desirable state; but the experience which it affords is yet imperfect. They have adopted some written provisions for their government, to a copy of which, with an extract of a letter from the Rev. Mr. Steiner, a respectable Moravian, who has visited the nation at the interval of twenty years, and states the progress which they have made in that time, and which accompanies this report, (marked B,) I would respectfully refer the House, as furnishing the best testimony

of the actual progress which that nation has made towards civilization. The zeal of the Cherokees for improvement, and the progress which they have made, are further evinced from the liberal provision for a school fund, for which the last treaty with them, ratified on the 10th of March, 1819, stipulates; and the fact that there are now established in the nation six schools, (two of which are upon the Lancasterian system,) containing in the aggregate about two hundred and thirty scholars. Notwithstanding these favorable appearances, many obstacles, difficult to be surmounted, will impede the progress of the Indians to a state of complete civilization.

Without adverting to others, the political relation which they bear to us is, of itself, of sufficient magnitude, if not removed, to prevent so desirable a state from being attained. We have always treated them as an independent people; and, however insignificant a tribe may become, and however surrounded by a dense white population, so long as there are any remains, it continues independent of our laws and authority. To tribes thus surrounded, nothing can be conceived more opposed to their happiness and civilization than this state of nominal independence. It has not one of the advantages of real independence, while it has nearly all the disadvantages of a state of complete subjugation. The consequence is inevitable. They lose the lofty spirit and heroic courage of the savage state, without acquiring the virtues which belong to the civilized. Depressed in spirit, and debauched in morals, they dwindle away through a wretched existence, a nuisance to the surrounding country. Unless some system can be devised gradually to change this relation, and with the progress of education to extend over them our laws and authority, it is feared that all efforts to civilize them, whatever flattering appearances they may for a time exhibit, must ultimately fail. Tribe after tribe will sink, with the progress of our settlements and the pressure of our population, into wretchedness and oblivion. Such has been their past history, and such, without this change of political relation, it must probably continue to be. To effect it, many difficulties present themselves. It will require the co-operation of the General Government and the States within which the Indians may reside. With a zealous and enlightened co-operation, it is, however, believed that all difficulties may be surmounted, and this wretched, but in many respects noble race, be ultimately brought within the pale of civilization. Preparatory to so radical a change in our relation towards them, the system of education which has been adopted ought to be put into extensive and active operation. This is the foundation of all other improvements. It ought gradually to be followed with a plain and simple system of laws and government, such as has been adopted by the Cherokees, a proper compression of their settlements, and a division of landed property. By introducing gradually and judiciously these improvements, they will ultimately attain such a state of intelligence, industry, and civilization as to prepare the way for a complete extension of our laws and authority over them.

Before I conclude, I would respectfully refer the House of Representatives, for more full and detailed information in relation to the progress made by the Indians in civilization, to the report of the Rev. Doctor Morse, which was laid before the House in pursuance of a resolution of the 22d January last.

All which is respectfully submitted.

J. C. CALHOUN.

To the PRESIDENT OF THE UNITED STATES.

A.—Statement of schools which have been established in the Indian country, showing when commenced, where located, by whom established, and the number of scholars at each.

When commenced.	Where located.	By whom established.	No. of scholars.	Remarks.
	In the Seneca nation, N. York, on the Buffalo reservation.	By the Missionary Society of New York.	45	* This school appears to have been in existence about eight or nine years, but not of much advantage until lately; for the last two or three years, it has been more prosperous, and is becoming very useful; the number of scholars is said to be increasing. In addition to reading, writing, and arithmetic, the Indians are instructed in the mechanic arts and the use of agricultural implements. There is, also, at this place a female adult school, consisting of from sixteen to twenty-five, who regularly attend and receive instruction in knitting, sewing, spinning, and weaving.
	In the Tuscarora nation, New York.	By the Missionary Society of New York.	45	* This school appears to have been established about four or five years ago. At times, the number of scholars is said to be greater than that here mentioned. The course of instruction is reading, writing, and arithmetic. A farm is cultivated by the superintendent of the school, which is designed as a model for the Indians.
Dec., 1820,	In the Oneida nation, at Oneida Castle, New York.	By the Hamilton Baptist Missionary Society of New York.	40	This school is on the Lancasterian plan. At the request of the Indians, the society has agreed to employ a farmer, carpenter, and blacksmith, to instruct the children in their respective arts. The school is stated to be progressing in a satisfactory manner, and that the Indians appear desirous to acquire the arts of civilized life.
Dec., 1801,	At Spring Place, in the Cherokee nation.	By the Society of United Brethren for the Southern States, commonly called Moravians.	19	Between sixty and seventy youths of both sexes have been educated at this school. The number now at it consists of sixteen boys and three girls. They are instructed in reading, writing, arithmetic, and grammar. Between school hours, the boys are employed in agricultural labors, and the girls in sewing, knitting, marking, and various household occupations. One of the girls is stated to have made considerable progress in drawing.
Jan., 1817,	Brainard, in the Cherokee nation.	By the American Board of Commissioners for Foreign Missions.	96	About two-thirds of the number of scholars males. The school is upon the Lancasterian plan, and appears, from the report of the superintendent, to be progressing with great success. There are several local schools which have grown out of this establishment, in the Cherokee nation, and are under its direction. (See extracts from the report of the superintendent, herewith.)
Jan., 1820,	Valley Towns, Cherokee nation.	By the Baptist Board for Foreign Missions.	37	The number has been as high as sixty. The school is upon the Lancasterian plan. Besides reading, writing, and arithmetic, the boys are instructed in the first principles of husbandry, and the girls in the ordinary domestic arts.
April, 1821,	Tensawatee, on the Hightower river, in the Cherokee nation.	By the Sarepta Missionary Society, under the patronage of the Baptist Board, &c.	28	The scholars are said to be improving fast, and that the school bids fair to be a very useful one.
Aug., 1818,	Elliot, in the Choctaw nation,	By the American Board of Commissioners for Foreign Missions.	80	Sixty males and twenty females. The extract from the report of the superintendent for 1820, (none having been received for 1821,) herewith, will show the prosperity and usefulness of this establishment. The chiefs have shown great liberality in providing for the education of their children, by appropriating in each of the three districts of the nation \$2,000 annually, for seventeen years, out of their annuity, for the support of schools, &c.; and the American board has taken measures for the establishment of other schools in the nation, one of which, at Mayhew, is in great forwardness. The school at Elliot is on the Lancasterian plan.
Oct., 1820,	Chickasaw nation, near —,	By the Cumberland Missionary Society.	28	Two-thirds of the number, boys. The report states "that the children have been orderly and attentive to their studies, and particularly so to moral and religious instruction; and have volunteered to work a part of their time, and choose rather to take the time from their play than their books."
Oct., 1821,	Chickasaw nation, near the agency.	By the Dom. and For. Mis. Soc. of the Synod of S. C. & Geo.	-	This school, at the last report, was not in operation, but was expected to be so by last fall. It is intended to be conducted upon the Lancasterian plan.
Oct., 1820,	Fort Wayne, Indiana,	By the Baptist Board of Foreign Missions.	50	The children at this school are of the Miami tribe, and are taught to read and write. No particular report in relation to the progress of the school has been received.
Oct., 1820,	Osages, on the Arkansas,	By the United Foreign Missionary Society of New York.	-	The persons sent out by the society to make this establishment have arrived at their destination, and commenced the erection of the necessary buildings, some of which are completed; but the war which exists between the Osages and Cherokees has prevented the establishment from going into operation.
	Osages, in the State of Missouri.	By the United Foreign Missionary Society of New York.	-	The persons sent out during the last year by the society to make this establishment have not yet made their report; consequently, cannot state what progress has been made by them.
	Cherokees, on the Arkansas,	By the American Board of Commissioners for Foreign Missions.	-	The persons sent out by the American Board of Commissioners, &c. to make this establishment have arrived among the Cherokees, fixed upon a site for it, and commenced the erection of the necessary buildings, some of which are completed; but a school has not yet been opened, in consequence of the war between the Osages and Cherokees. The consent of the Indians to the establishment of the above-mentioned schools in their country has in every instance been first obtained by the society by which they have been respectively made, with the approbation of the Department of War.

* These two schools, by an arrangement made early in the year 1821, between the Missionary Society of New York and the United Foreign Missionary Society of New York, were placed under the direction of the latter; since which, measures have been taken to render them more extensively useful.

Extract from the report of the superintendent of the establishment made by the American Board of Commissioners &c., at Brainard, in the Cherokee nation, dated

OCTOBER 1, 1821.

There are belonging to the two schools taught in this place ninety-six Cherokee children of both sexes, about two-thirds males; all of whom are boarded, and many of them clothed, at the expense of the establishment. Many promising children we have been obliged to reject or put by, until those now in school should be prepared to go out and make room for them, as we cannot accommodate and profitably teach more than we have had. Of those who attended last year, three have finished their course and left the institution, and six others have left the institution who could read and write. Twenty-four have entered the past year.

At the local schools we board but few scholars, not to exceed eight or ten at each school, and at present not more than four or five at Taloney. As some of the scholars who board at home have a great distance to walk, they are not all constant attendants, and the number of those who attend at all is not so great as when the schools first commenced. The average number attending the two local schools the year past has been between forty and fifty. Public worship is attended at each of these schools on the Sabbath, at which numbers of the parents as well as children attend, and some have made a public profession of the Christian religion.

The children of the schools continue to manifest an aptness to learn, a willingness to labor, and a readiness to submit to all the rules of the school. The Cherokees, we think, are fast advancing towards civilized life. They generally manifest an ardent desire for literary and religious instruction.

Extract from the report of the superintendent of the establishment made by the American Board of Commissioners, &c., at Elliot, in the Choctaw nation, dated

DECEMBER 21, 1820.

Since the last report, thirty-eight scholars have been admitted to the school. Ten have left, and one has been dismissed for misconduct. The number now in school is seventy-four. Six more are considered as belonging to it, but are at home on a visit. Of the whole number, sixty are males and twenty females. All these board in our family, and are entirely under our direction; excepting that ten, who live in the neighborhood, go home on Saturday, and return generally on the Sabbath morning.

Fifty of the scholars now belonging to the school could not speak our language when they entered. These have all made progress in proportion to the time they have been here, and several of them now speak English fluently. Others, who have not advanced so far, can read correctly, and will soon acquire the spoken language. Sixty-five now in the school began with the alphabet. Twenty-eight of these can read with facility in the Testament. All the scholars have been accustomed, from the first, to write their lessons on slates; and, when advanced, to write on paper. Thirty-nine write a plain hand without a copy. Nineteen others can form letters with tolerable accuracy. Ten have made some progress in arithmetic; and two, who were considerably advanced when they entered school, have attended to grammar and geography.

The boys, when out of school, are employed, as circumstances may require, in the various business of the farm and family. Each one, who is of sufficient size, is furnished with an axe and a hoe. We cultivated the past season about fifty acres of corn and potatoes, most of which was planted and hoed by the boys.

The girls are in two divisions, and are employed alternately in the kitchen, and in sewing, spinning, knitting, and other domestic labors.

We acknowledge with gratitude the kind providence of God in raising up patrons by whose generous aid, in co-operation with the Government, we have been enabled to extend to so many children of the forest the blessings of civilization, and to lay a foundation for more enlarged operations. An increasing desire is manifested by the natives to have these advantages more widely extended. Many full-blooded Indians have made applications of late to have children admitted to the school. They are willing to submit them entirely to our direction. Strong desires are expressed to have other schools opened.

B.

Extract of a letter from the Rev. Abraham Steiner to the Secretary of War, dated

HONORED SIR:

SALEM, N. C., January 25, 1822.

I would not willingly intrude on your time, but, observing the agitation in Congress concerning the Indian affairs, and fearing the benevolent and humane plan of Government for civilizing the Indians to be at stake, I cannot forbear to say a few words on the subject.

I have been, many years ago, somewhat among the northern Indians. Twice I have been among the Creek nation of Indians; but am chiefly acquainted with the Cherokees, among whom I have been seven times, for a longer or shorter period. The last time I was among the Cherokees is two years ago. Just twenty years ago I first saw and visited them; and I can assure you, sir, though I had expected to see some signs of civilization among them, that it far surpassed my expectation, comparing the people with the state I first saw them in. There were, and are now, established respectable schools in that nation, and well supported with scholars, of both sexes; and it is only to be regretted that the several establishments must be limited in the number of scholars, for want of means, since the natives are highly in favor of schools, and offer more children than the several establishments are able to receive. Many of their youths can read and write; and I found among them, more especially half-breeds, as much knowledge as is commonly met with in persons of the same grade in civilized life. Besides the more public school institutions, some of them support private schools in their neighborhoods.

What interested me much was, their advancement in agriculture, and their comfortable and decent mode of living, compared with former times. Surely we cannot say that it is uniformly so, but it is among them nearly as it is among their white neighbors: some are industrious, and advance in wealth and decency; whilst others go on careless, in the way of their fathers, and remain poor beings. I have been with some who live altogether like our substantial farmers, in a very comfortable, nay, decent way, and their houses and furniture correspond with their advanced situation. In short, as far as I know, the Cherokees are advanced in civilization the farthest of the several tribes. This has been brought about, not only by means of benevolent associations, who have instituted and continue the good work, but greatly by the friendly countenance, the aid, and the measures pursued by the Government, which have contributed so richly towards rescuing our red brethren, the aborigines of the land, from their degradation. There is now a fair prospect of success, and the time is hailed with pleasing emotions, as not far distant, when these sons of the forest will be useful citizens. Why not let the plan be fully tested? And why destroy the fruit of the plant

before it has come to maturity, or nip it in the bud? The Government being so much interested, I think it not irrelevant to say, that the institution at Brainard is a very useful one, which is supported by the Board of Foreign Missions, together with two other schools, on a smaller scale, at Taloney and at the Creek Path. The Baptists have also an establishment in the mountains, under the care of the Rev. Mr. Posey.

The Moravian Society at Salem, in North Carolina, have long since had, and now have, a mission establishment at Spring Place, not far from the Conesaga river, near Joseph Vann's, on the great road leading from Georgia to Tennessee, where a post office is established. According to the latest accounts from thence, from fifteen to twenty children are there educated at the cost of the society. They learn to read, to write, and to cipher, and are also instructed in husbandry and useful arts. Many have gone forth from that institution evincing the usefulness of their instruction in their improvement. The Rev. John R. Smith is the missionary and teacher at that place; and last year we paid a hand, a very moral character, to cultivate the land around the establishment, and to afford the youths an opportunity to be instructed therein; and, for the present year, we have engaged another such character for the same purpose. About thirty miles farther south, not far from the Coosa river, we have made, a year ago, another establishment, where the Rev. John Gambold now resides as missionary. We expect to have an assistant for him soon, as teacher. At that place is a close settlement of Indians, with fine plantations, on which are wagons and teams, ploughs, and all implements of husbandry, and some good buildings of hewn logs. Permit me also to notice that a good portion of Indians have embraced Christianity, and walk worthy of their high calling.

Laws of the Cherokee nation, passed by the National Committee and Council.

NEW TOWN, CHEROKEE NATION, *October 24, 1820.*

Resolved by the National Committee and Council, That the Cherokee nation shall be laid off into eight districts, and that a council-house shall be established in each district for the purpose of holding councils to administer justice in all causes and complaints that may be brought before it for trial. There shall be one judge and one marshal in each district, and one circuit judge, who shall have jurisdiction over two districts, to associate with the district judges in determining all causes agreeably to the laws of the nation; the marshals are to execute the decisions of the judges in their respective districts; the district councils to be held in the spring and fall seasons, and one company of light horse to accompany each circuit judge on his official duties in their respective districts, and to inflict such punishments on thieves as the judges and councils decide, agreeably to law. It shall be the duty of the marshals to collect all debts, and they shall be entitled to eight per centum for the same. The nation to defray the expenses of each district council.

In case of opposition to the marshals in the execution of their duty, they shall be justifiable in protecting their persons in the same manner as is provided for the national light horse, by law.

By order of the committee,

Approved of by the council,

JOHN ROSS, *President.*

PATH KILLER,
CH. R. HICKS.

A. McCoy, *Clerk National Committee.*

NEW TOWN, *October 25, 1820.*

Resolved by the National Committee and Council, That each head of a family shall pay a poll-tax of fifty cents, and each single man under the age of sixty years shall also pay fifty cents, per annum, to be collected by the marshals in each district, and paid into the national treasury, to be applied for such purposes as the national committee and council shall deem proper.

By order of the national committee,

Approved of by the council,

JOHN ROSS, *President.*

PATH KILLER,
CH. R. HICKS.

A. McCoy, *Clerk National Committee.*

NEW TOWN, *October 25, 1820.*

Resolved by the National Committee and Council, That a ranger shall be appointed in each district, whose duty it shall be to receive, post, and advertise all stray horses that may be found in their respective districts, giving the age, height, color, and marks, as plain as possible; and should the proper owner not reclaim his horse or horses within two months after posting, such horse or horses shall be sold at public sale, on six months' credit; the purchaser shall keep such horse or horses six months, and, should the proper owner not reclaim his horse or horses within that time, such horse or horses shall be the rightful property of the purchaser. The money arising from the sales to be paid into the national treasury.

The ranger shall be entitled to one dollar for every horse so posted; and it shall further be the duty of the rangers to endeavor to place in good hands all work horses, to keep on account of their labor or otherwise. One dollar per week shall be allowed for keeping a horse on forage.

By order of the national committee,

Approved of by the council,

JOHN ROSS, *President.*

PATH KILLER,
CH. R. HICKS.

A. McCoy, *Clerk National Committee.*

NEW TOWN, *October 25, 1820.*

Resolved by the National Committee and Council, That a national toll-gate shall be erected on the federal road near Captain David McNair's; and the rates of toll shall be equal to that of the turnpike on the Nicojack road at

Hicks's; and that the rates of the turnpike toll at Cosewatee shall be reduced so as to make it also equal to the one on the Nicojack road.

It is also resolved, That those persons who have entered into a contract for the repairing of the federal road shall be bound, in the penalty of the sum contracted for each payment, for the faithful performance of their contracts in putting the road in good repair.

By order of the national committee,

JOHN ROSS, *President.*

Approved of by the council,

PATH KILLER,
CH. R. HICKS.

A. McCoy, *Clerk National Committee.*

NEW TOWN, *October 25, 1820.*

Resolved by the National Committee and Council, That single white men are hereby admitted to be employed as clerks in any of the stores that shall be established in this nation, by natives, on condition that the employer obtains a permit, and becomes responsible for the good behavior of such clerks.

It is also resolved, That any person or persons whatsoever, who shall bring into the Cherokee nation, without permission from the national committee and council, a white family, and rent land to the same, proof being satisfactorily authenticated before any of the judges in the district councils, for every such offence they shall forfeit and pay the sum of five hundred dollars, and receive one hundred stripes on the bare back.

By order of the national committee,

JOHN ROSS, *President.*

Approved of by the council,

PATH KILLER,
CH. R. HICKS.

A. McCoy, *Clerk National Committee.*

NEW TOWN, *October 28, 1820.*

Whereas much inconvenience and expense have devolved upon the missionaries from their scholars running away from schools, and the negligence on the part of the parents to take such children back to the schools: Therefore,

Resolved by the National Committee and Council, That, in future, any scholar or scholars who are now, or may hereafter be, put under the tuition of the missionary seminaries in the Cherokee nation, by the voluntary consent of their parents or guardians, who shall leave such schools without permission from their teachers, and without just provocation, and shall return home to their parents or guardians, and after application being duly made by any person authorized by the superintendent of the mission establishment from which such scholars run away to their parents or guardians for the return of the scholar or scholars, and the parents or guardians refusing to take proper measures to compel their children to return to school, shall be bound to pay all expenses incurred by their children to the mission establishments for clothing, board, and tuition, to the superintendent of such institution.

And be it further resolved, That the superintendent of the missionary stations shall have the privilege to take out of their schools such scholars as they shall deem proper, with the consent of their parents or guardians, and bind them out to learn such mechanical trades as may be attached to their respective establishments, to the best interest of the apprentice so bound. And, in case of the elopement of such apprentice, the same rules and regulations as provided for in the foregoing resolution shall be observed. The nation shall procure, at the public expense, a set of tools for every such apprentice who shall have faithfully served his time, and shall have learned a trade.

By order of the national committee,

JOHN ROSS, *President.*

Approved of by the council,

PATH KILLER,
CHARLES R. HICKS.

A. McCoy, *Clerk National Committee.*

NEW TOWN, *October 28, 1820.*

Resolved by the National Committee and Council, That any person or persons whatsoever who shall trade with any negro slave, without permission of the owner of such slave, and the property so traded for be proved to have been stolen, the purchaser shall be held bound to the legal proprietor for the same, or the value thereof.

And be it further resolved, That any persons who shall permit their negroes to purchase spirituous liquors and vend the same, the master or owner of such negro or negroes shall forfeit and pay a fine of \$15 for every such offence, to be collected by the marshals within their respective districts, for the national use; and should any negro or negroes be found vending spirituous liquors without permission from their respective owners, such negro or negroes so offending shall receive fifteen cobs or paddles for every such offence, from the hands of the patrollers of the settlement or neighborhood in which the offence was committed; and every settlement or neighborhood shall be privileged to organize a patrolling company.

By order of the national committee,

JOHN ROSS, *President.*

Approved of by the council,

PATH KILLER,
CHARLES R. HICKS.

A. McCoy, *Clerk National Committee.*

IN COUNCIL, NEW TOWN, *November 1, 1820.*

Resolved by the National Committee and Council, That the first district is, and shall hereafter be known by the name of Chicamauga district, and shall be bounded as follows: Beginning at the confluence of Aumucbee creek with the Oostinah river; thence, a straight course, northwardly, to a spring branch, between the Island village

and Raccoontown; thence, to the head source of a creek on which Suaggee lives, between that and Flute's old place; thence, a straight course, over the Lookout mountain, to the intersection of the Blue ridge; thence, along the said ridge, to opposite the heads of Wills and Lookout creeks; thence, a straight course, to the nearest source of Raccoon creek; thence, down the said creek, to the Tennessee river; thence, up said river, to the mouth of Ooletawaugh creek, and up said creek to its southeastern source; thence, a straight course, to the mouth of Sugar creek, on Connessauguee river; thence, down said river, to Oostinaleh river; thence, down said river, to the place of beginning. And the said district shall hold its councils in Chicamauga village the first Monday in May and the first Monday in September, and shall sit five successive days to despatch business that may be brought before them.

Resolved by the National Committee and Council, That the second district is, and shall hereafter be known by the name of Chatoogee district, and be bounded as follows: Beginning at the mouth of Raccoon creek with the Tennessee river; thence, down the said river, to the boundary line commonly called Coffee's line; thence, along said line, to Wills creek; thence, down said creek, to its confluence with the Coosa river; thence, down said river, to the Military ford, the first island above Fort Strother; thence, along the boundary line, between the Cherokees and Creeks, to Little Chinneebee's trace; thence, along said trace, to Cedar creek, below Avary Vann's old place; thence, down said river, to its confluence with the Coosa river; thence, up the said river, to the confluence of Hightower and Oostinaleh rivers; thence, up Oostinaleh river, to the mouth of Aumuchee creek, and to be bounded by the first district. And the said district shall hold its councils at Chatoogee town the second Monday in May and the second Monday in September, and shall sit five successive days to despatch business that may be brought before them.

Resolved by the National Committee and Council, That the third district is, and shall hereafter be known by the name of Cosewatee district, and to be bounded as follows: Beginning at the widow Foal's ferry; thence, eastwardly, along the Hightower wagon road, to Thomas Pettit's; thence, to the big creek on said road, and up said creek, to its source; thence, a straight course, to the head of Taloney creek, between this and James Daniel's; thence, a straight course, to the head of Red Bank creek, above Cortikeyeh; thence, a straight course, to the Blue ridge, opposite the head of Potatomine creek; thence, to the head of Clapboard creek, above Ellejoytown; thence, a straight course, to the head source of Connessauguee river; thence, a straight course, to Connessauguee river, opposite the mouth of Sugar creek, and to be bounded by the first district. And the said district shall hold its councils in the town of Cosewatee the first Monday in May and the first Monday in September, and shall sit five successive days to despatch business that may be brought before them.

Resolved by the National Committee and Council, That the fourth district is, and shall hereafter be known by the name of Aumoiah district, and shall be bounded as follows: Beginning at the head source of Connessauguee river; thence, a straight course, eastwardly, to the head source of Star's creek, commonly called Connessauguee, including the inhabitants of Mudtown, above Hiwassee Old Town; thence, down the said Connessauguee creek, to the boundary line; thence, along said line, to Hiwassee river; thence, down said river, to Tennessee river; thence, down said river, to the mouth of Ooletawaugh creek, and to be bounded by the first and third districts. And the said district shall hold its councils in the town of Aumoiah the second Monday in May and the second Monday in September, and shall sit five successive days to despatch business that may be brought before them.

Resolved by the National Committee and Council, That the fifth district is, and shall hereafter be known by the name of Hickory Log district, and shall be bounded as follows: Beginning at the Blue ridge, at the Potatomine creek; thence, along said ridge, southeastwardly, where the Chuwastogah path crosses the same, leading to Frogtown; thence, along said path, to where it crosses Frogtown branch; thence, down said branch, to its confluence with the Tasentie; thence, down Chestatee river, to Chatahoochee river; thence, down said river, to five miles above the mouth of Sweet Watertown creek; thence, a straight course, northwardly, to the source of said creek; thence, a straight course, over Hightower river, to the Big creek above Thomas Peitt's, and to be bounded by the third district. And the said district shall hold its councils in the town of Hickory Log the first Monday in May and the first Monday in September, and shall sit five successive days to despatch business that may be brought before them.

Resolved by the National Committee and Council, That the sixth district is, and shall hereafter be known by the name of Hightower district, and shall be bounded as follows: Beginning on the Chatahoochee river, five miles above Sweet Watertown creek; thence, down said river, to the mouth of Sand creek, on the west bank of the Chatahoochee river; thence, along the boundary line between the Cherokees and Creeks, to Little Chinneebee's trace, and to be bounded by the second, the third, and fifth districts. And the said district shall hold its councils in the town of Hightower the second Monday in May and the second Monday in September, and shall sit five successive days to despatch business that may be brought before them.

Resolved by the National Committee and Council, That the seventh district is, and shall hereafter be known by the name of Toolostieyeh, and be bounded as follows: Beginning at Star's creek or Connessauguee, along the boundary line, southwestwardly, to the Unicoy turnpike road; thence, along said road, to where it crosses the Hiwassee river, in the Valley Towns; thence, a straight course, to the head source of Coosa creek, at the Blue ridge, above Chuwostoyeh, including the inhabitants of Nattullee; thence, along the said ridge, to where the Unicoy turnpike road crosses the same; thence, a straight course, to the head source of Tasentie Persimonlog; thence, down the said Tasentie, to its confluence with Frogtown creek, and to be bounded by the third, fourth, and fifth districts. And the said district shall hold its councils in the town of Toolostieyeh the first Monday in May and the first Monday in September, and shall sit five successive days to despatch business that may be brought before them.

Resolved by the National Committee and Council, That the eighth district is, and shall hereafter be known by the name of Aquohee district, and shall be bounded as follows: Beginning where the Unicoy turnpike road crosses the Blue ridge; thence, along said road, eastwardly, to the Standing Man; thence, along the boundary line run by Colonel Houston, to the confluence of Nantagulee and Cowee rivers; thence, down said rivers, to Talapsee; thence, along the aforesaid boundary, to the intersection of the Unicoy turnpike road, and to be bounded by the seventh district. And the said district shall hold its councils in the town of Aquohee the second Monday in May and the second Monday in September, and shall sit five successive days to despatch business that may be brought before them.

These eight districts were laid off by the council agreeably to the resolution of the committee and council of the 24th instant, for the organization of the Cherokee nation.

Test: CH. R. HICKS.

IN COMMITTEE, NEW TOWN, October 26, 1819.

Unanimously agreed, That schoolmasters, blacksmiths, millers, saltpetre and gunpowder manufacturers, ferry-men, and turnpike keepers, and single hirelings as mechanics, are hereby privileged to reside in the Cherokee

nation, under the following conditions, viz: Their employers procuring a permit from the national committee and council for them, and becoming responsible for their good conduct and behavior; and subject to removal for misdemeanor.

And further agreed, That blacksmiths, millers, ferrymen, and turnpike keepers, are privileged to improve and cultivate twelve acres of ground for the support of themselves and families, should they please to do it.

JOHN ROSS, *President of the National Committee.*

A. McCox, *Clerk National Committee.*

NEW TOWN, CHEROKEE NATION, October 28, 1819.

This day decreed by the National Committee and Council, That all citizens of the Cherokee nation establishing a store or stores for the purpose of vending merchandise shall obtain a license for that purpose from the clerk of the national council, for which each and every person so licensed shall pay a tax of twenty dollars per annum, and that no other but citizens of the Cherokee nation shall be allowed to establish permanent stores within the nation. *And it is also decreed,* That no pedlar or pedlars, not citizens of the nation, shall be permitted to vend merchandise in the nation without first obtaining a license from the agent of the United States for the Cherokee nation, agreeably to the laws of the United States; and each and every one so licensed shall pay a tax of eighty dollars per annum to the treasurer of the Cherokee nation. And all such person or persons so licensed shall obtain a receipt on the back of his or their license from the treasurer for the sum so paid; and in case any person or persons violate this decree, he or they shall forfeit and pay a fine of two hundred dollars to the national treasury, and it shall be the duty of the regulator or light horse to collect the same; and any person discovering and giving information of the same shall be entitled to the sum of twenty-five dollars. *And it is hereby further decreed,* That no person or persons, not citizens of the nation, shall bring into the nation and sell any spirituous liquors; and all such person or persons so offending shall forfeit the whole of the spirituous liquors that may be found in his or their possession, and the same shall be disposed of for the benefit of the nation; and if any person or persons, citizens of the nation, shall receive and bring into the nation spirituous liquors for disposal, and the same or any part thereof be found to be the property of a person or persons not citizens of the nation, and satisfactory proof be made of the fact, he or they shall forfeit and pay the sum of one hundred dollars, and the whiskey be subject to confiscation as aforesaid. This decree to take effect from and after the first day of January, one thousand eight hundred and twenty, and to be strictly enforced: *Provided, nevertheless,* That nothing shall be so construed in this decree as to tax any person or persons bringing sugar, coffee, salt, iron, and steel into the Cherokee nation for sale; but no permanent establishment for the disposal of such articles can be admitted to any person or persons not citizens of the nation.

JOHN ROSS,

President of the National Committee.

Concurred in by the council,

A. McCox, *Clerk.*

PATH KILLER,
CH. R. HICKS.

NEW TOWN, CHEROKEE NATION, October 30, 1820.

Whereas the Big Ratling Gourd, William Gremit, Betsey Broom, the Bark, Daniel Griffin, and Mrs. Lesley have lodged a complaint before the chiefs of a certain company of persons having formed a combination, and established a turnpike arbitrarily, in opposition to the interests of the above-named persons, proprietors of a privileged turnpike on the same road:

Be it now therefore known, That said complaint having been submitted by the council to the national committee for discussion, and after maturely investigating into the case, they have decreed that the said new company of the disputed turnpike shall be abolished, and that the above-named persons are the only legal proprietors and privileged company to establish a turnpike on the road leading from widow Foal's, at the forks of Hightower and Oostinahle rivers to Wills creek, by way of Turkeytown; and the said company shall be bound to keep in repair said road, to commence from the first creek east of John Fields, Sen., known by the name of "Where Vann was shot," and to continue westward to the extent of their limits. And the widow Foal shall also keep in repair, for the benefit of her ferry at the fork, the road, to commence from the creek above named to where Ridge's road now intersects said road east of his ferry; and that the said Ridge shall also keep in repair the road, to commence at the two runs east of his ferry, and to continue by way of his ferry as far as where his road now intersects the old road leading from the fork west of his ferry; and that the Hightower turnpike company shall keep in repair the road from the two runs to where it intersects the federal road near Blackburn's.

And be it hereby resolved, That no person or persons whatsoever shall be permitted to cut out any road or roads now in existence so as to intersect the same again, and to the injury of the interest of any person or persons residing on the said road, without first getting an order from the national council for the opening of such road or roads. Any person or persons violating this decree contained in the foregoing resolution shall be subject to such punishment and fine as the national council and committee may hereafter decide and inflict on any such case as may be brought before them for trial.

JOHN ROSS,

President of the National Committee.

Approved by the council,

A. McCox, *Clerk.*

PATH KILLER,
CH. R. HICKS.

NEW TOWN, CHEROKEE NATION, November 1, 1819.

Resolved by the National Committee and Council, That any person or persons employed or instigating any person or persons whatsoever to steal the property of another, and such person being tried and convicted upon satisfactory proofs, shall forfeit and pay the value of the property so stolen, and be punished alike with the person or persons so employed to steal, agreeably to the sentence of such a trial.

By order of the national committee,

JOHN ROSS, *President.*

Approved of by the council,

A. McCox, *Clerk.*

PATH KILLER,
CH. R. HICKS.

NEW TOWN, CHEROKEE NATION, November 2, 1819.

Resolved by the National Committee and Council, That any white man who shall hereafter take a Cherokee woman to wife be required to marry her legally by a minister of the Gospel, or other authorized person, after procuring a license from the national clerk for that purpose, before he shall be entitled and admitted to the privilege of citizenship.

And, in order to avoid imposition on the part of any white man, *Resolved,* That if any white man shall marry a Cherokee woman, the property of the woman so married shall not be subject to the disposal of her husband contrary to her consent. Any white man so married, and parting from his wife without just provocation, shall forfeit and pay to his wife such sum or sums as may be adjudged to her by the national committee and council for said breach of marriage, and be deprived of citizenship. *And it is also resolved,* That it shall not be lawful for any white man to have more than one wife; and it is recommended that all others should also have but one wife hereafter.

By order of the national committee,

JOHN ROSS, *President.*

Approved of by the council,

PATH KILLER,
CH. R. HICKS.

A. McCox, *Clerk.*

NEW TOWN, November 1, 1819.

Resolved by the National Committee and Council, That, in case any person or persons, citizens of the nation, and not enrolled in the Arkansas country, who have or may take possession of and occupy any improvement or place where Arkansas emigrants had left, before any privileged emigrants to continue in this nation shall retake possession of such place or places aforesaid, they shall be entitled to an exclusive right to the same.

By order of the national committee,

JOHN ROSS, *President.*

Approved of by the council,

PATH KILLER,
CH. R. HICKS.

A. McCox, *Clerk.*

IN COUNCIL, BROOM'S TOWN, September 11, 1808.

Resolved by the Chiefs and Warriors in National Council assembled, That there shall be regulating parties or light horse, to be employed in this nation, to continue in service for one year when any person or persons engages therein, and to consist of six men to each company, whose duty it shall be to suppress horse stealing, as well as other property, and to protect fatherless children to their father's property, which children he may have had by his last wife with whom he lived at the time of his decease. The said regulators, or light horse, shall each receive thirty dollars for his services, except the captain, who shall receive fifty dollars, and the lieutenant forty dollars per annum. Should any horse or horses belonging to the company die while on duty, they shall be paid for by the nation at the rate of forty dollars each. When any person or persons shall be charged with theft, one or two witnesses are required to establish the facts; or, circumstantial proof being adduced against the accused person or persons, he or they shall be punished with one hundred stripes on his or their bare back for stealing a horse, or one half of the stripes in case the property be restored or paid for at the rate of sixty dollars. And, in order for the strict execution of the above law,

Be it further resolved by the Chiefs and Warriors in National Council assembled, That if it shall so happen that any person or persons in this nation who shall be accused of theft, and shall raise up with weapons in his or their hands against the regulators or light horse, such as guns, tomahawks, knives, or spears, in opposition and with intention of injuring any of the regulators or light horse in defiance of their orders, then, in that case, the regulators are hereby fully authorized, and it is decreed by the seven clans composed of this nation, to defend their person or persons from injury by any person or persons in opposing their orders; and should the regulators or light horse kill him or them when opposing their orders, which the seven clans hereby decree, for the respective clans, that the blood of him or them so killed shall in nowise be required of the regulator, or from any of his relatives, or from any of the clans to which he or they may have belonged.

Accepted of by the acting chiefs,

BLACK FOX,
PATH KILLER,
TOOCHALAR.

IN COUNCIL, OOSTINALEH, April 18, 1810.

1. *Be it known this day,* That the various clans or tribes which compose the Cherokee nation have unanimously passed an act of oblivion for all lives for which they may have been indebted one to the other, and have mutually agreed that after this evening the aforesaid act shall become binding upon every clan or tribe thereof.

2. The aforesaid clans or tribes have also agreed that if, in future, any life should be lost without malice intended, the innocent aggressor shall not be accounted guilty; and, should it so happen that a brother, forgetting his natural affections, should raise his hands in anger and kill his brother, he shall be accounted guilty of murder, and suffer accordingly.

3. If a man have a horse stolen, and overtake the thief, and should his anger be so great as to cause him to [shed his blood,] let it remain on his own conscience, but no satisfaction shall be required for his life, from his relative or clan he may have belonged to.

By order of the seven clans,

TURTLE AT HOME,
Speaker for the Council.
BLACK FOX,
PATH KILLER,
TOOCHALAR,
KEACHATALOO,
BOAT,
CHULEOA.

CHARLES HICKS, *Secretary to Council.*

17th CONGRESS.]

No. 183.

[1st Session.]

ACCOUNTS OF THE SUPERINTENDENTS OF INDIAN AFFAIRS IN MICHIGAN AND MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 11, 1822.

SIR:

DEPARTMENT OF WAR, *February 9, 1822.*

In compliance with a resolution of the House of Representatives of the 18th ultimo, directing the Secretary of War "to lay before that House a copy of the account current of the Governor of the Michigan Territory, which shall exhibit a perfect view of his superintendency of Indian affairs for the year 1820, and, as far as in his power, the account of said superintendency for the year 1821, specifying the particular items of expenditure, and to whom paid; and, also, a similar account for said years of the superintendency of the Governor of the late Territory of Missouri," I have the honor to enclose the report of the Second Auditor of the Treasury, which contains the information requested.

It is proper to observe that the amount of presents made to the Indians by the superintendent for the year 1820 was very considerably increased by the treaty of Saginaw, which acquired for the Government a very extensive and valuable tract of country around the bay of that name. No appropriation having been made for the expenses of holding the treaty, they were paid out of the ordinary appropriation for the Indian Department, of which a very considerable portion is blended with the current account of the expenditure of the year, under the head of "contingent services or presents," of which some of the considerable items, particularly for horses as presents to the Indians, are connected with the treaty, the presents being given either to prepare the way for a successful issue of the treaty, or to fulfil promises which were made while holding it. The objects of the tour of Governor Cass, in 1820, which constitutes a portion of the expenditure for that year, will appear by a reference to the correspondence with him in relation to it, a copy of which accompanies the report of the Second Auditor, as part of the vouchers for the settlement of his account. The various tribes of Indians within his superintendency between the lakes and the Mississippi, and the country itself, were but imperfectly known, and the principal objects of the tour were to obtain a more thorough knowledge of the character of both, and to make known to those tribes the policy and feelings of the Government towards them, in order to improve the ordinary administration of the department, and to carry into effect the system of measures which had been adopted in relation to the intercourse between them and the adjoining province of Canada. The measures which were then contemplated are particularly stated in my letter to the chairman of the Military Committee, dated 29th December, 1819, contained in a report of the Military Committee of the 3d January, 1820, to which I would respectfully refer the House. In addition to these, there were other objects, which, though of minor consequence, were not without interest. It was thought to be expedient to extinguish the Indian title to the islands in the vicinity of Michilimackinac, containing extensive quarries of plaster of Paris, and to a military site on the Sault de St. Marie, and to ascertain whether the Indian title had been extinguished to the country in and about the settlements at Green Bay and Prairie du Chien. These objects were considered of sufficient importance to authorize the tour; and, in order to obtain as full information as was practicable of a region so little known, two officers of the army and an enterprising and enlightened mineralogist were attached to the party. The expenses of the tour were charged to the appropriation for the Indian department, as its objects were connected with our relations with the Indians, and were taken principally out of the sum which, in the general distribution of the appropriation, had been allotted to that superintendency. Governor Cass received no additional compensation, and the officers of the army were allowed only the usual compensation of officers of their grade while engaged in the performance of topographical duties. The mineralogist was allowed \$1 50 per diem for the time actually engaged, comprehending that employed in completing his report. The whole expenses of the tour, including presents, and the expenses of holding the treaties to which I have referred, and by which important cessions were obtained, amount to \$6,318 02.

It became necessary, while Governor Cass was at the seat of Government last autumn, in settling his account as superintendent, to adjust his personal account against the Government, which had remained open from the date of his appointment. In 1814 and 1815, shortly after he received his appointment, he made application for the allowance of a specific sum to cover the various personal expenses to which he was liable in the performance of his duty as superintendent. Without objecting to the amount which he thought necessary for that purpose, he was informed that a specific amount could not be allowed; but at the same time it was stated that, on presenting his account, what was reasonable would be allowed. The claim, from its nature, could only be adjusted on equitable principles, it being impossible to state the items of expense to which, situated as he was, he was exposed from his intercourse with the Indians. The facts and statement on which the decision was made, with the decision itself, accompany his accounts and will be found in the abstract of the vouchers in the report of the Second Auditor. The duties which Governor Cass performed as superintendent, being similar to those of Governor Clark, but more extensive, and, in their performance, attended with greater expense, in the adjustment of his account reference was had to the allowance which had been made to the latter, making such additional allowance as the difference in the two cases and a regard to equity required.

The Governors of Territories are, by law, superintendents of Indian affairs within the Territory, whose duties extend to a general control over the agents and other officers of the Indian Department within the Territory, but do not extend to the performance of the duties assigned to agents, nor to the disbursements on account of the expenses of the department within the superintendency. These latter duties, as well as the former, having been assigned to Governor Clark, he was allowed, by the direction of General Armstrong, 1,500 dollars per annum for their performance, and the expense attending the same. The duties of Governor Cass have been equally extended beyond those belonging to him as superintendent. There being no agent within the peninsula of Michigan, the duties of an agent to the tribes residing within its limits necessarily devolved on him; and the disbursements of his superintendency (to which the agencies in Ohio and Indiana, with the exception of that at Vincennes, were annexed, as it was found to be inconvenient to separate them from the same general control which, as superintendent, he had over the Indians in that quarter) were made through him. Under these circumstances, it was thought just to extend the decision which had been made in the case of Governor Clark to Governor Cass; to which was added an allowance, supposed to be equal to the expense necessarily attending the intercourse with the Indians at a point to which there is so great a resort of Indians as Detroit, and where, from the neighborhood of the adjoining province of Canada, it is necessary to extend to them greater liberality and attention than at any other place.

I have the honor to be your obedient servant,

J. C. CALHOUN.

Hon. PHILIP P. BARBOUR, *Speaker of the House of Representatives.*

SIR: TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE, *February 9, 1822.*

In obedience to the resolution of the House of Representatives of the 18th ultimo, requiring the Secretary of War to lay before the House "a copy of the account current of the Governor of the Michigan Territory, which shall exhibit a perfect view of his superintendency of Indian affairs for the year 1820, and, as far as in his power, the account of the said superintendency for the year 1821, specifying the particular items of expenditure, and to whom paid; and, also, a similar account for said years, of the superintendency of the Governor of the late Territory of Missouri," I have the honor to transmit, herewith, the statements desired; and, deeming it to be the object of the resolution that all information tending to elucidate the several items embraced by the general accounts current should accompany the same, detailed abstracts of every voucher, and of each particular item of expenditure, with copies of various letters and certificates touching the same, as well as copies of the subordinate accounts composing, under different heads of appropriation, the general accounts current, are also herewith transmitted, together with a schedule of the same.

I have the honor to be, &c.

WILLIAM LEE.

The Hon. J. C. CALHOUN, *Secretary of War.*

Schedule of papers transmitted to Congress in obedience to a resolution of the House of Representatives of the 18th January, 1822, requiring copies of the accounts current of the Superintendents of Indian Affairs in the Territory of Michigan and late Territory of Missouri, for the years 1820 and 1821.

LATE TERRITORY OF MISSOURI.

W. C.

- No. 1. Copy of William Clark's general account current for the years 1820 and 1821.
2. Copy of William Clark's account current for Indian annuities.
3. Copy of William Clark's abstract of Indian annuities.
4. Extracts of letters from General Dearborn, of 9th March, 1807, and from General Armstrong, of 8th April, 1813, to Governor Clark, fixing his compensation as superintendent of Indian affairs.
5. Copy of William Clark's abstract of disbursements from 1st January to 31st December, 1820.
6. Copy of William Clark's abstract of disbursements from 1st January to 16th July, 1821.
7. Pierre Menard's abstract of expenses for Indian emigrants paid by Governor Clark.
8. Copy of William Clark's account for carrying into effect treaties with Indians under act of Congress of 3d March, 1819.

MICHIGAN TERRITORY.

- L. C.
- Copy of Lewis Cass's general account current for the years 1820 and 1821.
 - No. 1. Copy of Lewis Cass's abstract of disbursements from 1st January to 31st December, 1820.
 2. Copy of Lewis Cass's abstract of disbursements from 1st January to 31st December, 1821.
 - 3 & 4. Letters from Governor Cass to the Secretary of War, stating his various engagements as superintendent, and showing the increased expenses and personal risk to which he was subjected in consequence thereof.
 5. Letter from H. I. Hunt, of Detroit, of 30th October, 1821, stating the exorbitant price of most of the necessary articles of living, and the expense to which Governor Cass was subjected.
 6. Letter from General Alex. Macomb, of 30th October, 1821, in confirmation of the facts stated by Governor Cass and H. I. Hunt, in the above-mentioned letters, marked L. C. Nos. 3, 4, and 5.
 7. Extract of a letter from the Secretary of War, of 24th October, 1814, relating to Governor Cass's compensation as superintendent.
 8. Extract of a letter from George Graham, acting Secretary of War, of 21st October, 1815, relating to Governor Cass's compensation as superintendent.
 9. Decision of the Secretary of War, of 2d November, 1821, fixing the compensation of Governor Cass.
 10. Certificate of Governor Cass of the nature and correctness of disbursements by him.
 11. Letter from Governor Cass to the Secretary of War, of 18th November, 1819.
 12. Letter from the Secretary of War to Governor Cass, of 14th January, 1820.
 13. Letter from the Secretary of War to Governor Cass, of 25th February, 1820.
 14. Letter from the Secretary of War to Governor Cass, of 5th April, 1820.
 15. Copy of Governor Cass's account current for carrying into effect treaties with Indians under act of Congress of 3d March, 1819.
 16. Copy of Governor Cass's abstract of Indian annuities.
 17. Copy of Governor Cass's account current of Indian annuities.
 18. Copy of Governor Cass's account current for the extinguishment of Indian titles to lands in the Michigan Territory, under the act of Congress of 11th April, 1820.

} Relating to an expedition
by Gov. Cass to the head
waters of the Mississippi,
and treating with several
tribes of Indians.

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE.

WILLIAM LEE.

W. C. No. 1.—INDIAN DEPARTMENT.

William Clark, late Governor of Missouri Territory, ex officio Superintendent of Indian Affairs, in account with the United States.

		Dr.	
1819.		To balance due the United States this day,	\$5,675 38
Dec. 31,			
1820.		To warrants on the Treasurer—	
June 10,		For warrant No. 2,609, for a bill of exchange in favor of L. Bomfort, of May 17, 1820,	6,019 13
June 12,		For warrant No. 2,616, advanced him on account,	10,391 00
July 29,		For warrant No. 2,747, advanced him on account,	6,139 50
August 23,		For warrant No. 2,811, advanced him on account,	6,663 37
Nov. 4,		For warrant No. 2,972, advanced him on account,	7,260 00
1821.		To warrants on the Treasurer—	
February 7,		For warrant No. 3,199, advanced him on account,	2,000 00
April 3,		For warrant No. 3,349, advanced him on account,	8,000 00
June 13,		To P. L. Chouteau, for this amount acknowledged to have received of him,	1,550 00
June 30,		To P. Loise, interpreter, for this amount acknowledged to have received of him,	200 00
		To appropriation for Indian annuities—	
		For this amount advanced him on account of annuities for several tribes of Indians, as per accompanying account, marked W. C. No. 2,	7,050 00
		To appropriation for carrying into effect treaties with Indians, per act of Congress of 3d March, 1819—	
		For this amount advanced to him on this account by warrant No. 2,972, as per accompanying statement, marked W. C. No. 8,	4,500 00
		To appropriation for Indian Department—	
		For amount of his draft in favor of Thomas A. Smith, receiver of public moneys, under date of 10th July, 1821, on the Secretary of War, for this sum, -	6,726 00
			72,174 38
		Balance due William Clark,	1,051 04
			<u>\$73,225 42</u>
		Cr.	
1820.		By appropriation for Indian Department—	
		For the following sums allowed him, being for disbursements made by him as superintendent of Indian affairs, between 1st January and 31st December, 1820, under the several heads, as per general abstract accompanying this statement, marked W. C. No. 5:	
		<i>Compensation.</i>	
"		For this amount allowed him for his compensation, in full, of clerk hire, house rent, and fuel, and for his services as superintendent of Indian affairs, in pursuance of instructions from General Armstrong, while Secretary of War, of the 8th April, 1813, (see accompanying extracts of letters marked W. C. No. 4.) being from the 1st March, 1819, to 31st December, 1820, at the rate of \$1,500 per annum, -	\$2,625 00
		<i>Salaries.</i>	
"		For this amount disbursed by him in payment of salaries to agents, sub-agents, interpreters, gunsmiths, and blacksmiths, -	13,261 46
		<i>Indian emigrants.</i>	
"		For this amount disbursed by him for provisions, powder, lead, flints, and for sundry articles and expenses in assisting different tribes of Indians emigrating, in pursuance of treaties, under an act of Congress of 3d March, 1819, -	3,583 81½
		<i>Contingencies.</i>	
"		For this amount disbursed by him for provisions for Indians, expenses of a deputation of Osage Indians to and from the seat of Government, for Indian witnesses in a trial of Indians for murder, for transportation of presents, and other contingent expenses of his superintendency, -	5,709 83
		<i>Presents.</i>	
"		For this amount disbursed by him for sundry presents to Indians at St. Louis, and for presents to be distributed by Major O'Fallon, L. Taliaferro, Thomas Forsyth, and N. Boilvin, to Indians within their agencies, and to Indians passing from place to place under his superintendency, -	11,607 07½
		<i>Annuities.</i>	
"		For this amount disbursed by him out of the appropriation for Indian Department, in payment of the Kaskaskia annuity for the year 1820, in pursuance of the treaty of 13th August, 1803, there never having been any specific appropriation by Congress for this part of their annuity, -	500 00
			<u>\$37,287 18</u>
1821.		By appropriation for Indian Department—	
		For the following sums allowed him, being for disbursements made by him between the 1st January and 16th July, 1821, under the several heads, per general abstract accompanying this statement, marked W. C. No. 6:	
		<i>Compensation and salaries.</i>	
"		For this amount allowed for his own compensation, and for pay of agents, sub-agents, interpreters, translator and interpreter, and gun and blacksmiths, as per general abstract accompanying this statement, marked W. C. No. 6, -	\$7,297 09

W. C. No. 1.—Continued.

<i>Contingencies.</i>		
1821.	For this amount disbursed by him for provisions for Indians, for transportation, expenses of Indians as witnesses in a trial for murder, and other contingent expenses of the superintendency, including express hire and contract for provisions, -	\$2,510 86
<i>Presents to and for Indians.</i>		
“	For this amount disbursed by him in the purchase of sundry articles for presents to and for Indians at St. Louis, and for Indian agents to distribute to Indians within their agencies, and under his superintendencies, - - -	8,332 32
<i>Emigrant Indians.</i>		
“	For this amount disbursed by him for provisions, powder, lead, flints, and sundry articles to the different tribes of Indians emigrating in pursuance of treaties, under the act of Congress of 3d March, 1819, - - -	6,221 20
<i>Annuities.</i>		
“	For this amount disbursed by him in payment of the annuities of several tribes of Indians, as per account for Indian annuities accompanying this statement, marked W. C. No. 3, - - -	8,050 00
<i>Advances.</i>		
“	For this amount advanced agents— To Richard Graham, agent at St. Louis, - - - To Reuben Lewis, late agent at Arkansas, for his salary and contingencies in his agency, - - -	2,000 00 1,526 78
	Amount for 1821, - - -	35,938 24
	Amount for 1820, - - -	37,287 18
		\$73,225 42
	By balance due William Clark, late superintendent, - - -	\$1,051 04

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE.

WM. LEE.

W. C. No. 2.—ANNUITIES.

Dr. Governor Wm. Clark, of Missouri, Superintendent of Indian Affairs, in account with the United States. Cr.

ANNUITIES PER ACT OF 6TH MAY, 1796.

1821.		1820.		
April 10,	To warrants on the Treasurer— For part of warrant No. 3,385, advanced under this date, on account of Indian annuities, - - -	\$500	July 24,	By appropriation for annuities, per act 6th May, 1796— For this amount paid the Kaskaskia Indians, per receipt from their chiefs of 24th July, 1820, for their annuity for the year 1819, - - -
	To Wm. Clark, his account for Indian Department— For this amount due to him on this account carried to his credit in that account, - - -	1,000		\$500 500
		\$1,500	1821. May 28,	By Pierre Menard, Ind. sub-agent— For this sum advanced, per his receipt of 28th May, 1821, to pay Piankeshaw nation of Indians their annuity for the year 1821, under the act of 6th May, 1796, - - -
				500 \$1,500

ANNUITIES PER ACT OF 3D MARCH, 1807.

April 10,	To warrants on the Treasurer— For part of warrant No. 3,385, advanced him under this date on account of Indian annuities, - - -	\$300	May 28,	By Pierre Menard, Ind. sub-agent— For this sum advanced him, per his receipt of 28th May, 1821, to pay the Piankeshaw nation of Indians their annuity for the year 1821, under the act of 3d March, 1807, - - -
		\$300		\$300 \$300

ANNUITIES PER ACT OF 3D MARCH, 1811.

April 10,	To warrants on the Treasurer— For part of a warrant No. 3,385, advanced him under this date on account of Indian annuities, - - -	\$1,500	May 31,	By Richard Graham, Indian agent— For this sum advanced him, per his receipt of 31st May, 1821, to pay the Great Osage nation their annuity for the year 1821, per act of 3d March, 1811, - - - Ditto, to pay the Little Osage nation their annuity for the year 1811, under the same act, - - -
		\$1,500		\$1,000 500 \$1,500

Dr.

W. C. No. 2.—Continued.

Cr.

ANNUITIES PER ACT OF 3D MARCH, 1819.

1821.			1821.	
April 10,	To warrants on the Treasurer— For part of warrant No. 3,385, ad- vanced him under this date, on ac- count of Indian annuities, -	\$2,750	May 31,	By Richard Graham, Indian agent— For this sum advanced him, per his receipt of 31st May, 1821, to pay the Delaware Indians within his agency their annuity for the year 1821, under the act of the 3d of March, 1819, - - -
				\$2,750
		\$2,750		\$2,750

ANNUITIES PER ACT OF 15TH MAY, 1820.

1821.			1821.	
April 10,	To warrants on the Treasurer— For part of warrant No. 3,385, ad- vanced him under this date on ac- count of Indian annuities, -	\$2,000	May 31,	By Richard Graham, Indian agent— For this sum advanced him, per his receipt of 31st May, 1821, to pay the Kickapoos their annuity for 1821, under the act of 15th May, 1820, - - -
				\$2,000
		\$2,000		\$2,000

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE.

WILLIAM LEE.

W. C. No. 3.

Abstract of payments for annuities by Governor William Clark, of Missouri, Superintendent of Indian Affairs, in the years 1820 and 1821.

Date of payment.	Indian tribes.	To whom paid.	Amount.
1820.			
July 24,	Kaskaskias, -	To their chiefs Waweatanon, Paschall, and Washinga, per their receipt of this date, for their annuity for the year 1819, -	\$500 00
July 24,	Do. -	Do. do. do. for the year 1820, -	500 00
1821.			
May 28,	Piankeshaws,	To Pierre Menard, Indian sub-agent, per his receipt of this date, on account of their annuity for the year 1821, -	800 00
May 31,	Great Osages,	To Richard Graham, Indian agent, per his receipt of this date, on account of their annuity for the year 1821, -	1,000 00
May 31,	Little Osages,	Do. do. do. do. do. do. do.	500 00
May 31,	Delawares, -	Do. do. do. do. do. do. do.	2,750 00
May 31,	Kickapoos, -	Do. do. do. do. do. do. do.	2,000 00
			\$8,050 00

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE.

WILLIAM LEE.

W. C. No. 4.

Extract of a letter from Henry Dearborn, Secretary of War, to William Clark, under date of

MARCH 9, 1807.

Your compensation, as agent of Indian affairs in the Territory of Louisiana, will be fifteen hundred dollars a year, commencing on this day.

Extract of a letter from John Armstrong, Secretary of War, to William Clark, under date of

APRIL 8, 1813.

That the office of agent of Indian affairs west of the Mississippi be done away; and that the duties and authorities vested in such agent be placed in the Governor of Mississippi Territory; and that he be allowed the salary now given to the agent for clerk hire, house rent, &c. for the Indian Department.

W. C. No. 5.

Abstract of expenditures by William Clark, Governor of Missouri Territory, as Superintendent of Indian Affairs, from 1st January to 31st December, 1820.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
<i>Compensation.</i>				
1820. March 31,	1	William Clark, -	For his compensation from 1st April, 1819, to 31st March, 1820, as superintendent of Indian affairs, allowed him in pursuance of instructions from General Armstrong, while Secretary of War, under date of 8th April, 1813, (see extract of letters, marked W. C. No. 4.) -	\$1,500 00
July 1,	2	Do -	For do from 1st April to 30th June, 1820, do -	375 00
Sept. 30,	3	Do -	For do from 1st July to 30th September, 1820, do -	375 00
Dec. 31,	4	Do -	For do from 1st Oct. to 31st December, 1820, do -	375 00
<i>Salaries.</i>				
Jan. 1,	9	B. O'Fallon, -	For salary as Indian agent, from 1 October to 31 December, 1819,	450 00
July 1,	10	Do -	For do do from 1 January to 30 June, 1820, -	900 00
Oct. 1,	11	Do -	For do do from 1 July to 30 September, 1820, -	450 00
March 31,	14	Thomas Forsyth, -	For do do from 1 April, 1819, to 31 March, 1820, -	1,200 00
June 30,	15	Do -	For do do from 1 April to June 30, 1820, -	300 00
Sept. 30,	16	Do -	For do do from 1 July to 30 September, 1820, -	300 00
Dec. 31,	17	Do -	For do do from 1 Oct. to 31 December, 1820, -	300 00
March 31,	19	Nicholas Boilvin, -	For do do from 1 January to 31 March, 1820, -	300 00
Oct. 26,	20	Do -	For do do from 1 April to 30 September, 1820, -	600 00
Dec. 31,	21	Do -	For do do from 1 Oct. to 31 December, 1820, -	300 00
March 31,	22	John Ruland, -	For do sub-agent, from 1 April, 1819, to 31 March, 1820, -	500 00
July 1,	23	Do -	For do do from 1 April to 30 June, 1820, -	125 00
Oct. 1,	24	Do -	For do do from 1 July to 30 September, 1820, -	125 00
Dec. 31,	25	Do -	For do do from 1 October to 31 December, 1820, -	125 00
April 1,	28	P. L. Chouteau, -	For do do from 1 July, 1819, to 31 March, 1820, -	375 00
June 5,	29	Do -	For do do from 1 April to 30 June, 1820, -	125 00
Oct. 2,	30	Do -	For do do from 1 July to 30 September, 1820, -	250 00
April 1,	31	Pierre Menard, -	For do do from 1 April, 1819, to 31 March, 1820, -	500 00
July 1,	32	Do -	For do do from 1 April to 30 June, 1820, -	125 00
Oct. 1,	33	Do -	For do do from 1 July to 30 September, 1820, -	125 00
March 31,	36	George C. Sibley, -	For do do from 1 Oct., 1819, to 31 March, 1820, -	250 00
Dec. 31,	37	Do -	For do do from 1 April to 31 December, 1820, -	375 00
June 30,	41	L. Taliaferro, -	For do balance for 2d quarter ending 30 June, 1820, -	250 00
Sept. 30,	42	Do -	For do do from 1 July to 30th September, 1820, -	325 00
Dec. 7,	43	Do -	For do do from 1 October to 31 December, 1820, -	325 00
Jan. 1,	44	John Dougherty, -	For do as interpreter, from 1 June to 23 December, 1819, -	280 71
July 1,	45	Do -	For do as sub-agent and interpreter, from 23 December, 1819, to 30 June, 1820, -	494 52
Oct. 1,	46	Do -	For do do from 1 July to 30 September, 1820, -	237 50
March 31,	49	John Ruland, -	For do as translator, from 1 April, 1819, to 31 Mar. 1820, -	400 00
July 1,	50	Do -	For do do from 1 April to 30 June, 1820, -	100 00
Oct. 1,	51	Do -	For do do from 1 July to 30 September, 1820, -	100 00
March 31,	56	L. T. Honore, -	For do as interpreter, from 1 January to 31 March, 1820, -	100 00
June 30,	57	Do -	For do do from 1 April to 30 June, 1820, -	100 00
Oct. 1,	58	Do -	For do do from 1 July to 30 September, 1820, -	100 00
Dec. 31,	59	Do -	For do do from 1 Oct. to 31 December, 1820, -	100 00
March 31,	64	Paul Loise, -	For do do from 1 January to 31 March, 1820, -	91 00
June 6,	65	Do -	For do do from 1 April to 30 June, 1820, -	91 00
Dec. 31,	66	Do -	For do do from 1 July to 31 December, 1820, -	200 30
Jan. 1,	69	T. Charboneau, -	For do do from 1 July to 31 December, 1819, -	200 00
Sept. 30,	70	Narsis Franier, -	For do do from 1 May to 30 September, 1820, -	153 00
Dec. 31,	71	Do -	For do do from 1 Oct. to 31 December, 1820, -	92 00
Sept. 30,	72	C. Campbell, -	For do do from 1 July to 30 September, 1820, -	92 00
Nov. 15,	73	Do -	For do do from 1 Oct. to 31 December, 1820, -	92 00
June 30,	74	D. Campbell, -	For do do from 14 May to 30 June, 1820, -	77 00
April 1,	76	P. Fournier, -	For do do from 1 Oct., 1819, to 31 March, 1820, -	90 00
June 30,	77	Do -	For do do from 1 April to 30 June, 1820, -	45 00
Oct. 1,	78	Do -	For do do from 1 July to 30 September, 1820, -	45 00
Dec. 31,	80	Louis Pettle, -	For do do from 1 Sept. to 31 December, 1820, -	122 00
June 30,	81	J. B. Canon, -	For do do from 1 April to 30 June, 1820, -	100 00
March 31,	84	Amasa Crane, -	For do as gunsmith, from 1 Oct., 1819, to 31 March, 1820, -	250 00
Sept. 20,	85	Do -	For do do from 1 April to 30 September, 1820, -	294 43
March 31,	269	Joseph Montreny, -	For do as interpreter, from 1 January to 31 March, 1820, -	92 00
Sept. 30,	275	Pierre Perior, -	For do as gunsmith, from 1 June to 30 September, 1820, -	122 00
				<u>\$15,886 46</u>
<i>Indian Emigrants.</i>				
March 29,	122	J. B. Vallé, -	For 858 lbs. beef, \$42 90; 54 lbs. pork, \$3 24; 4 bushels corn, \$3; delivered, per order of P. Menard, to sundry Indians, between October, 1818, and March, 1820, -	\$49 14
29,	123	Do -	For storage and cartage of goods for annuities to the Kaskaskia, Piankeshaw, and Peoria tribes, \$5 50; 84 carrots tobacco, delivered to chiefs of the above tribes, \$42, -	47 50
29,	124	Francis Day, -	For one horse, for the use of the Osage interpreter to ride to the Osage town with a message to that tribe relative to the Kickapoos emigrating to their neighborhood, -	60 00

W. C. No. 5.—Continued.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
1820.				
March 31,	125	Joseph Bogy, -	For 124 loaves bread, furnished a party of Shawanees and Piankeshaws, -	\$15 50
May 30,	144	J. & G. H. Kennerly,	For 25 cat-fish hooks, 50 cents; 1,000 gun flints, \$5; one gross butcher knives, \$33 33; one dozen scissors, \$3; half gross jews-harps, \$1 50; 200 needles, \$1 50; one dozen ivory combs, \$2 50; two dozen riding combs, \$2; two lbs. colored thread, \$3; one piece India muslin, \$6 50; one piece black Barcelona handkerchiefs, \$12; eight Madras handkerchiefs, \$3 33; 14 cotton shawls, \$5 60; four pieces furniture calico, \$43 20; 26 pair blankets, \$136; one sheet-iron kettle, \$11 25; one tin kettle, \$7; half dozen tin pans, \$2 50; one dozen tin cups, \$1 12; one dozen snaffle bridles, \$12 50; two felling axes, \$5 50; one piece super Madras handkerchiefs, \$3 50; two pieces domestic cotton, \$20 83; one dozen weeding hoes, \$15; 406 lbs. tobacco, \$64 96; 300 lbs. gunpowder, \$150; two roram hats, \$8; one dozen snuff boxes, \$1 50; one gross gartering, \$3; half gross fire steels, \$6; 58 yards blue cloth, \$96 80; five lbs. vermilion, \$11 25; 39½ yards blue cloth, \$78 70; six dozen looking-glasses, \$6; 1½ dozen axes, \$22; one dozen tomahawks, \$18; 34½ gallons whiskey, \$25 87½; 206 lbs. bacon, \$20 60; one barrel pork, \$15; 6 barrels biscuit, \$30; two lbs. nails, 50 cents; one hammer, 75 cents; 8 chiefs' coats, \$128; 24 shirts, \$38 40; 8 guns, \$64; 1 gross pipes, \$2 25; 43 lbs. rope, \$10 62½; one bed cord, 50 cents; drayage, \$2 50, -	1,143 37
June 27,	163	J. B. Vallé, -	For 3 ploughs, \$20 25; 3 axes, \$9; 3 dozen weeding hoes, \$45; 4 horse collars, \$6; 2 pair trace chains, \$3; 15 pounds tobacco, \$3 75, -	87 00
27,	164	G. Beauvais, -	For 28 weeding hoes, \$35; 10 felling axes, \$25; 7 mattocks, \$17 50; 5 ploughs, 132½ lbs., \$33 12½; 2 square axes, \$2 50; 6 iron wedges, \$6; 8 pair trace chains, \$12, -	131 12½
30,	171	J. B. Valle, -	For 602 pounds tobacco, \$30 10; 6 carrots tobacco, \$3; 15 lbs. tobacco, \$3, -	36 10
July 20,	180	Wm. Bilderback, -	For 200 bushels corn furnished sundry parties of Shawanee and Delaware Indians, emigrated last summer from the States of Ohio and Alabama to the Missouri Territory, -	100 00
30,	181	Sundry boatmen, -	For services of P. Provôt, patron, C. Deroussé, L. Allair, N. Provôt, P. Lafleur, boatmen, in conveying 200 bushels of corn from the plantation of W. Bilderback, in Illinois, to Cape Girardeau, in Missouri, and delivering to Indian emigrants, -	37 00
Sept. 7,	187	G. Beauvais, -	For 4 ploughs, 106½ lbs., \$26 62½; 5 iron wedges, \$5; one plough, iron, \$1 25; 24 hoes, \$24; 2 pair iron chain traces, \$3, -	59 87½
Oct. 25,	212	J. & G. H. Kennerly,	For 26 shirts, \$42 25; 3 fine shirts, \$6 75; 15 lbs. tobacco, \$3; 1½ lb. tea, \$3 75; 8 lbs. sugar, \$1 60; two yards scarlet cloth, \$9; 16 yards blue cloth, \$48; 14 blankets, \$70; 2 brass bowl tomahawks, \$5, furnished Shawanee and Delaware emigrants; 4 hats for self and three children, \$18; 6 shifts and 6 frocks for girls, \$30; one suit clothes for Indian boy, \$10 50; 6 butcher knives, \$4 50; six lbs. gunpowder, \$3; 10 lbs. bar lead, \$1 25; 1 lb. coarse thread, \$2; 2 coarse combs, 25 cts.; 2 fine combs, \$1; four handkerchiefs, \$2; four pair socks, \$2; four yards cloth, \$16, furnished John Tanner and family, returned from the Indians, with whom he was a prisoner, by order of the superintendent of Indian affairs, -	279 85
Nov. 29,	218	William G. Heizer,	For 547 pounds beef, delivered to Indian emigrants, -	27 35
29,	219	Baptiste Moran, -	For ferriage over the Mississippi, 70 Indian families and 76 horses, emigrating, -	38 00
30,	220	John Carpenter, -	For ferriage over the Mississippi, 41 Indian families and 56 horses, emigrating, -	27 25
Dec. 6,	225	Francis Montreal, -	For ferriage over the Kaskaskia, 111 Indian families and 132 horses, emigrating, -	9 93
13,	226	Lewis and Walker,	For 114 loaves bread furnished Shawanee emigrants, -	22 62½
March 28,	340	Paschall Cerré, -	For 89 days' services of self and three horses, in removing Kickapoo emigrants, at \$6 per day, and paid an interpreter for same time at \$1 50, provisions for self, interpreter, Indians, and horses, -	885 00
July 25,	341	Nathan Mills, -	For 520 pounds beef delivered Kickapoo tribe, -	36 40
Aug. 1,	342	Antoine Chenié, -	For 135 loaves bread delivered to Indians, -	13 50
30,	343	Robert Burns, -	For 2 barrels pork delivered Kickapoos, -	30 00
30,	344	Nathan Mills, -	For beef furnished Kickapoos in July and August, -	70 00
30,	345	J. Lakenam, -	For repairing 18 rifles for Kickapoos, viz: for 30 sights, \$15; one side plate, 50 cents; bushing 11 barrels, \$5 50; repairing 17 locks, \$25; 5 loops, \$1 25; 16 screws, \$4; rifling one barrel, \$1 50, breeching and repairing six barrels, \$6 50; splicing one stock, \$1; repairing one guard, 75 cents; stocking one rifle, \$3 50; one guard, 75 cents; one trigger plate, 50 cents; two thimbles, 50 cents; one pair bullet moulds, 75 cents; one pan, 25 cents; steeling 15 axes, \$11 25; repairing two brass kettles, \$1; one bell, 25 cents; 3 steels, 75 cents; 4 beaver spears, \$4; steeling one large —, \$1 50, -	86 00
Sept. 1,	346	B. P. Clain, -	For 1,195 loaves bread furnished 186 Kickapoos in July and August, -	119 50
25,	347	Joseph Archambeau,	For ferriage over the Mississippi, 39 Shawanees and 52 horses, at 50 cents, -	26 00
27,	348	F. Montreuil, -	For ferriage over the Kaskaskia, 95 Shawanees and 156 horses, at 12½ cents, -	19 50

W. C. No. 5.—Continued.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
1820.				
Sept. 29,	349	Jacob Meyer, -	For 402 pounds bread furnished Shawanees in July, August, and September, 1820, -	\$25 12½
29,	350	John Carpenter, -	Ferriage over the Mississippi, 42 Shawanees and 87 horses, at 50 cents, -	43 50
20,	351	Wm. G. Heizer, -	For 546 pounds beef furnished Shawanees in July, August, and September, 1820, -	27 30
20,	352	Joseph Bogy, -	For 157 loaves bread furnished Shawanees in do. -	19 62½
20,	353	J. B. Vallé, -	For 215 pounds beef furnished Shawanees in do. -	10 75
				<u>\$3,583 81½</u>
			<i>Contingencies.</i>	
Jan. 12,	117	Pitzer and Price, -	For keeping horses of Indians when in St. Louis, -	\$6 45
22,	118	J. E. Welch, -	For two quarters' tuition of J. B. Charboneau, a half Indian boy, and firewood and ink, -	16 37½
22,	120	M. Maloney, -	For five cords of wood for use of Indians, -	20 00
Feb. 6,	121	Warner Lewis, -	For one wagon load of fodder for public horses, -	12 00
March 31,	126	L. T. Honoré, -	For boarding, lodging, and washing of J. B. Charboneau, a half Indian, from 1st January to 31st March, 1820, -	45 00
April 1,	128	J. & G. H. Kennerly,	For one Roman History for Charboneau, a half Indian, \$1 50; one pair of shoes for ditto, \$2 25; two pair socks for ditto, \$1 50; six yards coarse linen, \$3; ten yards domestic, \$5; one quire paper and quills, 75 cents; fifty pounds powder, \$25; sixty pounds lead, \$6; fifty pounds tobacco, \$12 50; two quires paper and quills for Charboneau, \$1 50; one Scott's Lessons for ditto, \$1 50; one dictionary for ditto, \$1 50; one hat for ditto, \$4; four yards of cloth for ditto, \$10; fifteen bushels of corn, \$11 25; fifty bushels corn, \$25; two cart loads of hay, \$8; three cart loads wood, \$9; fifty pounds bacon, \$8; fifty loaves bread, \$5; ten pounds powder, \$5; twenty pounds tobacco, \$4; six yards linen, \$3; four yards muslin, \$1 50; thread and buttons, \$1 50; three pair socks, \$4; two quires paper and quills, \$1 50; one ciphering book, \$1; one slate and pencils, 62 cents, for Charboneau; five cords wood for Kickapoos, \$15; fifty bushels corn for ditto, \$25; two loads hay, \$12; one bushel salt, \$3; fifty pounds bacon, \$7 50; forty-six pounds tobacco, \$11 50; six yards corduroy for Charboneau, \$5 25; six yards sheeting, \$4 50; twelve and a quarter yards cotton, \$7 81; four dozen buttons, \$1; silk, thread, and cotton, \$1; two handkerchiefs, \$1; two pair of socks, \$1 50; one hat for Charboneau, \$4; one pair of shoes for ditto, \$2 50; cash paid B. P. Clain for provisions, \$59 10; cash paid White for provisions, \$27 44; cash paid Cohen, as interpreter, \$15, -	368 47
April 2,	131	John Campbell, -	For fifty pounds tobacco, \$20; two pair of blankets, \$14 35; fifteen gallons whiskey, \$22 50; cash paid C. Townen, interpreter, furnished to quiet a party of Sac Indians, when they had one of their men killed by a white man, -	76 85
11,	132	J. E. Welch, -	For one quarter's tuition of J. B. Charboneau, a half Indian boy, including fuel and ink, -	8 37½
11,	133	P. Chouteau, -	For 300 pounds beef, \$24; 300 pounds bread, \$12; six bushels corn, \$4 50, delivered to the Sac Indians, -	40 50
11,	134	Do. -	For 588 pounds beef, \$47 04; 588 pounds bread, \$23 52; four bushels corn, \$8, delivered to the Osage Indians, -	78 56
15,	135	Solomon Mignerou,	For stealing an axe, 75 cents; repairing two axes, \$2 25; mending tomahawk, \$2 12½; repairing two rifles, viz: one hammer and screw, 25 cents; breech-pin screw, 37½ cents; fixing the trigger, \$1 75; a new breech-pin, \$1 50; breech-pin screw, 37½ cents; lock-screw, 25 cents; fixing the tumbler and dog, 62½ cents; spring for the box, 87½ cents; two loops and wire, 25 cents, -	11 37½
May 25,	136	M. L. Malette, -	For making six chiefs' coats, at \$2, -	12 00
12,	137	Solomon Mignerou,	For repairing seven axes, \$4 37½; repairing three traps, \$3; repairing a gun lock, \$1 37½, -	8 75
April 15,	138	M. Lambert, -	For work done for Indian Department, -	6 66
May 17,	139	F. Neil, -	For one quarter's tuition of Toussaint Charboneau, a half Indian boy, -	12 00
24,	140	P. G. Voorhees, -	For freight of five tierces Indian goods from St. Louis to Arkansas river, -	12 95
25,	141	Louis Marly, -	For 404 pounds beef furnished to the Sacs and Osages at St. Louis, -	28 28
26,	142	J. B. Simoneau, -	For making twenty-one chiefs' coats, seventeen at \$2, and four at \$2 50, -	44 00
30,	143	A. Honoré, -	For making three waistcoats, \$4 50, five pair leggings, \$2 50, for Indians at Washington, -	7 00
June 3,	145	James Burrows, -	For fifty bushels corn, -	18 80
5,	147	Bertholet & Rolette,	For making and repairing lock screw, trigger, and main spring of a gun, \$2 25; making two springs, \$1 50; fixing gun and stock, \$1 25; mending four axes, \$1 50; main spring, \$1; fixing hoe and axe, \$1; one screw, 33 cents; pair fish gigs, 37½ cents; main spring and tumbler, \$1 50; making hoe out of an axe, 50 cents; repairing two traps, \$1 62½; repairing hoe, 25 cents; beating an adze, 37½ cents; fixing back sights and screw to a gun, \$1 46; making fish gigs out of rat spears, 37½ cents;	

W. C. No. 5.—Continued.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
1820.			main spring and screw to a gun, 87½ cents; pair fish gigs, 37½ cents; repairing trap, 50 cents; repairing four axes, \$1 50; making screw and hardening a lock, 67 cents; fixing two tomahawks, 37½ cents; making five axes into hoes, \$2 50; repairing kettle, 25 cents; two rivets and one screw, 58 cents; laying an axe and making fish gigs, \$1 50; for work for 31 days, from 1st to 31st May, 1820, at \$1 per day, \$31.	\$55 41½
June 7,	151	Farrar & Walker,	For medical attendance on the Sac and Osage Indians, from 10th March, 1819, to 3d April, 1820, -	25 00
7,	152	S. F. Bowyer,	For making four coats, \$24; four trowsers, \$8; one vest, \$2, for Osages on a visit to Washington, -	34 00
8,	153	Francis Drouin,	For services as interpreter two days, -	3 00
8,	154	N. Mongrain,	For provisions furnished Osages, -	30 00
15,	156	Felix Fontaine,	For services as boatman from 8th May to 10th June, 1820, 34 days, at \$1, -	34 00
15,	157	Jean Brazeau,	For do. do. do. do. at \$1, -	34 00
15,	158	L. Browne,	For do. do. do. do. do. -	34 00
15,	159	B. Langwin,	For do. do. do. do. do. -	34 00
15,	161	Joseph Laplante,	For do. do. do. do. do. -	34 00
15,	160	Thomas Hanly,	For hire of my boat, do. do. at \$1 50, -	51 00
28,	165	Theresa Dumoulin,	For making six chiefs' coats, \$12 50; three dozen shirts, \$12, one pair leggins, 50 cents, -	25 00
30,	167	B. Clain,	For 705 loaves bread, \$70 50; fifty pounds flour, \$50, furnished Indians, -	72 00
30,	168	Jacob Frey,	For 363 lbs. beef furnished Indians at sundry times, -	25 41
30,	170	Joseph Bogy,	For 288 loaves bread furnished Indians from 1st April to 30th June, 1820, -	36 00
30,	170	L. T. Honoré,	For board, lodging, and washing of J. B. Charboneau, a half Indian boy, from 1st April to 30th June, -	45 00
July 1,	175	Berthold & Chouteau	For transportation of presents from St. Louis to Prairie du Chien, 3,500 lbs. at \$3 per 100 lbs., -	105 00
1,	176	Do	For transportation of presents from St. Louis to Prairie du Chien, 1,825 lbs. at \$3 per 100 lbs., -	54 75
1,	177	Joseph Beaudrie,	For services to the Indian Department from 1st to 30th June, 1820, -	18 00
19,	179	Solomon Mignerone,	For making a breech and two screws to a rifle, \$2; two new screws and mending lock, \$1 75; two screws to the breech, 87 cents; one new breech, \$1 50; mending a rifle, \$1 62½; mending touch-pan and lock, \$1 25; mending breech of a rifle, 87½ cents; cleaning rifle and mending the lock, \$2 75; four new screws, \$1 25; mending a trap, \$3 25; making two fish spears, \$1 50; mending a trap, making a new spring and the cross, \$1 87½, -	20 50
Aug. 30,	186	Nathan Mills,	For 288 lbs. beef furnished twelve Osages, -	20 16
Sept. 26,	190	John Ruland,	For two horses furnished a party of Osages on their return from Washington, -	160 00
26,	191	Savard & Collet,	For one anvil, \$18 36; one vice, \$7 62½; one lot of files, \$7 62½; one lot of rasps, \$2 37½; 110 lbs. iron, \$13 75; 11 E. steel, \$3 30; three spike gimblets, 75 cents; one pair tongs and two small hammers, \$3 50; three sledge hammers, \$5 10; box, 25 cents; drayage, 25 cents, -	62 88½
30,	193	Sol. L. Mignerone,	For making two screws for a rifle, 75 cents; for making one spring for a gun lock, 50 cents; cleaning a rifle, 50 cents; mending two springs for gun lock, 75 cents; making a screw for gun lock, 25 cents; mending stock, breech, and lock of a gun, \$1 75; making breech-screw, 50 cents; mending a hoe, an axe, and two traps, \$3 87½, -	8 87½
30,	195	Jacob Frey,	For 240 lbs. beef furnished the Sauckie Indians at sundry times, -	12 00
30,	196	B. P. Leclair,	For 315 lbs. bread furnished the Sauckie Indians at sundry times, -	12 60
30,	197	Do	For 900 loaves of bread furnished the Osages, Sacs, and Foxes, on a visit to St. Louis, -	90 00
30,	199	J. B. Valle,	For 390 lbs. beef furnished the Peorias and Piankeshaws, \$19 50; and 30 lbs. tobacco, \$7 50, -	27 00
30,	200	Joseph Bogy,	For 185 loaves bread furnished the Peoria and Piankeshaws, when receiving their annuities, -	23 12½
30,	201	George Boyd,	For 20 lbs. tobacco, \$5; one steer killed for Indians, \$14; 75 lbs. flour for Indians, \$3, -	22 00
Oct. 1,	203	L. T. Honoré,	For boarding, lodging, and washing of J. B. Charboneau, from 1st July to 30th September, 1820, at \$15 per month, -	45 00
1,	204	Joseph Jouett,	For services to Indian Department from 1st July to 30th September, 1820, at \$216 per annum, -	54 00
3,	208	M. Honoria,	For two loads prairie hay for the Indians' horses, -	9 00
6,	209	Francis Leclair,	For bringing down to St. Louis from river Aux Guivre 42 horses, paying their keeping and ferriage, -	53 37½
12,	210	J. & G. H. Kennerly,	For 117 pounds tobacco, at 16½ cents, -	19 50
19,	211	William Christy,	For keeping and feeding 41 horses 11 days, delivered up by the Sac and Fox Indians, -	100 00
30,	213	John Alexander,	For one cord of wood, -	3 00
Sept. 23,	214	Daniel Magurrin,	For 60 bushels corn, at 50 cents, -	30 00
Nov. 1,	215	Joseph Desharly,	For 12 cords of wood for the use of the Indian Department, -	30 00
2,	216	John Mann,	For use of a wagon and three horses two days, transporting two Winnebagoes, prisoners, from St. Louis to Edwardsville, including ferriage across the Mississippi, -	12 24

W. C. No. 5—Continued.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of disbursements.	Amount.
1820.				
Nov. 8,	217	Sol. M. Mignerou,	For repairs to a rifle, \$1 50; for repairs to two shot guns, \$3 37½; for repairs to a gun for a Pattawatamie, \$3 25,	\$8 12½
Dec. 1,	221	William Christy, -	For keeping two horses and one mule, delivered by the Sac and Fox Indians, -	26 00
1,	222	Pelagie Paul, -	For making 38 chiefs' coats, \$83 50; for making 40 calico shirts, \$13 33½,	96 83
3,	224	T. Goddard, -	For freight of sundry Indian presents from St. Louis to Prairie du Chien, weighing 2,100 lbs., -	84 00
18,	228	James Kennerly, -	For a horse furnished a distressed Indian woman to carry her two children, -	10 00
26,	229	John Reynolds, -	For 80 bushels corn, \$30; 854 bundles fodder, \$20, -	50 00
30,	230	Jacob Frey, -	For 693 lbs. beef furnished sundry Indians, -	48 51
30,	231	T. Goddard, -	For freight of Indians' presents from St. Louis to Prairie du Chien, 2,360 lbs. at \$4 per 100 lbs., -	94 40
31,	233	L. T. Honoré, -	For boarding, lodging, and washing of J. B. Charboneau, from 1st October to 31st December, 1820, at \$15 per month, -	25 00
31,	234	Lukeman & Hawkins,	For repairing nine rifles, \$42 75; steeling two axes, \$1; for one howel, \$1 50; mending a bridle bit, 37½ cents; making two fire steels, 50 cents; repairing rifle for interpreter, \$1 50; mending stirrup, 37½,	48 00
31,	235	Joseph Bogy, -	For 362 loaves bread delivered Shawanee Indians, -	45 25
May 15,	256	John Campbell, -	For services as an express from St. Louis to Rock river, -	30 00
June 5,	257	B. Dumoulin, -	For do do do to Portage des Sioux, -	5 00
6,	258	John Cohon, -	For do do do to Kickapoos, -	15 00
April 4,	259	Felix Fontaine, -	For do do up the Mississippi, -	4 00
April 17,	260	Paul Loise, -	For do do to the Osage nation, -	15 00
Dec. 28,	261	Felix Fontaine, -	For do do to Bonhomme with despatches, -	5 50
Jan. 1,	255	Pierre Menard, -	For hiring do - - - - -	-
1,	98	Do - - - - -	For provisions furnished the Indians, -	6 30
1,	99	Do - - - - -	For do do and hire of a boat, -	7 50
March 31,	270	— Cohon, -	For services as interpreter to Kickapoos, -	15 00
May 9,	271	Alexander Papin, -	For services as interpreter to Pawnee, Loups, Grand Pawnee, and Pawnee republicans, -	30 00
9,	272	Charles Simoneau, -	For services as interpreter to Pawnee republicans, -	30 00
July 1,	273	Baptiste Durion, -	For do do to Ottoes and Missourias, -	47 00
Oct. 1,	276	Michael Birdair, -	For do do to Mahas and Pawnees, -	30 00
1,	277	Etienne Malbeauf, -	For do do to Pawnee, Loups, Grand Pawnees, and Pawnee republicans, -	30 00
June 5,	277	P. L. Chouteau, -	For this sum advanced for the purpose of defraying expenses of a deputation of Osages on a visit to Washington, -	800 00
July 31,	278	O. H. W. Stull, -	For five passages to Cumberland, \$36; five suppers and lodgings, \$4 50, -	40 50
	279	Robert Maury, -	For expenses of himself and Indians, -	3 50
	280	P. L. Chouteau, -	For expenses of Osage chiefs from St. Louis to their village, -	35 00
	281	R. Prince, -	For cloth for Osage chiefs, -	4 50
	282	I. W. Foster, -	For refreshments and ferrage for self and Indians at Point Pleasant, -	1 50
30,	283	John Davis, -	For six seats in mail stage from Washington to Fredericktown, -	24 00
30,	284	Richard J. Bugh, -	For five breakfasts, -	3 00
30,	285	Joseph Talbot, -	For five dinners, \$3; five seats in stage to Hagerstown, \$18, -	21 00
31,	286	R. Beare, -	For five breakfasts, -	3 00
Aug. 1,	287	James Reeside, -	For board and lodging five persons, \$4 50; stage fare for five persons, \$35, -	39 50
1,	288	Thomas Pratt, -	For dinners and liquors for Indians, -	3 00
2,	289	Widow Moore, -	For liquors for Indians, -	3 50
2,	290	C. Evans, -	For expenses for Indians, -	18 50
2,	291	Henry Moon, -	For five stage fares to Wheeling, -	17 50
8,	292	Wm. B. Jones, -	For medicine and attendance on Indians, -	7 00
9,	293	Richard Simms, -	For boarding for one week of Indians, and liquors and segars for Indians, and cash for one pair of shoes for Indians, -	65 00
9,	294	Redick McKee, -	For five mattresses, \$11 25; one gallon brandy and jug, \$4 75; one gallon Madeira wine, \$5; eight lbs. loaf sugar, \$2 66½; one quart whiskey and nutmeg, 25 cents; soap, \$1, furnished the Indians for their passage down the Ohio in a keel-boat, -	24 92
11,	295	James Bealy, -	For expenses of Indians, -	3 50
13,	296	B. B. Stith, -	For expenses of Indians and liquors, -	5 00
19,	297	John Keel, -	For dinners of Indians and liquors, -	5 75
21,	297	John Mallary, -	For passage of Indians down the Ohio, from Wheeling to Louisville, -	125 00
24,	298	M. Roberts, -	For cloth for Indians, -	5 00
25,	299	Hays McCallen, -	For five dinners for Indians and liquors, -	3 37½
25,	300	James Fisher, -	For five breakfasts and five suppers and liquors for Indians, -	7 00
25,	301	George Gilford, -	For lodgings and suppers for Indians, -	4 50
25,	302	A. Allan, -	For boarding, lodging, washing, and liquors for five persons four days, -	48 25
26,	303	James Read, -	For five dinners and liquors for Indians, -	3 25
26,	304	Thomas Moore, -	For five breakfasts for Indians, -	3 37½
27,	305	P. Garley, -	For five dinners for Indians, -	3 87½
27,	306	L. G. Austin, -	For five suppers, lodgings, and liquors for Indians, -	4 25
27,	307	P. Craigg, -	For five breakfasts and liquors for Indians, -	3 37½
28,	308	A. P. Ashley, -	For five breakfasts and liquors for Indians, -	3 37½
28,	309	William Smith, -	For dinners and liquors for Indians, -	3 12½
29,	310	Jos. Le Blanc, -	For transportation of Indians' baggage from St. Charles to St. Louis, -	6 00

W. C. No. 5—Continued.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
1820.				
Aug. 29,	311	J. Chandler,	- For washing Indians' clothes,	\$2 75
29,	312	C. Beauman,	- For boarding and lodging Indians,	20 00
29,	313	Auguste Dubois,	- For two deer skins for Indians,	3 00
30,	314	Robert Keller,	- For dinners and liquors for Indians and horse feed,	4 25
30,	315	Samuel Ramsey,	- For suppers, lodgings, and liquors for Indians, and horse feed,	5 12½
30,	316	Samuel Inclabb,	- For breakfasts, liquors, and horse feed, for Indians and horses,	3 87½
30,	317	John C. Holland,	- For one saddle, \$14; one bridle, \$1 50; one surcingle, \$1 25, for an Indian to ride,	16 75
31,	318	L. Cramer,	- For suppers, lodgings, liquors, and horse feed, for Indians and horses,	5 00
31,	319	George Roberts,	- For dinners, lodgings, liquors, and horse feed, for Indians and horses,	4 25
31,	320	John J. Fecllet,	- For breakfasts, lodgings, liquors, and horse feed, for Indians and horses,	3 37½
Sept. 1,	321	Daniel Grower,	- For dinners, lodgings, liquors, and horse feed, for Indians and horses,	3 50
1,	322	John Lawrence,	- For suppers, lodgings, liquors, and horse feed, for Indians and horses,	4 75
1,	323	P. Gilmoor,	- For breakfasts, lodgings, liquors, and horse feed, for Indians and horses,	3 50
2,	324	Joel Medley,	- For liquors, cigars, and horse feed, for Indians and horses,	3 75
3,	325	John Ball,	- For expenses of Indians and horses,	2 12½
4,	326	Robert Bowman,	- For transportation of Indians' baggage from Louisville to St. Louis,	125 00
5,	327	John Bains,	- For one horse sold P. L. Chouteau,	120 00
Aug. 26,	328	I. Tomlinson,	- For suppers, lodgings, liquors, and horse feed, for Indians and horses,	4 62½
Sept. 29,	329	Berthold&Chouteau,	For six blankets, \$23 25; five yards scarlet cloth, \$15; five yards blue cloth, \$12 50; three shawls, \$3; twenty-one yards calico, \$10 50; three black silk handkerchiefs, \$3; three pair scissors, \$1 50; one pound vermilion, \$2; one dozen butcher knives, \$3; two N. W. guns, \$22; twenty pounds chewing tobacco, \$4; delivered to three Osage chiefs by order of the honorable Secretary of War,	99 75
30,	330	Pierre Chouteau,	- For boarding and lodging three Osage Indians on their return from Washington, thirty days,	90 00
30,	331	Joseph Cotte,	- For services of self and three men in transporting a set of blacksmiths' tools and Indians' baggage to the Osage nation,	75 00
30,	332	Antoine Janis,	- For two bushels corn meal,	2 00
30,	333	R. Paul,	- For two barrels and two bags pilot bread,	8 00
30,	334	J. St. Germain,	- For one large pirogue,	12 00
30,	335	R. S. Wiggins,	- For ferrriage of Indians across the Mississippi,	2 50
Oct. 5,	337	Berthold&Chouteau,	For nineteen pounds tobacco, \$3 04; eight pounds vermilion, \$16; five dozen butcher knives, \$12 50,	31 54
3,	336	P. L. Chouteau,	- For sundry payments made for tolls, ferrriages, and other small expenses made on my tour with the Osage deputation to and from Washington,	190 75
March 30,	358	Berthold&Chouteau,	For one bellows, \$45; one anvil, \$44 25; one vice, \$9 37½; one sledge, \$3; two hand hammers, \$3; five pairs of tongs, \$7 50; two nail hammers, \$2; one large screw plate, \$8; four rivet tools, different sizes, \$6; one fall hammer, \$1; two — for axes, \$3; two axes, small, \$2; six steel punches, \$4 50; four —, bound, \$3; one iron square, \$1; one shoeing box complete, \$5; one set for making shoes, \$1 50; one dozen chisels, \$3; sixteen gouges, \$3 50; four small saws, \$3; three burnishers and one scraper, \$1; one brace and sixteen bits, \$3; one iron brace, and seven reemers, \$6; three pair round pliers, \$2; one pair flat pliers, \$1; one pair cutting pliers, \$1; two hand saws, \$6; three hammers, \$3; two hand vices, \$2; two compasses, 25 cents; two planes, \$2; two mouldings for stock, \$2; twelve cheries for making moulds, \$9; thirty-six chisels, gouges, and punches, \$4 50; two small screw-plates, \$1 50; one drill-box, and four drills, \$1 50; one middle stroke plate, \$1; two screw-drivers, \$1; two sprig awls, 25 cents; one spring screw-plate, \$7, two drawing knives, \$2; two cutting rods, \$6; three boring rods, \$4; one cleaning rod, \$1; one model for making thimbles, 50 cents; three tools for making dogs, \$3; one tool for pans, \$2; one mill for cutting tumblers, \$5; fourteen large files, \$5 25; fourteen small files, \$2; one hundred and eight pounds best Crowley steel, \$43 20; four hundred and thirty-five pounds iron, \$60 90,	304 10
				<u>\$5,709 83</u>
<i>Presents.</i>				
March 31,	127	Berthold&Chouteau,	For forty-five pair blankets, \$387 7½; six pounds thread, \$9; three dozen combs, \$5 62½; ten pieces riband, \$25; two gross binding, \$14 50; two pieces blue silk handkerchiefs, \$22 50; four gross finger rings, \$11 50; five gross awls, \$12 50; nine pieces blue strouding, \$492 10; twenty-one pieces calico, \$186; fourteen pounds vermilion, \$31 50; four pieces muslin, \$24; five hundred silver brooches, \$25; twelve pair arm bands, \$60; five moons, \$7 50; seven sets half-moons, \$71 75; six pounds blue and white beads, \$6; five large brooches, \$11 25; twelve pair	

W. C. No. 5—Continued.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
1820.			wristbands, \$32 20; four hat feathers, \$3 50; eight thousand grains wampum, \$80; one gross gun screws, \$2 50; twenty hats, \$80; forty N. W. guns, \$432; five hundred pounds gunpowder, \$250; eight hundred pounds lead, \$80; one thousand four hundred and eighty pounds tobacco, \$296; forty-three corn hoes, \$64 50; fourteen pounds English vermilion, \$28; one nest brass kettles, \$110; two nests iron kettles, \$22; six axes, 18; three pieces red cloth, sixty-eight yards, \$238; eight gross red and yellow binding, \$28; five pieces Madras handkerchiefs, \$12 50; three pieces domestic plaids, \$11 62½; thirty-eight and three-quarter dozen butcher knives, \$132 64; two and a half dozen finger rings, \$1 25; thirty-seven chiefs' coats, \$620; sixty calico shirts, \$96; eight and a half pounds verdigris, \$12 25; ten yards red baize, \$15; six thousand common cigars, \$21; two thousand flints, \$10; twelve dozen fire steels, \$7 20; three and a half dozen fire steels, \$2 04; twenty-nine tinder boxes, \$7 56; twenty-six dozen field glasses, \$24 10; two gross gun worms, \$5; ten pounds blue and white beads, \$10; one dozen hat bands, \$4; eleven dozen butcher knives, \$38 50; two yards red baize, \$3; two rifles, \$50; eleven boxes, \$11; three casks, \$3; drayage, \$5 37½.	\$4,271 57
June 5,	148	Christian Welt & Co.	For three yards of blue cloth, \$13 50; three pair of cotton suspenders, \$1 50; six skeins of silk, 75 cents; five pieces of calico, \$40; four ounces of Scotch thread, \$1; twenty dozen basket and gilt buttons, \$5; one pound of Scotch thread, \$4; one piece of calico, \$7; twenty and a half yards of domestic cotton, \$6 25; seven and three-quarter yards of Scotch sheeting, \$2 91; sixty-four yards of riband, \$9 87½; two and a quarter pieces of twilled Madras handkerchiefs, \$9,	100 88½
6,	149	A. P. Chouteau.	For sixty-seven and a half pounds of gunpowder, \$99 75; one shot gun, \$15; ten yards of blue cloth, \$40; six dozen butcher knives, \$24; one and a half dozen black silk handkerchiefs, \$27; one blanket, \$10; two dozen gun flints, \$4,	219 75
6,	150	R. Paul,	For one great coat, \$28; one vest, \$3,	31 00
9,	155	Chouteau & Sarpy,	For four pair of fine shoes, \$12; three pair of half hose, \$1 50,	13 50
26,	162	Berthold & Chouteau,	For ten thousand grains of wampum, \$75; six N. W. guns, \$66,	141 00
28,	166	John W. Johnson,	For four hundred pounds of lead at 5 cents,	20 00
30,	169	Fred. Dent,	For one pair of shoes, \$2; five and a half yards white jean, \$4 81½ one and a half yards of muslin, 75 cents; one pair of stockings, 75 cents; two balls of boss, 12½ cents; three dozen buttons, 37½ cents,	8 81½
30,	173	J. & G. H. Kennerly,	For eleven hats, \$44; four dozen large shawls, \$30; eighteen and a half yards of scarlet cloth, \$69 37½; forty-seven and a quarter yards of blue cloth, \$54 10½; one hundred pounds of bacon, \$10; beef, \$28 28; snuff for Indian women, 25 cents; half-dozen hose, \$9; one pair of shoes, \$2; four gross of buttons, \$16; one hat, \$4; twenty-six pounds of sugar, \$6 50; twelve pounds of coffee, \$6; three pounds of candles, 75 cents; six black silk handkerchiefs, \$9; two loads of wood, \$2; twenty pounds of bacon, \$2 50; fish, 50 cents; quarter of a pound of thread, \$1; half-dozen plumes, \$5 50; six hats, \$24; six silver cockades, \$4 50; eggs, \$1; eleven gallons of whiskey, \$11; one keg for whiskey, \$1 75,	315 01
July 1,	178	Antoine Dangen,	For six pair of armlets, \$30; four pair of bands for wrists, \$8; twelve cockades, \$2 20; five medals, \$5; six plates, \$6,	51 20
Sept. 14,	188	Lilburn W. Boggs,	For three pair of blankets, at \$6 75; three pair of blankets, at \$2 65; two yards of cloth, at \$1 75; fifteen yards of calico, at 50 cents; two pounds of tobacco, at 10 cents; three copper kettles, eight pounds, at 66½ cents; one pound of vermilion, at \$2 50; nine knives, at 17 cents, with fifty per cent. advance, furnished the Little Osage Indians,	110 00
16,	189	J. & G. H. Kennerly,	For one hundred and twenty-two pounds of tobacco,	21 05
27,	192	James Woods,	For a horse for a chief of the Osage nation on his return from a visit to Washington,	35 00
30,	198	J. & G. H. Kennerly,	For two kegs of whiskey, ten gallons, \$10; thirty-three blankets, \$115 50; two hundred and forty-nine pounds of tobacco, \$48 90; twenty-one pounds of powder, \$15 75; ten pounds of shot, \$1 25; twenty-three butcher knives, \$11 50; one pound of vermilion, \$3; five shirts, \$8 12; one inkstand, 50 cents; ten yards of scarlet cloth, \$40; forty-four pounds of lead, \$3 08; one dozen looking-glasses, \$1 50; nine pipe tomahawks, \$22 50; one barrel of pork, \$18; five bear skins, \$10; thirty pounds of shot, \$3; twelve black silk handkerchiefs, \$10; one rifle, \$25; one piece of strouding, \$28; four calico shirts, \$6 50; one bullet mould, \$1,	383 10
Oct. 1,	202	Do.	For one hundred pounds of powder, \$50; two pounds of vermilion, \$6; six pounds of verdigris, \$9; five hundred flints, \$5; one nest of brass kettles, \$33 75; four pieces of salam-pores, \$58; four pieces of broad gartering, \$3 75; four pieces of riband, \$5; four dozen fire steels, \$5; two dozen butcher knives, \$6; one dozen superior butcher knives, \$4 50; twelve dozen looking-glasses, \$12; one hundred and twenty-three and a quarter yards of domestic, \$46 12; one piece of black silk handkerchief, \$11; four pounds of thread, \$6; two hundred needles, \$2; ten pounds of blue and white beads, \$15; one do-	

W. C. No. 5—Continued.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
1820. Oct. 1,	205	J. & G. H. Kennerly,	zen hose, \$18; eight shot guns, \$64; one dozen box wood combs, 11 25; six dozen fine combs, \$10 50; five pounds of worsted yarn, \$15; four roram hats, \$16; five pounds of brass wire, \$7 50; five bunches of seed beads, \$3 75; sixteen pair of blankets, \$118 50; eighteen and a half yards of blue cloth, \$46 25; one hundred and fourteen pounds of tobacco, \$20 52; one rifle, \$25; twenty Indian shirts, \$32 50; one large box, \$2; two small boxes, \$2; drayage, \$3, - For two hundred and eighty-three pounds of tobacco, \$50 94; eighty-seven and a half pounds of powder, \$43 75; two hundred and twenty-five pounds of bar lead, \$11 25; five pounds of vermilion, \$15; three pounds of verdigris, \$4 50; two hundred and fifty gun flints, \$2 50; twelve shot guns, \$96; sixteen pair of blankets, \$120 50; three pieces of strouding, \$84; three pieces of salampores, \$43 50; two pounds of thread, \$3; three hundred needles, \$3; one nest of brass kettles, \$33 75; nine garden hoes, \$13 50; four and a half dozen combs, \$8 31; four dozen fire steels, \$5; one dozen scissors, \$3; twelve dozen butcher knives, \$43 50; one gross of looking-glasses, \$12; half gross of common gartering, \$1 75; one-half gross of Scotch gartering, \$3 75; three pieces of riband, \$7 50; one gross of Indian awls, \$2 50; one-half gross of brass finger rings, \$1 25; one and a half dozen of Madras handkerchiefs, \$6; thirteen Indian shirts, \$21 07½; one pair of silver arm bands, \$6 50; one pair of silver wristbands, \$2 50; one pair of silver gorgets, \$6; one-half dozen pipe tomahawks, \$15; five pounds of blue and white beads, \$7 50; one gross of gun worms, \$2 50; one piece of black silk handkerchiefs, \$11; seventy-seven yards of domestic, \$28 87½; nine yards of scarlet cloth, \$40 50; one and a half pounds of worsted yarn, \$4 50; four hats, \$16; three beaver traps, \$10 50; thirty-one yards of domestic, \$11 62½; one rifle, \$25; ten large shawls, \$10; one chief's coat, \$20; one-half gross of Scotch gartering, \$3 25; two packs of pins, \$3; half dozen half axes, \$8; two small boxes, \$2; drayage, \$1 50, -	\$673 90
1,	206	J. & G. H. Kennerly,	For two hundred and eighty-three pounds of tobacco, \$50 94; eighty-seven and a half pounds of powder, \$43 75; one hundred and twenty-five pounds of bar lead, \$6 25; five pounds of vermilion, \$15; three pounds of verdigris, \$4 50; two hundred and fifty gun flints, \$2 50; twelve shot guns, \$96; sixteen pair of blankets, \$120 50; two pieces of strouding, \$50; three pieces of salampores, \$43 50; two pounds of thread \$3; three hundred needles, \$3; one nest of brass kettles, \$33 75; nine garden hoes, \$13 50; four and a half dozen combs, \$8 31; four dozen fire steels, \$5; one dozen scissors, \$3; twelve dozen butcher knives, \$43 50; one gross of looking-glasses, \$12; half gross of common gartering, \$1 75; half gross of Scotch gartering, \$3 75; three pieces of riband, \$7 50; one gross of Indian awls, \$2 50; half gross brass finger rings, \$1 25; one and a half dozen Madras handkerchiefs, \$6; thirteen Indian shirts, \$21 13; one pair of silver arm bands, \$6 50; one pair of silver wristbands, \$2 50; half dozen pipe tomahawks, \$15; five pounds of blue and white beads, \$7 50; one gross of gun worms, \$2 50; one piece of black silk handkerchiefs, \$11; nine yards of scarlet cloth, \$40 50; one and a half pounds of worsted yarn, \$4 50; four hats, \$16; three beaver traps, \$10 50; eighteen yards of blue cloth, \$45; one rifle, \$25; one chief's coat, \$20; half a gross of Scotch gartering, \$3 75; half a dozen half axes, \$8; one large box, \$2; drayage, \$1 50, -	876 52
	207	J. & G. H. Kennerly,	For four hundred and sixty-seven pounds of tobacco, \$74 16; one hundred pounds of powder, \$50; five pounds of vermilion, \$15; five hundred gun flints, \$5; four pieces of strouding, \$112; seventeen and a half yards of scarlet cloth, \$78 75; five pieces of calico, \$45; two nests of brass kettles, fifty-three pounds, \$66 25; one gross of gartering, \$3 50; three pieces of riband, \$7 50; one gross of moccasin awls, \$2 50; four dozen fire steels, \$5; one gross of finger rings, \$2 50; twelve dozen butcher knives, \$45; one gross of looking-glasses, \$12; forty-one yards of domestic, \$15 07; thirty and a half yards of domestic, white, \$11 43; one piece of black silk handkerchiefs, \$11; five pounds of white thread, \$12 50; two hundred needles, \$2; ten pounds of blue and white beads, \$15; one dozen hoes, \$18; four guns, \$32; two dozen scissors, \$6; half a dozen pipe tomahawks, \$15; sixteen Madras handkerchiefs, \$5 33; one gross of gun wipers, \$2 50; one dozen tin pans, \$6; one dozen tin cups, \$4 50; thirty and a half pair of blankets, \$203, -	829 63
Dec. 13,	227	Tracy & Wahrendorff,	For twenty-four and three quarter yards of blue cloth, at \$4; twenty and a half yards of blue cloth, at \$3; to make coats for Indian chiefs, -	883 54
March 30,	358	Berthold & Chouteau,	For eighteen pair of Mackinac blankets, \$163 72; three pieces of domestic, \$33 06; one piece of spotted swanskin, \$31 40; one piece of muslin, \$5; two pieces of calico, \$21 60; fifteen pieces of common calico, \$30; thirty-seven yards of blue cloth, \$92 50; one piece of strouding, \$49 95; six dozen glasses (look-	160 50

W. C. No. 5—Continued.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
1820. Sept. 1,	359	Berthold & Chouteau,	ing,) \$5 25; six hanks of worsted yarn, \$3; five dozen scissors, \$14 50; four pounds of thread, \$6; five dozen combs, \$9 37; five hundred flints, \$2 50; one gross of broad gartering, \$7 25; two pieces of Madras handkerchiefs, \$8; five pieces of riband, \$12 50; one piece of black silk handkerchiefs, \$11 25; one piece of calico, \$14 50; one gross of Indian awls, \$2 50; fourteen pounds of vermilion, \$28; one piece of blue moulton, \$32; one dozen fire steels, \$1 50; three tinder-boxes, \$1 12, ten pounds of blue and white beads, \$10; eight N. W. guns, \$86 40; one nest of iron kettles, \$11 20; one dozen hoes, \$18; seven pounds of verdigris, \$10 50; one gross of knives, \$25; three axes, \$9; thirty-three and a half gallons of whiskey, \$25 12; four hundred and sixty-eight pounds of tobacco, \$93 60; one hundred and fifty pounds of gunpowder, \$75; two pair of silver wristbands, \$5 70; four dozen tin cups, \$4; half a dozen large pans, \$2 50; nine pans, \$4 02; four ladles and one camp kettle, \$2 25; one gross of gun screws, \$2 50; five pieces of best India muslin, \$30; five hundred W. C. needles, \$5; one grindstone, \$10 87; six hats, \$24; six chiefs' coats, \$96, - - - - -	\$1,137 13
			For four pieces blue strouding, \$199 80; twenty-two pairs Mackinac blankets, \$214 02; one piece Salampore calico, \$14 50; one pair blankets, \$16; four pieces furniture calico, \$53 20; one piece black silk handkerchiefs, \$11 25; four pieces riband, \$10; one gross broad gartering, \$7 25; one and a half pound worsted yarn, \$3; twelve N. W. guns, \$129 60; one gross butcher knives, \$25 28; one and a half dozen Indian awls, \$3 75; two dozen scissors, \$5 50; eight dozen assorted combs, \$12 22; one thousand flints, \$5; half gross looking-glasses, \$4 50; nine hat feathers, \$6 34; two gross finger rings, \$5 75; one set half-moon gorgets, \$10 25; one pair arm bands, \$5; four pair wristbands, \$9; one silver brooch, \$2 25; ten pounds vermilion, \$22 50; eight pounds verdigris, \$12; one nest iron kettles, \$11; four pounds thread, \$6; one dozen hoes, \$18; seven tinder-boxes, \$2 62; eight hats, \$32; two dozen fire steels, \$2; five hundred and ninety-two pounds tobacco, \$118 40; two hundred pounds powder, \$100; twenty-five pounds lead, \$2 50; thirty-eight gallons whiskey, \$28 50; four hundred needles, \$4; one gross gun screws, \$2 50; six dozen Madras handkerchiefs, \$19 50; twelve pounds blue and white beads, \$12; two thousand grains blue and white wampum, \$20; two axes \$6; eight chiefs' coats, \$128; twenty-two calico shirts, \$33, - - - - -	1,323 98
			<i>Annuities.</i>	
		Kaskaskia chiefs, -	For this sum paid the Kaskaskia Indians, for their annuity for the year 1820, out of the Indian Department, in pursuance of a treaty under date of 13th August, 1803, and for which there has never been any special appropriation by Congress, -	500 00
				11,607 07½

RECAPITULATION.

Salaries, - - - - -	\$15,886 46
Indian emigrants, - - - - -	3,583 81½
Contingencies, - - - - -	5,709 83
Presents, - - - - -	11,607 07½
Annuities, - - - - -	500 00
	\$37,287 18½

W. C. No. 6.

Abstract of disbursements made by William Clark, Governor of the Missouri Territory, and ex officio Superintendent of Indian Affairs, between the 1st January and 16th July, 1821.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
1821.	-	William Clark, -	For compensation allowed him as superintendent of Indian affairs, in pursuance of instructions from General Armstrong, while Secretary of War, under date of 8th April, 1813, being at the rate of \$1,500 per annum, from January 1 to March 31, 1821, - - - - -	\$375 00
Jan. 1,	12	Benj. O'Fallon, -	For his salary as Indian agent, from October 1 to December 31, 1820, - - - - -	450 00
March 31,	26	John Ruland, -	For his salary as Indian sub-agent, from January 1 to March 31, 1821, - - - - -	125 00
Jan. 1,	3	Pierre Menard, -	For his services as Indian sub-agent for the Shawanees, Piankeshaws, Delawares, &c., from October 1 to December 31, 1820, -	125 00
	38	E		

W. C. No. 6—Continued.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
1821.				
April 1,	13	B. O'Fallon,	For his salary for the months of January, February, and March, 1821,	\$450 00
March 31,	18	T. Forsyth,	For his salary as Indian agent, from January 1 to March 31, 1821,	300 00
31,	79	Louis Pettle,	For his services as interpreter for the Sac and Fox nation of Indians, from January 1 to March 31, 1821,	90 00
31,	67	Paul Loise,	For his services as Indian interpreter, from January 1 to March 31, 1821,	100 00
31,	60	L. T. Honoré,	For his services as Indian interpreter, from January 1 to March 31, 1821,	100 00
31,	53	John Ruland,	For his services as interpreter, translator, &c., from January 1, to March 31, 1821,	100 00
Jan. 1,	52	John Ruland,	For his services as interpreter, translator, &c., from October 1 to December 31, 1820,	100 00
1,	47	John Dougherty,	For his services as Indian sub-agent and interpreter, from October 1 to December 31, 1820,	237 50
April 1,	48	John Dougherty,	For his services as Indian sub-agent and interpreter, from January 1 to March 31, 1821,	237 50
June 30,	1	Duncan Campbell,	For his pay as Indian sub-agent, from April 1 to June 30, 1821,	125 00
2,	2	C. Campbell,	For his services as interpreter, from April 1 to June 30, 1821,	91 00
18,		L. Taliaferro,	For his compensation as Indian agent, from April 1 to June 30, 1821,	325 00
July 1,	1	J. Dougherty,	For his services as sub-agent and interpreter, from April 1 to June 30, 1821,	237 50
June 1,	2	T. Charbonne,	For his services as interpreter for the months of January to May 31, 1821,	150 00
1,		M. Birdeau,	For his services as interpreter to the Indians,	20 00
30,		T. Forsyth,	For his services as Indian agent, from April 1 to June 30, 1821,	300 00
8,		Louis Pettle,	For his services as interpreter, from April 1 to June 30, 1821,	91 00
8,	379	D. Campbell,	For his services as Indian sub-agent, from July 1, 1820, to March 31, 1821,	375 00
Nov. 31,	380	C. Campbell,	For his services as interpreter, from January 1 to March 31, 1821,	92 00
July 1,	381	N. Boilvin,	For his services as Indian agent, from April 1 to June 30, 1821,	300 00
April 20,	382	P. Menard,	For his salary from January 1 to March 31, 1821,	230 00
March 31,	385	G. C. Sibley,	For his salary from April 1 to June 30, 1821,	125 00
June 30,	388	G. C. Sibley,	For his salary from January 1 to March 31, 1821,	125 00
30,	390	I. Lambert,	For his services as a gunsmith and blacksmith, at \$30 per month,	225 00
30,	392	John Ruland,	For his salary as Indian sub-agent, from April 1 to June 30, 1821,	125 00
30,	391	John Ruland,	For services as French and English interpreter, &c., from April 1 to June 30, 1821,	100 00
30,	393	I. L. Honoré,	For services as Indian interpreter, from April 1 to June 30, 1821,	100 00
30,	394	Paul Loise,	For services as Indian interpreter, from April 1 to June 30, 1821,	100 00
May 31,	395	Jos. Montre,	For pay as Indian interpreter, from January 1 to March 31, 1821,	90 00
July 1,	396	Jos. Montre,	For pay as Indian interpreter, from April 1 to June 30, 1821,	91 00
March 31,	397	Jacques Vanier,	For his services as blacksmith, from January 1 to March 31, 1821,	90 00
July 1,	398	Jacques Vanier,	For his services as blacksmith, from April 1 to June 30, 1821,	91 00
May 30,	411	Louis Pettle,	For his services as interpreter, from May 10 to July 7, 1817,	59 00
July 1,	370	B. O'Fallon,	For his services from April 1 to June 30, 1821,	450 00
March 30,	387	Amasa Crane,	For his salary as blacksmith, from October 1 to February 12, 1821,	183 33
July 6,	389	P. L. Chouteau,	For compensation as special Indian sub-agent, from January 1 to June 30, 1821,	216 25
<i>Contingencies.</i>				
April 1,	251	B. Tobin,	For services attending Indian horses, for two months,	38 00
Jan. 15,	237	H. St. Cyr,	For fifteen cords of wood, at \$3 per cord, and hauling,	58 12½
Feb. 13,	234	Smith & Ferguson,	For six iron squares, at 68½ cents each,	4 12½
13,	244	Tracy & Wahrendorf,	For one dozen files, 12 inch; one dozen 10 inch, half dozen rasps, three dozen round files, one handsaw, one vice, one bellows, two hammers, and one sledge,	72 21
March 1,	246	William Clark,	For four loads of hay for Indian horses,	20 00
1,	247	B. Dumoulin,	For boarding two Kickapoo Indians and three horses, two days,	2 00
27,	248	G. Dougherty,	For three cart loads of hay for public and Indian horses,	15 00
31,	250	Jacob Fry,	For sixty pounds beef and thirty-six loaves of bread delivered to Indians,	5 25
June 3,	418	William Guger,	For transportation of sundry articles,	295 58
16,	378	J. & G. H. Kennerly,	For two barrels of pork, four barrels of biscuit, one barrel of flour, one barrel of whiskey, and two pounds of nails; also, for the hire of a boat, sails, oars, poles, rigging, and cooking utensils, from May 15 to June 16, at \$1 25 per day,	41 25
16,	377	Sundry boat hands,	For services from St. Louis to Rock Island, at \$25 each trip,	175 00
April 11,	383	P. A. Loramier,	For transporting three tierces and a barrel containing the annuities of the Indians,	80 00
20,	384	S. Saucier,	For transportation of specie in 1820,	12 50
March 30,	386	S. W. Boggs,	For fourteen pounds of steel furnished for the Osage Indians,	5 43
30,	387	Amasa Crane,	For services as a gunsmith, (<i>See salaries.</i>)	
June 30,	399	Bartholomew Tobin,	For services attending Indian horses and other property for two months,	30 00
April 8,	400	Earl & Light,	For two ploughs for breaking up prairie lands for Kickapoo Indians,	40 00
14,	401	A. Osborne,	For a wood axe for the Kickapoo Indians,	3 50

W. C. No. 6—Continued.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
1821.				
May 1,	402	John B. Smith, -	For boarding, clothing, &c. of an Indian girl redeemed from servitude, -	\$30 00
22,	403	Jesse Evans, -	For four hundred and ninety-six bushels of corn delivered to the Kickapoo Indians, -	372 00
7,	404	Farrar & Walker, -	For medical services rendered the Indians from June 25 to October 19, 1820, -	20 00
8,	405	Duff Green, -	For tobacco, paint, and provisions delivered to the chiefs of the Ioway tribe, -	20 00
30,	406	S. L. Migneson, -	For repairing a lock, a rifle, and a medal for an Ottawa chief, -	3 00
30,	407	J. L. Provanchier, -	For services in hunting and pursuing horses in the prairies, -	8 00
July 10,	408	Joseph Montagne, -	For repairing beaver traps, axes, and a kettle, and making fish spears, and a battle-axe, -	9 75
10,	410	J. B. Coured, -	For one thousand and nineteen loaves of bread furnished sundry tribes of Indians at St. Louis, in 1821, -	63 69
16,	412	L. Bonpart, -	For his expenses bringing to St. Louis \$6,726 from Franklin, -	30 00
June 11,	417	G. H. Kennerly, -	For freight of goods from St. Louis to the river St. Peter's, -	179 24
April 30,	419	W. Hays & P. Curry, -	For services guarding a Sioux Indian confined for murder, -	12 00
May 1,	420	N. Linch, -	For transportation of eight Indians and their conductor from Prairie du Chien to St. Louis, -	30 00
6,	421	Earl & Wright, -	For putting irons on two Winnebagoes who were taken at Kaskaskia, -	3 75
3,	422	Jane Richards, -	For boarding and lodging, Madeira wine, and claret, furnished a sick interpreter, -	6 00
21,	423	Henry Curtis, -	For tollage of wagon and horses, also of Indians, -	75
21,	423	J. H. Dennis, -	For supper, lodging, and horsefeed, for interpreters, witnesses, and Indians, on their way to Vandalia, to attend the trial of three Indians charged with murder, -	8 00
21,	423	Wm. Shane, -	For supper, lodging, and horsefeed, for interpreters, witnesses, and Indians, on their way to Vandalia, to attend the trial of three Indians charged with murder, -	6 37½
21,	423	G. Bullard, -	For use of wagon and two horses, transporting witnesses to the trial of the Winnebago Indians charged with murder, -	18 00
21,	423	Michael Dodd, -	For suppers, lodging, &c. of witnesses, as above, -	3 50
21,	423	John Sheils, -	For furnishing a room to the Indian witnesses five days, -	1 25
21,	423	M. K. Bottsford, -	For furnishing lodging for three interpreters, and for pork, beef, whiskey, corn meal, tobacco, sugar, lead, and powder, furnished sundry Indians, -	22 87½
21,	423	S. Blanchard, -	For supper for three interpreters and Indian witnesses, lodging, horse keeping, &c. -	4 81½
21,	423	C. F. Hammond, -	For transporting interpreters and Indian witnesses to the trial of the Winnebago Indians, -	18 00
21,	423	S. Wiggins, -	For ferrage of sundry persons attending the court, -	5 62½
21,	423	L. T. Honoré, -	For board and lodging of sundry Indians, -	6 50
21,	424	David Robeson, -	For suppers for two interpreters and two Indians, for keeping a horse and guarding the Indian prisoners, -	2 62½
21,	424	Enoch Paine, -	For suppers and lodging of two interpreters, two Indians, and two prisoners, -	3 75
21,	424	S. Lecompte, -	For supper and horse feed, -	1 37
21,	424	John Bullard, -	For transporting Indian prisoners from St. Louis to Kaskaskia, -	2 00
21,	424	A. Bradshaw, -	For breakfast for two Indians and two interpreters, -	75
21,	424	S. Wiggins, -	For crossing four foot passengers, a horse and rider, -	1 50
21,	424	L. T. Honoré, -	For breakfasts, dinners, and horse feed, -	1 87½
22,	425	A. Perault, -	For services as interpreter employed on the trial of the Winnebago Indians, -	43 00
June 2,	426	D. Julien, -	For services in conducting a party of Winnebago Indians, and acting as interpreter, -	75 00
July 30,	427	Colin Campbell, -	For his expenses travelling from St. Peter's to St. Louis, -	25 00
July 1,	428	Farebeau, -	For his compensation as an express to bring in witnesses, -	20 00
1,	428	N. Boilvin, -	For expenses of four Indians sent on express, for an allowance to an Indian to bring in witnesses, and for extra provisions issued to witnesses, such as pork, wood, bread, &c. delivered at Prairie du Chien for 40 days, -	100 00
1,	428	J. B. Carou, -	For provisions furnished the Sioux and Winnebagoes while attending as witnesses, -	68 00
1,	424	Sundry persons, -	For wages while employed for the purpose of assisting in transporting a party of Winnebagoes and Sioux from Prairie du Chien and back, -	150 00
May 24,	429	Berthold & Chouteau, -	For a canoe for the Winnebago Indians attending the trial at St. Louis, -	15 00
<i>Presents to Indians and for Indians.</i>				
Feb. 13,	245	E. Bebe, -	For 12 pairs harness, 12 blind bridles, 12 collars, 12 back bands, 12 belly bands, and 12 pairs of chains and lines, -	120 00
March 30,	249	J. & G. Kennerly, -	For one fine coat for Keacock, principal war chief of the Sac nation, \$21 50; two fine coats for chiefs of his party, 32 00; 15 shirts for them, 24 38; 10½ yards of scarlet cloth for them, 48 37; seven pairs point blankets for them, 35 00; two pieces of calico for them, 14 00; four roram hats for them, 18 00; four plumes for them, 2 00; one piece of blue cloth for them, \$57 50; one piece of strouding delivered to T. Forsyth, Indian agent, for them, 26 25; six pairs of 3½ point blankets for them, 30 00; one dozen butcher knives, 2 25; two black silk handkerchiefs for them, 2 00; six skeins of thread for them, 25 cents; six yards of muslin for them, 2 25; eight	

W. C. No. 6—Continued.

Date of payment.	No. of you.	Payments, to whom made.	Nature of the disbursements.	Amount.
1821. April 10,	413	J. & G. Kennerly, -	yards domestic for them, 3 00; two pieces of strouding by order of the superintendent of Indian trade, 52 50; two pieces of calico for Indians above mentioned, by order of the superintendent of Indian trade, 16 80; five chiefs' coats, 30 00; 30 shirts for them, 48 75; three dozen large butcher knives for them, 9 00; and three pairs of point blankets for them 15 00, For the following articles delivered to Major B. O'Fallon, United States agent for the Missouri tribes, within his agency for the year 1821, viz: Fifty chiefs' coats, \$800 00; 100 Indians' shirts, 150 00; 10 pieces of blue strouding, 270 00; four pieces of scarlet cloth, 584 00; four pieces of Salampore calico, 52 00; one piece of furniture calico, 8 50; 600 lbs. of gunpowder, 240 00; 800 lbs. small bar lead, 48 00; 200 lbs. of shot, 20 00; 2,000 gun flints, 13 00; 1,500 lbs. small twist tobacco, 188 00; 12 dozen paper looking-glasses, 18 00; 55 silver half moons, or breastplates, 66 00; 24 pairs silver arm bands, 120 00; 24 eagle silver cockades, 3 00; two gross of gun worms, 6 00; four gross of mockasin awls, 8 00; two gross of fire steels, 20 00; 5½ gross of butcher knives, all sizes, 198 00; 15 lbs. China vermilion, 37 50; 46 N. W. guns, 496 80; 62 German shot guns, 465 00; 24 pieces of riband, assorted, 30 00; five lbs. blue beads, 5 00; six lbs. thread, 15 00; three gross of gartering, 19 50; two pieces of handkerchiefs, 36 00; two barrels of whiskey, 20 70; 15 pairs of N. W. point blankets, 150 00; 5 pairs 2½ point blankets, 37 50; 20 pairs of imitation 3¼ point blankets, 98 00; 87 brass kettles, 108 75; 40 yards domestic check, 12 00; 101½ sheet iron kettles, 40 60; two copper kettles, 2 00; four nests tin kettles, 26 00; 2,000 grs. of wampum, 12 00; three barrels of flour, 12 00; 1,000 lbs. of bacon, 80 00; 16 Indian hats with bands, 68 00; and also drayage of the above to the boat, - - - - -	\$559 80
25,	414	J. & G. Kennerly, -	For the following merchandise, delivered to Captain Taliaferro, United States Indian agent for the Sioux of St. Peter's, Upper Mississippi, as presents within his agency for the year 1821, viz: 1,233 lbs. of tobacco, \$154 12; 450 lbs. gunpowder, 180 00; 1,600 lbs. small bar lead, 96 00; 1,000 gun flints, 650; 12 N. W. guns, 129 60; 12 German shot guns, 90 00; 10 pair mock Mackinaw blankets, 99 00; five pair 3 point blankets, 50 00; 12 pair 2½ point blankets, 90 00; two pair 2½ point blankets, 11 00; five pair 1½ point blankets, 25 00; five pair 1 point blankets, 22 50; four pair 2½ point common blankets, 16 00; eight pieces furniture calico, 67 20; 10 lbs. China vermilion, 25 00; two lbs. thread, 5 00; 400 needles, 3 00; three dozen box wood combs, 3 75; 3½ dozen common box wood combs, 3 06; two dozen corn hoes, 36 00; eight dozen fire steels, 8 00; one dozen pair scissors, 2 50; two gross buck horn butchers' knives, 72 00; two gross paper looking-glasses, 24 00; seven pieces riband, assorted, 8 75; two gross of Indian awls, 4 00; four pieces of blue strouding, 107 00; one piece scarlet cloth, 124 00; four chiefs' coats, 64 00; 24 beaver traps, 72 00; one piece of black Barcelona handkerchiefs, 18 00; 1,000 brass nails, 3 50; three gross brass finger rings, 8 25; two gross scarlet Scotch gartering, 10 00; four lbs. brass wire, 5 00; one dozen squaw axes, 15 00; one dozen squaw axes, 12 00; half dozen tomahawks, 4 50; six brass bowl tomahawks, 15 00; 40 Indian shirts, 60 00; five dozen tin pans, 24 75; four nests of camp kettles, 23 60; 23 brass kettles, 28 75; 44 sheet iron kettles, 17 60; two hats with bands, 8 50; 10 hat bands, extra wide, 3 75; and drayage of the above to the river, - - - - -	4,688 40
May 18,	415	J. & G. Kennerly,	For the following merchandise delivered to Thomas Forsyth, United States Indian agent for the Sioux, Fox, and other tribes of Indians, as presents within his agency for the year 1821, viz: 3 pieces of strouding, \$81 00; 20 pair of three point blankets, 90 00; 2 pieces Salampores, 23 40; 40 yards domestic, 10 00; one gross of butchers' knives, 26 00; three dozen common looking-glasses, 3 00; two rolls gartering, 2 75; four rolls narrow gartering, 2 00; 1,000 gun flints, 6 00; 4 lbs. vermilion, 7 00; 2 lbs. thread, 2 50; one dozen black silk handkerchiefs, 8 00; 2½ dozen combs, 1 84; four chiefs' coats, 64 00; 6 dozen scissors and 2 dozen hoes, 31 00; 640 lbs. tobacco, 80 00; 300 lbs. of powder, 9 00; 20 pieces of calico, 8 00; 4 guns, 28 00; two dozen shawls, 8 75; one dozen shirts, 14 00; also drayage to the river, 2 00, - - - - -	1,859 83
July 16,	416	J. & G. Kennerly,	For the following merchandise, viz: 19 black silk handkerchiefs, \$14 25; one shirt, 1 50; two yards of strouding, 3 00; 4 lbs. of tobacco, 50 cents; ten 3¼ point blankets, for Winnebago Indians attending the trial of murderers, 47 00; eight yards of strouding, 12 00; ten shirts for Winnebago Indians attending the trial of the murderers, 15 00; three yards of strouding, 4 50; nine pair four point blankets for a party of Indians who accompanied the prisoners to St. Louis, 45 00; nine black silk handkerchiefs, 6 75; nine yards of extra wide strouding, 18 00;	627 84

W. C. No. 6.—Continued.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
			nine common shirts, \$9 00; ten lbs. of tobacco, 1 25; eight lbs. of shot, 1 00; nine lbs. of powder, in canisters, 4 50; two yards of strouding for an Ottawa squaw, sick, 3 00; 4 lbs. of sugar and 2 lbs. of coffee, 1 75; seven chiefs' coats, per order of superintendent of Indian affairs, 112 00; three shirts, 3 00; one shot gun, 8 00; 4 lbs. of lead, 50 cents; one keg of tobacco, 13 00; 5 lbs. of tobacco, 62 cents; 14 yards of strouding for prisoners, 35 00; three yards of scarlet cloth, 7 50; four black silk handkerchiefs, 4 00; one pipe tomahawk for chief, 2 50; one piece of curtain calico, 8 40; one ounce of thread, 50 cents; one buckskin for Ottoo prisoners, 1 50; 21½ lbs. of tobacco, 2 68½; one pair of train chains for the Sacs, 1 75; four pipe tomahawks, 10 00; six wool hats, 9 00; three yards of scarlet cloth, 9 00; this amount paid General Green for five gallons of whiskey, 30 pounds of powder, and 60 pounds of lead, furnished the Ioway Indians, on the Missouri river, 25 00; one keg of tobacco for T. Forsyth, 10 30; one keg of tobacco for several parties of Indians, 9 10; one chief's coat for the Ioway chief White Cloud, 15 00, -	\$476 35
			<i>Emigrants.</i>	
1821. Feb. 8, 8,	238 239	J. Clemons, jun. - Tracy & Wahrendorf,	For six sets of ploughshares, \$36 94; six dozen gimlets, 4 50, For fifty felling axes, \$112 50; six mattocks, 13 50; two dozen screw augers, 13 25; twelve iron wedges, 12 75; six log chains, assorted, 38 00; six jackplanes, 12 00; six double fine planes, 13 50; three single fine planes, 9 00; three double iron smoothing planes, 7 87½; 12 nail hammers, 6 00; six G. S. cross-cut saws, 66 00; one dozen G. S. handsaws, 22 00; two boxes for packing, 75 cents; also for drayage, -	41 44 333 75
13,	240	T. Goddard, Jun. -	For the following farming utensils furnished the Shawanee and Delaware Indians, who have emigrated west of the Mississippi, viz: 50 hilling hoes, \$75 00; five adzes, 15 00; 50 three-inch spikes, 20 00; 190 lbs. of iron, 26 60; 32 lbs. of steel, 12 00; 6 broad axes, 30 00; two boxes at 1 50; one barrel, 1 00; drayage to boat, 3 50; two lines for wrapping packages, 1 00, -	183 10
13,	242	Daniel Castor, -	For 54 harrow teeth, \$29 16; six frows, 10 00; six plough clevises, 8 33; six plough single trees, -	12 00
13,	355	James Lakeman, -	For the following repairs done for the Kickapoo tribe of Indians, by request of Colonels Chouteau and Stevenson, viz: Stocking five rifles complete, \$22 50; repairing and cleaning 26 rifles, 91 00; steeling six squaw axes, 3 00; steeling one chopping axe, 1 00; repairing a bell and stirrup iron, 50 cents; repairing 5 bridle bits, 1 25; repairing one hoe and two buckles, 1 25; repairing two rifle locks, 2 50; steeling two squaw axes, 1 00; four pair of bullet moulds, 3 00, -	127 00
June 21, 21,	354 223	Jesse Evans, - T. Sturgess, -	For 78½ bushels of corn furnished for the Kickapoo tribe of Indians emigrating, - For freight of sundry packages of farming tools for the Shawanee and Delaware tribes of Indians who have emigrated west of the Mississippi river, -	58 50 16 66½
Jan. 1,	236	B. P. Clain, -	For seventy loaves of bread furnished the Shawanee and Delaware tribes of Indians, from the 2d of October to the 31st December, 1820, -	8 80
		Pierre Menard, -	For provisions and sundry articles furnished emigrant Delaware Indians, (see abstract W. C. No. 7.) -	5,439 95
			<i>Expenses.</i>	
July 1,	373	Owen Gray, -	For pay as an express, and other services in the Indian Department, from the 1st April to 30th June, 1821, -	36 00
March 12, 5,	263 262	Samuel Burns, - H. Wiggington, -	For services as an express to Rogerstown, - For services as an express from the upper settlements on the Missouri to St. Louis, with information to the superintendent of Indian affairs of an attack and robbery of five wagoners, -	4 00 47 00
			<i>Contract for provisions to Indians.</i>	
July 10,	409	Jacob Fray, -	For 2,818 lbs. of fresh beef, furnished agreeably to a contract with General Clark, to different tribes of Indians at St. Louis, Sacs, Foxes, Ioways, Ottawas, Delawares, &c., between 1st April and 10 July, 1821, at 5 cents per pound, - Annuities paid by Governor Clark, (see accompanying abstract marked W. C. No. 3.) -	140 90 8,050 00
				32,411 46
			<i>Advances.</i>	
May 21, 31,	- -	Reuben Lewis, - Richard Graham, -	For this amount advanced on account of salary and contingencies at his agency, - For this sum advanced him to pay the Kickapoo Indians their annuity for 1821, paid out of the Indian Department in pursuance of a treaty under date of July 30, 1819, there never having been a special appropriation for this annuity by Congress, -	1,526 78 2,000 00
				\$35,938 24

RECAPITULATION.

Compensation and salaries,	-	-	-	-	-	\$7,297 08
Contingencies,	-	-	-	-	-	2,282 95½
Presents to Indians,	-	-	-	-	-	8,332 32
Emigrants,	-	-	-	-	-	6,221 20½
Expresses,	-	-	-	-	-	87 00
Contract for provisions,	-	-	-	-	-	140 90
Annuities,	-	-	-	-	-	8,050 00
Advances,	-	-	-	-	-	3,526 78
						\$35,938 24

W. C. No. 7.

Abstract of disbursements made by Pierre Menard, sub-agent at Kaskaskia, in the quarter ending the 31st of December, 1820, under the directions of William Clark, Governor of Michigan Territory.

Date of payment.	No. of vou.	Payments, to whom made.	Expenses for emigrant Delaware Indians.	Amount.
1820.				
Oct. 5,	1	M. Buale & L. Seguin & A. Bienvenue,	For three hands conveying three thousand pounds of flour, lead, and tobacco, to the emigrants, seven and a half days,	\$45 00
6,	2	James Wilson, int.,	For ninety-two pounds of powder, two hundred and eighty-eight pounds of lead, two hundred gun flints, and one hundred and sixty-eight pounds of tobacco,	111 38
7,	3	Raphael Widen,	For five and a half yards of cloth, six blankets, one silk handkerchief, eight yards of calico, four yards of linen, powder, and lead,	42 25
14,	4	Edward Humphrey,	For four beeves, furnished the Delaware Indians,	50 00
19,	5	Mrs. Lecompte,	For breakfast and supper for fourteen Delaware Indians,	19 50
20,	6	James Wilson,	For entertainment of thirteen Delaware Indians,	10 00
20,	7	David Anderson,	For nine hundred and twenty-eight pounds of beef furnished Delaware Indians,	37 12½
25,	8	V. V. Bonis,	For boarding and lodging James Wilson, the Delaware interpreter,	4 00
25,	9	S. Wiggins,	For ferrriage of the Delaware chief and his party over the Mississippi,	13 00
27,	10	Geo. Ramsey,	For supper and breakfast furnished thirteen Indians, corn and hay for their horses,	19 50
30,	11	James Butler,	For two steers furnished for the Delaware Indians,	40 00
Nov. 4,	12	Zephany Brooks,	For seventy-eight and a half bushels of corn furnished the Indians,	20 50
6,	13	J. & M. Davis,	For going in pursuit of men who had taken thirteen horses from the Delaware emigrants,	36 00
7,	14	Henry Burbeau,	For going after Delaware horses, and bringing three of them back,	5 00
10,	15	Delaware Chiefs,	For six hundred pounds of powder, one thousand five hundred pounds of lead, one thousand five hundred flints, and three hundred and fifty-nine pounds of tobacco,	554 81
11,	16	Six boat hands,	For carrying two hundred and eighty bushels of corn up the Mississippi to the Delaware Indians,	18 00
14,	17	G. Beauvais,	For one dozen rifle locks, and repairing eighty-four rifle guns for the Delaware Indians,	107 37½
15,	18	John Carpenter,	For one thousand one hundred and three persons and horses crossing the Mississippi river,	559 50
20,	19	John Louvat,	For hauling seventeen cart loads of provisions for the Indians,	17 00
24,	20	N. Buate,	For one thousand pounds of beef, \$40, and hauling seventeen cart loads of provisions,	57 00
25,	21	Jno. Hoggins,	For taking up and bringing to the Delaware Indians three horses belonging to them,	10 00
27,	22	Francis Montreuil,	For ferrriage of one thousand and sixty-seven Indians, and one thousand three hundred and one head of horses over the Kaskaskia river,	97 06
29,	24	Lucas & Walker,	For four thousand five hundred pounds of bread furnished the Delaware Indians,	281 21
29,	23	P. Proveaux,	For four steers furnished the Delaware Indians,	70 00
29,	25	Baptiste Moreau,	For ferrriage of two hundred and seventy-nine Indians and one hundred and ninety-eight horses, across the Mississippi,	119 25
29,	26	Vital St. Gumme,	For one hundred and twenty bushels of corn furnished the Indians,	60 00
29,	27	Pierre Coline,	For forty bushels of corn furnished the Indians,	13 33½
30,	28	Jos. Archambia,	For three thousand pounds of flour, one thousand five hundred and eleven pounds of beef, and three thousand five hundred pounds of flour,	292 99
30,	29	Francis Menard,	For one hundred and nine bushels of corn, and five hundred and fifty pounds of beef,	58 33½
Dec. 1,	30	Michael Placet,	For crossing and recrossing thirty Indians and horses over the Mississippi river,	19 50
2,	31	Wm. Gillis,	For four hundred pounds of beef, and making a coffin for a Delaware Indian who was accidentally killed,	23 00
4,	32	Wm. Bilderback,	For one hundred and thirty-nine bushels of corn for the Delaware emigrants,	41 70
Jan. 2,	33	A. Montreuil,	For two steers delivered to the Delaware emigrants,	30 00
4,	34	J. B. Valle,	For seventeen thousand six hundred pounds of flour, twenty-two thousand two hundred and twenty-six pounds of beef, four hundred and sixty-two bushels of corn, seven hundred bushels salt, and two hundred pounds of tobacco,	1,766 61

W. C. No. 7—Continued.

Date of payment.	No. of vou.	Payments, to whom made.	Expenses for emigrant Delaware Indians.	Amount.
1820.				
Jan. 6,	35	P. Delchemendy, -	For twenty thousand pounds of flour delivered at St. Genevieve to the Delaware Indians, -	\$600 00
6,	36	Francis Janis, -	For one hundred bushels of corn delivered to the Delaware Indians at their camp, -	50 00
13,	37	Michael Danis, sen.,	For two hundred bushels of corn delivered to the Delaware Indians at their camp, -	66 66½
20,	38	A. Bienvenue, -	For two steers for the use of the Delaware emigrants, -	33 00
20,	39	J. B. Lashpelle, -	For one hundred bushels of corn for the Delaware emigrants, -	33 33½
			For provision for boat's hands who went for corn, -	3 00
				\$5,439 95½

St. Louis, January 30, 1821.

Received of William Clark, superintendent of Indian affairs, five thousand four hundred and forty dollars and one cent, at different times, in full of the above amount.

Witness, C. CHOUTEAU.

PIERRE MENARD.

W. C. No. 8.

For carrying into effect Indian treaties, per act March 3, 1819.

DR. Governor Wm. Clark, of Missouri, Superintendent of Indian Affairs, in account with the United States. CR.

1820.	Nov. 4,	To warrants on the Treasurer— For warrant No. 2972, advanced him for carrying into effect treaties per act March 3, 1819, -	\$4,500 00	1820.	By appropriation for carrying into effect Indian treaties, per act March 3, 1819— For this amount allowed him, being for disbursements made in his superintendency, between January 1st, and December 31st, 1820, as per accompanying abstract, marked W. C. No. 1, -	\$3,583 81
					By balance due on this account for the year 1820, carried to his debit in his account below for the year 1821, -	916 19
			\$4,500 00			\$4,500 00
1821.		To appropriation for carrying into effect Indian treaties, per act March 3, 1819— For this balance due by him December 31, 1820, as above, brought down, -	\$916 19	1821.	By appropriation for carrying into effect Indian treaties, per act March 3, 1819— For this amount allowed him, being for disbursements made in his superintendency, between January 1 and June 21, 1821, -	\$6,221 20
		To William Clark's account for Indian Department— For this amount due him on this account, carried to his credit in that account, -	5,305 01			
			\$6,221 20			\$6,221 20

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE.

WILLIAM LEE.

L. C. No. 1.—INDIAN DEPARTMENT.

Lewis Cass, Governor of Michigan, and Superintendent (ex officio) of Indian Affairs, in account with the United States.

		Dr.	
1819.		To balance due the United States this 31st of December, 1819,	\$9,340 96
Dec. 31,		To warrants on the Treasurer—	
1820.		For warrant No. 2,443, in payment of four bills of exchange in favor of Jonathan Hearsley: one dated October 8, 1819, for \$700; one dated October 26, 1819, for \$150; one dated November 6, 1819, for \$270; and the other dated December 1, 1819, for \$325 41,	1,445 41
April 29,		For warrant No. 2,615, advanced on account,	25,000 00
June 12,		For warrant No. 2,871, advanced on account,	15,000 00
Sept. 29,		For warrants on the Treasurer—	
1821.		For warrant No. 3,350, advanced him on account,	12,000 00
April 3,		For warrant No. 3,528, advanced him on account,	410 00
May 29,		To Lewis Cass, his account for extinguishing Indian titles to land in Michigan, per act of April 11, 1820—	
		For this amount due by him on that account, brought to his debit in this account, (see accompanying statement marked L. C. No. 18,)	18,503 79
		To Lewis Cass, his account for annuities, per act of May 15, 1820—	
		For this amount due by him on that account, brought to his debit in this account, (see accompanying statement marked L. C. No. 17,)	4,000 00
			85,700 16
		To balance due the United States,	\$9,844 39
		CR.	
1820.		By appropriation for Indian Department—	
		For the following sums allowed him, being for disbursements made by him as superintendent of Indian affairs, between 1st January and 31st December, 1820, under the several heads, as per general abstract accompanying this statement marked L. C. No. 1, and Governor Cass's certificate marked L. C. No. 10, viz:	
		<i>Salaries.</i>	
"		This sum disbursed by him in payment of salaries to agents, sub-agents, blacksmiths, and their assistants, gunsmith, saddler, storekeeper, and interpreters, between 1st January and 31st December, 1820,	\$7,981 00
		<i>Presents.</i>	
"		This sum disbursed by him in presents for sundry articles to Indians of several tribes while on visits to Detroit, and passing from place to place, and in consequence of promises made them at treaties, between 1st January and 31st December, 1820,	1,419 23
		<i>Contingencies.</i>	
"		This sum disbursed by him in the purchase of iron, coal, steel, and tools, for the use of the blacksmiths, for the transportation of annuities and other articles, for the hire of expresses, feeding of Indians, repairs of buildings, and for various incidental expenses appertaining to the Indian superintendency, between 1st January and 31st December, 1820,	2,955 64
		<i>Northwestern expedition and treaties at Sault de St. Marie, and at Michilimackinac and L'Arbre Croche.</i>	
"		This sum disbursed by him in sundry presents to various tribes of Indians on a tour to the sources of the Mississippi, and at the aforesaid treaties, and in payment of sundry persons for their services during the said tour, for provisions and other necessary articles, canoes, implements, and various expenses incident to the expedition and treaties in the year 1820, in pursuance of instructions hereunto annexed, marked L. C. Nos. 11, 12, 13, and 14,	6,156 40
		<i>Treaty at Saginaw.</i>	
"		This sum disbursed by him in the purchase and transportation of provisions and persons to and from Saginaw, for the board and expenses of the commissioners and others, for various presents and issues to the Indians at the treaty ground, and subsequently, in consequence of promises made them at the treaty, and the contingent expenses going to, at, and returning from the treaty,	6,406 77
		<i>Advances to Indian agents.</i>	
"		This sum to Johnston, agent at Piqua,	10,498 00
		John Hays, agent at Fort Wayne,	5,965 37
		J. Bowyer, former agent at Green Bay,	3,700 00
		Wm. Turner, former agent at Fort Wayne,	2,139 34
		Alexander Wolcott, agent at Chicago,	4,258 59
		George Boyd, agent at Michilimackinac,	5,498 37
		<i>Compensation.</i>	
"		This sum allowed him for his expenses and extra services as superintendent for the year 1820, including clerk hire, fuel, quarters, and office rent, (see statements and decision contained in the documents hereunto annexed, marked L. C. Nos. 3, 4, 5, 6, 7, 8, 9,)	1,959 71
			\$58,938 42

L. C.—Continued.

1821.	By appropriation for Indian Department— For the following sums allowed him, being for disbursements made by him as superintendent of Indian affairs between the 1st January and 31st of December, 1821, under the several heads, as per general abstract accompanying this statement, marked L. C. No. 2, and Governor Cass's certificate L. C. No. 10:	
	<i>Salaries.</i>	
"	This amount disbursed by him in payment of the salaries of agents, sub-agents, interpreters, gun and blacksmiths, - - - - -	\$1,960 00
	<i>Presents.</i>	
"	This sum expended by him for presents to sundry Indians, - - - - -	91 07
	<i>Contingencies.</i>	
"	This sum expended for the transportation of sundry articles, coal for blacksmiths, hire of expresses, and sundry contingent expenses of the superintendency, -	199 26
	<i>Northwestern expedition, and treaties at Sault de St. Marie, Michilimackinac, and l'Arbre Croche.</i>	
"	This sum disbursed by him for the purposes as hereinbefore stated, under the head of expenditures for the year 1820, - - - - -	161 62
	<i>Treaty at Saginaw.</i>	
"	This sum disbursed by him in payment to Jacob Smith for his services and the use of his house at Saginaw treaty, - - - - -	104 00
	<i>Advances to Indian agents.</i>	
"	This sum to John Biddle, agent at Green Bay, - - - - -	1,900 00
	John Johnston, agent at Piqua, - - - - -	4,429 75
	George Boyd, at Michilimackinac, - - - - -	768 15
	John Hays, at Fort Wayne, - - - - -	2,137 66
	J. Shaw, sub-agent at Upper Sandusky, - - - - -	200 00
	Jasper Parrish, per John Konkopot, to be deducted out of the annuity of the Six Nations of Indians, - - - - -	100 00
	John Kenzie, sub-agent at Chicago, - - - - -	504 39
	Alexander Wolcott, agent at Chicago, - - - - -	722 14
	<i>Compensation.</i>	
"	This sum allowed him for his services as superintendent of Indian affairs for the year 1821, as hereinbefore stated under this head, for the year 1820, ending 9th October, 1821, - - - - -	1,509 71
"	By Lewis Cass, his account for carrying into effect treaty, per act 3d March, 1819— For this amount due to him on that account, brought to his credit in this account, (see accompanying statement marked L. C. No. 15,) - - - - -	1,129 60
"	By Lewis Cass, his account for annuities, per act of 3d March, 1819— For this amount due to him on that account, brought to his credit in this account, (see accompanying statement marked L. C. No. 17,) - - - - -	1,000 00
	Amount for 1820, - - - - -	58,938 42
	By balance due the United States, - - - - -	75,855 77
		9,844 39
		\$85,700 16

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE.

WM. LEE.

L. C. No. 1.

Abstract of disbursements made by Lewis Cass, Governor of Michigan Territory, as Superintendent of Indian Affairs, between 1st January and 31st December, 1820.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
<i>Salaries.</i>				
1820. Dec. 31,	1	R. A. Forsyth, -	Salary from July 1 to December 31, 1820, as sub-agent and interpreter, - - - - -	\$360 00
31,	3	G. Godfroy, -	Salary as sub-agent from July 1 to December 31, 1820, - - - - -	250 00
31,	5	Whitmore Knaggs, -	Do do do do, - - - - -	250 00
31,	7	Do, -	Do interpreter do do, - - - - -	244 00
31,	8	G. Godfroy, -	Do do do do, - - - - -	244 00
June 20,	10	R. A. Forsyth, -	Salary from June 1 to June 20, 1820, as sub-agent and interpreter, - - - - -	100 00

L. C. No. 1—Continued.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
1820.				
May 30,	15	Francis Harsen, -	Salary as interpreter, from January 1 to May 31, 1820, -	\$182 00
Sept. 26,	16	James Ryley, -	Do do from May 1 to September 26, 1820, -	149 00
May 31,	17	William Tucker, -	Do do from April 1 to May 31, 1820, -	61 00
Dec. 31,	21	David Henderson, -	Do blacksmith, from July 1 to December 31, 1820, -	292 00
31,	23	Calvin Baker, -	Do saddler, do do, -	219 00
31,	24	Augustine Lafoy, -	Do gunsmith, do do, -	267 00
	39	Whitmore Knaggs, -	Do agent, from July 1, 1819, to Dec'r 31, 1819, -	250 00
		G. Godfroy, -	Do do do do, -	250 00
		J. R. Walker, -	Do interpreter, do do, -	244 00
		Francis Harsen, -	Do do do do, -	244 00
		Louis Benfait, -	Do do do do, -	244 00
April 30,	39	William Tucker, -	Do do do do, -	244 00
		Gabriel Godfroy, -	Do do do do, -	244 00
		Whitmore Knaggs, -	Do do do do, -	244 00
		A. E. Wing, store-keeper, -	Salary for his services, from July 1 to December 31, 1819, receiving, taking care of, and issuing annuities and presents, -	244 00
		John Ryley, -	Salary as interpreter, from January 1 to April 30, 1820, -	161 00
June 30,	79	R. A. Forsyth, -	Do secretary, from July 1, 1819, to June 30, 1820, -	720 00
30,	116	Calvin Baker, -	Do saddler, from January 1 to June 30, 1820, -	216 00
30,	117	D. Henderson, -	Do blacksmith, do do, -	289 00
30,	118	Augustine Lafoy, -	Do gunsmith, do do, -	264 00
30,	119	Whitmore Knaggs, -	Do sub-agent, do do, -	250 00
		Gabriel Godfroy, -	Do do do do, -	250 00
		Louis Benfait, -	Do interpreter, do March 31, 1820, -	121 00
		William Tucker, -	Do do do do, -	121 00
		Gabriel Godfroy, -	Do do do do June 30, 1820, -	241 00
		Whitmore Knaggs, -	Do do do do, -	241 00
		A. E. Wing, store-keeper, -	Salary for his services, from January 1 to April 30, 1820, receiving, taking care of, and issuing annuities and presents, -	160 00
		John R. Walker, -	Salary as interpreter, from January 1 to March 31, 1820, -	121 00
				<u>\$7,981 00</u>
<i>Presents.</i>				
May 22,	11	Peter Godfroy, -	For one rifle to Kenobe, a Saginaw chief, in consequence of promises at the treaty, -	\$22 50
Oct. 11,	38	G. & J. Knaggs, -	For one horse to Kenewabe, an Ottawa chief, in consequence of promises at the treaty, -	30 00
	39	Do.	For one horse delivered to Ketow Otum, an Ottawa chief, -	30 00
	40	Do.	For do do McCarty, an Ottawa chief, -	30 00
	41	Do.	For do do Tos-son, an Ottawa chief, -	30 00
	42	Jos. Cicotte, -	For do do Metea, a Pattawatamie chief, -	35 00
	43	Peter Godfroy, -	For do do do, -	50 00
Nov. 14,	44	Charles L. Cass, -	For one horse, -	60 00
Jan. 4,	46	Jos. Visger, -	For one horse delivered to Kishkawkou, a Chippewa chief, -	70 00
	55	Peter W. Knaggs, -	For do do do, -	75 00
	56	Edward Brooks, -	For do do Ok-am-ann-ke-ke-ta, a Chippewa chief, -	30 00
	67	Jacob Smith, -	For a horse delivered to an Indian, -	40 00
Oct. 14,	70	T. S. Wendell & Co.	For one hat and one keg tobacco, and cartage, -	29 00
Jan. 15,	94	G. Godfroy, Jun. -	For three horses delivered by him to the Indians, -	145 00
Oct. 3,	95	B. Rowley, -	For one pair oxen for the use of the Saginaw Indians, -	30 00
Sept. 16,	96	A. Ellsworth, -	For three cows delivered to Jos. Parks, a Shawanee, -	48 00
July 5,	97	Elnathan Cory, -	For one yoke of oxen for Saginaw Indians, -	60 00
Sept. 23,	98	H. I. Hunt, -	For storage of twenty bales Indian goods, at 50 cents; eight yards cloth, at \$2 50; one pound paint, at 50 cents; one hank twine, at 75 cents; twenty-two and a quarter pounds lead, at 17 cents; two yards cloth, at \$4; flints for \$1; four yards flannel, at \$1; thirty pounds tobacco, at 37½ cents; fifteen pounds lead, at 17 cents; one piece striped cotton, forty-two and a half yards, at 3s. 6d.; one piece white cotton, forty-three and a half yards, at 37½ cents; fifty-six pounds shot, at 1s. 6d.; one keg powder, at \$14; seventy-two pounds tobacco, at 25 cents; two pounds Indian sugar, at 1s. 6d.; ten yards cloth, at 20s.; one a half yard scarlet cloth, at 24s.; six yards blue cloth, at 28s.; twelve yards printed cotton, at 4s.; two silk handkerchiefs, at 12s.; two pounds thread, at 2s.; four dozen bullet buttons, at 6s.; four brass inlaid knives, at 4s.; two three-point blankets, 40s.; one inkstand; three yards blue cloth, at 28s.; three-quarters yard scarlet cloth, at 24s.; three yards printed cotton, at 4s.; two dozen gilt buttons, at 6s.; one brass inlaid knife, 4s.; thread, 12½ cents; one three-point blanket, at \$5, -	237 73
Oct. 6,	102	George Chabert, -	For four horses for the use of Chippewa Indians at Saginaw, -	115 00
	103	Jno. F. Bertrand, -	For one horse do do do do, -	45 00
	104	Peter Godfroy, -	For two horses do do do do, -	60 00
	105	Joseph Visger, -	For two horses do do do do, -	56 00
	106	B. Campau, -	For one horse do do do do, -	32 00
	107	C. S. Payne, -	For one pair plated epaulettes, \$12; one pair armbands, for Kishkawkou, a Chippewa chief, \$7, -	19 00
March 1,	110	Jos. F. Marsac, -	For one horse delivered to Kishkawkou, a Chippewa chief, -	40 00
				<u>\$1,4 123</u>

L. C. No. 1—Continued.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
<i>Contingencies.</i>				
1820. May 23,	2	John L. Whiting, -	For 4 lbs. 12 oz. Peruvian bark, at 12s.; 5 lbs. glauher salts, at 3s.; 26 large vials, at 12s. per dozen, for sick Indians, -	\$12 25
16,	6	A. Edwards, -	For one keg, 68 cents; two kegs, at 5s. 6d.; two kegs, at 6s.; heading six barrels, eight ten-gallon kegs, seven iron-bound painted five-gallon kegs, at 16s.; one full bound five-gallon keg, 8s., -	28 16
22,	11	Peter Godfroy, -	For 54 lbs. copper, at 4s.; paid Basil Pepin four days with his horse and provisions, at 20s.; paid James Godfroy for the same trip, for the loan of three horses for the treaty of Saginaw, \$20; one pair Indian shoes per order; paid J. Berard with his horse to go for the Pattawatamie chief, 18 days, at 12s. -	94 50
Dec. 26,	13	A. G. Whiting, -	For services as translator and interpreter from 1st July to 31st December, 1820, -	50 00
March 29,	22	H. J. Hunt, -	For one lead pencil, one office knife, three inkstands, one quire of paper, five bushels corn at 8s., one bushel oats at 4s., one lb. sealing-wax, two blank books, five quires letter paper at 5s., six quires letter paper at 6s., one quire folio post, cash paid B. Stead for making belt, 75 cents, one ream letter paper, one box wafers, two quires letter paper, one lead pencil, -	39 62½
Feb. 29,	32	John McCombs, -	For services as wheelwright from 1st to 29th February, 1820, at \$1 per day, and rent of shop and tools for same time, -	34 82
Sept. 1,	34	Mack & Conant, -	For one pair blankets, 86s.; 3½ pairs 2½ point blankets, 67s.; 11 yards blue strand, at 20s. 6d.; ten shawls, at 7s.; six lbs. tobacco, at 3s.; one pair shoes, 18s.; two smooth files, at 4s.; three files at 6s.; three half round files, at 4s.; three half round files, at 8s.; two half round files, at 4s.; twelve warding files, at 1s. 6d.; one warding file, at 4s.; six rattail files, at 1s. 6d.; three rattail files, three square, at 2s. 6d.; six flat files, at 2s. 6d.; eleven half round files, at 3s.; six half round files, at 6s.; one half round file at 7s.; five half round files at 2s.; five lbs. glue, at 4s.; two bars of German steel, 15½ lbs., at 3s.; 222 bushels charcoal, at 1s.; 440 bushels charcoal, at 1s., -	213 35
May 10,	38	Chauncey Bush, -	For 71 days' services at \$1 per day, deducted from Governor Cass's compensation, -	71 00
Nov. 16,	45	J. & A. Wendell, -	For eleven flat files, at 5s.; nine half round files at 4s. 6d., -	11 94
18,	46	James McCloskey, -	For transportation of specie from Chillicothe to Portland, \$41 75; for boxes to contain the same, 8 50; for the hire of a horse 25 days, at 75 cents; expenses of self and horse, 52 90; services 20 days, at \$1 per day, -	141 90
29,	47	J. Dorival & J. Richardson, -	For their services going to Sandusky bay for public money, 12 days, -	14 00
29,	48	John Ramsay, -	For services as master of the Porcupine on her trip to Sandusky for public money, 12 days, at \$2, -	24 00
Dec. 18,	49	John Peltier, -	For services of self and horse going as express to Fort Wayne and Piqua, and returning, 25 days, at \$2, -	50 00
31,	51	Augustine Lafoy, -	For 25 lbs. iron, at 12½ cents; 1½ lb. borax, at \$1 50; 12 lbs. steel, at 25 cents; 7 lbs. brass, at 50 cents; 30 lbs. iron, at 12½ cents; three ounces silver soldering, 75 cents; 25 lbs. steel, at 25 cents; seven ounces aquafortis, at 25 cents; 11 lbs. brass, at 50 cents; 17 lbs. iron, at 12½ cents, -	32 00
Jan. 4,	53	Louis Moran, -	For coffin and burying Indian killed at Detroit, -	8 00
4,	54	Ditto, -	Services as express to and from Saginaw, five days, at \$3, -	15 00
4,	55	Peter W. Knaggs, -	For hire of five horses transporting provisions from Detroit to Saginaw, \$10 each for the trip; hire of a man from 11th September to 28th, inclusive, at \$1; hire of a horse to James Ryley, eighteen days, at \$1; one bridle, \$6, -	92 00
4,	59	Daniel Fisher, -	For 271½ bushels corn, at \$2; 540 lbs. tobacco, at 31½ cents; 96 bags containing corn, at 75 cents, for use of Indian Department at Michilimackinac, -	783 75
7,	61	A. Edwards, -	For repairing fourteen hogsheads, \$1 75; one eight-gallon keg, 8s.; one five-gallon keg, 6s.; one water tub for blacksmith, 12s., -	5 00
1,	65	Jacob Smith, -	For services as express to and from Piqua, fifteen days, at \$3, -	45 00
Oct. 14,	70	T. S. Wendell & Co. -	For 52½ lbs. iron, at 1s. 2d.; 83 lbs. iron, at 1s. 2d., -	19 76
Nov. 1,	71	John E. Hunt, -	For taking charge of Ottawa Indians on the Miami, from November 1, 1819, to November 1, 1820, -	150 00
Jan. 4,	75	A. G. Whiting, -	For services as translator and interpreter, -	25 00
May 20,	78	Jos. Barron, -	For hire of three horses, -	13 00
June 30,	81	A. G. Whiting, -	For services as translator and interpreter, -	50 00
30,	82	N. Ledger, -	For work done on the council-house, and lime furnished for plastering, -	3 50
Oct. 5,	84	Lewis Cass, -	For rent of an office from July 1, 1818, to December 31, 1820, deducted from Governor Cass's compensation, -	250 00
Sept. 25,	86	T. S. Wendell & Co. -	For ten flat files at 7s.; twelve half round files, at 6s.; 450 lbs. of iron at 1s. 2d.; one grindstone, 148 lbs., at 3½ cents; two spades, at 12s.; ten yards wire, at 6 cents; two lbs. nails, at 1s. 6d.; one lb. borax, 20s.; ten files, at 3s. 6d.; two rattail files, at 2s. 6d.; 72 lbs. German steel, at 3s. 6d.; 54½ lbs. E. B. steel, at 2s. 6d.; one grass scythe, 9s.; six files half round, at 6s.; 200 quills, at 6s.; two quires folio post, at 6s.; three quires foolscap, at 3s.; one fur hat, 36s., -	151 67
25,	87	J. & A. Wendell, -	For one hundred and forty and a quarter pounds of iron, at 1s. 2d.; twelve files at 2s.; 16½ pounds of brass, at 5s.; one window frame, 9s.; nine panes of glass, 7½ by 8½, at 9s., -	51 23

L. C. No. 1.—Continued.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
1820.				
Sept. 25,	91	B. Campau, -	For sending an express to Saginaw, -	\$15 00
20,	92	P. Godfroy, -	For going express from Detroit to Piqua with money, fourteen days, at \$2 50 per day, -	35 00
Jan. 7,	111	Harvy Williams, -	For five hundred bushels of coal, at 1s., -	63 50
March 17,	112	J. & A. Wendell, -	For one quire of folio post, at 6s.; three hundred and eighty-nine pounds of iron, at 18 cents; eight flat files, 6s. 6d.; one flat file, at 4s. 6d.; two quires of folio post, at 8s., -	79 83
May 3,	113	P. A. Demoyers, -	For twenty-eight pounds of shot, at 2s.; twenty pounds of lead, at 2s.; eighty-eight and a quarter pounds of German steel, at 2s. 6d.; one hundred and thirty pounds of square iron, at 1s. 4d.; two sheets of iron, at 6s.; three yards of wire, at 6d.; two saw files, at 1s. 6d.; twelve quires of letter paper, 4s; twenty-five yards of Russia sheeting, at 7s., -	91 17
5,	114	Mack & Conant, -	For one horse rasp, 6s.; quarter ream of letter paper, at 15 00; six round files, at 6s.; four flat files, at 4s.; seventeen pounds of E. B. steel, at 3s. 6d.; seven quires of letter paper, at 6s.; twenty ploughshares, 227 pounds, at 1s. 6d.; twenty draughts, at 3s.; twelve pounds of tobacco, at 3s.; ten pounds of gunpowder, at 8s.; twenty-five flints, 2s.; thirty pounds of ball, at 2s.; seven hundred and sixty-six bushels of charcoal, at 1s., -	191 69
				<u>\$2,955 64½</u>
			<i>Expenditures for the northwestern expedition, and at the treaty at the Sault de St. Marie, June 6, 1820, and treaty at Mackinac and l'Arbre Croche, July 6, 1820.</i>	
23,	1	A. Edwards, -	For five hundred and seventy-one pounds of tobacco, \$120 33; one hundred and thirty pounds of powder, 79 50; twenty-four pounds of shot, 6 00; one hundred and forty-eight pounds of lead, 32 56; one hundred and six and a quarter yards of chintz, 54 94; seventy-one yards of calico, 34 50½; ribands and shoes, 4 62½; one yard of silk, 1 50; forty-one yards of strouding, 107 75; twelve shawls, 17 89; five blankets, 17 75; six hats, 20 50; twenty-seven and a half yards of cloth, 106 68; forty-two and three-quarter yards of cotton stuff, 16 93; thread, 1 00; kegs, 7 75; cordage, 3 38; eight pounds of sugar, 2 00; seven hundred and sixteen and a half pounds of bacon, 103 89; one buckskin, 2 50; legging binding, 1 00; one pair of gloves, 50 cents; eight dozen coat buttons, 1 60; two hundred and eight pounds of tallow, 41 60; one hundred and six pounds of lard, 10 60; four barrels for packing hams, 2 00; five large tin kettles, 14 50; one dozen tin tumblers and dozen plates, 6 07; one large coffee boiler, and one tea kettle, 5 00; for making forty-seven Indian shirts, 11 75; three brass cocks, 2 25; cash paid for making boxes, 5 00; two pieces of gartering, 3 50; one large tin medicine chest, 5 50; eight axe handles, 1 50; five hundred flints, 2 50; cash paid for beef, 2 75, -	859 10
19,	4	Benjamin Stead, -	For making seven coats, and furnishing trimmings for the same, for the use of the Indians, -	28 00
22,	9	F. T. & J. Palmer, -	For three tin pans, \$2 75; two dozen spoons, 2 25; one pepper box, 38 cents; one nutmeg grater, 37 cents; two sets knives and forks, 3 00; eighty pounds of ball, 13 60; one gun lock, 2 50; two frying pans, 2 50, -	27 35
24,	10	Jacob Eilert, -	For making an oilcloth, \$2; making three coats for Indians, and finding trimmings, 11 50, -	13 50
June 12,	12	Am. Fur Company, -	For eighty empty kegs, \$120; one pound twine, 1 50; two pounds of nails, 67 cents; two gimlets, 25 cents; two files, half round, 1 25; one rasp file, 50 cents; exchange of oilcloth, say half the value of painting, -	2 50
12,	13	Mrs. Mitchell, -	For one canoe, -	60 00
Aug. 22,	14	U.S. factory G. Bay, -	For three pounds of rifle powder, -	1 93½
June 12,	15	Edward Biddle, -	For two canoes, -	100 00
Aug. 8,	17	Joseph Crelay, -	For services for three days, at \$2, -	6 00
June 10,	16	Wm. H. Puthuff, -	For eighty pounds of dried beef, \$15; one and a quarter bushel of corn meal, 1 25; one keg, 50 cents; sixty-nine and a quarter gallons of wine, 69 25; one northwest canoe sail, 20 00; fifty-one pounds of butter, 6 19, -	112 19
Aug. 7,	18	Colin Campbell, -	For services as guide and interpreter five days, descending the Mississippi, at \$2, -	10 00
8,	19	Louis Devotion, -	For one sheet of iron, 75 cents; four quires of wrapping paper, \$1; one pound of nails, 37½ cents, -	2 12½
June 17,	20	J. Piquet & F. Dufeu, -	For piloting canoes across the Falls of St. Mary's, -	8 00
Aug. 15,	21	John Gunn, -	For transportation of one barge and baggage across the portage of Ouisconsin, -	10 00
May 21,	25	James McCloskey, -	For the services of six men employed in the northwestern expedition, -	3 94
24,	26	Wm. Watson, -	For making three sails for birch canoes, -	12 00
Oct. 13,	26	H. R. Schoolcraft, -	For services as mineralogist on the northwestern expedition, -	150 00
June 13,	27	Wm. M. Puthuff, -	For storage, storage room for repackage, cooperage, &c. of provisions, goods, &c., for Indian Department, -	25 00
Sept. 12,	28	Edward Biddle, -	For one canoe, -	40 00
June 7,	29	Antoine Dequindre, -	For twenty yards of sheeting, -	22 50

L. C. No. 1.—Continued.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
1820.				
May 23,	30	Jacob Smith, -	For three birch canoes, \$135; eight bundles of bark, 16 00; forty paddles, 10 00; three masts, 75 cents; twelve poles, 3 00; thirty-five bundles of watap, 4 37½; one hundred and forty pounds of gum, 17 50; four fish nets, 40 00, - - -	\$226 62½
Sept. 15,	31	Joseph Parks, -	For services twenty-five days, - - -	25 00
May 24,	33	Louis Dequindre, -	For twenty-eight yards of factory stripes, \$8 75; eight wool hats, 16 00; ten powder horns, 15 62½, - - -	40 37½
Sept. 30,	35	John S. Roby, -	For 123 pounds of tobacco, - - -	23 06½
May 26,	36	Charles Rivard, -	For wood for the use of the northwestern expedition, - - -	3 00
Oct. 3,	36	Wm. Beaumont, -	For medicine and attendance upon A. R. Chase attached to the northwestern expedition, - - -	30 00
May 23,	37	Richard Baldock, -	For baking three hundred and fifty pounds of biscuit, \$4 37½; five barrels of biscuit, 17 50; one barrel of crackers, 9 00, - - -	30 87½
Oct. 11,	37	G. & J. Knaggs, -	For one horse delivered to Kinobe, an Ottawa chief, - - -	30 00
Sept. 26,	40	Sundry persons, -	For two men's services one hundred and thirty-five days, at \$1 each; one man's services one hundred and twenty-nine days, at 1 00; five men's services four months and twelve days, at 20 00 per month each; three men's services four months and six days, at 20 00 per month each; one man's services four months and eleven days, at 20 00 per month, - - -	1,178 34
Sept. 22,	42	H. Saunderson, -	For painting fifty-one yards of canvass, - - -	25 50
26,	43	James D. Doty, -	For services in the northwestern expedition, one hundred and twenty-four days, at 1 00, - - -	124 00
26,	45	C. C. Trowbridge, -	For services in the northwestern expedition, one hundred and twenty-four days, at 1 00, - - -	124 00
April 11,	80	A. G. Whiting, -	For one spy glass and leather case, 22 50; one six-pole tape measure, 6 00; one thermometer, 5 00; two nautical almanacs, 3 00; one boat compass, 6 00; two pocket compasses, 14 00; six American boat ensigns, 14 00; four thousand pieces wampum, 14 00, - - -	84 50
May 23,	83	H. R. Schoolcraft, -	For services as mineralogist in northwestern expedition, - - -	70 00
17,	85	Louis Dequindre, -	For ten fusils, - - -	65 00
23,	88	Henry J. Hunt, -	For one coffee-mill and six bottles mustard, 6 75; two pounds pepper and twelve pounds hyson tea, 25 00; fifty-eight pounds loaf sugar and a half pound cinnamon, 26 27; quarter pound cloves and two ounces nutmegs, 2 00; sixty pounds coffee and three pounds rice, 30 53; eighty-seven pounds chocolate and boxes, 35 92½; five pounds barley, 94 cents; ten yards sheeting, 5 62½; eighty sheeting bags, 60 00; fifty bushels hulled corn, 50 00; fifteen gallons port wine, 60 00; ten gallons Madeira wine, 40 00; ten gallons brandy, 40 00; two canisters for tea, 3 00; twelve pounds spermaceti candles, 9 00; one tin canister for candles, 1 50; two barrels, 2 00; ten and a half pair blankets, 105 00; four gallons shrub, 12 00; fifteen and three-quarter yards scarlet cloth, 48 23; twenty-two and a half yards mixed cloth, 67 50; six pieces Indian riband, 36 00; one pound all-colored thread, 1 37½; twenty-eight pounds duck shot, 5 25; thirty two and three-quarter pounds sugar, 2 56½; one hundred and ten pounds lead, and box, 19 07½; nine yards cotton and two and a half yards blue cloth, 13 00; four yards gray cloth, and six Hambro' lines, 23 50; three handkerchiefs and one file, 2 75; one hat and three pair moccasins, 5 50; two buckskins, 3 50; forty-four pounds ham, 8 80; four hanks twine and forty yards cotton, 13 00, - - -	765 58½
17,	89	Chauncey S. Payne, -	For eighty-five gorgets, 152 91; forty-one pair armbands, 357 19; three hundred and thirty-six brooches, four sizes, 403 13; one hundred and three earwheels, 152 50; three thousand eight hundred small brooches, 218 00; three hundred pair ear bobs, 36 00; thirty-three pair wristbands, 82 78, delivered to Indians at the treaty of Sault de St. Marie, and upon the northwestern expedition, - - -	1,402 51
17,	90	Mack & Conant, -	For twenty-four yards green cloth, 84 00; ten pair blankets, 69 93½; twenty-five pounds assorted worsted, 75 00; fourteen pieces assorted gartering, 48 37½; two dozen printed shawls, 26 25; one pound Italian vermilion, 3 00, - - -	306 56½
June 7,	115	D. G. Jones, -	For fifty-two and a half pounds iron, 8 75; ten and a half pounds steel, 3 28; six flat files, 3 75; eighteen yards Russia sheeting, 13 50; six large sail needles, 13 cents; two cuts thread, 19 cents; forty-seven and a half pounds iron, 7 91, fifteen yards Russia sheeting, 11 25; six half round files, 3 00; fifteen yards Russia sheeting, 11 25; half pound brown thread, 75 cents; nineteen and a half pounds German steel, 6 09; five gallons lime juice, 15 00; one keg to contain lime juice, 1 00; forty-seven and a half pounds bar iron, 7 91; thirty-seven and a quarter pounds iron, 619 00; twelve large flat files, 6 63; three handsaw files, 75 cents, - - -	107 33
<i>For treaty at Saginaw, ratified March 25, 1820.</i>				
Jan. 1,	48	Jacob Smith, -	For services during the summer, in relation to the treaty at Saginaw, - - -	\$500 00
	57	Henry Conner, -	For services on account of the Saginaw treaty, from 8th to 28th September, at 4 00 per day, twenty days, - - -	80 00
				\$6,156 40½

L. C. No. 1—Continued.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
1820. Jan. 4,	58	Louis Campau, -	For his brother's services for one hundred and five days, 131 25; one bark canoe to transport property, 10 00; three axes, 6 00; one spade, 2 50; one iron shovel, 2 50; four grass scythes, 7 00; rings for scythes, 2 50; paid Francis Roy for services for one hundred and five days, 105 00; Louis Roy, same time, 105 00; Francis Bellant, eighty-six days' services, 86 00; J. B. Tremble and Edward Campau, for services, 24 00; Peter Roy, sixty days' services, 60 00; two scythe stones, 1 00; an Indian pilot, 10 00; writing paper, 2 00; hire of a horse, 10 00; paid for articles brought from Detroit, 2 00; one grindstone, 1 50; paid an Indian for labor done, 1 00; two Indians for labor done, 2 00; tobacco for Indians, 2 00; three wooden canoes, 8 50; hire of a boat, sixteen days, 16 00; services of three boatmen, 94 50; F. Fontmoy, carpenter, twenty-one days, 42 00; slabs for flooring, 15 50; ten rush mats, 15 00; five hundred and seventy-one elm barks, for covering the buildings, 59 75; six yards cotton, 3 00; one canoe, 2 00; paid an Indian chief for the use of his canoes, 1 75; one quart cider, 25 cents; hire of a horse, 4 00; one and a half pounds gunpowder, 2 25; riband and knife, 75 cents; paid Indians for cutting brush, 75 cents; fifteen pounds nails, 5 62½; one rifle, 22 50; two yards riband and one skein silk, 1 00; one yard cotton, 75 cents; one pound lead, 50 cents; six cotton shirts, 15 50; one and a half yard cotton, 1 12½; calico delivered to an Indian, 6 00; one knife, 75 cents; one skein silk, 25 cents; one brass kettle, 8 00; paid an Indian, per order of Captain Knaggs, 4 00; one gun delivered to an Indian, 5 00; sundries to different Indians, per order of Captain Knaggs, 34 75; paid an Ottawa, per Governor's order, 24 00; paid the Corn Cob's son, per Governor's order, 2 00; paid two Indians, per Governor's order, 28 00, for use of horses during and previous to the treaty, - - - - -	1,016 50
4,	60	Whipple & Smyth,	For the table furnished for the commissioner and officers of the Indian Department, and other persons and Indians invited thereto, from the 3d to the 26th September, 1819, amounting to two thousand two hundred and fifty-seven meals, at 75 cents per meal, 1,692 75; thirty-nine gallons Cognac brandy, and barrel, 124 62½; two barrels cider, 20 00; forty-two gallons L. P. Teneriffé wine, and barrel, 159 50; forty-one and a half gallons fourth proof spirits, 82 00; two iron bound casks, 4 00; forty-nine gallons wine, 198 00; two gallons lime juice, and keg, 6 00; ten gallons whiskey, 10 00; six gallons gin and keg, 13 00, - - - - -	2,309 87½
4,	62	J. & A. Wendell,	For 88 yards blue cloth, \$392 59½; 313½ yards calico, 207 33; 4½ dozen shawls, 77 25; two pair armbands, 17 25; five pair wristbands, 18 75; 100 brooches, 6 75; 100 crosses, 9 00; two dozen combs, 2 22; four pair blankets, 55 31½; 3½ yards green cloth, 15 24; 30 handkerchiefs, silk and cotton, 24 93½; 27½ factory stripe, 7 92; one small cord, 28 cents; 71½ lbs. bar lead, 14 50½; one pair armbands, 6 75; one tin kettle, 3 00; two roram hats, 8 25; one pair butts, 37½ cents; one dozen screws, 18½ cents; 200 gun flints, 3 00; four beaver traps, 10 00; one beaver trap, 4 12½; four large rifles, 72 50; one brass kettle, 6 12½; one grindstone, 5 64; two kegs powder, 28 00; one canister powder, 75 cents; distributed to Indians at treaty at Saginaw, - - - - -	998 03½
1,	64	Jacob Smith, -	For services with boat for transporting provisions on the Saginaw river, for use of the treaty, - - - - -	28 00
1,	66	Jacob Smith, -	For making a bridge across Cranberry marsh, so that persons going to the Saginaw treaty, and pack-horses laden with specie and other property, might be enabled to pass, - - - - -	30 00
7,	68	Antoine Dequindre, -	For one keg rifle powder, \$21 00; two bags shot, 12 06½, - - - - -	33 06½
4,	69	J. F. Marsac, -	For services as interpreter at the Saginaw treaty, from September 1 to November 1, 1819, at \$1 per day, - - - - -	61 00
10,	70	Jacob Visger, -	For services as interpreter at the Saginaw treaty, from September 1 to September 30, 1819, fuel and house rent, - - - - -	40 00
11,	71	John Ryley, -	For services as interpreter at the Saginaw treaty, from July 1, 1819, to January 1, 1820, fuel and house rent, - - - - -	244 00
6,	72	H. J. Hunt, -	For 349 lbs. tarred rope for U. S. cutter Porcupine, employed in transporting troops to Saginaw, - - - - -	87 25
4,	74	Peter Ryley, -	For services on account of the Saginaw treaty, - - - - -	300 00
4,	77	J. M. Navarre, -	For an elegant silver-mounted rifle of the first quality, - - - - -	70 00
108	Henry J. Hunt, -	For 41½ lbs. mould candles and box, \$17 60; 29 lbs. spermaceti candles and box, 24 38½; 55 lbs. soap and box, 14 06½; one shovel and one cider barrel, 5 50; twelve lbs. nails, 3 00; one bag, 1 00; 102 bushels oats, and 68 bags to contain the same, 119 00, three yards sheeting, 1 12½; 18 bushels corn, and four bags containing it, 22 00; one bag corn, 2 50; one slate and pencils, 1 00; six bushels corn and two Hambro' lines, 9 00; one hank Holland twine, 75 cents; one bag for salt, 25 cents; freight of nineteen bushels of potatoes to Saginaw, and thirteen barrels bulk from same place, 20 12½; hire of horse, cart, and man, 3 00; one tap-borer and one gimlet, 1 00; twenty-five bundles oats, and five dozen ears of corn for sheep, 2 00;		

L. C. No. 1—Continued.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
1820. Jan. 6,	109	A. Edwards,	one Dutch oven, 6 00; one dozen knives and forks, 4 50; two three-bushel bags, 2 50; cash paid A. Edwards for storage, 11 00, For one penknife, \$1 50; 1½ lb. putty, 56 cents; four grass scythes, 7 00; sixteen quires letter paper, 7 50; 721 lbs. tobacco, 166 75; one hat, 6 00; one bottle, 38 cents; fifty quills, 1 25; one box wafers, 50 cents; one lead pencil, one bottle ink, and four sticks wax, 1 74; one funnel, 31 cents; one pair steelyards, 4 50; one quart measure, 38 cents; pipes, 5 13; one brass cock, 88 cents; 85 lbs. powder, 65 00; 100 lbs. lead, 22 00; eighteen kegs, 12 75; ten dozen fish hooks, 3 00; one bed cord, 63 cents,	\$271 29½ 307 76
\$6,406 77½				
<i>For treaty at Chicago.</i>				
Dec. 19,	50	A. Edwards,	For two pairs shoes, \$5 00; twenty-four lbs. tobacco, 6 00; four lbs. lead, 1 00; two canisters powder, 2 00; four lbs. lead, 1 00; eight lbs. tobacco, 2 00; four canisters powder, 4 00; one and a half yard blue cloth, 3 75; six lbs. tobacco, 1 50; three canisters powder, 3 00; eight lbs. lead, 2 00; one hat, 2 00; two kegs, 1 50; three lbs. tobacco, 75 cents; ten canisters powder, 10 00; twenty-five lbs. lead, 6 25; fifteen lbs. tobacco, 3 75; flints, 50 cents; one hat, 4 00; one lb. tobacco, 25 cents; one lb. lead, 25 cents; two canisters powder, 2 00; three lbs. lead, 75 cents; two canisters powder, 2 00; five lbs. lead, 1 25; three lbs. tobacco, 75 cents; one lb. lead, 25 cents; flints, 25 cents; two canisters powder, 2 00; twelve lbs. tobacco, 3 00; six canisters powder, 6 00; twelve lbs. tobacco, 3 00; 12½ lbs. lead, 3 18½; three canisters powder, 3 00; 1¼ yard blue cloth, 4 38; three yards white cotton, 1 13; one hat, 3 00; two canisters powder, 2 00; six lbs. tobacco, 1 50; eight lbs. lead, 2 00; one keg, 75 cents; one lb. tobacco, 25 cents; six lbs. tobacco, 1 50; six canisters powder, 6 00; 17½ lbs. lead, 4 38; three lbs. lead, 75 cents; two lbs. tobacco, 50 cents; one canister powder, 1 00; six lbs. tobacco, 1 50; 17½ lbs. lead, 3 45; one canister powder, 1 00; five lbs. lead, 1 25; four lbs. tobacco, 1 00; four lbs. lead, 87½ cents; one lb. tobacco, 25 cts.; three kegs, 3 00; five canisters powder, 5 00; ten lbs. lead, 2 20; four lbs. tobacco, 1 00; one keg, 1 00; one lb. tobacco, 25 cents; six and a half lbs. tobacco, 1 63; one keg, 75 cents; twelve lbs. tobacco, 3 00; one keg, 75 cents; nine lbs. tobacco, 2 25; two canisters powder, 2 00; two lbs. tobacco, 50 cents; three quires paper, 1 50; one keg, 63 cents; 26 lbs. tobacco, 6 50; one hat, 3 50; twenty-five lbs. balls, 5 50; five lbs. powder, 3 75; calico, 62½ cents; three lbs. tobacco, 75 cents; eight lbs. tobacco, 2 00; six lbs. tobacco, 1 50; one lb. powder, 75 cents; four lbs. shot, 1 00; one lb. powder, 75 cents; four lbs. shot, 1 00; ten lbs. powder, 7 50; two lbs. lead, 4 40; two pairs coarse shoes, 4 50; two hats, 10 00; two kegs, 1 25; five lbs. tobacco, 1 25; pair shoes, 2 25; six lbs. tobacco, 1 50; two lbs. powder, 1 50; six lbs. lead, 1 20; one pair shoes, 2 50; one hat, 5 00; two lbs. tobacco, 50 cents; one keg, 62½ cents; one lb. tobacco, 25 cents; ten lbs. powder, 7 50; three lbs. lead, 6 00; four kegs, 2 50; one hat, 4 50; fifteen lbs. powder, 11 25; forty-five lbs. lead, 9 00; two pairs shoes, 4 50; two kegs, 2 00; one lb. lead, 20 cents; four kegs, 3 00; two pairs spurs, 4 50; fifty lbs. powder, 30 00; 54 lbs. lead, 10 80; eighteen lbs. lead, 3 60; one pair shoes, 2 25; five kegs, 3 12½; one lb. powder, 75 cents; three lbs. shot, 75 cents; one blanket, 4 00; one handkerchief, 63 cents; eighteen lbs. lead, 3 60; five lbs. powder, 3 75; ten lbs. lead, 2 00; one lb. tobacco, 25 cents; one pair blankets, 8 00; four and a half yards cloth, 11 25; seven yards calico, 2 63; one large shawl, 2 50; two kegs, 1 25; four yards and a half cloth, 11 25; one large shawl, 2 50; one pair blankets, 8 00; six yards calico, 2 63; ten lbs. powder, 7 50; one hundred large flints, 75 cents; nine jackknives, 3 00; thirty lbs. of lead, 6 00; one blanket, 4 00; three yards calico, 1 13; thread, 12 cents; six quires letter paper, 3 00; thirty yards of cotton, 8 10; twenty-eight yards calico, 10 50; one hundred flints, 63 cents; ten lbs. powder, 7 50; ten yards cloth, 25 00; three large Indian shawls, 6 00; thirty lbs. balls, 7 50; one dozen inlaid knives, 3 00; three blankets, 12 00; three kegs, 1 25; ten lbs. powder, 7 50; six blankets, 24 00; fifteen yards calico, 6 56; one dozen inlaid knives, 3 00; fifty small flints, 31½ cents; eight yards cloth, 20 00; thirty lbs. balls, 7 50; two kegs, 1 25; two lbs. powder, 1 50; four lbs. lead, 80 cents; three-quarters of a yard cloth, 1 88; four lbs. powder, 3 00; thirty-six lbs. balls, 9 00; twelve lbs. powder, 9 00, two large tin pails, 3 38; six yards calico, 2 25; one lb. powder, 75 cents; two lbs. lead, 40 cents; one yard blue cloth, 2 25, -	\$605 50½

L. C. No. 1.—Continued.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
<i>Advances to Indian agents.</i>				
	76	John Johnston, -	For his draft, dated Oct. 1, 1820, for Ind. Department at Piqua,	\$4,643 00
	124	John Johnston, -	For do. April 3, do. do.	1,000 00
	125	John Johnston, -	For do. do. do. do.	2,155 00
	130	John Johnston, -	For do. July 17, do. do.	2,700 00
	131	John Boyer, -	For do. August 1, do. Green Bay,	700 00
	132	John Boyer, -	For do. do. do. do.	3,000 00
		John Hays, -	For amount advanced him, 28th August and 1st October, 1820, at present agent at Fort Wayne, - - -	4,303 60
		John Hays, -	For amount advanced him on his draft of 31st December, 1820, at present agent at Fort Wayne, - - -	1,661 77
		William Turner, -	For amount advanced on his draft of 1st January and 1st April, 1820, formerly agent at Fort Wayne, - - -	2,139 34
		Alexander Wolcott, -	For amount advanced him in 1820, agent at Chicago, - - -	4,258 59
		George Boyd, -	For amount advanced him between 23d May and 26th December, 1820, agent at Michilimackinac, - - -	5,498 37
				<u>\$32,059 67</u>
		Lewis Cass, -	For compensation for his services and in full of all expenses and charges for extra duty as superintendent for the year 1820, (see statement and decision contained in the accompanying statements marked L. C. Nos. 3, 4, 5, 6, 7, 8, 9.) - - -	\$1,959 71

RECAPITULATION.

Salaries, - - - - -	\$7,981 00
Presents, - - - - -	1,419 23
Contingencies, - - - - -	2,955 64½
Northwest expedition and treaties in 1820, - - - - -	6,156 40½
Treaty at Saginaw, - - - - -	6,406 77½
Treaty at Chicago, - - - - -	605 50½
Advances to Indian agents, - - - - -	32,059 67
	<u>\$57,584 23</u>
Compensation to Lewis Cass for 1820, - - - - -	1,959 71
	<u>\$59,543 94</u>

L. C. No. 2.

Abstract of disbursements made by Lewis Cass, Governor of Michigan Territory, as Superintendent of Indian Affairs, between 1st January and ———, 1821.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
<i>Salaries.</i>				
1821.				
June 30,	2	R. A. Forsyth, -	For salary from January 1 to June 30, 1821, as sub-agent and interpreter, - - - - -	\$360 00
30,	4	Gabriel Godfroy, -	For salary as sub-agent and interpreter from January 1 to June 30, 1821, - - - - -	491 00
30,	6	Whitmore Knaggs, -	Do do do do do.	491 00
30,	9	R. A. Forsyth, -	For salary as interpreter, from January 1 to June 30, 1821, - - - - -	100 00
30,	14	A. G. Whiting, -	For salary from January 1 to June 30, 1821, as translator and interpreter, - - - - -	50 00
March 24,	18	Jacob Smith, -	For salary as interpreter, from January 20 to March 24, 1821, - - - - -	64 00
Feb. 14,	22	P. Provancial, -	For salary as blacksmith, from August 14 to December 31, 1820, - - - - -	140 00
June 30,	25	Augustine Lafoy, -	For salary as gunsmith, from January 1 to June 30, 1821, - - - - -	264 00
				<u>\$1,960 00</u>
<i>Presents.</i>				
Jan. 18,	53	Jacob Smith, -	For 1 cwt. tobacco issued to Indians previous to Saginaw treaty, - - - - -	\$25 00
May 20,	57	A. Audien, -	For one horse delivered to Quiscacon, a Chippewa Indian, - - - - -	35 00
June 8,	59	J. G. Schwartz, -	For sixty-five pounds powder delivered to sundry Indian chiefs, - - - - -	28 82
30,	62	R. Garret, -	For one pair shoes for an Indian, - - - - -	2 25
				<u>\$91 07</u>
<i>Contingencies.</i>				
Jan. 5,	52	Jos. Delanchont, -	For making a coffin, digging a grave, and burying an Indian, - - - - -	\$4 00
April 20,	54	John W. Hunter, -	For wooding three ploughs, - - - - -	15 00
May 9,	55	Louis Campau, -	For corn, together with grease and sugar, delivered an express from Detroit to Mackinac, 2 00; and transportation of flour, pork, and sundries, from Detroit to Mackinac, for the use of Provancial, the blacksmith, employed at Saginaw, three thousand pounds, at 1 00 per one hundred pounds, 30 00; three pounds tobacco, distributed at Saginaw to the Indians, 2 25, - - - - -	34 25

L. C. No. 2—Continued.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
1821.				
May 9,	56	Mack & Conant, -	For two hundred and twenty-two bushels charcoal, -	\$27 75
July 2,	58	W. Knaggs, -	For this sum, an express to Portage river, -	10 00
June 27,	60	Henry Brown, -	For one office inkstand, 3 00; two folders, 2 50; one box and pounce, 1 00; India rubber, 75 cents; one ruler, 1 00; two dozen office tape, 5 00, - - - - -	13 25
30,	61	Pierre Lavaillier, -	For four days' services as laborer, - - - - -	3 00
30,	62	R. Garrett, -	For one ream wrapping paper, 3 50; two quires letter paper, 50 cents, - - - - -	4 00
July 2,	63	Sheldon & Read, -	For printing done for Indian Department, - - - - -	28 00
2,	64	Peter Ryley, -	For one birch canoe, - - - - -	10 00
2,	65	A. Edwards, -	For six kegs, viz: one of five, three of four, and two of three gallons, - - - - -	4 51
2,	66	Do. -	For transportation of seventy-two articles of sundries, amounting to thirty-eight and a half barrels bulk, 38 50; for transportation of three bundles and four kegs from Green Bay to Mackinac, 2 50; for transportation of six barrels from Green Bay to Detroit, 4 50, - - - - -	45 50
				<u>\$199 26</u>
<i>Expenditures for the northwestern expedition, and at the treaty at Sault de St. Marie, 6th June, 1820, and treaty at Mackinac and L'Arbre Croche, 6th July, 1820.</i>				
1820.				
March 16,	27	H. R. Schoolcraft, -	For services as mineralogist, - - - - -	\$100 00
July 8,	68	B. B. Kercheval, -	For thirteen pounds loaf sugar, 8 12½; one pound tea, 3 00; one tin kettle, 2 00; two gallons whiskey, 3 00; forty-eight pounds bacon, 6 00; one pair blankets, 11 00; transportation of canoe and baggage across the Portage, 15 00; paid for horse hire 13 50, - - - - -	61 62½
				<u>\$161 62½</u>
<i>For treaty at Saginaw, ratified 25th March, 1820.</i>				
Jan. 18,	53	Jacob Smith, -	For services in the Indian country, ninety-four days, 94 00; use of his house for the Indians, 10 00, - - - - -	\$104 00
<i>For treaty at Chicago.</i>				
July 2,	67	A. Edwards, -	For ten quires of letter paper, \$5; ten blankets, 29 00; twenty-four pounds of powder, 18 00; thirteen pounds of tobacco, 3 25; twenty-six pounds of lead, 5 20; five and a half yards of cotton, 2 75; one hundred and twenty-two and three-quarter yards of calico, 47 47½; twenty-six and three-quarter yards of cloth, 56 31; thirty-eight kegs, 22 50; one pair of shoes, 2 00; eight handkerchiefs, 3 69; thirteen knives, 2 75; one pair of socks, 63 cents; flints, 13 cents; one tin cup, 13 cents; two and three-quarter yards of strouding, 6 88; one shawl, 2 25; thread, 1 00; cash, 2 00; eleven files, 4 81½; one dozen pipes, 13 cents; four pounds of shot, 75 cents; four scalping-knives, 2 00; one decanter, 63 cents; two large kettles, 6 00; worsted, 50 cents; two yards of riband, 25 cents; seven looking-glasses, 1 31; one cord, 63 cents; two pans, 1 50, - - - - -	229 50
Sept. 12,	69	Henry J. Hunt, -	For one hundred and seventeen pounds of ball, \$21 25; thirty-two pounds of powder, 20 25; one hundred and eight and three-quarter yards of cloth, 410 31½; twenty-three and a half yards of cotton, 12 19; sixteen shawls, 20 00; nineteen yards of calico, 7 90½; twenty-seven blankets, 119 50; nine pounds tobacco, 2 25; five black silk handkerchiefs, 6 25; two hats, 4 00; two pounds of sugar, 25 cents; two pounds of sealing-wax, 5 00; sewing twine and nails, 94 cents; one pair of skates, 2 00; one pound of shot, 25 cents; two locks, 1 00; fifteen quires of letter paper, 9 00; two quires of foolscap, 1 00; silk, thread, and buttons, 1 62½; four razors, 1 00; five pair of scissors, 2 00; one fine comb, 50 cents; one office knife, 1 25; four brass inlaid knives, 2 00; one pound of tea, 1 50; one buckskin, 1 00; five pair of moccasins, 2 50; six knives, 1 25; cash paid two men for assisting to load provisions at the treaty of Chicago, 2 25, - - - - -	661 21
				<u>\$890 71</u>
<i>Advances to Indian agents.</i>				
73	John Biddle, -	For his draft dated May 8, 1821, - - - - -	\$1,550 00	
74	Do. -	July 27, 1821, - - - - -	-	
75	Do. -	July 27, 1821, - - - - -	350 00	
77	John Johnston, -	April 12, 1821, - - - - -	4,429 75	
79	George Boyd, -	August 3, 1821, - - - - -	284 25	
80	Do. -	August 25, 1821, - - - - -	322 00	
81	Do. -	August 30, 1821, - - - - -	161 90	
83	John Hays, -	March 31, 1821, - - - - -	1,104 91½	
84	Do. -	July 1, 1821, - - - - -	622 75	
85	Do. -	July 6, 1821, - - - - -	410 00	

L. C. No. 2.—Continued.

Date of payment.	No. of vou.	Payments, to whom made.	Nature of the disbursements.	Amount.
	86	John Shaw, -	For his draft dated July 21, 1821, - - -	\$200 00
	87	John Konkopot, -	For his draft dated September 11, 1821, - - -	100 00
		John Kenzie, -	For amount advanced him in 1821, as sub-agent at Chicago, -	504 39
		Alex. Wolcott, -	For amount advanced him in 1821, as agent at Chicago, -	722 14
				<u>10,762 09½</u>
		Lewis Cass, -	For compensation for his services, and in full of all expenses and charges for extra duty as superintendent for the year 1821, -	1,509 71
		John Kenzie, -	For Indian sub-agent at Chicago, advanced him on account of appropriation for carrying into effect Indian treaty, per act of March 3, 1819, (as per accompanying account marked L. C. No. 15.) - - -	1,129 60
			For annuities paid by Governor Cass, (as per abstract and account current of annuities accompanying this statement, marked L. C. Nos. 16 and 17,) - - -	27,600 00

RECAPITULATION.

Salaries, - - - - -	\$1,960 00
Presents, - - - - -	91 07
Contingencies, - - - - -	199 26
Northwest expedition and treaties in 1821, - - - - -	161 62½
Treaty at Saginaw, - - - - -	104 00
Treaty at Chicago, - - - - -	890 71
Advances to Indian agents, - - - - -	10,762 09½
	<u>\$14,168 75½</u>
Lewis Cass, compensation in full for 1821, - - - - -	1,509 71
John Kenzie, Indian agent, advanced on account of the appropriation for carrying into effect Indian treaties, per act 3d March, 1819, - - - - -	1,129 60
Annuities paid by Governor Cass, per abstract and account current accompanying this statement, - - - - -	27,600 00
	<u>30,239 31</u>
	<u>\$44,408 06½</u>

L. C. No. 3.

Sir:

WASHINGTON, October 17, 1821.

Some time since I submitted to the War Department the peculiarity of my situation as superintendent of Indian affairs, and the increased expense to which I was rendered liable by my local position and by the circumstances of the times. The letters which I had the honor to submit, of October 25th, 1814, and of October 21st, 1815, were in answer to these representations.

It becomes my duty now, when requesting a definite allowance under these instructions, to state the circumstances which render this measure proper, that you may be the better enabled to determine what sums shall be allowed.

During the whole period of the war, and for more than two years succeeding its termination, the Territory of Michigan was in a state of absolute exhaustion. The events there were at first so disastrous, and the contest for the possession of the country was so long and severe, that its resources were soon destroyed. Its reduced population, totally inadequate to the production of its own supplies, were dispirited, and their exertions paralyzed by the insecurity of their situation, and by the atrocious scenes of which they were the daily witnesses. Under these circumstances, it can excite no surprise to learn that every article of life was dearer than in any other section of the United States. The most extravagant prices were asked and given.

I take the liberty of enclosing, herewith, a schedule of the prices, made out in 1815, while Governor Harrison, General McArthur, and Mr. Graham, commissioners for treating with the Indians, were at Detroit. The original was formed in the presence of Mr. Graham, and transmitted by him to the War Department.

It may be readily presumed that, upon such a frontier, and in such times, my expenses must have far exceeded the stated salary of the office. I can solemnly aver that I expended much more than the whole sum received as salary. After the communications before referred to, I considered myself justifiable in incurring these expenses, to which I was rendered liable, and from which I could not extricate myself without a sacrifice, in some degree, of the public interest. It is impossible to attain absolute precision upon such a subject. I have charged in my accounts with the United States \$2,000 per annum, during the years 1814, 1815, and 1816; and certain I am that this sum will not compensate me for the peculiar circumstances in which I was placed, and for the additional expense I was compelled to encounter. These three years comprehend the period to which I am willing that this allowance should be restricted, and within which the prices of every article were most extravagant.

The expenditure of the appropriation for the Indian Department is entirely discretionary with the Government. It is applied to such objects, and in such manner, as the Government may deem most conducive to the public interest. There is no limitation but the discretion of the Executive—a discretion founded on a full consideration of the circumstances in every particular case, and restrained by the public interest on one side, and by the just rights of individuals on the other. I do not ask the sum which I have stated as a fixed annual allowance, but as a fair estimate of my claim under the authority of the Government. I do not ask it to be paid to me; I request it may be allowed in my account current as an item of expenditure to which I was liable.

During the three years I have specified, Detroit was, emphatically, the Indian head-quarters. The eyes of all the Indians north of the Ohio and east of the Mississippi, together with many of those west of that river, were fixed upon that place. Either as actors or as anxious spectators, their attention was directed to Detroit and to Malden. All who could come—men, women, and children—remained as near there as the circumstances of the times permitted. During a part of that time we had no agent at Michilimackinac, Green Bay, Prairie du Chien, St.

Peter's, Rocky river, Chicago, Fort Wayne, and Upper Sandusky; and, during the whole of it, we had agents but at two or three of those places.

The Governors of Territories are *ex officio* superintendents of Indian affairs within their respective local jurisdictions. But almost the whole duties of Indian agent for that immense extent of country, and for those numerous tribes of Indians, devolved upon me. Three-fourths of them were not within my local jurisdiction, and, consequently, I was not bound to discharge the duties of agent without compensation. In an estimate submitted to the War Department in 1816, it was computed that the average daily number of Indians in the town of Detroit was 400. My family has been driven from one extremity of the house to the other by them.

There is another consideration, too, which ought not to be omitted. I was, by the execution of these duties, subjected to great personal responsibility. The money for the public expenditures of the department was procured by me in the interior of the country, and brought through that dangerous and exposed frontier, at my risk, to Detroit. An accident, by which the sum of \$475 was lost, might easily have happened to a much larger amount, and would have occasioned my inevitable ruin.

More than \$200,000 were, within this period, thus expended by me, not one cent of which was it my legal duty to disburse. My claim, then, rests upon these facts: Upon the assurances of the War Department, contained in the letters I have before mentioned; upon services rendered by me in cases not within the legal scope of my duties; upon the disbursements of public money under the circumstances which I have stated.

I reserve for your subsequent consideration any claim which I may have to an allowance for the discharge of duties since 1816, similar in their character to those alluded to by Mr. Graham, in his letter respecting the settlement of the accounts of General Hull. The sum of \$2,000 per annum includes all allowances in whatever form which I claim for the years 1814, '15, and '16, and all that I ever expect to claim at any time under the letters of the War Department to which I have referred.

The estimate upon this subject should be judged by the circumstances of the times when the facts occurred, and not by our present views of things. It was a period of war, of a peace which immediately succeeded to it. Every thing was upon the war scale. We have reached our present situation slowly and gradually. We must stop and look back before we can correctly appreciate the changes which have taken place.

There are in town two gentlemen, Colonel Hunt and General Macomb, one of whom was at Detroit during the whole period to which I have referred, and the other during a part of it. I have not exchanged a word with either of them upon the subject of this letter. I beg leave to refer you to them for such facts as may be material in enabling you to form your opinion upon the estimate which I have submitted.

I can only add, that I have incurred heavy expenses necessarily incident to my station; and I do trust that I shall receive credit for the assertion when I say, which I do most solemnly, that my pecuniary circumstances would have been better had I never accepted the office which I now hold.

Very respectfully, sir, I have the honor to be, &c.

LEWIS CASS.

Hon. JOHN C. CALHOUN, *Secretary of War.*

P. S. I find, on examination, that the schedule referred to cannot now be found in the department. Another shall be made out, should you deem it important.

L. C.

L. C. No. 4.

SIR:

WASHINGTON, *October 29, 1821.*

In the letter which I had the honor to address you a few days since, I stated the nature of the claim which I had to compensation for the execution of duties connected with Indian affairs, and which I was not required by law to execute. In addition to the facts and principles therein stated, I take the liberty of presenting the following view of the subject.

I am *ex officio* superintendent of Indian affairs within the Territory of Michigan. As such, it is my duty to superintend the agencies therein. Further than this, the law does not require me to go. Whenever, therefore, other duties are executed, they are to be paid out of the general fund appropriated for Indian affairs.

Since 1813, and including part of that year, I have been the superintendent of Indian affairs upon the north-western frontier of the United States. The agency of Michilimackinac is the only agency that was originally within the Territory of Michigan. That of Green Bay was attached to the Territory at the close of 1818, or the commencement of 1819. All the others under my superintendency are without the Territory, and the supervising power exercised by me over them is consequently not within the pale of my official duties. I have, then, superintended the following agencies, for which I have a just claim to compensation: the agency of Green Bay, till 1819; the agency at Chicago, Fort Wayne, Piqua, and the sub-agencies at Upper Sandusky and Blanchard's Fork, since their establishment.

In the settlement of the accounts of Governor Hull, in 1811, he was allowed \$250 per annum for superintending the Indians at Upper Sandusky. The Indians superintended by me are, I presume, more than ten times in number those included in his account. Besides, the business then was comparatively trifling to what it now is. The correspondence of the War Department with the agencies is now carried on through the superintendent. Every doubtful point is submitted to him by the different agents. If the question can be decided by him, a decision is made; if not, it is referred to the War Department. All the funds received by him are transmitted to the different agents. The estimates are forwarded by him, and every voucher for expenditure by an agent is examined, certified, and transmitted by him, and an account kept with each agent in his office. Previous to the war, no such system prevailed; and the consequence was, a general laxity in the state of our Indian affairs. Scarcely any correspondence was carried on between the superintendent and the agents, except with relation to the issuing of licenses, for each of which the superintendent received \$5. All the forms, also, are devised by me, and forwarded to the agents. I have no hesitation in saying that my duties, in this respect, are three-fold greater than those which I am required to execute in the civil administration of the government of the Territory.

I have before stated that I am *ex officio* superintendent of Indian affairs within the Territory, and that it is my duty as such to "oversee and overlook," in the words of the definition, others in the department.

But for eight years I have executed the duty of Indian agent at Detroit. There was no agent "to oversee and overlook." I came directly in contact with the Indians, and every question and every application respecting them came directly to me. In fact, I have been surrounded by them. Some conception of their number may be formed, when it is recollected that the great body of the Indians north of the Ohio and east of the Mississippi annually visit Malden, and pass through, or in the vicinity of, Detroit, on their journeys.

That place has, for more than a century, been the head-quarters of Indian affairs, under the French, British, and American Governments. The Ottawas, Chippewas, and a large portion of the Pattawatamies, belong to that

agency, considered as such; and of these tribes I am in fact the agent. All the provisions and presents are issued by me: the annuities are paid by me. Applications with respect to losses sustained, either by the Indians or by our own citizens, are made to me, heard, determined, and satisfied or rejected, or forwarded to the Second Auditor of the Treasury. Licenses both to our own citizens in the ordinary manner, and also under the act of 1816, are granted by me; and the latter is a troublesome and laborious duty, for the discharge of which Major Puthuff considered himself entitled to \$3,000 in one year; in short, the daily and hourly duties devolving upon an ordinary Indian agent, and resulting from the visits and applications of an importunate, hungry, wretched, and generally drunken people, are performed by me, not only for the Indians living within the peninsula, and considered as belonging to the Detroit agency, and computed at 8,000, but also for every Indian without those limits who is brought to Malden and Detroit by business, interest, or poverty.

Considered with reference to its business and importance, and taking into view its relation to the British and Indians, there is certainly no agency in the Union which can compare with that of Detroit; none which is visited by the same number of Indians, none which is importuned with the same number of applications, none which requires the same ceaseless attention, and none which renders necessary the same caution and vigilance to secure the Indians from the effect of British presents and promises. The duties of this agency I have performed for upwards of eight years, without any legal obligation, without one cent of compensation, and with as much zeal and fidelity as in my power.

I have not the means of ascertaining, with precision, the sums that have passed through my hands in the period above alluded to; they must, however, equal \$400,000. No law requires me to receive or disburse one cent of this money. During a considerable part of the time it was procured at the banks in Ohio, and brought at my risk to Detroit.

The risk attending these transactions was of two kinds: 1st, That of transportation; two hundred miles of the whole distance being unsettled. War prevailed during part of the time, and at no time was the country considered safe. The road traversed the Black swamp, perhaps the most dreary portion of the Union. I have already stated the loss of \$475, and the same accident might have happened to almost any amount. A sudden fall of rain might cause a creek to rise, and might lead to the death of the messenger.

2d. Another risk was occasioned by the state of the currency and the uncertain condition of the banks. These institutions are in a critical situation, fluctuating with every report; solvent to-day, and bankrupt to-morrow. To procure the money, I gave drafts on the Treasury. These drafts were, of course, debited to me; but, between the time of receiving and of paying the money, the bank might shut its vaults, and the paper thus become useless; in such an event, the loss must fall upon me. Even in better and safer times, the Bank of Michigan considered it worth $1\frac{1}{2}$ per cent. to bring money from New York at the expense of the United States, and, in fact, refused to do it.

The mode of expending this money renders the business very hazardous to the officer. A voucher may be lost or mislaid, or a payment may be made not authorized by law or by the instructions; and, in these cases, certain loss is the consequence. The payments, too, are of the most troublesome kind. A thousand little articles are required by the Indians, and the accounts must be multiplied in proportion. A portion of this amount consisted in goods sent for distribution to the Indians—the most perplexing business which ever fell to the lot of any man to execute. Day after day, month after month, and year after year, to hear their demands, their complaints of partialities, and to divide and satisfy, require a greater share of patience than is usually found. I cannot add any thing to my former statement on the subject of expense; but I take the liberty of subjoining the certificates of General Macomb and Colonel Hunt, two gentlemen who have observed at all times my official duties, and who well know the situation in which I have been placed. I trust their statement will be satisfactory. I take the liberty of transmitting, also, a condensed exhibit of my claim, certified by myself.

Yours, &c.

LEWIS CASS.

Hon. JOHN C. CALHOUN, *Secretary of War.*

WASHINGTON, *November 2, 1821.*

I do hereby certify that Whitmore Knaggs has been a deputy superintendent of Indian affairs, or sub-agent and interpreter, as I have been informed, since General Wayne took possession of the fort of Detroit; Gabriel Godfroy was appointed to the same office in 1813, by General Harrison. Knaggs is the sub-agent for the Chippewas and Ottawas, and Godfroy for the Pattawatamies. Both of them speak all the Indian languages of that country fluently. They are men above the common sphere of interpreters, but can scarcely read or write; of course, they can render me no service in the execution of any of the duties which require the most limited education. It is their duty to attend all the Indian treaties, which they do, without compensation. They have attended the treaties of Spring Wells, in 1815; of Fort Meigs, in 1817; the three treaties of St. Mary's, in 1818; the treaty of Saginaw, in 1819; and the treaty of Chicago, in 1821.

It is their duty, also, to repair to any part of the Indian country where difficulties may arise, to pursue and reclaim from marauding parties of Indians any property they may have stolen; to take the annuity to such part of the country as may be directed for the payment of Indians; to receive at their houses, which are never empty, all Indians who may arrive; to ascertain their business, feelings, &c.; and to attend to the drawing of provisions, and an immense variety of business, the details of which it would be tedious to enumerate, and which employs their time, attention, and means. There has been no other sub-agent in the Territory since the period of my residence there, and both the persons I have mentioned have been zealous public servants, overloaded with duties, and not supported during any one year by their official emoluments:

Charles Larned, John Stockton, and Robert A. Forsyth, have, since September, 1814, executed those duties which, at other places, are performed by sub-agents, and two of them the duties of interpreters. The first speaks French, and acted as French interpreter; and the last speaks that language, and also that of the Ottawas, Chippewas, and Pattawatamies, and acted as interpreter for their languages. All three of them aided me in the ordinary duties of the office, and without them it would have been impossible for me to discharge its duties. No other interpreter is now constantly employed except Forsyth and the two sub-agents. Without the assistance of one of the persons last mentioned, a sub-agent or interpreter would have been necessary at all times in my office.

LEWIS CASS.

L. C. No. 5.

WASHINGTON, *October 30, 1821.*

I certify that I have lived at Detroit during the whole time that Governor Cass has administered the Government there. I have read with attention two letters addressed by him to the Secretary of War, one of October 17th,

and the other of October 29th, 1821, and there is not one fact stated in either which I do not fully believe. It is only necessary for me to add, that his office is most troublesome and perplexing, and that the applications made to him by the Indians are almost hourly.

Detroit has, since the commencement of the war, and until within two years, been the dearest place in the United States. Every article of life has been enormous. The average price of flour has been twelve dollars per barrel, pork thirty-five per barrel, whiskey two dollars per gallon, butter fifty cents per pound by the firkin, eggs fifty cents per dozen by the average, and frequently a dollar has been paid per dozen for them; three dollars for a turkey, wine eight dollars per gallon, corn two dollars per bushel—I have paid that price for five hundred bushels at a time; oats seventy-five cents per bushel, hay thirty dollars per ton, loaf sugar fifty cents per pound, coffee sixty-two and a half cents per pound, hyson tea three dollars per pound, and every other article in proportion. The contract price of wood was, upon the average, five dollars and fifty cents per cord. Having been in the mercantile business during the whole time, I can speak of these subjects from my own knowledge. My expenditures during the period of Governor Cass's administration have exceeded, upon an average, \$2,000 per annum. From the frontier situation of Detroit, the necessary disbursements of an executive officer must be great, and I believe Governor Cass's to have far exceeded that of any other citizen in the Territory.

I am a director of the Bank of Michigan, and it is within my knowledge that the bank this summer refused to bring specie from New York to Detroit at the expense of the United States, but at their own, although the transaction would have been worth one and a half per cent. They considered the risk much greater. During most of the time stated by Governor Cass, I think it was very hazardous to bring money from almost any point, and I am satisfied that any insurance company in the world would have asked four per cent. for the hazard of bringing money to that place.

I have attended every treaty which he has concluded with the Indians, and have observed, in common with other individuals there, his constant anxiety of mind, his unwearied exertions to bring the negotiations to a favorable issue, and his peculiar talent in effecting that object.

HENRY J. HUNT.

L. C. No. 6.

SIR:

WASHINGTON, *October 30, 1821.*

I have attentively read the statements of Governor Cass, as set forth in his two letters addressed to the honorable Secretary of War, dated October 17 and 29, 1821, and do unhesitatingly say that it is my opinion and belief that every fact and circumstance therein set forth is fair and not exaggerated; because, from my own experience, I found that my pay and emoluments as a major general commanding barely met the necessary expenses to which I was exposed while commanding at Detroit in 1815, 1816, 1817, and 1818. It was more like a foreign station than one within the limits of our own territory, where every article of living was exceedingly scarce, and, consequently, very dear. That it was also the rendezvous of the troops for the western lakes and for the Indians of the west, and, indeed, of almost every quarter; that to manage the savages with address, to secure their interest and friendship, it required more than ordinary attention, particularly as it was at the close of a war in which the Indians suffered a good deal. These unfortunate people, pressed to the greatest extremities, were calling constantly on the American and British authorities in the immediate vicinity of Detroit, the natural and ancient places of their resort. During this period, Governor Cass was surrounded with deputations and chiefs from all the tribes, both far and near; and to show them some of the civilities to which they were accustomed from the whites, required not only great pecuniary means, but a knowledge of their habits and manners, which the Governor appeared perfectly to understand. The zeal with which the Department of Indian Affairs was executed under the administration of Governor Cass, not only by his personal exertion, but the faculty he possessed of causing every one attached to his department to aid him, produced the most happy consequences. The Indians became daily more tractable, felt a higher respect and consideration for the American Government, and already began to contrast its character with that of the British, to whom they had been so warmly attached during the late war. But, to bring about this happy and good understanding, many feasts were given to the chiefs, and presents to their wives and children, from the hands of the Governor and his family; many acts of kindness, such as feeding them within the enclosure of his domestic establishment, supplying the sick and relieving the needy, could not be accomplished without considerable expense—an expense which I was sure would be more than double his salary as Governor of the Territory of Michigan. To these facts I am perfectly knowing, because I often counselled with the Governor on the state of the Indians and of the Indian affairs, and was absolutely obliged to send a guard to the Governor's quarters, in order to enable the Governor to prevent the Indians from pressing too hard upon him, so that he might be, in some degree, free from their incessant demands, and have time enough to attend to his public concerns, which were otherwise very urgent at that time. The manner in which the affairs of the civil department of his administration were conducted is publicly and well known; and here it may not be improper to remark, that this branch of his duty called around him many officers and others, both civil and military, and, consequently, a corresponding expense.

The Indian Department was the most arduous and incessant concern of Governor Cass, because on the faithful administration of all its branches depended not only the peace and prosperity of the Territory over which he was appointed Governor, but the tranquillity and protection of all the frontier settlements of the west, from beyond the Mississippi to the frontier of Ohio.

The result of his administration is well known to the War Department and to the nation at large, and is now felt and approved by many thousands who feel the influence of his useful exertions. I am, therefore, satisfied that his demand on the Government for some compensation for his extra duties in the Indian Department is not only reasonable and proper, but that his situation demands the relief which such extraordinary duties and expense entitle him to; and that I consider the sum asked for, viz. 2,000 dollars per annum, as nothing more than a reasonable compensation.

ALEXANDER MACOMB, *Major General.*

L. C. No. 7.

Extract of a letter from the Secretary of War to Governor Cass, dated

OCTOBER 24, 1814.

The President, to whom your letter of the 15th September was submitted, is fully aware of the additional expense which you must necessarily incur by those attentions to the Indian chiefs and principal men which the existing state of affairs make indispensably necessary; but the mode pointed out by you, by which they might be covered, is such, he thinks, as neither the usage of the Government nor the law would justify. He, however, is of opinion that you should be remunerated for these additional expenses, either by a special appropriation, or out of the contingent fund of the Indian Department.

L. C. No. 8.

Extract of a letter from George Graham, chief clerk of the War Department, to Governor Cass, dated

OCTOBER 21, 1815.

Your letter of the 8th September has been submitted to the President, who has lately returned from a visit to his family residence. He has requested me to inform you that he considers the existing laws as presenting great obstacles to granting any fixed annual allowance, in addition to your salary as Governor and Indian agent, *ex officio*, of the Michigan Territory; but, aware of the additional expenses which you have been subjected to, from the peculiar state of the Territory since you have been acting as Governor, and desirous that you should be remunerated for them, he requests that you will submit an estimate of these additional expenses in the form of an account against the Government, which, in that shape, will be acted upon, and passed (if deemed reasonable) to the proper appropriation.

On the last settlement made by Governor Hull with this Department, I find that an allowance was made to him of \$750 for superintending, for the years 1809, '10, '11, Indian agents not within the limits of the Michigan Territory.

The agents for Green Bay and Chicago have both been directed to report to you.

L. C. No. 9.

NOVEMBER 2, 1821.

In addition to the ten rations a day which have been allowed Governor Cass, on account of the great expense which has attended his intercourse with the Indians as superintendent, he will be allowed, in full of all expenses and charges for extra duty as superintendent, the same compensation as that which was made to Governor Clark; his expenses as superintendent and claims for extra services being considered equal to the amount allowed.

C. Larned, John Stockton, and R. A. Forsyth, will be allowed at the rate of five hundred dollars per annum for performing the duties of sub-agents, and the last two hundred and twenty dollars per annum as interpreter, deducting the payments made to them above that sum from the allowance to Governor Cass as superintendent.

The ration undrawn will be estimated at twenty cents per ration.

JOHN C. CALHOUN.

L. C. No. 10.

Governor Cass's general certificate.

NOVEMBER 9, 1821.

I do hereby certify that the account of Mack & Conant was for various articles furnished for the use of the Indian Department, and which were employed for mechanical work, and for distribution to the Indians.

The sum of \$500, voucher 23, was paid upon the order of Major Puthuff, Indian agent at Michilimackinac, and was for articles furnished to that agency.

Voucher 51. This was the expense of transporting to Detroit the specie designed for annuities. The horses were generally purchased and given to the Indians in consequence of promises made to them at treaties. All that are charged in this account were so disposed of, or have strayed or perished in the public service.

Voucher 48. This charge is for the sum of \$500 paid Jacob Smith, an influential man among the Indians, for his services in the summer of 1819, in relation to the Saginaw treaty.

Voucher 74. This charge is of the same nature.

The charge of \$800, for the charter of the schooner Decatur, was in consequence of the necessity of detaining that vessel at Saginaw, both as a storeship and to retransport to Detroit persons employed at the treaty, and such provisions and other articles as were not wanted there.

From 12 to —. These charges are on account of the expedition to the sources of the Mississippi under my command, in 1820.

So far as respects the other items in the abstracts, I certify that the money has been faithfully expended according to the best of my discretion, and that the articles purchased have been applied to the public service according to their nature and to the statements of their respective vouchers.

LEWIS CASS, *Governor of Michigan Territory.*

L. C. No. 11.

DETROIT, November 18, 1819.

SIR:

The country upon the southern shore of Lake Superior, and upon the water communication between that lake and the Mississippi, has been but little explored, and its natural features are imperfectly known. We have no correct topographical delineation of it, and the little information we possess relating to it has been derived from the reports of the Indian traders.

It has occurred to me that a tour through that country, with a view to examine the productions of its animal, vegetable, and mineral kingdoms, to explore its facilities for water communication, to delineate its natural objects, and to ascertain its present and future probable value, would not be uninteresting in itself, nor useless to the Government. Such an expedition would not be wholly unimportant in the public opinion, and would well accord with that zeal for inquiries of this nature which has recently marked the administration of the War Department.

But, however interesting such a tour might be in itself, or however important in its result, either in a political or geographical point of view, I should not have ventured to suggest the subject, nor to solicit your permission to carry it into effect, were it not, in other respects, intimately connected with the discharge of my official duties.

Mr. Woodbridge, the Delegate from this Territory, at my request, takes charge of this letter; and he is so intimately acquainted with the subject, and every way so competent to enter into any explanations you may require, that I shall not be compelled to go as much into detail as, under other circumstances, might be necessary.

The route which I propose to take is from here to Michilimackinac, and from thence, by the Straits of St. Mary's, to the river which contains the body of copper ore, (specimens of which have been transmitted to the Government,) and to the extremity of Lake Superior.

From that point, up the river which forms the water communication between that lake and the Mississippi, to the latter river; and by the way of Prairie du Chien and Green Bay, to Lake Michigan.

The political objects which require attention upon this route are:

1st. A personal examination of the different Indian tribes who occupy the country; of their moral and social condition; of their feelings towards the United States; of their numerical strength; and of the various objects connected with them, of which humanity and sound policy require that the Government should possess an intimate knowledge. We are very little acquainted with these Indians, and I indulge the expectation that such a visit would be productive of beneficial effects.

The extract from the letter of Colonel Leavenworth, herewith enclosed, and the speech of the Winnebago Indians, transmitted to the War Department by Mr. Graham, from Rock Island, February 24, 1819, will show how much we have yet to learn respecting these tribes, which are comparatively near to us.

2d. Another important object is to procure the extinction of Indian titles to the land in the vicinity of the Straits of St. Mary's, Prairie du Chien, Green Bay, and upon the communication between the two latter places.

I will not trouble you with any observations respecting the necessity of procuring these cessions. They are the prominent points of the country, the avenues of communication by which alone it can be approached.

Two of them, Prairie du Chien and Green Bay, are occupied by a considerable population, and the Straits of St. Mary's by a few families. The undefined nature of their rights and duties, and the uncertain tenure by which they hold their lands, render it important that some step should be taken by the Government to relieve them. I think, too, that a cession of territory, with a view to immediate sale and settlement, would be highly important in the event of any difficulties with the Indians.

My experience at Indian treaties convinces me that reasonable cessions, upon proper terms, may at any time be procured. At the treaty recently concluded at Saginaw, the Indians were willing to cede the country in the vicinity of Michilimackinac, but I did not feel authorized to treat with them for it.

Upon this subject, I transmit extracts from the letters of Mr. Boyd and Colonel Bowyer, by which it will be seen that these gentlemen anticipate no difficulty in procuring these cessions.

3d. Another important object is the examination of the body of copper in the vicinity of Lake Superior. As early as the year 1800, Mr. Tracy, then a Senator from Connecticut, was despatched to make a similar examination. He, however, proceeded no farther than Michilimackinac. Since then, several attempts have been made, which have proved abortive. The specimens of virgin copper which have been sent to the seat of Government have been procured by the Indians, or by the half-breeds, from a large mass represented to weigh many tons, which has fallen from the brow of a hill.

I anticipate no difficulty in reaching the spot, and it may be highly important to the Government to divide this mass, and to transport it to the seaboard for naval purposes.

It is also important to examine the neighboring country, which is said to be rich in its mineral productions.

I should propose that the land in the vicinity of this river be purchased of the Indians. It could doubtless be done upon reasonable terms, and the United States could then cause a complete examination of it to be made.

Such a cession is not unimportant in another point of view. Some persons have already begun to indulge in speculations upon this subject. The place is remote, and the means of communicating with it are few. By timely presents to the Indians, illegal possession might be gained, and much injury might be done, much time might elapse, and much difficulty be experienced, before such trespassers could be removed.

4th. To ascertain the views of the Indians in the vicinity of Chicago respecting the removal of the Six Nations to that district of country, an extract from the letter of Mr. Kenzie, sub-agent at Chicago, upon this subject, will show the situation in which this business stands.

5th. To explain to the Indians the views of the Government respecting their intercourse with the British authorities at Malden, and distinctly to announce to them that their visits must be discontinued.

It is probable that the announcement of the new system which you have directed to be pursued upon this subject, and the explanations connected with it, can be made with more effect by me than by ordinary messengers.

6th. To ascertain the state of the British fur trade within that part of our jurisdiction. Our information upon this subject is very limited, while its importance requires that it should be fully known.

In addition to these objects, I think it very important to carry the flag of the United States into those remote regions, where it has never been borne by any person in a public station.

The means by which I propose to accomplish this tour are simple and economical. All that will be required is an ordinary birch canoe, and permission to employ a competent number of Canadian boatmen. The whole expense will be confined within narrow limits, and no appropriation will be necessary to defray it. I only request permission to assign to this object a small part of the sum apportioned for Indian expenditures at this place, say from 1,000 to 1,500 dollars.

If, however, the Government should think that a small display of force might be proper, an additional canoe, to be manned with active soldiers, and commanded by an intelligent officer, would not increase the expense, and would give greater effect to any representations which might be made to the Indians.

An intelligent officer of engineers, to make a correct chart for the information of the Government, would add to the value of the expedition.

I am not competent to speculate upon the natural history of the country through which we may pass. Should this object be deemed important, I request that some person acquainted with zoology, botany, and mineralogy may be sent to join me.

It is almost useless to add that I do not expect any compensation for my own services, except the ordinary allowance for negotiating Indian treaties, should you think proper to direct any to be held, and intrust the charge of them to me.

I request that you will communicate to me, as early as convenient, your determination upon this subject, as it will be necessary to prepare a canoe during the winter, to be ready to enter upon the tour as soon as the navigation of the lakes is open, should you think proper to approve the plan.

Very respectfully, &c.

LEWIS CASS.

Hon. JOHN C. CALHOUN, *Secretary of War.*

L. C. No. 12.

SIR:

DEPARTMENT OF WAR, *January 14, 1820.*

I have received your letters of the 18th and 21st November last. The exploring tour you propose has the sanction of the Government, provided the expenditure can be made out of the sum allotted to your superintendency for Indian affairs, adding thereto one thousand dollars for that special purpose.

The objects of this expedition are comprised under the six heads stated in your letter of the 18th November last, and which you will consider (with the exception of that part which relates to holding Indian treaties, upon

which you will be fully instructed hereafter,) as forming a part of the instructions which may be given you by this Department.

Should your *reconnaissance* extend to the western extremity of Lake Superior, you will ascertain the practicability of a communication between the Bad or Burntwood river, which empties into the lake, and the Copper or St. Croix, which empties into the Mississippi, and the facility they present for a communication with our post on the St. Peter's. The Montreal rivers will also claim your attention, with a view of establishing through them a communication between Green Bay and the west end of Lake Superior.

To aid you in the accomplishment of these important objects, some officers of the topographical engineers will be ordered to join you. Perhaps Major Long, now here, will be directed to take that route to join the expedition which he commands up the Missouri. In that event, a person acquainted with zoology, and botany, and mineralogy, will be selected to accompany him. Feeling, as I do, great interest in obtaining a correct topographical, geographical, and military survey of our country, every encouragement, consistent with the means in my power, will be given by this Department.

To this end General Macomb will be ordered to afford you every facility you may require.

I have, &c.

His Excellency LEWIS CASS, *Detroit*.

J. C. CALHOUN.

L. C. No. 13.

SIR:

DEPARTMENT OF WAR, *February, 25, 1820.*

Mr. Schoolcraft, a gentleman of science and observation, and particularly skilled in mineralogy, has applied to me to be permitted to accompany you on your exploring tour on Lake Superior. I have directed him to report to you for that duty, under the belief that he will be highly useful to you, as well as serviceable to the Government and to the promotion of science.

You will furnish him with the necessary supplies and accommodation while employed, and every facility necessary to enable him to obtain a knowledge of the mineralogy of the country, as far as practicable.

I have, &c.

His Excellency LEWIS CASS, *Detroit*.

J. C. CALHOUN.

L. C. No. 14.

Extract of a letter from the Secretary of War to Governor Lewis Cass, dated

SIR:

APRIL 5, 1820.

I have received your letters of the 10th, 11th, and 17th ultimo. In relation to procuring cessions of land from the Indians, the Government has decided that it would be inexpedient to obtain any further extinguishment of Indian title, except at the Sault de St. Marie, where it is the wish of the Department that an inconsiderable cession, not exceeding ten miles square, (unless strong reasons for a greater cession should present themselves from an actual inspection of the country,) should be acquired upon the most reasonable terms, so as to comprehend the proposed military position there.

Herewith you will receive a plat of the country about the Sault de St. Marie, on which is indicated the military site intended to be occupied for defence. You will also procure the cession of the islands containing plaster, provided these islands are clearly within the boundary of the United States, and can be obtained without any considerable expense.

A commission authorizing you to hold these treaties will be forwarded to you in a few days.

As it is desirable to know by what title the people at Green Bay and Prairie du Chien hold their lands, and whether or not the Indian titles to those lands were extinguished by the French, at any period subsequent to their possession of the country, (which is the impression of this Department,) you will communicate such information as you possess, or may obtain during your tour, on this subject.

In addition to Mr. Schoolcraft, Captain Douglass, of the engineer corps, has been ordered to join you, and Mr. Whitney (in whose behalf application has been made for that purpose) may accompany you, if you can accommodate him. Should he accompany you, he will be allowed the same compensation made to Mr. Schoolcraft, who will be allowed one dollar and fifty cents a day for the time actually employed.

L. C. No. 15.

For carrying into effect Indian treaties, per act of March 3, 1819.

Lewis Cass, Governor of Michigan Territory, as Superintendent of Indian Affairs, in account with the United States.

To Lewis Cass, his account for Indian Department— For this amount due him on this account, carried to his credit in that account, - - -	\$1,129 60	1821. May 31.	By John Kenzie, sub-agent— For this sum acknowledged to have been received by him of Governor Cass, - - -	\$1,129 60
	\$1,129 60			\$1,129 60

L. C. No. 16.

Abstract of annuities paid by Governor Lewis Cass, Superintendent of Indian Affairs, for the years 1820 and 1821.

Date of payment.	No. of vou.	Tribes.	To whom paid.	Amount.
1820.				
July 31,	2	Pattawatamie,	Per receipt of John Kenzie, sub-agent,	\$1,250
Oct. 2,	3	Chippewa,	Per receipt of chief,	3,800
5,	4	Pattawatamie,	Per receipt of chief,	4,450
6,	5	Ottawa,	Per receipt of chief,	4,300
1821.				
July 29,	6	Pattawatamie,	Per receipt of Alexander Wolcott, Indian agent,	2,250
Oct. 27,	7	Ottawa,	Per receipt of chief,	700
27,	8	Pattawatamie,	Per receipt of chief,	3,000
27,	9	Do.	Per receipt of chief,	450
29,	10	Chippewa,	Per receipt of chief,	3,800
Nov. 5,	11	Ottawa,	Per receipt of chief,	3,500
Dec. 13,	12	Do.	Per receipt of chief,	100
				\$27,600

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE.

WILLIAM LEE.

L. C. No. 17.—ANNUITIES:

Lewis Cass, Governor of Michigan Territory, as Superintendent of Indian Affairs, in account with the United States. Cr.

ANNUITIES PER ACT 6TH MAY, 1796.

1820.	To warrants on the Treasurer—		By appropriation for annuities, per
April 28,	For warrant No. 2,435, advanced	\$3,000	act 6th May, 1796—
	him,		For this amount paid for the years
1821.			1820 and 1821, viz:
April 10,	For warrant No. 3,386, advanced	3,000	To the Ottawas, this sum,
	him,		To the Pattawatamies, this sum,
			To the Chippewas, this sum,
		\$6,000	\$2,000
			2,000
			2,000
			\$6,000

ANNUITIES PER ACT 19TH FEBRUARY, 1808.

1820.	To warrants on the Treasurer—		By appropriation for annuities, per
April 28,	For warrant No. 2,435, advanced	\$2,000	act 19th February, 1808—
	him,		For this amount paid for the years
	For warrant No. 3,386, advanced	2,000	1820 and 1821, viz:
	him,		To the Ottawas, this sum,
			To the Pattawatamies, this sum,
			To the Chippewas, this sum,
		\$4,000	\$1,600
			800
			1,600
			\$4,000

ANNUITIES PER ACT 3D MARCH, 1819.

1820.	To warrants on the Treasurer—		By appropriation for annuities, per
April 28,	For warrant No. 2,435, advanced	\$7,300	act 3d March, 1819—
	him,		For this amount paid for the years
	For warrant No. 3,386, advanced	7,300	1820 and 1821:
	him,		To the Pattawatamies, this sum,
			To the Ottawas, this sum,
			To the Chippewas, this sum,
		\$14,600	\$7,600
			5,000
			2,000
			\$14,600

ANNUITIES PER ACT 1ST MAY, 1810.

1820.	To warrants on the Treasurer—		By appropriation for annuities, per
April 28,	For warrant No. 2,435, advanced	\$500	act 1st May, 1810—
	him,		For this amount paid for the years
1821.			1820 and 1821:
April 10,	For warrant No. 3,386, advanced	500	To the Pattawatamies, this sum,
	him,		
		\$1,000	\$1,000
			\$1,000

Dr. L. C. No. 17—Continued. Cr.

ANNUITIES PER ACT 3D MARCH, 1817.					
1821. April 10,	To warrants on the Treasurer— For warrant No. 3,386, advanced him, - - - - -	\$1,000		By appropriation for annuities, per act 3d March, 1817— For this sum paid Chippewas for 1820 and 1821, - - - - -	\$2,000
	To Lewis Cass, his account for In- dian Department: For this sum due him on this ac- count, carried to his credit in that account, - - - - -	1,000			
		<u>\$2,000</u>			<u>\$2,000</u>
ANNUITIES PER ACT 15TH MAY, 1820.					
1820. June 17,	To warrants on the Treasurer— For warrant No. 2,636, advanced him, - - - - -	\$1,000		By Lewis Cass, his account for Indian Department— For this amount due by him on this account, carried to his debit in that account, - - - - -	\$4,000
Nov. 18,	For warrant No. 3,044, advanced him, - - - - -	2,000			
1821. April 10,	For warrant No. 3,386, advanced him, - - - - -	1,000			
		<u>\$ 4,000</u>			<u>\$4,000</u>

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE.

WILLIAM LEE.

L. C. No. 18.

Extinguishment of Indian titles in Michigan Territory, per act 11th April, 1820.

Lewis Cass, Governor of Michigan Territory, as Superintendent of Indian Affairs, in account with the United States. Cr.

1821. March 1,	To warrant on the Treasurer— For warrant No. 3,259, advanced him for the purpose of extinguish- ing the Indian titles to lands in the Michigan Territory, per act April 11, 1820, - - - - -	\$20,000		By appropriation for extinguishing Indian titles to lands in Michigan Territory, per act April 11, 1820: For this amount allowed him for disbursements on account of the treaty of Chicago, (as per his ac- companying abstract, marked L. C. No. 1,) - - - - -	\$605 50
				For this amount allowed him for disbursements on account of the treaty of Chicago, (as per his ac- companying abstract, marked L. C. No. 2,) - - - - -	890 71
				By Lewis Cass, his account for In- dian Department— For this amount due by him on this account, carried to his debit on that account, - - - - -	18,503 79
		<u>\$20,000</u>			<u>\$20,000 00</u>

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE.

WILLIAM LEE.

17th CONGRESS.]

No. 184.

[1st SESSION.]

EXTINGUISHMENT OF THE INDIAN TITLE TO LANDS IN FAVOR OF CERTAIN STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 25, 1822.

To the House of Representatives:

WASHINGTON, February 23, 1822.

In compliance with a resolution of the House of Representatives, "requesting the President of the United States to cause to be reported to this House whether the Indian title has been extinguished by the United States to any lands, the right of soil in which has been, or is, claimed by any particular State; and, if so, the conditions upon which the same has been extinguished," I herewith transmit a report from the Secretary of War, furnishing all the information in the possession of that Department embraced by the resolution.

JAMES MONROE.

DEPARTMENT OF WAR, February 22, 1822.

The Secretary of War, to whom was referred the resolution of the House of Representatives, "requesting the President of the United States to cause to be reported to this House whether the Indian title has been extinguished by the United States to any lands, the right of soil in which has been, or is, claimed by any particular State; and, if so, the conditions upon which the same has been extinguished," has the honor to transmit to the President the enclosed statement, prepared by the Second Auditor, accompanied by a letter from the Commissioner of the General Land Office, which contain all the information that can be furnished by this Department upon the several points embraced by the resolution.

All which is respectfully submitted.

J. C. CALHOUN.

To the PRESIDENT OF THE UNITED STATES.

SIR:

TREASURY DEPARTMENT, GENERAL LAND OFFICE, February 20, 1822.

The draughtsman of this office having carefully examined the enclosed, informs me that it is impossible to make any estimate of the quantity of land embraced by the cessions alluded to, on account of the uncertainty of their boundaries, except in the case of the cession under treaty with the Chickasaws of the 19th day of October, 1818, where it is estimated that the total quantity embraced by the limits of that cession, agreeably to a calculation from Melish's map of the United States, is 6,675,840 acres, of which 1,120,000 are situated in Kentucky, and 5,555,840 in Tennessee. If the boundaries of the cessions could be ascertained with any degree of precision, the information sought for would be afforded with pleasure.

I have the honor to be, &c.

JOSIAH MEIGS.

Hon. J. C. CALHOUN, *Secretary of War.*

A list of treaties entered into by the United States, and those concluded under the sanction of the United States, by certain States and individuals, with various tribes of Indians, for the purpose of extinguishing the titles of said tribes to certain lands belonging to, and lying within, the limits of particular States.

IN THE STATE OF NEW YORK.

Between the United States and the Six Nations, concluded at Fort Stanwix, on the 22d of October, 1784.

By the 4th article of this treaty, the United States engage to "order goods to be delivered to the Six Nations;" but to what amount is not stipulated.

Between the United States and the Six Nations, at Fort Harmar, on the 9th of January, 1789.

Consideration.—Confirmation of the presents in the preceding treaty of 1784, and an additional present in goods, to the amount of \$3,000.

Between the United States and the Six Nations, at Canandaigua, on the 11th November, 1794.

Consideration.—Article 6th.—The sum of \$4,500 to be expended annually, forever, in purchasing clothing, domestic animals, implements of husbandry, &c.

Between the United States and the Seven Nations, at New York, the 31st May, 1796, in the presence of the agents for the State of New York.

Consideration.—For the cession by the Seven Nations to the State of New York of lands within the State, the State of New York to pay £1,233 6s. 8d. and £213 6s. 8d.; besides, on the third Monday of August, yearly, forever, the like sum of £213 6s. 8d.

Between Robert Morris and the Seneca nation, under the sanction of the United States, on the 15th September, 1797.

Consideration.—Robert Morris to vest \$100,000 in bank stock, for the use of the Senecas.

Between the warriors of the Senecas and Oliver Phelps and others, under the authority of the United States, in presence of John Taylor, commissioner appointed by the President of the United States for holding said treaty, 30th June, 1802.

Consideration.—Oliver Phelps, and others concerned, to pay \$1,200 to the Senecas.

Relinquishment to New York by the Mohawk Indians, under the sanction of the United States, on the 29th March, 1797.

Consideration.—The State of New York to pay the Mohawk deputies \$1,000; \$500 to defray the expenses of the deputies while treating; and \$100 for their expenses on returning.

[*Note at the foot of this treaty, page 385, vol. 1, of the Laws of the United States.*—At a treaty held with the Oneidas, at their village, in the State of New York, on the 1st June, 1798, Joseph Hopkinson attending as commissioner of the United States, there was purchased from the Oneida nation, for the use of the people of New York, a part of the lands reserved for the benefit of the said nation, for which there were paid \$500 in hand, and an annuity allowed of \$700. The treaty was ratified on the 21st February, 1799.]

IN GEORGIA.

Between the United States and the Creek nation, in the city of New York, on the 7th August, 1790.

Consideration.—The United States to cause certain valuable goods (amount not specified) to be delivered to the Creeks, and to pay \$1,500 annually to them; further, to furnish them, from time to time, gratuitously, with useful domestic animals and implements of husbandry.

Between the United States and the Creek nation, concluded the 16th of June, 1802.

Consideration.—The United States to pay to the Creeks, annually, \$3,000; \$1,000 for the term of ten years, and \$25,000 for various purposes therein specified, such as paying the debts of the tribe, &c.

Between the United States and the Creek nation, concluded on the 14th of November, 1805.

Consideration.—The United States to pay, annually, to the Creek nation, for the term of eight years, \$12,000 in money or goods, and implements of husbandry, and \$11,000, annually, for the term of ten succeeding years; making, in the whole, eighteen payments in the course of eighteen years; and to furnish, for eight years, two blacksmiths and two strikers.

Between the United States and the Creek nation, concluded on the 9th of August, 1814.

Consideration.—The United States consent to make peace with the Creeks, giving up all claims on them for the expenses incurred in prosecuting the war against them, on the Creeks ceding to the United States all the territory belonging to them and lying within certain limits specified in the treaty.

Between the United States and the Creek nation, concluded on the 22d January, 1818.

Consideration.—The United States to pay within the year \$20,000, and \$10,000 annually, for the term of ten succeeding years; making, in the whole, eleven payments in the course of eleven years, the present (1818) inclusive; the whole amount to be paid \$120,000; and, in lieu of all former stipulations for blacksmiths, the United States engage to furnish the Creek nation, for three years, with two blacksmiths and strikers, for the relinquishment of two tracts of land therein stipulated.

Between the United States and the Creek nation, concluded on the 8th January, 1821.

Consideration.—The United States to pay \$10,000 in hand; \$40,000 as soon as practicable after the ratification; \$5,000 annually for two years thereafter; \$16,000 annually for five years thereafter; and \$10,000 annually for six years thereafter; making, in the whole, fourteen payments in fourteen successive years, without interest, in money or goods, and implements of husbandry, at the option of the Creek nation. As a further consideration, the United States agree to pay to the State of Georgia whatever balance may be found due to the Creek nation, provided the same shall not exceed \$250,000 for the cessions therein specified.

Between the United States and the Cherokees east of the Mississippi, and that portion of said nation residing on the Arkansas, 8th July, 1817.

Condition.—Exchange of lands. The United States bound to give to all the poor warriors who may remove, &c. one rifle-gun and ammunition, one blanket, and one brass kettle, and to furnish boats and provisions for the emigrants to remove to the Arkansas; and the United States to make compensation for all improvements on the lands left by the emigrants.

Between the United States and the Cherokees, at the city of Washington, 27th February, 1819.

To carry into effect the foregoing treaty.

By the 4th article of the articles of agreement and cession concluded between the United States and the State of Georgia, on 24th April, 1802, the United States, at their own expense, were to extinguish, for the use of Georgia, on reasonable terms, the Indian title to all the other lands within the State of Georgia. But it is proper to observe, that this is one of the conditions on which, by this agreement between the United States and Georgia, the latter ceded all right, title, and claim to the jurisdiction and soil of certain lands therein mentioned, to be formed into a Territory or State. The United States were therefore indemnified, in advance, for all expenses incurred in extinguishing the Indian title to all lands within the State of Georgia, in certain treaties made and concluded with the Indians for that purpose.—See the conditions of the treaty of 16th June, 1802, with the Creeks, and those which follow.

IN TENNESSEE.

Between the United States and the Cherokees, concluded 2d October, 1798.

Consideration.—Goods, wares, and merchandise, to the amount of \$5,000; and annually other goods to the amount of \$1,000, in addition to the annuities already provided for.* Sufficient supplies and provisions to be furnished by the United States to subsist such a reasonable number as shall attend to receive them, or for carrying into effect former treaties or new cessions of lands.

Between the United States and the Cherokees, concluded 25th October, 1805.

Consideration.—The United States to pay, immediately, \$3,000 in merchandise, and \$11,000 within ninety days after the ratification of the treaty; and, also, an annuity of \$3,000, to commence on the date of the treaty.

Between the United States and the Cherokees, concluded on the 27th October, 1805.

Consideration.—The United States to pay \$1,600 in money for a cession of that section of land on which the garrison of Southwest Point then stood, and which extends to Kingston, as a place for the assembly of Tennessee to convene at; together with an island, and a free road leading from Tellico to Tombigbee.

Between the United States and the Cherokees, concluded 8th July, 1817.

See the stipulations of the said treaty, under the head of Georgia.

Between the United States and the Cherokees, concluded 27th February, 1819.

See the stipulations contained in the said treaty, under the head of Georgia.

Between the United States and the Chickasaws, concluded 23d July, 1805.

Consideration.—The United States to pay \$20,000 for the use of the nation at large, and for the payment of their debts; to George Colbert and O. Key, \$2,000; to the king of the nation, an annuity of \$100 during his life; and the United States to pay \$2 per day to the person appointed on the part of the Chickasaws to ascertain and mark the boundaries fixed by the treaty.

* By the 3d article of the treaty of Philadelphia, the United States agree to furnish the Cherokees with goods suitable for their use, to the amount of \$5,000 yearly, in lieu of all former sums to be paid annually. The above addition of \$1,000 makes the annuity of \$5,000 of 2d October, 1798, amount to \$6,000.

Between the United States and the Chickasaws, concluded 19th October, 1818.

Consideration.—The United States to pay \$20,000 annually, for fifteen successive years; to Captain Gordon, \$1,115; to Captain Smith, \$2,000, for debts due to them by the nation; to the principal chief, \$500; to John Lewis, \$25; and to Major John Colbert, \$1,089, further, on the ratification of the treaty, the United States to pay to ten chiefs and an interpreter, each, \$150; and to ten military leaders \$100 each; and they also agree that any annuity heretofore paid in goods shall in future be paid in money.

IN SOUTH CAROLINA.

Between the United States and the Cherokees, concluded 22d March, 1816.

Consideration.—The United States promise and engage that the State of South Carolina shall pay \$5,000 after the ratification, provided the Cherokees in council, and the Executive of the State of South Carolina, shall approve the stipulations.

IN NORTH CAROLINA.

Between the United States and the Cherokees, concluded 8th July, 1817, and on the 27th February, 1819. See said treaties under the head of Georgia.

IN KENTUCKY.

Between the United States and the Chickasaws, 19th October, 1818. See the treaty under the head of Tennessee.

WILLIAM LEE, *Auditor.*

[NOTE.—See No. 193.]

17th CONGRESS.]

No. 185.

[1st Session.

PROVISION FOR TREATING WITH THE CHEROKEES.

COMMUNICATED TO THE SENATE, MARCH 1, 1822.

To the Senate of the United States:

WASHINGTON, February 25, 1822.

Under the appropriation made by the act of Congress of the 11th of April, 1820, for holding treaties with the Creek and Cherokee nations of Indians, for the extinguishment of the Indian title to lands within the State of Georgia, pursuant to the fourth condition of the first article of the articles of agreement and cession concluded between the United States and the State of Georgia on the 24th day of April, 1802, a treaty was held with the Creek nation, the expense of which, upon the settlement of the accounts of the commissioners who were appointed to conduct the negotiation, was ascertained to amount to the sum of \$24,695, leaving an unexpended balance of the sum appropriated of \$5,305—a sum too small to negotiate a treaty with the Cherokees, as was contemplated by the act making the appropriation. The Legislature of Georgia being still desirous that a treaty should be held for further extinguishment of the Indian title to lands within that State, and to obtain an indemnity to the citizens of that State for property of considerable value which has been taken from them by the Cherokee Indians, I submit the subject to the consideration of Congress, that a further sum, which, in addition to the balance of the former appropriation, will be adequate to the expenses attending a treaty with them, may be appropriated, should Congress deem it expedient.

JAMES MONROE.

17th CONGRESS.]

No. 186.

[1st Session.

CIVILIZATION OF THE INDIANS.

COMMUNICATED TO THE SENATE, MARCH 1, 1822.

To the Senate of the United States:

WASHINGTON, February 23, 1822.

In compliance with a resolution of the Senate of the 14th instant, requesting the President of the United States “to make known to the Senate the annual disposition which has been made of the sum of \$15,000, appropriated by an act of Congress of the year 1802, to promote civilization among friendly Indian tribes; showing to what tribes that evidence of the national bounty has been extended; the names of the agents who have been intrusted with the application of the money; the several amounts by them received; and the manner in which they have severally applied it to accomplish the objects of the act,” I herewith transmit a report from the Secretary of War, furnishing all the information upon this subject in the possession of that Department.

JAMES MONROE.

DEPARTMENT OF WAR, *February 21, 1822.*

The Secretary of War, to whom was referred the resolution of the Senate of the 14th instant, requesting the President of the United States "to make known to the Senate the annual disposition which has been made of the sum of \$15,000, appropriated by an act of Congress of the year 1802, to promote civilization among friendly Indian tribes; showing to what tribes that evidence of the national bounty has been extended; the names of the agents who have been intrusted with the application of the money; the several amounts by them received; and the manner in which they have severally applied it to accomplish the objects of the act," has the honor to transmit to the President the enclosed report of the Second Auditor, and to state that no additional information in relation to the several points embraced by the resolution can be furnished by this Department. It is believed, however, that the principal expenditure authorized by the act has been made through the Cherokee, Creek, Chickasaw, and Choctaw agents, for spinning-wheels, looms, implements of husbandry, domestic animals, &c.; but the particular amount annually cannot be stated, as no distinct account of it has been kept in the offices of the Treasury Department.

All which is respectfully submitted:

J. C. CALHOUN.

To the PRESIDENT OF THE UNITED STATES.

SIR:

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE, *February 19, 1822.*

In obedience to the resolution of the Senate of the United States of the 14th instant, referred to this office, "requesting the President of the United States to make known to them the annual disposition which has been made of the sum of \$15,000, appropriated by an act of Congress of the year 1802, to promote civilization among friendly Indian tribes; showing to what tribes that evidence of the national bounty has been extended; the names of the agents who have been intrusted with the application of the money; and the manner in which they have severally applied it to accomplish the objects of the act," I have the honor to state that no separate account appears ever to have been kept by the accounting officers of the War Department of presents made to the Indians, or salaries granted to Indian agents under the act of 30th March, 1802; which arose, I presume, from its having been considered rather as an act limiting the extent of the expenditure than as making an appropriation, as I find no special appropriations (under which heads, only, accounts are kept in the books of this office) were ever made for those objects.

In relation to presents, they are so interwoven with the expenses of holding treaties, visiting the seat of Government, and other purposes, that it would be impracticable to distinguish them apart, except by dissecting all the files of accounts settled for years back, many of which were destroyed in the conflagration by the enemy in 1814.

In the exhibit furnished last year by the Treasury Department, in obedience to the resolution of the Senate of the 3d April, 1820, (printed in the 11th volume of congressional documents,) will be found a statement (No. 15) showing the amount of presents made to the Indians in money and goods, from the formation of the Government, as full and particular as can be ascertained from the books of the Treasury Department.

I have the honor to be, very respectfully, your obedient servant,

WILLIAM LEE.

Hon. J. C. CALHOUN, *Secretary of War.*

17th CONGRESS.]

No. 187.

[1st Session.]

OPERATIONS OF THE FACTORY SYSTEM.

COMMUNICATED TO THE SENATE, MARCH 8, 1822.

SIR:

WASHINGTON, *January 19, 1822.*

I have the honor to communicate to you such information as I possess in relation to the subject of the inquiries addressed to me.

Question 1. Have you had opportunities of becoming acquainted with the operation of the factory system? If so, at what points, and since how long?

Answer. During the past summer, I had an opportunity of observing the operation of the factory system at Green Bay, where I am a United States Indian agent. Information gained on the spot, during a visit to Chicago in August last, confirmed the results of most of my observations at the former place.

Question 2. What is the *quality* of the goods usually found in those factories?

Answer. The quality of the goods in the factory at Green Bay is generally bad; the blankets, and other articles of wool, particularly so.

Question 3. Have they been furnished with any of a *kind* not suited to Indians?

Answer. The articles, as far as I know, are suited to the Indian market.

Question 4. Have the factory goods, within your knowledge or belief, been sold to any persons except Indians? and, if so, to what description of persons? and were any of those persons fur-traders, with or without licenses?

Answer. My impression has always been that the factories were as open to every applicant as any other store, having seen various persons purchase small articles there. An outfit of goods was furnished by Mr. Irwin, factor at Green Bay, to William Morrill, who was licensed by me in September last to trade on the Fox river.

Question 5. Have the factors, within your knowledge or belief, in their traffic with Indians, or others, limited their prices to the cost and carriage of the goods? If not, at what advance have they sold?

Answer. In the bills for articles bought by me as agent, the original price is stated, to which 50 per cent. is added. The cost on the transportation of one hundredweight from New York to Green Bay does not exceed five dollars. This rate would produce a charge of less, certainly, than 10 per cent. on the original cost of an invoice of goods for the Indian trade, taking the articles together. How an additional expense of 40 per cent. accrues,

when there, I am at a loss to conjecture. The quarters and storehouses occupied by the factor at Green Bay, (and the same is believed to be the case generally,) were built, and are kept in repair, by the troops. Details have, within my own knowledge, been made from them to beat the peltries, &c.; and I have reason to believe that every kind of labor necessary to these establishments is performed by soldiers. If, as I never heard to be the fact, any thing is given to the soldiers for these labors, it must be a discretionary gratuity on the part of the factors or the superintendent. In sales to individuals, I have reason to believe that the factor is as much regulated in his prices by the state of the market as any other trader.

Question 6. Have the factors sold on credit?

Answer. I am unable to say what is the practice with respect to Indians. From conversations had with the factor within my agency on the subject of debts due the establishment, it appears to have been his practice to sell to traders on credit.

Question 7. Have they sold for any thing except furs and peltries?

Answer. Sugar is taken in barter with Indians, and money from any one who is capable of paying it.

Question 8. Have they equipped persons with goods, and sent them into the woods to trade, on account of the factories?

Answer. I will take this opportunity to remark, that, though familiar with Indians, from having been stationed as a military officer at posts frequented by them, I had no knowledge of the trade carried on with them until last spring, when I was appointed an agent. In September or October last, the factor consulted me as to the necessity of obtaining a license for a person whom he intended to send to trade with the Indians at a place called Milwauky, on Lake Michigan, about two hundred miles from Green Bay. The factor stated to me that my predecessor considered a license in such case superfluous. Deeming the same checks proper as in any other case, bonds were required, as usual, of the individual, and the license was granted.

Question 9. Have the factors purchased furs and peltries with money?

Answer. Not to my knowledge.

Question 10. Have they furnished goods to the United States agents? and, if so, for what purpose? at what advance upon cost and carriage? of what quality? and how have the factors been paid for them?

Answer. The purpose for which the few articles purchased by me at the factory were bought, was, to make such presents as the funds appropriated to the agency would admit to Indians who visited me as an officer of the Government, which immemorial custom leads them to expect. The advance upon the cost and carriage I have stated. I have also stated that the quality was bad. Convinced of this, and of the high price, I sent to the agent of the American Fur Company, at Mackinac, for a small invoice of goods to the amount of the balance left in my hands after deducting the expenses of the agency; and I have no hesitation in saying that they formed a more acceptable present to the Indians than double the sum paid for them would have procured from the factory. Whether this proceeds from the extraordinary cheapness of the one, or the unreasonable dearness of the other, I am not able to say, positively; but my impression is, that it proceeds from the latter. The articles bought of the factor, on public account, are paid for in money.

Question 11. Are the Indians attached to the factory system? Is there reason to apprehend hostilities from them, if they are withdrawn?

Answer. I believe it is admitted, on all hands, that the factories, at those points where alone my opportunities of observation have extended, are altogether useless. I have it from the best authority, that the factor at Chicago has been for years soliciting from the superintendent to be removed from his present position, as his remaining there was wholly useless, and that no notice whatever has been taken of his representations. As to any attachment to the system, the Indians probably understand nothing of the motives which led to its adoption; and, of course, if it does not tend to give them their supplies on better terms, are indifferent to its continuance.

Question 12. If the factories are withdrawn, will the Indians suffer for want of the customary supplies, or be exposed to greater or less impositions from traders?

Answer. Within the sphere of my observations, so small a part of the wants of the Indians is supplied from the public trading-houses, that their withdrawal would not be felt. The competition among private traders is sufficient to prevent exactions on the Indians.

Question 13. Are the Indians judges of the quality of the goods in which they trade, of the reasonableness of prices, and of the value of their own furs and peltries?

Answer. The Indians are very observant, and reputed to be very good judges of the articles which they are accustomed to buy. Their capacity for the petty traffic which they carry on is believed to be much greater than is generally apprehended. The principal fraud practised upon them is believed to be in the article of spirituous liquors, to which the seller attaches a price in proportion to the penalty he would incur from detection.

Question 14. What effect, if any, has the factory system in conciliating the good-will of the Indians towards the United States, in reclaiming them from savage habits, and in converting them to Christianity?

Answer. The factor has no other relation to the Indian whatever than that of a trader. He is invested with no other character by the Government; and, unless I have been strangely misled by those possessing a more intimate knowledge of Indian prejudices than I can pretend to, it would be highly impolitic to combine, in the same person, the functions of trade with those which might result from any measures which should be adopted for ameliorating the condition of the Indian tribes, in which the personal influence of the agent is important. How, then, is the factor to have influence in conciliating the Indians, in reclaiming them from savage habits, or in converting them to Christianity? Certainly in no other way than by supplying them on better terms than others with the articles they are accustomed to use. If the Indian received benefit in this way, he could appreciate it, and it would be a means of conciliation; if the private trader were undersold, any unfavorable influence which he may be supposed to hold would be removed; and if an addition were made to the comforts of the Indians, it might tend to humanize them, and lead them to Christianity. But admit, as can readily be proven, that the factor sells his goods at no lower rates than other traders, and more need not be said as to the influence of his establishment.

Question 15. State, particularly, any instances of fraud or improper conduct, on the part of the factors or sub-factors, (if any such have come within your knowledge,) and their characters as faithful agents of Government, or otherwise?

Answer. I have stated that no instances of gross fraud on the part of factors came within my knowledge. I have reason to believe that there is no uniformity whatever in the prices of goods at the factory of Green Bay; if goods sold are accounted for at a uniform rate, there is certainly some ground for suspicion. With regard to the character of the factors, I know nothing disadvantageous. The inefficiency of the system appears to have arisen from the wretched character of the supplies, the high prices at which they have been purchased, and the unreasonable advance which has been put upon them. I feel confident that some of the persons interested in the maintenance of this establishment have greatly exaggerated the misconduct of the private traders; have misrepresented the causes why the factories have not been able to keep up a successful competition with them; and made statements of the

results which would attend the withdrawal of the factories, the absurdity and hardihood of which are amazing to those having any knowledge of the facts.

When the factories were first established, they were probably useful at some points where they were located, in spite of mismanagement; and, though competition in the trade has much increased, the gratuitous use of \$300,000, with persons paid for managing it, would now be most important to the Indians, but for the most glaring perversion of the charitable purposes of Government. As it has been conducted, a useless institution has been kept up for years, by plausible statements on paper, and by general declamations about atrocities which never were committed, and horrors to be apprehended, which must have excited the smile of the orator himself.

After all, a close examination of the sales made at the factories would be the best means of judging of their importance. The factors have been aware that their existence was in jeopardy, and have not been idle. If any expenses were paid from the fund in trade, the asserted integrity or the small increase of the capital would be an evidence of some trade; but, as no demands are made upon it, it might remain whole *ad infinitum*, without a particle of business being done.

Your obedient servant,

The Hon. the CHAIRMAN of the Committee on Indian Affairs.

JOHN BIDDLE.

SIR:

WASHINGTON CITY, January 21, 1822.

In conformity with a request of the Committee of the Senate on Indian Affairs, I have the honor to state, (in answer to their several queries,) that I have been, in a great measure, acquainted with the operations of the factory system on the Missouri and Mississippi since 1807. With the factory on the Mississippi, first at Fort Madison, and now at Prairie du Chien, I have been more particularly acquainted. Until the conclusion of the late war, as well as I can recollect, the goods in those factories were inferior to such as the individual traders made use of; and, except the blankets, which have improved since then, those factories or trading-houses have continued to be furnished with goods of a very inferior quality, and much less adapted to the Indian trade than those in the hands of individuals.

I know very well that they have been in the habit of selling to officers, soldiers, citizens, and, in fact, to any body, without reserve. Mr. Johnson, factor at Prairie du Chien, has been in the habit of equipping traders *without* license, and sending them to trade with the Indians on hunting excursions, unrestrained; and did, in one instance, furnish goods to a Canadian, who was an experienced trader, but at that time considered a most exceptionable character, from the circumstance of his having borne arms against us by the side of the Indians during the late war, and being charged with exciting them to the massacre of the inhabitants of our frontiers, and who could not have obtained license from proper authority.

The factors were not in the habit of limiting their prices to the cost and carriage of their goods; and I am sure never did, except on unsaleable articles. I am not positive as to the advance placed on their goods, but am under the impression that it was estimated at sixty per centum on prime cost. But I know very well that when I was stationed at Prairie du Chien, about four years since, the officers, soldiers, and citizens, in the village and vicinity, in their intercourse with the factory, were charged from forty to sixty per centum advance on the rates at which similar articles are sold in St. Louis, which induced us to believe at the time that there was some mismanagement in the factory department. The factors have sold on credit, but I think not extensively.

The factories take in exchange for their goods every thing the individual trader does—money as soon as furs and peltries; and I believe the factory sustained some loss on the failure of the St. Louis Bank, in the year 1817, in notes received from soldiers stationed there. I will not be positive, but I believe that on one or two occasions the factor on the Mississippi purchased furs and peltries with money taken in trade at his post.

I do not recollect to have been furnished with any thing by the factories on the account of Government; but they have sometimes furnished other Indian agents with annuities, and Indian presents; and, a few years since, when they were permitted to act in the capacity of Indian sub-agents, they gave presents out of the factory goods themselves, which were charged to, and paid by, the Indian Department.

The Indians cannot be attached to the factories, when they have almost abandoned them. To withdraw the factories, and secure the trade to individual enterprise, under proper regulations, would, in my opinion, be a pleasing circumstance to the Indians of my acquaintance, and lead to no evil, but to happy consequences. They will not suffer for want of supplies, or be subject to greater impositions than they are now. They are generally good judges of the quality of the goods in which they trade, of the reasonableness of prices, and of the value of their own furs and peltries.

The factory system has no good effect in conciliating the good-will of the Indians towards us; on the contrary, it is calculated to give them unfavorable impressions, and alienate them from us, by exhibiting the Government of the United States in the light of a common trader.

In reclaiming them from savage habits, and in converting them to Christianity, these establishments have the same effect as the individual traders. About four years since, when I was stationed at Prairie du Chien, the factor received what was called soldier or citizen goods, to the amount of several thousand dollars; none of which were intended for the Indian trade, and it was said, and generally believed, to be a private concern. I have seen, in factories, goods evidently the remnants of old stores; and, a few years since, I received of General Clark, who was then superintendent of Indian affairs at St. Louis, a few goods for Indian presents, (furnished him by the factory department,) the most of which were of such inferior quality that I was ashamed to offer them to the Indians, and have them still on hand.

I will not charge the factors with a dishonest act, as I do not know what instructions they may have received from the superintendent of Indian trade; but I know they are not above suspicion.

It is generally believed in Missouri, Illinois, and, I believe, in Michigan, and by almost every officer with whom I have been stationed on the frontiers, that the superintendent and factors are growing rich in the service.

With the highest respect, I have the honor to be, sir, your most obedient servant,

B. O'FALLON,

To the Hon. THOMAS H. BENTON.

United States Agent for Indian Affairs on the Missouri.

SIR:

WASHINGTON CITY, January 23, 1822.

In answer to the queries proposed to me, and enclosed in your communication, as one of the Committee of the Senate of the United States on Indian Affairs, under date of the 21st instant, relative to the factory system of trade and intercourse with the Indians as at present established and conducted, I have the honor to state, in general, such facts as came immediately under my observation in the year 1820, while I was attached to a scientific and exploring expedition, as journalist, under the command of Major Long. That, at the engineer cantonment, a few

miles below the Council Bluffs, on the Missouri, I saw a party of chiefs and warriors of the Ottoo tribe, on their way to visit Major O'Fallon, their agent. A gentleman of our party had with him what is termed by the Indians and traders a Mackinac blanket, which is of a superior quality of blankets, and such as are generally furnished by the British traders at Mackinac to the Indians. Several of the Indian party noticed this blanket, and each proposed to exchange his blanket, which was of the description of those supplied by the United States, or their traders, offering, at the same time, something very considerable in addition, as an inducement to effect an exchange. On inquiry, I found that the Indians were under the impression that the blankets, arms, vermilion, &c., furnished to the Indians at Mackinac, were of a superior quality to any they received from the American Government, or procured from its traders.

In the course of the expedition, I was at a Cherokee settlement, on the north side of the Arkansas river. At the house of Webber, a chief, there was a store, at which I observed a number of the Indians making considerable purchases preparatory to going on the hunt; and, understanding that the United States had a factory established not far distant from this store, for the accommodation of trade with this nation, I inquired of the Indians why they did not trade at the factory. The reply was, that they could procure all the articles they wanted at this store, at a less price and of a better quality than they could at the factory, and were allowed the same prices for their furs and peltries; they particularly instanced that of blankets, for which there was a difference of a dollar in the price of each in their favor, by trading at this store. A half-breed, by the name of Rogers, was my interpreter on this occasion.

At the mouth of the Verdigris river, (Arkansas,) there was a trading-house, for the accommodation of the Osage Indians, owned by Mr. Glenn; this store, in its supplies to the Indians, gave general satisfaction, as I understood from the chiefs and others of the nation.

The foregoing embraces the whole of my observations on the trade with the Indians, during my intercourse with them, which has been most with those nations where no regular traders have yet been established.

It is my impression that the Indians are not particularly attached to the factory system, and that no great inconvenience would result to them if the factories were withdrawn, as their places would, no doubt, be supplied by traders better calculated to satisfy the Indians. It would be their interest to do so, and it would relieve the Indians from a course of trade which they cannot comprehend, in this: that the United States, or rather the Government, should be a party in competition with traders for the sale of goods, and purchase of furs and peltries. The factory system, used as a means of conciliating the good-will of the Indians towards the United States, or in reclaiming them from savage habits, cannot, in my opinion, have any better effect than if the trade were altogether in the hands of licensed traders, subject to proper regulations. I would here remark, that it is not the interest of the trader or factor to encourage civilization in the Indian population; for, as they advance in that, they recede in the hunt, and the trade becomes less valuable. But few would countenance a system which went to destroy their own interest. Persons capable of instructing the Indian children in the nation in all the first steps to civilization, would be more likely to succeed in that desirable object than the traders.

Respectfully submitted by, sir, your most obedient servant,

JOHN R. BELL.

Hon. THOMAS H. BENTON, *Senator United States.*

GENTLEMEN:

WASHINGTON, *January 23, 1822.*

I have had the honor to receive your queries, relative to the public Indian trading-houses, to which I return the following answers:

1st. My "opportunities of becoming acquainted with the factory system" have been frequent, ever since the year 1806, and apply to the houses which, at different periods, were located at Belle Fontaine, Fort Madison, Chicago, Michilimackinac, Fort Osage, Prairie du Chien, Fort Edwards, and Green Bay.

2d. "The quality of the goods usually found in these factories," so far as applies to the greater part of what may be properly called "*Indian goods*," has always been much inferior to the same description of articles furnished by the private traders, excepting, perhaps, during the late war, when recourse could not be had to European manufactories for supplies of the proper kind. Gunpowder, ball, shot, and the like, were found at the factories of as good a quality as at any private establishment; but the blankets and other dry goods, generally, have been uniformly from twenty-five to fifty per cent. inferior to the corresponding articles supplied by individual adventurers. And the factor at Chicago is also of opinion that remnants, or cut pieces of goods, do not answer *quite* so well as if they had never been unfolded, or subjected to retail operations, before they reached him.

3d. The factories have been furnished with goods "of a kind not suitable to the Indians," unless the committee should be of opinion that men and women's coarse and fine shoes, worsted and cotton hose, tea, glauher salts, alum, and antibilious pills, are necessary to promote the comfort or restore the health of the aborigines; or that green silk, fancy ribands, and morocco slippers are indispensable to eke out the dress of our "red sisters." I have it also from a gentleman now in Congress, that the factory at Detroit, in 1800, contained a large assortment of goods so well adapted to the wants of the white population, that the merchants of the place felt and complained of its competition.

4th. It is "within my knowledge" that goods have been sold to persons engaged in the fur trade by the United States factories at Fort Osage, Fort Edwards, Prairie du Chien, Chicago, and Green Bay, more particularly at the first, third, and last of the places just mentioned. And I have every reason to believe that it is the constant practice of all the factors to sell the Government goods to the officers and soldiers of the posts where they are located, and, generally, to the white and mixed population around them.

In 1816, Mr. Johnson, the factor at Prairie du Chien, furnished goods to a Mr. Antoine Brisbois, whom he well knew had but a few days before been refused a license by the proper officer; and he continued to supply him during 1817 and 1818. In 1818, a Mr. Michael Brisbois, brother of the former, also received goods of the same factor to trade. In 1820, a Mr. Schell, or Shull, became a trader for the same house, and I believe still continues so. A Mr. Scott Campbell was also supplied in 1820; and the rear is closed by a Mr. Duncan Campbell, who *now* trades on the Upper Mississippi with an assortment from the same factory, although he is at this moment in the service (and I presume in the pay) of the United States, as interpreter to the Indian agency at the military post near the Falls of St. Anthony.

Mr. Irwin, the factor at Green Bay, in 1817 supplied goods to a Mr. Rouse, amounting to upwards of \$3,000. He has also sold to various other traders at different times, and has now one trader on the Fox river, and another at Milwaukee, on Lake Michigan.

At the Fort Osage factory, Mr. Sibley furnished, in 1819, goods to a Mr. Noel Mongrain, who, I am informed, was at the time in the Government employ as interpreter for the Osages.

All these persons traded with the Indians, in different sections of the country, at a distance from the factories, and their rates of sale had no regard whatever to the injunctions of the laws regulating the Government trading-houses, which decree that the goods shall be disposed of on terms "merely to preserve the capital from diminution."

Antoine Brisbois, in 1816, was not licensed. Noel Mongrain was not licensed. During the agency of the late Colonel John Bowyer at Green Bay, licenses to whomsoever dealt with the factory at that place were deemed superfluous. And I have good ground to believe that the law in respect to licenses has been but seldom complied with by those who receive their goods from the public trading-houses.

5th. "The factors, in their traffic with Indians or others," do not limit "their prices to the cost and carriage of the goods." Their rates of sale are capricious, in the same ratio as competition is weak or vigorous, at hand or afar off. They charge on *wholesale* operations from 25 to 66 $\frac{2}{3}$ per cent. on the invoice cost of the articles, and sometimes even a greater advance; the retail prices are considerably higher still.

6th. To at least a majority of the persons enumerated in the reply to the 4th query, the factors have sold on a credit, and I rather think no one of them paid at the time he purchased. Part of an outfit made at Green Bay, in 1817, I know remains unpaid, and I am led to believe that a balance could still be found against Mongrain on the books of the Fort Osage factory.

7th. A communication from the Secretary of War to the House of Representatives, "read and ordered to lie on the table," 13th of April, 1820, will show that from 1815 to 1819, inclusive, the receipts in *cash* at the factories, collectively, amounted to \$84,622 17; and the same document tells us that lead, bees' wax, tallow, Indian mats, feathers, sugar, cotton, and hides, were also received in payment for goods at the public trading-houses.

8th. In 1818, a Mr. *Michael* Brisbois was furnished by the factor at Prairie du Chien with goods amounting to \$1,808 69, to be traded on *account* of the Government. In some instances, the persons supplied were on their individual risks; but they might as well have been on public account, for, if their trade failed to realize enough, they possessed no means of liquidating the claims of the factor.

9th. I am not aware that the factors have *purchased* furs or peltries with money; but Mr. Irwin, at Green Bay, *sold* furs to a Mr. Laird, of Erie, Pennsylvania, some years ago. In what the payment consisted, I do not now recollect.

10th. The factories have furnished goods to the Indian agents of the United States on, I believe, pretty much the same terms as to the traders; but I am not sufficiently acquainted with such transactions to speak positively on the subject.

11th. Perhaps the most satisfactory reply to this query is to be found in the proportion of business the Indians transact at these national establishments, compared with the amount they barter to the private traders; which is, speaking within bounds, nine-tenths in favor of the latter. Did the factories really confer advantages, the natives would undoubtedly be attached to the system, and a much larger portion of their furs and peltries would unquestionably be traded there. But when we see Indians, who have been familiar for years with the goods and prices of the factor, quietly pass the door of the public trading-houses, and dispose of their stock to the private traders in the immediate neighborhood, it seems reasonable to conclude that they do not cherish any thing resembling a strong partiality for those intended representatives of the national bounty.

The amount of trade at the factories has been decreasing for several years, and with its diminution has of course declined the intercourse between the factors and the Indians, until the connexion is, in some instances, nearly destroyed. With the habits of trade the exercise of friendship is almost inseparably connected; and when the common wants or convenience which originally led to an interchange of commodities have either ceased to operate, or are turned into another channel, the feelings of mutual regard which commerce produces are soon blunted, and sickly indifference insensibly supplants vigorous friendship. Such a catastrophe has been latterly witnessed at Chicago, where the factor, conscious of the futility of his establishment, solicited for years to be removed, but his solicitations were not deemed worthy of acknowledgment.

The factor rarely meets the Indians except during the process of barter, and, protected as he is by a garrison, he has nothing to apprehend from their dislike or resentment. He has, therefore, no inducement to cultivate an intimacy, which only promises to interrupt his ease, or break in upon his retirement; and his knowledge of the natives around him is proportioned to an intercourse so limited and unsocial. The situation of the private trader is very different, for he is constantly in the power of the aborigines, and, from his habits of trade, he necessarily becomes identified with the tribe he commonly visits. On the other hand, their dependance on him periodically for relief, (which they cannot obtain of the factor,) promotes an attachment that is strengthened with every return of their annual supply, which affords support, and secures comfort to their families throughout the inclemency of the succeeding winter.

It is not, in my opinion, necessary to travel further in quest of reasons for the partiality which the Indians evince for the private traders, since their situation relative to the natives, when contrasted with that of the factor, will alone account for the preference. And when to the very opposite deportment of the two characters you add the still more important difference in the quality and price of their goods, we ought no longer to wonder that there exists such a disparity of trade between the private establishments and public trading-houses. However benevolent the motives may have been which devised the factory system, there is no doubt that the Indians have failed to appreciate the benefits they were meant to confer, and the protection they were intended to afford; since it is very well known that, sell your goods to an Indian as low as you please, he always considers every obligation cancelled when he pays the price demanded. The natives consider the factories of so very little consequence to them, that their removal from the country would scarcely be remarked; and, so far from their abolition involving the frontiers in war, I am confident that parting with these ostensible blessings will not create a murmur loud enough to disturb the primeval stillness of the forest.

12th. There are now annually more goods carried into the Indian country by the private traders than can be disposed of; and, admitting the factories have all the influence for which they are so much extolled by those interested in their continuance, the sphere of their operations has not, even at this day, any control whatever over three-fourths of our present Indian trade. Since, therefore, they can, at most, only effect so small a portion of the trade, and as nothing can be more unfounded than the existence of extortion or imposition where their influence cannot possibly reach, I confess I am at a loss to imagine what foundation there can be for any well-grounded apprehension. Independent of the many new adventurers which the abolition of the public system of traffic would in all probability tempt into the trade, the present annual surplus of goods will alone be equal to any deficit which may be feared on withdrawing the factories; and those who are acquainted with the present state of our Indian trade will readily admit that competition is sufficiently active and extensive, among the private traders, to secure to the natives, every where, ample supplies on reasonable terms.

13th. It may be safely asserted that all our Indians, accustomed to trade, are competent judges of the goods they purchase of the whites. Using always the very same articles of merchandise, and uniformly the same de-

scription of goods, the intercourse of long-established trade, sometimes with associations of private traders, but most frequently with contending adventurers, has, by affording them constant opportunities of contrasting prices, enabled them to decide with great accuracy on the quality, and consequent value, not only of every thing they buy, but of every article they sell. And I am positive the Indians are generally quite as capable of judging correctly, in regard to both the quality and price of the goods they deal in, as a large majority of the civilized community are of deciding on the rates of our retail shopkeepers.

14th. The detailed answer to query 11th has shown how very limited the factor's influence over the natives must necessarily be, from the peculiarity of his situation; and thence may be gathered the probable effect of the system he represents "in conciliating the good-will of the Indians." But there are other reasons for the failure of the system in producing this conciliation.

Along the chain of great lakes, from Ontario to Superior, the Indians within our lines have been, ever since the conquest of Canada, in habits of intimacy with the Canadian Indian authorities; and this intercourse, it is well known, continues with our Indians to the present day. At the British frontier posts, all the public or Government Indian goods have, for the same period, been annually bestowed gratuitously upon the natives; and when our factories were carried to the country approaching Canada, the Indians were so firmly of opinion that the goods deposited there were to be disposed of after the manner of the British, that they frequently charged the factors with selling for their own emolument what their Great Father intended as *presents*. In the course of time, the undeviating practice of the factor convinced them how much they were mistaken; and when no longer at liberty to doubt, the impression became universal that their *American* Father must be poor indeed, since he sent his goods into their country to be sold for skins, as by the common trader, who depended on his traffic as the means of subsistence. The marked difference between the American factors and the British Indian agents gave rise to comparisons but little favorable to the character of our country; and while England's King, by unanimous consent, received from the Indians the appellation of Father, the President of the United States was degraded to the level of a common adventurer.

It is also worthy of remark here, that the Indians, during the late war, exhibited a more settled inveteracy against us in the districts having the benefit of public trade, (say, for instance, Fort Wayne, Chicago, and Fort Madison,) than they evinced in other sections, equally exposed, but without factories; and, however true it may be that causes other than the mere location of a public trading-house produced this vindictive spirit, yet it cannot be denied by those conversant with the subject, that if, instead of the trafficking disposition we exhibited to the natives for fifteen years before the war, we had adopted a more dignified policy in our Indian relations, it is hardly to be believed that nations, who for many years had only met each other as enemies, would have at once, by common consent, buried their animosities, united as members of the same family, and raised the tomahawk against us with such unparelled unanimity.

The foregoing facts and observations attest most fully the positive inefficiency of the system in conciliating the Indians; for, at Fort Wayne, Chicago, and Fort Madison, previous to the war, public trade was in full operation, and flourished, I believe, beyond any thing we have seen in these latter days; and yet, so far from "reclaiming them from savage habits," they did not in a single instance, during the whole contest, avert the dreadful effects of an irruption into our defenceless frontier; nor did they even disarm the savage of one particle of his natural ferocity.

Little as I value the factory system, so far as it is considered a means of attaching the Indians to the United States, I do think they are, if possible, still less capable of producing religious reformation in either the Indians or anybody else. The factories have now degenerated into mere places of trade, to which all colors, descriptions, and denominations of people resort for barter; and bear a much more striking resemblance to common *country stores*, than to the public establishments of a benevolent Government. The desperate efforts which the factors make to secure individually their reputations as traders, and jointly to prop the questionable pecuniary credit of the whole system, are, in my opinion, but little favorable to that serenity of mind, mildness of disposition, and undeviating conformity to a strictly moral deportment, which we, in civilized society, consider essential qualities in those we trust as our guides "to another and a better world." Even *we* value example as high as precept; with savages, the former is most likely to be efficacious. And believing these gentlemen to be equally fallible with the generality of their brethren in trade, I should imagine they were selected by the superintendent of Indian trade more for their trafficking than apostolic abilities, as the head of that department is too intimately acquainted with the nature of missions among a rude people to have appointed the present incumbents to teach repentance and remission of sins to the children of the wilderness. It is hardly necessary to add, that I do not believe either factories or factors are likely to enlarge the jurisdiction of the church.

15th. I have no knowledge whatever that there is a want of probity in any of the factors. It is, nevertheless, true that they have, in some cases, furnished goods to men whose characters were not above suspicion, and, without giving bond for their correct deportment in the Indian country, have sent them to ramble (unrestrained by any pecuniary penalty) over that part of the forest they chose to select for the theatre of their operations; and that, in these vagrant excursions, they frequently met the debtors of the private traders, and induced them to part with the means of paying what they in the autumn had obtained on credit from the trader, in clothing, to protect their families against the rigors of the following winter, and wherewith to pursue the chase advantageously. Now this might not legally be called dishonesty, but sure I am it is hardly fair.

It is no less true that the factory system pays no interest for the fund which supports it; that all the officers, whether superintendent, factors, or others, are paid their salaries out of an appropriation totally distinct from the trade fund; that the transportation from any of the Atlantic cities, or even Georgetown, in this District, to any of the northwestern factories, *does not* cost ten per cent. on the invoice of a regular assortment of Indian goods, and still less on such mixed supplies as are found at the public trading-houses; and that, notwithstanding the factors usually sell at a rate to yield an average advance of at least fifty per cent. on the cost of their goods, and possess, besides, all these other extraordinary advantages, the original fund is in danger of diminishing.

I confess that, to me, it appears inexplicable how any trade can possibly fail to maintain itself, when it maintains all its means of operation, both fiscal and executive, free of every charge; and the wonder increases when we recollect that the sales are at an average of forty per cent. clear gain. I, however, trust that the committee will succeed in giving to this commercial phenomenon a tangible form, although I much fear they will find it the unprofitable labor of "chasing a shadow." I cannot close the answer to this query without stating my conviction that the factors are every where industrious, persevering, and as much devoted to their business as any men ought to be.

For my own part, I believe these public trading-houses of a character completely negative for the purpose of controlling the propensities of the Indians, and attaching them to the United States; and I am confident, from my own knowledge, acquired by sixteen years of actual experience and observation, backed by information which I deem unquestionable, that the factories can never conciliate the good-will of the Indians, reclaim them from savage habits, convert them to Christianity, confer any real advantage in trade, or for an hour preserve peace on the frontiers.

In illustration of several of the statements I have made, I transmit, herewith, some invoices and accounts from some of the factories, which may be relied on as genuine. And I have to request that the papers in question be returned to me, when no longer required by the committee.

RAMSAY CROOKS.

To the COMMITTEE of the Senate on Indian Affairs.

Invoice of merchandise furnished Michael Brisbois from the United States factory at Prairie du Chien, to trade on public account with the Indians at or near the Fox Lead Mines, on the river Mississippi, July 23, 1818.

2 pairs 3 point blankets, new,	-	-	-	at	\$12 92	\$25 84
3 pairs 2½ point blankets, new,	-	-	-	-	11 12	33 36
3 pairs 2 point blankets, new,	-	-	-	-	9 17	27 51
3 pairs 1 point blankets, new,	-	-	-	-	6 67	20 01
3 pairs old 2 point blankets,	-	-	-	-	3 79	11 37
1 piece blue stroud, 21 yards,	-	-	-	-	2 83	59 43
1 lb. blue beads,	-	-	-	-	1 84	1 84
½ lb. white beads,	-	-	-	-	1 84	92
10 masses scarlet garnet,	-	-	-	-	50	5 00
6 masses mock garnet,	-	-	-	-	37½	2 25
1 bundle green beads, 1 lb.	-	-	-	-	-	2 50
1 gross brass finger rings,	-	-	-	-	-	2 25
6 dozen white finger rings, with glass,	-	-	-	-	25	1 50
36 hair pipes,	-	-	-	-	33½	12 00
1 dozen children's bells, large,	-	-	-	-	-	33½
1 nest tin kettles,	-	-	-	-	-	9 50
50 pairs silver ear-bobs, large,	-	-	-	-	31½	15 87½
50 pairs silver ear-bobs, less,	-	-	-	-	25	12 50
2 pieces riband, 1 inch wide,	-	-	-	-	2 50	5 00
2 pieces fancy riband, 1½ and 1 inch wide,	-	-	-	-	3 50	7 00
1 piece Camperdown calico, 28½ yards,	-	-	-	-	70	19 95
1 piece wide calico, 20 yards,	-	-	-	-	83½	16 70
1 piece domestic calico, 12 yards,	-	-	-	-	66½	7 98
1 piece furniture calico, 28½ yards,	-	-	-	-	50	14 25
4 copper kettles, weight 21 lbs.,	-	-	-	-	1 33½	28 00
2 rifles,	-	-	-	-	22 50	45 00
1 keg powder, 50 lbs.,	-	-	-	-	80	40 00
2 pairs armbands,	-	-	-	-	8 54	17 08
2 pairs wristbands,	-	-	-	-	3 63½	7 27
2 crowbars,	-	-	-	-	5 33	10 66
2 picks,	-	-	-	-	2 92	5 84
2 hammers,	-	-	-	-	3 33½	6 67
2 lbs. vermilion,	-	-	-	-	5 00	10 00
						\$485 39

Errors excepted:

J. W. JOHNSON, U. S. Factor.

Invoice of merchandise furnished Michael Brisbois from the United States factory at Prairie du Chien, to trade on public account with the Indians at or near the Fox Lead Mines, on the Mississippi, 9th of August, 1818.

8 pairs 3 point blankets, new,	-	-	-	at	\$12 92	\$103 36
8 pairs 2½ point blankets, new,	-	-	-	-	11 12½	89 00
5 pairs 3 point, old stock,	-	-	-	-	9 17	45 85
5 pairs 2½ point, old stock,	-	-	-	-	4 92	24 60
3 pieces blue stroud, 56½ yards,	-	-	-	-	2 83	160 60
1 piece superfine red stroud, 22½ yards,	-	-	-	-	3 17	70 53½
3 pieces furniture calico, 84½ yards,	-	-	-	-	55	46 34
1 piece fancy calico, 29½ yards,	-	-	-	-	50	14 75
3 pounds vermilion,	-	-	-	-	5 00	15 00
5,000 blue wampum,	-	-	-	-	7 50	37 50
5,000 white wampum,	-	-	-	-	5 00	25 00
10 masses mock garnet,	-	-	-	-	37½	3 75
2 bundles green beads, 2 pounds,	-	-	-	-	2 50	5 00
100 pairs large ear-bobs,	-	-	-	-	32	32 00
100 pairs less ear-bobs,	-	-	-	-	25	25 00
100 pairs less ear-bobs, with stems,	-	-	-	-	21	21 00
1 dozen cow bells,	-	-	-	-	-	10 00
6 pairs ear-wheels, 2 inches,	-	-	-	-	1 66½	10 00
4 pairs ear-wheels, 3 inches,	-	-	-	-	2 08	8 32
2 pairs armbands, eagle,	-	-	-	-	8 54	17 08
6 pairs wristbands, eagle,	-	-	-	-	3 63	21 78
6 hair plates, eagle,	-	-	-	-	1 50	9 00
1 box rifles, 10, No. 4,	-	-	-	-	22 00	220 00
						\$1,015 46½

Errors excepted:

J. W. JOHNSON, United States Factor.

Invoice of merchandise furnished Michael Brisbois from the United States factory at Prairie du Chien, to trade with Indians at or near the Fox Lead Mines, on the Mississippi, 15th August, 1818.

1 box containing 10 rifles, at \$13 67,	-	-	-	-	-	-	\$136 70
100 hair pipes, 207 inches, at 7 cents,	-	-	-	-	-	-	14 49
2 papers of needles, at 25 cents,	-	-	-	-	-	-	50
1 pound colored thread,	-	-	-	-	-	-	2 00
							153 69
Advance, 66 $\frac{2}{3}$ per cent.,	-	-	-	-	-	-	102 46
							\$256 15

Errors excepted: J. W. JOHNSON, *United States Factor.*

Invoice of merchandise furnished Michael Brisbois from the United States factory at Prairie du Chien, to trade with Indians near the Fox Lead Mines, on the Mississippi, 18th September, 1818.

3 long square-barrel rifles, at \$13 67,	-	-	-	-	-	-	\$41 01
3 short rifles, at \$12 50,	-	-	-	-	-	-	37 50
1 dozen fire steels,	-	-	-	-	-	-	50
							79 01
Advance, 66 $\frac{2}{3}$ per cent.,	-	-	-	-	-	-	52 68
							\$131 69

Errors excepted: J. W. JOHNSON, *United States Factor.*

Michael Brisbois in account with John W. Johnson.

1819.		DR.					
June 25,	4 boxes antibilious pills,	-	-	-	at \$0 75	-	\$3 00
July 5,	3 pounds tea,	-	-	-	3 50	-	10 50
July 16,	1 slip of thread,	-	-	-	-	-	37 $\frac{1}{2}$
July 19,	6 pipes,	-	-	-	12 $\frac{1}{2}$	-	75
Aug. 29,	1 box antibilious pills,	-	-	-	-	-	75
Sept. 9,	3 pounds of tea,	-	-	-	3 50	-	10 50
Oct. 10,	6 pounds of tea,	-	-	-	3 50	-	21 00
Oct. 19,	4 pounds of tea,	-	-	-	3 50	-	14 00
Nov. 11,	1 pair fine shoes,	-	-	-	-	-	3 00
	1 pair coarse shoes,	-	-	-	-	-	2 50
	2 pairs boys' shoes,	-	-	-	-	-	3 00
	1 pair women's leather shoes,	-	-	-	-	-	1 50
Nov. 15,	3 pounds tea,	-	-	-	3 50	-	10 50
Nov. 22,	1 pair boy's shoes,	-	-	-	-	-	1 50
Nov. 24,	2 tin pans,	-	-	-	-	-	3 00
Dec. 7,	2 pounds tea,	-	-	-	3 50	-	7 00
Dec. 13,	1 pair coarse shoes,	-	-	-	-	-	2 50
1820.							
Jan. 22,	2 pairs boys' shoes,	-	-	-	-	-	3 00
Feb. 9,	1 pair fine shoes,	-	-	-	-	-	3 00
Feb. 15,	1 pair coarse shoes,	-	-	-	-	-	2 50
Feb. 22,	1 sash,	-	-	-	-	-	3 00
March 9,	4 yards Waterloo prints,	-	-	-	75	-	3 00
April 6,	1 pair coarse shoes,	-	-	-	-	-	2 50
May 20,	8 yards Carlisle plaid,	-	-	-	75	-	6 00
							118 37 $\frac{1}{2}$
1819.		CR.					
June 25,	By balance due on old account,	-	-	-	\$3 40	-	
Nov. 24,	By 600 pounds of flour for Shull,	-	-	-	36 00	-	
							39 40
	Balance due J. W. Johnson,	-	-	-	-	-	78 97 $\frac{1}{2}$
		CR.					
	By discount with J. P. Gates,	-	-	-	\$25 00	-	
	By 400 pounds of flour for Indians,	-	-	-	24 00	-	
	By this sum for baking flour,	-	-	-	4 00	-	
							53 00
							25 97 $\frac{1}{2}$
		DR.					
	By 4 pieces Indian chintz,	-	-	-	-	-	11 68
	By 2 pounds vermilion,	-	-	-	-	-	10 00
							47 65 $\frac{1}{2}$
		CR.					
	By baking up to this date,	-	-	-	\$25 00	-	
	By a barrel of pork,	-	-	-	25 00	-	
							50 00
	Balance paid in tea,	-	-	-	-	-	\$2 34 $\frac{1}{2}$

Joseph Rolette in account with J. W. Johnson.

		Dr.		
1819.				
June 25,	Note for balance of old account,	-	-	\$126 21½
July 19,	1 fancy silk handkerchief, per Mrs. R.,	-	-	2 00
Aug. 7,	1 skein silk, per Mrs. R.,	-	-	12½
Aug. 12,	1 bottle peppermint, per Mrs. R.,	-	-	50
Aug. 17,	1 skein silk, per Mrs. R.,	-	-	12½
Sept. 21,	1 large dressed deer skin,	-	-	1 50
Sept. 23,	2 large dressed deer skins,	-	-	2 75
Oct. 2,	1½ pound brass wire, at \$1 75,	-	-	2 62½
Oct. 25,	3 pounds tea, delivered Lablanc, at \$3 50,	-	-	10 50
	2 pairs women's leather shoes, per Ferriboult,	-	-	3 00
	2 pairs women's leather shoes, per Lablanc,	-	-	3 00
	1 gun for Sioux Indian, (security,)	-	-	15 00
Nov. 3,	1 dressed deer skin, delivered Bell,	-	-	1 50
Nov. 11,	4 dressed deer skins, at \$1 00,	-	-	4 00
	1 box antibilious pills,	-	-	75
Nov. 12,	1 rifle, for Reed,	-	-	22 00
Nov. 22,	1 pair coarse shoes, \$2 50, } delivered Polly,	-	-	4 00
	1 pair women's shoes, \$1 50, }	-	-	
Dec. 10,	1 pair men's fine shoes,	-	-	3 00
	1 pair women's fine shoes,	-	-	1 50
1820.				
Jan. 16,	1 dressed deer skin, at \$1 00, } order,	-	-	1 50
	1 pair moccasins, at 50 cents,	-	-	
Jan. 17,	1 belt, \$3 00; 3 pounds wax, \$1 00, for Jeanson,	-	-	4 00
Jan. 18,	2 pounds alum,	-	-	50
Jan. 24,	½ pound glauber salts,	-	-	50
Feb. 3,	½ pound glauber salts,	-	-	50
Feb. 15,	1 pair fine shoes, per Polly, for Mr. Lamouch,	-	-	3 00
Feb. 25,	1½ yard green silk, at \$2 00, } \$2 50 } Mrs. R.	-	-	3 37½
	3½ yards riband, at 25 cents, } 87½ }	-	-	
Feb. 29,	½ yard green silk, per Polly,	-	-	1 00
March 1,	3 yards cotton check, \$3 00, } L. Brisbois,	-	-	3 50
	4 yards ferreting, 50 cents, }	-	-	
March 13,	5 pairs coarse shoes, at \$2 50, (order,)	-	-	12 50
	1 pair coarse shoes, \$2 50, } orders,	-	-	6 00
	2 pairs colored cotton hose, \$3 50, }	-	-	
March 14,	2 pairs coarse shoes, \$5 00, } orders,	-	-	9 75
	1 shawl, \$3 00, }	-	-	
	1 pair worsted hose, \$1 75, }	-	-	
March 22,	½ pound alum,	-	-	50
March 30,	1 pound tea, per order,	-	-	4 00
March 31,	3 pairs moccasins,	-	-	1 50
April 8,	5 pounds tea, delivered Polly, at \$4 00,	-	-	20 00
May 10,	2 pairs moccasins, (order,) at 50 cents,	-	-	1 00
	½ pound glauber salts,	-	-	25
May 15,	½ pound tea, per Jeanson,	-	-	2 00
May 17,	2 pounds tea, per order,	-	-	8 00
	½ lb. glauber salts, (order,)	-	-	50
May 18,	2 whipsaw files, per order,	-	-	1 00
May 23,	9 yards calico, per Mrs. Brisbois, at 75 cents,	-	-	6 75
May 20,	Cut glass beads for Mrs. R., per Polly,	-	-	37½
	1 fusil, sold Sioux Indian, for which you became responsible,	-	-	15 00
	1 plough mould, loaned you November 16, 1818, weighing 6 lbs., which was not included in old settlement,	-	-	50
June 1,	½ lb. salts,	-	-	50
	5½ yards domestic cotton, at 75 cents, } delivered per Mrs. Brisbois' order,	\$4 12½		
	9½ yards white cotton, at 62½ cents, }	5 87½		
June 3,	1½ yard domestic cotton, per Mrs. R., at 75 cents,	-	-	1 31½
	Your acceptance for Colonel R. Dickson's account, amounting to	-	-	322 90½
		-	-	45 50
		-	-	\$368 40½
1819.				
Cr.				
Sept. 17,	½ dozen each, table, dessert, and tea spoons,	-	-	\$64 17
Dec. 17,	45 lbs. flour, at 6 cents,	-	-	2 70
1820.				
April 26,	1 pair andirons, 44 lbs., at 15 cents,	-	-	6 60
June 5,	1 gun, (twice charged,)	-	-	73 47
	Amount of Indian account,	-	-	15 00
	John W. Johnson's account,	-	-	53 91½
	Contingent account,	-	-	35 02½
	J. W. Shull's account,	-	-	27 00
	Amount of account for repairing tools for Shull,	-	-	16 25
	Cash for Dickson's account,	-	-	6 75
		-	-	45 50
		-	-	272 91
	Balance due, charged on day book,	-	-	95 49
		-	-	\$368 40

This day settled all book accounts, and find the balance due from Mr. Rolette to be \$95 49, which stands charged to him on day book, under date of June 5, 1820.

SIR:

OFFICE OF INDIAN TRADE, *January 28, 1822.*

I have the honor, in answer to your communication of the 24th instant, to reply to it in the order in which the several queries are put.

1st. "In what towns or cities have you *usually* purchased goods, including hardware, powder, lead, and tobacco, for the Indian trading-houses?"

It is a principle in commerce, that, at whatever point a demand exists, there will exist a corresponding ability to supply it. When this office was in Philadelphia, the principal part of the articles bought by it was procured in that city; when the office was removed to the District of Columbia, the demand in Philadelphia became gradually less and less; and for the reason that our merchants, having the office and its wants always in view, laid themselves out to provide the articles to supply them; whilst the Philadelphians, losing sight of it, were, in the same ratio, unprepared to meet them: and especially does the principle apply to articles used in Indian supplies, they being of but little value except for Indian purposes. Purchases, however, have been, and still are, made in our principal cities of many articles; but our best supplies, and the principal bulk of them, for several years past, have been furnished at the door of this office.

Tobacco, for five years past, has been bought at Pittsburg and St. Louis; powder, chiefly from Dupont's factory at Wilmington, in Delaware, or from his agent, Mr. Cazenove, in Alexandria. I have bought powder in Kentucky, but the factors expressing the disapprobation of the Indians with it, Dupont's has been generally sent, and at less price.

2d. "How much have you paid per pound for these last enumerated articles, for the last year?"

For tobacco last year was paid, at St. Louis, (the only place at which the article was bought,) eight cents for inferior, and sixteen and two-thirds cents for superior.

No occasion has arisen to make it necessary to buy lead, nor has any been purchased.* Our stock at St. Louis is generally considerable, received from the Sac and Fox Indians, &c.; and from St. Louis it is distributed to the points of our intercourse where it is required.

3d. "What is the cost per pound of carrying Indian goods from Georgetown, District of Columbia, to St. Louis?"

The cost of transportation varies according to circumstances. If the demand for transportation be great, the price is high in that proportion. Last year it cost, at an average, to St. Louis, four and a quarter cents per pound. This year it will be about the same. It has been as high as nine cents per pound, but this is unusual. It ranges between four and six cents per pound.

4th. "At what places have the furs and peltries *usually* been sold which you have received from the factories?"

At this town; where, when it can be so arranged, an annual sale is held. Furs and peltries which cannot be got here in time, but which would arrive after the period generally allotted for the public sale, and which, if kept over till another year, would be eaten up by the expenses and by worms, are sold at New Orleans, Mobile, New York, Philadelphia, Baltimore, and sometimes at St. Louis, as it is found most convenient.

5th. "What price have beaver fur and deer skins commanded, by the pound, at the sales made by you in the year 1821, for cash or credit?"

In 1821, first quality beaver sold from \$3 to \$4 90 per pound; inferior or southern, \$1 30 to \$2 50 per pound. Red deer skins sold from 30 to 33 cents, gray at 22 cents, and shaved from 40 to 41 cents per pound. These were the prices obtained at the annual public auction held in this town in November last. The skins were northern skins, and these always command much higher prices than the southern. In Philadelphia, at public auction, in July last, best quality southern deer skins sold at 27 cents per pound. In New York, shaved skins sold at 30 cents, red at 24 cents, and gray at 20 cents; damaged, as usual, half-price. Southern beaver sold in New York, at the same time, from 56 cents to \$1 12½ per pound. These sales are generally on a credit of from three to five months.

In illustration of the principle to which I have had the honor to refer, respecting the demand and the ability to supply it, I herewith enclose sundry letters and copies of letters, which may go to show that, although the chief reliance is upon our own merchants for our Indian supplies, yet the state of the markets in our principal cities is inquired into. With what success, the answers to the letters herewith enclosed may serve to illustrate. It will be borne in mind that the agents written to have their interest in their commissions in finding and buying the goods, if they could be procured.

Letter marked A, dated 8th May, 1818, contains a request to the agents in New York and Philadelphia to be informed of the state of the markets for the articles named in them. B is the answer from the New York agent. Letter C is the answer from the Philadelphia agent. On comparison of the weights, &c. of the lot he offered to sell, with those called for in my letter, it will be seen that they were not of the proper kinds; but being better than any that could *then* be had, I proposed afterwards to buy them, when the price had risen 25 per cent.

Such is an epitome of the markets of New York and Philadelphia in relation to their ability to furnish *Indian supplies*. The reasons are to be found in the absence of the demand from the view of the merchants of those places, and in the fact that Indian goods, if not of the proper kinds, are articles in which the importers are sure to lose, they being generally unsuited to other purposes.

It is the practice of this office to give to merchants samples and descriptions of all articles in which it deals, reserving the right of selection, and purchasing nothing till it arrives and is inspected, and compared, and approved. This market has become, therefore, the best in the Union for Indian articles.

With great respect, sir,

T. L. MCKENNEY,
Superintendent of Indian Affairs.

Hon. HENRY JOHNSON, *Chairman of the Committee of Indian Affairs.*

A.

SIR:

INDIAN TRADE OFFICE, GEORGETOWN, *May 8, 1818.*

I will thank you if you will take the trouble to make inquiries in your city after the following articles, and of the following descriptions:

Northwest Company blankets, so called: three points, to measure six feet six inches long, and five feet six inches wide; to weigh, per pair, eight and a half pounds.

* One only exception in ———, which was for the lake factories, and therefore bought at Pittsburg.

Two and a half points to measure six feet three inches long, and five feet two inches wide; to weigh, per pair, seven and a half pounds. Strouds from six to seven quarters wide, to weigh per yard one and a half to one and three-fourths pound.

If those goods can be had, please to inform me at what prices.

Respectfully, &c.

T. L. MCKENNEY, *Sup't Indian Affairs.*

To JOSEPH L. DIAS, Esq. *Agent for Indian Factories, New York.*

[Copy of the above sent to Henry Simpson, of Philadelphia, at same time.]

SIR:

B.

NEW YORK, *June 18, 1818.*

Your most esteemed favors of the 8th and 14th ultimo are now before me. Relying on your indulgence, I hope you will forgive my having delayed till now answering them, which has been partly occasioned by a hurry of business, and partly by my absence from this city.

I have placed to your credit the check for \$1,628, enclosed in your said favor of the 14th, and I have since charged you \$122 25, for the cost of a parcel of wampum, (say 29,000 white, 1,250 blue,) which I had the honor to forward to you on the 22d May. I was induced to make this purchase in consideration of the price being one dollar lower per 1,000 than what I have been obliged to pay before, and the seller promising me before long an equal quantity of blue ones. As to the inquiries contained in your favor of the 8th, I regret to have to inform you that I have not been able to find out any blankets of the description therein stated, nor do I believe it possible to meet with any. At foot of this, you will find copies of some memoranda I took of some parcels which I was offered, and stating the dimensions, weight, prices, and advances. You will find also some memoranda respecting the strouds. The common credit on those articles is six months; but I expect that I could obtain for the cash a discount of from $3\frac{1}{2}$ to $5\frac{1}{2}$. I apprehend that blankets of the weight mentioned in your aforesaid favor of the 8th are very seldom imported into this market, for the dealers in this article with whom I conversed on the subject appear to be unacquainted with blankets of that description. In 1813, I purchased, by order of General Mason, and forwarded to some of the factories, some $2\frac{1}{2}$ and 3 point blankets; but I believe they were of the ordinary sizes and weight, for I remember that I had previously endeavored in vain to procure such ones as you describe.

I have the honor, &c.

J. LOPES DIAS.

THOMAS L. MCKENNEY, Esq., *Superintendent United States Indian Trade.*

The foregoing is a true copy from the original.

W. FITZHUGH.

SIR:

PHILADELPHIA, *March 14, 1818.*

Your favor of the 12th instant was duly received, and I now have the pleasure to reply thereto. The three-point blankets, of which there are 38 bales, 60 pairs in a bale, weighing each $6\frac{3}{4}$ pounds, measuring $1\frac{3}{4}$ yard wide and 2 yards long, real *indigo stripes*, dressed downwards with the points, and of the very best quality, and which were originally bought by Messrs. Baring, Brothers, & Co. of London, *for cash*, on account of their being the same kind, in *every particular*, as the *Montreal blanket*, or Northwest Company blanket, being ordered of that kind; the price \$4 75 per pair, cash; also 5 bales $2\frac{1}{2}$ points, 60 pairs per bale, weighing 5 pounds per pair, measure $1\frac{1}{2}$ yard wide, 2 yards long, the same quality, price \$3 75 per pair; also 10 bales $3\frac{1}{2}$ points, weighing $7\frac{1}{2}$ pounds per pair, measure $1\frac{1}{2}$ yard wide, 60 pairs in each bale, $2\frac{1}{8}$ yards long, same quality, \$6 25 per pair; also 7 bales *blue and red strouds*, 7 pieces blue, 3 pieces red, each bale, as per sample sent, full $\frac{5}{8}$ wide, well filled and milled, cost 4 shillings sterling per yard, weight 1 pound per yard; also 2 bales 8 pieces blue, 2 pieces scarlet, each bale blue as per sample, of the scarlet no pattern, but cost 5s. 6d. sterling per yard, each piece 31 to 34 yards, price 90 cents per yard, (too low, but must be sold.)

500 dozen butcher knives, as per sample, of light wood handles, at \$1 75 per dozen, *very cheap.*

100 dozen red handled scalping-knives, at \$2 per dozen.

10 pairs $\frac{7}{8}$ green saved list cloths, at \$1 75 per yard, (as per sample.)

50 cards of beads, as per sample, at \$1 75 per card.

300 pounds of beads, at 90 cents per pound, mostly green, as per sample, but assorted with a few other colors.

10,000 Indian brass bells, at 1 cent per bell.

20 gross Indian awls, at \$1 50 per gross.

100 dozen toilet, pocket, and red covered looking-glasses, at \$1 per dozen.

I have purchased the 120 pounds of three strand yarn, agreeably to order.

I have given the weight of the blankets and strouds according to actual weight; also the measurement; and can say they are as described from conviction, not mere belief; and that I have no doubt they are of the very kind you name: however, all, or any of these articles, I shall be glad to sell you. I name cash for the blankets, because I am ordered to sell them for cash. The strouds are put down also for cash; but, if it makes any difference, some time on them will be given. The butcher knives are very good and very low, and I hope will answer.

It will give me great pleasure to execute any orders for you in this city, which I will endeavor to do to your entire satisfaction.

Waiting your reply, I am, very respectfully, your obedient servant,

H. SIMPSON.

THOMAS L. MCKENNEY, Esq.,

Superintendent Indian Trade U. S., Georgetown, D. C.

C.

PHILADELPHIA, *May 11, 1818.*

SIR:

In reply to your favor of the 8th instant, I beg leave to state, that there are no blankets in this market of the precise quality and dimensions as those you ask for. For the particulars of the quality of mine, which are the best in this market, I refer you to my letter to you of the 14th March last, and should be glad to sell them to you. With regard to the strouds, I must also state that nine are the best in this market, and of the highest sterling cost. Of these last I have only *four* bales, which are a consignment, and I must sell them; please make me an offer for them. They are the same as those last sold you, containing the blues and reds; not like those with the scarlets, but much *stouter and better.*

Very respectfully, &c.

H. SIMPSON.

THOMAS L. MCKENNEY, Esq.,

Superintendent Indian Trade, Georgetown, D. C.

SIR:

PHILADELPHIA, *May 28, 1818.*

Not being able to see the owner of the point blankets until to-day, has deferred my reply to your favor of the 25th instant until this time, which I regret very much, as he declines selling the blankets at the prices I offered them at in March last. He now asks 25 per cent. more, and will sell them for cash only. Blanket wool has risen very high in England.

Very respectfully, your most obedient servant,

H. SIMPSON.

THOMAS L. MCKENNEY, Esq.,

Superintendent Indian Trade U. S., Georgetown, D. C.

SIR:

WASHINGTON CITY, *January 26, 1822.*

The Committee of the Senate on Indian Affairs request you to answer, as soon as convenient, the inquiries which will be found on the following page of this letter.

On the part of the committee:

THOMAS H. BENTON.

Mr. MCKENNEY, *Superintendent of Indian Trade, Georgetown.**Queries addressed to Mr. McKenney, Superintendent of Indian Trade.*

1. What has been the aggregate quantity of each description of articles purchased by you for the Indian trade in the year 1820; the aggregate amount given for each aggregate quantity; the place or places where they were bought; the name or names of the sellers, and the amount bought of each?

2. What has been the aggregate quantity of each description of articles received by you from each of the factories in the year 1821; the aggregate amount for which each description of articles sold; the place or places at which they were sold; the names of the purchasers; the nature of the sales, (whether public or private;) and the terms of payment, whether for ready money or credit?

SIR:

INDIAN TRADE OFFICE, *February 5, 1822.*

I have the honor, herewith, to forward sundry abstracts, in compliance with the request of the Committee on Indian Affairs of the Senate, as contained in your communication of the 26th ult., and which furnish answers to the inquiries which accompanied that communication.

Abstract marked A shows the aggregate quantity of each description of articles purchased by me for the Indian trade in the year 1820; the aggregate amount given for each aggregate quantity; the place or places where they were bought; the names of the sellers; and the amount bought of each.

Abstracts marked B, C, D, E, F, G, show (each abstract containing the receipts and sales from each factory) what has been the aggregate quantity of each description of articles received by me from each factory in the year 1821; the aggregate amount for which each description of articles was sold, and the place or places at which they were sold; the names of the purchasers; the nature of the sales, whether public or private; the terms of payment, whether for ready money or on credit. Abstract B embraces the call as it applies to the factory at Prairie du Chien; C, the factory at Fort Confederation, on the Tombigbee; D, the factory on the Arkansas; E, Fort Clark, or Osage factory; F, Chicago; G, Fort Edwards. The Marie Decine factory having been just organized, no returns have been received from it; nor were any returns received from the factory on Red river in 1821, owing to delays arising out of the death of the factor. From Green Bay no supplies have been received.

From the Fort Edwards factory sundry articles have been received within the present year, and also from the factory on Red river, and from that at Fort Confederation, embracing an estimate of eighty thousand pounds of deer skins, which were sold just within the present year to Geisse and Korckhauss of Philadelphia. For the nature of this sale, see copy of agreement, marked H.

It may be proper to remark, that, as the prices of this sale are lower than those realized at the public auction in this town, the skins sold under the contract are *southern* skins, and are taken, as the contract shows, at a saving of freight and commissions, &c., and the expenses which would have occurred, besides the risk and damage arising out of their voyage here. The letter from New Orleans, marked I, will show the prices of deer skins in that market, as reported by my agents there. Letters K, No. 1, and K, No. 2, will show the correspondence with Geisse and Korckhauss leading to this sale; and letter K, No. 3, contains an offer for the skins by another house in Philadelphia.

To save trouble to the committee, I have added a *general abstract*, which embodies the kinds and amounts of the skins sold, and the total amount received for them.

I have the honor to be, sir, with great respect, your obedient servant,

THOS. L. MCKENNEY, *S. I. T.*

The Hon. THOMAS H. BENTON.

A.

Statement showing the aggregate quantity of each description of articles purchased by Thomas L. McKenney, Superintendent of Indian Trade, for the Indian trade in the year 1820; the aggregate amount given for each aggregate quantity; the place or places where they were bought; the names of the sellers, and the amount bought of each.

NAMES OF THE SELLERS.	WHERE BOUGHT.	Fish lines.		Yarn.		Axes.		Kettles.		Tin pans.		Tin cups.		Saddles.		Bridles.		Leg and body belts.		Shoes.	
		Dozen.	Amount.	Pounds.	Amount.	No.	Amount.	Nests.	Amount.	Nests.	Amount.	Doz.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.	Pairs.	Amount.
Charles Dean, -	Georgetown, -	57	\$45 75																		
Henry Simpson, -	Philadelphia, -	-	-	45	\$146 00																
David English, -	Georgetown, -	-	-	-	-	110	\$123 75														
Walter Gody, -	Georgetown, -	-	-	-	-			12	\$64 80	6	\$11 40	6	\$4 50								
W. L. Ogden, -	Georgetown, -	-	-	-	-			-	-	-	-	-	-	15	\$189 00	114	\$145 50	24	\$5 50	96	\$107 40
Charles Hunt & Co., -	Georgetown, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
A. C. Cazenove & Co., -	Alexandria, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
G. W. Haller, -	Georgetown, -	-	-	-	-			12	120 00												
R. Tonge, -	Georgetown, -	-	-	-	-			7	63 00												
W. Thomson, -	Georgetown, -	-	-	-	-			18	178 50	4	10 40										
John Lutz, -	Georgetown, -	-	-	-	-			-	-	-	-	-	-	15	189 00	114	145 50	24	5 50		
John D. Clark, -	Georgetown, -	-	-	-	-			6	32 40	6	13 95	12	9 00							268	258 50
Edward Davis, -	Georgetown, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
E. Dupont & Co., -	Wilmington, Del. -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
J. and T. Corcoran, -	Georgetown, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
A. Joncherez, -	Georgetown, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
D. Clagett, -	Georgetown, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
H. Derringer, -	Philadelphia, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
E. Peet, -	Georgetown, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
H. C. Neilson, -	Baltimore, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
William Mackey, -	Georgetown, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
Z. C. Chesley, -	Georgetown, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
Thomas C. Hodges, -	Georgetown, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
R. Riggs, -	Georgetown, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
William McKenney, -	Georgetown, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
C. A. Burnett, -	Georgetown, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
Price and Morgan, -	Philadelphia, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
Truman Beck, -	Georgetown, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
Thomas C. Wright, -	Georgetown, -	-	-	-	-	100	112 50														
Wharton and Grinage, -	Georgetown, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
Samuel McKenney, -	Georgetown, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
John Little, -	Georgetown, -	-	-	-	-			1	8 59												
Hazel and Linthicum, -	Georgetown, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
A. C. Zabriskie, -	New York, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
Montgomery and Stinger, -	New Orleans, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
George Sutton, -	Pittsburg, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ordnance Department, -	Pittsburg, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
John D. Scott, -	Georgetown, -	-	-	-	-			-	-	-	-	-	-	-	-	-	-	-	-	-	-
The aggregate quantity and cost of each description, -	-	57	\$45 75	45	\$146 00	210	\$236 25	56	\$467 29	16	\$35 75	18	\$13 50	30	\$378 00	228	\$291 00	48	\$11 00	364	\$365 90

STATEMENT A—Continued.

NAMES OF THE SELLERS.	WHERE BOUGHT.	Powder.		Cambric.		Stockings.		Riband.		Linen.		Blankets.		Sheeting.		Handkerchiefs and shawls.		Calico.		Domestic cottons.	
		Kegs.	Amount.	Yards.	Amount.	Pairs.	Amount.	Pieces.	Amount.	Yards.	Amount.	Pairs.	Amount.	Pieces.	Amount.	No.	Amount.	Yards.	Amount.	Yards.	Amount.
Charles Dean, -	Georgetown.																				
Henry Simpson, -	Philadelphia.																				
David English, -	Georgetown.																				
Walter Gody, -	Georgetown.																				
W. L. Ogden, -	Georgetown.																				
Charles Hunt & Co., -	Georgetown.																				
A. C. Cazenove & Co., -	Alexandria, -	130	\$796 93																		
G. W. Haller, -	Georgetown.																				
R. Tonge, -	Georgetown.																				
W. Thomson, -	Georgetown.																				
John Lutz, -	Georgetown.																				
John D. Clark, -	Georgetown.																				
Edward Davis, -	Georgetown, -			24	\$7 50	72	\$18 00														
E. Dupont & Co., -	Wilmington, D.	30	165 00																		
J. and T. Corcoran, -	Georgetown, -							98	\$98 00	51	\$39 58	185	\$505 62	5	\$70 00	116	\$67 25	421	\$84 26	1,228	\$216 87
A. Joncherez, -	Georgetown.																				
D. Clagett, -	Georgetown, -																				
H. Derringer, -	Philadelphia.																				
E. Peet, -	Georgetown, -							20	21 03							40	32 00				
H. C. Neilson, -	Baltimore.																				
William Mackey, -	Georgetown, -									314	62 80										
Z. C. Chesley, -	Georgetown.																				
Thomas C. Hodges, -	Georgetown, -															73	48 50	182	77 87		
R. Riggs, -	Georgetown.																				
William McKenney, -	Georgetown.																				
C. A. Burnett, -	Georgetown.																				
Price and Morgan, -	Philadelphia.																				
Truman Beck, -	Georgetown.																				
Thomas C. Wright, -	Georgetown, -					144	61 68			395	134 80	200	550 00	12	145 44	1,094	484 55	107	44 83	19,997	4,107 38
Wharton and Grinage, -	Georgetown.																				
Samuel McKenney, -	Georgetown.																				
John Little, -	Georgetown.																				
Hazel and Linthicum, -	Georgetown.																				
A. C. Zabriskie, -	New York.																				
Montgomery and Stinger, -	New Orleans.																				
George Sutton, -	Pittsburg.																				
Ordnance Department, -	Pittsburg.																				
John D. Scott, -	Georgetown.																				
The aggregate quantity and cost of each description,		160	\$961 93	24	\$7 50	216	\$79 68	118	\$119 03	760	\$237 18	445	\$1,220 87	20	\$262 69	1,323	\$632 30	710	\$206 96	21,225	\$4,324 25

STATEMENT A—Continued.

NAMES OF THE SELLERS.	WHERE BOUGHT.	Pipes.		Rifles and guns.		Silk.		Nankeens.		Buttons.		Vesting.		Cords and velvets.		Cloth and strouds.		Tools.		Armbands.	
		Boxes.	Amount.	No.	Amount.	Yards.	Amount.	Pieces.	Amount.	Gross.	Amount.	Yards.	Amount.	Yards.	Amount.	Yards.	Amount.	Chests.	Amount.	Pairs.	Amount.
Charles Dean, -	Georgetown.																				
Henry Simpson, -	Philadelphia.																				
David English, -	Georgetown.																				
Walter Gody, -	Georgetown.																				
W. L. Ogden, -	Georgetown.																				
Charles Hunt & Co.	Georgetown.																				
A. C. Cazenove & Co.	Alexandria.																				
G. W. Haller, -	Georgetown.																				
R. Tonge, -	Georgetown.																				
W. Thomson, -	Georgetown.																				
John Lutz, -	Georgetown.																				
John D. Clark, -	Georgetown.																				
Edward Davis, -	Georgetown.																				
E. Dupont & Co.	Wilmington, Del.																				
J. & T. Corcoran,	Georgetown.																				
A. Joncherez, -	Georgetown.	4	\$20 25																		
D. Clagett, -	Georgetown.																				
H. Derringer, -	Philadelphia.			141	\$2,079 37																
E. Peet, -	Georgetown.					147	\$116 61														
H. C. Neilson, -	Baltimore.			50	500 00																
William Mackey, -	Georgetown.																				
Z. C. Chesley, -	Georgetown.							10	\$9 50	15	\$43 78	23	\$20 92								
Thomas C. Hodges,	Georgetown.													71	\$35 50						
R. Riggs, -	Georgetown.															409	\$467 55				
William McKenney,	Georgetown.																	1	\$37 00		
C. A. Burnett, -	Georgetown.																				
Price & Morgan, -	Philadelphia.															2,210	1,883 21			40	\$181 20
Truman Beck, -	Georgetown.																				
Thomas C. Wright,	Georgetown.			40	290 21			40	43 50	28	46 54	263	219 49	245	174 64	402	1,434 74				
Wharton & Grinage,	Georgetown.																				
Samuel McKenney,	Georgetown.																				
John Little, -	Georgetown.																				
Hazel and Linthicum,	Georgetown.																				
A. C. Zabriskie, -	New York.																				
Montgomery & Stinger,	New Orleans.																				
George Sutton, -	Pittsburg.																				
Ordnance Department,	Pittsburg.			40	512 50																
John D. Scott, -	Georgetown.																				
The aggregate quantity and cost of each description,		4	\$20 25	271	\$3,382 08	147	\$116 61	50	\$53 00	43	\$90 32	286	\$240 41	316	\$210 14	3,021	\$3,785 50	1	\$37 00	40	\$181 20

STATEMENT A—Continued.

NAMES OF THE SELLERS.	WHERE BOUGHT.	Ear rings.		Hats.		Flannel.		Corn hoes.		Curtain and finger rings.		Needles.		Scotch plaid.		Cotton balls.		Fish hooks.		Candlewick.	
		Pairs.	Amount.	No.	Amount.	Yards.	Amount.	No.	Amount.	Gross.	Amount.	No.	Amount.	Pieces.	Amount.	No.	Amount.	No.	Amount.	Lbs.	Amount.
Charles Dean, -	Georgetown.																				
Henry Simpson, -	Philadelphia.																				
David English, -	Georgetown.																				
Walter Gody, -	Georgetown.																				
W. L. Ogden, -	Georgetown.																				
Charles Hunt & Co. -	Georgetown.																				
A. C. Cazenove & Co. -	Alexandria.																				
G. W. Haller, -	Georgetown.																				
R. Tonge, -	Georgetown.																				
W. Thomson, -	Georgetown.																				
John Lutz, -	Georgetown.																				
John D. Clark, -	Georgetown.																				
Edward Davis, -	Georgetown.																				
E. Dupont & Co. -	Wilmington, Del.																				
J. & T. Corcoran, -	Georgetown.																				
A. Joncherez, -	Georgetown.																				
D. Clagett, -	Georgetown.																				
H. Derringer, -	Philadelphia.																				
E. Peet, -	Georgetown.																				
H. C. Neilson, -	Baltimore.																				
William Mackey, -	Georgetown.																				
Z. C. Chesley, -	Georgetown.																				
Thomas C. Hodges, -	Georgetown.																				
R. Riggs, -	Georgetown.																				
William McKenney, -	Georgetown.																				
C. A. Burnett, -	Georgetown.	250	\$31 25																		
Price & Morgan, -	Philadelphia.																				
Truman Beck, -	Georgetown.	-	-	128	\$241 00																
Thomas C. Wright, -	Georgetown.	-	-			594	\$232 65	396	\$232 92	22	\$31 95	1,000	\$2 00	2	\$33 90	250	\$4 50	2,500	\$9 53	10	\$5 50
Wharton and Grinage, -	Georgetown.																				
Samuel McKenney, -	Georgetown.																				
John Little, -	Georgetown.																				
Hazel & Linthicum, -	Georgetown.	-	-	-	-	-	-	12	6 00	-	-	-	-	-	-	-	-	-	-	10	7 87
A. C. Zabriskie, -	New York.																				
Montgomery & Stinger, -	New Orleans.																				
George Sutton, -	Pittsburg.																				
Ordnance Department, -	Pittsburg.																				
John D. Scott, -	Georgetown.																				
The aggregate quantity and cost of each description,		250	\$31 25	128	\$241 00	594	\$232 65	408	\$238 92	22	\$31 95	1,000	\$2 00	2	\$33 90	250	\$4 50	2,500	\$9 53	20	\$13 37

STATEMENT A—Continued.

NAMES OF THE SELLERS.	WHERE BOUGHT.	Thread.		Jews' harps.		Spurs.		Gun locks.		Shot.		Combs.		Leno.		Drawing knives.		Spades.		Cards.	
		Lbs.	Amount.	Gross.	Amount.	Pairs.	Amount.	No.	Amount.	Lbs.	Amount.	Doz.	Amount.	Pieces.	Amount.	Doz.	Amount.	Doz.	Amount.	Doz. pairs.	Amount.
Charles Dean, -	Georgetown.																				
Henry Simpson, -	Philadelphia.																				
David English, -	Georgetown.																				
Walter Gody, -	Georgetown.																				
W. L. Ogden, -	Georgetown.																				
Charles Hunt & Co., -	Georgetown.																				
A. C. Cazenove & Co., -	Alexandria.																				
G. W. Haller, -	Georgetown.																				
R. Tonge, -	Georgetown.																				
W. Thomson, -	Georgetown.																				
John Lutz, -	Georgetown.																				
John D. Clark, -	Georgetown.																				
Edward Davis, -	Georgetown.																				
E. Dupont & Co., -	Wilmington, Del.																				
J. & T. Corcoran, -	Georgetown.																				
A. Joncherez, -	Georgetown.																				
D. Clagett, -	Georgetown.																				
H. Derringer, -	Philadelphia.																				
E. Peet, -	Georgetown.																				
H. C. Neilson, -	Baltimore.																				
William Mackey, -	Georgetown.																				
Z. C. Chesley, -	Georgetown.																				
Thomas C. Hodges, -	Georgetown.																				
R. Riggs, -	Georgetown.																				
William McKenney, -	Georgetown.																				
C. A. Burnett, -	Georgetown.																				
Price & Morgan, -	Philadelphia.																				
Truman Beck, -	Georgetown.																				
Thomas C. Wright, -	Georgetown.	79	\$117 10	8	\$30 16	46	\$35 80	78	\$129 42	1,276	\$105 00	18	\$37 42	20	\$50 00	12	\$63 87	2	\$26 00	75	\$610 43
Wharton and Grinage, -	Georgetown.	-	-	-	-	12	13 50														
Samuel McKenney, -	Georgetown.																				
John Litle, -	Georgetown.																				
Hazel & Linthicum, -	Georgetown.															½	3 75				
A. C. Zabriskie, -	New York.																				
Montgomery & Stinger, -	New Orleans.																				
George Sutton, -	Pittsburg.																				
Ordnance Department, -	Pittsburg.																				
John D. Scott, -	Georgetown.																				
The aggregate quantity and cost of each description, -		79	\$117 10	8	\$30 16	58	\$49 30	78	\$129 42	1,276	\$105 00	18	\$37 42	20	\$50 00	12½	\$67 62	2	\$26 00	75	\$610 43

STATEMENT A—Continued.

NAMES OF THE SELLERS.	WHERE BOUGHT.	Weavers' slays.		Plumes.		Pocket knives.		Saws.		Epaulettes.		Nails.		Frying pans.		Horse and cow bells.		Bed cords.		Shot belts and powder flasks.	
		Reeds.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.	Pairs.	Amount.	Lbs.	Amount.	No.	Amount.	No.	Amount.	Doz.	Amount.	No.	Amount.
Charles Dean, -	Georgetown.																				
Henry Simpson, -	Philadelphia.																				
David English, -	Georgetown.																				
Walter Gody, -	Georgetown.																				
W. L. Ogden, -	Georgetown.																				
Charles Hunt & Co., -	Georgetown.																				
A. C. Cazenove & Co., -	Alexandria.																				
G. W. Haller, -	Georgetown.																				
R. Tonge, -	Georgetown.																				
W. Thomson, -	Georgetown.																				
John Lutz, -	Georgetown.																				
John D. Clark, -	Georgetown.																				
Edward Davis, -	Georgetown.																				
E. Dupont & Co., -	Wilmington, Del.																				
J. & T. Corcoran, -	Georgetown.																				
A. Joncherez, -	Georgetown.																				
D. Clagett, -	Georgetown.																				
H. Derringer, -	Philadelphia.																				
E. Peet, -	Georgetown.																				
H. C. Neilson, -	Baltimore.																				
William Mackey, -	Georgetown.																				
Z. C. Chesley, -	Georgetown.																				
Thomas C. Hodges, -	Georgetown.																				
R. Riggs, -	Georgetown.																				
William McKenney, -	Georgetown.																				
C. A. Burnett, -	Georgetown.																				
Price & Morgan, -	Philadelphia.																				
Truman Beck, -	Georgetown.																				
Thomas C. Wright, -	Georgetown.	100,100	\$210 00	24	\$35 04	114	\$26 41	6	\$42 60	5	\$94 00										
Wharton & Grinage, -	Georgetown.	-	-	-	-	48	25 00	-	-	-	-	207	\$20 95	12	\$9 10	364	\$406 86	4	\$12 00	24	\$38 00
Samuel McKenney, -	Georgetown.																				
John Little, -	Georgetown.																				
Hazel & Linthicum, -	Georgetown.																				
A. C. Zabriskie, -	New York.																				
Montgomery & Stinger, -	New Orleans.																				
George Sulton, -	Pittsburg.																				
Ordnance Department, -	Pittsburg.																				
John D. Scott, -	Georgetown.																				
The aggregate quantity and cost of each description,		100,100	\$210 00	24	\$35 04	162	\$51 41	6	\$42 60	5	\$94 00	207	\$20 95	12	\$9 10	364	\$406 86	4	\$12 00	24	\$38 00

STATEMENT A—Continued.

NAMES OF THE SELLERS.	WHERE BOUGHT.	Crockery ware.		Medicine.		Files.		Sad irons.		Chisels.		Augers.		Locks.		Plane irons.		Wampum.		Sugar.	
		Crates.	Amount.	Boxes.	Amount.	No.	Amount.	Lbs.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.	Grains.	Amount.	Lbs.	Amount.
Charles Dean, -	Georgetown.																				
Henry Simpson, -	Philadelphia.																				
David English, -	Georgetown.																				
Walter Gody, -	Georgetown.																				
W. L. Ogden, -	Georgetown.																				
Charles Hunt & Co., -	Georgetown.																				
A. C. Cazenove & Co., -	Alexandria.																				
G. W. Haller, -	Georgetown.																				
R. Tonge, -	Georgetown.																				
W. Thomson, -	Georgetown.																				
John Lutz, -	Georgetown.																				
John D. Clark, -	Georgetown.																				
Edward Davis, -	Georgetown.																				
E. Dupont & Co., -	Wilmington, Del.																				
J. and T. Corcoran, -	Georgetown.																				
A. Joncherez, -	Georgetown.																				
D. Clagett, -	Georgetown.																				
H. Derringer, -	Philadelphia.																				
E. Peet, -	Georgetown.																				
H. C. Neilson, -	Baltimore.																				
William Mackey, -	Georgetown.																				
Z. C. Chesley, -	Georgetown.																				
Thomas C. Hodges, -	Georgetown.																				
R. Riggs, -	Georgetown.																				
William McKenney, -	Georgetown.																				
C. A. Burnett, -	Georgetown.																				
Price & Morgan, -	Philadelphia.																				
Truman Beck, -	Georgetown.																				
Thomas C. Wright, -	Georgetown.																				
Wharton & Grinage, -	Georgetown.																				
Samuel McKenney, -	Georgetown.	1	59 38																		
John Little, -	Georgetown.	-	-	1	57 93																
Hazel & Linthicum, -	Georgetown.	-	-	-	-	108	30 37	53	5 30	12	5 00	6	2 70	12	4 50	12	4 00				
A. C. Zabriskie, -	New York.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	600,000	2,400 00		
Montgomery & Stinger, -	New Orleans.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5,068	557 48
George Sutton, -	Pittsburg.																				
Ordnance Department, -	Pittsburg.																				
John D. Scott, -	Georgetown.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50	12 81
The aggregate quantity and cost of each description,		1	\$59 38	1	\$57 93	108	\$30 37	53	\$5 30	12	\$5 00	6	\$2 70	12	\$4 50	12	\$4 00	600,000	\$2,400 00	5,118	\$570 29

STATEMENT A—Continued.

44 NAMES OF THE SELLERS.	WHERE BOUGHT.	Coffee.		Lead.		Soap.		Tobacco.		Iron.		Steel.		Nail rods.		Window glass.		Tea.		Pepper.		Aggregate amount bought of each.
		Lbs.	Amount.	Lbs.	Am't.	Lbs.	Am't.	Lbs.	Amount.	Lbs.	Amount.	Lbs.	Amount.	Bundles.	Amount.	Box.	Amount.	Lbs.	Amount.	Lbs.	Amount.	
Charles Dean, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	45 75
Henry Simpson, - -	Philadelphia,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	146 00
David English, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	123 75
Walter Gody, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	80 70
W. L. Ogden, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	340 00
Charles Hunt & Co., - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	107 40
A. C. Cazenove & Co., - -	Alexandria,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	796 93
G. W. Haller, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	120 00
R. Tonge, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	63 00
W. Thomson, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	188 90
John Lutz, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	340 00
John D. Clark, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	55 35
Edward Davis, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	284 00
E. Dupont & Co., - -	Wilmington, Del.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	165 00
J. and T. Corcoran, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,081 58
A. Joncherez, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20 25
D. Clagett, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	212 50
H. Derringer, - -	Philadelphia,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2,079 37
E. Peet, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	177 96
H. C. Neilson, - -	Baltimore,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	500 00
William Mackey, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	82 80
Z. C. Chesley, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	74 20
Thomas C. Hodges, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	161 87
R. Riggs, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	467 55
William McKenney, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	37 00
C. A. Burnett, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	212 45
Price & Morgan, - -	Philadelphia,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,883 21
Truman Beck, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	241 00
Thomas C. Wright, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10,016 50
Wharton & Grinage, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	548 66
Samuel McKenney, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	59 38
John Litle, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	57 93
Hazel & Linthicum, - -	Georgetown,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	82 08
A. C. Zabriskie, - -	New York,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2,400 00
Montgomery & Stinger, - -	New Orleans,	3,265	979 50	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,536 98
George Sutton, - -	Pittsburg,	-	-	506	50 60	201	26 44	1,536	230 40	500	37 50	47	11 75	4	24 00	1	9 00	-	-	-	-	839 69
Ordinance Department, - -	Pittsburg,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	512 50
John D. Scott, - -	Georgetown,	50	15 37½	-	-	-	-	-	-	-	-	-	-	-	-	-	83	83 00	65	15 97	-	127 17
Aggregate quantity and cost of each description,		3,315	\$994 87½	506	\$50 60	201	\$26 44	1,536	\$230 40	500	\$37 50	47	\$11 75	4	\$24 00	1	\$9 00	83	\$83 00	65	\$15 97	\$25,799 41

B.

Statement showing the aggregate quantity of each description of articles received by Thomas L. McKenney, Superintendent of Indian Trade, from the Prairie du Chien Factory, in the year 1821; the aggregate amount for which each description of articles was sold; the place or places at which they were sold; the names of the purchasers; the nature of the sales, and terms of payment.

NAMES OF THE PURCHASERS.	HOW SOLD.	WHERE SOLD.	TERMS OF SALE.	Muskrat skins.		Deer skins.		Raccoon skins.		Wolf, fox, and cat skins.		Lead.		Mats.		Beaver.	
				Number.	Amount.	Pounds.	Amount.	Number.	Amount.	Number.	Amount.	Pounds.	Amount.	Number.	Amount.	Pounds.	Amount.
B. Ingels, -	Private,	St. Louis,	Cash, -	1,000	\$300 00	25	\$5 00										
Baine & Browne, -	Do.	Do.	Do. -	1,000	310 00	25	5 00										
Uzzed & Kirkpatrick, -	Do.	Do.	Do. -	500	155 00	42	8 40	600	\$325 00	80	\$30 00	18,561	\$928 05	31	\$24 80		
Sold by J. Kennerly, -	Do.	Do.	Do. -	-	-	-	-	-	-	-	-	-	-	-	-	-	-
J. Amos, -	Auction,	Georgetown,	At ninety days,	-	-	-	-	100	81 00	-	-	-	-	-	-	-	-
T. L. Martin, -	Do.	Do.	Do. -	300	102 00	-	-	150	120 50	-	-	-	-	-	-	33	\$79 20
Howe, -	Do.	Do.	Do. -	100	24 00	-	-	150	60 50	-	-	-	-	-	-	35	169 75
D. Wright, -	Do.	Do.	Do. -	100	57 00	-	-	100	50 00	-	-	-	-	-	-	-	-
Gilbert, -	Do.	Do.	Do. -	-	-	-	-	50	40 00	-	-	-	-	-	-	-	-
Rickenbough, -	Do.	Do.	Do. -	-	-	-	-	50	39 50	-	-	-	-	-	-	-	-
Steiner, -	Do.	Do.	Do. -	-	-	-	-	60	48 00	-	-	-	-	-	-	-	-
Pearson, -	Do.	Do.	Do. -	300	72 00	-	-	178	16 38	-	-	-	-	-	-	-	-
Williams, -	Do.	Do.	Do. -	200	106 00	-	-	150	32 00	-	-	-	-	-	-	30	76 50
Rousculp, -	Do.	Do.	Do. -	110	34 10	-	-	150	30 50	-	-	-	-	-	-	-	-
B. Gilpin, -	Do.	Do.	Do. -	200	66 00	-	-	-	-	-	-	-	-	-	-	-	-
T. Beck, -	Do.	Do.	Do. -	100	25 00	-	-	-	-	-	-	-	-	-	-	-	-
Brown, -	Do.	Do.	Do. -	100	28 00	-	-	-	-	-	-	-	-	-	-	30	147 00
S. W. Handy, -	Do.	Do.	Do. -	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Geisse & Korckhauss, -	Do.	Do.	Do. -	-	-	2,937	1,128 40	-	-	90	36 64	-	-	-	-	-	-
Corcoran, -	Do.	Do.	Do. -	-	-	-	-	-	-	100	41 00	-	-	-	-	-	-
Astor, -	Do.	Do.	Do. -	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Windsor, -	Do.	Do.	Do. -	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Davis, -	Do.	Do.	Do. -	-	-	87	13 05	-	-	-	-	-	-	-	-	-	-
Fricke, -	Do.	Do.	Do. -	-	-	345	75 46	-	-	-	-	-	-	-	-	-	-
Halsey, -	Do.	Do.	Do. -	-	-	2,667	619 69	-	-	-	-	-	-	-	-	-	-
E. Hattersly, -	Do.	Do.	Do. -	-	-	133	17 29	-	-	-	-	-	-	-	-	-	-
Aggregate quantity of each description, -	-	-	-	4,010	-	6,261	-	1,738	-	270	-	18,561	-	31	-	128	-
Aggregate amount of each description, -	-	-	-	-	1,279 10	-	1,872 29	-	743 38	-	107 64	-	928 05	-	24 80	-	472 45

STATEMENT B--Continued.

NAMES OF THE PURCHASERS.	HOW SOLD.	WHERE SOLD.	TERMS OF SALE.	Otter skins.		Mink skins.		Marten skins.		Rabbit skins.		Fisher skins.		Ground hog skins.		Bear skins.		Cub skins.	
				Number.	Amount.	Number.	Amount.	Numb.	Amount.	Numb.	Amount.	Numb.	Amount.	Numb.	Amount.	Numb.	Amount.	Numb.	Amount.
B. Ingels, -	Private,	St. Louis,	Cash.																
Baine & Browne, -	Do.	Do.	Do.																
Uzzed & Kirkpatrick, -	Do.	Do.	Do.																
Sold by J. Kennerly, -	Do.	Do.	Do.																
J. Amos, -	Auction,	Georgetown,	At ninety days.																
T. L. Martin, -	Do.	Do.	Do.																
Hower, -	Do.	Do.	Do.																
D. Wright, -	Do.	Do.	Do.																
Gilbert, -	Do.	Do.	Do.																
Rickenbough, -	Do.	Do.	Do.																
Steiner, -	Do.	Do.	Do.																
Pearson, -	Do.	Do.	Do.																
Williams, -	Do.	Do.	Do.																
Rousculp, -	Do.	Do.	Do.																
B. Gilpin, -	Do.	Do.	Do.																
T. Beck, -	Do.	Do.	Do.	-	-	-	-	-	-	140	\$8 75								
Brown, -	Do.	Do.	Do.																
S. W. Handy, -	Do.	Do.	Do.																
Geisse & Korckhaus, -	Do.	Do.	Do.	125	\$500	135	\$31 10	15	\$11 40	-	-	24	\$22 80	-	-	-	-	17	\$21 25
Corcoran, -	Do.	Do.	Do.	50	55														
Astor, -	Do.	Do.	Do.	-	-	-	-	-	-	-	-	53	60 95	19	\$10 45				
Windsor, -	Do.	Do.	Do.	-	-	-	-	-	-	-	-	-	-	-	-	30	\$102		
Davis, -	Do.	Do.	Do.	-	-	-	-	-	-	-	-	-	-	-	-	20	66		
Fricke, -	Do.	Do.	Do.																
Halsey, -	Do.	Do.	Do.																
E. Hattersly, -	Do.	Do.	Do.																
Aggregate quantity of each description, -	-	-	-	175	-	135	-	15	-	140	-	77	-	19	-	50	-	17	-
Aggregate amount of each description, -	-	-	-	-	555	-	31 10	-	11 40	-	8 75	-	83 75	-	10 45	-	168	-	21 25

C.

Statement showing the aggregate quantity of each description of articles received by Thomas L. McKenney, Superintendent of Indian Trade, from the Choctaw Factory, in the year 1821; the aggregate amount for which each description of articles was sold; the place or places at which they were sold; the names of the purchasers; the nature of the sales, and the terms of payment.

NAMES OF PURCHASERS.	HOW SOLD.	WHERE SOLD.	TERMS OF SALE.	Deer skins.		Bees' wax.		Tallow.		Otter skins.		Beaver.		Fox and cat skins.	
				Pounds.	Amount.	Pounds.	Amount.	P'nds.	Amount.	No.	Amount.	Pounds.	Amount.	No.	Amount.
Geisse & Korckhauss, -	Private, -	New York, -	At 3 and 5 months, -	69,411	\$11,801 40										
McClintock & Hawthorn, -	Do. -	Do. -	Cash, -	-	-	953	\$333 73								
Andrew Morris, -	Do. -	Do. -	Do. -	-	-	-	-	94	\$10 77						
Dilworth & Voorhees, -	Do. -	Do. -	Do. -	-	-	-	-	-	-	50	\$100 00				
Halsey & Ebberts, -	Do. -	Do. -	Do. -	-	-	-	-	-	-	-	-	641	\$718 87	984	\$121 07
McClintock & Hawthorn, -	-	-	-	-	-	355	127 80	-	-	-	-	-	-	-	-
Geisse & Korckhauss, -	-	-	-	-	-	-	-	-	-	168	336 00	-	-	-	-
James Burr, -	-	-	-	671	268 40	-	-	-	-	-	-	-	-	-	-
Dilworth & Voorhees, -	-	-	-	23,806	4,393 89	-	-	-	-	-	-	-	-	-	-
Aggregate quantity of each description, -	-	-	-	93,888	-	1,908	-	94	-	218	-	641	-	984	-
Aggregate amount of each description, -	-	-	-	-	\$16,463 69	-	\$461 53	-	\$10 77	-	\$436 00	-	\$718 87	-	\$121 07

D.

Statement showing the aggregate quantity of each description of articles received by Thomas L. McKenney, Superintendent of Indian Trade, from the Arkansas Factory, in the year 1821; the aggregate amount for which each description of articles was sold; the place or places at which they were sold; the names of the purchasers; the nature of the sales, and the terms of payment.

NAMES OF THE PURCHASERS.	HOW SOLD.	WHERE SOLD.	TERMS OF SALE.	Deer skins.		Bear oil.		Raccoon skins.		Beaver.		Bearskins.		Cub skins.		Wolf, fox, and cat skins.	
				Pounds.	Amount.	Galls.	Amount.	No.	Amount.	Pounds.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.
Sold by Price & Morgan,	Auction, -	Philadelphia,	Cash, -	714	\$192 78												
Prior & Pascal,	Private, -	New Orleans,	Cash, -	-	-	36	\$45										
Geisse & Korckhauss,	Do. -	Do.	At 3 and 5 months,	21,551	4,936 78												
Joel Brown,	Auction, -	Georgetown,	At ninety days,	-	-			50	\$19 00								
— Pearson,	Do. -	Do.	Do. -	-	-			200	74 00								
— Rickenbough,	Do. -	Do.	Do. -	-	-			50	20 00								
T. C. Wright,	Do. -	Do.	Do. -	-	-			416	61 40			80	\$240 00	-	-	194	\$38 80
R. Kirby & Co.	Do. -	Do.	Do. -	-	-			150	22 00								
G. Davis,	Do. -	Do.	Do. -	-	-			100	15 00			120	362 00	64	\$57 60		
S. W. Handy,	Do. -	Do.	Do. -	-	-					41	\$143 50						
B. Gilpin,	Do. -	Do.	Do. -	-	-					30	112 50						
D. Wright,	Do. -	Do.	Do. -	-	-					30	108 00						
R. Kirby & Co.	Do. -	Do.	Do. -	-	-					48	94 80						
T. L. Martin,	Do. -	Do.	Do. -	-	-					10	28 50						
— Laurence,	Do. -	Do.	Do. -	-	-							20	60 00				
R. Windsor,	Do. -	Do.	Do. -	-	-							70	190 50				
J. Lutz,	Do. -	Do.	Do. -	-	-							30	60 00	26	16 90		
W. L. Ogden,	Do. -	Do.	Do. -	-	-							26	62 40				
H. Pyfer,	Do. -	Do.	Do. -	-	-											82	21 32
Aggregate quantity and amount of each description,				22,265	\$5,129 56	36	\$45	966	\$211 40	159	\$487 30	346	\$974 90	90	\$74 50	276	\$60 12

Statement showing the aggregate quantity of each description of articles received by T. L. McKenney, Superintendent of Indian Trade, from the Osage Factory, in the year 1821; the aggregate amount for which each description of articles was sold; the place or places at which they were sold; the names of the purchasers; the nature of the sales; and the terms of payment.

NAMES OF THE PURCHASERS.	HOW SOLD.	WHERE SOLD.	TERMS OF SALE.	Beaver skins.		Raccoon skins.		Muskrat skins.		Bear skins.		Cub skins.		Otter skins.		Wolf, fox, and cat skins.		Deer skins.	
				Pounds.	Amount.	Number.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.	Pounds.	Amount.
B. Ingels,	Private,	St. Louis,	Cash,	49	\$148 50														
— Jackson,	Auction,	Georgetown,	At ninety days,	-	-	50	\$30 00												
B. Gilpin,	Do.	Do.	Do.	-	-	50	28 00												
— Pearson,	Do.	Do.	Do.	-	-	100	51 00												
R. Kirby & Co.	Do.	Do.	Do.	64	83 20	63	6 93												
J. T. Wilbar,	Do.	Do.	Do.	-	-	-	-	26	\$7 80										
D. Wright,	Do.	Do.	Do.	37	114 70														
T. L. Martin,	Do.	Do.	Do.	30	90 00														
R. Windsor,	Do.	Do.	Do.	-	-	-	-	-	-	60	\$154 50	10	\$3 60						
— Hattersly,	Do.	Do.	Do.	-	-	-	-	-	-	20	40 00	-	-			20	\$5 40	394	\$122 14
G. Davis,	Do.	Do.	Do.	-	-	-	-	-	-	-	-	33	28 05			9	1 80		
— Corcoran,	Do.	Do.	Do.	-	-	-	-	-	-	-	-	-	-	53	\$163 80	-	-		
— Fricke,	Do.	Do.	Do.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	439	144 87
Halsey & Ebberts,	Do.	Do.	Do.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	835	342 35
Aggregate quantity and amount of each description,				180	\$436 40	263	\$115 93	26	\$7 80	80	\$194 50	43	\$31 65	53	\$163 80	29	\$7 20	1,668	\$609 36

F.

Statement showing the aggregate quantity of each description of articles received by Thomas L. McKenney, Superintendent of Indian Trade, from the Chicago Factory, in the year 1821; the aggregate amount for which each description of articles was sold; the place or places at which they were sold; the names of the purchasers; the nature of the sales, and the terms of payment.

Names of purchasers.	How sold.	Where sold.	Terms of sale.	Raccoon skins.		Muskrat skins.		Otter skins.		Mink skins.	
				No.	Amount.	No.	Amount.	No.	Amount.	No.	Am't.
Rousculp, -	Auction,	Georgetown,	At 90 days,	100	\$88 00						
Steiner, -	Do.	Do.	Do.	57	50 16						
R. Kirby & Co., -	Do.	Do.	Do.	128	17 28						
T. C. Wright, -	Do.	Do.	Do.	-	-	303	\$102 86				
Halsey & Ebberts,	Do.	Do.	Do.	-	-	-	-	16	\$68 80	18	\$2 88
The aggregate quantity and amount of each description,				285	\$155 44	303	\$102 86	16	\$68 80	18	\$2 88

G.

Statement showing the aggregate amount of each description of articles received by Thomas L. McKenney, Superintendent of Indian Trade, from the Fort Edwards Factory, in the year 1821; the aggregate amount for which each description of articles was sold; the place or places at which they were sold; the nature of the sale, and the terms of payment.

	How sold.	Where sold.	Terms of sale.	Bees' wax.	
				Pounds.	Amount.
Sold by J. Kinnerly, purchaser not known, -	Private sale,	St. Louis, -	Cash, -	220	\$44 00

General abstract, showing the aggregate quantity of each description of articles received from each of the factories, by the Superintendent of Indian Trade, in the year 1821, and the aggregate amount for which each description of articles was sold, and the total amount sold.

FROM WHAT FACTORY RECEIVED.	Bear's oil.		Muskrat skins.		Deer skins.		Raccoon skins.		Wolf, fox, and cat skins.		Lead.		Mats.		Beaver.		Otter.	
	Gallons.	Amount.	No.	Amount.	Pounds.	Amount.	No.	Amount.	No.	Amount.	Pounds.	Amount.	No.	Amount.	Pounds.	Amount.	No.	Amount.
B. Prairie du Chien, - - -	-	-	4,010	\$1,279 10	6,261	\$1,872 29	1,738	\$743 38	270	\$107 64	18,561	\$928 05	31	\$24 80	128	\$472 45	175	\$555 00
C. Choctaw, - - -	-	-	-	-	93,888	16,463 69	-	-	984	121 07	-	-	-	-	641	718 87	218	436 00
D. Arkansas, - - -	36	\$45 00	-	-	22,265	5,129 56	966	211 40	276	60 12	-	-	-	-	159	487 30	-	-
E. Osage, - - -	-	-	26	7 80	1,668	609 36	263	115 93	29	7 20	-	-	-	-	180	436 40	53	163 80
F. Chicago, - - -	-	-	303	102 86	-	-	285	155 44	-	-	-	-	-	-	-	-	16	68 80
G. Fort Edwards, - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Quantity, - - -	36	-	4,339	-	124,082	-	3,252	-	1,559	-	18,561	-	31	-	1,108	-	462	-
Amount, - - -	-	\$45 00	-	\$1,389 76	-	\$24,074 90	-	\$1,226 15	-	\$296 03	-	\$928 05	-	\$24 80	-	\$2,115 02	-	\$1,223 60

GENERAL ABSTRACT—Continued.

FROM WHAT FACTORY RECEIVED.	Mink.		Marten.		Rabbit.		Fisher.		Ground hog.		Bear.		Cub.		Bees' wax.		Tallow.		Total amount.
	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.	Pounds.	Amount.	Pounds.	Amount.	
B. Prairie du Chien, - - -	135	\$31 10	15	\$11 40	140	\$8 75	77	\$83 75	19	\$10 45	50	\$168 00	17	\$21 25	-	-	-	-	\$6,317 41
C. Choctaw, - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,308	\$461 53	94	\$10 77	18,211 93
D. Arkansas, - - -	-	-	-	-	-	-	-	-	-	-	346	974 90	90	74 50	-	-	-	-	6,982 78
E. Osage, - - -	-	-	-	-	-	-	-	-	-	-	80	194 50	43	31 65	-	-	-	-	1,566 64
F. Chicago, - - -	18	2 88	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	329 98
G. Fort Edwards, - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	220	44 00	-	-	44 00
Quantity, - - -	153	-	15	-	140	-	77	-	19	-	476	-	150	-	1,528	-	94	-	\$33,452 74
Amount, - - -	-	\$33 98	-	\$11 40	-	\$8 75	-	\$83 75	-	\$10 45	-	\$1,337 40	-	\$127 40	-	\$505 53	-	\$10 77	-

☞ If the sale made under the contract with Geisse and Korckhaus, of the 2d day of January, 1822, be included, of 80,000 pounds deer skins, amounting to about \$20,000, the amount will stand at \$53,452 74.

H.

It is this day, the 2d of January, 1822, agreed between Thomas L. McKenney, superintendent of Indian trade, and Messrs. Geisse & Korckhaus, of Philadelphia, that, for all the peltries which may be at Mobile and Orleans between this date and the 1st day of April next, the aforesaid Geisse & Korckhaus are to receive and settle for, at the following rates, viz: for all merchantable shaved skins, they agree to pay thirty and a half cents per pound; for all merchantable red skins, twenty-five and a half cents; and for all gray and blue, twenty and a half cents per pound; and for the next grade of quality, two-thirds of the above prices; and for the next grade, half of the above prices.

For the deer skins now on hand at this office, from the Fort Edwards factory, they agree to pay for shaved skins, thirty-five cents per pound; for red, thirty cents; and for gray and blue, twenty-five cents; two-thirds of the above prices for the first grade of unmerchantable, and half price for the second grade of unmerchantable. This lot of skins from Fort Edwards, it is agreed, shall go on to Philadelphia, and be there assorted and weighed; and it is agreed that an agent shall be provided there, by any person Thomas L. McKenney may select; and that agent shall be sworn to do justice in selecting and sorting and weighing the said skins, according to the intent and meaning of the parties, and at the expense of the said Geisse & Korckhaus.

It is furthermore agreed, between the aforesaid T. L. McKenney, superintendent of Indian trade, and Geisse & Korckhaus, that the skins at, and which may arrive as stated at New Orleans and Mobile, shall be received at those places free of expense to the said Thomas L. McKenney, superintendent of Indian trade, any further than that shall embrace pay and compensation to his (the said McKenney's) agent for assorting, weighing, and delivering; and, moreover, that, should said skins have left Mobile and New Orleans before the said Geisse & Korckhaus shall reach there, or Thomas L. McKenney's letter directing them to be retained and delivered as aforesaid, then the said skins are to be received in whatever port they may arrive, at the risk and cost of the said Geisse & Korckhaus; they paying freight and all other charges for the same.

GEISSE & KORCKHAUSS.
THOMAS L. MCKENNEY,
Superintendent Indian Trade.

Attest: JERE. W. BRONAUGH.

I.

SIR:

NEW ORLEANS, *November 22, 1821.*

Referring to ours of the 17th instant, we have to observe, we are lucky enough to meet a mercantile house who have cashed the annexed draft on you, at twenty days' sight, for \$1,800, of this day's date. We annex a memorandum of sundry cash expenditures made by us for your department, which this draft is intended to meet part of, and we request it will find due honor.

In making the purchase for old Fort Confederation, we could find but one vender who would take a draft on Washington. That was for the coffee, which draft was forwarded some time since. We are anxious to receive a statement of the value of the several goods forwarded from Georgetown, Alexandria, and Philadelphia, in order to complete our quarterly account on the 31st of December next, in which your department will be credited with the amount of this draft.

You will observe that the annexed memorandum does not include commissions, neither does it include sundry disbursements for drayages, and labor, storage, &c., not yet posted with us.

Respectfully, your obedient servants,

McCOY & SCALLAN, *Agents Indian Factories.*

THOMAS L. MCKENNEY, Esq., *Superintendent Indian Trade, Georgetown, D. C.*

Memorandum of sundry cash disbursements made by McCoy & Scallan for United States Indian Department.

1821.			
Oct. 2	Paid M. Lyon's draft in favor of William Montgomery, dated August 18, 1821, for freight of goods from White river to Spadric bayou, - - - - -		\$144 00
Oct. 6	Paid freight of nine boxes of rifles to Natchez. - - - - -		15 75
	Paid freight of nine boxes of rifles from Philadelphia, - - - - -		12 55
Nov. 10	Paid sundry drayages and labor on goods per schooner Emily, - - - - -		17 68
Nov. 13	Paid freight of goods, per schooner Emily, to White river for Spadric bayou, - - - - -		126 20
	Paid freight of sundry goods, per schooner Emily, from Georgetown and Alexandria, - - - - -		251 17
	Paid for 9,700 pounds of lead, at 6 1/2 cents, shipped to Mobile for old Fort Confederation, - - - - -		666 87
	Paid for twenty barrels of sugar, weighing 5,439 pounds, at 9 cents, shipped to Mobile for old Fort Confederation, - - - - -		489 51
	Paid freight on sundry goods, per Emily, to Natchez for emigrant Choctaws, - - - - -		88 83
			\$1,812 56

SIR:

NEW ORLEANS, *November 24, 1821.*

The foregoing is a copy of a letter of advice accompanying a set of drafts made by us on you, in favor of Messrs. Vincent, Nolte, & Co., at twenty days' sight, for \$1,800. From a wish to serve us, those gentlemen took the draft at four per cent. discount, for which we have taken their voucher. Drafts on New York, Philadelphia, and Baltimore are selling at a discount of one and a half to two per cent.; but no remittances being made to Washington, added to causes before referred to, make drafts on Government authorities at Washington unsaleable. Messrs. Vincent, Nolte, & Co. have forwarded the draft for collection, and have promised, if the nett charges attending it do not amount to four per cent., (including the present discount on ordinary drafts,) they will refund the difference.

In a conversation which the writer had yesterday with General Jesup, (quartermaster general,) he was informed that the quartermaster's department here was supplied with funds by an arrangement which the general had made with the Treasury Department, who had instructed the collector here on the subject; from whom, the writer understands, supplies are had on proper vouchers.

We merely present this subject, as it may, perhaps, induce you to make a similar arrangement. We are at all times ready to give ample security for means placed within our control.

The steamboat Beaver has just arrived, and will leave for Natchitoches in eight or ten days; by her, the articles for Sulphur Fork will be shipped.

We request leave to annex the price of a few articles in the fur line. Every thing in that way is much in demand. The present quotation is merely nominal, as there is none in market; but we have no doubt the highest quotation might be obtained. We send this, that, by comparing it with northern prices, you might find it advisable to order sales to be made here on the arrival of any from the factories above.

Most respectfully, your obedient servants,

MCCOY & SCALLAN, *Agents Indian Factories.*

THOMAS L. MCKENNEY, Esq., *Superintendent Indian Trade, Georgetown.*

Shaved deer skins,	-	-	-	25 to 30 cents per pound.
In hair do.	-	-	-	22 to 27 do.
Well-furred beaver,	-	-	-	275 to 350 do.
Otter skins,	-	-	-	250 to 350 cents per piece.
Muskrats,	-	-	-	18 to 24 do.
Bear skins,	-	-	-	100 to 250 do.

K, No. 1.

RESPECTED SIR:

PHILADELPHIA, *November 24, 1821.*

Your esteemed favor of the 21st instant is before us, and we perceive that you have written to your different agents in order to ascertain the value of those kinds of deer skins. We should be glad to become the purchasers; but, at the same time, we should wish to save the coasting freight, insurance, and damage done to the skins in these small coasting vessels. If, on the receipt of your offers, you will have the goodness to fix your lowest price for each kind of skins which you may have between this and the 1st day of April next, deliverable at New Orleans and Mobile, then we shall be able to say whether we can afford to give such prices or not. We are willing to give as much as any person who will take the risk of the fall or rise of the market between now and April. For the performance of our engagements, we are willing to give you satisfactory security. At foot, we quote the prices of deer skins now in this market.

We remain, very respectfully, your most obedient and humble servants,

GEISSE & KORCKHAUSS.

Missouri, Illinois, and Indiana skins—shaved, 33 to 35 cents; red, 24 to 27 cents; gray and blue, 22 to 24. Southern deer skins—shaved, 25 to 28 cents; red, 22 to 24 cents; gray and blue, 18 to 21 cents per pound.

THOMAS L. MCKENNEY, Esq., *Superintendent Indian Trade, Georgetown, D. C.*

K, No. 2.

RESPECTED SIR:

PHILADELPHIA, *December 20, 1821.*

Your favor of the 17th instant is before us; in answer to which we beg leave to reply, that we shall be glad to become the purchasers of the mentioned deer skins at their full and fair value, and we are willing to give as much as any person in the States. We paid you last year for those skins in Orleans, for shaved 25 cents, for red 22 cents, and for gray and blue 18 cents per pound, and half price for all kinds of unmerchantable skins. On these skins we have lost upwards of two thousand dollars: this was occasioned by the worms, but we are still liable to the same risk. There has no alteration taken place in Europe respecting the prices, since last year, that will warrant to give such prices as those you demand. You are, no doubt, aware that the skins at your last sale would not have brought those extravagant prices, if it had not been for our bidding them up so high. We will give you for those skins from Fort Edwards factory, for the shaved 35 cents, for the red 30 cents, and for gray and blue 25 cents per pound, and half price for damaged and unmerchantable skins. For those southern skins from or at Mobile and New Orleans, we will pay you for the shaved skins 30 cents, for the red 25 cents, and for the gray and blue 20 cents per pound, and for all damaged and unmerchantable skins half price. The prices which we offer are, in our opinion, considerably above the present market prices, and more than we really intended to give. We refer to the prices current from our different seaports, respecting the prices. If any skins should have been shipped in the mean time from Orleans or Mobile, we are willing to pay freight for the same, and are satisfied with the credit you offer.

We remain, very respectfully, your obedient servants,

GEISSE & KORCKHAUSS.

THOMAS L. MCKENNEY, Esq., *Superintendent Indian Trade, Georgetown, D. C.*

K, N

SIR:

PHILADELPHIA, *November 25, 1821.*

Your favor of November 21 has been duly received, and, in answer, we offer you the following prices for deer skins, viz:

For shaved deer skins, sound quality, per pound,	-	-	-	27 cents.
Summer, or red skins, do.	-	-	-	23
Fall or winter do. do.	-	-	-	18

Damaged skins, half price for each kind, to be delivered at Mobile, and to be paid for by a draft on us in this city, at thirty days' sight after delivery; security to be given by us to comply with the above agreement; and to take all the deer skins you can deliver at Mobile, they being of the quality and prices as above mentioned, until the 1st of April, 1822. If you should deliver any of them in Baltimore, New York, or Philadelphia, we are willing to give you a half cent more per pound for each of the different qualities.

We remain yours, respectfully,

R. & J. PHILLIPS.

N. B. Should the above prices meet your approbation, we should wish to be informed as early as possible, as one of the firm might be at Mobile to receive them.

THOMAS L. MCKENNEY, Esq., *Georgetown, D. C.*

SIR:

OFFICE OF INDIAN TRADE, *February 27, 1822.*

I have had the honor of receiving your communication of the 25th instant, informing me of the decision of the Senate to print the documents transmitted by me to the committee, also the statements of the gentlemen who were examined before the committee in relation to Indian affairs; and proposing, if I had any other papers in relation to the subject which I would wish printed, that I should prepare and transmit them to you as early as possible.

On looking over the statements of Messrs. Biddle, O'Fallon, and Crooks, I have considered it might be well to submit a few brief remarks on some parts of the several statements made by them, with which I propose to accompany sundry letters and extracts of letters, more fully to illustrate the subject-matter of those statements. I may, perhaps, travel over parts of some of the grounds which have been explored in my other communications; but as the following remarks are intended to apply especially to the statements of those gentlemen, I hope I may be excused for such repetition.

I will proceed in the order in which the statements are numbered, beginning with Major Biddle's.

Remarks on Major Biddle's answer to the fifth question.

Major Biddle seems to think that the advance on the cost of an article should be confined to the cost of its transportation. A little additional knowledge of the nature of a distant and wilderness trade, embracing damage and loss, and erection and repairs of factory buildings, (as it necessarily must,) would require some other calculations besides the mere cost of transportation, if the capital is to be preserved. The soldiers have done but a very small part of the work in erecting factories, &c.; and, when they did labor, they were paid for it out of the factory funds.

Remarks on his answer to the sixth question.

The accompanying extract of my letters to Mr. Johnson, of Prairie du Chien, marked No. 1, will explain why merchandise is sometimes sent from the factories to the Indians. Further remarks upon this practice are deemed unnecessary.

Remarks on his answer to the tenth question.

It has been considered proper, always, when presents were to be made to Indians in the vicinity of the factories, that a service would be rendered by the Government agent to another branch of the Government operations for him to take for that purpose the unsaleable articles of the United States factory, which, under any circumstances, must, in the course of time, and in any mercantile establishment, accumulate in a greater or less degree. The sense of the Governor of the Michigan Territory has been very recently expressed on this subject by his agreeing to receive, for the purposes of his agency, whatever articles are in the Green Bay and Chicago factories that should not be considered suitable for a trade at the St. Peter's. The presumption is, it never entered into the Governor's conceptions of duty to confine his operations to his own agency, and expend the public money in trade with the agents of the American Fur Company, or any other agency, when, by an interchange of intercourse with another branch of the Government designs, he could promote its prosperity, without at all infringing upon the interests of his own charge.

Remarks on his answer to the eleventh question.

Reasons will be found, in the extracts of letters in illustration of Mr. Crooks's statement, for the decline of the business of the Chicago and Green Bay factories; as also a reply to the reputed inattention to the representations said to have been made by Mr. Varnum.

Although the Government operations at Green Bay and Chicago were suspended by the artifice of individuals, (as will be more fully shown in the remarks I have to make on parts of Mr. Crooks's statement,) yet it cannot be questioned that the mere presence of the factories has been serviceable to the Indians, by acting as guards, at least indirectly, in regulating the prices of goods and furs. The Indians, it is admitted, are good judges of the articles in which they deal, and, generally, when they are permitted to be sober, they can detect attempts to practise frauds upon them. The traders, knowing this, (however few of the Indians are ever permitted to trade without a previous preparation in the way of liquor,) would not be so apt to demand exorbitant prices, when the Indians could have the option to give them, or go to the factories. This may be illustrated by the fact, as reported to this office by Matthew Irwin, that, previous to the establishment of the Green Bay factory, as much as one dollar and fifty cents had been demanded by the traders of the Indians, and received, for a brass thimble, and eighteen dollars for one pound of tobacco!

Remarks on his answer to the twelfth question.

The competition and advantages which Major Biddle supposed would result to the Indians from it are certainly illusory. *Compacts*, and not competition, would be the consequence, provided the power of the American Fur Company, as it is denominated, would permit it.

Remarks on part of his answer to the fourteenth question.

Suppose it were admitted that the factory prices are actually higher than the prices asked for similar articles by the traders, would this prove that the Indians were not advantaged by it? Is it not easy to ask a dollar for an article which is known, in a regular trade, to be worth two dollars, and yet for a deception to be practised, by so qualifying the articles received for it, especially from drunken Indians, as to secure, instead of one dollar or two dollars, four or five, and thus impoverish men under the show of liberality and guise of cheapness?

Remarks on his answer to the fifteenth question.

I enclose a copy of a letter, marked No. 2, from Major Thomas Biddle. Colonel Atkinson wrote at the same time to the honorable the Secretary of War. This letter has been published by the Senate. These letters may serve to show the views of those gentlemen of the practices of the private intercourse with the Indians. Volumes might be compiled from history, beginning with the earliest settlements of this country, taking in the Dutch traders of the New England States of the sixteenth century, and coming to our times, to prove how essentially at war their practices have always been with the peace and welfare, and even the lives of the Indians.

I shall reserve the remarks I have to make on the charge of Mr. Varnum's having so frequently written to this office, without getting a reply, for a place in the division which will be allotted for Mr. Crooks.

It remains for Major Biddle to reconcile to the good sense of the country his answers to the third and fifteenth questions. In answer to the third question, he says "*the articles, as far as he knows, are suited to the Indian trade.*" In his answer to the fifteenth question, he attributes the failure of Mr. Varnum's business, as one of three causes, "*to the wretched character of the supplies.*"

Remarks on Major O'Fallon's statements.

I find but little to notice in the statements of this gentleman. There are a few things, however, which it may be well to refer to. I have already explained the grounds upon which it is considered proper to sell to other persons besides Indians. It is presumed this is understood. I have furnished, with the remarks made on Major Biddle's statements, the reasons and principles which govern the factors in sending outfits to Indians. If Mr. Johnson

engaged the services of such a person as the one referred to by Major O'Fallon, he must have been under a deception as to his character; he did it, certainly, in disobedience of his instructions.

Four years ago Mr. Johnson called for some lighter articles "to be traded with half-breeds;" and, as is the practice of this office, the articles called for by the factor were sent. In this supply was the article of women's morocco shoes, which cost about 75 and 87½ cents per pair. If Indians, emerging from their rougher coverings, are desirous of imitating the whites in their exterior appearances, there seems no reason why they should be refused the privilege. The insinuation respecting the object of this supply, and also that which is reported by Major O'Fallon, on the grounds of the reports in Missouri, Illinois, and Michigan, that the "superintendent and factors are growing rich in the service," cannot be considered as entitled to any notice. The conduct and concerns of this office are at all times in readiness to be accounted for to the proper authorities.

It just occurs to me that I have a letter from Major O'Fallon, addressed to Governor Clark, dated May 10, 1817, extracts of which accompany this, marked No. 3, from which may be gathered the opinions of Major O'Fallon, in 1817, of the conduct of the British and Mackinac traders; and who those British and Mackinac traders are, may be ascertained from letters, and extracts of letters, which will accompany my remarks on the statement of Mr. Ramsay Crooks.

Remarks on Mr. Crooks's statement.

I have reserved for the remarks I have to make on this gentleman's report to the committee the information I have, which I beg leave to annex, in extracts of sundry letters received from Mr. Irwin, of Green Bay, marked Nos. 4, 5, 6, 7, 8, 9, 10, because Mr. Crooks is himself frequently referred to in them; and because he has borne a distinguished part in producing the interruption of the intercourse on the part of the Indians with the factory at that place; and because he, being agent for the American Fur Company, now so called, had a good deal at stake in overturning these establishments, and has much more at stake in the overthrow of the entire system.

These letters speak for themselves. As to what was done twenty-two years ago at Detroit, no person now living, it is presumed, will be held accountable for.

It is not a little surprising that, in the haste which is made to grasp the trade with our Indians, the agent of the American Fur Company, as its title denotes it, should not know that it is within the limits of the acknowledged duty of one branch of the Government operations of this country to furnish any and every facility which it may be in the power of another to afford. If officers and soldiers, therefore, at the factory establishments, want clothing, or any other article which the factor can supply, it is within his instructions to furnish it. The taking of tallow and feathers, and sugar, and hides, and even wild oats, from Indians, in exchange for what they want, is countenanced and considered proper; and it illustrates that a market may be had at the factories for these things, which would not be within reach of the Indians but for the factories—the traders taking nothing but furs and peltries.

The explanations have been given why the trade, especially at Green Bay and Chicago, has declined; and no man knows better than Mr. Crooks the causes of this decline, and the means which it is necessary to adopt at any time to produce the same results elsewhere. No man, as an Indian trader, has equal power with him, so far as money and experience are concerned.

I now come to remark upon the assertions of both Major Biddle and Mr. Crooks, (taking the language of the latter,) respecting Mr. Varnum's soliciting for years to be removed, but his solicitations were not deemed worthy of acknowledgment. I enclose, in reply to this, an extract from my letter dated December, 1820, marked No. 14; also, a letter from Mr. Varnum of June, 1817, with my reply, marked No. 13, in which he proposes an *extension* of the operations of the factory. The factory at Chicago, in charge of Mr. Varnum, did not go into operation till 1816; soon after which, the excellence of the furs taken there made it an object with the traders to destroy the Government intercourse. The measures adopted for this purpose are set forth in the letters and extracts already submitted. The *compact*, by 1818, had completely succeeded. I was informed of these proceedings, and in 1818 my mind was made up, and I knew the power of these "British and Mackinac" traders, and others, to be competent to put down the Green Bay and Chicago factories; and there being no efficient regulations under the license system to sustain them, or indeed any others, I felt it my duty first to suggest to the chairman of the Committee of the House of Representatives, under a call of his, what I considered important to a preservation of the system, and recommended in 1818, about two years after the Chicago factory had been in operation, under a full view of what was going on, and a conviction of the design on the part of the traders to overthrow the system, and there being no checks to restrain them, that, unless the system were strengthened, there could be no better time for its abandonment than that. See extract of my letter to the chairman of the Committee of the House of Representatives, herewith sent, marked No. 11.

The system was continued, however, in its manacled state, one year after another, and only one year at a time, making it uncertain whether it would be finally continued or abandoned.

Meanwhile, under the hope, year after year, that something would be done, and being unwilling to recommend a removal until the matter should be finally decided, leaving the Indians in that quarter without any guard in the event of a continuance of the system, I delayed moving in the subject till July last, when, perceiving that the capital was likely to be entrenched upon by the continuance of both the Green Bay and Chicago factories, I recommended their abandonment and removal to the St. Peter's, as per my letter to the honorable the Secretary of War. See copy herewith, marked No. 12.

I enclose three letters from Mr. Sibley, of Missouri, illustrative of the nature of the trade, as prosecuted by individuals, &c., marked Nos. 15, 16, and 17.

All which is respectfully submitted.

THOS. L. MCKENNEY, S. I. T.

The Hon. HENRY JOHNSON, *Chairman of the Committee of the Senate on Indian Affairs.*

No. 1.

Extract of a letter from the Superintendent of Indian Trade to J. W. Johnson, United States Factor at Prairie du Chien, dated

SEPTEMBER 2, 1816.

I have considered what remains, and particularly the desire of the Sac Indians, near the Lead Mines, to be supplied with merchandise. It is entirely within the scope of our policy to extend every reasonable assistance to all the Indians within our limits, so far as that may be practicable, and consistent with the amount of our trading capital. At present, however, I am unable to see how this can be done to any considerable extent, or at all, unless you could send supplies from Prairie du Chien, and out of your stock now in trade, which might be augmented somewhat for this purpose. To make a depot at St. Louis, and supply individuals from it at cost and charges,

however valuable the results might be, in putting down British traders, and in attaching the Indians to us, cannot be done at this time. This, however, may be done, if Congress shall accede to the plan of the Secretary of War, in augmenting the capital of this establishment; and, under judicious regulations, much good would no doubt result from it. Meanwhile, you can exercise your discretion in pushing on occasional supplies from the factory at Prairie du Chien, which, as I have said, shall be occasionally and additionally replenished.

It is hardly necessary for me to call your attention to the risk that is involved in sending out traders. I am sure that you will have an eye upon their honesty and fair dealings, and, in case you shall be deceived, have in your possession sufficient security, as a reserve, to bring up their arrears. This point well guarded, and which must, of course, be left to you, I shall be gratified if those Indians, on the river St. Peter's and at the Lead Mines, could have their wants supplied, if but partially.

Extract from the same to the same, dated

MARCH 11, 1819.

I beg leave to call your attention to the privilege granted you to issue supplies of merchandise to American traders of good character, and, generally, under the instructions which that permission embraced.

It appears to me that the plan is liable to abuse; and, however the effects may go to lessen the evils growing out of the peddling system, carried on by foreigners, and all sorts of characters, to the injury of the Indians and the disgrace of human nature, yet a danger appears to be apprehended on the other hand. It is that which implies exorbitant charges, which those to whom you furnish supplies have it in their power to make; and, by this means, the relief which it was intended, through them, to carry in amongst the Indians, may be converted into an evil.

I suggest, therefore, and beg that you will have the goodness to attend to it with all the punctuality which its importance merits, that you be particular, first, in the sort of men (especially in their just and moral character) to whom you may intrust this liberty; secondly, require of them *prompt* and frequent settlements; thirdly, trust to no man another supply till he pays for the preceding; fourthly, to his invoice add a column, and affix to each article the price he is to ask the Indians, and regulate the advance upon a scale of equal justice, which implies a just compensation to him for his trouble, and the distance of the tribe or tribes with whom he may trade, and a fair demand upon the Indians. Direct, also, what he is to allow for the various skins he may take in barter. Of all this you will be the best judge. I refer it to your discretion, with but one additional remark: the Indians must be justly treated and dealt by, and we must, so far as we have the power to control the trade, do by them accordingly. No trader, who goes out from the factory, being aided with supplies by it, will be permitted to violate the rules which relate to it. He must do his business with the natives without the intervention of whiskey or any spirituous liquors. It is the curse of these people. We should use all proper and lawful means to save them from its baleful effects.

Take such testimony against a trader who may violate your instructions as you may think ought to condemn him, and trust him no more. He must consent to dispense with legal requirements, and let his good conduct keep him free from even slight imputations.

In relation to the suitability of the supplies which go from this office, I beg leave to subjoin an extract from a letter received from Governor Cass, dated in August, 1816; and to add, that out of forty odd thousand dollars worth of this very stock, which was sent out in that year, only about \$800 worth was bought outside of this District.

THOMAS L. McKENNEY, *Superintendent Indian Trade.*

Extract.

I have been much gratified to find the goods sent here for the Indians are very well selected. Perfect justice has been done. I am informed by persons in the Indian Department that such a selection was never sent to this country. In fact, I cannot conceive that they could be better suited to the objects for which they are sent.

No. 2.

Extract of a letter from Major Thomas Biddle to Colonel H. Atkinson, dated at

CAMP MISSOURI, MISSOURI RIVER, October 29, 1819.

These traders are continually endeavoring to lessen each other in the eyes of the Indians, not only by abusive words, but by all sorts of low tricks and manœuvres. If a trader trusts an Indian, his opponent uses all his endeavors to purchase the furs he may take, or prevent in any way his being paid. Each trader supports his favorite chief, which produces not only intestine commotions and divisions in the tribe, but destroys the influence of the principal chief, who should always be under the control of the Government. The introduction of ardent spirits is one of the unhappy consequences of this opposition among traders; so violent is the attachment of Indians for it, that he who gives most is sure to obtain furs; while, should any one attempt to trade without it, he is sure of losing ground with his antagonist. No bargain is ever concluded without it, and the law on that subject is evaded by their saying they give, not sell it. The traders being afraid to trust the Indians, they cannot make distant hunts: this, and their attachment to whiskey, induce them to hang about in the vicinities of trading establishments, and as they take furs sell them for whiskey; the consequence is, that but few furs are taken, as much of the hunting season is lost in intoxication and indolence. The Indians witnessing the efforts of these people to cheat and injure each other, and knowing no other or no more important white men, they readily imbibe the idea that all white men are alike bad. The imposing appearance of the army equipments of white men, and the novelty and convenience of their merchandise, had impressed the Indians with a high idea of their power and importance; but the avidity with which beaver skins are sought after, the tricks and wrangling made use of, and the degradations submitted to in obtaining them, have induced a belief that the whites cannot exist without them, and have made a great change in their opinion of our importance, our justice, and our power.

Under the plea of trading with the Indians, white trappers and hunters obtain a footing in their country. The old man and his son whipped and robbed this summer by the Pawnees, and the three men killed about the same time by the Sioux, were persons of this description; the trouble these sorts of transactions may occasion the Government cannot be readily calculated. It will illustrate what I have said to narrate what happened on my visit to the Maha nation, from which I yesterday returned. The nation were preparing to start on their winter's hunt, and endeavoring to obtain guns, powder, and lead, to subsist themselves while trapping. They complained bitterly that they could not procure enough of these articles. The traders were afraid to trust them. There were two traders in the camp, both jealous and apprehensive of each other; in conversation with the Indians, they invariably abused the

traders, and the traders abused each other. The tribe separated into small hunting bands, very much dissatisfied, and the traders would send round occasionally to these bands to purchase their furs: a keg of whiskey was considered an indispensable equipment for such an undertaking. I had found on my arrival most of the principal men drunk. The Big Elk, who is so much our friend, and who formerly possessed unlimited power in his nation, was so drunk for two days, that I could not deliver your letter to him; when I gave it, I requested the interpreter to inform him that I had been two days waiting to deliver a letter from you, but that, very much to my surprise, I had found him too drunk to transact business. He appeared affected at what I said, acknowledged how unworthy it was in him to be in that situation, and admitted he had lost much power by it. He blamed the whites for bringing liquor into the country; said that when he knew it was not to be had, he felt no inclination for it; but that when it was near and attainable, his attachment for it was irresistible. Besides, said he, your traders come among my nation, give medals, and make chiefs of every man who can obtain a party to trap beaver. It is the ambition of these chiefs that opposes me and makes me powerless. I know that there are Malias now alive as brave and as wise as I am; it was fortune or chance that placed me at the head of the nation, and I cannot control my tribe while the whites assist those who oppose me. Thus is the influence of this valuable and sensible Indian lost to his tribe and the Government; and thus is a man, who possesses some traits that do honor to human nature, debased and made a beast of.

No. 3.

Extracts from B. O'Fallon's letter to Governor Clark, dated

MAY 10, 1817.

On reaching Prairie du Chien, my surprise and disappointment were on the extreme, in meeting with numerous British traders (equipped with licenses under the authority of my Government) whose conduct during the late Indian war was the most unprincipled, the most inhuman, and disgraceful to civilized man.

Suspicious characters, the very men who had been instrumental in the destruction of many of the women and children of our frontiers, I found were licensed traders, and ready to take a dishonorable part in distressing and checking the progress of American enterprise.

Be assured that I complied strictly with your request, by keeping a watchful eye over the feelings of the Indians, and the disposition and conduct of the *faithless Mackinac traders*. From appearances and Indian reports, the Mackinac traders left no measure unturned in endeavoring to make the minds of the Indians more corrupt, destroy the little influence the Americans had acquired over some few, and have me, the only American in that country, destroyed. No doubt exists in my mind but that the forty-five Chippewas, (who visited me during the winter,) between whom and the Sioux I effected a peace, were sent by some of the villanous British traders of the northwest to massacre or rob me; they, during a stay of three days, showed every disposition to commit murder or robbery, which I am induced to believe was prevented by the unexpected arrival of the Sioux.

No. 4.

Extract of a letter from the Factor at Green Bay to the Superintendent of Indian Trade, dated

MARCH 10, 1817.

The opportunity of conveying this being immediate, leaves me little time to state why so little business has been done at this factory during the winter; and, without going into a detail of minor reasons, I believe the principal ones will be found to be these: 1st. The admission of many British traders, who have been accustomed to do business in this quarter, and who placed themselves in the most advantageous places for business within fifty, seventy, and one hundred miles of this; 2dly. The hints given the Indians by these traders to follow them, lest the Americans might punish them for their recent bad conduct during the late war; 3dly. The practice (conducted secretly) of vending whiskey; and 4thly. The prejudices excited by the traders against our factories.

I recognise among them many who were openly and highly instrumental in exciting the Indians of our territory to rise in arms against us during the late war. I think, if British traders are to be admitted to trade with Indians, regard should be had to their past, or, at least, a guaranty given for their future conduct.

The Indian agents* in this quarter, contrary to custom, exact \$50 from each private trader, British or American, for each annual license, which is considered as a perquisite of office, notwithstanding they are salary officers.

No. 5.

Extract of a letter from Matthew Irwin, United States Factor at Green Bay, to the Superintendent of Indian Trade, dated

GREEN BAY, September 29, 1817.

I have more than once given you my opinion in relation to the state of this factory, and what it might probably accomplish; and I recollect I stated that it could supply the wants of all the Indians comprised in this district. In compliance with this belief, I made corresponding arrangements, after the receipt of your letter of the 28th [a copy of which is enclosed, marked No. 18,] of May last. Several applications were made by American citizens to obtain merchandise, for the purpose of supplying the wants of the Indians; and presuming it to be the intention of the Government to have the Indians supplied by them, I encouraged, after the receipt of your said letter, the applications of Lewis Rouse and Thomas P. James, who incurred considerable expense in making the preparatory arrangements for that purpose.

They had, too, an assurance from the Indian agent here that he would not license British subjects to trade where they intended to establish themselves. Mr. Rouse was to supply the Indians at and near the Ouisconsin, and Mr. James those at Menomonie river, and intended to send a person to Winnebago lake. A few days previous to their departure for those places, information was received that a number of British traders, licensed by the Indian agent at Mackinac, were on their way to trade with the Indians at the places to which Mr. Rouse and Mr. James intended going; and a confirmation of it soon after came in a letter from the Governor of Michigan Territory to the Indian agent at Mackinac, informing him that he had received a letter from the Secretary of War, stating that Mr. John Jacob Astor had purchased the whole of the interest in the late Southwest Company, and wishing every facility

*Major Puthuff, since dismissed.

to be given him in carrying on his trade with the Indians; in consequence of which, the Governor directed the said agent to license all persons that the agent of Mr. Astor should name to him. Mr. Astor's agent is a Mr. Crooks, a known and professed British subject, who named to the agent at Mackinac a number of persons, (all British subjects,) whom the agent licensed. Several of them came to this place for the purpose of trading with the Indians at the Ouisconsin, and other places.

This at once would have determined Mr. Rouse and Mr. James to abandon their undertaking, but they had engaged the necessary number of persons for the usual period, (six months,) and incurred other expenses. They therefore determined not to abandon their undertaking, although they feel persuaded it will eventually be a bad business, as they think they are not able to cope in business with old and experienced persons, personally acquainted with the Indians, &c.

Should they be correct, I fear it will be difficult to persuade other American citizens to undertake to supply the Indians in this quarter. Besides the British traders licensed to trade at the Ouisconsin, others were licensed by the agent at Mackinac to trade at the Upper Mississippi and this place, at which, in the village alone, six are licensed; and all of them, with one exception, held commissions during the late war, are influential with the Indians, and were named by me in my letter of the 24th of July last to the Indian agent here, a copy of which I transmitted you.

The persons engaged by the American house of David Stone & Co. were British subjects, and they were, I understand, licensed by the agent at Mackinac. Governor Clark last year directed the stoppage of British subjects entering the Mississippi; Governor Edwards requested the agent at Chicago to prevent them from entering the Illinois. What reasons exist for allowing them to trade with the Indians in this quarter, I am at a loss to imagine.

It is well known it is not necessary to license British subjects to trade at Mackinac, as very little business is done there by the Indians; and if it were greater, the American storekeepers could attend to it. At Chicago, the factory used to supply all the Indians in that quarter; and it can be well established that it is wholly unnecessary to license a single person at this place; for last year a British trader (Peter Grignon) supplied all the Indians at or near the Ouisconsin, and another (Peter Powell) those at Menomonie river; and the trade in this village was attended to by two or three British subjects, who, altogether, did not make twenty packs.

There appears a palpable incongruity in the manner of conducting the Indian trade: the factors are sent to supply the wants of the Indians, and the Indian agents can adopt such measures as to defeat all their plans to that end. It is very certain that the authority vested in them to issue licenses is well calculated to destroy all the benefits that might be expected from the factories; particularly, too, when they interfere with each other's districts, as is the case with the agent at Mackinac, who is in the constant practice of licensing persons to trade here and on the Mississippi. I can promise nothing from this factory whilst these irregularities exist. It was not expected that Mr. Astor would engage to do business with the Indians none but British subjects, and those, too, so exceptionable in every particular.

Considering, then, that the plans which I might adopt next year for supplying the Indians are liable to be frustrated by the impediments which seem to be put in the way of the prosperity of the factory, and the consequent injury it would do to the individuals I might engage for that purpose, I must beg you to decline sending any more merchandise here, unless the Secretary of War can correct the irregularities which I have alluded to. The truth is, the factories require to be well supported before they can be of any utility; one of the first measures to which should be, the prohibition to grant licenses where the factory can supply the necessities of the Indians.

No. 6.

Extract of a letter from Matthew Irwin, United States Factor at Green Bay, to the Superintendent of Indian Trade, dated

GREEN BAY, June 18, 1818.

Your letter of the 6th of March requires that I should notice it in a particular manner, though I fear I shall not do justice to the subject. You say, from the refusal on the part of the Government to let foreigners into a participation of our trade, that you think I may calculate on success in future, and that you look to a revival of the trade. There can be nothing more certain than that, if foreigners were kept out of the country, a good business might be done here. It appears that the Government has been under an impression that the Southwest Company, of which Mr. John Jacob Astor is the head, is strictly an American company; and, in consequence, some privileges in relation to trade have been granted to that company, and of such a nature as to put it out of the power of any persons concerned in fur companies, who, if they consulted their interest, would, whilst the British possess influence over the Indians, employ none but British subjects. The circumstance I allude to is this: A short time previous to the declaration of war, Mr. Astor obtained from the then Secretary of the Treasury (Mr. Gallatin) an order directing the collector of the customs at Mackinac to suffer Mr. Astor to have his furs (which were at the British post St. Joseph's) landed at Mackinac. The agent employed on that business was a British subject. On his way to St. Joseph's, he communicated to the British at Malden that war had been, or would be, declared. The British made corresponding arrangements, and landed on the island of Mackinac with regulars, Canadians, and Indians, before the commanding officer there had notice that war had been declared. The same course was about to be pursued at Detroit, before the arrival of troops with General Hull, who, having been on the march there, frustrated it. The giving Mr. Astor the order to suffer his furs to be landed at and shipped from Mackinac, had, it was believed, for its object, to secure them from capture or detention, should they have been shipped from St. Joseph's after the declaration of war should be known. The collector read the order in the presence of several persons. Mr. Astor's agent brought the furs to Mackinac *in company with the British troops*, and the whole transaction is well known at Mackinac and Detroit.

No. 7.

Extract of a letter from the Factor at Green Bay to the Superintendent of Indian Trade, dated

AUGUST 10, 1818.

Seeing that the business of this factory must, in some measure, be regulated by the various fluctuations which occur in the Indian trade, I reduced the prices of many of the goods on hand, particularly those first received, as I discovered that if I did not do it I should do little or no business, in consequence of a determination on the part of British traders to undersell the goods in the factory. They put in practice a plan (suggested by Joseph Rolette) for preventing the factory from doing any business. It was this: each trader to advance a piece of strouds, with the usual assortment of other articles, (termed by them an assorted piece of stroud,) to be sold at first cost, and keeping a person employed to watch the arrival of the Indians, and take them to the house where those goods were kept. It proved as they desired—successful; and will account, in some measure, for the little business I have done with Indians.

No. 8.

Extract of a letter from the United States Factor at Green Bay to the Superintendent of Indian Trade.

The fact can be established, that, in almost every case, the persons engaged by Mr. Astor's principal agent, (Mr. Crooks, who is a British subject,) were known British subjects; many of them having held commissions under the British Government, and headed Indians during the late war. For example: at this place Mr. Astor sent goods to the following persons last fall, to be traded alongside the factory, viz: To John Lowe, Lewis Grignon, Augustine Grignon, and Peter Powell, British subjects, and holding commissions from the British Government, in the Indian department, during the late war.

And the following persons were sent by Mr. Astor in the neighborhood of Mr. Rouse, whom I sent to do business with the Indians at the Ouisconsin, viz: Peter Grignon, Mr. Jacobs, Mr. Chaperaux, and J. B. Grignon, British subjects belonging to this place, and holding commissions during the late war from the British Government, in the Indian department.

And Mr. Lusienaux, a British subject, was sent by Mr. Astor to trade with the Indians at Winnebago lake. At Menomonic river, where I sent Mr. Thomas P. James to trade, he was opposed by a Canadian sent by Mr. Astor; and, in an underhand manner, by Peter Powell, a British subject, who held a commission in the Indian department during the late war.

It appears that the persons sent by Mr. Astor to other places to trade with Indians were British subjects; and, when it happened that the principal person having charge of the goods was culpable in his conduct during the late war, in that case a discharged soldier was procured at Mackinac to accompany the goods, who would affect to have the agency of them, whilst all the others, even the boatmen, were British subjects. Similar conduct has been observed by the house of David Stone & Co. at Mackinac; one of the partners of which (Michael Dousman) piloted the British armament to Mackinac during the late war. Stone's house opposes that of Astor's in trade. Added to these irregularities, must be noticed the traffic carried on secretly in whiskey at this place.

The Indians are frequently kept in a state of intoxication, giving their furs, &c. at great sacrifices for whiskey. A return to reason will induce many of them to mention who sold them the whiskey, but it is deemed illegal to accept Indian testimony; so that the British and American traders (of the latter several have arrived here) may deal in whiskey without the smallest chance of detection. The agents of Mr. Astor hold out an idea that they will, ere long, be able to break down the factories; and they menace the Indian agents, and others who may interfere with them, with dismissal from office, through Mr. Astor. They say that a representation from Messrs. Crooks and Stewart (Mr. Astor's agents) led to the dismissal of the Indian agent at Mackinac, and they also say that the Indian agent here is to be dismissed. It appears that the commanding officer at Prairie du Chien undertook, at the instigation of the Indian agent, to stop and send to St. Louis some of Mr. Astor's British trading subjects. For this act it is said the agent will be dismissed from the public service; and we have now the novel spectacle before us of a British subject (Mr. Crooks) travelling to the prairie, with a passport from Governor Cass, said to have been given by authority of the War Department, to inquire into the conduct of the Indian agent and commanding officer.

No. 9.

Extract of a letter from the United States Factor at Green Bay to the Superintendent of Indian Trade, dated

FEBRUARY 15, 1820.

Since the receipt of your letter of the 10th of September last, (which I acknowledged on the 1st of December,) nothing has been done by the Indian agent to restrain the British traders residing in the village from having intercourse with the Indians in the way of trade. In fact, from the prejudices they have excited against American traders, the Indian trade is confined to the British traders, who, from selling whiskey privately, and from the ties of relationship, &c. with the Indians, will continue to enjoy it so long as the orders relative to the subject are unattended to by the agent.

The Indian trade is virtually surrendered to those persons, and no efforts on my part can prevent it; the remedy must come from another quarter. The Indians are altogether led away by the British traders; and, whilst the American traders and officers are insulted by the Indians at a distance from the fort, those traders are cherished and caressed. The proof of which I will give you.

1st. Some time last summer, a boat loaded with goods, and owned by an American trader, (Mr. Armitinger,) was fired upon by some Indians near Winnebago lake.

2d. Captain Whistler, of the army, wrote from Winnebago lake that the Indians had fired upon his boat, while on his way to St. Louis in August last.

3d. Doctor Madison, of the army, informed his correspondent here that some Indians plundered him at Winnebago lake last fall.

4th. Lewis Grignon, James Porlier & Son, and Augustus, (British subjects,) proceeded to the Ouisconsin last fall with their boats loaded with goods, without experiencing insult or obstruction. On the contrary, the Indians in that direction accompanied them for the purpose of hunting for them, during the fall, winter, and spring.

I am confident that nothing but an unqualified expulsion of those traders from this place, for the due observance of the orders received, will produce a favorable change in the minds of the Indians.

The village contains from forty-five to forty-eight families, who all profess to be the subjects of Britain, and from ten to twelve British traders rule them. This state of things has existed for many years, without any present prospect of alteration.

No. 10.

Extract of a letter from the Factor at Green Bay to the Superintendent of Indian Trade, dated

OCTOBER 6, 1821.

Mr. Kenzie, son to the Indian sub-agent at Chicago, and agent for the American Fur Company, has been detected in selling large quantities of whiskey to the Indians, at and near Milwalky of Lake Michigan; in consequence of which, the Indian agent at Chicago directed him to close his concerns at Milwalky in sixty days, and then leave the place. Some Indians from that place represented to me that they would be badly off for a trader, should Mr. Kenzie leave them; in consequence of which, I engaged Mr. Vieau, a citizen of the United States, and a professed Indian trader, to repair there for the purpose of supplying the wants of the Indians. I have supplied

him with \$2,228 25 worth of goods, and have agreed to allow him \$200 from the time of his departure till his return next spring, with an allowance of some coarse clothing and subsistence. Two boatmen and two boys will receive, altogether, \$200, with some coarse clothing and subsistence. Mr. Vieau is well known here for his integrity, and possesses property enough here to cover the whole amount with which I have intrusted him.

No. 11.

Extract of a letter from the Superintendent of Indian Trade to the honorable Henry Southard, Chairman of the Committee on Indian Affairs of the House of Representatives, dated

DECEMBER 28, 1818.

I cannot, therefore, forego the obligations I feel to urge the necessity of giving to the existing Government intercourse that support and protection which the generosity of its design, and the nobleness of its object, appear to me to merit; and this implies a better regulated license system, so as to restrict such individuals as may hereafter go amongst our home Indians; to cancel the licenses of such as are now acting under such authority, (and this may be done by a law, forbidding their removal except through particular channels, and under other restrictions;) and an augmentation of the trade fund: a close investigation of the state of which warrants me in saying, that, rid of the private traders, except such as would be really useful, the trade could be made to embrace our home Indians, if, to its present capital, which is shown to be only \$236,630 39, were added as much as would bring it up to \$300,000.

These two things being done, results alike favorable to the Indians, and to the peace and security of our borders, would no doubt be realized; and these would be no less gratifying to the Government, than to those humane and benevolent men who are coming in with so much ardor in aid of the Government design. But, unless these two things can be realized, I feel it to be no less my duty to assure you that, in my opinion, no future period could so well answer to wind up the business of the Government trade as the present.

No. 12.

SIR:

INDIAN TRADE OFFICE, July 5, 1821.

I have the honor respectfully to represent, that for three years last past the two factories on the lakes, one at Chicago, the other at Green Bay, have been in a measure useless to the Indians, and, in a pecuniary point of view, to the Government also. This state of things is owing entirely to the unsuitable provisions which exist for the regulation of the trade. Hordes of private adventurers, availing themselves of the looseness of the system, have crowded into those parts on account of the superiority of the furs which are taken there, and level all sorts of policy but their own, by the powerful agency which they derive from the free use of spirituous liquors as an article of their commerce, and after which the Indians, however afflicting they know the consequences to be, will go.

This view of the state of these two factories should have been given thus formally before, had I not waited in the hope that Congress would have placed this trade under the guidance of suitable regulations, which, if done, would insure to the Government the harmony and attachment of these lake Indians, and to the Indians all the consequences which the Government contemplated in the adoption of this just and humane branch of its policy. This hope, and the apprehension that a removal of the factories (which, although they do but little in the way of trade, operate as a check to the traders,) might expose the Indians to oppression, seemed to authorize me in waiting for the final judgment of Congress in this matter. I am unable, however, on a review of this subject, to realize in the proceedings of the last Congress any additional disposition to place this item upon what I conceive its proper basis; and the continuation of the same inactivity which has hitherto characterized the business done at these two factories promising to make inroads upon the fund allotted for the trade, I do not feel myself authorized further to delay a decision on the subject, and recommend it accordingly for the Executive approval: it is, to break up and discontinue the two factories located at Chicago and Green Bay. In making this decision, however, I am led to it entirely from considerations growing out of the duty which my trust imposes on me, and which embraces an obligation binding on me to keep the capital from diminution, and not from considerations of *policy*. My opinion is, that an abandonment of these posts must tend to much excitement, and a corresponding alienation of feelings on the part of the Indians from the Government, as well as to bloodshed. This, however, is a part of the case at which I feel myself authorized but incidentally to glance.

I propose, on breaking up the trading-houses at Chicago and Green Bay, to unite the stocks, so far as they may furnish suitable materials, and follow the military post with a factory to the St. Peter's. The Government is not yet known in the exercise of its parental capacity in supplying the wants of the Indians in that region. In addition to the advantages which the Indians will derive from a factory located at or near the military post, will be the active and abundant returns which will be received from it.

If this recommendation be approved, I will have to dispose of, at Chicago, the items enumerated in the enclosed invoice, which are unsuited to a trade at St. Peter's, and which, supposing they may be useful in the event of a treaty with any tribes of Indians in that region, I propose to turn over to the Indian Department at cost and charges, and pass the amount to the debit of the Indian Department account with this office.

I have the honor to be, very respectfully, your obedient servant,

THOMAS L. MCKENNEY,
Superintendent Indian Trade.

The Hon. SECRETARY OF WAR.

No. 13.

SIR:

UNITED STATES FACTORY, CHICAGO, June 20, 1817.

The exclusion of foreigners from participating in the Indian trade will, it is believed, justify the extension of the operations of this establishment. This, together with the consideration of the large supply of blankets and cloths now on hand, induces me to recommend a distribution of the goods of this factory among the adjacent villages, for trade, to such an extent as will insure the sale of nearly all by the expiration of the trading season. Such a measure, I am well convinced, will be highly gratifying to the Indians, as a great number, by this means, will be enabled to supply themselves with goods on more reasonable terms than could otherwise be done; nor do I apprehend any difficulty in effecting it to the advantage of the Government, as gentlemen of unquestionable integrity have already applied for such outfits. An answer on this subject, as early as convenient, will be highly gratifying.

I am, with great respect, your most obedient servant,

JACOB B. VARNUM,
United States Factor.

THOMAS L. MCKENNEY, Esq.

46 E

From the Superintendent of Indian Trade to the United States Factor at Chicago, dated

SIR:

SEPTEMBER 10, 1817.

Your letter of the 20th June is before me. The subject of distributing the merchandise of the factory, and settling in other agencies, with a view to augment the sales and serve the Indians, is one which has had my consideration. There can be no objection to the measure but on account of the risk it involves. It is true the discretion of the factor is of importance to regulate this point, but experience has proved that he may sometimes be mistaken.

From the possibility of losing, I have discountenanced this kind of extension of the trade, except under circumstances of particular restriction and security; and, in general, it has been hard to procure the latter.

If, however, you can place in separate hands—say from two to four—an amount of goods, in *the whole*, amounting to fifteen hundred or two thousand dollars at *the most*, without injury to the assortment of the stock of the factory, and under terms of security satisfactory to yourself, I can have no objection, provided that in no case any additional supply be furnished to either of the sub-traders until the previous one be settled for; having out, at no time, an amount exceeding two thousand dollars.

THOMAS L. MCKENNEY.

No. 14.

Extract of a letter from the Superintendent of Indian Trade to the United States Factor at Chicago, dated

DECEMBER 20, 1820.

Without some alleviating circumstances of better business, or a new framing of laws, under which so much abuse of the system has got in by the agency of private traders, it will become necessary to discontinue the factory in your charge. I have waited thus long, hoping that Congress would act in relation to this matter.

No. 15.

SIR:

FORT OSAGE, April 16, 1819.

I am yet ignorant what alterations have been made by Congress, at their last session, in our Indian trade system, though I have accidentally learned that the trading-houses are continued for another year. I said "Indian trade system;" so it is called; but it is no more like a system, than the yells of an Indian are like music; and yet it is complained that "the Government system has not effected much, if any, good; that it has not realized the public expectations; has not civilized and Christianized the savages, or extended and strengthened the influence of the Government among the Indians."

Little, indeed, has this "system" effected, and that little is more than ought reasonably to have been expected, if it is considered how very defective our laws are on the subject of Indian trade and intercourse, and how little support this system, as it is called, has ever received from Government. True, it has received its existence from Government, and has, by sufferance, from year to year, been kept in a miserable languishing state to this time. Like a wretch under sentence of death, it has been reprieved from year to year, still under sentence, growing weaker and weaker; while its enemies are acquiring fresh vigor from new hopes; and, in the mean time, this poor skeleton of a wretched system is tortured with upbraidings, abuse, and reproaches, because blood still flows on the frontiers, and the tomahawk and scalping-knife are not exchanged for the Bible and the plough. Let our legislators look fairly into this subject. If it is a subject worthy to be considered, why is it so neglected? If unworthy, dismiss it, and let loose the hungry traders. If the lives and property of our frontier people are in the safe-keeping of their Government, it would seem proper that Government should control those whose irregular commerce places those lives and that property in jeopardy. If we (I rank myself among the frontier settlers) are not entitled to that protection, keep us no longer in suspense; give up the Indian trade (and with it, of course, all influence over the Indians) to "*individual enterprise*," and let this be proclaimed along the frontiers: "Americans, farmers! you who may emphatically be called the pioneers of civilization; you have been induced to remove your families to the borders, you have purchased lands there from the Government, and have been led to believe that your Government possessed and meant to retain the power to control your only enemies, the savages and the traders, and thus afford you protection; and such truly was the intention of Government. But, it is now different; the clamorous cupidity of the traders will no longer be restrained; the Indian trade must be given up to '*individual enterprise*,' to merciless men, who feel not for your sufferings, and care not for your wrongs; to intriguing foreigners, who thirst for the blood of your wives and little ones; to the unprincipled pioneers of commerce of every shade and hue. We will instruct these people to conduct their trade honestly, to abstain from every practice that may have a tendency to endanger your peace and safety, and we shall compel them to give bonds, with securities, for the faithful observance of our instructions. Further, we cannot protect you, for these enterprising people must be left free to pursue the trade with the Indians; they are entitled to the benefits of the fur trade, and have assured us, on *their honor*, that they cannot prosecute it to their liking under the present checks and restrictions.

"Your property will be sacrificed, your families murdered, and your farms desolated; but these men insist upon their rights, and the fur trade must be left open to them. Your Indian neighbors must also be given up to the moral and political schooling of this worthy class of citizens; they will be kept in darkness, and their natural pursuits of war and hunting protracted as long as there remains a beaver or a bear in these extensive forests. If they sometimes break in upon you, and commit robberies and murders, you know it is the nature of a savage so to act. Perhaps these traders might, if they thought proper, divest them of those propensities, and induce them to adopt the arts and the habits of civilization, and your example would greatly encourage them; but, alas! this would not accord with the traders' interest, nor can they look upon your example with a friendly eye. What is the bleeding scalp of an infant, compared with the rich fur of a beaver skin?

"You are numerous, peaceful, and industrious; many of you have borne arms in the defence of your country; many are settled on that very land given to you by your Government for military services, to which you once fondly hoped to retire in safety, to pass the remnant of your lives in happiness. But you have deceived yourselves; you are still doomed to a life of toil and danger; your little property, the fruits of many years' labor, must be left exposed to savage depredations; your arms must defend the frontiers, and the blood of your wives and children appease the savage propensities of your Indian neighbors, who must be left in their present unhappy state, a scourge to our frontiers, a reproach to the Government; but profitable to those *few* highly favored, because highly meritorious citizens, the Indian traders."

But I hope for better things; and, although we are left for another year powerless and unprotected from the malice and the galling insults of every renegade trader; although the agents of the Government are still subjected

to the derision and the open opposition of the traders, without any official power to compel those people to treat the institutions of the Government with a becoming respect; still I look forward, confidently, to the next Congress, for better regulations. Under that hope, I shall content myself as well as I can to serve out another year; still using personal influence instead of that which ought to belong, but does not, to my official station, to support the character of Government, and cause its policy to be respected among the Indians. I will conclude these remarks, sir, with this assurance, that, *under present circumstances*, the United States trading-houses in this quarter are very little better than useless to the Government as respects any political influence they have over the Indians, (though they are certainly great conveniences, and some protection to those people;) and, in my opinion, had better be abolished, unless they are regenerated, better protected, and continued in operation for a longer term, instead of from year to year, as heretofore.

Very respectfully, sir, &c.

G. C. SIBLEY.

THOMAS L. MCKENNEY, Esq., *Superintendent of Indian Trade.*

No. 16.

Extract of a letter from George C. Sibley, United States Factor at Fort Osage, to the Superintendent of Indian Trade, dated

MAY 16, 1820.

About half of the Little Osages were here a few days ago; they brought little or nothing to trade. They came to ask for their annuity for 1820, which I, of course, refused to pay them, having received no order to do so, it not being yet due, and the tribe not being fairly represented.

They had been sent by the traders, in order to excite a spirit of hostility against the Government, knowing full well that their application must fail. They affected to be very angry; left me hastily; declared the treaty between them and the United States at an end, and said they never would come here again. I made no attempt to stay them, knowing that they were merely playing the fool, and that it was better to let them discover their folly themselves.

But if those peddlers are not kept from among the Indians, they will, most inevitably, all be totally ruined; cruel wars will be excited; our frontiers will again bleed; and the wretched Indians crushed. Mark me, sir; these things are near at hand.

No. 17.

Extract of a letter from George C. Sibley, United States Factor at Fort Osage, to the Superintendent of Indian Trade, dated

FEBRUARY 3, 1818.

A prejudice has already gone forth among the Indians that the Americans cannot make goods of a good quality. They believe that all the blankets, cloths, &c. of *common quality*, are of American manufacture, and that the *British* only make the *best kinds*. The traders tell them that there are none but *American goods* for sale at the factory, and that, although they are sold at low prices, they are, nevertheless, *very dear*, considering the quality; but that their goods are of the *real British kind*—a little dearer, to be sure, but also a great deal better and handsomer. This is an argument that operates most powerfully against the factories, and not a little, I assure you, in favor of British politics. This present season I have had the good fortune to check, in some degree, this prejudice, as it relates to this trading-house. My goods are of better quality than I have generally been supplied with, and, although inferior to the British northwest goods, will still bear some comparison with them, and have given rise to an opinion among the Indians that the Americans are improving in the important art of making blankets and cloth; which opinion I desire to strengthen and confirm by means of the excellence of next year's supplies.

No. 18.

The Superintendent of Indian Trade to Matthew Irwin, United States Factor at Green Bay.

SIR:

OFFICE OF INDIAN TRADE, May 28, 1817.

Your letters of the 10th of March are before me: one covering an inventory of goods, furs, and cash on hand, and debts due the factory; the other, two sets of salary and subsistence accounts for the last quarter of 1816; also, your letter of advice to Zadock Walker, Esq., which I have transmitted by this day's mail.

You have not stated what goods were exchanged or sold for the debts, and furs, and cash; no outgoings being specified, except the goods sold Colonel Chambers, in whose bill there is an error of eight dollars; thirty yards of blue cloth, at four dollars, being entered \$112 instead of \$120.

When you furnish goods to an Indian agent for the use of the Indians, it would be proper to take a draft for the amount, and remit it to this office. Two hundred and eighty-nine dollars and forty-four cents appear to have been furnished the Indian agent, and no draft accompanied your invoice.

You state that 200 barrels of salt, a quantity of iron, brushes, turpentine, &c. were purchased by Major Woolley, at Pittsburg, and there is no invoice of them. There has been no account rendered of a purchase of iron. Invoices of the other articles are enclosed. I must beg the favor of you to adhere, in all respects, to the forms required by this office, and which, if you have never had them, shall be sent you. Errors, no matter how small, cause delays and give trouble. I must request your particular attention to the subject of your quarterly accounts, not only to render them punctually, but also to have them faultless and errorless; as far so, at least, as practicable.

I should like to hear of your prospects for trade; whether the factory promises to increase in its operations. I am averse to a credit business, except so far as your letter of instructions warrants. I mention this to guard you. Great caution is required. Quick returns are all-essential to a vigorous prosecution of the trade, and I look for them from each establishment. If factories are not well supported, it is evidence the Indians do not require them; and, it being a plan for *their* benefit, when they cease to require them it becomes a duty to send the means of administering comforts amongst other tribes who need help. I hope you will do well at Green Bay. I feel the force of your remarks on British traders, and hope they will soon be expelled. I am aware of their pertinacious adherence to a system, which nothing but exertions active and constant on your part can check; and if they cannot be controlled, their influence can be lessened. Are there no means to detect those who sell whiskey? If so, why not make examples of a few of them?

Such of the British traders as you recognise as having been hostile to us during the war, report to the agent, and transmit me copies of your remonstrance, which I will take care, in case he should omit or forget to act, to hand in to the War Department. Specify in your statement that the agent receives fifty dollars for issuing a license, and I will report upon it.

There is much risk in crediting goods to be carried amongst the Indians; the plan is a good one, if the risk were less. I have no objection to authorize you to send small parcels out to serve the Indians, never to amount to more than \$2,000, and this sum to be in sundry hands; not to repeat an advance to any one till the previous one is fully adjusted. But issue none except on security.

[17th CONGRESS.]

No. 188.

[1st SESSION.]

NAMES AND PAY OF ALL THE PERSONS EMPLOYED IN THE INDIAN DEPARTMENT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 12, 1822.

SIR:

DEPARTMENT OF WAR, April 11, 1822.

Pursuant to a resolution of the House of Representatives, directing the Secretary of War to communicate to that House "the number of persons employed in the Indian Department as superintendents, factors, agents, sub-agents, interpreters, missionaries, teachers, mechanics, agriculturists, explorers, surveyors, messengers or expresses, with their names; what number of said persons hold appointments directly from the Government; what number from Governors of Territories, superintendents, and agents, with the pay and emoluments of each; also, the amount of moneys put into the hands of each Governor, superintendent, and agent, since the 1st of January, 1820, to defray the expenses of that department, and how it has been applied;" I have the honor to transmit, herewith, reports of the Second Auditor and of the Superintendent of Indian Trade.

In relation to the salaries of blacksmiths, it is proper to remark, that, although, in many instances, they appear to be high, yet it has been found impracticable to reduce them. I enclose a correspondence with General Mitchell, in relation to the smith and striker employed by him at the Creek agency, whose salary is higher than at any other place, which states his reasons for believing it could not be reduced. It is also proper to remark, that the sum of \$10,000, appropriated for the civilization of the Indians, has been applied, by subscriptions, to such establishments as have been formed by benevolent societies or individuals for the purpose of their instruction; and in no instance have teachers or agriculturists been employed by this Department. For the details of the mode of the application of this sum, I would respectfully refer the House to the report of this Department to the President of the United States, communicated by him to Congress this session. [See No. 182.]

I have the honor to be your obedient servant,

J. C. CALHOUN.

HON. PHILIP P. BARBOUR, *Speaker of the House of Representatives.*

SIR:

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE, April 8, 1822.

In compliance with the resolution of the House of Representatives of the 9th of January last, directing "the Secretary of War to communicate to that House the number of persons employed in the Indian Department as superintendents, factors, agents, sub-agents, interpreters, missionaries, teachers, mechanics, agriculturists, explorers, surveyors, messengers or expresses, with their names; what number of said persons hold appointments directly from the Government; what number from Governors of Territories, superintendents, and agents, with the pay and emoluments of each; also, the amount of moneys put in the hands of each Governor, superintendent, and agent, since the 1st of January, 1820, to defray the expenses of that department, and how it has been applied;" I have the honor to transmit, herewith, three statements, marked A, B, C, containing the information required, as far as relates to the records of this office.

I have the honor to be, most respectfully, your obedient servant,

WILLIAM LEE.

The Hon. SECRETARY OF WAR.

A.

Statement showing the number of Superintendents, Agents, Sub-Agents, Interpreters, and Blacksmiths, employed in the Indian Department, with their names, by whom appointed, and their respective compensations.

No.	Names, and where employed.	By whom appointed.	Compensation per annum.
SUPERINTENDENTS.			
1	Lewis Cass, Governor of Michigan Territory,	The Governors of Territories are, by law, <i>ex officio</i> superintendents of Indian affairs, and are allowed a compensation for clerk hire, office rent, fuel, &c. \$1,500 per ann.	\$4,500 00
*2	William Clark, Governor of Missouri, late Territory,		
3	James Miller, Governor of Arkansas Territory,		

* Governor Clark continued to act as superintendent of Indian affairs until the 30th June, 1821, to which time he was allowed to settle his accounts, and after which his superintendency ceased.

STATEMENT A—Continued.

No.	Names, and where employed.	By whom appointed.	Compensation per annum.
INDIAN AGENTS.			
1	Return J. Meigs, Cherokee nation, Tennessee,	- - - -	\$1,300 00
2	Richard Graham, Osage nation, &c.,	- - - -	1,300 00
3	Nicholas Boilvin, Prairie du Chien,	- - - -	1,200 00
4	Alexander Wolcott, jun., Chicago,	- - - -	1,300 00
*5	William Prince, Vincennes,	- - - -	1,200 00
6	John Johnston, Piqua,	- - - -	1,200 00
7	Thomas Forsyth, Fort Armstrong,	- - - -	1,200 00
8	George Boyd, Michilimackinac,	- - - -	1,400 00
9	Benjamin O'Fallon, Council Bluffs,	- - - -	1,800 00
10	Lawrence Taliaferro, St. Peter's,	- - - -	1,300 00
11	R. C. Nicholas, Chickasaw nation,	- - - -	1,300 00
12	George Gray, Sulphur Forks, Red river,	- - - -	1,200 00
13	David Brearly, Cherokee nation, Arkansas,	- - - -	1,500 00
14	John Hayes, Fort Wayne,	- - - -	1,200 00
15	John Crowell, Creek nation,	- - - -	1,800 00
16	William Ward, Choctaw nation,	- - - -	1,800 00
17	John Biddle, Green Bay,	- - - -	1,500 00
			\$23,500 00
SUB-AGENTS.			
a1	Jasper Parrish, Six Nations, New York,	Department of War,	\$500 00
2	J. G. Williams, Cherokee nation, Tennessee,	The Cherokee agent,	500 00
†3	B. Stephenson, Edwardsville, Illinois,	Department of War,	500 00
a4	John Kenzie, Chicago,	Sup. of Indian affairs, Michigan Territory,	500 00
5	Jas. Montgomery, Senecas, on Sandusky river,	Sup. of Indian affairs, Michigan Territory,	469 30
a6	John Dougherty, Council Bluffs,	Department of War,	500 00
7	James McPherson, Senecas and Shawanees of Lewistown.	Gen. Harrison, while Governor of Indiana Territory,	469 30
8	R. Malbone, Chickasaw agency,	The Chickasaw agent,	500 00
9	N. Phillbrook, Osages, in Arkansas Territory,	Department of War,	500 00
10	Jacob Miller, Quapaws,	Department of War,	500 00
11	B. F. Stickney, Ottawas, upon the Miami,	Department of War,	500 00
12	H. Crowell, Creek nation,	The Creek agent,	500 00
13	Robert Bell, Choctaw nation,	The Choctaw agent,	400 00
a14	Whitmore Knaggs, Ottawas and Chippewas, Michigan Territory,	Department of War,	500 00
15	Pierre Menard, Kaskaskias,	Department of War,	500 00
a16	Gab. Godfroy, Pattawatamies, Michigan Territory.	Superintendent of Indian affairs, Michigan Territory,	500 00
a17	John Ruland, St. Louis,	Department of War,	500 00
18	P. L. Chouteau, Osage towns, in Missouri,	Superintendent of Indian affairs, Mo. T.	500 00
†19	G. C. Sibley, Fort Osage,	Department of War,	500 00
a20	R. A. Forsyth, at Detroit,	Department of War,	500 00
21	John Shaw, Wyandots, Upper Sandusky,	Department of War,	500 00
22	James Latham, Peoria,	Department of War,	500 00
23	George Goding, St. Peter's,	Department of War,	500 00
24	Benjamin Kercheval, Fort Wayne,	Department of War,	500 00
25	Peter Pelham, Florida,	Department of War,	500 00
All marked thus, (a) perform the duties of interpreters as well as sub-agent, and receive, in addition to their pay as sub-agent, the salary usually allowed to an interpreter, which renders it unnecessary to employ a separate person as interpreter at those stations. From which deduct the two sub-agents discontinued, leaves			\$12,338 60
			1,800 00
			\$14,138 60
INTERPRETERS.			
1	J. R. Walker, Wyandots, Michigan Territory,	NOTE.—The interpreters are all appointed by the superintendents and agents for Indian affairs, with the approbation of the Department of War, with the exception of the two in the Creek nation, Georgia, who are appointed by the Department of War. In order to give the superintendents and agents a proper control over their respective interpreters, it was deemed necessary that the latter should receive their appointments from the former.	\$365 00
2	Francis Harson, Chippewas, Michigan Territory,		365 00
3	Louis Beaufait, Chippewas, Michigan Territory,		365 00
4	John Riley, Ottawas, Michigan Territory,		365 00
5	Ths. Duchoquet, Shawanees, Wapaghkonetta, Ohio,		469 30
6	Wm. Walker, Wyandots, Upper Sandusky, Ohio,		469 30
7	T. Honoré, (of several languages,) St. Louis,		500 00
8	Paul Loise, Osages, and other Indians, in Missouri,		400 00
9	P. Fournier, Osages, in Missouri,		180 00
§10	— Lovett, Creek nation, Georgia,		400 00
§11	— Hawkins, Creek nation, Georgia,		400 00
12	John Spear, Cherokee nation, Tennessee,		400 00
13	John Miller, Cherokee nation, Tennessee,		400 00
14	M. Mackey, Choctaw nation,		400 00
15	John Pitchlynn, (principal,) Choctaw nation,		500 00
16	Gasper Philibert, Red River agency,		420 00

* William Prince resigned his appointment on the 30th June, 1821, and the agency, in consequence of the emigration of the Indians from Indiana, was thereafter discontinued.

† Discontinued by order of the Secretary of War of the 2d of April, 1821.

‡ Discontinued by order of the Department of War of the 12th of July, 1821.

NOTE.—Sub-agents are authorized, and their salaries fixed, by law, at \$500 per annum. The appointments made by the superintendents or agents for Indian affairs have been approved by the Department of War.

§ The four interpreters at the Creek agency are provided for by the treaty with the Creek nation, and stated to be necessary by the agent.

STATEMENT A—Continued.

No.	Names, and where employed.	By whom appointed.	Compensation per annum.
INTERPRETERS.			
17	Horatio Jones, Six Nations, New York,	- - - - -	\$400 00
18	— Richards, Indians in Florida,	- - - - -	365 00
	Besides the above, there are interpreters employed for the following agencies and Indians, whose names are not mentioned in the estimates of the superintendents and agents of Indian affairs, from which this statement is made out, viz:		
19	Chickasaw agency,	- - - - -	400 00
20	Cherokee agency, Arkansas Territory,	- - - - -	400 00
21	Quapaws, Arkansas Territory,	- - - - -	400 00
22	Osages, Arkansas Territory,	- - - - -	400 00
23	Arkansas village, for the superintendent,	- - - - -	400 00
*24	Creeks, Creek agency, Georgia,	- - - - -	200 00
*25	Uchees, Creek agency, Georgia,	- - - - -	200 00
26	St. Peter's agency,	- - - - -	365 00
27	Prairie du Chien agency,	- - - - -	365 00
28	Fort Armstrong agency,	- - - - -	365 00
29	Delawares, Missouri,	- - - - -	400 00
30	Kickapoos, Missouri,	- - - - -	400 00
31	Green Bay agency,	- - - - -	500 00
32	Mackinac agency,	- - - - -	365 00
33	Fort Wayne agency,	- - - - -	584 00
34	Mandan villages, attached to the agency at Council Bluffs,	- - - - -	365 00
			\$13,192 60
BLACKSMITHS.			
1	W. Swain, and an assistant, (Choctaw Indian,)	- - - - -	\$780 00
2	J. Walker, and an assistant, (Choctaw Indian,)	- - - - -	780 00
3	R. Brodrick, Piqua, Ohio,	- - - - -	470 00
4	John Lewis, Sandusky,	- - - - -	470 00
5	Samuel Johnson, and assistant, Chicago,	- - - - -	540 00
6	Jacob Irvin, Natchitoches,	- - - - -	800 00
7	Richard Whitehouse, Fort Wayne,	- - - - -	684 00
8	John Campbell, and assist., Michilimackinac,	- - - - -	671 00
9	James Perry, and assistant, Chickasaws,	- - - - -	504 00
10	Philip Creamer, and assistant, St. Louis, in Richard Graham's agency,	- - - - -	780 00
	The above are the blacksmiths in the public employment that can be ascertained from the estimates of the superintendents and agents, which have been sent into the Department of War; but there appears to be one blacksmith or gunsmith employed at each agency, and for each of the tribes of Indians below mentioned, at the salary annexed, to wit:		
11	Saginaw, for the Chippewas,	- - - - -	500 00
12	Creek agency, striker,	- - - - -	1,000 00
13	Cherokee agency, striker,	- - - - -	828 42
14	Red River agency, striker,	- - - - -	800 00
15	Prairie du Chien agency,	- - - - -	365 00
16	Osages, Missouri,	- - - - -	550 00
17	Green Bay agency, striker,	- - - - -	701 00
18	Delawares, Missouri,	- - - - -	550 00
19	Cherokees, Arkansas,	- - - - -	365 00
20	Quapaws, Arkansas,	- - - - -	200 00
21	Osages, Arkansas,	- - - - -	200 00
			\$12,538 42

Blacksmiths are employed, with the approbation of the Department of War, by the superintendents or agents for Indian affairs, in pursuance of stipulations contained in Indian treaties, or at the special request of the Indians, upon the best terms that can be obtained. The wages have, in several instances, been reduced during the last year, and also the number of persons employed, where it could be done with propriety. Besides the interpreters and blacksmiths mentioned in the preceding statement, who may be considered as regularly employed, there are others, particularly interpreters, temporarily employed in the Indian Department, in cases of emergency, or at Indian treaties, where no regular interpreter is at hand.

RECAPITULATION.

Allowance for clerk hire, office rent, &c.,	- - - - -	\$4,500 00
Pay of Indian agents,	- - - - -	23,500 00
Pay of Indian sub-agents,	- - - - -	14,138 60
Pay of interpreters,	- - - - -	13,192 60
Pay of blacksmiths,	- - - - -	12,538 42
		\$67,869 62

SECOND AUDITOR'S OFFICE, April 8, 1822.

WILLIAM LEE.

* The four interpreters at the Creek agency are provided for by the treaty with the Creek nation, and stated to be necessary by the agent.

B.

Statement showing the amount of the moneys put into the hands of each Governor, Superintendent, and Agent since the 1st of January, 1820, to defray the expenses of the Indian Department, and how it has been disposed of.

ADVANCES—TO WHOM, AND FOR WHAT ACCOUNT.

Year.	Names.	Indian department: for compensation and pay of superintend'ts, agents, sub-agents, interpreters, and blacksmiths; building and repairing mills, agency houses, and blacksmiths' shops; provisions, and presents, and medical attendance for Indians; tools, iron, steel, and fuel, for smiths; transportation of annuities; and other contingent expenses of the agencies.	Annunities per act of 6th May, 1796.	Annunities per act of 25th February, 1799.	Annunities per act of 21st April, 1806.	Annunities per act of 3d March, 1805.	Annunities per act of 3d March, 1807.	Annunities per act of 19th February, 1808.	Annunities per act of 1st May, 1810.	Annunities per act of 3d March, 1811.	Annunities per act of 3d March, 1817.
1820	Lewis Cass, Governor of Michigan T.	41,445 41	3,000	-	-	-	-	2,000	500	-	-
1821	Do.	12,410 00	3,000	-	-	-	-	2,000	500	-	1,000
1820	Wm. Clark, Governor of Missouri T.	36,473 00	-	-	-	-	-	-	-	-	-
1821	Do.	18,476 00	500	-	-	-	300	-	-	1,500	-
1820	Jas. Miller, Governor of Arkansas T.	7,185 01	-	-	-	-	-	-	-	-	-
1821	Do.	2,825 00	-	-	-	-	-	-	-	-	5,000
1820	Jos. McMinn, Governor of Tennessee,	1,129 00	-	-	-	-	-	-	-	-	-
1820	Thos. L. McKenney, sup't Indian trade,	551 15	1,500	2,200 00	-	1,000	-	2,500	-	1,500	7,000
1821	Do.	-	-	-	-	-	-	-	-	-	-
1820	Return J. Meigs, agt.	17,530 98	-	4,000 00	2,000	-	-	-	-	-	4,000
1821	Do.	4,160 00	-	6,000 00	3,000	-	-	-	-	-	1,000
1820	Dav. B. Mitchell, do.	13,800 00	-	4,500 00	11,000	-	-	-	-	-	-
1821	John Crowell, do.	3,000 00	-	1,500 00	11,000	-	-	-	-	-	-
1820	John McKee, do.	16,875 59	-	-	-	-	-	1,100	-	-	-
1821	Do.	2,900 00	-	-	-	-	-	-	-	-	-
1820	John Johnston, do.	495 60	3,000	-	825	-	-	400	500	-	-
1821	Do.	1,605 33	2,000	-	825	-	-	400	500	-	-
1821	William Ward, do.	4,052 00	-	-	-	-	-	3,300	-	-	6,000
1820	Richard Graham, do.	4,043 67	-	-	-	-	300	-	-	-	1,000
1821	Do.	2,000 00	-	-	-	-	-	-	-	-	-
1820	William Prince, do.	2,250 00	500	-	250	-	-	-	900	-	-
1821	Do.	3,038 03	-	-	-	-	-	-	-	-	-
1820	R. C. Nicholas, do.	3,120 00	-	3,000 00	-	-	-	-	-	-	12,100
1821	Do.	2,425 05	-	3,000 00	-	-	-	-	-	-	12,100
1820	Alex. Wolcott, jr. do.	-	-	-	-	-	-	-	-	-	-
1821	Do.	-	-	-	-	-	-	-	-	-	-
1820	George Boyd, do.	110 00	-	-	-	-	-	-	-	-	-
1821	Do.	-	-	-	-	-	-	-	-	-	-
1820	George Gray, do.	3,000 00	-	-	-	-	-	-	-	-	-
1821	Do.	4,850 59	-	-	-	-	-	-	-	-	-
1820	John Hayes, do.	1,661 77	1,500	-	850	-	-	-	1,050	-	-
1821	Do.	197 33	1,500	-	850	-	-	-	1,050	-	-
1820	Reuben Lewis, do.	1,080 05	-	555 75	-	-	-	-	-	-	-
1820	Wm. Turner, do.	2,997 03	-	-	-	-	-	-	-	-	-
1821	Thos. Forsyth, do.	417 00	-	-	-	-	-	-	-	-	-
1820	David Brearly, do.	750 00	-	2,000 00	1,000	-	-	-	-	-	2,000
1820	Law. Taliaferro, do.	400 00	-	-	-	-	-	-	-	-	-
1821	Do.	959 00	-	-	-	-	-	-	-	-	-
1821	John Biddle, do.	-	-	-	-	-	-	-	-	-	-
1820	John Boyer, do.	610 00	-	-	-	-	-	-	-	-	-
1821	B. O'Fallon, do.	4,437 50	-	-	-	-	-	-	-	-	-
1820	Nich. Boilvin, do.	4,044 69	-	-	-	-	-	-	-	-	-
1821	Do.	3,033 80	-	-	-	-	-	-	-	-	-
	Dollars,	230,339 58	16,500	26,755 75	31,600	1,000	600	11,700	5,000	3,000	51,200

STATEMENT B—Continued.

ADVANCES—TO WHOM, AND FOR WHAT ACCOUNT.

Year.	Names.	Annuities per act of 3d March, 1819.	Annuities per act of 15th May, 1820.	Annuities per act of 3d March, 1821.	Extinguishment of the Indian titles to lands in the Michigan Territory.	Carrying into effect Indian treaties, per act of 3d March, 1819.	Civilization of Indians, per act of 3d March, 1819.	Carrying into effect Creek treaty, per act of 3d March, 1821.	Carrying into effect Cherokee treaty, per act of 20th April, 1819.	Moneys received from disbursing agents.	Carrying into effect Choctaw treaty, per act of 3d March, 1821.
1820	Lewis Cass, Governor of Michigan T.	7,300	3,000	-	-	-	-	-	-	-	-
1821	Do.	7,300	1,000	-	20,000	-	-	-	-	-	-
1820	Wm. Clark, Governor of Missouri T.	-	-	-	-	4,500 00	-	-	-	-	-
1821	Do.	2,750	2,000	-	-	-	-	-	-	-	-
1820	Jas. Miller, Governor of Arkansas T.	-	-	-	-	-	-	-	-	-	-
1821	Do.	-	-	-	-	-	-	-	-	-	-
1820	Jos. McMinn, Governor of Tennessee,	-	-	-	-	-	-	7,753 50	-	-	-
1820	Thos. L. McKenney, sup't Indian trade,	1,300	-	-	-	-	-	-	-	-	-
1821	Do.	-	-	-	-	-	-	-	-	-	9,503 18
1820	Return J. Meigs, ag't.	-	-	-	-	-	1,750 00	-	-	-	-
1821	Do.	-	-	-	-	-	4,216 66	-	-	-	-
1820	Dav. B. Mitchell, do.	10,000	-	-	-	-	-	-	-	-	-
1821	John Crowell, do.	13,000	-	-	-	-	-	40,000	-	-	-
1820	John McKee, do.	-	-	-	-	-	500 00	-	-	-	-
1821	Do.	-	-	-	-	-	-	-	-	-	-
1820	John Johnston, do.	12,500	-	-	-	9,412 54	-	-	-	10,338 36	-
1821	Do.	7,750	-	-	-	-	-	-	-	4,429 75	-
1821	William Ward, do.	-	-	150	-	-	830 90	-	-	-	300 00
1820	Richard Graham, do.	-	-	-	-	-	-	-	-	-	-
1821	Do.	-	-	-	-	-	-	-	-	2,000 00	-
1820	William Prince, do.	1,850	2,000	-	-	-	-	-	-	-	-
1821	Do.	-	-	-	-	-	-	-	1,440 03	-	-
1820	R. C. Nicholas, do.	20,000	-	-	-	-	-	-	-	-	-
1821	Do.	20,000	-	-	-	-	500 00	-	-	-	-
1820	Alx. Wolcott, jr. do.	-	-	-	-	-	-	-	-	4,258 59	-
1821	Do.	-	-	-	-	-	-	-	-	2,266 94	-
1820	George Boyd, do.	-	-	-	-	-	-	-	-	5,498 37	-
1821	Do.	-	-	-	-	-	-	-	-	1,009 15	-
1820	George Gray, do.	-	-	-	-	-	-	-	-	-	-
1821	Do.	-	-	-	-	-	-	-	-	-	-
1820	John Hayes, do.	14,721	-	-	-	-	417 00	-	-	4,303 60	-
1821	Do.	15,279	-	-	-	-	-	-	-	2,990 19	-
1820	Reuben Lewis, do.	-	-	-	-	-	-	-	-	2,721 03	-
1820	Wm. Turner, do.	-	-	-	-	-	-	-	-	2,139 34	-
1821	Thos. Forsyth, do.	-	-	-	-	-	-	-	-	-	-
1820	David Brearly, do.	-	-	-	-	-	-	-	-	-	-
1820	Law. Taliaferro, do.	-	-	-	-	-	-	-	-	3,038 74	-
1821	Do.	-	-	-	-	-	-	-	-	1,863 18	-
1821	John Biddle, do.	-	-	-	-	-	-	-	-	1,900 00	-
1820	John Boyer, do.	-	-	-	-	-	-	-	-	3,700 00	-
1821	B. O'Fallon, do.	-	-	-	-	-	-	-	-	-	-
1820	Nich. Boilvin, do.	-	-	-	-	-	-	-	-	-	-
1821	Do.	-	-	-	-	1,000 00	-	-	-	-	-
	Dollars,	133,750	8,000	150	20,000	14,412 54	8,214 56	40,000	9,193 53	52,457 24	9,802 18

C.

DISBURSEMENTS—BY WHOM, AND FOR WHAT ACCOUNT.

Year.	Names.	Indian department: for compensation and pay of superintendents, agents, sub-agents, interpreters, and blacksmiths; building and repairing mills and agency-houses, and blacksmiths' shops; provisions, and presents, and medical aid for Indians; tools, iron, steel, and fuel, for smiths; transportation of annuities, and other contingent expenses of the agencies.	Annuities per act 6th May, 1796.	Annuities per act 25th February, 1799.	Annuities per act 21st April, 1806.	Annuities per act 3d March, 1805.	Annuities per act 3d March, 1807.	Annuities per act 19th February, 1808.	Annuities per act 1st May, 1810.	Annuities per act 3d March, 1811.
1820	Lewis Cass, Gov'r.	26,878 75	3,000	-	-	-	-	2,000 00	500	-
1821	Do.	4,025 66	3,000	-	-	-	-	2,000 00	500	-
1820	Wm. Clark, Gov'r.	30,664 63	1,000	-	-	-	-	-	-	-
1821	Do.	17,803 86	500	-	-	-	300	-	-	1,500
1820	Jas. Miller, Gov'r.	1,540 76	-	-	-	-	-	-	-	-
1821	Do.	5,298 75	-	-	-	-	-	-	-	-
1820	J. McMinn, Gov'r.	-	-	-	-	-	-	-	-	-
1821	Do.	1,129 00	-	-	-	-	-	-	-	-
1820	Tho. L. McKenney, superintendent.	551 15	1,500	2,200 00	-	1,000	-	2,500 00	-	1,500
1821	Do.	-	-	-	-	-	-	-	-	-
1820	Return J. Meigs, agt.	11,696 97	-	-	-	-	-	-	-	-
1821	Do.	8,333 74	-	10,000 00	5,000	-	-	-	-	-
1820	D. B. Mitchell, agt.	6,353 50	-	1,500 00	11,000	-	-	-	-	-
1821	Do.	5,431 15	-	1,500 00	11,000	-	-	-	-	-
1821	John Crowell, agt.	4,263 50	-	1,500 00	11,000	-	-	-	-	-
1820	John McKee, agent.	10,258 09	-	-	-	-	-	1,097 33	-	-
1821	Do.	3,323 10	-	-	-	-	-	-	-	-
1820	John Johnston, agt.	3,939 07	3,000	-	1,000	-	-	400 00	500	-
1821	Do.	7,404 97	1,000	-	1,000	-	-	400 00	500	-
1821	William Ward, agt.	2,664 12	-	-	-	-	-	3,300 00	-	-
1820	Rich'd Graham, agt.	3,111 26	-	-	-	-	300	-	-	-
1821	Do.	9,534 45	-	-	-	-	-	-	-	-
1820	Wm. Prince, agent.	3,923 74	500	-	250	-	-	-	400	-
1821	Do.	1,181 87	500	-	250	-	-	-	400	-
1820	R. C. Nicholas, agt.	1,470 33	-	3,000 00	-	-	-	-	-	-
1821	Do.	5,677 31	-	3,000 00	-	-	-	-	-	-
1820	Alexander Wolcott, jr., agent.	4,347 84	-	-	-	-	-	-	-	-
1821	Do.	2,266 94	-	-	-	-	-	-	-	-
1820	George Boyd, agent.	3,641 42	-	-	-	-	-	-	-	-
1821	Do.	4,494 43	-	-	-	-	-	-	-	-
1820	George Gray, agent.	2,887 55	-	-	-	-	-	-	-	-
1821	Do.	2,053 38	-	-	-	-	-	-	-	-
1820	John Hayes, agent.	5,838 40	1,500	-	850	-	-	1,050 00	-	-
1821	Do.	3,284 50	1,500	-	850	-	-	1,050 00	-	-
1820	Reuben Lewis, agt.	371 75	-	555 75	-	-	-	-	-	-
1820	Wm. Turner, agt.	2,789 99	-	-	-	-	-	-	-	-
1821	Thos. Forsyth, agt.	909 00	-	-	-	-	-	-	-	-
1821	David Brearly, agt.	2,893 75	-	2,000 00	1,000	-	-	-	-	-
1820	La. Taliaferro, agt.	1,437 02	-	-	-	-	-	-	-	-
1821	Do.	4,118 89	-	-	-	-	-	-	-	-
1821	John Biddle, agent.	1,272 46	-	-	-	-	-	-	-	-
1820	Nicholas Boilvin, agt.	2,537 35	-	-	-	-	-	-	-	-
1821	Do.	174 50	-	-	-	-	-	-	-	-
1821	B. O'Fallon, agent.	4,068 45	-	-	-	-	-	-	-	-
	Dollars,	225,646 35	17,000	25,255 75	43,200	1,000	600	13,797 33	2,800	3,000

STATEMENT C—Continued.

DISBURSEMENTS—BY WHOM, AND FOR WHAT ACCOUNT.

Year.	Names.	Annuities per act 3d March, 1817.	Annuities per act 3d March, 1819.	Annuities per act 15th May, 1820.	Extinguishment of Indian titles to lands in Michigan Territory.	Carrying into effect Indian treaties, per act 3d March, 1819.	Civilization of Indians, per act 3d March, 1819.	Carrying into effect Creek treaty, per act 3d March, 1821.	Carrying into effect Cherokee treaty, per act 20th April, 1818.	Advances made to disbursing agents.	Carrying into effect Choctaw treaty, per act 3d March, 1821.
1820	Lewis Cass, Gov'r.	1,000	7,300	-	605 50	-	-	-	-	-	-
1821	Do.	1,000	7,300	-	890 71	1,129 60	-	-	-	-	32,059 67
1820	Wm. Clark, Gov'r.	-	-	-	-	3,583 81	-	-	-	-	10,762 09
1821	Do.	-	2,750	2,000	-	6,221 20	-	-	-	-	3,038 74
1820	Jas. Miller, Gov'r.	-	-	-	-	-	-	-	-	-	3,863 18
1821	Do.	-	-	-	-	-	-	-	-	-	1,194 25
1820	J. McMinn, Gov'r.	-	-	-	-	-	-	-	7,753 50	-	-
1821	Do.	-	-	-	-	-	-	-	-	-	-
1820	Tho. L. McKenney, superintendent,	7,000	1,300	-	-	-	-	-	-	-	-
1821	Do.	-	-	-	-	-	-	-	-	-	9,502 18
1820	Return J. Meigs, agt.	-	-	-	-	-	1,794 61	-	-	-	-
1821	Do.	5,000	-	-	-	-	2,854 16	-	-	-	-
1820	D. B. Mitchell, agt.	-	13,000	-	-	-	-	-	-	-	-
1821	Do.	-	13,000	-	-	-	-	-	-	-	-
1821	John Crowell, agt.	-	13,000	-	-	-	-	40,000	-	-	-
1820	John McKee, agent,	-	-	-	-	-	250 00	-	-	-	-
1821	Do.	-	-	-	-	-	500 00	-	-	-	-
1820	John Johnston, agt.	-	12,500	-	-	9,412 54	-	-	-	-	-
1821	Do.	-	9,950	-	-	-	-	-	-	-	-
1821	Wm. Ward, agent,	2,000	-	-	-	-	500 00	-	-	-	2,529 00
1820	Rich'd Graham, agt.	1,000	-	-	-	-	-	-	-	1,539 31	-
1821	Do.	-	-	-	-	-	-	-	-	-	-
1820	Wm. Prince, agent,	-	1,850	2,000	-	-	-	-	-	-	-
1821	Do.	-	1,850	-	-	-	-	-	1,440 03	-	-
1820	R. C. Nicholas, agt.	12,100	20,000	-	-	-	-	-	-	-	-
1821	Do.	12,100	20,000	-	-	-	-	-	-	-	-
1820	Alexander Wolcott, jr., agent,	-	-	-	-	-	-	-	-	-	-
1821	Do.	-	-	-	-	-	-	-	-	-	-
1820	George Boyd, agent,	-	-	-	-	-	-	-	-	-	-
1821	Do.	-	-	-	-	-	-	-	-	-	-
1820	George Gray, agent,	-	-	-	-	-	-	-	-	-	-
1821	Do.	-	-	-	-	-	-	-	-	-	-
1820	John Hayes, agent,	-	14,721	-	-	-	-	-	-	-	-
1821	Do.	-	15,279	-	-	-	-	-	-	-	-
1820	Reuben Lewis, agt.	-	-	-	-	-	-	-	-	-	-
1820	Wm. Turner, agt.	-	-	-	-	-	-	-	-	-	-
1821	Thos. Forsyth, agt.	-	-	-	-	-	-	-	-	-	-
1821	David Brearly, agt.	2,000	-	-	-	-	-	-	-	-	-
1820	La. Taliaferro, agt.	-	-	-	-	-	-	-	-	-	-
1821	Do.	-	-	-	-	-	-	-	-	-	-
1821	John Biddle, agent,	-	-	-	-	1,000 00	-	-	-	-	-
1820	Nicholas Boilvin, agt.	-	-	-	-	-	-	-	-	-	-
1821	Do.	-	-	-	-	-	-	-	-	-	-
1821	B. O'Fallon, agent,	-	-	-	-	-	-	-	-	-	-
	Dollars,	43,200	153,800	4,000	1,495 21	21,347 15	5,898 77	40,000	9,193 53	52,457 24	12,031 18

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE, April 8, 1822.

WILLIAM LEE, Auditor.

SIR:

CREEK AGENCY, *October 24, 1820.*

Enclosed, herewith, I have the honor to transmit an abstract of expenditure at this agency for the quarter ending on the 18th instant.

In your letter acknowledging the receipt of my abstract for the quarter ending the 18th July last, you intimate a desire that something might be deducted from the item for a "blacksmith and striker;" and, on a minute inquiry and estimate of the different items composing that charge, the result is unfavorable to any reduction. The following statement of particulars will the better enable you to decide on the propriety of this charge, viz:

Blacksmith, per quarter, -	-	-	-	-	\$100 00	
Board, washing, and lodging, \$12 per month, -	-	-	-	-	36 00	
						\$136 00
Striker, per quarter, -	-	-	-	-	62 50	
Board, washing, and lodging, \$10 per month, -	-	-	-	-	30 00	
						92 50
Shop and coal, per quarter, -	-	-	-	-	-	20 00
						<u>\$248 50</u>

The present smith is a young man from the north, and has intimated his intention of not continuing at his present wages; and I am very confident that, if he withdraws, I cannot hire a white man in Georgia for less, if I can for that. I have a smith and striker of my own, (two black men,) employed at my place in Georgia; but I could not take less for them than the estimate. If, however, you think the charge too high, you will please to alter it to any amount you may deem reasonable, and I will endeavor to procure the men for that sum; and, if I fail, will then report the facts as they may exist.

I am, &c.

D. B. MITCHELL, *Agent for Indian Affairs.*

The Hon. J. C. CALHOUN.

SIR:

OFFICE OF INDIAN TRADE, *January 19, 1822.*

In compliance with your request of the 16th instant, I have the honor to enclose a statement showing the number of persons employed in our Indian relations, as far as relates to the trade department, &c. The amount stated to be drawn from the Treasury (viz: \$20,050) overreaches the appropriation \$350, which, if not provided for by law, will be paid out of the trade fund, and will therefore reduce the demand upon the Treasury to \$19,700.

I have the honor to be, sir, with great respect, your obedient servant,

THOMAS L. MCKENNEY, *Superintendent of Indian Trade.*

To the Hon. SECRETARY OF WAR.

Statement showing the number of persons employed in our Indian relations, so far as relates to the trade department, showing the pay and emoluments of each.

Names of persons employed.	Occupations.	Where employed.	Pay per annum.	
			Drawn from the Treasury.	Drawn from the trade fund.
Thomas L. McKenney,*	Superin. Indian trade,	Georgetown, D. C.	\$2,000	
Jer. W. Bronaugh,	Principal clerk,	Georgetown, D. C.	1,150	
Samuel Blount,	Clerk,	Georgetown, D. C.	1,000	
M. Fitzhugh,	Clerk,	Georgetown, D. C.	800	
John W. Bronaugh,	Transport agent,	Georgetown, D. C.		\$400
William Miles,	Messenger,	Georgetown, D. C.		360
James Kennerly,	Transport agent,	St. Louis,		400
John W. Johnson,*	Factor,	Prairie du Chien,	1,300	
F. Barnard,	Clerk,	Prairie du Chien,	650	
John P. Gates,	Interpreter,	Prairie du Chien,		500
Robert B. Belt,*	Factor,	Fort Edwards,	1,300	
J. Connelly,*	Assistant factor,	Fort Edwards,	700	
George C. Sibley,*	Factor,	Fort Clark, Missouri,	1,300	
L. W. Boggs,*	Assistant factor,	Fort Clark, Missouri,	700	
Joseph Renoe,	Interpreter,	Fort Clark, Missouri,		480
Paul Ballio,*	Factor,	Osage branch factory,	1,300	
Matthew Irwin,*	Factor,	Green bay,	1,300	
Jacob B. Varnum,*	Factor,	Chicago,	1,300	
Matthew Lyon,*	Factor,	Arkansas river,	1,300	
Barak Owens,	Clerk,	Arkansas river,	650	
A colored woman,	Interpreter,	Arkansas river,		180
Wm. McClellan,*	Factor,	Red river,	1,300	
O'Riley Cotton,	Interpreter,	Red river,		240
John Hersey,*	Factor,	Choctaw trading-house,	1,300	
B. Everitt,*	Assistant factor,	Choctaw trading-house,	700	
J. C. Pitchlynn,	Interpreter,	Choctaw trading house,		500
			\$20,050	\$3,060

Those marked thus, (*) hold their appointments direct from the Government; the remainder, from the Superintendent of Indian Trade.

THOMAS L. MCKENNEY, *Superintendent Indian Trade.*

JANUARY 19, 1822.

17th CONGRESS.]

No. 189.

[2d Session.]

PROGRESS OF THE SOCIETY OF UNITED BROTHERS IN PROPAGATING THE GOSPEL
AMONG THE INDIANS.

COMMUNICATED TO THE SENATE, DECEMBER 10, 1822.

To the Senate of the United States:

WASHINGTON, December 9, 1822.

In compliance with a resolution of the Senate of the 22d February last, "requesting the President of the United States to cause to be collected, and communicated to the Senate at the commencement of the next session of Congress, the best information which he may be able to obtain relative to certain Christian Indians, and the lands intended for their benefit, on the Muskingum, in the State of Ohio, granted under an act of Congress of June 1, 1796, to the Society of United Brethren for propagating the Gospel among the Heathen; showing, as correctly as possible, the advance or decline of said Indians in numbers, morals, and intellectual endowments; whether the said lands have enured to their sole benefit; and, if not, to whom, in whole or in part, have such benefits accrued;" I transmit a report from the Secretary of War, with the accompanying documents.

JAMES MONROE.

The Secretary of War, to whom was referred a resolution of the Senate of the 22d February last, requesting the President of the United States "to cause to be collected, and communicated to the Senate at the commencement of the next session of Congress, the best information which he may be able to obtain relative to certain Christian Indians, and the lands intended for their benefit, on the Muskingum, in the State of Ohio, granted under an act of Congress of June 1, 1796, to the Society of United Brethren for propagating the Gospel among the Heathen; showing, as correctly as possible, the advance or decline of said Indians in numbers, morals, and intellectual endowments; whether the said lands have enured to their sole benefit; and, if not, to whom, in whole or in part, have such benefits accrued;" has the honor to lay before the President the accompanying documents, which have been prepared and transmitted to him, in compliance with a letter from this Department, of the 4th of March last, by the Rev. Lewis D. de Schweinitz, by order of the president and directors of the Society of United Brethren for propagating the Gospel among the Heathen. These documents, it is believed, contain all the information required by the resolution of the Senate through this Department.

All which is respectfully submitted.

J. C. CALHOUN.

To the PRESIDENT OF THE UNITED STATES.

BETHLEHEM, September, 1822.

The president and directors of the Society of United Brethren for propagating the Gospel among the Heathen, established at Bethlehem, Northampton county, Pennsylvania, beg leave most respectfully to represent:

That, in obedience to certain resolutions of the honorable the Senate of the United States, dated February 22, current year, transmitted to this society, under address of the president thereof, by the Secretary of the Senate, agreeably to the third resolution; and in due compliance with requisitions from the honorable Secretary of the War Department, directed severally to the Rev. John Heckewelder, and the Rev. Lewis D. de Schweinitz, both of them members of the board of directors of this society, the following statement of facts, concerning the subject-matter of the aforesaid resolutions of the honorable the Senate of the United States, together with the accompanying documents, is most respectfully submitted, with an humble request to lay the same before the President of the United States.

In order to meet the object of the second resolution of the honorable Senate aforesaid, requiring the best information relative to the Christian Indians formerly settled on the Muskingum, in the State of Ohio, and the lands intended for their benefit, in a certain grant referred to in the first resolution, which issued under an act of Congress dated June 1, 1796, conveying to the Society of United Brethren for propagating the Gospel among the Heathen three tracts of land, of four thousand acres each, to include the towns of Gnadenhutzen, Schoenbrunn, and Salem, on the Muskingum, in trust to said society, for the sole use of the Christian Indians formerly settled there, we beg leave, in the first place, to state, that the "summary of facts relating to the Indian missions of the United Brethren," drawn up by the Rev. John Heckewelder for the president and directors of this society, and herewith respectfully submitted, conveys a detailed view of the degree of success which, from the year 1742, to the year 1782, and since, had attended the endeavors of the United Brethren, not only to convert the Indian savages to Christianity, but likewise to introduce among the converts the arts and comforts of civilized life.

It, however, becomes proper to remark, in the outset, that this success of the United Brethren was, at all times, a limited one; and that they never attempted to convert or civilize whole nations. The inadequacy of their means, depending exclusively on the voluntary contributions of the members of their church, and such other friends as, without solicitation, thought proper to render them aid; and the tenor of their principles, which require a vital conversion from heathenism, not unto a professed belief in the Christian doctrine alone, but chiefly unto a practically moral Christian life and demeanor, at all times forbade extensive attempts, and necessarily confined their endeavors to planting and preserving one or more select communities of Christian Indians.

Hence, it is evident that they never pretended to such an extension of missions as some have been induced to represent, from overlooking the circumstance that the numerous stations of which their missionary histories make mention were not *contemporary* establishments, but *successive* abodes of one and the same community of persons.

It appears, from Mr. Heckewelder's statement, that a thriving establishment of Mohicans and Wampanoags was first formed under the auspices of the United Brethren, in the year 1742, about twenty-seven miles north of Bethlehem, in Pennsylvania; the various fates of which, augmented by an additional number of converts from the Delaware nation, are pointed out in the summary just cited, and at length in the printed histories of the United Brethren's Missions among the Indians, published by Loskiel and by John Heckewelder, to which we beg leave to refer.

Three times had this select community of Christian Indians, as will appear from the accounts just cited, successively attained an eminent degree of advancement in morals and mental endowments, as well as outward prosperity;

and three times, successively, viz: in the year 1755, at Gnadenhutten, on the Lehigh; in the year 1763, at Nain and Wequetank, near Bethlehem; and in the year 1772, at Wyalusing, on the Susquehannah, were their flourishing settlements *forcibly broken up*, and they constrained to leave all their improvements, to fly from their acquired comforts, and to recommence in the wilderness. Such repeated and fatal checks, it might well have been expected, could not but entirely extinguish, in the minds of Indians recently inspired with a taste for civilization, all further desire of improvement.

This, however, was not the case. Neither the missionaries active among them, nor the Christian Indians themselves, whose number continued gradually to increase, suffered themselves to be deterred from again erecting three very flourishing colonies; when, after having been forced to leave Wyalusing, they were at length, as they believed, *permanently settled* by the great council of the Delaware nation, in the year 1772, on the banks of the Muskingum, *and that land given to them and their successors forever*. Here it was that, in a short time, this community of Christian Indians attained a most hopeful degree of prosperity; the reality and degree of which, as described and attested by Mr. Heckewelder, was a matter of general notoriety at the time.

The number of Christian Indians belonging to the three establishments, at Gnadenhutten, Schoenbrunn, and Salem, on the Muskingum, when in their most flourishing condition, (which may be assumed as the most successful period of the labors of the United Brethren,) somewhat exceeded 400 souls, including women and children; it is, consequently, upon this number that the effects become observable of that almost unexampled succession of disasters which befel them, and which, following in the train of the revolutionary war, have in a measure not yet ceased, whereby a reduction of their number to less than one-half has been brought about, together with that manifest deterioration in their external and internal situation which we so deeply deplore.

Confiding in the solemn declaration of Congress, at the commencement of the war, "that all such Indians, whether nations, or communities forming parts of a nation, that would sit still and not take up the hatchet against the Americans, should have all the lands they held confirmed and secured to them after peace," the Christian Indians on Muskingum, whose convictions forbade their taking any share whatever in the contest, continued peaceably to pursue their agricultural occupations, (having almost entirely abandoned the chase,) and to improve in every respect.

This conduct of theirs greatly exasperated the hostile tribes, and more especially that part of the Delawares opposed to the United States; and was not much less displeasing to the British Government. Both the Christian Indians and their missionaries thus became objects of suspicion and harassing persecutions; until, after six years of difficulties and sufferings, which, however, only partially hindered their advancement, although they diminished their number, by inducing such as were not firmly rooted in their devotion to Christianity to fall off, the British and hostile Indians came upon them in August, 1781, and entirely broke up their flourishing settlements, by forcibly removing them and their missionaries to *Sandusky*, where they were nearly left to perish with hunger, having been obliged to leave their promising crops on Muskingum on the fields; and at length deprived them of their teachers, who, under pretence of being spies in the service of Congress, were carried prisoners to Detroit.

This, together with the horrid transaction on the Muskingum—whither want of provisions had induced about one-third of the Christian Indians to repair, in order to collect some from their fields in the spring of 1782, who were there surprised by a lawless band of Americans under the guise of friendship, and upwards of ninety of them murdered in cold blood—produced a total dispersion of the unhappy remnants, and would have put a final period to the mission of the United Brethren, had they not succeeded, by the permission of the British Government, which had acknowledged the innocence of the missionaries, in collecting a considerable number of their dispersed flock near Detroit, and establishing themselves, for a time, on the river Huron; whence, after peace had taken place, they emigrated to Cayuga, attempting to regain their former advantageous position. From this shock, however, the mission never fully recovered, and not a few never returned from their dispersion.

As soon as peace had been concluded, the agents of the Brethren's missions at Bethlehem, Pennsylvania, exerted themselves to secure to these unhappy remnants of the Christian Indians their undisputed title to the lands occupied by them on Muskingum, previous to their forcible removal by the British Indians; and accordingly prayed Congress, in a memorial signed 28th October, 1783, to reserve unto them the three towns and circumjacent land given them by the great council of the Delaware nation in 1772. This memorial was favorably reported upon in March, 1784, and, in consequence, in an ordinance of Congress passed 20th of May 1785, a clause was inserted, "that the said towns, and so much of the adjoining lands as, in the judgment of the geographer of the United States, may be sufficient for them, together with the buildings, &c., shall be reserved for the sole use of the Christian Indians formerly settled there."

In pursuance hereof, the agents for the Brethren's missions began to exert themselves to effect the return of the Christian Indians, or that remnant of them which their missionaries had been able to collect, to their favorite former seats on the Muskingum. The necessary permission of the British Government having been obtained, they were carried over Lake Erie to Cayuga, in April, 1786, as before related, where they were obliged to remain, both on account of a total want of provision for proceeding, and of renewed rumors of an approaching savage war.

On a representation of their distressed state, laid before Congress by Bishop Ettwein, through the instrumentality of Charles Thompson, Esq., Secretary of Congress, that honorable body passed a resolution, directing Lieutenant Colonel Harmar to furnish the Christian Indians at Fort McIntosh with five hundred bushels of Indian corn, one hundred blankets, and other necessaries. Unfortunately, this benevolence of Congress could not be carried into effect, notwithstanding the active friendship of the gentlemen concerned, as it proved impossible to bring on the Christian Indians far enough; the reports which reached them of the threats of the murderers of their friends intending to complete their destruction filling their minds with the utmost apprehension. It was believed that these threats were uttered in hopes of thereby preventing the return of the Christian Indians upon their land, and thus extinguishing the reservation thereof in the ordinance of May 20, 1785, as by this time these lands began to be an object of cupidity.

Representations of these impediments thrown into the way of the Christian Indians having again been submitted to Congress, together with an exposition of the nature of the fears operating upon these persecuted sufferers, that honorable body, *in order at once to cut off all hopes of the aforementioned unprincipled persons of ever acquiring the lands, even if they should succeed, by their threats, in preventing the return of the Christian Indians*, determined, by an ordinance dated 27th July, 1787, "that the property of ten thousand acres, adjoining to the former settlements of the Christian Indians, should be vested in the Moravian Brethren at Bethlehem, Pennsylvania, or a society of the said Brethren, for civilizing the Indians and promoting Christianity, in trust, and for the uses expressed in the ordinance of May 20, 1785, including Killbuck and his descendants, and the nephew and descendants of the late Captain White-eyes, Delaware chiefs, who have distinguished themselves as friends of the cause of America."

The summary of facts hereunto subjoined fully explains the manner in which the latter clause respecting Killbuck and White-eyes, and their families, came to be attached to the above ordinance; and it will be proper here to remark, that Killbuck, previous to the new settlement on the Muskingum, joined the community of the Christian

Indians; that the nephew of Captain White-eyes never appeared to claim any participation; that one of the sons of Captain White-eyes was killed before the ordinance was carried into effect; and that the family of Killbuck, and the widow of the other son of White-eyes, and her children, are, to the present moment, among those Christian Indians now living on the land.

Agreeably to the suggestion contained in the aforesaid ordinance of Congress, and with a particular view of thus facilitating a *legal tenure of the lands* intended for the Christian Indians, a society was formed at Bethlehem, by members of the United Brethren, by the title of "Society of the United Brethren for propagating the Gospel among the Heathen," which met for the first time September 21, 1787, and was afterwards duly incorporated by the State of Pennsylvania, by an act dated February 27, 1788, and, in like manner, subsequently, by the States of New Jersey, Ohio, and New York.

Bishop John Ettwein, who for many years successively was elected president of this society, together with Rev. John Heckewelder, who had resided for a long time as a missionary among the Christian Indians, immediately after the formation of the aforementioned society, applied to the Board of Treasury of the United States, as they had been advised, for further information concerning the survey of said lands, and the other necessary steps. In a conference of that honorable board with them, as appears from minutes thereof taken down by Bishop Ettwein, and by a relation of Mr. Heckewelder's, in a memorial herewith further submitted, concerning the origin of the Indian claim to the land, these gentlemen had an opportunity of fully explaining to the members of the honorable Board of Treasury the manner in which the society contemplated executing the trust to be conferred upon them; all which met the full approbation of the board. And it was agreed that, besides the six hundred and sixty-six and two-thirds acres allotted to the plat of each town, a quantity of ten thousand acres, making in the whole twelve thousand acres, should be surveyed for the society, under the ordinance of 27th July, 1787, and the manner of running the lines likewise determined upon.

It appears, by the correspondence between Bishop Ettwein and Mr. Hutchins, the geographer of the United States, that subsequently difficulties arose from another ordinance of Congress, relating to the army lands, as to the manner of survey agreed upon with the Board of Treasury. This occasioned the president and directors of the Society for propagating the Gospel among the Heathen to present a new memorial to Congress, praying "that the geographer be directed, without loss of time, to proceed to survey the three tracts as he shall find most convenient for the society; and that the said society may have the preference in purchasing the intermediate spaces between the tracts, they paying therefor at the same rate with other persons."

This memorial effected the ordinance of the United States in Congress assembled, dated September 3, 1788, herewith submitted, confirming the "former ordinances of May 20, 1785, and July 27, 1787, determining the quantity and manner of survey; accepting the offer of the society to advance the expenses of surveying the three tracts, *on condition that they be repaid either in money or land*; and granting the prayer of the memorial, by ordering the survey as speedily as possible, and the return of plats, that deeds may be issued for the same to the society; and authorizing the Board of Treasury to convey to the said society such intermediate spaces between the three tracts (not infringing prior contracts) as they may desire, upon their paying therefor at the usual rate."

All the attempts of this society to effect the actual survey of the lands thus solemnly confirmed to them, and the consequent resettlement thereof by the Christian Indians, were completely frustrated by the threatening prospect of a new Indian war, which, as appears from the correspondence and the statement of Mr. Heckewelder, (marked B,) heretofore referred to, (that gentleman being employed on the part of the society for the purpose,) totally prevented any surveys being made at that time.

Meanwhile, the hostile Indians, desirous of preventing the return of the Christian Indians to the Muskingum, made use of all manner of persuasions and threats to deter them from proceeding thither; filled their minds with new reports of the intention of the white settlers on the Ohio to murder them; and, finally, *forbade* their proceeding, absolutely, and forced them to retreat to the north side of Lake Erie, where they were glad to find protection from the British Government, and were furnished with land to settle upon.

The Society for propagating the Gospel among the Heathen, understanding that an apparent misapprehension of this untoward state of things had caused the honorable Secretary of State, under the new constitution of these United States, which had in the mean time taken place, in his report to the President of the United States, read in the House of Representatives November 10, 1791, to consider the reservation made for the Christian Indians by the ordinance aforesaid *avoided*, on account of their assumed emigration beyond the limits of the United States, proper representations of the real state of the case were immediately forwarded in writing to Hon. Thomas Jefferson, then Secretary of State, by Bishop Ettwein, accompanied by a distinct exposition of the views of the society of the manner in which they still hoped to render the grant of Congress available to the Christian Indians; and an humble petition was at the same time presented to Congress, setting forth the same case, and humbly praying for the confirmation of the ordinance of September 3, 1788, and the issue of the necessary warrants for surveying the lands as soon as practicable.

This petition was referred to the committee appointed to bring in a land office bill, consisting of Messrs. Boudinot, White, and Williamson. Bishop Ettwein appeared before this committee to give the required information, and presented a memorial explaining both the circumstances heretofore stated, and the views of the society of the manner in which they intended to render the land of use to the Christian Indians. These views, thus distinctly stated, were the same which had before been submitted to the Board of Treasury in the year 1787, as related by Mr. Heckewelder in his statement B, and are chiefly the following:

1. That as many of the Christian Indians as could be induced to come and live on the land, together with Captain Killbuck and his descendants, and the family of Captain White-eyes, as mentioned in the ordinance, should be furnished with as much land as they chose for cultivation, as long as they chose to live there, and conform to the rules of the Christian community made by themselves.

2. That the land not wanted by the Indians should be settled upon leases by white tenants, and the proceeds thereof faithfully applied by the society for the good of these Indians or their successors, *in providing them, and also other believers, with missionaries, schools, books, &c.*

The report of the aforesaid committee upon these representations, in December, 1791, was, "that the land in question shall be further reserved for the *occupation* of the Christian Indians."

A general Indian war intervening, all further proceedings were necessarily suspended until December, 1795, when, a new land office bill committee having been appointed by the honorable House of Representatives, consisting of Messrs. Sitgreaves, Hartly, and Swanwick, Bishop Ettwein did not delay to offer a new petition in the name of the society, dated January 8, 1796, which was referred to the committee aforesaid.

In a brief account of the state of the case, submitted to this committee by Bishop Ettwein, he most explicitly repeats the statement of the intentions of the society as to the manner of administering the lands for the benefit of the Christian Indians as above. Being struck by the expression in the report of the former committee, (1791,) that the land be reserved for the *occupation* of the Christian Indians; the experience of the mean time, and the increasing

mistrust of the Indians, together with their well-known horror for the spot where their relations have been murdered, having by this time rendered it extremely problematical whether it would be possible to induce many of them to return to the Muskingum, particularly as the British Government had, during these negotiations, granted them a considerable tract of land for permanent seats; Bishop Ettwein took the liberty to state expressly to the present committee, as Mr. Heckewelder testifies had always been previously stated, that it would be precarious in the extreme to hold the land, if the possession must rest upon the *occupancy* by the Christian Indians. He represented the great reduction of their number, in consequence of which but a small portion of the tracts could, in the most favorable event, be occupied by them, as well as the possibility that, after all, they would not be persuaded, generally, to remove thither; moreover, that they might not be able to maintain themselves there against the private enmity of the whites, especially if these could hope to get the land by their removal: considerations which, as was generally understood by the society, had mainly suggested to Congress, in 1787, the plan of vesting the land in a legally established society, as the only means of securing to the Christian Indians, permanently, the advantages intended to be conferred.

These representations appear to have met the approbation of the committee; for, in consequence, that committee reported favorably; and an act of Congress, entitled "An act regulating the grants of land appropriated for military services, and for the Society of the United Brethren for propagating the Gospel among the Heathen," was passed, and approved by the President of the United States on the 1st June, 1796, directing "the surveyor general to cause to be surveyed the three tracts set apart by the ordinance of Congress of 3d September, 1788, and that patent be issued to the society mentioned in the caption for the said three tracts, in trust, for the uses and purposes in the said ordinance set forth."

Great exertions, and at a very great expense of this society, for which they never received any reimbursement, were now made, early in the spring of 1797, and most cordially assisted by General Rufus Putnam, the surveyor general, to effect the actual survey; of which Mr. Heckewelder, who acted as the agent of this society, gives a detailed account in his statement B; and after the plats thereof had been properly returned, the grant or patent (being the one called for by the first resolution of the honorable Senate) issued, under the hand and seal of the President of the United States, dated 4th February, 1798, and was transmitted to the president and directors of this society.

Measures were now instantly taken, in accordance with the plans submitted to the different committees of Congress, to carry the grant confirmed by this act into effect, and to render it available for the objects of the trust; both in using every effort to induce at least a part of the Christian Indians to settle on the land, and in rendering the surplus of use to them in the manner originally contemplated, by settling the same with white tenants of good character, and applying the proceeds for the advantage of the objects of the trust, as had been agreed upon. In fact, no other way could have been well devised, as the nature of the grant was understood to be such as to put any appropriation of the land to individuals, much less any partial alienation, entirely out of the question.

The difficulties and expenses resulting from the latter part of the plan are detailed in the statement of Mr. Heckewelder. We shall beg leave to recur to this part of the subject after we have rendered an account of the exertions used to induce the Christian Indians to return on the land now secured to their use.

During the course of the bloody war which terminated in 1796, the community of Christian Indians, who, without exception, took no manner of share in that war, had gratefully accepted the protection afforded them against the persecution and threats of the hostile tribes, by the British Government, on the north side of the lakes; and, as has been before related, after having found a temporary refuge at the mouth of the river Detroit, emptying into Lake Erie, they were at length induced, in the year 1792, permanently to settle on an extensive grant offered to them on the river Thames, which was formally surveyed for them in January, 1794. They here built the town of Fairfield, which, after some time, assumed a very promising aspect, although the effects of the incredible disasters that had befallen them, and especially of the repeated utter destruction of all the fruits of their former industry, began to appear in a diminution of their zeal for advancing in civilization.

Mr. Heckewelder, in his statement of facts heretofore referred to, testifies to both these circumstances, and recites the prominent causes which began to operate deleteriously on the minds of a number among them; causes which had become more operative in the year 1798, when he again visited them.

Nor is it to be wondered at that such an unexampled succession of untoward events, almost sufficient to make a colony of civilized whites despair of ultimate success, should have finally operated in a discouraging way upon Indians but recently reclaimed from the forest. In addition, the vicinity of immoral whites, in their present situation, and the utter want of authority in the missionaries to prevent seductions of the young people, especially as regards liquor, could not fail to produce bad effects.

It was therefore highly acceptable to the missionaries when Mr. Heckewelder appeared in 1798, and made them and the Christian Indians acquainted with the final success of this society in securing to their use the lands on Muskingum. The senior missionary, Zeisberger, greatly respected by the Indians, immediately resolved to remove thither, in hopes of being followed by a considerable number. But the great majority of them, nevertheless, decidedly preferred remaining on the land granted to them by the British Government. This was most especially the case with the majority of the old stock and their descendants; that is to say, *the true remnants of the Christian Indians formerly settled on Muskingum*, in whose breasts mistrust on account of the murder of their relatives continued to rankle, and had increased during the ten years of unsuccessful attempts to re-establish them there, as it was impossible to make them fully comprehend the nature of the difficulties that had intervened. In consequence, only a few families of these could be induced to follow the missionaries Zeisberger and Mortimer, when actually, in the fall of 1798, removing to Muskingum; and two of the most respectable of these afterwards went with other missionaries to Wabash, where Joshua, the most distinguished man of the whole community of Christian Indians, was inhumanly murdered, at the instigation of the noted Prophet, and others returned to Fairfield. The rest of those who moved to Muskingum were such as had joined the Christian Indians subsequently to their forcible removal from thence in 1781, who formed a *new stock*, which, generally speaking, had never attained that degree of firmness in Christian principles, and that attachment to civilized life, which had distinguished the older stock. Among them, however, were, as before mentioned, Captain Killbuck and his sons, and part of the family of White-eyes. The former maintained the most respectable standing to the close of his life, in 1811.

It must therefore be observed, that *the main part* of the remnant of the Christian Indians, for whose benefit the land was intended, remained at Fairfield, in Canada, where they still are, to the number of about *one hundred and fifty persons*, under the care of two pious missionaries.

Inasmuch as it may justly come within the scope of the information required by the honorable Senate of the United States to state the present condition of this major part of the Christian Indians under the care of the United Brethren, we conceive it due to truth to say, that, in addition to the facts already adduced, various unhappy circumstances have, since the year 1802 or 1803, combined to weaken the influence of the missionaries on the younger part of them. Besides the fatal shock their advance in civilization received by the murder on Muskingum,

and their subsequent unsettled abode, together with the operation of the same causes which have proved so detrimental to those on Muskingum, the Christian Indians at Fairfield have suffered mainly by the bad consequences of the system pursued by the British Government, of supplying them with certain necessaries, in a manner which requires their personal attendance, together with the savages, at a distance from their teachers; by the influx of whites, whose seductions to intoxication cannot be duly resisted; and, above all, by the deplorable circumstance that a number of their young people were partly induced, partly forced, under the pretext of being considered British subjects, to participate in the late war, all the endeavors of the missionaries to the contrary notwithstanding; (although none did so who were not previously excluded from the Christian fellowship of the rest;) which eventuated in the total destruction of Fairfield by the American army in 1814. It is true they are now recovering from this severe shock, and have built a new town, at some distance from the former, and more out of the way of temptations, which they have named New Fairfield; nevertheless, they have not yet regained their former prosperity, and, we are constrained to add, their former character; a deterioration of morals being still observable, though by no means general among them.

We beg leave now to return to that part of the Christian Indians who actually came to reside on the Muskingum in the year 1798, consisting of seven families, (together, thirty souls.) They were furnished with the means of effecting their removal by this society, and with provisions and other necessaries, until their plantations of the spring of 1799 yielded them abundant harvests.

Pursuant to the plan of the society, one of the three tracts was entirely placed at their disposal; and they chose the northern or Schoenbrunn tract, upon which they established themselves, and built a small town called *Goshen*. The commencement of this establishment was auspicious: for a year or two the Christian Indians here, under the care of their respected teachers, appeared to embrace with renewed zeal the advantages afforded them; they began to recultivate the fields, were assiduous in their duties, and attentive scholars in the schools. Their number was augmented by some new converts from among the neighboring heathen, and a family or two joined them from Fairfield; so that, at the close of the year 1800, they amounted to about sixty souls. In the following year, the Brethren there were induced, by the pressing solicitations of the Delawares on the Wabash, to send a missionary thither, accompanied by some of the best of their flock from Goshen, who hoped thus to gain their relations there; and it was not till after some time that it became apparent that these solicitations were part of a plan to draw all the Christian Indians thither for their destruction.

This removal caused a diminution of the number at Goshen, never replenished; a number which, from 1801 to the close of 1810, continued vacillating between forty-five and thirty-five souls; some returning to Fairfield, as before observed, and several of the most respectable completing their course here below by a happy death. From that year to the end of the year 1820, their number was still further reduced by deaths and removals; so that, at the close of this year, there were but twenty-six persons left.

Mr. John Heckewelder, who resided on the spot, as the agent of this society, from the commencement of the settlement to the fall of 1810, and consequently had the best opportunity of observation, dates the causes which in a particular manner combined to produce a deplorable decline of morality, and a consequent indifference towards an advance in civilization, among the small community at Goshen, from the spring of 1802.

The whole idea of planting the Christian Indian community upon the lands in question was predicated upon a hope that they would there be perfectly secluded from all connexion with other white persons, except such whose own state of morality, industry, and piety would be a good example; at least, it was confidently expected that such would be the case for a sufficient length of time to render the attachment of the Indians to an agricultural and perfectly civilized life altogether habitual; for experience had taught the United Brethren that no Indian community can durably maintain its morality and standing, if exposed to the bad example, and to the temptations and incitements, which unprincipled whites may conceive it their interest to hold out to them.

On this account, it had, from the beginning, been the plan of this society to rent out that part of the land not occupied by the Indians to such persons only as, from being members of the United Brethren's church, were sufficiently known to them, or to other approved characters. It was, however, found but partially practicable to procure such tenants; and the society had the misfortune to be grossly deceived in this respect, in several instances; while the unexampled rapidity with which, after the year 1800, the State of Ohio was settled by an incredible influx from all parts, baffling every calculation which possibly could have been made during the period of negotiation with Congress concerning the land, rendered abortive the hope of keeping this Indian settlement properly secluded. On the contrary, Goshen had scarcely been established before the Christian Indians there found themselves thickly surrounded by white people, (more especially as this society could not muster the necessary funds to purchase the intermediate spaces between the three tracts, as had been intended,) and soon began to feel the deleterious effects of their vicinity.

No endeavors of the missionaries to restrain the attempts to bring that certain banè of all improvement, spirituous liquors, among them, proved successful, though for a time backed by an express law of the State of Ohio forbidding it.

The energetic measures of Zeisberger to carry this law into effect, on the contrary, rendered it so offensive, that it was soon repealed. In consequence, from that time, instances of intoxication began to be frequent, and the church discipline by which they were punished less regarded than heretofore; although Mr. Heckewelder testifies that, up to the fall of 1810, nothing like a general prevalence of that destructive vice was observable—a statement corroborated by the reverend Benjamin Mortimer, in a letter herewith submitted. According to the account of the missionaries in the latest times, the evil seems, however, to have increased since that period.

But, unhappily, another powerful cause of ruin now became operative, and greatly weakened the influence of the missionaries upon the minds of the deluded members of their flock, by undermining that perfect confidence which they had hitherto enjoyed; while, pursuant to the testimonies of Messrs. Heckewelder and Mortimer, it greatly tended to augment their proneness to indulge in intoxication.

This cause unfortunately emanated from the very benefit intended them by the grant of land. Interested and unprincipled people, taking advantage of the impossibility of satisfactorily explaining to Indians the *nature of the tenure by which this society held the land*, did not cease to infect their minds with insinuations that the United Brethren were cheating them out of its enjoyment. In addition to the lamentable effect such false representations could scarcely fail of in weakening their confidence in their best friends, who, in the most disinterested manner, and at an enormous loss to themselves, were striving to render the land useful to them, in the only manner in which they conceived it practicable, the idea insidiously and continually held out to the Indians by these men that they were rich, and need not work if it were not for the United Brethren, who withheld from them their due, necessarily repressed that spirit of industry which the missionaries zealously strove to excite, and rendered them more or less discontented.

The consonant representations of Messrs. Heckewelder and Mortimer will prove to what a degree these insinuations, and the other causes recited, operated to bring about a decline; and to these, and the other checks of their industry, alluded to by Mr. Heckewelder, must be ascribed the failure of the hopes of this society concerning them.

Thus it happened, that, with the exception of a few individuals, who, to this day, as far as we know, continue to conduct themselves as true Christians, the small community left at Goshen lost that character which made it possible for the United Brethren to continue their labors among them; and some of them having, in the summer of last year (1821) removed to Fairfield, the last missionaries were constrained to return to Bethlehem in October, 1821. There now remain upon the land only nineteen or twenty persons, chiefly the sons of Killbuck and their families, who are, however, still attended to by the minister of a small congregation of United Brethren settled in that vicinity.

It now remains for us, in obedience to the latter part of the second resolution of the honorable the Senate of the United States, to set forth the manner in which this society have hitherto actually endeavored to discharge the trust devolved upon them by Congress, and the results thereof, in order to furnish the necessary information "*whether the said lands have enured to the sole benefit of the Christian Indians, &c.; and, if not, to whom, in whole or in part, have such benefits accrued.*"

Agreeably to the plan submitted to Congress, before the act of 1796 passed, of rendering that part of the land not occupied by the Indians available to them, (as, among the rest, appears from the subjoined letter of Bishop John Ettwein to General St. Clair,) the directors of this society exerted themselves, as soon as the survey, &c. had been completed, to procure tenants of good character to settle thereon, after the Indians had chosen the northern tract of 4,000 acres for their own exclusive use. Before this society, however, could hope to see their plan put in execution, it became necessary (that whole neighborhood being then an unsettled wilderness) to cut out roads to the nearest settlements; to throw causeways over the morasses, in order to render the approach with wagons practicable; and to erect temporary mills, &c., to meet the first necessities of the expected settlers. Buildings of different kinds, for the residence and convenience of the agent, who was to superintend and direct the whole, and for general purposes, had to be erected; and all those difficulties and expenses to be encountered which attend a new settlement in the wilderness. It became necessary to procure workmen from a great distance, and provisions were to be brought seventy miles, on pack-horses: all which caused immense expenses to this society.

In the year 1799, however, a number of white colonists began to move upon the lands, and to settle upon the two tracts Guadenhutten and Salem, chiefly on the former, or middlemost of the three, establishing two settlements—one on the east, the other on the west side of the Muskingum. Farms, of from fifty to a hundred acres, and upwards, were laid out for each tenant, and leases agreed upon between the society and the tenants, such as were conceived most advantageous for the purposes of the trust. These were universally given for a term of twenty-one years, without rent for the first year, and a stipulated rent of *eight* dollars per hundred acres for the next *six* years; of *sixteen* dollars per hundred acres for the next *seven* years; and of *twenty-four* dollars per hundred acres for the last seven years of the term. By a particular clause in each lease, the tenants were prohibited keeping shops, taverns, and distilleries, and from selling liquors; and were further bound to pursue no means of support but such as could not interfere with or injure the principal objects of the society in civilization of the Indians; and to demean themselves, in every respect, as friends to these objects.

It was conceived that such terms, on so long a lease, made renewable to the tenant in preference, in case his conduct corresponded with the views of the society, would induce such persons only to engage in the business who were friendly to the purpose, and who would calculate upon a permanent stay; on which account it was further stipulated that the tenants be bound to erect good and durable dwelling-houses, barns, stables, and out-houses, and plant an orchard of at least sixty apple-trees, of the best kinds, near them; which improvements the society bound itself to purchase from the tenants, agreeably to an equitable valuation thereof, on expiration of the term, or any previous determination of the lease.

It will appear, by a reference to Mr. Heckewelder's statement, how it happened that the expectations of the society, of thus creating an efficient revenue, were in a great measure frustrated by the unfaithfulness of a number among the tenants; the agent having been under the necessity, for want of better, in some instances, to admit persons whose characters were not sufficiently ascertained; not to mention that, after all, it was found impracticable to procure tenants for more than a small proportion of the land, the rest lying untenanted to this day; and, in fact, that a considerable portion was not of a tenantable nature. Not a few of the tenants procured, after having occupied their farms for a number of years, suffering large arrears to accumulate, found it their interest to quit them without paying their debts, and to seek their fortune elsewhere. The society thus lost large sums, and was obliged to re-tenant the forsaken farms, without much choice; while it is notorious, as experience has since demonstrated, that no considerable revenue can be expected from rented lands in the western countries, as is apparent, among the rest, from the testimony adduced by Mr. Heckewelder concerning the school land reservations in the State of Ohio. At the present moment, the society, as before hinted, has not been able to rent out more than *one-fifth* part of the land, the residue being still altogether unproductive.

Until the year 1814, the whole of these lands, granted for the benefit of the Christian Indians by Congress, was considered free from taxation. In that year, however, the Legislature of the State of Ohio thought proper to lay a tax thereon, as on other land, which has since been yearly continued upon the whole 12,000 acres; including, likewise, the Goshen or Schoenbrunn tract, set apart for the sole use and occupation of the Indians, and no tenant admitted thereon, accordingly.

This society had been led to believe that the nature of their tenure involved freedom from taxation, or that at least only such parts of the land as were under lease would be subjected thereto; and had accordingly provided for this, by making it a condition of the leases that the tenants should be held to pay all taxes possibly to be levied on the farms.

Finding, however, in the aforesaid year 1814, that taxes were levied upon the whole, and demanded from them, even for the Goshen tract, which, with the accruing interest of the moneys borrowed by the society to render the grant available, rendered the hope of an efficient revenue from this trust estate applicable to the purposes of the trust altogether desperate, they conceived themselves authorized (especially after their petition for relief had been rejected by the Legislature of Ohio) to alleviate their burden by granting some leases upon the Goshen tract likewise, taking care to keep at a sufficient distance from the parts actually occupied by the reduced number of Indians.

The new leases thus granted were upon new terms, viz: after an equitable valuation of the land to be leased, as in a state of nature, a yearly rent, for the term of thirty-three years, was stipulated, equal to the interest at six per centum of this valuation sum, and the society no longer under obligation to purchase the improvements at the expiration of the term.

It will surely not appear strange, upon due consideration of the circumstances just stated, that this society at no time received any thing from the land to enable them to fulfil the purposes of the trust, *further than was effected by affording the Indians on the land the free use of as much of the land as they wanted.* The interest of the moneys borrowed, together with the taxes, far exceeded any revenue that has hitherto been attainable.

The abstracts of the receipts and disbursements of this society for the lands on Muskingum, herewith respectfully submitted, together with the vouchers, will, we trust, afford a most convincing proof of this assertion.

The sum of all receipts, as appears from this account, which the society has had from the land, from the 21st August, 1801, to the 21st August, 1822, together with simple interest, accounted upon each year's receipts, amounts to \$9,998 58½. In this sum are included all the rents which have become due, with interest upon them, as *actual receipts*; although it appears from the exhibit that, on the said 21st August, 1822, there was still due, and unpaid, no less a sum than \$1,978 of such rents; and it is feared no small proportion thereof will never be recovered. On the other hand, the *disbursements* incurred by this society, (as per the same account,) in originally obtaining and securing the land, in effecting the survey thereof, (which the honorable Congress, by its ordinance of September 3, 1788, had agreed to repay,) and completing its settlement and improvement; and further, the direct allowances of provision, clothing, agricultural and other implements, medicines, school books, &c. to the Indians at Goshen; together, thirdly, with the expenses incurred in providing them with missionaries and schooling, and the simple interest on each year's disbursement, amounted, on the 21st of August, 1822, to the sum of \$43,556, *exceeding* the receipts in the sum of \$32,587 50¾.

We beg leave to remark, in addition, that only such disbursements have been entered into the account here referred to as can be proved by subjoined vouchers, such as the nature of the case admits of; while we aver, from the books, that a much greater sum appears to have been actually disbursed. It must be further observed, that, among the yearly necessities, stated in the account as for the use and support of the missionaries, are included a great variety of articles furnished by them to the Indians, which could not be separated from those consumed by the missionaries themselves, because they were given to them as the occasion demanded, and not separately accounted; and further, that in the account referred to, no other expenses are included besides those incurred for the missionaries and school at *Goshen only*, without taking into account the *far greater* disbursements of the United Brethren, and this society, for the remnant of the Christian Indians formerly settled on Muskingum, who continued to reside at *Fairfield*, and who, as has been shown, were objects of the trust as well as the others. Nay, further: to show how very far any part of the revenue of these lands granted by Congress is from having accrued to any person or persons other than the objects of the trust, we beg leave to refer to the exhibit, which, compared with the abstracted account before submitted, proves that the disbursements of this society for the land only, and for direct allowances afforded the Indians at Goshen, altogether *exclusive* of the expense of providing them with missionaries and schools, exceed the total sum of receipts had from the land in the sum of \$15,840 10½, accounting simple interest both on receipts and disbursements from year to year.

The expiration of the original leases, which were granted from the year 1800 to the year 1806, each for the term of twenty-one years, now beginning to take place since 1821, this involves, according to the condition of those leases, the annual payment of the awards to the lessees for the improvements they have made; and, as it appears that these awards, compared with the actual state of the improvements, are by no means in favor of the society, the annual disbursements, until the year 1827, threaten to be increased to an appalling amount, as those of the two last years have already been unreasonably swelled by this circumstance.

We further beg leave to remark, that we humbly conceive that neither the salaries of the agents employed by the society, (if any,) nor the allowances of necessaries to the missionaries and their families, as stated in the account, can be considered exorbitant. As long as the Rev. John Heckewelder acted in the capacity of agent, he never required a salary, and was supplied with necessaries only, as is invariably the case with the missionaries. After his age induced him to return from his post, his successors in the agency received at first a salary of \$160 per annum, which was afterwards reduced to \$60.

In conclusion, we now beg leave to sum up the information attempted to be conveyed by the preceding statement of facts under the following heads, as direct answers to the inquiries ordered by the resolutions of the honorable Senate of the United States; and most respectfully to represent:

1. That the lands in question were not originally a gift of Congress, but a reservation of the property of the Christian Indians, who had been forcibly constrained to leave them by the enemy during the revolutionary war.
2. That the title thereof was vested legally in the Society of the United Brethren for propagating the Gospel among the Heathen, with a view to destroy the hopes of those who desired to prevent the return of the Christian Indians by threats, and thus render void the reservation made to them, in order to possess themselves thereof; and with an express understanding that this society should endeavor to render the land of use to the Indians, by enabling it to furnish them with teachers, schools, books, and other means of civilization.
3. That the Christian Indians formerly settled there had, previous to their forcible removal in 1781, attained a very great degree of prosperity; had nearly become an agricultural people; had made the most flattering advancements in mental and moral endowments; and bore a character for piety and good behavior equal to the most sanguine expectations; forming a Christian community of somewhat more than four hundred souls.
4. That a series of unexampled disasters; the horrid murder of nearly one-third of their before reduced number; their subsequent total dispersion for a time; the death of some leading and prominent characters among them, together with the want of a fixed abode for nearly six years, while vainly striving to regain their former position, gradually undermined the fruits of their previous advances, and imperceptibly led on a decline.
5. That, notwithstanding the exertions of the United Brethren, the majority of the remnant of them could not be brought to return to the Muskingum after the land had been finally secured in 1798, but remained in Canada, upon lands in the mean time granted them by the British Government.
6. That at no time a greater number than from sixty to sixty-five souls, and among them but few of the old stock of Christian Indians formerly settled there, ever came to live upon the land after it was given to this society in trust.
7. That, among these, to the time of his death, in 1811, was Captain Killbuck, (christened William Henry,) and to this day are his sons and their families.
8. That the nephew of Captain White-eyes, mentioned in the patent, never appeared to participate in the grant; that one of his sons was killed before it took effect; that the other actually, for a time, lived with the Christian Indians at Goshen, but voluntarily left them; that his widow and children afterwards returned, and continue to reside there, enjoying the assistance of this society with the rest.
9. That the rapid and unforeseen increase of white settlements around them; the want of authority in the missionaries to prevent the introduction of spirituous liquors; and, above all, the mistrust instilled into the minds of the Indians against their missionaries on account of the lands; together with the idea, disseminated by designing men, of their being rich enough, and, consequently, not standing in need of industry, wrought upon the greater part of the remaining Indians in such a manner, in conjunction with the other causes before recited, as to bring about a decided decline in their moral and mental endowments, while their number dwindled down to twenty souls now only remaining at Goshen.
10. That this society, agreeably to the plans previously submitted to different committees of Congress, and the former Board of Treasury, and approved by them, placed the northernmost tract of 4,000 acres, selected by themselves,

entirely at the disposal of the Indians settling at Goshen; and that their missionaries exerted themselves to the utmost to bring them back to those habits of industry and morality which had distinguished the Christian Indians before their dispersion.

11. That as great a part of the two other tracts as was practicable was, agreeably to the aforesaid plans, tenanted with white settlers, on long leases.

12. That the receipts of rent from these tenants, at no time, in any measure sufficed to pay the interest of the moneys borrowed by this society to defray the expenses of surveying and improving the lands, in order to render them productive; much less additionally to pay the taxes levied thereon, since 1814, by the State of Ohio.

13. That this society, *notwithstanding*, did, without intermission, fulfil all the purposes of the trust, *by its own means and exertions*; that it, and the United Brethren generally, did, unto the close of last year, furnish the Indians at Goshen with teachers, schools, books, implements of agriculture, provisions, medicines, and other necessaries of every kind, of which they stood in need, in such a manner, that, from the beginning to the 21st August, 1822, the disbursements for their benefit exceeded the sum of all receipts from the land in the sum of \$32,587 50 $\frac{3}{4}$.

14. That, inasmuch as the majority of the remnant of the Christian Indians, objects of the trust, remained in Canada, this society, and the United Brethren in general, have, during the same period, expended upon these a *far greater sum* than the one just mentioned, in providing them likewise with missionaries and schools, as well as ministering to their external necessities; and that they still continue so to do.

15. That no part of the benefit resulting from the grant (if any there was) ever accrued, or could accrue, to any person or persons other than the objects of said trust.

Nothing but the zeal of this society, and of the United Brethren in general, to promote the best interests of the Christian Indians under their care, and faithfully to discharge the obligations of the trust confided to them, agreeably to their idea of its duties, and in the manner previously submitted to Congress, could possibly have induced them to expend sums upon the land and the Indians which have nearly swallowed up the scanty resources of the society, deeply involved them in debt, and acted as a most heavy drawback upon their endeavors for the good of the Indians elsewhere.

But, discouraging as the results of the exertions of this society were rendered by a train of difficulties not often encountered, they have hitherto thought it their duty to persevere, until the recent gloomy prospects have caused them to despair of the possibility of maintaining an establishment of Christian Indians at Goshen.

Unacquainted with the proper proceeding in order to divest the society of the ruinous burden which the grant of these lands in trust has devolved on their shoulders, so as to secure at least a partial indemnification for their enormous expenses, and hitherto unsuccessful in repeated endeavors to obtain the necessary information on the subject, this society hailed with the greatest satisfaction the opportunity now afforded by the investigation set on foot in the honorable Senate of the United States to lay before his excellency the President of the United States, through the honorable Secretary of the War Department, the true state of their case; most confidently trusting that the integrity of their administration of the trust reposed in them will thereby be proved to the satisfaction of all concerned; and as confidently hoping that thus a way will be pointed out for the relief of this society from a burden which otherwise appears most seriously to threaten all their benevolent objects with unavoidable frustration.

Under an humble confidence that the President of the United States will be pleased to accept of the present representation, together with the accompanying documents, as a satisfactory answer to the inquiries ordered by the honorable Senate, we have the honor to subscribe ourselves, most respectfully,

The President and Directors of the Society of United Brethren for propagating the Gospel among the Heathen, at Bethlehem, Pennsylvania.

By order of the Board:

C. G. HUEFFEL, *President.*

A.

To the president and directors of the Society for propagating the Gospel among the Heathen, the following summary of facts, drawn up from personal knowledge, is respectfully submitted, both for their own information, as also to lay the same, or as much thereof as they may deem proper, before the President of the United States, to meet the resolutions passed in the Senate of the United States on the 22d February last, of which due notice had been given them and to the undersigned by the proper authority; to the latter, however, with a particular request to furnish "all the information in his power upon the several points embraced in the latter resolution."

JOHN HECKEWELDER.

The summary of facts, events, occurrences, and transactions, faithfully drawn up by the undersigned, it is supposed will more fully meet the objects which had induced the Senate of the United States to pass the resolutions of the 22d of February last, relative to the Christian Indians under the care of the United Brethren, as it exhibits the state and condition of those Indians; their moral and intellectual endowments, from the time of the first Christian Indian establishment in Pennsylvania down to the present time; the changes that have taken place, and cause of such changes; and, likewise, the cause of their emigration to the west, and settling on the Muskingum, &c.

The first Christian Indian settlement in Pennsylvania, under the care of the United Brethren, was made in the year 1742, by emigrants (both Mohicans and Wampanoags) from New England and the then province of New York, who settled on Mahony creek, about twenty-seven miles to the northwest of Bethlehem, on lands which the Brethren had bought for the purpose; but, as the spot on which they had settled did not suit them, the soil being of a stiff, clayey nature, the Brethren, who had begun to build houses on the northeast side of the river Lehigh, where the land was of a sandy soil, exchanged with them; so that the Indians had the easy lands to work, and the Brethren the heavy and stiff, which, as they had ploughs, they could better work. These two settlements were but a short half mile apart, yet separated by the river, and a ridge on its southwest side. The Indians called their village Gnadenhutzen, and had their ministers and schoolmasters living with them. At the other place, which retained its original Indian name, Mahony, which signifies a deer lick, the Brethren built mills; and farmers, as well as the most useful mechanics, established themselves there, both to do their own work, and to teach the Indians the arts of husbandry, and their young people, if they should choose it, different trades.

On my arrival from Europe, in the year 1754, there were also two young single Indian men, named Joachim and Nathan, placed in the single men's house at Bethlehem, for the purpose of receiving school education and instruction with regard to religion. So, likewise, were four young female Indians placed in the single women's house, for the same purposes, and that of learning the work of females: they were Martha, Mary, Christina, and Gawshes, all of the Mohican tribe. Both of the young men had within a few years made such progress in learning, that they now could be useful to their countrymen; and, of the four young women, Martha, who had been

put to the mantua-making business, had made such proficiency, that she was made mistress, and had, for a number of years together, all the hands engaged in that line of business working under her; while the three others were good spinners, knitters, sewers, &c., and had also learned to dress flax. Martha died at Litz, near Lancaster, after living between thirty and forty years in the single women's houses, both here and at Litz. Christina was among the slain on the Muskingum, in 1782. All the others had been useful members of society, and died happy; Joachim at the age of about seventy years. In November, 1755, the white settlement on the Mahony creek being destroyed by the French Indians, the whole Indian congregation at Gnadenuhten fled to Bethlehem for protection, being sensible that their lives were in danger, both on account of those Indians combined with the French, as also by enraged white people. They were well received by the Brethren, and directed to build themselves temporary dwellings on the opposite side of Manake's creek, near the mills, dyehouse, and tanyards, where I had the pleasure of seeing them for the first time.

These Indians were then called by all sensible and impartial men, who, from curiosity, had been led to come to Bethlehem for the purpose of seeing them, "an orderly, civil, and industrious people; and better deserving the name of Christians than many of the white people were." They had already, in a great measure, become husbandmen; since those who had strength and ability devoted their time to manual labor at home; and when they had no work there, they would join the Brethren in their field and barn labors: while their aged men would make wooden bowls and ladles, barn and grain shovels for millers; and their women, brooms, sieves, &c.; for all which they found a ready market, as the storekeeper took all that was not wanted by the country people in exchange for wearing apparel, or any other article which they stood in need of; sending these manufactured articles in wagons to Brunswick and New York, where they found a ready sale.

While this division of the Christian Indians, who were all of the Mohican tribe, resided at Bethlehem, it was a pleasing sight to behold, occasionally, and especially on Sabbath days, this Indian congregation, united with the white congregation of the place, attend divine service together in the chapel. It was the same with the other division of these Indians, who were Delawares and Munsees, but who had been stationed at Gnadenthal, near Nazareth; at which latter place divine service was performed on the same day.

Those Indians settled at Bethlehem, being desirous of living on a spot of land by themselves, where they could have the advantage of keeping a small stock of cattle, &c., the Brethren willingly granted them permission to settle on a convenient spot of their land, something better than a mile from Bethlehem, which place was afterwards called Nain. The village formed one large square; three sides were closed with buildings, and the south side left open for the convenience of fetching water from the fine spring run which flowed by. The place was neat, and kept clean, with a well in the middle of the square; the houses of squared timbers and shingle roofed, with fine gardens at the back of them, under good paled fences; their fields around them in the best order. Besides public buildings, as school and meeting-house, they had built a convenient house for poor widows, whom they supported.

For the other division of Christian Indians, who were settled at Gnadenthal during the war, the Brethren bought a partly cultivated spot of ground, called Wequetank, on the north side of the Blue Mountains, about twenty-five miles from Bethlehem, where these also built themselves a village, and were supplied by the Brethren with a minister and a schoolmaster. These Indians, although not so far advanced in husbandry as the former, who had been the first converts, were not deficient to them as to their moral character.

Scarcely had the Christian Indians enjoyed themselves five years at these two places, when a fresh Indian war broke out again, (1763,) and which occasioned the breaking up of both of these settlements. The same persecuting spirit which had seized the minds of a certain class of people in Dauphin county, and who in their frenzy had murdered the Conestago Indians, had roused a similar class in Northampton county for committing similar acts on the Christian Indians near them; which caused the evacuation of their villages, and speedy removal to Philadelphia, for protection under Government.

It is strange what an effect bigotry can have on the mind of man. While one class of people, and who lived the most distant from these Indians, cried them down as thieves, savages, and barbarians, those white people who lived in their immediate neighborhood deplored their departure, saying they were an upright, honest, moral people, and good Christians. But, be this as it may, so much is certain, that, during the whole of their stay in this part of the country, (in all, twenty years,) not one single complaint had been brought against them, or any one of them, for any crime committed, that would have come under the cognizance of a magistrate, and punishable by law. There is nothing of the kind to be found on the docket of the magistrate who officiated during that period, as can be seen, it being yet extant, and in the hands of his venerable son, Joseph Horsfield, Esq., now upwards of seventy years of age.

The case of Renatus, who had been tried for murder, but acquitted, (as related by Loskiel, and may be seen in my narrative of the mission,) did not in the least tend to diminish or destroy the character those Indians bore among all upright and impartial men. Their character stood afterwards rather higher than before, since it was now manifest that, from a hatred to the Indians generally, many falsehoods were propagated against those nearest to them.

On their arrival at Nain, after a seventeen months' detention at Philadelphia, on account of the war, they found every thing as they had left it, since the Brethren had immediately placed a family there to take care of their effects. Their cattle had been sold, at their request, and they received the money; and, as they had to remove to the Indian country, (for reasons already assigned by historians,) the Brethren gave them permission to sell, with other articles that were too bulky to take along, their houses; of which the steward of Bethlehem purchased several, to remain on the land for a tenant hereafter to make use of. There are, at this present time, in the town of Bethlehem, six dwelling-houses of hewn timber, built by those Indians at Nain, and purchased by individuals of this place from them, and afterwards removed here, besides smaller buildings, to serve as stables and out-houses. All their plough-irons, farming utensils, and tools, they took with them.

Scarcely had these Indians, together with those who had lived at Wequetank, arrived at Wyalusing, on the Susquehannah, when their ploughs were again going on the prairie grounds they found there. They could make their own ploughs, harrows, &c., and, besides, do any common carpenter's and cooper's work with despatch, so that very soon there was a village standing; and by the time they had to leave the place, which was in 1772, just eight years from their first arrival at it, their village and improvements commanded a beautiful prospect to the eye, denoting that its inhabitants must be an orderly and industrious people. During their stay, I had been four times at the place, helped to make the beginning, and was there the year before they moved off. They were very unwilling to go, but the Six Nations had sold that whole country, including the lands they lived on, to the English.

Such had been their situation, when they received, by the Indian preacher Wangemend, a message from the great Delaware council on the Muskingum inviting them to come to them, and they would give them land enough both for themselves and their cattle to live and feed on.

On the council's learning that their message had been listened to by the Christian Indians with indifference, they sent one of their head chiefs (Killbuck, sen.) to them, with a renewal of the same offer, and to assure them

that they were in earnest; that they would not only give them as much of their land as they stood in need of, or wanted, but that they would also promise them that what they gave them should ever remain theirs, and never be taken back again by them, as long as the sun should shine and the rivers flow with water; that they never would serve them as the Mingoes had done, by selling the ground under their feet; and that no nation whatever should be suffered to take the land they gave them away from them, &c. Still these Indians could not determine to leave a place on which they had expended so much labor and expense, and where they had such fine prospects for the future, provided they could remain on the land; they therefore couched their answer to be sent by this chief in such terms that the great council was left in suspense as regarded their acceptance of the offer. They merely told this chief "to look well on their improvements, and tell the great council what he had seen."

The council, anxious to relieve their kindred friends from the dilemma they were in, while these, on the other hand, appeared to them as though they mistrusted their sincerity, next sent a messenger to the missionary Zeisberger, then residing with his congregation on Big Beaver, requesting him to use his influence in advising their relatives (the Christian Indians on the Susquehannah) to accept the offer made them by the great council of the nation, assuring them at the same time of their sincerity; which being done by the missionary, by a letter to them, directed to the directors of the society at Bethlehem, one of these, accompanied by two of the directors of the Unity from Europe, who happened to be here at the time, repaired forthwith to Wyalusing for the purpose, and were so far successful as to be able to report to their missionary on Beaver creek, for the notice of the great council, "that they thanked them for their kind offer; would give it a due consideration, which required time, they being, at present, too heavy to rise; yet that, should any of their number who were not so heavy feel an inclination to proceed on immediately, they should be at full liberty to do so."

As the directors of the society, in conjunction with the Christian Indians, had already, previous to these messages being sent on, laid their grievances before the Governor of Pennsylvania, stating that their land had been sold by the Six Nations, with a prayer that he would see justice done, and their lands secured to them: to which petition, the Governor having returned them a favorable answer, they could not well attend to the speeches and wishes of the great Delaware council in the west, until the result of this negotiation was first known, and which time would only show. However, finally finding that, notwithstanding the assurance given them by the Governor, in writing, in which he promised (see *Loskiel*, part iii. chap. 3; page 41,) "that, as a quiet and peaceable people, they should not be disturbed in their possessions, and that he had ordered the surveyors not to survey any land within five miles of Friedenshutzen, (Wyalusing,) they therefore should consider all reports of taking away their land to be without foundation," &c., they soon saw, to their mortification, surveyors running lines, not only within the limits named by the Governor, but even across their fields, in sight of their villages; so that they now saw no other alternative than that of complying, at once, with the offer made them by the great council in the west, and move away from this favorite spot, the sooner the better; especially since disorderly and immoral white people, who had come into the country, and were settling near them, disturbed their peace, and never more than when they were met together in the chapel for divine service.

It is not to be wondered at that these Indians had become attached to this place, where buildings, fields, gardens, fruit trees, &c. were in such fine order, that it was a delight to take a view of it. Even the very streets were kept clean, and, during the summer months, when the ground was dry, swept on Saturday with wooden brooms, and the rubbish removed; the situation of the ground being level, and the soil a mixture of sand and clay, it was entirely performed by the women; and the whole village being enclosed by a post and rail fence, so as to keep cattle and hogs out, gave it a fine appearance. As idleness leads to poverty, beggarliness, and immorality, &c., so, on the other hand, does property, acquired by industry, cause an attachment to it, from which flow care, cleanliness, order, economy, and a taste for virtue, &c., all which are traits in the character of a civilized people. The Christian Indians had already borne this character while they were settled in Northampton county. Morality had become habitual to them, and since increased; and the more they found opportunities of putting those mental endowments which had lain dormant within them into action, the greater were the advances they made therein.

On the arrival of these Indians at the Muskingum, in the year 1772, they were made satisfied, by the great council of the nation, that what these had promised them would be fulfilled, since the limits of the land they had given them were particularly described, namely, to extend from the mouth of One Legged creek to the great bend in the river below Gakalamukpeking old town, a distance of about thirty miles on the river; and from which tract they immediately removed two small villages of Indians, besides single families, so as to open the country at once to the Christian Indians entirely. Strings and belts of wampum were given in token and as lasting vouchers of the grant, and the Wyandots declared themselves witnesses to the act and deed.

Soon two fine villages were built on this tract, which were called Schoenbrunn and Gnadenuhnten. On the uppermost were settled those consisting of the Delaware nation, and on the other the Mohicans; and, after a lapse of years, a third town, named Salem, was built on the same grant. The two latter settlements, Gnadenuhnten and Salem, were made on the very spots from which the great council had removed the then settlers, for the purpose of making room for the Christian Indians.

These Christian Indians had been in a flourishing state at the commencement of the American revolution. Being for the greater part husbandmen, hunting was, with them, no more a primary object; since, from the great quantities of grain they raised, and the large stocks of cattle they held, (every family having more or less milch cows and hogs in great numbers feeding in the woods, and plenty of poultry at home,) they suffered not in the provision way. But, for the purpose of purchasing articles of clothing, kettles, pewterware, salt, tea, chocolate, &c. from the traders, they were obliged to hunt some in the season. And as Congress, at the beginning of the war, by commissioners appointed for the purpose, at a treaty held with the Indian nations and tribes, had proclaimed to these "that all such as should sit still, whether nation or association, or communities belonging to a nation, and had not taken up the hatchet against them during the contest, should, if they became the conquerors, have all the lands they held *confirmed and secured to them*," &c., these Indians saw no cause of relaxing with regard to their agricultural pursuits, nor in that of enlarging their improvements—they having one and all declared that they, on their part, would not take up arms against their American brethren, nor against any other Power, but mind their business at home; and which they stuck to, to the last. If it cannot be admitted that a people leading such a life as these Christian Indians had done whilst they resided at those places named in this summary, and until they were forcibly taken away from their towns on the Muskingum, had a claim to the word which expresses civilization, then I am at a loss for a name that would suit them better. True, they had no courts of judicature established among them; no magistrates appointed; but there was no necessity for that in a community in which no one disorderly person was permitted to dwell. Neither could a magistrate, if ever one had been placed among them, have lived by the fees of his office, as no crimes were committed that would have come under his cognizance.

I never felt a disposition of bringing to public view all the professions, declarations, and applauses, which, in my hearing, had, from time to time; been made by respectable, judicious, and impartial men, in consequence of what they themselves had seen and witnessed at our Christian Indian towns, while these resided on the Muskingum; and

shall continue to be as sparing as possible on this delicate point, only referring to the testimony of such when I believe myself pressed to it, as it appears to me to be the case in the present instance. While, in the year 1774, two gentlemen (one of whom, some years afterwards, came to be a distinguished American general) were in conversation on what they had seen and witnessed during a stay of a few days at the village of Schoenbrunn, one of them put this question to the other: "What comparison might be drawn between the hundreds of white people among us, going under the name of Christians, and these people we are so apt to call savages?" "Why, sir," replied the other, "we need only change characters and names; call these Christians and those savages; for these are Christians in reality, while those are undeserving of the name they bear." So should I, likewise, have no hesitation in calling these a civilized people, and those uncivilized; in doing which, I think, I could make no mistake. When Col. George Morgan, of Princeton, in New Jersey, who had by the Congress of the United States been appointed Indian agent for the western district, came out to the Indian towns on the Muskingum, he, after spending some days there, delivered himself to this effect: "That he was quite astonished at what he had seen and witnessed at our three towns; that the improvements these Indians had made on their lands bespoke their industry; and that the cleanliness, order, and regularity, which were every where observable, added to their devotion, gave them a claim to be ranked among the civilized part of mankind; that they deserved to be set up as an example to many of the whites; that, to him, it was now evident that the Indians, when living by themselves, and out of connexion with the white people, except such as gave them instruction, thereby setting them a good example, could easily be brought to a state of civilization, and become good citizens of the United States; and that he considered the good example set them by us as the surest, if not the only successful, method of making converts, in bringing them over from paganism, idleness, and debauchery, to a state of Christianity; that he, since being with us, could account for the Indians in New Jersey continuing to be such a miserable and depraved people; that this was all owing to their connexion with immoral white people." Such as these Christian Indians were when Colonel Morgan saw them, such were they at the time when they were distressed and forcibly taken from their peaceful habitations on the Muskingum by the enemy. But their improvements had been much enlarged, and put into the best order; their loss, therefore, was the greater.

It could not be expected that, after such disasters as had befallen the Christian Indians on the Muskingum, they one and all would have borne their sufferings alike. Had these ended with the loss of their property alone, their feelings would have been quite different from what they were when, six months after, such a number of their kindred Christian friends were murdered, when some of them had come from Sandusky to their habitations for corn. Only those of the number that were at the time at the upper town (Schoenbrunn) escaped; those in the other two towns were murdered. In the first case, they in a manner suffered alike, and no lives were lost; whereas, in the following case, much of their best blood was spilt; besides, in some instances, children lost their parents, parents their children, and nearest and dearest relatives.

We all know that the feelings and passions of men are not alike. While one feels himself disposed to forgive, another may meditate on taking revenge. Nor do all fly to the same method for dispelling grief and trouble from their minds. A change of mind may be effected in a moment, but this change is not alike with all. With some, indeed, it may be for the better, while with others for the worse; and while children, who, as infants, had lost their parents in so barbarous a manner, are growing up, it is quite natural to suppose that even their reflecting on the cruelties inflicted on their parents may agitate their minds; nay, even rouse their passions to such a pitch, that they wish themselves able forthwith to take revenge; and the more so, when they are told by others that they ought to do it whenever an opportunity should offer.

On such occasions, the Indian, who is as capable of reflection as the white man, sets his mind to work, always reasoning in this way, viz: "The white people tell us that they possess the book in which the word and commandments of God to man are written, and where God expressly forbids mankind to murder one another, by the words 'Thou shalt not kill.' These commandments," say they, "are also held up to us by the teachers with us; nay, even our children read them to us out of their school books,* into which they are inserted for our instruction. Now," say they, "how do the acts of the white people agree with their profession? They, themselves, do the very things which they tell us are forbidden by God. If murder is forbidden by God, as they tell us it is, why do they do it? If not forbidden, why do they tell us that it is? Can they change this commandment of God, so that their committing murder on us is no crime, but a great crime when an Indian kills a white man?" &c. Being once introduced by an Indian interpreter, named Nicholson, to an Indian chief of the Six Nations, as a teacher of the Delawares, the chief replied: "Then I ought to consider him a good man, and, if he really is such, he will set them a good example by his own conduct; not tell the Indians such and such things are forbidden by God, and yet do them himself, as many of the white people do; but show them that, himself believing what is written down of God and his commandments to be true, he abhors all that is forbidden by him, and strives to do his will, and what is pleasing to him. Such a teacher may do much good among my cousins; whereas, one that acts the contrary part is doing great mischief." Having finished his remark, which was interpreted to me, he reached his hand to me, saying, "I rejoice in having the opportunity of seeing and shaking hands with you this day. Do all the good you can to my cousins," (Delawares.)

The Christian Indians being left entirely to themselves, on their missionaries being taken away from them at Upper Sandusky, and brought to Detroit, did not, however, return to heathenism, but kept together as much as their circumstances would permit; admonishing one another to await the time when they again might be with their teachers. Two venerable old men, David and Joachim, dwelt as hermits together for some years, and until they found a way to the Indian congregation then in Upper Canada, where they both ended their days happily. Both were of those who had joined the congregation between the years 1740 and 1750. A few of these Indians only had suffered themselves to be misled by their relatives, in being persuaded by these that nothing would sooner relieve them from the grief and trouble they felt on the loss of their murdered relatives than the drinking of spirituous liquor; urging them to make the experiment; and, having once begun, their relatives kept them at it, whenever the article was to be had; when, of course, they suffered in their morals.

Those who had kept together until they again could join their ministers in Canada had not suffered visibly in their morals; and of these there were already, in November, 1782, about fifty-three persons at the new settlement, thirty miles to the north of Detroit, where they, and those who had joined them since, formed a fine congregation, after the same manner, and under the same regulations and order, as at their former settlements; so that many gentlemen from Detroit, and among these the commandant, Major Ancrum, came to visit the place, when they freely declared, that the industry, order, and cleanliness of those people surpassed their expectations, and far exceeded any thing of the kind they had hitherto witnessed of Indians. And when this Indian congregation had, after a four years' stay at this place, again to move off, on account of the Chippewas wanting the land for their own use, and were passing through the street of Detroit, to embark in a vessel for Cayuga, the merchants of the place hailed them in these words: "We are sorry to see such an industrious, orderly, and honest people leave the country; yet, we wish you well, and God bless you!"

* Zeisberger's Delaware Spelling Book, first edition, was printed in the year 1776.

It being unknown to these Indians and their ministers, at the time they crossed Lake Erie, that, as yet, a firm peace had not been established between the Indians and the United States, they soon found themselves again involved in difficulties. They were not permitted to go and settle where they pleased, but, on the other hand, were ordered back to Sandusky; which, however, they would not do, but settled themselves at Petquoting; from whence, however, they had to flee for protection to the north side of the lake, near the outlet of Detroit river, where they planted corn for the season, which was in the spring of 1790.

Finding, after a stay of a year at this place, that it was impossible for them to stay longer, both on account of their wicked and depraved white neighbors, who daily disturbed them, and also by those Indians who were at open war with the United States, and had made their settlement their thoroughfare in going to and returning from Detroit, they applied to the British Government for an asylum, and were, at once, directed to look for a place that would suit them on the Thames river, beyond where the white people were already settled, which they did; and the British Government afterwards made them a grant of this land, running six miles along the river, and more than that back towards the lake. This place they called Fairfield.

I had visited these Indians in 1789, while they yet lived on the Huron river, south side of Lake Erie; and when, in the employ of the Government of the United States, I went with the commissioners to Detroit, in 1793, I again visited them. They were then the same industrious people, and had fine crops of wheat and Indian corn in the ground, and were building barns to house it; but some of their immoral white neighbors had already set to work in leading the weaker among them to debauchery, by offering them liquor for the work they did for them, instead of the money they had promised them.

When I again, in the year 1798, was at their village, I perceived in a few a decline as to their morals, and was told by their missionary, Zeisberger, that this was all owing to their connexion with their debauched white neighbors, who imposed liquor upon them instead of money, for labor, as for reaping and helping them to get in their harvest. The missionary had his doubts whether his congregation would be able to stay here much longer on that very account, and was glad that I had brought him an invitation from the directors of the society to remove with a part of the congregation on the lands Congress had granted them on the Muskingum; and he accordingly did move in the fall of that year, with about thirty souls, to the land, where they chose a spot on the Schoenbrunn tract for their village, which afterwards was called Goshen. In the year 1800, this congregation consisted of sixty-five souls; but two families of them, Joshua's and Thomas's (all of the old stock) moved with the missionaries to the White river, to begin a new missionary settlement there; while several other families, also of the original stock, finding themselves afterwards disappointed in their expectations, returned back again to Upper Canada. They were soon joined by several families of Indians from near Sandusky, one of whom was Joseph White-eyes, second son of the late Captain White-eyes, with his family; another, Pemaholend, who was married to the widow of White-eyes; and a third, Gashatis, a man who was nearly related to some of those Indians who had been murdered on the Muskingum, with his family. The first two families were justly entitled to a share of the benefit arising from this grant. Soon after these Indians were settled at Goshen, the Sandusky Indian traders came on to trade with them for their peltry, yet always bringing liquor with them, for the purpose of making better bargains, or, in other words, cheating them. They even sometimes would have a Sandusky Indian with them, or following them, either for the purpose of enticing these Indians to drink, or to have a share in the liquor himself. While these traders were coming from the west, others of the lowest class brought on liquor from the Ohio settlements, to see what bargains they would be able to make in trade. The missionaries, dreading the consequences, applied to me, as agent for the society, to join with them in petition to the Legislature of the State, praying that a law be passed prohibiting any liquor to be brought on that tract of land (Schoenbrunn) on which the Indian congregation was settled; and, in the winter of 1799 and 1800, the Assembly did pass a law, not only forbidding any liquor being brought there, but on none of the tracts included in the grant; putting it in the power both of the missionaries and the agent to seize any and all liquor which hereafter should, in opposition to this law, be brought on the premises for sale, and do with it as they should think proper.

While these missionaries were flattering themselves with the hopes that this law would have the wished-for effect, a Sandusky trader, well informed that such an act had been passed, arrived with liquor at the Goshen village, and, in defiance of the law, and the warnings given him by the missionaries, offered his liquors to these Indians for sale, or in exchange for their peltries, insisting they should now drink of it. The missionary Zeisberger, although then in his eightieth year, in his zeal for the cause in which he was engaged, took up an axe, and stove the kegs, so that the liquor ran in the river. Although this act of the missionary served as a check on some other disorderly people, from their making similar attempts of bringing liquor to the town, yet, upon the whole, this act of the Assembly became highly offensive, and was termed an infringement on the rights and liberties of a free and independent people, and, consequently, soon repealed. Some individuals in the neighborhood did not even wait for its repeal, but brought out and sold to whom they pleased, setting a bad example to these Indians by their immoral acts and deeds. Neither could any thing be done towards putting a stop to intoxication, and the effects of it, as lying, swearing, fighting, &c., even on the Sabbath days, as there was but one magistrate within sixty miles, and he was threatened with having his brains knocked out if he interfered.

To this time (the spring of 1802) we must look for the original cause which led those Indians settled at Goshen to a decline with regard to morality. They could not, when attending to their daily lawful pursuits, avoid seeing and hearing that which was injurious to them; and not only this, but the temptations and snares laid for them by the most immoral and degraded white people, to draw them into the same state in which they were, being numerous, it was impossible for their ministers to guard against all and every temptation that had a tendency to lead them to commit immoral acts, especially that of intoxication; yet I can say, with truth, that, during the time of my residing in that country, which lasted to the fall of 1810, not one single instance had occurred of any thing like a general intoxication with the Goshen Indians. Whenever any thing of the kind existed, it was only with one or the other, or a few individuals joined together with Sandusky Indians. Besides all this, these Indians had other temptations to encounter, which tended to make them unhappy at times. They were told, by unprincipled and self-interested people of their neighborhood, that the three tracts of land which the society held had been granted to them, and that they could do with the land as they pleased, rent it to any person, and have the rents paid to them in hand; that the Brethren were cheating them out of the rents, and would also soon cheat them out of their lands; that their ministers, the agent, and others, drew their salaries from the rent of *their* land, the agent from three to four dollars a day, &c.; that each of them should insist on having his share of the land laid off, and then they would pay them the yearly rents honestly; which would fill their pockets with money, so that, although they worked nothing, they always would have money enough, &c.

Such abominable tales, though one and all falsehoods, could not fail of creating at least a jealousy with some against their ministers and the agent; and, therefore, from trouble of mind, mixed with a little anger, they resorted to where liquor was to be had, in order to be relieved from the pain it gave them.

Now, the missionaries had no salaries at all, nor was ever a salary offered to the agent; and, if it had, I should not have accepted of it. I served the society and Indian congregation a dozen of years, without making a charge

of a single dollar. The provision, indeed, for myself and family, consisting of four persons, and a house to live in, I accepted from the society, whom we all were serving in one way or the other; but we kept a plain table, of such articles as the country afforded, except tea and coffee. I fed, out of this, every Indian who came on hungry to the place, without making such any charge whatever; and these were many. We furnished ourselves with clothing by raising flax, and keeping a few sheep, on account of the wool, which my family, all females, spun, &c. Besides, I made two journeys to Bethlehem, on business of the society, for which I did not charge a cent for expenses. So much for the slander. Could all the cases be brought to view which had contributed towards a decline in the morals of those Indians at Goshen, (and which decline, of course, would operate as a check to the advancement of their mental endowments,) it would fully satisfy every reflecting mind that it would be unjust to throw a greater share of the blame on these Indians than they deserved.

Can it be ascribed to them that they spent much of their time in idleness? I say, no! It was from a want of occupation at home, or where they could get work and pay for it honestly, and without falling into the hands of those who took the work, and would pay in nothing but liquor or trash. One of the Goshen Indians (since deceased) had built my dwelling-house in Gnadenhutzen, and another house at the same place, for a family which came there. Both these houses were of squared timber, shingle roofed, and with neat floors below and above, laid with split and hewn puncheons. He could hew more square feet from the stump, in a day, than any of the white carpenters I had in my employ at that place. He did all his work, even the building of the chimney, in the best manner, and was paid for it honestly by us. The same Indian had, twenty years before, built me a spacious dwelling-house at Salem, on the Muskingum; and once, at my request, enumerated all the houses he had built for other people, both whites and Indians, since he had joined the Christian Indians, and which amounted to between twenty and thirty. Of the three sons of the chief Killbuck, who had been of so much service to the United States during the American revolution, and had died at the beginning of the year 1811, the eldest (John Henry) had been some time at Princeton college, or at a school, where he received a good education; but, being rather of a slow or easy habit, he could do without great bodily exertions, and served as chapel interpreter; while his two younger brothers, Charles and Christian G. Henry, were smart, active, and industrious young men, wanting in nothing but continual employment, but which they could not, under present circumstances, find at this place, (Goshen.)

Wherever the Christian Indians had hitherto lived, they could find work enough, when they had none of their own to do, to give them continual employ. While living in Northampton county, they worked at day labor for wages, as I have already stated. While at Wyalusing, on the Susquehannah, they sold large quantities of corn, sugar, butter, pork, &c. to those Indians living high up the river, who would rather hunt, and exchange their peltry for such articles, than labor in the fields at home. For these, and also for white people living above a hundred miles below them, on the same river, they would make neat white pine canoes, of any sizes wanted, for which they received ready pay. The same was the case when they were on the Muskingum, before the commencement of the American revolution, and until those Indians living in these parts moved back to the Sandusky. For several years, the northern traders had bought up large quantities of Indian corn from the Christian Indians at Schoenbrunn and Gnadenhutzen, which they transported by way of the rivers Muskingum and Cayuga, in canoes, to Lake Erie; thence, across this lake in batteaux, to Detroit, for the northwest trade; and bacon, butter, cheese, sugar, &c. they could sell to traders, or exchange for articles they stood in need of. In latter times they could not even calculate on property they had acquired by their industry at this place, (Goshen;) of which I will only give a few instances, namely: The society had given them ploughs, harnesses, &c. to plough their grounds; they had themselves purchased horses to work with; but scarcely had they made a beginning, when their horses, five or six in number, were missing; when, after having spent much time, first by searching in the woods for them, and then making inquiry all around among the neighbors, and at the places they had purchased the horses, they learned that these had been taken off by horse thieves from the Ohio settlement, and either sold or made away with. After being for some time put to great expenses in hiring white people, who were their friends, to use their endeavors in searching out the persons and places where their horses had been taken and disposed of, and seeking advice how they were to proceed in the business, either in having their horses restored to them again, or, if not, an indemnification, so that they could purchase other working horses in their stead, they were informed by a magistrate, who wished that justice might be done to them, that the principal thief having run off, all his property had been seized to pay the cost and charges of the court with regard to his trial; but, as a surplus would be left, they, by petitioning the Legislature, might have it given to them: which advice being attended to, the Legislature passed an act, or resolution, accordingly, so that they received in money a part of their loss, but not sufficient to carry on their agricultural pursuits as they had intended; which were, therefore, only continued as far as necessity required, they dreading similar disasters in case they procured other horses.

Again, and that but within the last year or two: One of the Goshen Indians having made a fine large trough for collecting and preserving his sugar sap for boiling, on missing the trough one day, he went to a good friend of his for advice, who soon found out that the trough was neatly fixed in a new stable of one of the tenants on the land as a feeding trough for his cattle. The Indian, taking further advice for the recovery of his trough, was assisted in taking out a search warrant; but the thief, hearing what was going on, hastily removed the trough from his stable, and stood prepared with his gun to shoot the Indian the moment he saw him draw near the house to prove his property. Thus the thief came off victoriously, while the poor Indian was left in the lurch, and was ever after afraid of going near him.

Again: The missionary Zeisberger had a fine young cherry tree on his enclosure adjoining his dwelling-house; and a little back of this tree the meeting-house for his congregation had been built. When, after some years, this tree was loaded with cherries, and these to be taken off in a day or two, to share with his friends, the tree was stripped of its fruit by white people from the neighborhood, during the time his congregation were attending divine service on the Sabbath day.

Were it not that some people hold up the doctrine that the Indians are not susceptible of being civilized or becoming a civilized people, &c., and which, from the inference drawn from Goshen by the Senator from Ohio, who had succeeded the mover of the resolutions taken in the Senate of the United States on the 22d of February last, would in a manner seem to support that doctrine, I should not have thought of bringing any of these facts herein stated to public view. Neither can I have any other object in doing it now, than that of laying the truth before that authority which has officially applied to me to furnish them answers to certain questions, but which I found myself unable to do in any other manner that would be clear and effective, so that a fair conclusion might be drawn, than by laying all sides open to view.

If a missionary establishment in the neighborhood of white people shall in anywise succeed, it is necessary that good and wholesome laws be made, tending to their temporal welfare and prosperity, and that these also be carried into effect. If the Indians see that justice is done them to the same degree that it is done to the whites, they will be satisfied, knowing where to flee for relief when maliciously treated or unjustly dealt with. The confidence they would place in such a Government would be a great inducement towards improving their morals and

encouraging them to industry, especially when they saw the magistrates near them act in concord with their superiors in fulfilling such laws.

While I am always free to admit that the Society of United Brethren, with all the care they may take, are as liable to err and commit mistakes as any other of the human race, yet I will venture to defend them both from knowingly and wilfully committing unjust acts, and that of accusing and laying to the charge of others crimes or misconduct which have no foundation, and are done with a view to make such appear odious in the eyes of the public. I have already, in a separate statement of facts respecting the land which the Society of United Brethren held in trust for the use of the Christian Indians and some other individuals, taken notice of a few of the hints and suggestions thrown out by the Senator from Missouri, (Mr. Benton,) tending to show that the Brethren had not dealt fairly with those Indians in discharge of their duty as trustees—I allude to the words where he said, "It would have been idle in him to undertake to put the Senate upon the inquiry, without being able to suggest a failure of the use;" and now have the unpleasant task before me of exposing and correcting a material error into which also the Senator from Ohio (Mr. Brown) had fallen, by stating in his speech that "a large congregation of Indians, whom they (the United Brethren) had, through fifty years' labor, converted to Christianity, had now become nearly extinct, and dwindled to a few families; and that the ostensible object of that mission in which Mr. Heckewelder spent above forty years had totally failed."

To this statement of Mr. Brown I beg to reply, first, that the Christian Indians, among whom the Brethren had labored so many years, or the survivors of them, together with their descendants, are, notwithstanding all the disasters which had befallen them, owing to massacres, wars, and dispersion, (and let me add, natural deaths, of which there had been many,) and were at the time the words were uttered by the Senator just quoted, in number at least one hundred and fifty souls, settled on Thames river, in Upper Canada, and forming a fine congregation, and, as far as my information goes, at present in a flourishing state; chiefly employing themselves in agricultural pursuits, and instructed by the two pious missionaries, Luckenbach and Haman. These Indians, to speak *correctly*, are the remnants of those Christian Indians who were once so flourishing, and with whom I had resided.

As the president of the Society for propagating the Gospel among the Heathen keeps up a continual correspondence with the missionaries stationed with those Indians, and had, likewise, the resolution of the Senate of 22d February forwarded to him, he will, of course, comply with the request made to him, and give a more particular account respecting the state of this mission, the morals of those Indians, and the advance or decline of their mental endowments, than I could do, who am no more in a regular correspondence with them.

Secondly. The Indians at present at Goshen, whom the Senator from Ohio mistook for the remnant of that large and flourishing congregation among which the Brethren had labored so long, were, with the exception of one elderly woman, daughter of the carpenter Ignatius, (of whom I have taken notice in this summary,) all of a new stock, gathered a number of years after the revolutionary war had terminated. Some had come from the Sanduskies, and Killbuck's family from Pittsburg, where they had resided for a number of years, and several of his sons had been taught to read and write; together with the youngest son of the late Captain White-eyes, his wife, and two or three children.

As the history of the last-mentioned families, and the manner they came in for a share of the benefit out of the land granted to the society, in trust, may not be generally known, I will briefly relate the circumstances which occasioned it. The heads of both these families, being chieftains of the Delaware nation, had striven, as long as it had been in their power, to keep the nation at peace with the United States; and had been the means of saving many lives of these during the contest between Great Britain and the United States; but, finally, after several years' exertions, finding their object defeated by their opponent, Captain Pipe, who had joined the enemy, thereby causing a division in the nation, they both took the field as captains, and marched out against the enemy, with American commanders at their head. Captain White-eyes fell a victim to the small-pox while marching out with General McIntosh to Tuscarawas; and Killbuck, who, a year or two later, went out with Colonel Brodhead against the enemy, had thereby drawn such hatred and revenge upon himself by his inimical countrymen, that they publicly declared him an outlaw, to be shot or murdered wherever he should be met with. And, in fact, he had many narrow escapes, even after the war was over; nay, after he had joined himself to the Christian Indians, his life had at one time to be purchased by these and his sons, the enemy being already at his door to murder him. Both these great men (White-eyes and Killbuck) had, also, previous to the commencement of that war, and for some years during its continuance, most strenuously exerted themselves in drawing their nation gradually into a state of civilization; for which purpose they had kept up a continual correspondence with the then Indian agent, Colonel George Morgan, and other American officers; all which was to be laid before the American Congress, and the important step of civilization to take place at the termination of the war.

The scheme, however desirable, and, to appearance, practicable, was totally defeated by the horrid murders committed, both on the Christian Indians on the Muskingum, and the peaceable Indians under the protection of the American Government at or near Pittsburg, where Killbuck so narrowly escaped with his life, while the promising young chief of the nation was killed, together with other respectable men of the nation.

Killbuck learning that the Congress of the United States, agreeably to promises made to the Indians at the commencement of the war, had reserved and would secure to the Moravian Indians all the land they claimed and had in occupation on the Muskingum, (being the three tracts, Schoenbrunn, Gnadenhutten, and Salem;) and he having also the promise made him by the Congress, that both he and Captain White-eyes should be considered and rewarded the same as other officers of the United States, and, finally, each receive his due proportion of donation lands; he, for himself and the heirs of his late friend, Captain White-eyes, requested that Congress would give them their lands *adjoining* those of the Moravian or Christian Indians; for that, since the prospect of civilizing the nation had been destroyed, and himself no more daring to live among his bad countrymen, he had come to the resolution of joining the Christian Indians, where he should consider himself out of danger, as these always settled by themselves and were his friends: all which meeting the approbation of Congress, they included Killbuck and the descendants of White-eyes in the grant.

The Government of the United States at that time considered it their bounden duty to fulfil all the promises which they had made to the Indians, both at the commencement of the American war, and from time to time afterwards; and the least they could do, and which they agreed to do, for the Christian Indians, was that of indemnifying them for their loss, which, at a low valuation, was set at ten thousand dollars; but there being at that time no money in the United States treasury, their land should in the first place be secured to them, and, whenever they returned from Canada to settle on this land, they should be furnished with one hundred blankets and five hundred bushels of Indian corn.

On my return to the United States in the fall of 1786, I was congratulated at every town and place through which I passed, from Pittsburg to Bethlehem, where I met with American officers who had at any time been stationed on frontier posts, on what the Congress had already done, and further would do, for the Christian Indians, who had suffered so much on account of their friendly conduct to the United States, and the services they had rendered

them in so manifest a manner, by striving to keep the nation at peace with the United States, and by keeping war parties back from falling on them; adding that both they and the chiefs, Killbuck and White-eyes, would be well rewarded for all this. I name the generals Butler, Hand, Brodhead, Gibson, Irwin, and Neville, as having particularly distinguished themselves by speaking those sentiments in public, always adding that Congress could not do too much for the Moravian Indians, nor for Killbuck's and White-eyes's families. And General Richard Butler told me, at two different times between the years 1786 and 1791, that he would procure land warrants both for Killbuck's and White-eyes's heirs, which they might lay where they pleased, and sell the land if they chose for cash, and go and live with the Christian Indians, with something in their hands to begin with; for that he did not consider, by the Congress naming these chiefs in the gift to the Moravian Indians, that this was to be the reward for their services, but merely that of attaching them to the community of the Christian Indians, whom they were so anxious to join. But this general losing his life at St. Clair's defeat, nothing further was done for them.

The same officer further observed to me, that "had the chiefs of the Delaware nation, together with the Christian Indians, pursued a different course than what they had done, and all joined the enemy and taken up the hatchet against the American people, it would have cost the United States much blood and treasure to have withstood them and checked their progress into the country, besides weakening our already feeble armies on the seaboard, by draining them of troops for the western service, which might have proved fatal to the cause."

Such had been the language of an intelligent officer; of one who had, previous to the revolution, for a number of years, transacted business among the western nations, knew their strength and abilities, could speak several Indian languages, and had also been frequently at the Moravian settlements in that country. It was likewise the language of other officers who had served on the frontiers.

But in what did finally all the good wishes and fair promises of the Congress and its officers at that time result? An unavoidable delay in not being able to do at that time what had been intended and resolved upon should be done for the Christian Indians and those named chieftains, together with a change in the Government of the United States, (the new constitution soon after taking place,) the whole business had to be done over again, and that by new hands, apparently not sufficiently acquainted with the matter and merits of the case, and in part not friendly to Indians of any description; and who, in newly modelling it, clogged the Society of United Brethren for propagating the Gospel among the Heathen by a grant to them of the land, in trust, for the sole use and benefit of the Christian Indians, Killbuck, and the descendants of Captain White-eyes, in such a manner that could not fail of placing them under a number of difficulties, besides involving them deeply in debt; and that, too, without the prospect of raising for a great number of years to come from the land a revenue sufficient to meet the prescribed conditions of the trust, setting aside entirely the manner and means by and through which the society were to recover those sums, necessarily advanced in attempting to make the lands productive. To make the matter short, this trust land may be considered as the seed of much evil, and had as early as the year 1798, even before the society had commenced a settlement on the land, nearly become a bone of contention, thereby throwing the society into law-suits, as will be seen by the following, viz:

The sons of the late Captain White-eyes, not being put into possession of the donation lands promised to their father for the services he had rendered to the United States, now, in 1797, applied to law characters in the western country for advice how they were to come at their land; and, being told that they had no longer to look to the American Government for this, but to the Moravian Society, unto whom both the lands belonging to the Christian Indians and to them and Killbuck had been confided, (as the deed for this land will sufficiently show,) George, the elder son of the family, had a power of attorney drawn, authorizing and empowering an attorney at law in Washington, Pennsylvania, to get the land for him surveyed out of the grant in trust, which the Moravian Society were possessed of, in whatever manner he could, as also a deed in fee-simple therefor; but while he, (George,) in the spring of 1798, was on his way to Washington with this power, to put it into his agent's hands, while in a state of intoxication near Georgetown, he was shot dead by a white lad of the neighborhood.

And here I put the question a second time: in what did, finally, all the fair promises of the Congress and its officers result, with regard to indemnification for losses sustained, and reward for services both by the Christian Indians and the two named chiefs, White-eyes and Killbuck? With reluctance I have to reply, in nothing that could have been of real service to them; for, to have barely the occupation of a tract of land, which an Indian can have any where in his own country without asking for it, is of no account to them; and as to conveying by deed to such Indians as were entitled to a benefit out of the land, as his particular share of it, it was put quite out of the power of the trustees by the nature of the grant: thus the poor Indians received nothing at all from that quarter of what had been promised them—neither lands, blankets, nor the five hundred bushels of corn.

But what has the Society of United Brethren done for, and in behalf of, those very people? I freely answer, that, notwithstanding the suspicion, censures, and, I may add, reviling language passed on them by some individuals, they have at all times supplied these Indians to the best of their abilities; and that not only by furnishing them with gospel and school instructors, but they have otherwise expended large sums of money in supplying them with necessities, and such articles as could be of benefit to them. They had even been as a parent to the venerable William Henry Killbuck while he lived, and did, in a manner, make amends to him for the failings of the Congress with regard to their promises. Yes, they supported him for more than a dozen of years successively, gave him provisions when he stood in need of them, clothed him comfortably from time to time, and administered medicines to him in sickness; in short, were his real benefactors to the end.

It is to me a gratification that, while I am writing on this subject, my recollection serves me in bringing to view two noble acts of the Legislature of Pennsylvania, which, in my opinion, are in some measure connected with the same subject. The *first* is, that, on my representing to that honorable body (in December, 1810,) of what service that chief (William Henry Killbuck) had been to this State during the revolutionary war, and the situation in which he now was, this body at once settled a pension on him of \$40 a year as long as he should live; and, besides, ordered that three rifles be made in the best possible manner, to present to each of his three sons, that they likewise might see that an enlightened Pennsylvania Legislature were not wanting in acknowledging the services rendered to the State by their father. The good old man, however, took sick and died before the first pension had come to his hands. The rifles to his sons were faithfully delivered to them, and for which they returned their best thanks to that body by a polite letter.

The *second* is, that, at the time (about the year 1794) when this State was about satisfying their officers and soldiers with donation lands, promised them for services during the war, the Legislature of the State also granted to the Society of United Brethren five thousand acres of excellent land in fee-simple, as an acknowledgment for their faithful labors among the Indians while these had resided in Pennsylvania, and to reimburse them in some measure for expenses they had been at, and losses sustained, while engaged in this laudable undertaking. Their noble-hearted Governor (Thomas Mifflin, Esq.) stood foremost in this matter. After suggesting it first to members of the Legislature, and with whose approbation it met, he next urged the reverend John Ettwein, Bishop of the United Brethren, to make application to the Legislature for the purpose; and the land was granted.

Although the society has been at considerable expense, also, with this land, in attempting to make it productive, (which, however, they as yet have not effected,) yet, they being in nowise shackled with conditions, or put under conditions altogether unattainable for years to come, they can, in the end, lose nothing; since, if their calculation in raising a revenue from the land should fail, they will be able to indemnify themselves for the moneys they had expended thereon by selling a part of it, they holding this land in fee-simple.

JOHN HECKEWELDER.

B.

Statement of Mr. Heckewelder concerning the lands on the Muskingum.

Origin of the Christian Indians' claim to that tract of land on the Muskingum on which the three towns (Schoenbrunn, Gnadenhutten, and Salem) were built; together with a brief relation of subsequent transactions respecting the same, both prior to the grant of twelve thousand acres out of it being made by the Congress of the United States to the Society of United Brethren for propagating the Gospel among the Heathen, in trust, for the use and benefit of the Christian Indians, including the families of Captains White-eyes and Killbuck, and their descendants, in the number, &c., and afterwards, until the society were put in possession of the said grant; the measures they had taken to get settlers on the land, for the purpose of raising a revenue from it for the purposes intended; as, also, what the fate of this their undertaking had been.

When (about the year 1769) the great council of the Delaware nation, residing on the Muskingum river, had heard that the Six Nations had sold to the white people the lands on the Susquehanna on which the Christian Indian settlements (Wyalusing and Sheshequon) were, they took the distressed state of their kindred friends into serious consideration, and finally granted them a tract out of their land on this river (boundaries described) of nearly thirty miles in length, and which they promised they would neither ever take back again, nor sell to any Power whatever, but that it should remain theirs so long as the sun should shine and the rivers flow with water; and which act of theirs had not only been confirmed in form, by a large belt of wampum being given to the Christian Indians by the great council at the time, but also by another belt being given them by the Wyandot chiefs, in token of their having been witnesses to the act, and under a promise that they would guard and defend these Christian Indians in their right to the land hereby given them against any and all invaders, &c.

And when, in the year 1775, commissioners appointed by the Congress held the first treaty with the western Indians, at Pittsburg, under this authority, they, among other promises made to such nations and tribes who, during the contest, should not take up the hatchet against them, firmly declared that, not only at the end of the contest such nations should have *their* lands secured to them forever, but that "even this promise now made to them by order of Congress is not alone confined to nations and tribes, but that even detached bodies from such as do not take up the hatchet against them—who have separated themselves from those who do strike them—all such bodies, associations, or communities, as remain at peace with them, shall, if they (the American people) succeed, have, at the termination of the contest, the lands they claim secured to them forever," &c.

When, again, it became known to the hostile Indians that a peace had been concluded between America and Great Britain, and that they, in consequence, might be soon invited by the American people to a treaty, at which they, of course, would have to sacrifice some of their lands for the purpose of burying what was past, and of being again taken by the hand by their American brethren, they, in their deliberations on the subject, agreed not to sell or part with the land they had given to the Christian Indians, but inform the commissioners how this matter stood, and that these Indians had never struck them, but remained their true friends; wherefore they hoped they would confirm their right to them; and when, not long after, a peace had taken place, the United Brethren, by and with the advice of gentlemen of high respectability, (some of whom were members of Congress,) made application to the Congress of the United States for the purpose of having the said lands secured to the Christian Indians, their just claim to these lands had never, that I heard of, been contested; nor could it have been proven, even had it been attempted, that these Indians had forfeited this their land by any one single act they had committed, as being repugnant to the interests of the United States, while they resided on the Muskingum. The sufferings they endured by the enemy were by them ascribed to the attachment they had to the Americans. Even some gentlemen, whose knowledge of the conduct of the Christian Indians was more extensive than others, believed it but justice that, not only *all* the land they had a claim to should be secured to them, but that they ought to receive an indemnification besides, for all their losses.

Various proposals respecting this matter were sent to the missionaries in Upper Canada, either for their approbation or their rejection. The first were meant to ask of Congress both for an indemnification for our private losses, as also to lay a claim to the improvements which we had made on the Muskingum; the latter, on the usual custom of holding lands by "improvement right," (which had been common before the war, even if such improvement was scarcely visible.)

The missionaries, one and all, rejected for their part both these propositions, on the grounds that it did not become a missionary to serve with a view of being here rewarded for it, nor that of crying down the earthly losses which may fall on him; that doing this would or might lead to a bad precedent; while, on the other hand, they considered the Indians under their care as justly entitled to it; and that the more Congress should be disposed to do for them, the more they should be rejoiced; and as to the lands they had lived on, these were theirs already, by a grant from the nation. A statement of their losses on the Muskingum was, as had been requested, made out, and sent on with our answer. It amounted to the sum of \$10,000.

The year 1785 brought us both letters and newspapers, all of which announced that Congress had reserved the three towns, Schoenbrunn, Gnadenhutten, and Salem, in which they formerly had lived, for the Christian Indians, together with a sufficient quantity of land adjoining thereto for use and cultivation; and further, had ordered General Harmar to furnish them with 100 blankets and 500 bushels of Indian corn, on their arrival from Canada in that country; but this (I believe) never was drawn, as unforeseen circumstances prevented them, when, in 1786, they had arrived on the south side of Lake Erie, from going further on than Cayuga; neither had they any way of fetching the corn, &c., they having no horses, and the distance being so great.

On my way from the Indian country to Bethlehem, with my family, in the fall of the year 1786, I was, in every place where I had fallen in with general officers who during the war had, from time to time, been stationed at Pittsburg, congratulated on the pleasing act which Congress had done in securing to the Christian Indians the lands they had formerly lived on; adding that "these Indians were well deserving of it, and that it was the least Congress could do for them, since hundreds of lives had been saved through them," &c. And after my arrival at Bethlehem, I was made fully acquainted with all the transactions which had occurred between the directors of the society and

the Congress on that subject. And when, after some time, the Congress were desirous of having an interview with one or more members of the society respecting the state and condition of the Christian Indians, and the land granted to them, I was called upon to accompany the bishop, John Ettwein, to New York, for that purpose.

To meet the object, the Congress had appointed on their part "the Board of Treasury." The questions put to us by the board were answered to their full satisfaction—were entirely directed to missions among the Indians of this country. Mr. Ettwein gave a brief statement of the Brethren's missionary labors among these people, to the time he had visited them on the Muskingum, in the year 1772; when, desiring me to go on with it to the present time, (1787,) I did so. From the tenor of what we had related, the board were satisfied that the Indians might both be civilized and Christianized, if proper measures were taken for the purpose; namely, by sending none but men of piety and good moral character among them as teachers, and to set them a good example; and keeping them out of the way of immoral and debauched white people, whatever they may profess to be, living entirely by themselves, with no more white people about them than were necessary to instruct them in reading, writing, &c., as also in husbandry and the mechanical arts, was accounted as most preferable.

The other point on which the board were desirous of having information, being directed to the three grants of land on the Muskingum, Mr. Ettwein laid his whole plan before them; and which they thought a very good one, if it could be carried into effect. The greatest difficulty that occurred to them appeared to be the getting of good and industrious tenants on the land; and one gentleman of the board observed, "that if we did not go to the expense of cutting out good roads and building mills in the outset, we need not calculate on getting one single tenant that would be worth any thing. Neither could a tenant live, and yet less pay rent, where no mills were, where he could have his grain manufactured into flour, to sell to new comers and travellers for money to pay his rent with," &c. Mr. Ettwein replied, that the Brethren had learned all this by experience: that in making their first settlements in Pennsylvania and North Carolina, which were also in the wilderness, the first thing they did was the opening of roads to the land, and, after having built one or two small log dwellings, they immediately set about building both saw and grist mills; and that, where they found no stream of water on the tract, (as had been the case at Nazareth,) they purchased the nearest tract to it on which a stream fit for mills was: that, even at Gnadenhutten, on the Mahony, (their first Indian settlement, about twenty-seven miles from Bethlehem,) they had built mills, both for the use of themselves and that of the Indians: that his plan with the lands granted was that of forming just such another settlement on one of those tracts as that at Gnadenhutten on the Mahony had been, where those Indians had every advantage of being taught, not only in reading, writing, &c., but agriculture, and some of the most necessary mechanical arts; since a few such mechanics had been settled near them, that they, also, might have an opportunity of learning trades: finally, that those Indians who chose to settle on the land should have their choice out of the three for settling on; and that such tract be left them altogether, for their own use and benefit, but that the other two tracts should be settled by tenants, on lease; and the whole of the rents accruing from these should inure to the sole benefit of the Christian Indians and their descendants, (Killbuck's and White-eyes's families included,) wherever these were settled, provided they were in the congregation; and that, so soon as the society shall have sufficient funds, by means of the rents, a free school for any and all Indian children should be established at the former place, and always remain open for the parents to put their children to for education, if they chose.

From this time forward the society were put to considerable expenses, merely for the purpose of getting the land laid off by a surveyor. In the first instance, I was notified by a district surveyor, at Carlisle, (Major Alexander,) that, as he was going out to survey the military lands, in which the reserved lands for the Christian Indians lay, I should come on and go out with him, that he might first lay off these lands, that he then might know how to run the other lines: but scarcely had I arrived at Carlisle, when he received a letter from Governor St. Clair, forbidding any surveys to be made in that country at this present time, as it would be unsafe, on account of the Indians.

The next call upon the society was by a letter from Captain Hutchins, geographer of the United States, directing me to proceed without delay to New York, and procure a warrant of survey for him for running the three reserved tracts; then to proceed with the same to Pittsburg, where I would find him, and go with him to the lands, which he would survey for us. Although we had gone on as far as Marietta, where he had a small job of surveying to do first, his surveying party down the river were attacked by the Indians, and lost all their instruments, together with their baggage; yet, as the Indians were daily expected to come into a treaty to which they had been invited, I was persuaded to await the result. Being kept for two months in suspense, and it being the dead of winter, I returned again to Bethlehem.

Three months after this, I was again, by a very pressing letter from Colonel Winthrop Sargent, secretary to the Governor of the Western Territory, prevailed on to repair to Marietta, from whence he would go out with me and survey the lands for the society at once. Again, as I had done in the first two instances, I took with me a helping hand. However, on my arrival at Pittsburg, I found matters quite different from what I had expected. No surveyor thought himself safe in the woods; but, to satisfy myself of this, I resolved first to go out to Petquoting, (Haron river,) where at that time the Christian Indians were living, to learn of them the true disposition of the Indians, and whether it would be safe for a surveyor to go out, &c.; and my travelling companion, Mr. Abraham Steiner, being willing to accompany me thither, we entered on the journey; yet not before I had informed Colonel Sargent by letter of my intention, and that, should I find it safe for a surveyor to go out, I would immediately proceed with some of the Christian Indians to the old Moravian towns, and, leaving them there, go on to Marietta, to accompany him up the river to them.

The result of my inquiries among those Indians I had met with was to this effect: that no surveying business could at this present time be done in the Indian country; that orders had been given by the chiefs of the warlike nations that every white man seen with chain and compass on their lands should be considered as an enemy, and treated as such; and that all such Indians who should be found with surveyors should be looked upon as accomplices of these, and equally punished. Thus, the laying off of these granted lands was put to rest for the present; and the war, which immediately commenced in that country, forbade any thing of the kind being done until, after some years, General Wayne had held and concluded a treaty of peace with these hostile nations.

The expenses alone in attempting to have the land laid off to the society, (always the first act to be done on such occasions,) had already by this time become considerable. The society had in nowise been urgent in having the lands surveyed to them; at a time, too, when there was not the smallest prospect that either they or their Indians could go on them. It was, therefore, more to meet the wish of Congress that they obeyed the calls made upon them by officers under their direction, for that purpose, than to gratify their own wishes. The lands adjoining the three grants could not well be laid off for the purposes intended by Congress until the lines of these grants were first ascertained; and as the Congress, at that time, were suffering by a want of money in their treasury, so that they were unable to pay for the surveying of this land, including other contingent expenses appertaining thereto, the Board of Treasury entered into an agreement with the directors of the society, whereby they, (the society,) in the first instance, were to pay all such costs and charges, which, however, should be remitted to them so soon as they should find sufficient funds in their treasury to do it; or, if they then should prefer an equivalent in

lands, they should be rewarded in that way. The society did, out of their private funds, defray all the expenses of these unsuccessful attempts to get the lands surveyed, as their books will show.

As the land alluded to had not been surveyed under the warrant which had issued under the authority of the old Congress; and since, by means of the new constitution of the United States, new departments had been established, with officers to superintend these offices; it was thought proper to renew the application for this land, by a petition to the present Congress: which being done, some new difficulties presented themselves; when, however, the matter terminated in granting to the Society of United Brethren for propagating the Gospel among the Heathen the three tracts of land called for, &c.

The causes from whence those new difficulties had arisen appeared to flow more from diversity of opinion than from a disposition unfavorable to the cause, or to the case of the Christian Indians. It was alleged that it was to no purpose to grant them land; for, if even they should settle on it, their stay would be of short duration: the Indians, generally, being a wandering people, &c., it would be better to give them the land for occupation only. To which suggestion, Mr. Eitwein, president of the society, replied, that he could not consent to this, as it could not be of any benefit to those Indians, who could get land enough in their own country for that use, without asking for it. Another proposal was, to give to these Indians, instead of the land, a sum of money, as an indemnification for their losses on the Muskingum, and let them settle in their own country, where they pleased, &c. This proposition had been made under an apprehension that they would not be safe in their lives were they to settle on that land, since the frontier settlers might rise upon them a second time, and destroy them altogether. A member from North Carolina, however, and who had been lately Governor of that State, preferred the granting to the society the land in question to make settlements on it; adding, "I would rather see a Moravian settlement on the frontiers than a fortification, since such settlement would afford the country more protection in time of war."

Early in the spring of the year 1797, I received a letter from General Rufus Putnam, at Marietta, who, having been appointed surveyor general in the place of Colonel Thomas Hutchins, deceased, informed me of his intention of surveying the lands on the Muskingum, which had been granted to the society by the Congress to them, early in the ensuing summer; and wishing me to come on prepared with any such further instructions as might be necessary for him to know, so that he might finally meet the wishes of the society with regard to the business he was about to do for them.

Being both acquainted with the situation of the three tracts of land to be laid off for the society, as also with the manner in which the township and range lines in the military tract (within which these lands lay) were to run, I considered it necessary to consult some of the heads of Departments thereon, and learn their opinion; and, having done this, I proceeded on my journey, with their despatches, to the surveyor general. Yet, as I had with me some hands, who were to be employed in laying off farming lots, after the exterior lines being first run, I took these at once on to the ground, and, leaving them there, proceeded on my journey through the woods to Marietta; where, waiting until the general was ready, we, together with his hands, baggage, &c., proceeded up the river to the place of our destination; where the surveying business was done by him with accuracy and despatch, and to the satisfaction of the society.

This job being finished by the general, and the district surveyors under his direction already at work in the military tract—yet, without knowing exactly how far to the north they were to run the range lines, as the east and west boundary line, which was, by treaty, to be the division line between the United States and Indian lands, had not yet been run out; neither, indeed, the exact point (going under the name of "the crossing-place above Fort Lawrence") where this line was to strike generally known—I accompanied the general with some of his hands, to show him this place, about twenty miles up the river; when, after marking a tree, and placing written directions, under a cover of bark, to this tree, for the surveyor who was running this line, and coming on from the western end, or point, we returned together to Marietta; where, after he had finished the returns and plats of his surveys, I took these on to the persons to whom they were directed; when, not long afterwards, a patent for the land, signed by the President of the United States, &c. was, by the Executive, forwarded to the president of the society, &c.

The settling on these lands, for the good purposes intended, became now, with the directors of the society, a matter of importance, and deserving of a due consideration. The question was, whether any of the Christian Indians at Fairfield, in Upper Canada, would be willing to settle on the granted lands; and, if so, which of the three tracts they would choose for themselves to settle on? and in what manner shall the society proceed, both in making a beginning on such tracts as would fall under their especial charge, and, withal, be their duty, to make the best they could out of such lands, for the benefit of those for whom they were intended? from whence were these farmers to come? &c. As I had to accompany a young missionary to Fairfield, in Upper Canada, in the spring of 1798, I was sure of learning, while with them, their determination and decision on all such matters as referred to them; but the prospect of getting good and industrious tenants on that part of the land which was to be leased out was gloomy.

I had learned, at the first place, that a number would come on in the fall, and settle on the northernmost tract, (Schoenbrunn;) and these did come on with the missionaries Zeisberger and Mortimer, and began to build winter huts on the spot since called Goshen.

From Fairfield, I proceeded with the old missionary Edwards, and two smart young Indians I had taken with me, first to Detroit, then round the head of Lake Erie to Gnadenhutzen on the Muskingum, where I arrived on the — of June; and, we having erected on the river bank a bark canoe, I proceeded on to Pittsburg, to take out a couple of good hands that I expected were waiting for me; but, being disappointed, I took the best I could get, since, without help, I could not get along with my work in this new country. Out of four hands that I took in my employ during the summer and fall months, three turned out to be lazy, worthless people. Added to this, I had the misfortune, while in the act of making an axletree for hanging a grindstone, to hit my hand with the axe, so that two of my fingers were nearly cut off close to the hand, and one corner of the axe went quite through the hand; and had not, at that time, an aged Indian been at hand, who daily dressed the wound with the root of the sarsaparilla simmered up in a little water, which kept it fresh and free from mortification, until, after ten days, I was able to go to Pittsburg for the benefit of a surgeon, I probably might have shared the same fate which two men, from cuts not equal to mine, had shared in that excessively hot month, (August,) who, though under the surgeon's care, died in consequence of a mortification taking place.

Such had been my troubles and sufferings already in the first year; and that, too, without seeing anything worth speaking of done. The second and third years were better, but vastly expensive, as I had to bring both workmen and their tools with me from the Atlantic States; and the provisions for these, flour, bacon, &c. having to be brought seventy miles on packhorses, added greatly to this expense.

There are many lessons to learn in making new settlements in a wilderness; and especially at the great distance of four hundred miles, as this was, from Bethlehem, and seventy miles, as the path then went, from the settlement on the Ohio where the nearest mechanics and mills could be met with. Exclusive of expenses which the nature of the case makes indispensable, as that of cutting out wagon roads, and throwing bridges over morasses, so that farm-

ers with teams can get into the country; and the building of a mill so as to serve for temporary use, and until the country be thicklier settled, there are many unforeseen difficulties to encounter—accidents to repair—disappointments, which had occasioned losses, to endure—and, occasionally, extra expenses to be borne with: all which are best known to such who had already, or at the time, engaged in similar enterprises.

A gift of twelve thousand acres of land may appear to some as something extraordinary, and lead to high calculations with regard to the income of rents from such a number of acres of land; while the better informed will confine their calculations within narrower limits, by taking into view situation, nature of the soil throughout, disadvantages the country or district is subjected to with regard to a market for raising money to pay rents with, exclusive of the certainty of losing a part of the rent, both by bad pay and desertion of some of the tenants: all which has to be learned by experience.

Independent of all this, I may add that enterprises of the kind have a tendency of leading to the making of experiments, which do not always answer the intended purposes. Thus the society, in the beginning, granted leases to such tenants as came on the land, which they now find highly detrimental to their interests. With the view of encouraging good, honest, and industrious farmers to take leases of them for twenty-one years, they promised such that, at the expiration of the term, they should be reimbursed for their labors and expenses as regards the buildings they may have erected on the premises, as dwelling-houses, out-houses, barns, &c., according to a fair or just valuation thereof; and which clause had been inserted in the lease under the impression that these should be spacious, comfortable, and durable, especially the dwelling-house, and with a good walled cellar under it, and the barn also of proper dimensions, so as to invite the best of farmers to go on them hereafter, if the tenant himself did not wish to take a new lease. This generous offer of the society, it was supposed, would be of benefit to both parties: to the first tenants, in having a comfortable dwelling for themselves while they dwelt on the premises, besides receiving a sum of money in hand paid them at the end of the term, and besides having the advantage of cutting the timber from the land they lived on, and were clearing off for cultivation; while the new tenant, about entering on such farm, would sooner choose to pay a good rent, where every thing was in order as it ought to be, than a low rent, or perhaps none at all, where only cabins were to be seen on the premises, and those in a state of decay. It is true that the tenant under this long lease was, after the expiration of the first year, bound to pay a yearly rent, divided into three terms, for the first six years, at the rate of — dollars per hundred acres; for the next term of seven years, at the rate of — dollars per year for a hundred acres; and for the last seven years of the term, yearly, — dollars for one hundred acres; but, considering his having the first choice of the land, and in part cleared by the Indians, and fit for the plough, besides the advantage of selling grain to new comers, he could, if he would, pay up his rent without feeling it much, as the land yielded so well, and grain, especially for horse feed, always wanted.

Some few of these tenants did, indeed, pay their rents every year punctually; while others, again, pretended that they had endeavored to do it, but were not able, and these would always hang back; others, again, finding themselves deeper in debt than they believed themselves able to pay, absconded, and went to some other part of the State; their improvements being bad like themselves.

But to come to the point: there were among those who had gone off the premises some who, though they could not find money to pay their rents while on the land, found it easy to enter lands of Congress elsewhere, where they had to pay one-fourth of the purchase money down, and the remainder in three yearly instalments, &c.; and, among those that did stay to the end of the term of their lease, there are some that strive to turn this benevolent act of the society, in rewarding them for their improvements, agreeably to the appraisement, to their interest alone, by taking every advantage of defrauding the society; they, namely, contrive to procure men to raise the valuation on their premises as high as they can, without bringing into consideration in how far they had complied with the stipulations as inserted in their lease, especially as respects the planting of an orchard within the limited time; the dimensions, workmanship, and real value of their buildings; and whether or not they had each paid up their rents, as stipulated in their lease; or even not caring what sums they are in arrears of rent to the society at the time they are making the valuation for them.

And while the society is suffering by means of the causes here stated, they find themselves charged with a heavy tax on the whole of the twelve thousand acres granted them in trust, for the benefit of the Christian Indians, by the Congress of the United States. Yes! they have had to pay, now seven years successively, every year, this tax; a tax which, in my opinion, exceeds the sum actually received for rents of the *same* year, and that for lands, too, whereof a considerable part (probably some thousand acres) are, and ever will remain untenable, partly on account of their barrenness, but principally by the higher lands being cut up by hills, steep ridges, and gullies; while, again, a great part of the bottom lands cannot be leased out so as to bring a rent, on account of stagnated ponds, some of which, being half a mile and more in length, are not easily drained.

Thus the society, while struggling to remit the sums borrowed at the commencement of their settlement on Musingum, and since, for the purpose of getting tenants on the lands, in order to raise a revenue from them to meet the object for which they were granted, are taught by sad experience that this very land is becoming an insupportable burden to them.

Under such discouraging and distressing circumstances, it cannot be expected that any thing bearing the name of revenue *could* have arisen from these lands; nor that the society could have the smallest desire of holding them any longer; so that, if the Congress of the United States should consider it expedient, or be disposed to reclaim them, the society, I presume, will have no objection to it; expecting, however, that the moneys they had necessarily expended, both towards obtaining these lands, and for the purpose of raising a revenue from them for the benefit of those Indians concerned, would be refunded to them, and they also be relieved from any and all bargains they had made with tenants, as regards a reimbursement for their buildings by appraisement.

Although the society found themselves disappointed in the calculations they had made of a revenue arising out of the rents, &c., sufficient to supply the wants, &c. of those Indians concerned, yet they did not let these suffer on that account. Nay, these Indians were supplied with all they stood in need of, either by moneys raised among themselves for missionary purposes, or by money borrowed at the time it was wanted.

Neither do the United Brethren, as a body, amass to themselves any thing that belongs to others, or is intended for the benefit of others; nor beguile their consciences, or bring a reproach upon themselves, by appropriating gifts of benevolence intrusted to them for others, to themselves, or for their interest or use. All acts of this kind are held sacred with them.

Their missions, wherever they may be, are principally supported by means of voluntary contributions and collections, made up among themselves, and by the aid they from time to time receive from religious and charitable societies, as also from pious individuals and friends of missions. They (the United Brethren) have never, to my knowledge, been the trumpeters of their doings among the heathen; never sought for applause for the purpose of drawing sums of money from the public, or from private societies. Whenever it has so happened that a collection has been made after the preaching of a mission sermon by one or the other of our city ministers, I always understood that such sermon had been delivered at the pressing request of friends and well-wishers to the cause.

So, likewise, have the very few histories of the Brethren's missions among the Heathen, that have been published by themselves, been brought before the public; not by their own choice, but at the pressing instigation of worthy and pious characters—a number of whom being without the pale of the society.

The society who hold the lands granted to them, in trust, for the Christian Indians, had been led to believe, that, as the intention of Congress had been that a revenue be raised from the lands, by means of rents, sufficient to provide these Indians with ministers to instruct them in religion, and schoolmasters to teach them the arts of reading, writing, &c., as also to answer other good purposes tending to their welfare and happiness, they would be exempt from taxation; the same as was supposed the school lands in the State of Ohio would be. They were further led to believe that, if ever any part of it should be taxed, it would only be such land as was held under a lease, and subject to a yearly rent, whether such be farm lots, town in and out lots, &c.; all which the tenants are, by a clause inserted in their lease, bound to pay, according to the number of acres each held under his lease; but, it was not supposed that on the Schoenbrunn tract, which the Indians entirely possessed, and on which no leases to white farmers *could* be granted, (it being considered as Indian lands, and these always exempt from taxation while the Indians lived in Pennsylvania,) any taxes would be laid while they resided thereon.

The society, however, finding that the whole of these lands were taxed, and they being unable to bear this burden, as the yearly tax amount exceeded the sum they actually received from the rents, they had no other alternative than that of granting leases to white settlers on the Schoenbrunn tract, on which the Indians were settled; thereby, however, keeping in view the main object, namely: that all the rents, or moneys accruing from rents, on this tract, should be applied to the sole benefit of those Indians who were living on the land; while the tenant would, besides the rents, have to pay the taxes, according to the number of acres he held.

Withal, the society being sensible that, while the whole of these 12,000 acres should be subject to a yearly tax, as they had been for the last — years, it would be impossible for them to calculate on any thing of a revenue arising from them, for the purposes intended—when, of course, the object which the donors (Congress) had in view at the granting of these lands would be totally destroyed—they sought redress by petitioning the Legislature of the State of Ohio for an exemption of taxes, &c.; to which petition, the committee of the Senate, to which the petition had been referred, made the following report, viz:

"On the 30th January, 1821, &c., ——— That they have examined the subject referred to them, and find that the object of the memorialists is to obtain from the State an exemption of taxes on the lands which they hold by grant from the United States, for the purposes as expressed in the caption. The committee find, that the land which has been granted to the society is of very fine quality, and at present in a very good state of improvement, yielding, as they must believe, a considerable revenue; but, as they have no means of ascertaining whether that revenue is faithfully disbursed in effecting the original object of the grant, they do not think it expedient to recommend, at this time, the exemption which is asked for, and therefore submit the following resolution:

"Resolved, That the prayer of the memorialists be not granted.

"The Senate then took up the report aforesaid, and the same was agreed to." [From the Journal of the Senate.]

Remark.—Whilst I resided in the State of Ohio, until the fall of the year 1810, being agent of the society, I was in the habit of inquiring of intelligent characters, living in different counties where school lands were let out on rent, what the amount of the rents were from these per year? To which question I universally received the answer, "nothing," or, sometimes, "next to nothing." And when I sought counsel of both intelligent and experienced men how to manage with the tenants, so as to make myself *sure* of rents, &c., these would reply: "This is just what we wish to learn of you!" When, but a fortnight since, I inquired of a very intelligent gentleman, residing in the Ohio purchase, and who was one of the first settlers that came into that country in the fall of the year 1778, to what amount the rents from their school lands came per year? his reply was, "Not half as much as the legislating thereon came to!" And this is the oldest settlement in the State of Ohio.

The society can have no objection in rendering an account of their transactions with regard to the lands granted to them, in trust, for the benefit of the Christian Indians, to the proper authority. They had, from the beginning, been led to consider this as a matter of course, by their late worthy president, the reverend John Ettwein; and who had advised them always to be prepared for it. And I doubt not but that the accounts accompanying the papers (or report) to the President of the United States, to be laid before the Senate, will satisfy that body that the Society of United Brethren for propagating the Gospel among the Heathen, on *their* part, have been faithful to the trust enjoined on them.

JOHN HECKEWELDER.

BETHLEHEM, April 16, 1822.

17th CONGRESS.]

No. 190.

[2d SESSION.

EXTINGUISHMENT OF THE INDIAN TITLE TO LAND IN GEORGIA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 6, 1823.

Mr. McLANE, from the Committee of Ways and Means, who were instructed, by a resolution of the 30th December last, to "inquire into the expediency of making an appropriation adequate to the purchase of the reservations made in favor of the Creek and Cherokee Indians, within the territory ceded to Georgia," reported:

That, by articles of agreement and cession between the United States and the State of Georgia, the United States became bound "to extinguish, at their own expense, for the use of Georgia, as early as the same can be peaceably obtained on reasonable terms, the Indian title to certain lands, particularly described in the said articles, for which purpose a treaty had been directed to be held with the Creeks;" and, in the same article, it was further stipulated "that the United States shall, in the same manner, also extinguish the Indian title to all the other lands within the State of Georgia."

That, subsequent to the date of this article, the United States, by two several treaties with the Creek Indians, dated the 9th of August, 1814, and 8th of January, 1821; and several treaties with the Cherokees, dated, respect-

ively, the 8th of July, 1817, and 27th of February, 1819, reserved, for the use of such Indian families as should choose to settle within the State of Georgia, six hundred and forty acres of land, and to their heirs, in fee-simple.

It is the title to these reservations which the State of Georgia now desires to have extinguished. They do not lie contiguous to each other, but are dispersed over and in different parts of the State.

Over these reserves the Indians have formally abandoned their national jurisdiction; the United States, it is presumed, never had any, and none can be exercised by the State of Georgia, without a recognition of the *fee-simple* title claimed by the Indians, which she supposes inconsistent with her rights under the article of cession.

Under these circumstances, for a more full development whereof they refer to the report of a select committee made on the 7th January, 1822, [See No. 177,] the Committee of Ways and Means suppose the United States are under an obligation to interpose and extinguish the Indian title to these reserves, whenever it can be done on reasonable terms, pursuant to the articles of cession heretofore referred to.

The committee are also led to believe, from the peculiar difficulties in which the possessions of these lands are now involved, with respect to their title, that the present would be a favorable period for the interference of the United States for their extinguishment.

From the best information which the committee have been able to obtain, it is probable that about twenty-one Indian families have availed themselves of the articles of the treaty of 1817, each of whom being entitled to 640 acres of land, would make the number of 13,440 acres to be extinguished under that treaty; that, under the treaty of 1819, there are six families, making 3,840 acres; and under the treaty of 1821, the reservations amount to 5,480 acres; making, in the whole, 22,760 acres to be extinguished by the United States.

It has been supposed, by a public agent appointed by the Governor of Georgia to inquire into this subject, and from whose official report the foregoing estimate is derived, that much of this land may be purchased for less than two dollars per acre, though for another portion a larger sum will be required. It is presumed, however, that the whole quantity may be extinguished for a sum not exceeding fifty thousand dollars; and the committee, therefore, report a bill accordingly.

17th CONGRESS.]

No. 191.

[2d SESSION.]

TREATIES WITH THE OSAGE, SAC, AND FOX TRIBES.

COMMUNICATED TO THE SENATE, JANUARY 6, 1823.

To the Senate:

WASHINGTON, January 6, 1823.

I transmit to the Senate, for their advice and consent as to the ratification, treaties which have been made with the Osage and Sac and Fox tribes of Indians, in execution of the provision contained in the act of the last session entitled "An act to abolish the Indian trading establishments."

JAMES MONROE.

SIR:

DEPARTMENT OF WAR, January 4, 1823.

I transmit, herewith, for the consideration of the President, treaties concluded with the Osage and Sac and Fox tribes of Indians since the last session of Congress, for the extinguishment of the treaty obligations on the part of the United States to keep up trading-houses for their benefit.

I have the honor to be your obedient servant,

J. C. CALHOUN.

TO THE PRESIDENT OF THE UNITED STATES.

Articles of a treaty entered into and concluded at the United States factory on the Marie Decine Agency, by and between Richard Graham, agent of Indian affairs, authorized on the part of the United States for that purpose, and the chiefs, warriors, and headmen of the tribes of Great and Little Osage Indians, for themselves and their respective tribes, of the other part.

Whereas, by the second article of the treaty made and entered into between the United States and the Great and Little Osage nation of Indians, concluded and signed at Fort Clark, on the Missouri, on the tenth day of November, one thousand eight hundred and eight, it is stipulated that the United States shall establish at that place, and permanently continue at all seasons of the year, a well-assorted store of goods, for the purpose of bartering with them on moderate terms for their peltries and furs: Now we, the said chiefs, warriors, and headmen, in behalf of our said tribes, for and in consideration of two thousand three hundred and twenty-nine dollars and forty cents, to us now paid in merchandise out of the United States factory by said Richard Graham, on behalf of the United States, the receipt whereof is hereby acknowledged, do exonerate, release, and forever discharge the United States from the obligation contained in the said second article above mentioned; and the aforesaid second article is from the date hereof abrogated and of no effect.

In witness whereof, the said Richard Graham, and the chiefs, warriors, and headmen of the Great and Little Osage tribes, have hereunto set their hands and affixed their seals this thirty-first day of August, in the year of our Lord one thousand eight hundred and twenty-two.

R. GRAHAM.

[Signed, also, by the chiefs, warriors, and headmen of the Great and Little Osage tribes.]

Articles of a treaty entered into and concluded at Fort Armstrong, by and between Thomas Forsyth, agent of Indian affairs, authorized on the part of the United States for that purpose, of the one part, and the chiefs, warriors, and headmen of the united Sac and Fox tribes, for themselves and their said tribes, of the other part.

Whereas, by the ninth article of the treaty made and entered into between the United States and the Sac and Fox tribes of Indians, concluded and signed at St. Louis, in the district of Louisiana, on the third day of November, one thousand eight hundred and four, it is stipulated, in order to put a stop to the abuses and impositions which are practised upon the said tribes by the private traders, the United States will, at a convenient time, establish a trading-house or factory, where the individuals of the said tribes can be supplied with goods at a more reasonable rate than they have been accustomed to procure them: Now we, the said chiefs, warriors, and headmen of the said tribes, for and in consideration of the sum of one thousand dollars, to us now paid in merchandise out of the United States factory by said Thomas Forsyth, on behalf of the United States, the receipt whereof is hereby acknowledged, do exonerate, release, and forever discharge the United States from the obligation contained in the said ninth article above recited; and the aforesaid ninth article is, from the date hereof, abrogated and of no effect.

In witness whereof, the said Thomas Forsyth and the chiefs, warriors, and headmen of the Sac and Fox tribes, have hereunto set their hands and affixed their seals this third day of September, in the year of our Lord one thousand eight hundred and twenty-two.

THOMAS FORSYTH, *United States Indian Agent.*

[Signed, also, by the chiefs, warriors, and headmen of the Sac and Fox tribes.]

17th CONGRESS.]

No. 192.

[2d SESSION.]

EXECUTION OF THE TREATY WITH THE CHOCTAWS, OF THE 18TH OCTOBER, 1820.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 6, 1823.

To the House of Representatives:

FEBRUARY 6, 1823.

In compliance with a resolution of the House of Representatives of the 28th of January last, requesting information "whether the treaty concluded with the Choctaw nation of Indians on the 18th of October, 1820, has been executed, so far as respects the cession of certain lands to said nation west of the Mississippi river, and if possession has been given of the lands ceded to them; if not, that he assign the reasons which prevented the immediate execution of the stipulations of said treaty; and whether the difficulties have diminished or increased by the delay in its execution," I communicate a report from the Secretary of War, with the documents referred to in it.

JAMES MONROE.

DEPARTMENT OF WAR, *February 4, 1823.*

The Secretary of War, to whom was referred the resolution of the House of Representatives of the 28th ultimo, requesting the President of the United States "to inform this House if the treaty concluded with the Choctaw nation of Indians on the 18th day of October, 1820, has been executed, so far as respects the cession of certain lands to said nation west of the Mississippi river, and if possession has been given of the lands ceded to them; if not, that he assign the reasons which prevented the immediate execution of the stipulations of said treaty; and whether the difficulties have diminished or increased by the delay in its execution," has the honor to state that, soon after the ratification of the treaty referred to, the necessary measures were adopted by this Department for the execution of the stipulations mentioned in the foregoing resolution of the House of Representatives, and in pursuance of which the boundary line of the land ceded to the Choctaws west of the Mississippi was ascertained and marked by the commissioner appointed for that purpose; a copy of which report is herewith enclosed. And considerable efforts were made, through a special agent appointed for the purpose, in virtue of a stipulation in said treaty, upon the recommendations of Generals Jackson and Hinds, the commissioners who negotiated it, to induce the Choctaws to remove and settle there, (a copy of the instructions to this agent are enclosed,) but without success, as will be seen by the accompanying extracts of letters from the special agent (here referred to,) and the agent to the Choctaw nation to this Department on the subject. These extracts will also explain the causes of the failure, the principal one of which, it is believed, is to be found in the number of white settlements in the country ceded to the Choctaws. The Department has no information that will enable it to say whether the difficulties have diminished or increased by the delay in the execution of the treaty.

JOHN C. CALHOUN.

The PRESIDENT OF THE UNITED STATES.

SIR:

DEPARTMENT OF WAR, *March 27, 1821.*

The sum of \$65,000 was appropriated by Congress to carry into effect the treaty concluded with the Choctaw nation on the 18th of October last, a copy of which is herewith enclosed.

You are charged with the superintendence of the execution of that part of the treaty which provides for the migration of the Choctaws to the country which has been ceded to them beyond the Mississippi, which it is desirable should be done upon the most economical terms, and with as little delay as possible.

The superintendent of Indian trade will be instructed to forward to Natchez, as soon as practicable, subject to your order, 500 blankets, 500 kettles, 500 rifle guns, with bullet moulds and wipers for each, 1,000 pounds rifle

powder, and a proportionate quantity of lead. Should a greater number of these articles, in your opinion, be required, you will immediately inform this Department, and state the probable number that will be required: it will be forwarded without delay.

The quantity of corn which may be necessary to supply the number of Indians that may be disposed to emigrate on their journey, you will purchase on the best terms you can; a further supply, if it should be required, will be furnished after their arrival in their new country, agreeably to the treaty, by Captain George Gray, the Indian agent on Red river, who is instructed to perform the duties of agent to them.

In order that Captain Gray may be prepared to meet the Indians, and make the necessary provision for them, you will correspond with him, and advise him of the probable time of their arrival, and of their number.

Mr. Folsom, who was recommended by Generals Jackson and Hinds as a suitable person for the purpose, has been appointed agent, (the appointment is herewith enclosed, to be forwarded to him,) under your direction, to collect all the Choctaws who are desirous of removing beyond the Mississippi, and to conduct them thither.

Mr. Folsom will correspond with you relative to his duty, and report to you, from time to time, the number of the Indians who declare their intention to emigrate, distinguishing the number of men, women, and children; from which you will regularly register them in a book to be kept for that purpose at the agency, until the 22d day of December next, being one year from the ratification of the treaty. All who intend to emigrate, and wish to avail themselves of the provisions of the treaty, must do so before the period just mentioned, as after that time the provision for emigrants made by the treaty will cease, and no corn or other articles will be issued by the United States.

When any number of Indians are collected, and ready to start on their journey, the agent will inform you of the fact, and make a return to you of the precise number, particularly distinguishing the number of warriors; upon which returns, duly certified by him, you will issue a sufficient quantity of corn to each family or individual, for their support on the way. The articles to be given to the warriors will not be delivered to them until they are about to cross the Mississippi; and you will select some point on the river, convenient to the place where the emigrants shall cross, to which the articles can be transported for delivery.

You will take the receipt of the agent on all such returns, specifying the quantity of corn and number of articles delivered to the Indians by you, and transmit the same to this Department, with your accounts as vouchers. These returns will be also registered in the book to be kept at the agency.

All those who have separate settlements, which fall within the limits of the land ceded by the Choctaw nation to the United States, and who desire to remain where they now reside, in order to avail themselves of the privilege secured to them by the ninth article of the treaty, must make known their intention to remain within one year from the ratification of the treaty, and enrol their names upon the register which you are required to keep open at the agency until that time for the purpose; otherwise, they will lose the benefit of the privilege. This register will be closed at the period mentioned, certified by you, and transmitted to this Department, with the register of the emigrants, certified in like manner.

You will be particular in ascertaining, yourself, or by the agent, the number and names of those who prefer removing from the land ceded to the United States to taking reservations, and actually do so within the time limited; as all such are to be paid by the United States for their improvements, agreeably to a valuation to be made by commissioners to be appointed by the President of the United States.

The lines of the land ceded by the Choctaw nation to the United States will be run out immediately by the public surveyor, under the direction of the Commissioner of the General Land Office; those of the land ceded to the Choctaw nation will be run out by a commissioner; and Henry D. Downs, of Mississippi, has been appointed. His commission and instructions are herewith enclosed to you, to be forwarded to him.

Elder Brashears, Esq., of Mississippi, was also recommended for this duty by Generals Jackson and Hinds; but, as one would be sufficient, Mr. Downs, being the first named, was selected. Lest, however, he should be unwilling to serve, I have also enclosed a commission and instructions for Mr. Brashears, which you will forward only in case of Mr. Downs declining the appointment. The remaining stipulations of the treaty will claim the attention of the Government in due time.

You will transmit an estimate of the probable amount of funds which will be required for the purchase of corn and for other expenses which may necessarily arise on account of emigration from the Choctaw nation, and it will be remitted to you from the Treasury. The disbursement of these funds will be accounted for separately from those disbursed for your agency, as they are furnished from a distinct appropriation.

I have, &c.

WILLIAM WARD, Esq., *Choctaw Agent.*

JOHN C. CALHOUN.

SIR:

DEPARTMENT OF WAR, *March 27, 1821.*

I enclose you a regular appointment as agent to collect all the Choctaws who may be disposed to emigrate, agreeably to the late treaty, to the country ceded to them beyond the Mississippi, and to conduct them thither.

Mr. Ward, the Choctaw agent, has been instructed to take immediate measures for the emigration of the Choctaws; and you will correspond with him and take his instructions upon all points connected with your duty. You will, in conjunction with Mr. Ward, fix upon the best and speediest mode of ascertaining the number of those that may be disposed to emigrate, and of making your reports to him, from which he is required to keep a register of the whole number of emigrants, distinguishing men, women, and children, at the agency. When all that intend to emigrate are collected together and about to commence their journey, provisions will be issued to them by Mr. Ward, on your return of the number, in which you will be particular in distinguishing the number of warriors. The articles for the warriors will be delivered to them when they are about to cross the Mississippi.

Since the conclusion of the treaty, the Department has learned that the boundary line of the land ceded to the Choctaw nation, from Red river to the Arkansas, as fixed by the treaty, will probably materially affect the white population in the Arkansas Territory; and it is the intention of the President, if that should be the case, as soon as the line is run out by the commissioner who has been appointed for the purpose, and his report is received, (in which he is instructed to state the number of white inhabitants, and the position of the settlements that will be materially affected by it, and at what point a line could be drawn, deviating as little as possible from that called for by the treaty, which would the least interfere with them,) to propose to the Indians to alter the line accordingly, making to them a suitable compensation for the portion of territory they will give up by the alteration. With a view to this arrangement, it is the wish of the President that the Choctaws should not settle in the neighborhood of the whites, but that they should settle sufficiently far west to prevent collisions between them.

You will apprise the Indians of the difficulty that exists with respect to the line as it is fixed by the treaty, and of the intention of the President to propose an alteration of it; and endeavor to prepare them for a favorable result, and, in the mean time, to locate them so far west as will not interfere with the intention of the Government.

You will be allowed \$1,000 in full for the service which is required of you by the appointment that has been conferred upon you, which will be paid upon the joint certificate of Mr. Ward and Captain Gray that it has been faithfully performed.

I have, &c.

JOHN C. CALHOUN.

Mr. EDMUND FOLSOM, *Agent, &c., Mississippi.*

SIR:

CHOCTAW AGENCY, *November 24, 1821.*

I have the honor to inform you that I received your appointment on the 7th of last April as agent to conduct the Choctaw emigrants beyond the Mississippi, if any should choose to go; at which time I commenced on that business of travelling to and fro through the nation, collecting and talking to the Indians, and making all efforts in my power to start them; but, in consequence of the great opposition of the headmen of the Indians, and the white people that live amongst them, my efforts have all proved in vain; but still I have hopes that there will go a great many of them next year, such as half-breeds and their connexions. I have gained the ill-will of the Choctaw Indians, and made my friends my foes. They have threatened to drive me out of the nation, and some of their leaders have called me a liar and a carrier of lying talks; and some of them have gone so far as to threaten my life, in consequence of my exertions to take them beyond the Mississippi. Since I commenced my operations, I have not been furnished any money to bear my expenses, except twenty dollars the agent lent me. I want you to furnish me money quarterly to carry this business into effect, as I cannot do any thing without money; but, if you furnish me with funds, I will make use of all exertions in my power. I have been engaged in this business almost eight months, but I have not given up the business as yet. I think, after the Indians move off the ceded lands, and get satisfied with the treaty, many will go off with me; but, as yet, I am opposed in every part of the country by the Indians and every white man in it, except the agent and Mr. Mackey, the interpreter, both of whom have got much ill-will for encouraging this matter.

I have the honor to be, sir, yours, most respectfully,

Hon. J. C. CALHOUN.

EDMUND FOLSOM.

DEAR SIR:

ARKANSAS, *June 25, 1821.*

I take the liberty to suggest to you the propriety of remitting me money to pay the incidental charges of running the line of the land ceded by the United States to the Choctaw nation west of the Mississippi. Provisions and other necessary supplies cannot be purchased at a reasonable price on a credit. Should you think proper to send me money by mail, you will please write to the Little Rock, Arkansas Territory.

I have the honor to be, with high respect, your obedient, humble servant,

HENRY D. DOWNS, *Commissioner and Agent.*

Hon. J. C. CALHOUN, *Secretary of War.*

SIR:

WARRENTON, MISSISSIPPI, *December 24, 1821.*

In obedience to your instructions to me, I have run, according to the treaty, the eastern line of the land ceded by the United States to the Choctaw nation west of the Mississippi; beginning at the mouth of the Little river; running thence down Red river, to a point three miles below the mouth of Little river; running thence north, twenty-nine degrees and fifteen minutes east, one hundred and fifteen miles ten chains and fifty links, to a post on the south bank of the Arkansas river, where the lower boundary line of the Cherokees strikes the same; running thence, with the course of the Arkansas river, to the mouth of the Canadian fork; a plat of which survey is herewith enclosed, and a map subjoined thereto of the country west of the eastern boundary, which is settled by the whites, designating the position of the settlements; which map, and the field notes accompanying the same, you will please consider as a part of this report, to which I refer you for a more particular description of the line, and for some other information not herein detailed. The connexions of surveys marked in the map were surveys made prior to the Choctaw treaty. The settlements in the Arkansas are immediately on the river, extending from the eastern boundary nearly as far west as the mouth of the Canadian fork. The settlements in Red river also extend from the eastern boundary, westerly, as far as the Kiamicia, and are more widely spread than they are in the Arkansas. A direct line from the mouth of the Potcau to the mouth of Kiamicia would not relieve the white settlers, as was expected; therefore, the line that I have considered it best to suggest to you for that purpose will be a direct line from the junction of the Canadian with the Arkansas to the mouth of Jack's fork of the Kiamicia; thence down Kiamicia river to Red river. This contemplated line would include about three hundred and seventy-five families, averaging about seven persons to a family, and about six million five hundred thousand acres of land, which would be, from the best information which I have been able to obtain, only a very small part of the Choctaw cession.

I have the honor to be, with regard, your obedient, humble servant,

HENRY D. DOWNS, *Commissioner, &c.*

Hon. J. C. CALHOUN, *Secretary of War.*

Sunday, August 19, 1821.—From the mouth of Little river, run down Red river, north, 71 degrees east, 15 chains; north, 84 degrees east, 10 chains; south, 80 degrees east, 10 chains; south, 70 degrees east, 40 chains; north, 70 degrees east, 25 chains; north, 25 degrees east, 20 chains; north, 70 degrees east, 10 chains; east, 20 chains; south, 70 degrees east, 10 chains; south, 62 degrees east, 40 chains; south, 46 degrees east, 20 chains; south, 20 degrees east, 10 chains; south, 4 degrees east, 10 chains, to a dogwood on the banks of the Red river, three miles below Little river, marked U. S. on the southeast side, C. N. on the northwest side; a sweet gum tree, north, 27 degrees west, distance 123 links, for a pointer; also, a hickory, south, 81 degrees east, distance 1 chain 13 links; distance across Red river 181½ yards.

Tuesday, 21st—Beginning at a dogwood three miles below Little river; thence, north, 20 degrees 15 minutes east, on the line between the United States and the Choctaw nation, run six miles; land a great proportion fit for cultivation.

Wednesday, 22d—At 7 miles, crossed a creek called Bodeark, waters of Red river; camped that night 14 miles from Red river; hills and flats; some part fit for cultivation.

Thursday, 23d—Run 5 miles; camped at 19 miles from Red river; passed some farms; land rich, full of oyster and clam shells; waters of Ozan.

Friday, 24th—At 20 miles 40 chains, crossed Ozan, a large creek, waters of Little Missouri; camped a week, in order to make arrangements for crossing the mountains between us and the Arkansas.

Sunday, 2d September—Continued the line, and camped 26 miles from Red river; timber, pine and white oak; flats and small hills; soil of inferior quality.

Monday, 3d—Crossed Little Missouri at 27 miles and 43 chains; some cane on both sides, but too wet for cultivation; camped at 30 miles from Red river; last three miles, poor pine hills.

Tuesday, 4th—Waited to get corn ground.

Wednesday, 5th—At 33 miles, crossed Wolf creek; at 36 miles and 54 chains, crossed a small creek; at 37 miles, camped; rocks and mountain land, unfit for cultivation.

Thursday, 6th—At 39 miles and 72 chains, crossed Aulevine, a large creek, waters of Washita; at 41 miles and 7 chains, crossed again; at 41 miles and 22 chains, crossed again; at 43 miles, camped; rocky hills and mountains, unfit for cultivation.

Friday, 7th—Run 6 miles; camped at 49 miles from Red river; land level, chiefly unfit for cultivation.

Saturday, 8th—Crossed Fourche au Caddo at 50 miles and 30 chains; camped at 56 miles; land poor and hilly.

Sunday, 9th—At 60 miles and 30 chains, crossed a large creek; land unfit for cultivation; camped.

Monday, 10th—At 65 miles and 75 chains, crossed Basset's creek; at 66 miles, crossed another creek; timber, pine; hills and flats, unfit for cultivation.

Tuesday, 11th—At 70 miles and 3 chains, the northeast bank of the Washita; at 71 miles and 40 chains, crossed a large creek running northwest; camped here.

Wednesday, 12th—At 72 miles, crossed said creek; at 73 miles, crossed again to west side; bottoms caney.

Saturday evening, 15th—Run 3 miles on the line over a high rocky mountain; camped here.

Sunday, 16th—Run 7 miles; camped at 84 miles from Red river; crossed the Dardinelle trace at 83 miles and 75 chains; hills and flat land; inferior quality of soil.

Monday, 17th—Run 5 miles; crossed a high rocky mountain 3 miles over, and camped on the north side, at 89 miles from Red river.

Tuesday, 18th—Run 5 miles, and camped at 94 miles from Red river; rocky mountains; land unfit for cultivation.

Wednesday, 19th—Run 3 miles over rocky mountains, and camped at 97 miles from Red river; unfit for cultivation.

Thursday, 20th—Run 4 miles, and camped on the south side of Fourche la Five, 101 miles from Red river.

Friday, 21st—Crossed Fourche la Five, run 4 miles, and camped on the south side of Cypress mountain, at 105 miles from Red river; land flat and wet, chiefly unfit for cultivation.

Saturday, 22d—At 109 miles, the north side of Cypress creek mountain; at 109 miles and 70 chains, crossed Cypress creek; at 110 miles, flat oak land; at 111 miles, camped.

Sunday, 23d—At 115 miles 10 chains and 50 links, the south bank of the Arkansas river. The corner, a post marked on the south side 115 miles 10 chains 50 links; on the west side C. N.; on the east side U. S.; distance from the Cherokee corner, on the north bank of the river, 1 mile and 30 chains; Arkansas river 630 yards wide.

October 4th—Started from a post on the south side of the Arkansas, opposite the lower boundary of the Cherokees, to meander the Arkansas; the river, downwards, bearing north, 40 degrees east; Petit John mountain bearing south, 80 degrees west.

<p>S. 45 degrees W. 0 miles 40 chains.</p> <p>S. 89 " W. 2 " 40 "</p> <p>N. 57 " W. 3 " 0 "</p> <p>N. 72 " W. 1 " 0 "</p> <p>S. 87 " W. 0 " 50 "</p> <p>S. 75 " W. 0 " 50 "</p> <p>S. 62 " W. 2 " 0 " P.J. bear. S.50°W. To mount. P. John, 20 yds. wide.</p> <p>N. 89 " W. 1 " 40 "</p> <p>S. 86 " W. 1 " 0 " To Gallery rock.</p> <p>S. 68 " W. 2 " 20 "</p> <p>S. 5 " W. 2 " 30 " To P. John creek, 3° due south.</p> <p>S. 44 " W. 1 " 0 "</p> <p>N. 63 " W. 1 " 20 "</p> <p>N. 40 " W. 3 " 0 " To an island.</p> <p>N. 75 " W. 1 " 50 "</p> <p>N. 36 " W. 0 " 40 "</p> <p>N. 44 " W. 4 " 0 " To Dardinelle rock.</p> <p>N. 41 " W. 1 " 0 "</p> <p>N. 63 " W. 3 " 40 " To Ill. bo. 30 yds., bear. N. 5° W.</p> <p>N. 63 " W. 3 " 40 " To W. Webber's.</p> <p>N. 76 " W. 2 " 0 "</p> <p>N. 53 " W. 2 " 0 "</p> <p>N. 65 " W. 3 " 0 " To Piney creek, 40 yards wide, bearing N. 20° W.</p> <p>S. 69 " W. 4 " 40 "</p> <p>N. 55 " W. 0 " 60 " To Rock bayou, 20 yards wide, bearing S. 82° W.</p> <p>N. 18 " E. 3 " 0 "</p> <p>N. 40 " W. 2 " 40 "</p> <p>N. 80 " W. 2 " 0 "</p>	<p>N. 60 degrees W. 2 miles 0 chains. To factory, Spadra bayou.</p> <p>S. 62 " W. 2 " 0 "</p> <p>S. 24 " W. 1 " 0 "</p> <p>S. 40 " W. 1 " 40 "</p> <p>N. 88 " W. 1 " 0 "</p> <p>N. 47 " W. 1 " 0 " To Horse hd. bayou, 10 yds. wi., bearing N. 30° W.</p> <p>S. 72 " W. 1 " 0 "</p> <p>S. 38 " W. 1 " 0 "</p> <p>S. 85 " W. 1 " 0 "</p> <p>N. 82 " W. 2 " 40 "</p> <p>S. 55 " W. 3 " 0 "</p> <p>N. 85 " W. 3 " 0 "</p> <p>N. 20 " W. 5 " 40 "</p> <p>N. 55 " W. 0 " 60 "</p> <p>S. 77 " W. 2 " 0 "</p> <p>S. 41 " W. 1 " 0 "</p> <p>S. 15 " W. 1 " 40 "</p> <p>S. 60 " W. 0 " 60 "</p> <p>N. 60 " W. 2 " 0 "</p> <p>S. 83 " W. 2 " 40 "</p> <p>S. 71 " W. 2 " 0 "</p> <p style="text-align: right;">To Mulb. creek, 30 yds. wide, bear. N. 50° W.</p> <p>S. 40 " W. 2 " 0 "</p> <p>S. 65 " W. 0 " 60 "</p> <p style="text-align: right;">To Frog bayou, 20 yds. wide, bear. S. 68° W.</p> <p>S. 45 " W. 1 " 0 "</p> <p>S. 10 " E. 1 " 0 "</p> <p>S. 41 " E. 1 " 40 "</p>
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S. 22 degrees	W. 2 miles	0 chains.		S. 75 degrees	W. 0 miles	60 chains.	
S. 66 "	W. 3 "	0 "		N. 30 "	W. 5 "	60 "	Covenole mountain
S. 52 "	W. 2 "	40 "					S. 35° E.
	W. 3 "	40 "	To Muzzard bayou,	N. 80 "	W. 2 "	40 "	
			left side.	S. 71 "	W. 1 "	40 "	
N. 48 "	W. 2 "	40 "		S. 38 "	W. 2 "	0 "	
N. 14 "	W. 2 "	0 "		S. 80 "	W. 0 "	60 "	To Samboy bayou,
N. 38 "	W. 1 "	20 "					bear. S. 75° W.
N. 65 "	W. 1 "	0 "	To Lie's creek,	N. 35 "	W. 2 "	40 "	
			right side.	N. 77 "	W. 1 "	0 "	To Salisaw bayou,
S. 82 "	W. 1 "	40 "					bear. N. 70° W.,
S. 32 "	W. 3 "	0 "	To Potaw., bear. S.				20 yds. wide.
			25° E., 60 yds. w.	S. 61 "	W. 3 "	60 "	
S. 62 "	W. 2 "	0 "		N. 72 "	W. 1 "	0 "	
S. 34 "	W. 3 "	20 "		N. 10 "	W. 1 "	40 "	
S. 55 "	E. 3 "	0 "	Covenole mountain	N. 54 "	W. 1 "	40 "	
			bear. S. 25° E.	S. 74 "	W. 2 "	0 "	
S. 56 "	W. 1 "	0 "		N. 68 "	W. 4 "	40 "	
N. 71 "	W. 3 "	40 "		N. 51 "	W. 1 "	20 "	To the mouth of
S. 40 "	W. 1 "	20 "					the Canadian, bearing S. 60° W., 9½ chains wide;
S. 30 "	W. 1 "	20 "					the Arkansas bearing N. 36° W., ½ mile wide.
S. 3 "	E. 1 "	60 "					

The foregoing are the field notes of the survey made by me of the line of the land ceded by the United States to the Choctaw nation west of the Mississippi.

HENRY D. DOWNS, *Commissioner, &c.*

17th CONGRESS.]

No. 193.

[2d Session.

EXTINGUISHMENT OF INDIAN TITLE TO LANDS IN FAVOR OF CERTAIN STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 13, 1823.

Mr. RANKIN, from the Committee on the Public Lands, to whom was referred a message of the President of the United States, in relation to the extinguishment of the Indian title to lands in any State where the right of soil is claimed by any individual State, &c., [vide No. 184,] reported:

Previous to the 18th December, 1789, the right of soil in the public domain, in the then district of Kentucky, was vested in the State of Virginia; at which time the Legislature of Virginia assented to the formation of a free, independent, and sovereign State from said district, now constituting the State of Kentucky. In the act authorizing the formation of said State, which contains a compact between the parent State and that to be formed, among other things it was stipulated that the unlocated lands, appropriated by the State of Virginia, on account of military or other services, should be subject to location, and to be disposed of by said State, until the 1st day of May, 1792; after which time, the residue of unlocated lands should be subject to the disposition of the proposed State of Kentucky. From the unquestionable right of Virginia, and from the act authorizing Kentucky to form a constitution, and by her admission into the Union, the right of soil in the unlocated lands within her limits became vested in the State of Kentucky.

On the — day of December, 1789, the State of North Carolina gratuitously ceded to the United States the territory now formed into the State of Tennessee; and this cession was accepted, subject to certain conditions contained in the deed of cession, ratified by Congress on the 2d of April, 1790. It was expressly agreed that all grants belonging to the soldiers of the continental line, their heirs and assigns, should be satisfied out of any lands in the ceded territory, after the lands previously set apart for that purpose, fit for cultivation, had been located; and that all lands granted by, or claimed by entry, occupancy, and pre-emption from, the State of North Carolina, should be as valid as though the country had not been ceded to the United States. The right of soil, if any had remained, (which it is believed will not,) after providing for the claims recognised as valid by the cession, is in the United States. Nothing is said in the act of cession as to the extinguishment of Indian title for the exclusive benefit of the citizens of North Carolina and Tennessee, who held the right of locating the land so soon as the Indian title was extinguished. The practice elsewhere under the Government, and the circumstance that the United States can scarcely hope, in any event, for the least remuneration for expenditures of money in holding the treaties and the purchase of the land, are far from leading to a belief that the United States were under any obligation to extinguish Indian title in Tennessee. The only circumstance on which any such obligation can be predicated is, the promise to hold valid all claims derived from North Carolina; which stipulation could unquestionably be carried into effect without imposing on the United States a new and independent obligation—that of purchasing the claim of others, or extinguishing the Indian claim.

The States of New York and North Carolina, having achieved their independence in the revolutionary war, established their right to the public domain within their chartered limits, on the extinguishment of the Indian title within those limits.

The States of New York, North Carolina, Kentucky, and Tennessee are the only States where the Indian title has been extinguished, so far as known to your committee, by the United States, without the consideration having been paid by the State within which the lands have been acquired, except within the State of Georgia, where the United States are bound by compact to extinguish the Indian title. After the formation of the constitution of the United States, the first article of the tenth section was supposed to have prohibited any State from holding a treaty with the Indians; and the twelfth section of the act of 30th March, 1802, expressly prohibited them. After the latter period, and in some instances previously, when any State desired a treaty for lands within its limits, commissioners were appointed by the United States, who held the treaty in presence of an agent of the State, and the payment of the purchase money was promised to be made by the State for whose benefit the treaty was made. All these treaties have undergone the usual formalities of ratification directed by the constitution of the United States.

The committee find that, on the 9th day of January, 1789, a treaty was held at Fort Harmar, recognising the treaty held at Fort Stanwix on the 22d of October, 1784, with the Six Nations of Indians, by which New York procured an extinguishment of Indian title. The consideration to be paid by the United States was three thousand dollars, in goods.

On the 11th of November, 1794, by treaty held at Canandaigua, a further extinguishment of Indian title was procured in the State of New York. The consideration for that purchase was the sum of three thousand dollars, which had been promised the Six Nations of Indians by a treaty of the 23d of April, 1792, and the additional sum of fifteen hundred dollars, to be expended annually in purchasing clothing, domestic animals, and implements of husbandry, and in encouraging useful artificers to reside in their villages. Your committee do not know that the United States were bound to make these expenditures, or that they have ever been reimbursed.

On the 2d of October, 1798, by a treaty with the Cherokee nation of Indians, held at or near Tellico, the United States acquired lands within the State of Tennessee. The consideration for this purchase was five thousand dollars, paid at the time of the treaty, and an annuity of one thousand dollars to be added to the former annuity, making an annuity of six thousand dollars. On the 25th of October, 1805, by a treaty held at Tellico with the Cherokee nation of Indians, the United States procured a further extinguishment of title to lands within the State of Tennessee, for which there was paid, at the time of the treaty, and within ninety days thereafter, fourteen thousand dollars, and an annuity of three thousand dollars promised. At the same place, and between the same parties, on the 27th of October, 1805, the United States paid the sum of sixteen hundred dollars for the further extinguishment of Indian title in Tennessee.

At a treaty held at the Cherokee agency, on the 8th day of July, 1817, with the Cherokee Indians, which was altered, and the provisions enlarged, by a treaty held at the city of Washington on the 27th of February, 1818, a portion of territory was acquired within the limits of Georgia, Alabama, Tennessee, and North Carolina; but the quantity in each your committee have no means of ascertaining. The consideration of this treaty consisted of a tract of country west of the Mississippi river reservations; pay for the improvements on the ceded land; a rifle gun, blanket, &c. to those who chose to emigrate, the value or amount of which your committee do not know.

On the 23d day of July, 1805, a treaty was concluded between the United States and the Chickasaw nation of Indians, in the Chickasaw nation, by which lands in the States of Kentucky and Tennessee were acquired, and for which the United States paid twenty-two thousand dollars, and an annuity of one hundred dollars to the king of the nation, exclusive of expenses incident to running the lines of the tract ceded, &c. On the 19th of October, 1818, a treaty was concluded by the United States with the Chickasaw Indians, by which the residue of the Indian title in the States of Kentucky and Tennessee was extinguished, and for which the United States promised to pay twenty thousand dollars annually, for fifteen years, amounting to three hundred thousand dollars, and other sums to individuals, to the amount of seven thousand two hundred and twenty dollars.

These several sums, expended and to be paid for the extinguishment of Indian title in the States of North Carolina, Tennessee, and Kentucky, have not, or any portion of them, as your committee believe, been refunded to the United States; in all other cases, so far as your committee have been able to ascertain, the commissioners on the part of the United States have promised a consideration, to be paid by the State which desired the extinguishment, or whose citizens claim the right of soil.

Your committee, not being directed to bring their inquiries to any act of legislation, have reported the facts, which was all they conceived it was their duty to do. We, therefore, recommend the adoption of the following resolution:

Resolved, That the Committee on the Public Lands be discharged from the further consideration of the President's message, in relation to the extinguishment of Indian title to lands, the right of soil in which is claimed by any individual State.

[17th CONGRESS.]

No. 194.

[2d SESSION.]

ACCOUNTS OF SUPERINTENDENTS AND AGENTS FOR INDIAN AFFAIRS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 19, 1823.

SIR:

DEPARTMENT OF WAR, *February 18, 1823.*

I have the honor to transmit, herewith, for the information of the House of Representatives, a report of the Second Auditor, accompanied by copies of the accounts of superintendents and agents for Indian affairs, prepared in pursuance of the third section of the act of Congress, passed 6th May, 1822, "to amend an act entitled 'An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers,' approved 30th March, 1802."

I have the honor to be your obedient servant,

J. C. CALHOUN.

Hon. P. P. BARBOUR, *Speaker of the House of Representatives U. S.*

SIR:

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE, *February 18, 1823.*

In obedience to the provisions of the act of the 6th May, 1822, entitled "An act to amend an act entitled 'An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers,' approved the 30th March, 1802," I have the honor to transmit you, herewith, copies of all such accounts as have been rendered to this office by persons charged or intrusted with the disbursement or application of money, goods, or effects, for the benefit of the Indians, from the 1st January to the 1st September, 1822, as per schedule of the same, (marked S. No. 2,) together with a list of the names (marked S. No. 1) of all persons to whom money, goods, or effects have been delivered within the same period, specifying the amount and object for which they were intended, and showing who have been delinquent in forwarding their accounts.

The delay in rendering these statements has been unavoidable, from the retard in many of the returns, owing to the distance of some of the agents, and the pressure of business in the office.

I have the honor to be, very respectfully, your most obedient servant,

WILLIAM LEE.

Hon J. C. CALHOUN, *Secretary of War.*

S No. 1.

A list of the names of all persons to whom money, goods, or effects have been delivered, from the 1st of January, 1822, to the 1st of September, 1822, for the benefit of the Indians, specifying the amount and object for which it was intended.

Names of the persons to whom money, goods, or effects have been delivered for the benefit of the Indians, from January 1, 1822, to September 1, 1822.	AMOUNT AND OBJECT.						Remarks.	
	Pay of interpreters, &c.*	Pay of agents.	Pay of sub-agents.	Civilization of Indians.	Presents for Indians.	Annuities.		Aggregate amount.
Lewis Cass, Governor of Michigan Territory, - - -	\$39,127 98	\$6,600	\$5,000	-	\$4,500 00	\$24,250	\$79,477 98	Accounts rendered, as per copy herewith.
William Clark, superintendent, St. Louis, - - -	10,794 45	5,100	1,500	-	4,012 50	2,500	23,906 95	Do. do.
James Miller, Governor of Arkansas Territory, - - -	6,131 50	1,500	500	-	500 00	6,500	15,131 50	No account received.
Benjamin O'Fallon, Indian agent, - - -	8,956 03	-	-	-	-	-	8,956 03	Account rendered, as per copy herewith.
Jasper Parrish, Indian sub-agent, - - -	7,207 59	-	250	-	-	4,700	12,157 59	Do. do.
Thomas Forsyth, Indian agent, - - -	1,401 00	600	-	-	1,048 09	1,000	4,049 09	Do. do.
Return J. Meigs, Indian agent, - - -	6,333 50	650	250	\$1,000	50 00	10,000	18,283 50	Do. do.
John Crowell, Indian agent, - - -	1,850 00	900	250	-	50 00	25,500	28,550 00	Do. do.
Robert C. Nicholas, Indian agent, - - -	7,601 50	1,300	500	500	100 00	35,100	45,101 50	Do. do.
William Ward, Indian agent, - - -	3,785 00	1,350	325	850	50 00	12,450	18,810 00	Do. do.
John Johnston, Indian agent, - - -	2,592 92	-	-	-	-	12,925	15,517 92	{ Gov. Cass, under whose superintendency John Johnston acts, states that indisposition has prevented him from rendering his accounts, but has rendered evidence of disbursements for near the amount.
John R. Bell, acting Indian agent, - - -	1,000 00	-	-	-	-	-	1,000 00	Accounts rendered, as per copy herewith.
H. R. Schoolcraft, Indian agent, - - -	284 00	-	-	-	-	-	284 00	Do. do.
Lawrence Taliaferro, Indian agent, - - -	555 00	-	-	-	-	-	555 00	Do. do.
Nicholas Boilvin, Indian agent, - - -	1,050 00	-	-	-	-	-	1,050 00	Do. do.
Peter Pelham, sub-agent, - - -	100 00	-	-	-	-	-	100 00	No account rendered.
W. G. D. Worthington, acting Governor of Florida, - - -	1,000 00	-	-	-	-	-	1,000 00	Accounts rendered, but returned for want of proper vouchers.
George Boyd, Indian agent, Michilimackinac, - - -	1,050 00	-	-	-	-	-	1,050 00	Account rendered, as per copy herewith.
Richard Graham, Indian agent, Osages, &c. - - -	16,000 10	-	-	-	-	10,300	26,300 10	Do. do.
George Gray, Indian agent, Natchitoches, - - -	2,000 00	600	-	-	400 00	-	3,000 00	Do. do.
Pierre Menard, sub-agent, Kaskaskia, - - -	6,836 27	-	-	-	-	1,600	8,436 27	Do. do.
Thomas L. McKenney, Superintendent of Indian Trade, - - -	6,025 43	-	-	-	-	-	6,025 43	Do. do.
William P. Duvall, Governor of Florida, - - -	600 00	-	-	-	-	-	600 00	No account received.
D. Bready, Indian agent, Arkansas, - - -	-	-	-	1,000	-	-	1,000 00	Account rendered, as per copy herewith.
Z. Lewis, with the Seneca Indians, - - -	-	-	-	225	-	-	225 00	No account received.
Luther Rice, with the Oneida Indians, - - -	-	-	-	125	-	-	125 00	Do. do.
William Wilson, with the Tuscarora Indians, - - -	-	-	-	450	-	-	450 00	Do. do.
John Hays, Indian agent, Fort Wayne, - - -	3,600 00	-	-	-	-	18,400	22,000 00	Account rendered, as per copy herewith.
	\$135,882 27	\$18,600	\$8,575	\$4,150	\$10,710 59	\$165,225	\$343,142 86	

RECAPITULATION.

Contingencies of Indian department, - - -	-	-	-	-	-	-	-	-	By the act of 7th May, 1822, there were appropriated—
Pay of agents, - - -	-	-	-	-	-	-	-	-	For contingent expenses of the Indian department, - - -
Pay of sub-agents, - - -	-	-	-	-	-	-	-	-	For making good a deficit in the appropriation of the last year in the same, - - -
Civilization of Indians, - - -	-	-	-	-	-	-	-	-	
Presents for Indians, - - -	-	-	-	-	-	-	-	-	
Annuities, - - -	-	-	-	-	-	-	-	-	
Aggregate amount, - - -	-	-	-	-	-	-	-	-	\$75,000 00
									70,000 00
									\$145,000 00
									The above amount of \$135,882 27 was drawn from those two sums for the contingencies of the Indian department.

* Pay of interpreters and blacksmiths; repairs of buildings; medicine and provisions for emigrating and visiting Indians; transportation of specie and merchandise; expenses of smiths' shops, of expresses, laborers, &c. &c.

L. C. No. 1.

The United States in account current with Lewis Cass, Governor of Michigan Territory, and Superintendent of Indian Affairs.

Dr.		
To amount of payments for annuities for the year 1822, per abstract A,	-	\$20,800 00
To expenditures under the act of Congress of 7th May, 1822, providing for carrying into effect the treaty of Chicago, &c., per abstract B,	-	362 52
To advances to Indian agents, per abstract C,	-	27,253 78
To amount of purchases made for presents for the Indians, per abstract D,	-	968 71
To amount of expenditures for services, &c., per abstract E,	-	6,351 93
To amount of credits suspended in the Treasury settlement of my account of the 9th of October, 1821, per abstract F,	-	1,039 64
To amount of payment for annuities for the year 1821, not heretofore credited to me, per abstract G,	-	7,400 00
To amount of payments on account of the Chicago treaty, per abstract H,	-	19,492 23
		\$85,008 81
To balance due Lewis Cass,	-	\$4,725 69
Cr.		
By the balance stated to be due by me to the United States in the Treasury settlement of 9th October, 1821,	-	\$19,274 14
By my draft in favor of Thomas L. McKenney, the superintendent of Indian trade, dated 14th November, 1821, on the Secretary of War,	-	350 00
By my draft in favor of John Johnston, Indian agent, Piqua, dated 24th November, 1821, on the Secretary of War,	-	2,400 00
By my draft in favor of James McCloskey, cashier of the Bank of Michigan, dated 7th of December, 1821, on the Secretary of War,	-	16,600 00
By my draft in favor of John Johnston, Indian agent, dated 24th December, 1821, on the Secretary of War,	-	2,858 98
By cash received on the draft of the Treasurer of the United States (No. 3,032) on the United States Branch Bank at New York, the amount of warrant No. 4,207, issued by the Secretary of War,	-	14,800 00
By cash received on the draft of the Treasurer of the United States (No. 4,397) on the United States Branch Bank at New York, the amount of warrant No. 4,368, issued by the Secretary of War,	-	15,000 00
By cash received on the draft of the Treasurer of the United States (No. 4,484) on the United States Branch Bank at New York, the amount of warrant No. 4,415, issued by the Secretary of War,	-	7,000 00
By cash received on the draft of the Treasurer of the United States (No. 4,712) on the United States Branch Bank at New York, the amount of warrant No. 123, issued by the Secretary of War,	-	2,000 00
Balance due Lewis Cass, as per debit,	-	4,725 69
		\$85,008 81

I certify, on honor, that the foregoing account is just and true; that the disbursements have been faithfully made for the purposes expressed in the vouchers; and that the credits given embrace all public moneys received by me, and not heretofore accounted for.

LEWIS CASS.

DETROIT, August 31, 1822.

L. C. No. 2.

Abstract of expenditures made by Lewis Cass, Governor of Michigan Territory and Superintendent of Indian Affairs, from the 1st of January, 1822, to the 1st of September, 1822.

Payments, to whom made.	Nature of the expenditure.	Amount.
<i>Expenditures from 1st of January, 1822, to 31st of March, 1822.</i>		
Gabriel Godfroy,	For services as sub-agent and interpreter for St. Joseph's, from the 1st of January to the 31st of March, 1822,	\$245 00
R. A. Forsyth,	For services as sub-agent and interpreter, from the 1st of January, 1822, to the 31st of March, 1822,	245 00
Augustin Lafoy,	For services as armorer, together with an assistant, from the 1st of January, 1822, to the 31st of March, 1822,	131 50
Calvin Baker,	For services as a saddler, from 1st of January, 1822, to 31st of March, 1822,	107 50
Henry Saunderson,	For setting glass for council-house,	4 05
Seth Dunham,	For carpenter's work on the house of Joseph Parks, a Shawanee Indian,	18 00
B. Boneventure,	For eight days' services, and travelling from river Raisin to Detroit, as an interpreter,	8 00
George McDougall,	For services in charge of council-house, &c., and occasional translator for the Department,	36 00
A. G. Whitney,	For services as translator, from 1st January, 1822, to 31st March, 1822,	25 00
Louis Beaufait,	For services as an interpreter and express, from the 1st of January, 1822, to the 31st of March, 1822,	28 57
D. G. Jones,	For 125 pounds of iron, 5 half-round files, 2 flat files, 24½ pounds German steel, and 3 quires of paper,	27 56
J. M. Navarre,	For boarding ten Wyandot chiefs, while on a visit to Detroit,	20 00
Peter Godfroy,	For supplies to Wyandot chiefs,	11 23
J. & A. Wendell,	For 88½ pounds of iron,	11 06
H. J. Hunt,	For 4 quires of foolscap paper and 1 quire of letter paper,	2 50
John Hays,	Indian agent at Fort Wayne, in payment of his draft on the Secretary of War of 1st January, 1822,	839 00
John Johnston,	Indian agent at Piqua, in payment of his draft, dated 10th January, 1822,	4,729 23
Whitmore Knaggs,	Sub-agent at Saginaw, in payment of his draft on the Secretary of War,	494 00
		\$6,983 20

L. C. No. 2.—Continued.

Payments, to whom made.	Nature of the expenditure.	Amount.
<i>Expenditures from 1st of April, 1822, to 1st of September, 1822.</i>		
Gabriel Godfroy, - -	For services as sub-agent and interpreter for St. Joseph's, from the 1st of April, 1822, to the 31st of August, 1822, - -	\$411 33
R. A. Forsyth, - -	For services as sub-agent and interpreter, from the 1st of April, 1822, to the 31st of August, 1822, - -	411 33
Augustin Lafoy, - -	For services as armorer, together with an assistant, from the 1st of April, 1822, to the 31st of August, 1822, - -	222 16
Calvin Baker, - -	For services as a saddler, from 1st of April, 1822, to 31st of August, 1822, - -	182 16
A. G. Whitney, - -	For services as translator, from 1st of April, 1822, to 31st of August, 1822, - -	41 66
A. E. Wing, - -	For services as storekeeper to the Indian Department, from the 9th of June, 1822, to the 31st of August, 1822, - -	84 00
Joseph Visger, - -	For services in the Indian country, from the 14th of June, 1822, to the 31st of August, 1822, - -	17 30
George McDougall, - -	For services in taking charge of council-house, and occasional translator for the Department, - -	36 00
Louis Beaufait, - -	For services as interpreter and express, from the 1st of April, 1822, to the 30th of June, 1822, - -	28 57
Joseph Parks, - -	For services as express from Detroit to Wapaghkonetta, - -	6 00
J. & A. Wendell, - -	For 5 quires of letter paper, - -	1 56
Henry I. Hunt, - -	For 1 ream gilt-edge paper, \$9; cash paid for ferrriage of two Delaware Indians, 75 cents; cash paid J. Beaubien, for bringing in a horse belonging to the Indian Department, \$3, - -	12 75
Peter J. Desnoyer, - -	For 79 pounds of iron, - -	9 87
William Larkins, - -	For hauling goods, - -	1 12
Jacob Eilert, - -	For making eight chiefs' coats, and finding trimmings for the same, - -	34 00
O. Waite, - -	For work and materials to render the council-house fit for the reception of public goods from Chicago, &c., - -	44 74
T. S. Wendell & Co., - -	For 16 quires of letter paper, \$8; and 12 files, \$3 01, - -	11 01
Henry I. Hunt, - -	For storage of Indian goods from Chicago and Green Bay, \$5; 3 pounds of wire, 37½ cents; paid for shoeing a horse for express, \$2; 3 quires best folio-post paper, \$3; and 1 box of wafers, 62½ cents. - -	11 00
Francis Audrain, - -	For services and expenses in transporting from New York to Detroit the specie for the Indian annuities for the year 1822, at Detroit, Miami, Saginaw, and Chicago, - -	412 33
Henry Schoolcraft, - -	Indian agent at Sault de St. Marie, his draft on the Secretary of War, dated July 1, 1822, - -	200 00
John Hays, - -	Indian agent at Fort Wayne, three drafts on Secretary of War, each \$950 75, April 1, 1822; \$1,145 50, July 1, and \$498 58, Aug. 31, 1822, - -	2,594 83
John Johnston, - -	Indian agent at Piqua, his draft on the Secretary of War, dated July 31, 1822, - -	2,000 00
B. F. Stickney, - -	Sub-agent at Miami, his draft on the Secretary of War, dated July 12, 1822, - -	500 00
Alexander Wolcott, - -	Indian agent at Chicago, his two drafts on the Secretary of War, each \$2,500, of June 18, and \$500, of June 18, 1822, - -	3,000 00
John Biddle, - -	Indian agent at Green Bay, his two drafts on the Secretary of War, each \$1,500, of June 19, and \$300, of August 4, 1822, - -	1,800 00
Whitmore Knaggs, - -	Sub-agent at Saginaw, his draft on the Secretary of War of Aug. 31, 1822, - -	2,341 90
		\$21,398 83

L. C. No. 3.

Abstract of provisions issued at Detroit to the Indians, from the 1st of January to the 31st of August, 1822.

WHEN ISSUED.	Rations of fresh beef.	Rations of pork.	Rations of flour.	Rations of whiskey.	Rations of salt.	Rations of vinegar.	Rations of soap.	Rations of candles.	Rations of beans.	Total.
1822. January, - - - -	-	224	224	176	200	-	-	-	-	-
February, - - - -	-	299	364	240	3,600	-	-	-	-	-
March, - - - -	-	56	56	64	100	-	-	-	-	-
April, - - - -	-	983	983	1,171	8,867	867	867	-	867	-
May, - - - -	82	607	683	752	3,825	-	275	-	50	-
June, - - - -	61	1,200	1,438	1,032	6,500	-	350	33	137	-
July, - - - -	74	475	452	48	150	-	215	140	140	-
August, - - - -	32	451	489	140	165	140	215	140	140	-
Total number of rations, - -	249	4,295	4,689	3,623	23,407	1,007	1,707	1,040	1,194	-
Value, agreeably to contract price, Dolls.	9 35	112 77	72 33	28 25	10 20	1 81½	5 27	2 82	3 00	245 80

REMARKS.

Of the issues in April, 867 complete rations were on account of the blacksmith at Saginaw; his allowance of provisions is terminated. No officer in the department at Detroit draws provisions.

Of the issues in June, 578 pounds of flour and 400 pounds of pork were sent to St. Joseph's, to be issued by the sub-agent.

140 complete rations were issued by the commissary upon the return of Solomon W. Hendricks, a Seneca Indian, by virtue of special authority from the War Department, and are included in the issues for August.

L. C. No. 5.

Abstract of persons employed in the Indian Department, between the 1st day of January and the 31st of August, 1822, at Michilimackinac, Sault de St. Marie, Green Bay, Chicago, Fort Wayne, Piqua, and Detroit, and at the sub-agencies of Upper Sandusky, Seneca, Wapaghkonetta, Peoria, Miami, St. Joseph's, and Saginaw.

Names of persons employed.	In what capacity employed.	Pay per month.	Remarks.
AT MACKINAC.			
George Boyd,	- Indian agent,	-	} No returns from Mackinac.
Henry Graverod,	- Interpreter,	-	
AT SAULT DE ST. MARIE.			
Henry R. Schoolcraft,	- Indian agent,	- \$100 00	
George Yarnes,	- Interpreter,	- 32 72	
AT GREEN BAY.			
John Biddle,	- Indian agent,	- 125 00	Duties ceased on the 16th of August, 1822.
Henry B. Brevoort,	- Indian agent,	- 125 00	Duties commenced on the 17th August, 1822.
Richard Prickett,	- Interpreter,	- 25 00	
William Burnett,	- Blacksmith,	- 12 00	
Joseph Jourdin,	- Blacksmith,	-	
J. B. M. Brown,	- Blacksmith,	-	Paid him \$44 50 for blacksmith work; not employed by the month. Paid him \$6 75 for blacksmith work; not employed by the month.
AT CHICAGO.			
Alexander Wolcott,	- Indian agent,	- 108 33	
John Kinzie,	- Sub-agent,	- 41 66	
Alexander Robinson,	- Interpreter,	- 30 00	
J. B. Allere,	- Blacksmith,	- 30 00	Employed from January to May.
Henry Bliffin,	- Collier, &c.	- 15 00	Employed from January to February.
John Letendre,	- Collier, &c.	- 15 00	Employed for April.
Thomas McKnight,	- Collier, &c.	- 12 50	Employed for May.
William A. Hall,	- Blacksmith,	- 30 00	Employed June, July, and August.
David Stevens,	- Collier, &c.	- 15 00	Employed June, July, and August.
AT FORT WAYNE.			
John Hays,	- Indian agent,	- 100 00	
B. B. Kercheval,	- Sub-agent,	- 41 66	
Joseph Barron,	- Interpreter,	- 42 00	
F. Lusignant,	- Blacksmith,	- 42 00	
Reuben Baker,	- Laborer,	- 15 00	
Samuel McEwen,	- Striker,	- 15 00	Employed for April and May.
Lewis Edwards,	- Striker,	- 15 00	Employed for June, July, and August.
AT PIQUA.			
John Johnston,	- Indian agent,	- 100 00	No returns from Piqua.
AT DETROIT.			
R. A. Forsyth,	- Sub-agent and interp'ter,	- 82 00	
Augustin Lafoy,	- Armorer,	- 44 25	For himself, for a striker, and for a shop and tools.
Calvin Baker,	- Saddler,	- 36 25	For himself, and for a shop and tools.
A. G. Whitney,	- Translator,	- 8 33	
A. E. Wing,	- Storekeeper,	- 30 00	Employed to receive, take charge of, issue, and account for goods sent to Detroit from the factories at Green Bay and Chicago. Employment commenced 9th June, 1822.
George McDougall,	-	- 12 00	For occasional translation, and for services as justice of the peace and attorney in cases in which Indians were interested.
Louis Beaufait,	- Interpreter,	-	
AT UPPER SANDUSKY.			
John Shaw,	- Sub-agent,	- 41 66	
William Walker,	- Interpreter,	- 39 10	
John Lewis,	- Blacksmith,	- 39 10	
John Johnston,	- Miller and striker,	- 16 16	
AT SENECA.			
James Montgomery,	- Assistant agent,	- 39 10	
AT WAPAGHONETTA.			
James McPherson,	- Sub-agent,	- 41 66	
F. Duchoquet,	- Interpreter,	- 39 10	
R. Brodrick,	- Blacksmith,	- 39 10	

L. C. No. 5.—Continued.

Names of persons employed.	In what capacity employed.	Pay per month.	Remarks.
AT PEORIA.			
James Latham,	- Sub-agent,	- \$41 66	
Jacques Mettes,	- Interpreter,	- 36 00	
AT MIAMI.			
B. F. Stickney,	- Sub-agent,	- 41 66	
AT ST. JOSEPH'S.			
Gabriel Godfroy,	- Sub-agent and interp'ter,	- 82 00	
Joseph Visger,	- -	- 12 50	Was employed one month and seventeen days assisting the sub-agent in the Indian country.
AT SAGINAW.			
Whitmore Knaggs,	- Sub-agent and interp'ter,	- 82 00	
Pierre Provinsalle,	- Blacksmith,	- 35 00	For himself, for a striker, and for a shop and tools.
Jacob Smith,	- -	- 30 00	Assisting the surveyor in running the lines of the tract ceded by the Saginaw treaty. Employment terminated 31st August, 1822.
Peter W. Knaggs,	- -	- 12 50	Was employed two months and eight days, assisting the sub-agent in the Indian country.
Philip Chabert,	- -	- 13 50	These persons were employed, under the stipulation of the Saginaw treaty, for teaching the Indians agriculture.
Pierre Cadeux,	- -	- 13 50	
Antoine Boyer,	- -	- 30 00	

NOTE.—The payments to expresses and for the transportation of annuities are not included in this abstract. The amount allowed for services in these cases cannot be separated from the expenses; and the insertion of the whole sum would exhibit an erroneous result in a return purporting to be for services only. The same remark will apply to a few charges in which the materials as well as the mechanical labor made part of the charge; but a statement of all these disbursements will be found in the quarterly abstracts of expenditures, transmitted herewith.

W. C.—No. 1.

The United States in account with William Clark, Superintendent of Indian Affairs.

		DR.	
1822. July 20,	To cash advanced to Richard Graham, Indian agent, on account of annuities due the Kickapoos, Delaware chiefs Anderson and Le-pah-ke-ni-kilie, and salt due the Delawares for the year 1822, as per his receipt hereunto prefixed, marked A,		\$2,600 00
Aug. 28,	To cash paid Pierre Menard, Indian sub-agent, on account of annuities due the Kaskaskias for 1822, as per his receipt hereunto prefixed, marked B,		500 00
31,	To amount of purchases as presents to Indians, in the quarter ending the 31st of August, 1822, as per abstract herewith, marked C,		47 63
31,	To amount of purchases of provisions for Indians, in the quarter ending the 31st of August, 1822, as per abstract herewith, marked D,		80 20
31,	To amount of expenditures in the quarter ending 31st of August, 1822, as per abstract herewith, marked E,		4,892 62
	To balance due the United States, carried to new account current,		8,029 55
			\$16,150 00
		CR.	
July 5,	By a draft received of the Treasurer of the United States on the branch of the United States Bank at Louisville, as the amount of warrant No. 4,367, issued on the requisition of the Secretary of War,		\$8,000 00
12,	By cash received of the Treasurer of the United States, in a draft on the receiver of public moneys at St. Louis, as the amount of warrant No. 4,414, issued on the requisition of the Secretary of War, on account of Indian annuities,		3,100 00
Aug. 23,	By a draft received of the Treasurer of the United States on the receiver of public moneys at Franklin, Missouri, as the amount of warrant No. 174, issued by the Secretary of the Treasury, on the requisition of the Secretary of War, No. 76,		5,050 00
			\$16,150 00
By balance brought down,			\$8,029 55

ST. LOUIS, September 1, 1822.

I do certify, on honor, that the foregoing account is just and true; that the disbursements have been faithfully made for the purposes expressed in the vouchers; and that the credits given embrace all public moneys received by me, and not heretofore accounted for.

WILLIAM CLARK, *Superintendent of Indian Affairs.*

A.

Receipt of Richard Graham.

St. Louis, July 20, 1822.—Received of William Clark, Superintendent of Indian Affairs, &c., two thousand six hundred dollars, on account of annuities, &c., to wit:
 Annuities for Kickapoos, under the treaty at Edwardsville, - - - \$2,000 00
 Allowance to Delaware chief Anderson, \$360, and to Le-pah-ke-ni-kilie \$140, and for salt due the Delawares for the year 1822, \$100, - - - 600 00
\$2,600 00

For which amount I am accountable, and promise to pay the same to the chiefs and other persons authorized to receive the same.

RICHARD GRAHAM, *Indian Agent.*

B.

Receipt of Pierre Menard.

St. Louis, August 28, 1822.—Received of William Clark, Superintendent of Indian Affairs, five hundred dollars, specie, for account of the annuities due the Kaskaskia tribe of Indians, per act of May 7, 1822, which I am accountable for, until it is delivered to the Indians properly authorized to receive and receipt therefor.
PIERRE MENARD.

C.

Abstract of articles purchased on account of Indian presents, in the quarter ending the 31st of August, 1822, by order of William Clark, Superintendent of Indian Affairs at St. Louis.

Date.	No. of the voucher.	From whom purchased.	Pounds of tobacco.	3 point blankets.	Yard of blue strouds.	Hats.	Bushel of salt.	Amount.	The name of the tribe, or Indian chief.
1822.									
August 3,	1	Scott & Rule,	- 162	-	-	-	-	\$16 00	Visiting Indians.
" 17,	2	Paul & Ingram,	- 172	-	-	-	-	10 75	A band of Sacs.
" 31,	3	Berthold, Chouteau, & Pratte,	-	- 2	-	-	-	12 00	Kekocock, a Sac chief.
" 31,	4	Jas. Arnold & Co.	- 10	-	- 3/4	- 3	- 1	8 88	Shawanee chief.
								\$47 63	

St. Louis, September 1, 1822.

WILLIAM CLARK.

D.

Abstract of issues or provisions furnished to the several tribes of Indians, in the quarter ending 31st of August, 1822, by order of William Clark, Superintendent of Indian Affairs at St. Louis.

Date.	No. of the voucher.	From whom purchased.	Pounds of beef.	Loaves of bread, 2lbs.	Bushels of corn.	Rations of meat, bread, &c.	Amount.	Tribes of Indians to whom delivered.
1822.								
July 22,	1	Felix Fontaine,	-	-	-	15 50	\$11 25	The Shawanee Indians.
August 31,	2	Lawson Dunnington,	- 500	-	-	-	10 00	The Ioway Indians.
" 31,	3	Pierre Duponts,	-	- 491	-	-	24 55	The Sacs, and other Indians.
" 31,	4	Jacob Frey,	- 860	-	-	-	34 40	The Sacs, Foxes, Kickapoos, &c.
							\$80 20	

St. Louis, September 1, 1822.

WILLIAM CLARK.

E.

Abstract of expenditures made by William Clark, Superintendent of Indian Affairs at St. Louis, in the quarter ending the 31st of August, 1822, inclusive.

Date of payments.	To whom payments were made.	Nature of the expenditure.	Amount.
1822.			
August 31,	William Clark, -	For his salary as Superintendent of Indian Affairs, from 8th of May to 31st of August, 1822, -	\$139 00
" 31,	John Ruland, -	For his salary as sub-agent, from the 1st of July, 1821, to the 11th of May, 1822, inclusive, the date of his discontinuance; ten months, at \$500 per year, -	\$431 94
" 31,	- -	Salary as interpreter, from the 1st of July, 1821, to the 1st of May, 1822, at \$400 per annum, -	345 56
" 31,	L. Tisson Honore,	Pay as interpreter, from the 1st of May, 1822, to 31st August, 1822, at \$400 per annum, -	-
" 20,	L. Sol. Megneron,	Repairing Sac Indians' guns, traps, axes, hoes, &c. -	-
July 25,	James O. Lewis, -	Engraving a public seal for the office of Superintendent of Indian Affairs, -	15 00
August 31,	Essex & Hough, -	Stationary for the office of ditto, -	23 75
" 31,	P. H. Ford & Co.,	Printing blank licenses and bonds for ditto, -	14 00
" 31,	Richard Graham, -	Expenses of his agency to the 31st of August, 1822, -	-
" 31,	Thos. Forsyth, -	The expenses of his agency for the same time, -	-
Sept. 1,	Maj. B. O'Fallon, -	Expenses of his agency for July and August, 1822, -	-
			52 75
			1,153 94
			400 00
			1,915 10
			\$4,892 62

ST. LOUIS, September 1, 1822.

W. C. No. 3.

WILLIAM CLARK.

A statement of the names of men who have been employed in each quarter of 1822, up to the 1st of September, 1822, by the Superintendent of Indian Affairs at St. Louis, and at each agency, as sub-agents, interpreters, blacksmiths, &c., with the amount of wages paid them.

Names of persons employed.	Amount of wages paid.	Agencies, &c. in which services were performed, and by whom wages were paid.	The quarters in which payments were made.
John Doherty, sub-agent, -	\$237 50	Benj'n O'Fallon, -	1st quarter, ending 31st March.
John Doherty, sub-agent, -	237 50	Do. -	2d quarter, ending 30th June.
Michael Burdeau, interpreter, -	36 00	Do. -	Do. do.
John Doherty, sub-agent, -	158 33	Do. -	July and August.
Etienne Malbœuf, interpreter, -	15 00	Do. -	Do.
Stephen Julian, interpreter, -	15 00	Do. -	Do.
O. Brazeau, hired man, -	18 00	Do. -	Do.
	\$717 33		
P. L. Chouteau, sub-agent, -	125 00	Richard Graham, -	1st quarter, ending 31st March.
Baptiste N. Mongrain, interpreter, -	100 00	Do. -	Do. do.
J. Lambert, blacksmith, -	100 00	Do. -	Do. do.
J. Wilson, interpreter, -	100 00	Do. -	Do. do.
P. L. Chouteau, sub-agent, -	125 00	Do. -	2d quarter, ending 30th June.
Jo. Bonvenue, interpreter, -	100 00	Do. -	Do. do.
J. Wilson, interpreter, -	100 00	Do. -	Do. do.
Jo. Lambert, blacksmith, -	100 00	Do. -	Do. do.
G. Beauvais, blacksmith, -	268 20	Do. -	1st and 2d do.
Cohon, hired man, -	15 00	Do. -	Do. do.
L. Pensens, hired man, -	25 00	Do. -	Do. do.
P. L. Chouteau, sub-agent, -	83 33	Do. -	July and August.
B. N. Mongrain, interpreter, -	66 67	Do. -	Do.
A. Le Clare, interpreter, -	183 66	Do. -	Do.
J. Wilson, interpreter, -	66 66	Do. -	Do.
G. Beauvais, blacksmith, -	113 93	Do. -	Do.
F. Fountain, hired man, -	58 00	Do. -	Do.
Cohon, hired man, -	28 00	Do. -	Do.
Paul Louis, hired man, -	41 00	Do. -	Do.
Emanuel, hired man, -	40 00	Do. -	Do.
	\$1,839 45		
B. Duchoquet, hired man, -	17 00	Thomas Forsyth, -	2d quarter, ending 30th June.
B. Brazeau, hired man, -	17 00	Do. -	Do. do.
J. Brazeau, hired man, -	17 00	Do. -	Do. do.
Ig's Brazeau, hired man, -	17 00	Do. -	Do. do.
P. Larivieu, hired man, -	17 00	Do. -	Do. do.
	\$85 00		
John Ruland, sub-agent and interpreter, -	777 50	William Clark, -	July 1, 1821, to August 11, 1822.
Louis T. Honore, interpreter, -	133 33	Do. -	May 1, 1822, to August 31, 1822.
	\$910 83		

A general abstract of all disbursements in the Indian Department, exhibiting payments made in the several quarters of the year 1822, up to the 1st day of September, 1822, by and within the superintendency of William Clark.

The quarters in which disbursements were made.	The agency, and by whom disbursements were made.	Amount paid to superintendents.	Amount of pay received by Indian agents.	Amount of pay of sub-agents.	Amount of pay of interpreters.	Amount of pay of blacksmiths.	Amount of presents to and for Indians.	Amount of transportation of annuities.	Amount of rations issued at agencies, and distribution of annuities.	Amount of contingencies.	Hired men.	Total amount.	Annuities paid.		
													Amount.	Tribe or nation of Indians to whom annuities were paid.	
For the 1st quarter, ending the 31st of March, 1822.	Major O'Fallon, Missouri, -	-	\$450 00	\$237 50	-	-	-	-	-	-	-	\$687 50	\$1,000	To Foxes and Sacs.	
	Major Graham, Osage, &c. -	-	325 00	-	\$107 00	\$143 20	\$17 50	-	\$1 12	-	\$35 00	628 82			
	Thomas Forsyth, Fort Armstrong, -	-	300 00	-	90 00	-	-	\$23 75	-	-	-	413 75			
	Lawrence Taliaferro, St. Peter's; -	-	-	-	-	-	-	-	-	-	-	-			-
	N. Boilvin, Prairie du Chien; P. Menard, Kaskaskia, -	-	-	125 00	-	-	-	-	-	-	-	-			125 00
	Total,	-	1,075 00	362 50	197 00	143 20	17 50	23 75	1 12	-	35 00	1,855 07			
For the 2d quarter, ending the 30th of June, 1822.	Major O'Fallon, Missouri, -	-	450 00	237 50	36 00	-	-	-	-	-	-	723 50	\$1,000	To Foxes and Sacs.	
	Major Graham, Osage, &c. -	-	325 00	250 00	213 57	200 00	143 92	56 00	47 99	92 70	-	1,329 18			
	Thomas Forsyth, Fort Armstrong, -	-	300 00	-	91 00	-	1,048 09	137 62	-	-	-	1,566 71			
	Lawrence Taliaferro, St. Peter's; -	-	-	-	-	-	-	-	-	-	-	-			
	N. Boilvin, Prairie du Chien; P. Menard, Kaskaskia, -	-	-	125 00	-	-	-	-	-	-	-	-			125 00
	Total,	-	1,075 00	612 50	340 57	200 00	1,192 01	183 62	47 99	92 70	-	3,744 39			
For the quarter ending the 31st of Aug. 1822.	William Clark, super't, St. Louis, -	\$439 00	-	431 94	478 89	-	47 63	-	80 20	73 75	-	1,551 41	9,900	\$3,000 to the Weas; \$2,000 to Kickapoo of Vermilion; \$4,400 to Delaware; \$500 to Delaware chiefs, Anderson and Le pah-ke-ni-killie.	
	Major O'Fallon, Missouri, -	-	300 00	158 33	30 00	-	-	-	-	-	18 00	506 33			
	Major Graham, Osage, &c. -	-	216 66	83 33	416 93	305 60	278 71	378 70	210 89	25 50	-	1,916 32			
	Thomas Forsyth, Fort Armstrong, -	-	200 00	-	62 00	-	-	-	-	-	-	262 00			
	N. Boilvin, Prairie du Chien; Lawrence Taliaferro, St. Peter's; P. Menard, Kaskaskia, -	-	-	83 33	-	-	-	-	-	-	-	-			83 33
	Total,	439 00	716 66	756 93	987 82	305 60	326 34	378 70	291 09	99 25	18 00	4,319 39	10,900		
	Total amount of disbursements under the above heads of expenditure, -	\$439 00	\$2,866 66	\$1,731 93	\$1,525 39	\$648 80	\$1,535 85	\$586 07	\$340 20	\$191 95	\$53 00	\$9,918 85	\$10,900		

The preceding general abstract is intended to present, under different heads, in one view, the amount of all disbursements within this superintendency, from the commencement of the year to the 1st of September, 1822, which is not complete for the want of reports from all the agencies of the sums expended previous to my entering on the duties of the office of superintendent at this place.

The accounts of Mr. Taliaferro, Indian agent at St. Peter's, and Mr. Boilvin, Indian agent at Prairie du Chien, have not been received.

WILLIAM CLARK.

ST. LOUIS, October 31, 1822.

[17th CONGRESS.]

No. 195.

[2d SESSION.]

FLORIDA INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 21, 1823.

Mr. METCALFE made the following report:

The Committee on Indian Affairs, to whom was referred so much of the President's message as relates to the Indians in Florida, have had the same under consideration, and respectfully submit the following report:

Deeply impressed with the importance and high responsibility of the duties assigned them, and reflecting upon the ineffectual and generous efforts of the Christian, the philosopher, and the statesman, to promote the civilization and happiness of those children of nature, your committee commenced their investigations with feelings of doubt and hesitancy, though not without a strong hope that their inquiries might lead to the adoption of a system of measures by which the condition of the Florida Indians might be ameliorated, and an opportunity afforded to the few who remain within that territory to advance in the acquirements of civilized societies, by which alone they are likely to be saved from total extinction.

As the original proprietors of all the territory in question, those Indians may appeal, not only to all the best feelings of our nature, to the sympathy and benevolence of the Christian and the philanthropist, but to the *justice* and clemency of the statesman, upon whose *fiat* their future happiness and prosperity so materially depend. Confidently believing that one common feeling, favorable and friendly towards the red children in question, pervades the bosom, not only of every representative of the National Legislature, but of every enlightened citizen in the Union, the committee deem it unnecessary to urge the *right* of those Indians to our protection, or the *moral obligation* upon this Government to extend that protection, without which the whole race must inevitably perish, as they are now cut off from, and cannot retreat to, the wilderness, where, if we could send them, it would be at a vast expense, and contrary to their will, and where they could disappear but for a short time, before they would again be overtaken and borne down by that wave of white population which is rolling onward with such rapid and resistless pressure. How are we to render their condition more comfortable and happy? What plan shall we devise and pursue for the promotion and final success of an object so desirable? The committee acknowledge the difficulties presented, but in proportion to those difficulties will be the honor due to those who may devise and adopt a system of measures at once so laudable, just, and benevolent.

A broad field for tried and untried experiment now lies before us, and, in the selection of measures upon which it may be said that the rights of human nature so materially depend, your committee believe that the plan which is most simple and the most natural is likely to be the most effectual, and that a departure from those principles was the great error in the regulations heretofore adopted with the various remnants of tribes, who, surrounded by our settlements, remain upon their respective reservations of land, which they hold in common, and not individually, in fee simple. Encompassed about by such a power as this, what can they do? They do not form independent communities, but are dependant upon our will, and yet without the pale of our laws. The total failure of this system to produce any beneficial effect has proven, as far as the test of actual experience can go to prove, the inexpediency of continuing and extending a similar system of measures to those with whom we are now about to commence our operations. Here we cannot come into conflict with State sovereignties. Aided by all the lights of experience which have been shed upon this interesting subject, we are at liberty to pursue the dictates of our own feelings and judgments.

It would be useless and improper to tax the time and attention of members who are already well acquainted with the history of the several remnants of tribes who, from time to time, have been cut off from their hunting grounds, and confined within certain limits in the different States, with a detailed account of the regulations which have been devised and pursued for the improvement of their condition. The regulations which have been adopted in the United States and in Canada are not materially different. They have not only been unsuccessful, but we know that the objects of our solicitude, daily sinking in vice and immorality, are exceedingly degraded, and gradually wasting away. The causes that contribute to this effect among the Indians within the several States it may be difficult to remove; but in Florida it is believed they may be avoided at the commencement. Hitherto, the policy of this Government has been at war with its own professions. The Indian is called by the endearing name of brother, and he is told that we are religiously bound, by the most sacred injunction, to do unto others as we would that others should do unto us; at the same time we exclude them from any participation in the benefits of our civil and social institutions. We treat the whole race as if they were not the descendants of Adam; and thus we baffle and tantalize the Christian, who labors for their moral and religious instruction; and hence the delusions of many wise and pious clergymen, whose efforts in their behalf, though unavailing, reflect upon them the highest honor.

The Indian, at a loss how to reconcile the friendly professions of the Christian, who labors for their moral and religious improvement, with the cruel treatment inflicted upon them by the Government, doubts the sincerity of the Christian; his jealousies and suspicions are excited, and the most bitter enmity to the whites rankles in his bosom. In Canada, also, this system of embodying them together, and confining them within the narrow limits of small reservations of land, has been adopted; and here, too, after centuries of trial under the guidance and care of the priesthood, no beneficial effect is perceptible. It appears, from the history of all the experiments which have been made in this way, either in the United States or in Canada, that, instead of the favorable results which were anti-

ipated, those Indians are exceedingly degraded; and that, depopulating, they dwindle into insignificance, and must soon disappear entirely. It appears that, under European domination, the Indians of New Spain (now of the provinces of Mexico) were shut up in a narrow space of 600 varas (500 metres) of radius, equal to 1,640 feet, assigned, by an ancient law, to the natives, where they may be said to have no individual property, and are bound to cultivate the common property. And we are informed by that wise and respectable man who was formerly bishop and chapter of Mechoacan, that the law prohibited the mixture of castes: it prohibited the whites from taking up their residence in the Indian villages, and prevented the natives from establishing themselves among the Spaniards. And the bishop informs us that this state of insulation opposes obstacles to civilization. After the conquest of this country by the Spaniards, the conquered people were shared out, and the Indians, divided into tribes of several hundreds of families, had masters named to them in Spain from among the soldiers who had acquired distinction. From that period they have been oppressed and enslaved by the Europeans generally, and especially by the generals, the magistrates, the monks, and clergymen; many of the latter of whom, it is said, possess greater revenues than some of the sovereign princes of Germany. No validity being given to their contracts, they have been doomed to a perpetual minority. On account of their color, they have been degraded *by law*, as well as by the force of opinion. The effect of such oppression is always a corruption of morals. It must be acknowledged that such oppression and degradation is calculated to weaken the moral energies of the man, and to discourage and paralyze his exertions to honorable action; and yet it appears that, in Mexico, there are examples of talents among the Indians, natural and acquired, even in the fine arts and belles-lettres; that scintillations of genius sometimes break forth from among those sons of oppression, that would do honor to any age or nation. The committee concur in the opinion that man, in all parts of the world, where he has had opportunities of improvement, no matter where born, or of whom descended, is always the master-piece of nature's works, and the only master of arts.

In the first volume of the executive papers communicated to the second session of the fifteenth Congress will be found, in a letter written by the honorable J. R. Poinsett, a very instructive account of the various regulations and changes in the mode of treating the Indians of New Spain. This letter corroborates the historical account given by Humboldt, and reflects additional light upon the subject.

On the first conquest of the country, the Indians were sold into captivity, and thousands perished under the hard treatment of their cruel masters. The first attempt at amelioration was the *repartimientos de Indios*, by which they were divided among the Spaniards, who had the profits of their labor, without a right of property in their persons. Next, the *encomiendas*, by which they were placed under the superintendence of the Spaniards. An *encomiendero* was appointed, and bound to live in the district which contained the Indians of his *encomienda*, to watch over their conduct, instruct, and civilize them, &c. They were next confided to the care of missionaries and doctrinal curates. Thousands of these unfortunate people were marched every year to Potosi, to labor in the mines. Under the variety of changes and modifications in their civil and political relations, they experienced but little amelioration of condition. Besides the exactions of the Spanish Government, the *corregidor*, the *alcaldes*, the *encomiendero*, the missionaries, and other officers, at the same time, or alternately, became their avaricious and cruel oppressors. They were prohibited the use of fire-arms, and, consequently, were the victims of oppression to comparatively few in numbers. But the revolutionary Government, immediately on its installation, released them from the service of the *mita*, (personal service in the mines,) which was the most obnoxious to them. The tribute was continued from necessity, as it afforded a revenue which could not be relinquished at that period. In 1814, they were relieved from the payment of the tribute, and took an active part in favor of the *creoles*. The first step of the independent Government of Mexico was to remove all the restrictive regulations by which the Indians were kept in the state of minority and pupillage; and, to the honor of that Government, they now enjoy all the rights and immunities of other citizens. About nine-tenths of the inhabitants of those provinces are said to be Indians and castes; and it appears that, within the last fifty years, instead of diminishing, they have increased in numbers, notwithstanding the injuries they have sustained. In the interior of the United States, their numbers are not more than a unit among thousands. No danger to the whites can be apprehended under any system that may be adopted. Shall we turn our backs upon and refuse to cherish and protect the few apparently dying embers of the aboriginal Americans? In carrying into effect the views suggested by the committee, a due regard can and ought to be had to the rights and interests of the white citizens, and to the increasing prosperity of the Territory.

By referring to the documents which were communicated to the committee by the honorable Secretary of War, it will be found that, previous to the cession of Florida to the United States, the Indians were incorporated among the subjects of His Catholic Majesty; and that each Indian had a right to land, as well as, and on the same footing with, white, free black, and colored subjects, in any part of the province; a right to lands *individually*, but none nationally, as the full and complete jurisdiction and sovereignty was vested in, and exercised by, the Spanish Government.

It must be admitted that this system combined benevolence in its leading principles, and that, in practice, it exhibited a perpetual reciprocity of interest. Under it, the Seminole Indians had attained, and were in the enjoyment of, no inconsiderable portion of prosperity and happiness. It is stated by Captain Bell, that this nation was, before the destruction of their settlements in 1812, numerous, proud, and wealthy; possessing great numbers of cattle, horses, and slaves. And it appears from the statement of George J. F. Clarke, that "since the death of King Payne, who died in the field, with Roman dignity, at the destruction of their settlements in Alachua, during the troubles of this province in 1812, and that of his brother Bowleg, who died of grief shortly after, they have had little or no order among them; and their defeats in 1818 have completely broken them up, and dispersed them in small squads or families over the country;" that "many of them now live by cultivation and fishing among the rivers on the eastern side of the peninsula; and others, emaciated and naked, supply wood to the city of St. Augustine, carried in bundles on their backs;" and it is believed that their numbers do not exceed eight hundred souls, in Florida, who are humbled in the dust, and willing to submit to any system that will tolerate their life and living.

Under such circumstances, if we regard our national character; if we love mercy, and desire to do justice; if we consider it our duty to do unto others as we would that others should do unto us, we cannot for a moment hesitate to extend to them the fostering care and protection of this Government, and to make their situation relatively equal to that in which they stood towards the Government of Spain.

The sixth article of the treaty of cession of East and West Florida to the United States is as follows: "The inhabitants of the territories which His Catholic Majesty cedes to the United States by this treaty shall be incorporated in the Union of the United States, as soon as may be consistent with the principles of the federal constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States." Hence, it appears that, by treaty, we have solemnly bound ourselves to incorporate the *inhabitants* of the territories of Florida into the Union, and to extend to them all the privileges, rights, and immunities of the citizens of the United States. The obligatory force of this treaty upon the Government, it is believed, is clear and conclusive; and derives additional strength, if it be possible to give it, from the fact that those Indians were incorporated among, and were a part of, the subjects of His Catholic Majesty.

The committee are of opinion that sound policy, justice, humanity, and religion, combined with the preceding solemn obligation in favor of this incorporating system—*human nature itself*, appeals to us, in silent but eloquent language, for the establishment of its rights. We cannot withhold our sympathies, and, as we cannot refuse to act upon the ground of *necessity*, or of *self-preservation*, the committee are at a loss to perceive any rational objection to the measure. They are few in numbers, dispersed over an immense region of country; they will shortly have among them a very numerous white population, which, it is believed, will soon effect a material change or modification of their habits. If this policy be not pursued, what are we to do with those Indians? We cannot remove them within the limits of any of the States; we cannot remove them to perish upon the northern borders of our settlements; and shall we continue to pursue the same unprofitable and unavailing policy of embodying them together, and confining them within the narrow limits of such reservation as we may think proper to allow them?

As an additional proof of the fallacy of such a system, the committee respectfully refer the House to the President's message, and the letter accompanying it from the Rev. John Heckewelder, who, after having devoted the greater portion of a long and pious life as a Christian missionary among the Indians, at their settlements on the Muskingum, as their moral and religious instructor, attributes his failure of success to the want of good and wholesome laws, tending to their temporal welfare and happiness. He tells us, "if the Indians see that justice is done them to the same degree as it is done to the whites, they will be satisfied, knowing where to flee for relief when maliciously treated." He also informs us that the confidence they would place in such a Government would be a great inducement towards improving their morals, and would encourage them to industry.

This is the language of experience, supported by reason and common sense. To secure to each member of society, in his individual capacity, the fruits of his own labor, and authorize him to pass the same to those who are most near and dear to him, is believed to be one of the first steps in promoting the civilization, prosperity, and happiness of all nations. Without such security, it is believed that the energies of every people, of every creed, and clime, and color in the universe, will remain stationary and inactive, or turn to the most vicious purposes. Without such security, the "hand of dispirited man will move but sluggishly to the task." Without such security, who would toil and labor to remove the timbers of the forest, to plant orchards, to erect comfortable buildings, or perform any other work, for the purpose of extending and perpetuating the enjoyments, comforts, and happiness of the human family? Then, whatever may be the various opinions as to the practicability of the plan suggested by the committee, it may be respectfully asked, if we do not owe it to ourselves and to the Indians to make the experiment? It may be asked if this humane and benevolent policy is not due to the character of this nation? and whether such a measure is not in accordance with the precepts of the holy religion we profess?

The committee recommend that each family, or the heads of families, respectively, provided they will settle upon, cultivate, and improve it, receive a title in fee simple (without the power of alienating it, until otherwise directed) to a reasonable and generous portion of land; and that, in making the locations, the interest and wishes of the said families, or heads of families, be consulted, having due regard to their improvements, and endeavoring to contract their settlements within reasonable limits, so as to promote the interest and prosperity of the white citizens, and encourage the settlement of emigrants in the Territory.

To impose a tax upon the community, or in any other manner to compel the white population of these States to contribute sums of money for the benefit of the Indians, is neither desirable nor proper. It would be an imposition upon our own citizens; and, admitting the most faithful application of the public treasure to the objects intended, (which it is presumed would but seldom happen,) still its only effect might be to lull the Indians into a fatal security, causing them to indulge in the most slothful and demoralizing habits. If we commence the system of supporting them upon the national bounty, it will be difficult to abandon it; and whenever that support is withdrawn, it will be offensive to those who have been in the habit of receiving it. Besides, in principle, it may not be right to enslave or oppress the whites for the benefit and support of the copper-colored race. And it would be equally unrighteous to oppress, degrade, or indirectly to enslave the latter for the benefit of the former. But, as men and Christians, we should encourage and stimulate them to the exertion of their own energies and faculties. It is believed that the history of all ages and nations, Christian or heathen, will confirm the fact, that none of the sons and daughters of men ever did become extensively civilized, virtuous, or happy, except they were stimulated to industry and enterprise as before stated; that is, by giving them an idea of separate property, and securing to each individual the fruits of his own labor, industry, and enterprise, with the power of transmitting the same to those who are most near and dear to him.

The committee are, therefore, of opinion that the plans herein suggested are worthy of trial, and, if carried into effect, will, to a considerable extent, be crowned with success.

But, whether successful or not, it will be doing all that we are legally or morally bound to do, or that they have a right to ask. We shall then have the approbation of an approving conscience; and we hope and trust that our faithful and disinterested exertions will receive the smiles and meet the sanction of approving Heaven.

With these views and sentiments, the committee, with great deference and respect, submit the following resolution:

Resolved, That the President of the United States be authorized and requested to commence a system of operations for the gradual and ultimate effectuation of the objects contemplated, allowing him to exercise and pursue his own judgment as to the manner or mode of doing it, and to communicate to this House, as soon as may be, after the commencement of the next session, the progress and result of his proceedings therein.

SIR:

WASHINGTON CITY, February 19, 1823.

Having examined the report which you did me the honor to place into my hands relative to the Indians of the Territory which I have the honor to represent, I beg leave respectfully to observe, that it would be much to the interest of that Territory if they could be removed to some other part of the United States. But, if such a measure is not practicable, it is very probable that the benevolent system proposed in that report will, eventually, be attended with the best results.

At present, those Indians are dispersed in different parts of the Territory, and ought to be concentrated as soon as possible. They ought also to be allowed the benefit of our laws, through the medium of their Indian agents, whose duty it ought to be to represent them, and to warn them from committing depredations on any of the settlements. To effect this purpose, very ample powers ought to be vested in the President of the United States, who will doubtless receive, from time to time, all the information necessary to enable him to fix upon such a system, or adopt such measures, as may be most appropriate to promote the interest of the Territory and their welfare.

I have the honor to be, with much respect, your most obedient servant,

JOSEPH M. HERNANDEZ.

HON. THOMAS METCALFE,
Chairman of the Committee on Indian Affairs.

SIR:

DEPARTMENT OF WAR, *January 28, 1823.*

In answer to the inquiries contained in your letter of the 15th instant, relative to the Indians in Florida, I have the honor to transmit the enclosed papers, which contain all the information in relation to the points embraced by said inquiries in the possession of this Department.

I have the honor to be, very respectfully, sir, your obedient servant,

J. C. CALHOUN.

HON. THOS. METCALFE,

Chairman Committee on Indian Affairs, House of Representatives U. S.

Copy of a letter from Joseph M. White, secretary to the commissioners for land titles in Florida, to the Secretary of War.

SIR:

PENSACOLA, *December 1, 1822.*

As a citizen of the Territory of Florida, feeling a deep interest in its prosperity, I would beg leave respectfully to invite your attention to a subject of important consideration to the General Government, and peculiar solicitude to the inhabitants of this Territory. The situation of the Indians within the limits of Florida most imperiously demands the attention of Congress at its present session, as will be fully shown from the following statement. Their numbers, from the best estimate which has been made, probably amount to three thousand souls, consisting of men, women, and children. Since the destruction of their towns, during the late Creek war, many of them appear to have no locality, or permanency of habitation. They are distinguished for their insolence and predisposition to habits of intoxication, and are frequently found infesting our towns and settlements. The principal bodies, you are aware, are located in the Alachua and Appalachie, or Appalachicola; and, on more than one occasion, have been reduced to great extremities for the want of the ordinary articles of subsistence. They have almost entirely abandoned the chase, in consideration of the scarcity of game; and their fondness for idle habits presents an insuperable obstacle to the cultivation of the soil. All the information I have been able to collect represents their condition as singularly distressing, and requiring the interposition of the United States.

Situated as they are, it seems to be the better opinion of the most intelligent men in this country that the most advisable measure for adoption by the General Government would be, to subject this wretched people to their absolute control and direction. The Upper Creeks, of whom they are a remnant, and to whom they properly belong, should be compelled to receive and incorporate them with their nation; or, if deemed more proper, a particular tract of country should be marked out within the interior, where they all ought to be collected, and compelled to make a permanent settlement. That the United States are authorized to exercise such a power, I humbly conceive but little doubt can be entertained. It is distinctly understood, and is incontestably proved by the official acts of all the Spanish functionaries, that, by an act of the Spanish Government, the Indians residing in Florida were incorporated with her subjects, whilst she reserved to herself, as one of the attributes of sovereignty, the absolute disposal of the soil; and the Spanish authorities have uniformly acted upon this principle; and, although many reports were made by the ministerial officers that lands solicited were within the Indian boundary, the governors, sub-delegates, and the intendant granted the lands, not recognising any title or sovereignty in the Indians. The Indians were, therefore, placed on the same ground occupied by other inhabitants of the country, having no other title to real property save that conferred by actual occupation of the land; which constituted no right, without a grant from the proper authorities. The Territory having been ceded by His Catholic Majesty, without a recognition of their sovereignty, there can be no moral or political obligation upon our Government to treat with them on the subject, or to surrender to them the fairest portion of Florida. Another consideration which imperatively urges their removal into the interior is, that, in case of invasion, they would be cut off from all intercourse with an enemy, and the avenue would be closed against foreign influence. In their present situation, no confidence could be reposed in their fidelity; they would, either from choice or necessity, unite with a more formidable invader, officiate as his pioneers through our country, and ravage our defenceless frontiers.

The strong repugnance that Americans will always feel at settling in their vicinity, and the consequent injury to the sale of public lands, will operate as an auxiliary motive for their removal. For the above reasons, I solemnly believe that the General Government not only have the right, but are required by the strong convictions of justice, policy, and humanity, to pursue one or the other of the courses above mentioned.

Pardon the liberty I have taken in the frank expression of my opinion, and be assured that it arises from a perfect knowledge that it is the sentiment of the people of this Territory, and from a lively interest I feel for its welfare, and that of the United States.

I have the honor to be, &c.

JOS. M. WHITE.

Extract of a communication from Mr. Penieres, late Sub-agent for Indian Affairs in Florida, to General Jackson, Governor, &c. dated

JULY 15, 1821.

It appears that the Floridas have never been well peopled. Some deserted plantations and ruined villages are visible; but, according to the information I have been able to procure, this country has never contained ten thousand souls, white population; and, at present, does not contain more than five thousand.

You are doubtless, general, acquainted with the population of the Indian tribes known under the collective name of Creeks. It appears that this tribe is composed of six others, which have been designated to me by the names of Mickasuky, Suhane, Moskoky, Santa Fé, Red Sticks, and Echitos. I am informed that these tribes have furnished one thousand two hundred warriors, which gives reason to suppose their population to be three thousand souls.

The nation known by the name of Seminoles is composed of seven tribes, which bear the names of Latchioue, Oklèouaha, Chocheckhiatta, Pyadèkuha, Tatchonyana, and Topkèlakè.* There are, besides, some remains of ancient tribes, known by the name of Outchis, Chiaas, Cana-acké, &c.; but they consist of only a few straggling families. There is, also, on the frontiers of Georgia, another tribe, called Lahouita, which raised one hundred or one hundred and fifty warriors under McIntosh. Seven years ago they waged a barbarous warfare against the whites and Seminoles, who detest them.

* Only six tribes' names mentioned.

We must add to this enumeration, which will make the Indian population amount to more than five thousand of each sex and of every age, fifty or sixty negroes, or mulattoes, who are maroons, or half slaves to the Indians. These negroes appeared to me far more intelligent than those who are in absolute slavery; and they have great influence over the minds of the Indians.

I have had several conferences with these chiefs, &c. &c. They are very mistrustful, very poor, very lazy, and very great beggars. They love the English and Americans very little.

It will be difficult to form a prudent determination with respect to the maroon negroes who live among the Indians on the other side of the little mountains of Latchioue. Their number is said to be upwards of three hundred. They fear being again made slaves under the American Government, and will omit nothing to increase or keep alive mistrust among the Indians, whom they, in fact, govern. If it should become necessary to use force with them, it is to be feared that the Indians would take their part. It will, however, be necessary to remove from the Floridas this group of lawless freebooters, among whom runaway negroes will always find refuge. It would, perhaps, be possible to have them received at St. Domingo, or to furnish them the means of withdrawing themselves from the United States.

Extract of a letter from Mr. Penieres, late Sub-agent for Indian Affairs in Florida, to the Secretary of War, dated

JULY 19, 1821.

Previous to my excursion on the St. John's, I paid a traveller's visit to the Spanish Governor, who gave me a written permission to pass beyond the military post of Bonavista. As he received me with great kindness, I made him acquainted with my intentions, and he evinced the most lively interest towards the Indians, who were deceived in every way. I have neglected nothing to quiet their minds; but the numerous maroon negroes who live among them, the speculators, and other ill-disposed persons, keep up and increase among those unfortunate people a mistrust which it will be difficult to do away.

It will, no doubt, be necessary to collect all the tribes (thirteen or fourteen in number) into one district, to remove them from the seashore, and to give them good lands, in order that they may take a liking to agriculture. Those Indians appear to me to be more lazy, more ignorant, and greater beggars, than those of the other States. They have seen nothing but bad examples, and it will require much time and much patience to make them better. When I shall be more acquainted with them, I will have the honor to lay before you my observations and my opinion.

Extract of a communication from Mr. Penieres, late Sub-agent for Indian Affairs in Florida, to General Jackson, Governor, &c., dated

AUGUST 27, 1821.

There exists no deed, no transaction, nor any treaty with the Indians. The English had, as it is said, abandoned to them all the lands situated west of the St. John's, and I have been told that this grant had been sanctioned about thirty years ago by the Spanish Government. Others, and more credible persons, attest that the usage of the Spanish Kings was to incorporate the Indians in the countries in which they were located. If this unequal incorporation has taken place in the Floridas, the Indians possess no lands; for the Government, which has granted, by written deeds, the greater part of the valuable lands, has made no concession of such nature to the Indians.

By an inconsistency worthy of despotism, His Most Catholic Majesty has legalized, it is said, a sale made by the Indians to a Mr. Forbes of one million two hundred thousand acres of land, situated between the Appalachicola and St. Mark's rivers. If this sale has been actually thus confirmed, the Indian tribes were not incorporated in the mode above described, which would only have entitled them to the same rights of citizenship as are enjoyed by Europeans; but with this difference, that the latter have written titles, which the unfortunate aborigines have not.

Immense concessions of land have been made on the territory of the Latchioue Indians; six hundred thousand acres of which, to my knowledge, have never been surveyed or cultivated.

A great number of deeds, vague, informal, and unlimited, are in the hands of speculators; but no one purchases, for want of a guaranty, and the lands will remain uncultivated.

Other considerable grants have been made to individuals, on conditions that have never been fulfilled: the interest of the State, in such cases, demands a very scrupulous investigation.

I have been assured that all the records and titles, which relate to the Indians in the Floridas, are deposited in the archives of the Captain General of Cuba. Should you think it necessary to authorize me, or any other person, to go and examine them, I am led to believe that the search of those documents would be of no avail, for the holders of grants have a great interest in destroying every thing which might prejudice their title; but it is urgent that Congress, at its next session, should come to some determination to clear up this confusion, else this country will never prosper.

If the pretended purchasers of two or three millions of acres are maintained in their Indian possessions, nothing but swamps will be left for them [the Indians] and the States.

Extract of a letter from General Jackson to the Secretary of War, dated

SEPTEMBER 20, 1821.

Since I closed my letter of the 17th instant to you, Nea-moth-la, one of the chiefs of the Florida Indians, accompanied by the Mulatto Chief and John Blount, with an interpreter, Stephen Richards, has visited me. From the enclosed *talk* held with them, (marked A,) you will discover the object of their visit, their disposition, and wishes. They have left me well pleased, and happy to hear that a country will be given them somewhere, by the President of the United States, in which they will be collected and settled, and receive the protection of the United States. They acknowledge that it is just that those who rejected peace when it was offered to them, and fled from their own country, continuing the war, ought to return to their own nation; that they believe all those are willing to return, but are afraid that they will not be protected.

I have no doubt, it being made known to them that they must return, and that on their return they will be protected, that the whole would immediately move up; and as these Indians can have no claims to lands in the Floridas, humanity and justice are sufficiently extended to them by such permission to return and live in peace with their own nation; and their nation cannot complain or object to this.

There is but one point at which the natives of Florida can be concentrated, without weakening the borders of Florida too much; and that is, on the banks of the Appalachicola, adjoining the southern boundary of Alabama and Georgia, and running down the river on both sides so as to include a sufficient area for the real natives of that country. This might infringe a little upon the large grant to Forbes & Co.; but it would be better thus, than to leave St. Augustine and Pensacola exposed. There, a whole settlement would be interposed between them and the seashore, and the Georgia and Alabama settlements in the rear would insure peace with them. I have thought proper to make this suggestion for the consideration of the President; and I am sure it will give general satisfaction to the Indians if Congress will lay off a boundary for them where I have suggested; but still, I am of opinion, from the smallness of their numbers, and the shape of the Floridas, that it would be much better policy to move them all up, and amply provide for them by an annuity.

A.

Extract of a talk held by General Jackson with three chiefs of the Florida Indians, at Pensacola.

On the 18th September, 1821, I was visited in the Executive Chamber by three chiefs of the Florida Indians, viz: Blount, Nea-moth-la, and Mulatto King, who, through their interpreter, made known to me that the object of their visit was to be informed what their father the President intended to do with them; that various reports had reached them, and that Nea-moth-la had been up to see the headmen of the Creek nation; and that General McIntosh told them that I would deprive them of all their lands, only giving to each six hundred and forty acres of land for themselves and their families to live on; upon which I gave them the following talk:

FRIENDS AND BROTHERS:

I am glad to see you, and to shake you by the hand in friendship, and to assure you that the hatchet has been buried; your father the President never wishes to see it again raised. Your nation was once led astray by the advice and counsel of wicked and bad men; the Creek nation had listened to the same bad counsel, and, in consequence, had brought destruction upon themselves. Your father the President gave them peace. McQueen and Francis, with a number of warriors, would not regard this peace, but fled from their country, and came here, where they adhered to the false counsel of British agents and Spanish incendiaries; and your nation, having pursued the same course, compelled your father the President to send his white children to chastise and subdue you, and thereby give peace to his children, both red and white. This was four years ago; and all those Indians who had raised the bloody hatchet were ordered to return to the Creek nation, and there live in peace, where they would again be taken by the hand in friendship by their father the President, and by him be protected. I repeat that I am glad to see you in friendship, and to give you assurance that your father the President has no other wish than to be in friendship with you, and that, having buried the hatchet with his red children, he is anxious to have them collected together at some one point, where he can protect them, either within the limits of your old nation the Creeks, or at such other point where they can be altogether, and within his power to protect and make them happy. I give to you a plain, straight talk, and do not speak with a forked tongue. It is necessary that you be brought together, either within the bounds of your old nation, or at some other point, where your father the President may be enabled to extend to you his fatherly care and assistance. Those who fled from their nation, and joined in the war against us, must return to their country, where their chiefs are willing to receive them, where they will be protected by their father the President; for they cannot be permitted to settle all over the Floridas, and on her seacoast. Your white brethren must be settled there, to keep from you bad men and bad talks. I will gladly meet you to-morrow in this room, and listen to your talks and wishes, and give you such information as you may require and I possess; and I wish to be informed where the red people in the Floridas are settled, that I may make it known to your father the President, that he may be enabled to judge of your situation, and point out where you are to be collected, to insure your protection, and that you may be treated as the rest of his beloved children. Your former disobedience is forgotten, and he again receives you as his children.

The chief replied, that he had heard many rumors; that he had received no satisfaction until he came to see me; that he was very glad to hear this talk from me, and that he believed it to be a straight talk.

On the 19th they met, agreeably to appointment, when I addressed them in the following manner:

FRIENDS AND BROTHERS:

I am glad to see you this morning, and to shake you by the hand again, and to assure you of the kind feelings of your father the President, and of his love for his red children. I desire to know where the red people are settled in the Floridas, and also their numbers.

Nea-moth-la answered, that he liked the talk he had received, and would carry it to his nation, assemble the chiefs, and give it to them; and, also, that he would give me an account of the towns, as near as possible, which he did as follows; saying that he knew of about fifteen towns, viz: Red Town, at Tampa Bay; does not know the number of souls: Ac-lock-o-na-yake, above Tampa Bay; a number of souls: O-pony's Town, back of Tampa Bay: Tats-ta-la-hoats-ka, or Watermelon Town, on the seaboard, this side of Tampa Bay; the greater part of all these fled from the Upper Creeks when peace was given to that nation: A-ha-pop-ka, situate back of Musquito: Sow-walla village, composed of those who fled from Coosa, and followed McQueen and Francis, their prophets: Peter McQueen's village, the other side of Tampa Bay: A-lack-a-way-ta-lofa, in the Alackaway plains; a great many souls; Took-o-sa-math-la the chief: Santa-fee-ta-lo-fa, at the east fork of the Suwanee; Lock-taw-me-coochy the chief: Waw-ka-saw-sa, on the east side of the mouth of Suwanee, on the seaboard; these are from the Coosa river: Old Suwanee town, (burnt in 1818), on the Suwanee river; these are from the Talapoosa towns, and followers of McQueen and Francis: A-la-pa-ha-ta-lofa, west of Suwanee, and east of Mickasuky; the chief (Ockmulgee) is lately dead; these are from the Upper Creeks: Wa-cissa-ta-lofa, at the head of the St. Mark's river; these are from Chhattahoochee, Upper Creeks: Willa-nou-chee-ta-lofa, near the head of St. Mark's river, west of Wa-cissa-ta-lofa; natives of Florida: Tal-la-has-see, on the waters of the Mickasuky Pond; these have lived there a long time; have about one hundred warriors, and I suppose about ten souls to a warrior—say one thousand souls: Top-ke-gal-ga, on the east side of the Ochlochne, near to the Tallahassee village: Wethoc-ou-chy-ta-lofa, between the St. Mark's and Ochlochne rivers, in the fork of the latter; very few of these are natives of the land: O-cheese-ulga, east of the Appalachicola, where Hambly and Blount live; about two hundred souls; Cothrin the chief: Choco-nick-la village; the chief is Nea-thock-o-motla; second chief is Mulatto King; were raised there; have about sixty warriors; on the west side of the Appalachicola: Top-hul-ga; this village and Choco-nick-la join each other; raised in East Florida, and removed there: Tock-to-eth-la, west of Fort Scott and the Chhattahoochee, ten miles above the forks; forty or

fifty warriors; were raised at the Econ-cha-ta, or Red Ground, and moved down: another town in Florida, Echee-po-crassa; these moved from the Upper Creeks; about thirty warriors, and a great many women and children settled there.

I asked the chiefs their opinion of the number of souls in Florida; they replied, that they supposed about two thousand souls, but were not certain. I inquired at what point those who had been raised there would wish to be concentrated; they replied, that they have not yet consulted together; but, when they returned, would assemble all the chiefs, and deliver the talk they had with me, (which was a straight talk,) and inform me of the result.

Extract of a letter from General Jackson to the Secretary of War, dated

SEPTEMBER 2, 1821.

I have to observe that Mr. Penieres is incorrect as to the number of the Indians mentioned, and particularly so as it regards the number of inhabitants at Pensacola. The population of Pensacola and its vicinity is estimated at 3,000. I have no doubt but a garrison would be useful at Picolata, provided the Indians are not concentrated together, and embodied on the lands reserved for the Creek nation. But this must be done, or the frontier will be much weakened by the Indian settlements, and be a perpetual harbor for our slaves. These runaway negroes, spoken of by Mr. Penieres, must be removed from the Floridas, or scenes of murder and confusion will exist, and lead to unhappy consequences that cannot be controlled. With a little trouble and expense, all the Indians in the Floridas could be removed up into the Creek nation, and at once be consolidated with them; but, if not done at first, disagreeable consequences will grow out of their remaining in the Floridas that the arm of Government will find it difficult to control. You are fully advised of my opinion on this subject heretofore, to which I refer you and the administration.

Until I hear from you positively what course the Government means to adopt with regard to the Indians in the Floridas, and where it means to locate them, I shall hold no talk with them; for I cannot suppose that the Government will permit these Indians to settle all over the Floridas, as they are at present, but that it means to consolidate them at some one point: both their safety, and the safety of the Georgia frontier, and, moreover, the best policy, require it.

Extract of a letter from General Jackson to the Secretary of War, dated

SEPTEMBER 17, 1821.

The exposed situation of the Floridas imperiously demands that its frontier upon the coast (if it may be so expressed) should be immediately inhabited by our white citizens. The Indians at present are scattered from Florida Point to the Choctawhatchy. If you attempt to concentrate or consolidate them at the Mickasuky Pond or Old Towns, you offend those that are situated on the Suwanee, on the Alachua plains, or on the peninsula. As they have been continually at war with the United States, until conquered in the spring of 1818, when they were ordered up above the Florida line, where the nation to which they originally belonged was willing to receive them, such a measure would reconcile all. This is what they expected, and what good policy and the safety of the Georgia frontier required.

If the Indians be removed within the limits of the country assigned to the Creek nation, (of which the Seminoles are a part,) this object, on which the security of the southern border so much depends, will be speedily attained. With what pretence of justice can those who fled from the Creek nation, and kept up an exterminating war on our frontier, until crushed by the arm of our Government in 1818, set up such claims?

The greater part of the Indians now in the Floridas consist of those who fled in the manner above mentioned; and why should we hesitate to order them up at once, when the Executive Government, with the aid of Congress, can do ample justice, by law, if necessary, to those who deserve it, by giving such equivalent as will enable them to settle their families in the upper country, and to cultivate their farms? Unless the Indians be consolidated at one point, where is the country that can be brought into market from which the five millions are to be raised to meet the claims of our citizens under the late treaty with Spain?

Extract of a letter from Captain J. R. Bell, acting Agent for Indian Affairs in Florida, to the Secretary of War, dated

ST. AUGUSTINE, September 3, 1821.

Agreeably to promise on the 28th ultimo, I have the honor to enclose, herewith, a copy of a letter from George J. F. Clarke, Esq., a native of this province, late Surveyor General and Lieutenant Governor of East Florida, on the subject of the Indians of the Floridas.

Copy of a letter from George J. F. Clarke to Captain John R. Bell, commanding in the province of East Florida.

SIR:

ST. MARY'S, EAST FLORIDA, August 15, 1821.

I promised, on my departure from St. Augustine, to employ the first moments at my disposal in answering your inquiries respecting the Indians of this province.

Foreigners insist, and on no better ground than inference, that a line of demarcation between what they please to term Indian and Spanish lands has always existed during the former and late Spanish possessions of East Florida, and during the intermediate occupancy of the same by the British. This I believe to be erroneous as relates to the time of the British possession, for I have been twenty odd years inquiring in vain for a date to such a distinction, and have only met with but few persons who gave credit to the assertion at a second or third hand hearsay, and those had given the matter a passive credence, merely because it assimilated to the customs they had been used to. But, be that as it may, I am sure that no such, or any other, line of demarcation of territory has ever existed between the Spanish Government and the Indians; nor could it have been the case; for the treaties entered into in the Floridas, and the system generally set up in the Spanish provinces on the American continent, go to preclude such a distinction.

It is a remarkable fact, an effect of habit, that the people of all countries are prone to suppose their method of managing in most cases to be the best, if not the only means, whereby a desired end might be effected. But an

impartial view beyond home will find evidence to the contrary; that there are at least two ways to any end. Should two persons depart back to back under the zenith, they will meet face to face under the nadir.

The Spanish relation with the aborigines of America has been very different in their possessions, generally, to those of most other nations. They obtained rights to territory by treaties of incorporation, while others resorted to purchase and conquest. Having obtained a grant from His Holiness the Pope to all those parts of the western hemisphere which they should discover, they made a lodgment on a spot of a province or kingdom, and, having fortified it, entered into treaties of incorporation with the nearest tribes, (I mean on the continent,) and thus gradually progressed to those more remote. Cortes varied in Mexico a part of this mode of process, but not the principle. He went straight to the capital, but, after becoming firm-footed there, carried on the system of incorporation.

However this incorporating system may have been abused in practice, as very many of the intentions of most Governments are, when acted on afar from home, it must be allowed that it ultimately combined benevolence in its leading principles; that, in practice, it exhibits a perpetual reciprocity of interests; and that the depopulation of the aborigines under the incorporating system has been much less rapid than in other parts, even where the purchasing system has been preferred. Witness Humboldt's History of New Spain, recollecting, at the same time, that a great part of the comparatively small defalcation of the aborigines in that quarter will be found in the amalgamation. But where, alas! are the tribes that did inhabit the territory lying between the Floridas and the St. Lawrence? I have reference only to the Spanish settlements on the continent; for on the islands it would appear that extermination had been the order of the day, and that the afterplan of incorporation had generally grown out of the horrors of those.

In 1784 the Spanish Government of East and West Florida met the Talapoosa and Seminole nations in a body, who held those districts, with their celebrated McGilverly at their head, and formed and executed a treaty of incorporation, (or rather re-formed and re-executed the treaty that the British occupancy had rendered obsolete,) which completely made the Indians subjects of Spain, co-equal with the whites, and put the sovereignty in the hands of His Catholic Majesty. That treaty stipulates that the sovereignty, rights, and jurisdiction of His Majesty go alike through all parts of these provinces. And this the United States virtually acknowledged, in treating with Spain, and Spain only, on the boundary line between the Floridas and Georgia; and which line was, moreover, run under a military force, expressly to guard against interference with the Indians. The same treaty says, should the Indians be dispossessed of their lands, (for they had a right to lands individually, but none nationally,) His Majesty will remunerate them in other parts of his territory. Each Indian had a right to land, as well as, and on the same footing with, white, free black, and colored subjects in any part of the province.

The fact that the firm of John Forbes & Co. hold a territory of forty miles square, lying between the rivers Appalachie and Appalichicola, which descended to it from the firm of Panton, Leslie, & Co., who, it is said, purchased that tract from the Indians, will, until it is explained, militate against this relation of the Spaniards and Indians. But this is a solitary case, growing out of very extraordinary circumstances, with which I am acquainted, having been a servant of the latter firm eleven years, including a seven years' apprenticeship, and which I will candidly explain to the best of my knowledge; promising that I have nothing to be individually grateful to them for, nor have I a hope or a fear connected with them.

The house of Panton, Leslie, & Co. stands respectfully identified with the history of the Floridas. Spain, having received the Floridas from Great Britain, neglected no step to assuage the regret of the Indians at parting with their friends the British, and to conciliate their good-will. In the earliest meetings the Indians requested to be supplied with English goods, and by English merchants; and, having been desired to point out the commercial house most to their satisfaction, among the many with whom they had traded, they chose that of Panton, Leslie, & Co. This advantage gained, and carefully improved by the principals of that house, men of the first rate talents, information, and address, it soon became the monitor of the Indians, the guardian of the tranquillity of the province, and a favorite with the court of Spain. They had several commercial establishments in each province, and were allowed to import articles of commerce of every description free of duties, when foreign goods were so strictly forbidden that to be found introducing a single piece of linen would have subjected, by the laws of Spain, any other person to the penalty of working in the mines for life. They became the sole suppliers of all articles wanted by the Government, garrison, inhabitants, and Indians of both provinces.

During this lucrative range of political and civil importance, that firm had credited, generally and largely, the Indians of both provinces, at that time a numerous body; for tribes, afterwards shut into Georgia by the boundary line between that Government and the Floridas, traded to their stores. And preferring, as a matter of accommodation to all concerned, to receive a body of land as a general extinction of those debts than urge individual payments, they obtained permission of the Spanish court to treat with the Indians on that head. A total extinction of debts so easily obtained was, of course, pleasing on the part of the Indians, and not injurious to Spain, who held lands only to give to the meritorious; a treaty was concluded between the house and their debtors, and Spain ratified the treaty, virtually ceding to the house of Panton, Leslie, & Co. a territory of forty miles square, to pay the debts of her Indian subjects.

Permit me, sir, to add here, through feelings of philanthropy only, a few observations in behalf of those poor children of nature, reduced to a handful of dejected, wretched beings. They will, no doubt, find a protecting hand in the United States. They will participate in the endeavor towards civilization, already so beneficial to the more western sons of the forest, so grateful to humanity, and so exalting to a nation's character. Since the death of King Payne, who died in the field, with Roman dignity, at the destruction of their settlements in Alachua, during the troubles of this province in 1812, and that of his brother Bowleg, who died of grief shortly after, they have had little or no order among them; and their defeats in 1818 have completely broken them up and dispersed them in small squads or families over the country. Many of them now live by cultivation and fishing among the rivers on the eastern side of the peninsula; and others, emaciated and naked, supply wood to the city of St. Augustine, carried in bundles on their backs. The whole of them, not exceeding eight hundred souls,* I suppose, will, no doubt, submit to any system that will tolerate their life and living.

They are humbled to the dust, and no more can be required by a magnanimous people, admitting their sins to have been ever so great. The hand of aid and instruction, properly extended, will make them serviceable; they will learn to labor, and our good examples will wear out their former propensities.

I know there are some who will smile in contempt at the idea of taming Indians; but I trust that their number and influence are very small. How limited must be the conception, how illiberal the mind, to the contrary; how little or how partially must they have studied human nature! Are we not all the children of habit, the mere reflection of education and manners? And why should those be incorrigible? It is evident that the only difference in man, laying aside his color, is the difference in opinion; and that difference of opinion arises from the difference of education. Let the sceptical in this part of the philosophy of human nature turn his eyes to the city of Mexico, and

* Supposed to refer to nations of Florida only.

see there the examples of talents, natural and acquired, in the fine arts and belles-lettres, manifest among Indians; let him look into the Havana, and see the many finished workmen in the useful and elegant crafts to be found there among the Africans; nay, let him look at man in all parts of the world, where he has had opportunities of improvement, no matter where born or by whom begot, and say if he is not always the master-piece of nature's works, and the only master of arts. And after seeing what he has acquired, will he attempt to say that bounds have been prescribed to his acquirements by his country or his color?

So small a number of Indians located among the large population that Florida will shortly exhibit must change their habits generally, or, at least, so immediately and materially modify them, as to become very useful; and, even should the adults prefer indigence to industry, the laws will compel them to prefer labor to theft; for they must live by one or the other when surrounded by and interspersed among a better community, and the young must grow up in our habits.

Allow me, sir, to repeat my assurance of respect and esteem.

Your obedient servant,

GEO. J. F. CLARKE.

Extract of a letter from Captain Bell to the Secretary of War, dated

JANUARY 22, 1822.

The Seminole nation, natives of Florida, is so far reduced in its numbers that it does not exceed more than one-third of the whole number of the Indian population now in the provinces. The other two-thirds are from the Upper Creeks, and other bands of the Creek nation. Many of these left their country as followers of McQueen and Francis, their prophets; others are those who refused the peace offered to their nation by the United States; and others, again, who for bad conduct in the nation fled to Florida for safety. Some of the Creeks in Florida may be induced to return to their nation, but the great body of them will prefer joining the Seminole nation, who cannot be prevailed upon to quit their country, the land of their nativity. This nation was, before the destruction of their settlements in 1812, numerous, proud, and wealthy, possessing great numbers of cattle, horses, and slaves; they are now weak and poor, yet their native spirit is not so much broken as to humble them to the dust. They appear sensible of their reduced situation; that they are too weak to make much resistance in war; and that the presumptive right to their lands has passed into the hands of the American Government. To that Government they now look for that liberality, justice, and protection, which it has extended to other nations of Indians.

It now remains for the Government to extend its fostering care and liberality to them. The question is, how is this best to be done? Permit me to state, that, from all the information I have collected on the subject, it appears that the Seminole nation are the proprietors of that part of the country of Florida bounded on the west by a grant in favor of Panton, Leslie, & Co.; south and west, by the Gulf of Mexico; north, by the Georgia line; and east, by a boundary agreed upon between the English and Indians, 18th November, 1765, at a congress held at Picolata, and since recognised by the Spanish authorities.

Extracts from a treaty between the Spanish authorities in Florida and the Indians, concluded at Pensacola, on 31st May and 1st June, 1784. (Referred to in the letter of George J. F. Clarke.)

"ARTICLE I. We, the above-mentioned chiefs of the nation of Talapuche, for ourselves, and in the name of all the chiefs, captains, warriors, and all other individuals, of whatever quality or condition, do promise and pledge ourselves, by the Supreme God, Creator of heaven and earth, and all things visible and invisible, to keep and maintain inviolable peace and fidelity with His Catholic Majesty, his provinces, subjects, and vassals, and to afford all the reciprocal advantages that can contribute to the interest and glory of the two contracting parties. We offer to expose our lives and properties for the royal service of His Catholic Majesty, and we promise cheerfully to obey his orders, communicated to us by the Captain General of Louisiana and the Floridas, and, in his name, by the respective particular governors or commanders of the said provinces; and we will always live in harmony, union, and good friendship; promising, from this moment, and of our own free will, to obey the laws of the great King of Spain, in every point that is compatible with our character and circumstances, conforming ourselves with the municipal customs and regulations which now do, or may hereafter, exist in the provinces of Louisiana and the Floridas; and regulating, with common consent, and in good faith, whatever difficulties may arise in the application of this treaty."

"ART. 13. As the generous feelings of His Catholic Majesty do not permit him to exact of the Indian nations any lands to form establishments, to the prejudice of those who reap advantage therefrom, these motives, and a conviction of his paternal love for his people, induce us to offer you, in his royal name, the security and guaranty of those lands you actually hold, according to the rights of legitimacy with which you possess them: that is to say, those lands comprised within the lines and limits belonging to His Catholic Majesty, our sovereign; and, as an additional proof of his royal clemency, should the Talapuche nation, by war or other circumstances, be dispossessed of their lands by the enemies of the Crown, he will grant them other lands that are vacant, as an equivalent, to settle thereon, without any pretensions or claims for the same than that of their constant fidelity."

17th CONGRESS.]

No. 196.

[2d Session.

ABOLITION OF THE INDIAN TRADING-HOUSES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 1, 1823.

Mr. METCALFE made the following report:

The Committee on Indian Affairs, to whom were referred the President's communication, and accompanying documents, relative to the execution of an act of the last session abolishing the Indian trading establishment, have had the same under consideration, and respectfully submit the following report:

In executing the act referred to, it appears that George Graham, Esq. received the appointment of superintendent, in the place of Colonel Thomas L. McKenney; and an agent has also been appointed, and sent to each of the trading-houses, with instructions to receive from the former agents all the goods, and other property on hand, and to dispose of the same, as soon as it can be done, having a due regard to the public interest.

The superintendent and agents so appointed, it is believed, are active, intelligent gentlemen, of unexceptionable character, and suitable qualifications. In turning over the merchandise and other property on hand, at the several trading-houses, into the hands of the new agents, the original invoice prices are charged to the Government. Much of the merchandise so charged consists of unsaleable, damaged, and worthless remnants, and articles now of little or no value. All the debts due to the factories, which have been created and not collected by the former agents, and also the factory buildings, are charged to the Government.

A. B. Lindsley, the agent appointed to settle up the business of the trading-house at Fort Chicago, has performed that duty with fidelity, and has returned an account thereof; which is herewith presented to the House.

It will be seen that the whole amount of all the goods and other property at this establishment, at the rates at which the same has been charged to the Government, is \$15,637 62. A great portion of those goods were old, unsaleable, and damaged; and, consequently, when sold, there was an average loss to the Government of about fifty-four cents to the dollar.

The whole amount of loss upon the merchandise at that factory is \$6,968 37½. An additional loss will be sustained upon debts due the establishment, which are not likely to be collected. This is the only trading-house from which complete returns have been received. Persons who are desirous of purchasing the goods at the Red river factory offer to pay the original cost and carriage. It is, therefore, believed that no loss upon the goods received at that trading-house will be sustained by the Government.

In winding up the business at the Choctaw trading-house, a very considerable loss will certainly fall upon the Government. (See Mr. Randall's return, and remarks upon the inventory.) From the testimony of Mr. Hersey, the former agent at that place, it appears that not more than one-third of the debts due to that establishment are likely to be collected. The whole amount of debts exceeds \$12,000; and, from the description given of the wretched condition of the merchandise on hand, a great loss upon the sales thereof may be readily anticipated.

The committee do not bring into question the propriety of stating the original invoice prices of the goods, as per inventory, on the delivery thereof into the hands of the new agents; but they believe that, in a final settlement of the accounts between the Government and the former conductors of the trade, the amount actually realized from the sales of goods and property of every description will be the only fair and proper charge in favor of the latter against the former, except for property (if any) destroyed by Indians during the late war, and debts due from the Indians to the factories, and assumed by the Government.

In 1806, the amount of capital stock actually drawn from the treasury, including former appropriations, was \$260,000. On the 3d of March, 1809, an act passed allowing an additional appropriation of \$40,000; making, in all, \$300,000: ten thousand of which, the late superintendent states, was never drawn from the treasury. The whole amount, therefore, of capital stock, thus vested in the Indian trade, must have been \$290,000.

The law positively requires that the "prices of goods supplied to, and to be purchased by, the Indians, shall be regulated in such manner that the *capital stock shall not be diminished.*"

The superintendent and his clerks, the agents and sub-agents, received *annually* for their services, *not out of the trading fund*, but directly from the treasury, about \$20,000. This sum, with the interest thereupon, and the interest upon the capital stock, which, it is believed, will be equal, in all, to between *thirty and forty thousand dollars annually*, is entirely lost to the Government.

The ninth section of an act of 1811, to regulate the Indian trade, provides that the superintendent shall purchase such goods as may be required for Indian annuities, for treaties, and for presents, and transmit the same to the proper places. And it appears that goods furnished by the *factories* to Indian agents, for the purposes aforesaid, were not limited at cost and carriage, but charged to the Government at the same rates as if they had been sold to the Indians; say at an advance (according to instructions given at the factory) of sixty-six and two-thirds to one hundred per cent., and as high as fifty per cent. for goods of inferior quality; and the whole amount so charged actually drawn from the treasury. This appears to be a considerable advance paid by Government for merchandise purchased with its own capital.* It is said that the conductors of the Indian trade were generally men of integrity and honor, not deficient in talent or enterprise, or any of the requisite qualifications for discharging the duties of their respective stations. And how it does happen that, under circumstances so advantageous to the traders, the Government should not now be able to realize a sum equal to the original capital stock, appears to be inexplicable. It is not possible for the committee to trace the conductors of this trade through all their various operations; the manner of exchanging merchandise for furs and peltries, their purchases and sales, &c., for the purpose of ascertaining where the evil lies; an evil, the existence of which is presented to them in a tangible form, while the cause that produced it remains undiscovered. Private traders, without salaries, or any other support from the Government, have, for many years, carried on a successful and profitable trade with the Indians; and, like the factors, it is believed, they sold for such prices as could be had; generally regulating the prices according to the competition. Perhaps the fault may be found to exist in the system itself; and, therefore, it may be useful, not only as a matter of curious history, but for the lesson it teaches to succeeding legislators. From the accompanying documents, it appears that Mr. Graham has instructed the several agents to sell off and settle up the whole business by the —

* The advance upon goods here spoken of was charged upon factory goods, purchased with the *trading fund*, and not upon those supplied by the superintendent, under orders from the Secretary of War, for the same purposes, and paid for out of the fund appropriated for the Indian Department.

day of May next; and it is believed that the public interest required such delay. Beyond that date, however, it is to be hoped that the Government will have to expend but little in settling up the accounts of the Indian trading establishment.

Examination of John Cox.

1. Has Mr. McKenney participated, directly or indirectly, in any gains made by you on any merchandise applied for the Indian trade, annuities, or presents?

Ans. No, he has not.

2. Have you at any time made presents to him, or to any member of his family; and, if so, when, and to what extent?

Ans. Not to my recollection.

3. Have you lent, or advanced to, or paid for him, any moneys, or for any of his family; and, if so, when, and to what amount?

Ans. No.

4. Do you know any other person who has furnished supplies for the Indian trade, &c., with whom Mr. McKenney has participated in any manner in any gain therefrom; or who has lent or paid for him, or any of his family, moneys; or who has made presents to him, or any of his family?

Ans. I do not.

5. Do you know of any store, or mercantile establishment, in which Mr. McKenney was concerned, at the time of, or at any time subsequent to, his appointment as superintendent; if so, state what you know of the same.

Ans. I believe, but am not positive, that he was in partnership with a Mr. Hall, who had been living with him in Washington city before he received the appointment of superintendent; but not to my knowledge afterwards.

Testimony of John Cox continued.

I have been an importing merchant during the time Colonel McKenney has been superintendent. My importations generally have been (since 1817) with a view to the Indian trade. I have supplied Colonel McKenney with goods to the amount of about \$50,000 annually. I sold the goods in currency, without reference to sterling cost. Considered I sold them as low as they could be purchased at fair sale. I have not made Mr. McKenney any compensation, in any way, with a view to obtain the trade. I have endorsed some notes for Mr. McKenney, and Mr. McKenney has likewise endorsed for me. I am now on Mr. McKenney's paper as endorser, but am secured by his property.

Fifty per cent. on the sterling is equal to 150 per cent. Maryland currency; that is, suppose £100 sterling sells in this country for £150 sterling, that is equal to £250 Maryland currency.

JOHN COX.

Second examination of Colonel Cox by Colonel McKenney.

Question 1. How long have you been a merchant in Georgetown?

Answer. Since June, 1798.

Ques. 2. When did you first turn your attention to the nature of the demand for Indian supplies, occasioned by the removal of the office from Philadelphia to Georgetown?

Ans. I think it was in the year 1809.

Ques. 3. Did you not sell, especially during the two or three years before I was appointed, large amounts to my predecessor?

Ans. I did.

Ques. 4. Did not your increasing ability to meet the demands of this office grow out of your increasing knowledge of the peculiar articles in which it dealt?

Ans. It did.

Ques. 5. Was there ever and even the least evidence of partiality shown you?

Ans. Not that I know of.

Ques. 6. On the contrary, did you not think the rigor of the inspection, and the closeness of the comparisons I made, were sometimes too pointed?

Ans. I did.

Ques. 7. Did there not, on at least one occasion, words pass between us, by reason of my strictness, in which you conceived I questioned too closely your statements?

Ans. There was one occasion, within my perfect recollection, in which Mr. McKenney and myself differed as to the relative value of some goods, in which I thought that Mr. McKenney was too tenacious of his own opinion and judgment.

Examination of J. W. Bronaugh.

J. W. Bronaugh, chief clerk in the store of the superintendent at Georgetown, says: That, when Colonel McKenney took the store as superintendent, an inventory was taken of all the goods on hand, agreeably to the original invoices. That the goods purchased since Colonel McKenney has been superintendent have been generally bought at Georgetown, of Colonel Cox, and of Mr. Wright, who were importers. Besides these, goods to the amount of from two to three thousand dollars per year have been bought at each of the stores of Messrs. J. & J. Cockran, W. Corcoran & Co., R. H. Fitzhugh, G. Gaither, and some others occasionally. That, besides those, goods were purchased for the trade at New York and in Philadelphia. That, when Mr. McKenney was appointed superintendent, he was in partnership with a Mr. Hall, on Pennsylvania Avenue; that, on his appointment, Mr. McKenney dissolved partnership with Mr. Hall. Does not know that Mr. McKenney has, since his appointment, had any interest with Mr. Hall in trade, or with any other person. That, since the dissolution, Mr. McKenney purchased from Mr. Hall an invoice of from ten to twelve thousand dollars worth of goods, which were bought by Hall at Baltimore, on memorandum of Mr. McKenney. Knows of no other goods being bought of Hall by superintendent. The goods from Mr. Cox, importer, were bought without reference to sterling cost. Those from Wright were generally bought by the original invoice. Thinks the goods of Wright cheaper than those purchased from Cox, but not so good in quality. Thinks the goods purchased from the merchants in Georgetown, who were not importers, but who bought their goods in Philadelphia, Baltimore, and New York, as cheap as those bought of Cox and Wright. Understood that Mr. Cox was the endorser of Mr. McKenney on notes to be discounted at the banks. Has seen such notes, but does not know that this induced Mr. McKenney to purchase from him more than from others.

JER. W. BRONAUGH.

Second examination of J. W. Bronaugh, by Colonel McKenney.

Question 1. Were not due pains taken, by correspondence and intercourse with merchants, to ascertain yearly the state of the markets, before I decided to buy the annual supplies?

Answer. I think all necessary pains were taken.

Ques. 2. Was there ever, according to your judgment, an article bought of any man, when, after taking the pains to ascertain it, that article could have been bought, combining its suitability and cheapness, for a less price of another?

Ans. I have no recollection that any article was purchased when it was known it could be had cheaper from another.

Ques. 3. Do you not believe that the Georgetown market was the best, for several years past, (say since 1815 and 1816,) for Indian goods, of any other market in the United States, especially for the *great and leading articles*?

Ans. I believe it was the best for blankets and strouds.

Ques. 4. Was it not the practice of the office to encourage competition, by giving samples to merchants, and every information touching the kind of goods in which we dealt?

Ans. It was.

Ques. 5. Was it not the business of the office to provide, as near as it was possible, and transport, the articles enumerated in the annual calls of the factors?

Ans. It was.

Ques. 6. Did you not, whilst packing in the spring of 1816, make out the list of articles enumerated in my letter to Mr. Edward Hall, of the 23d April, 1816, and report it to me as being then wanted? And were not the articles, including the blankets, which he offered, in all respects suitable and valuable goods, and wanted at the time?

Ans. I think I made out the list, and I know the articles were very suitable, and as cheap as others.

Ques. 7. When the articles arrived, did you not inspect them, and report on all of them that were bought that they were within the limits, were good goods, and suitable?

Ans. I did.

Ques. 8. Have not invoices been sent, year after year, from some of the older factories, containing the same quantity of the same articles, which, from their having been bought so long, and being unsuited to the trade, remained on hand?

Ans. I believe nearly so.

Ques. 9. Was not the advance of from sixty-six and two-thirds to one hundred per cent., the tested advance which had been adopted by my predecessor, essential, in the general operations of the establishment, to sustain the capital from diminution?

Ans. I think sixty-six and two-thirds per cent. was the maximum authorized by General Mason.

Ques. 10. Did not Colonel Cox show a good deal of feeling, and often declare, upon his honor, that he was not dealt as fairly by as he should be, by reason of the scrutiny which was exercised in buying goods of him?

Ans. He did.

Ques. 11. Was there not one occasion in which he told you he and I had had some words because of my exceptions to his goods, and perhaps questioning too closely his statements?

Ans. He did.

Ques. 12. Did you not, by my instructions, weigh, and examine, and adjust the parcel of goods referred to in my letter to Colonel Cox of the 10th April, 1821, and graduate the prices to a former purchase, to which this purchase referred?

Ans. I did.

Ques. 13. Was not the Georgetown market for furs and peltries considered by General Mason, and did you not believe it to be the best in the United States?

Ans. It has always been considered by me the best; and I have heard many dealers in the articles from New York, Philadelphia, and Baltimore, express the same opinion. I know General Mason believed it to be one of the best.

Ques. 14. Did we not uniformly realize more in Georgetown, for the sales made there, than was given at the same periods in any market in the United States?

Ans. I believe so.

Ques. 15. Did not the purchasers attending, from Boston to Richmond, unite in this declaration?

Ans. They did.

Ques. 16. Did not Mr. Kennerly, agent at St. Louis, in violation of my instructions, sell furs and other articles at St. Louis, in the year 1821, to wit: 625 raccoon skins, contained in packs Nos. 56, 57, 58, 64, and 65, from the Prairie du Chien factory; 2,500 muskrat skins, in packs Nos. 68, 69, 70, 72, and 73, also from Prairie du Chien; 80 wolf skins; 2,360 pounds feathers; 214 mats; 81 pounds beaver fur; 66 pounds deer skins; which, after deducting transportation from St. Louis to this place, would have sold for \$3,597 11, according to the sale in Georgetown, to which they were destined?

Ans. Mr. Kennerly did sell the furs at St. Louis, in violation of his instructions, and at lower prices than were obtained for them in Georgetown.

Ques. 17. And does not the said Kennerly now stand charged with said amount on the books of the Indian Office?

Ans. He does.

Ques. 18. Did I ever, to the best of your knowledge and belief, apply a single cent, more or less, of the public money in my charge, to my own private affairs?

Ans. Not to my knowledge.

Ques. 19. If I had so applied it, were not the checks and rules in the accounting system, which had been established, such as would have detected it?

Ans. They would.

Ques. 20. Did I not make it one of these rules never to fill up or number a check; but, when payment was to be made, was it not made the duty, and did not you, or the book-keeper, or copying clerk, fill up the check, number it, and hand it to me for my signature, and then yourselves retire with it and apply it?

Ans. We did.

Ques. 21. Was it not the rule of the office to write in the body of each check, and on the margin of the check book, what each check was for, and to whom paid?

Ans. It was.

Ques. 22. Were ever any payments made, except by checks thus prepared?

Ans. Never, to my knowledge or belief.

Ques. 23. Were any moneys ever kept, except in bank, more than from ten to twenty dollars? And did not the messenger receive this by a check? and was he not held accountable for its disbursement in paying of dray and cart hire, and other incidental expenses?

Ans. There never was.

A. B. Lindsley's statement.

A. B. Lindsley, agent to close the factory concern at Chicago, says: The samples exhibited were taken by him from the goods received from Mr. Varnum; and the prices affixed to them were those charged in the inventory. That the goods received from Governor Woodbridge, at Detroit, were equally high charged, and worse goods than received from Mr. Varnum, and worse damaged. Is of opinion that the goods received by him were generally charged from thirty to one hundred per cent. higher than they were worth in the Atlantic cities in 1822. This opinion is confirmed by comparison with goods bought by Indian traders in New York, in the spring of 1822, as well as by his previous knowledge of the market. A penknife, now shown to the committee, was charged at seven dollars per dozen, which was purchased in 1820, by the invoice, as recognised by Mr. Varnum, and which was not worth more than four dollars at private sale in Philadelphia in 1816.

A. B. LINDSLEY.

Second examination of Mr. Lindsley, by Colonel McKenney.

Question 1. Were you ever engaged in Indian trade?

Answer. Never, except in settling the United States' factory business.

Ques. 2. How much should a three point northwest blanket weigh, to be good? and how long and how wide should it be?

Ans. I do not know.

Ques. 3. Do you know how long the goods you have reported so unfavorably of were in the factory, the business of which you went to close; and by whom they were sent—whether by me or by my predecessor?

Ans. I do not.

Ques. 4. Did you not assign as a reason why the goods were sacrificed at Detroit, that of a combination among the purchasers?

Ans. It is probable; but I consider they generally brought their *present* value. But combinations existed, I believe, among the merchants, which I resisted all I could.

Ques. 5. Do you know whether the samples you have exhibited to the committee, of calicoes and bafias, were, or were not, from the *flag ends* of these goods?

Ans. I do not know that they were.

Ques. 6. Did you not sell some of the goods at cost? And how much more than cost? Of what articles?

Ans. I do not now recollect the articles, but some of the goods sold at Chicago brought more than cost, and others brought the cost. Some of them were not goods; the flag handkerchiefs, for instance.

J. B. Varnum's statement.

Jacob B. Varnum produced several invoices received from Mr. McKenney. The first for merchandise forwarded from Philadelphia, in May, 1816, amounting to £315 1s. 9½d. sterling, on which an advance of 33½ per cent. was charged. Second, for merchandise forwarded from Pittsburg, in 1816, being heavy articles, amounting to \$495 33. Third, for merchandise forwarded by J. W. Bronaugh, by order of the superintendent, to Mr. Wooley, at Pittsburg, to be forwarded to Chicago, amounting to \$4,464 53; one per cent. advance charged as usual. Several other invoices were produced, none of which state from whence the goods were purchased.

Several samples of cloth, calico, &c., taken from the goods at Chicago by A. B. Lindsley, were shown Mr. Varnum. He could not recognise the samples, but is of opinion that the green cloth, from which the sample is said to be taken, was purchased in 1815, by General Mason; the calicoes in 1818, and the blue cloth in 1820, by Mr. McKenney. He was instructed, generally, to sell goods from 66½ to 100 per cent. advance, but much was left to his discretion. Finding he could not get that advance on the old stock of goods, he applied to Mr. McKenney for other instructions, who stated, in return, that his (Varnum's) situation would best enable him to judge of the propriety of reducing the prices, and gave discretionary power to sell at such prices as the nature of the case required, or to that effect. Mr. Varnum was not bred a merchant; was factor at Sandusky a short time before the war, and since the war had been at Chicago; has had no other practical knowledge of mercantile transactions than was acquired in those capacities; was in the habit of supplying Indian agents with goods from the factory; same profit as to Indian purchasers. Furnished Mr. Jouett, in one quarter, he thinks, about \$1,800 worth, but usually not more than from \$75 to \$150 in a quarter; sold to officers and soldiers such articles as were not in immediate demand for the Indians. The powder received from the superintendent at \$15 70 was accompanied by a letter from him, dated October 29, 1817, now produced, which shows it was purchased during the war.

JACOB B. VARNUM.

Second examination of Mr. Varnum, by Col. McKenney.

Question 1. Were not the goods sent you by me, in general, good and valuable goods?

Answer. They were.

Ques. 2. After you selected the old and damaged goods for General Cass, were not those which remained on hand good and valuable goods, and suited to Indian trade?

Ans. They were.

Ques. 3. Were they not, generally, those sent by me?

Ans. They were, generally.

JACOB B. VARNUM.

John Hersey's statement.

I, John Hersey, resident at Georgetown, late factor at the Choctaw trading-house, in the State of Alabama, testify and say: That in October, 1819, I was appointed factor at said trading-house, and continued to act in that capacity to October, 1822; that, on entering on the business at said house, as near as I now recollect, the amount of goods delivered over to me by my predecessor was about \$14,000; many of which goods were so much damaged, or so unsaleable, as to render it impossible to sell more than \$2,000 or \$3,000, probably, of them during the time I was factor.

During the time I was factor, I received, as near as I now recollect, about \$12,000 by the year, all which came to me through the medium of Mr. T. L. McKenney; about one-sixth of which came from New Orleans and Mobile,

such as coffee, sugar, lead, and salt; the residue were from Columbia District and New York. When we received the goods at said house, we generally received accompanying invoices. I then thought most of the articles were of a fair price, and certainly of a good quality; except, in a few instances, some were damaged on their passage. From Colonel McKenney I received instructions to add from 66 $\frac{2}{3}$ to 100 per cent. to the invoice prices; and the sales, on an average for the whole three years, were above 80 per cent. advance on the invoice prices. In payment of these things sold, I received deer skins, furs, beeswax, tallow, and cash. The nett gains to Government during the whole three years were between \$8,000 and \$9,000, after paying freight on such articles as were received from Mobile, and besides a remuneration of myself and all others employed there.

When I took charge of the house, I think, as near as I now can recollect, the amount of outstanding debts due the Government was upwards of \$13,000, not more than \$1,000 of which were probably collected while I was there; and I now am of opinion that one-third of the remaining \$12,000 may be collected.

I presume a majority of the debtors to Government, when I went there, afterwards traded with me, many of whom might deliver me peltry and other things to an amount as great as the debts then due from them severally; each one, however, took other goods to an equal, and sometimes greater amount; so that, in most instances, the old debts remained on the books, uncanceled and unliquidated.

JOHN HERSEY, *Late Factor C. T. H.*

Mr. Hersey's second examination, by Colonel McKenney.

Question 1. Was there not in the Choctaw factory, when you took charge of it, a large quantity of old and unsuitable goods?

Answer. There was.

Ques. 2. Did I not, in my letters, direct that they should be disposed of at reduced prices, and on long credit, provided you could get unexceptionable security?

Ans. I was requested by you to dispose of the old and damaged goods, I think, at reduced prices, and on long credits, provided such security could be obtained.

Ques. 3. Were not the goods which you received of me in general suitable and fairly charged? and did you not do out of them your principal business?

Ans. To the best of my knowledge, they were charged at fair prices; they were of good quality; and out of them I did the principal business while there.

James Kennerly's statement.

I, James Kennerly, of St. Louis, do testify and say: That, about nine years ago, I was appointed transportation agent for the United States at St. Louis, and have transported all articles from said St. Louis to Fort Edwards, and to Prairie du Chien, on the Mississippi; Fort Osage, on the Missouri; and, within the last year or two, to Marie De-cine. Among the articles transported were large quantities of powder and tobacco. In November, 1820, Colonel T. L. McKenney ordered into my hands forty packages of goods, supposed for the Indian trade, and the same are still in my possession unopened; and last spring I received the amount of \$1,100, or thereabouts, in goods sent to me by Robert B. Belt, United States factor, from Fort Armstrong. Colonel McKenney never gave me any directions as to the disposal of these forty packages; but he told me they were purchased for the Indian annuities of the Chickasaw tribe; however, as they preferred specie, he agreed to take them again to the trade department. Four years ago, or thereabouts, I received several packages of goods sent to me by J. W. Johnston, United States factor at Prairie du Chien, which he considered as unsaleable in the Indian trade. I, by direction of Colonel McKenney, sold them at auction at St. Louis, and they went off at a great sacrifice, bringing, from the best of my recollection, not more than half invoice cost or price. Among the said articles sold were coarse strouding, a large quantity of printed cotton shawls and of Madras handkerchiefs, a few pairs of morocco shoes, and a large number of gun screws. All the furs and peltries which I sold at St. Louis were sold at a profit, without selection; but Colonel McKenney was dissatisfied at the sales made by me at St. Louis, and directed that the said furs and peltries might be sent by me to Georgetown. Accordingly, I sold only a small quantity at St. Louis, and forwarded the residue to Georgetown, which I could, without selection, have sold at a handsome profit at St. Louis. As to the goods at factories, Messrs. Johnston, Belt, and Sibley told me they sold at sixteen per cent. advance on the cost and carriage. Three or four years the fall supplies, intended for the Indian trade, did arrive so late in the season at St. Louis, that, in consequence of it, they could not be made to reach their place of destination till spring; by reason of which, the goods sustained damage, and the advantages of the trade with the Indians were not realized; though Colonel McKenney, on being informed of it, expressed his surprise, and said the goods were sent in season, and requested me to ascertain the reasons of the delay, in order that a prosecution might be commenced against the freighter.

JAMES KENNERLY.

Examination of Mr. Fitzhugh.

Question 1. How long have you been clerk and assistant packer in the Indian Office?

Answer. Between fourteen and fifteen years.

Ques. 2. Were not the heavy articles generally purchased at St. Louis and Pittsburg? or, when here, were they not always put in with light loads, which weighed less than the weight for which payment must have been made, whether they had been sent or not?

Ans. Yes.

Ques. 3. Were not the supplies always sent off from the office, by the way of St. Louis, in season?

Ans. They were.

Ques. 4. Have you not copied many severe letters from me to Mr. Kennerly, complaining of his inattention to their transportation, with assurances that I could not, with all my good opinion of his integrity, permit the Indian supplies to be so delayed?

Ans. I have.

Ques. 5. Did not Mr. Kennerly reply, on one occasion, that he had not been as attentive as he ought to have been, and that he had trusted to others, but would in future be more vigilant?

Ans. I think he did.

Ques. 6. Did you help to pack the calicoes and cotton, samples of which Mr. Lindsley has produced?

Ans. I recollect having packed the knives and calicoes.

Ques. 7. Are they fair samples?

Ans. I do not know.

Ques. 8. Would you consent either to buy or sell by such samples?

Ans. I think the samples are rather too small to judge of the quality of the goods.

Ques. 9. Have you examined the invoices in regard to these goods?

Ans. I have. The calicoes sent to Chicago in 1818, at forty-five cents, were purchased in Philadelphia; and the knives in Georgetown, of Wharton & Grindage. Mr. W. stated that the knives he sold Mr. McKenney at seven dollars a dozen he had retailed at eighty-seven and a half cents each.

M. FITZHUGH.

After the examination of the witnesses, Colonel McKenney addressed the chairman thus:

Mr. CHAIRMAN: I have, by your permission, looked over the several depositions of the gentlemen examined by the committee the other day, under the resolution of the House of Representatives of the 14th instant, "instructing the committee to inquire whether any, and, if any, what abuses have been committed by the late superintendent of Indian trade, (Colonel Thomas L. McKenney,) in the purchase or sale of goods under the several laws formerly regulating the Indian trade, with power to send for persons and papers;" and I have submitted to the same gentlemen, to-day, such interrogatories as appeared to me to have a bearing upon the subject of the present inquiry.

I beg leave to trouble the committee with a few remarks, not because I have discovered any thing in any of the statements going to sanction, in the smallest degree, the imputations which led to this inquiry, but because the occasion having been furnished by others, (I do not mean the committee,) in the expectation of detecting something in my official transactions which would tarnish my reputation, I cannot consent to let it pass without exhibiting such proofs as shall not only establish my claims to the confidence of the Government under which, for six years, I was in the exercise of an important and responsible trust, (at least so far as the duties connected with that trust are concerned;) but, by disclosing the principles which governed me in the discharge of my duties as a public officer, place my integrity before the eyes of the committee, of the Congress, and the world, in the same light in which I have always had the happiness to contemplate it myself.

It is certainly very unpleasant even to appear to be one's own eulogist, but I trust to the nature of this inquiry to furnish the apology.

It may be proper for me to premise a few things.

1st. I was bred a merchant, and had all the advantages of information arising out of a large business, and frequent intercourse with our principal cities, as well since as during my initiatory progress in the counting-house of my father. From this, the committee may infer my competency to conduct a business entirely mercantile, as was the Indian trade; and not to *conduct* it only, but to judge of the suitability or unsuitability of the supplies required in its prosecution, and of their comparative cheapness.

2d. The calls for the articles constituting those supplies were furnished, annually, by the factors stationed at the several trading posts in the Indian country, and who, it is but reasonable to suppose, enumerated such articles only as were required in the prosecution of the trade. These calls, as far as it was practicable, were always complied with. From this the committee may infer whether the articles forwarded were suitable or not.

3d. It was my good fortune to succeed to the superintendency of this trade a gentleman whose character for mercantile intelligence, and system, and integrity, needs no commendation of mine to give it weight. I found in the office the evidences of the most perfect system. I found in the several branches of it, among the agents, (so far as it was possible for me to judge of them,) intelligence and integrity, and, in the nature of their returns, the most perfect system of accountability. They were all, except the clerks in my office, strangers to me. I had never seen but one of them. I judged of them by their works. I supplanted none of them, neither those who were attached to the system, nor the purchasing agents in our cities, by others of my own selecting. When removals occurred, they were produced by death and resignations; when, with a view to the public interests, I recommended to the President such as I believed were "capable and honest." In doing this I consulted, as far as I was able, my own actual knowledge of the *ability* and *integrity* of the applicants. This was due to myself, for the *responsibility* was mine. From this the committee may infer whether my trust was made the instrument of "abuse" in conferring, so far as it relates to appointments to office, favors on my friends.

I have thought proper thus to premise; but I intend to show, before I have done, by something more than inference, what were the principles which governed me in the discharge of my duty as superintendent of Indian trade. My commission bears date the 2d day of April, 1816. I entered upon the duties of my office on the 12th of the same month. I had for some time, nearly two years before, disposed of my mercantile establishments, of which I was owner of two in Georgetown, and held an interest, till about the period of my appointment, in a store in Washington, under the firm of J. C. Hall & Co. *The obligations of my oath of office*, which forbade me to participate, directly or indirectly, in any trade or barter, except on the public account, made it necessary for me to give up my interest in that concern. I did so; and, in adjusting the preliminaries to that sale, I was kept from entering upon the duties of my office from the 2d to the 12th day of April, having solicited and obtained the superintendency of my predecessor, General Mason, till that concern was disposed of.

I had not been long in office before I heard the buzz of those insects whose business it is, according to Dr. Johnson, "to sting one and fly away;" a kind of invisible agency of the prince of darkness sent to annoy, and, if possible, to wound and destroy. They multiply in the atmosphere of public agencies, especially if they be *disbursing* agencies; and we have illustrated their activity and venom from their attacks upon the hero who first broke the charm of British invincibility, and who had established such claims upon the confidence and *gratitude* of his country, as one might suppose would have guarded him from such annoyances as these, even down to your door-keeper in a public office, who has intrusted to him no more of the public money than will suffice to purchase a straw broom and a mat. It was not for me, in the discharge of the trust with which I was honored, involving as it did disbursements of such various applications, to expect to live free from this kind of annoyance. I did not expect it. It was my duty, and I made it my business, therefore, to begin by providing such guards as should, at least, preserve me from any fatal consequences.

The first of these slanders was one which identified me, *after* my entrance upon the duties of my office, as a party in the concern of J. C. Hall & Co.; and again, if not a party, yet as deriving an indirect emolument in the purchases which it was circulated I was constantly making of that concern. And these slanders, after having remained in their elementary state for six years, have at last been embodied and made (and I thank the committee for bringing them within my reach) part of the subject-matter of this inquiry.

So soon as I had ascertained that those insinuations were in circulation, I requested Mr. Edward Hall, through whom I had negotiated the sale, and who was interested, as he told me, in it, to embody the entire affair, down to the purchase of the only parcel of goods I ever made of him, (for although there was a small invoice in addition to the first, yet it is *believed* to have been part of the principal purchase,) in a certificate, giving to it the solemnity and sanction of an oath. This was accordingly done and signed in Georgetown, as the original, which I now sub-

mit, and which is the paper marked A, shows, on the 12th of November, 1817, and witnessed by John W. Rich, then bookkeeper in my office. Mr. Hall being, as I learn, in Virginia, and Mr. Rich dead, I have procured the certificate of the brother of the latter, now in Washington, certifying to his brother's handwriting; and the oath of Mr. Richard Thompson, of Georgetown, identifying the signature of Mr. Hall. I have procured these, that no cavil may arise. I also beg leave to read the following letter (B) from my letter-book D, page 13, which will explain the *test* to which the goods he proposed to procure would be subjected, viz: an inspection and approval after they should arrive at the warehouses in Georgetown. They were subjected to this test, like all other goods which were ever bought in Georgetown, as Mr. Bronaugh has deposed; and, having passed it, were bought: and, because I *had been* connected with the firm of J. C. Hall & Co., it has been insinuated that I participated in the profits of that transaction. I refer to paper A, just submitted, and ask if there be any thing in it which would authorize such an insinuation? And I ask whether I must not have been constituted of more than degraded baseness to have placed myself before Mr. Hall, who knew the binding obligations of my oath of office, as a *perjured man*? But I repel the insinuation; and, under the solemnities of the oath which kept the way to my passage to the office to which I was appointed, till I had "washed my hands" of all connexion with that concern, do I now swear that I never participated one cent, either by profit or by present, more or less, in that purchase; nor, from the hour when the terms of sale were agreed upon, which separated me from that concern, in *any* transaction connected, either directly or indirectly, with the agency of either J. C. Hall or Edward Hall, or with any *other* individual who ever had transactions with the office of Indian trade during the period of my superintendency: and I challenge the worst enemy I have upon earth to convict me in this matter.

Let it be recollected that it was made my duty, by virtue of my commission, which constituted me sole judge of the purchases, to provide the *best* and the *cheapest* goods for the prosecution of this trade. For my attention to the state of the markets, I refer to my letter-books, and to the testimony of Mr. Bronaugh, in answer to questions touching this part of his examination. I never bought of *any one* without first satisfying myself that I was making the best purchases which the markets enabled me to make, taking the range of the New York, Philadelphia, Baltimore, and other markets, and bringing the prices and kinds of goods into a *just comparison* with the prices and kinds which were offered in our home market, and purchasing accordingly.

I beg leave to read to the committee a few letters, and the answers to them: say one to New York, to my agent in that city, J. L. Dias, (C,) with his answer, (D;) and another to Henry Simpson, agent at Philadelphia, (E,) with his answer, (F;) and to these I add a general reference to my letter-books now in possession of the committee.

From the letters which I have read, and the replies to them, the committee may infer the state of those markets for Indian goods; I say *Indian goods*, because he who judges of the high or low cost of leading Indian articles, blankets and strouds, by a comparison, the blankets with any other kinds of blankets, no matter though the points be the same, or the strouding with any other kinds of cloth, and makes up his judgment from an *external* inspection, and not by *weighing* and *measuring them*, betrays at once his ignorance of the comparative value of these goods: and I appeal for the truth of this to the whole mercantile community.

Yet those goods, although, as these letters show, not to be had in either the New York or Philadelphia market, were to be had in Georgetown. My object in writing was to ascertain their value. The reason why the Georgetown market was the best is plain: it was the place where the demand existed; and he must be a novice, indeed, in mercantile matters, who does not know the first principle of trade, "*that where a demand is, there will be also a corresponding ability to supply it.*" The progress towards this ability in the Georgetown market was gradual; and, by referring to the invoices, as did the committee of Congress, in 1817, of which the Hon. J. Pickens was chairman, it will be seen that, during the first years of the removal of the office to Georgetown, but few articles were purchased except in Philadelphia, where the office had been; but every succeeding year lessened the ability where the demand had ceased to exist, and increased it where it did exist.

I have one evidence in point, which I will submit to the committee, as to the ability of the Georgetown market to supply (when the demand existed there, I mean,) the calls for Indian supplies. The arrearages of annuities occasioned by the war brought together, in 1816, the very first year of my agency, several of them; that is, for the years 1813, 1814, 1815, and 1816, all to be purchased and transported in one season, besides \$20,000 worth of presents. Of these annuities and presents, *forty odd thousand dollars worth* were purchased and transported to Governor Cass at Detroit, for the purposes of his agency; but only about *eight hundred dollars worth* were purchased outside of the District of Columbia. And what did Governor Cass say of those supplies? I will read an extract from the letter-book D, page 251, (G,) which I find incorporated in a report to the Hon. J. Pickens. Here, then, is *prima facie* evidence that it was not an "abuse" or corruption of office which led me to make purchases to so large an amount in Georgetown, *but the capacity in that market to supply the demand*. It may be well to remark, that a two-fold advantage was realized, which a purchase by agency, in other places, did not embrace: *first*, the selections were made under my own eye; and, *second*, the commissions were saved.

It may be asked, "Why, if I had such means of forwarding goods of such good quality, and upon such good terms, are there so many bad and high-charged goods at the factories?" The answer is plain. The factories contain goods which have been on hand from *seven to twenty* years. But for these goods, it is to be presumed, I am not accountable. I am, however, far from pretending that there never went, among the vast amount of purchases which I made in the six years of my superintendency, any high-charged and unsuitable goods. It would be preposterous: for where, let me ask, is the merchant, who, with all his care in supplying his single store, never gets, with his good and valuable goods, some which are not so?

But a short time before I received my appointment, the state of the markets throughout the United States was such as almost to forbid those who were of the mercantile community from purchasing at all. And as to the articles suited to Indian purposes, these were nearly out of the market. Powder, in those days, cost three times the price at which it has sold for since; and as to blankets, these were, of the proper kinds, entirely out of the question. Many of those which were sent among the Indian supplies were manufactured with a texture like that of a hat, rolled out like a pelt; and cloth had to be bought, in some instances, made, in part, of hair! Yet this was the best that could be done; and no person will think of censuring my predecessor for sending those goods, because none better could be procured. We all remember to what a height, at about the period I refer to, all articles of merchandise had attained—from one to three hundred per cent. above what they have ever been since. But no one will think of laying the weight of such portions of these goods as are to this hour on hand at the factories, in the shape of censure, at my door.

It is asked, "Why I did not get rid of those old goods?" I appeal to my letter-book for the proofs that I made efforts to do so. But the difficulty in the way of accomplishing such an end is great—indeed, next to insurmountable. The merchants in our cities can, and do, disembody their remnants and bad goods, through auctions, at any sacrifices. But there are no such facilities, let it be remembered, in the wilderness. Parts of the old stock at Prairie du Chien I did order to St. Louis, where they were sold at great sacrifices. (See my letter-book D, bottom of page 411.) The old goods at Chicago and Green Bay were sold to Governor Cass, for the Indian Department, at a

sacrifice on the cost, (see letter-book G G, page 271;) and efforts were made at other points, as my letter-books will demonstrate.

But implications are made, and suspicion has been busy, because the great body of the leading articles for Indian supplies were bought at Georgetown; and because two persons, Colonel Cox and Thomas C. Wright, and not two hundred, had greater means, were better provided, and of course sold more to the Indian Office, than others. It is known to at least the citizens of this District that these gentlemen have been at particular pains to provide themselves with the best supplies for Indian purposes; and Colonel Cox, in particular, for years (as the testimony before the committee establishes) before I had any thing to do with these purchases, was a dealer with the office, and to very large amounts.

I have said, and I repeat it, and under the solemnities of the same oath under which I discharged my general duties as superintendent, that my purchases were made *wherever* and of *whomsoever* they could be *best* made. Nor did it become me to consider how little or how much was purchased of any man; but only whether what was bought of him was the best, the cheapest, and most suitable, which, at the time of buying, the markets could furnish. For the scrutiny that was exercised in my purchases of Colonel Cox, (and it was not peculiar to him,) I refer to the testimony of Mr. Bronaugh, and to a letter which I find in my letter-book G G, page 176, (H,) which I addressed to him on the subject of a supply of leading articles, which had been bought in the expectation, and with the understanding, that they were of the same quality and weight of the goods of the previous year. My terms in this letter were complied with. (See Mr. Bronaugh's testimony.)

I know no man, in my official relations, as a friend, *to be favored* at the public expense; and what my view of this subject is, and the principles which governed me, I have the evidence, and shall presently disclose it, to demonstrate. I will call the attention of the committee to another of the whispers which seldom fail to be made in relation to disbursing public officers: I mean those which embrace imputations of applying the public money to private uses. However this abuse may have sometimes occurred, yet, as the examination of Mr. Bronaugh has tested, it has no application to me. I never did (and I add the awful sanction of my own appeal to the Deity in truth of it to that of Mr. Bronaugh) apply, during the whole term of my superintendence of the Indian Trade Department, *one cent* of the public moneys, *more or less*, (save those only which were allowed me for my salary,) to my private uses. No; it was around this branch of my duty that I placed the most inflexible guards. And I defy the closest scrutiny into every transaction of the moneyed sort, (and hundreds of thousands passed through my hands,) to detect a single departure from the inflexible rule, *to keep the public moneys separate from what I might have of my own, and apply them ONLY to the purposes for which they had been intrusted to me.*

I will now, in conclusion, proceed to illustrate before the committee what the estimate was, which, as a public officer, I attached to my integrity; and how scrupulous I was in providing against the attacks of even the veriest veterans in the art of detraction and slander. I certainly feel how unpleasant it is to be compelled to speak of one's self; but, as I have said already, the occasion must furnish the apology.

I submit the oaths of two brothers; and I appeal for the testimony of their integrity and good name to General Reed, of the House of Representatives, who has known us all from our infancy, and who is himself known to be an honorable man; and also to the principal families of this District, among whom I will venture to take the liberty of naming General Mason, and Doctor Worthington, and General Walter Smith and his family, and the Rev. Mr. Addison, and the Rev. Henry Foxall; and I make these references, because the testimony I am going to submit is the testimony of my brothers. For these brothers I have the warmest and most affectionate attachment; nor did I ever decline, in a single instance, when it was in my power, and when my sense of duty authorized it, to do them any favor they asked. I submit their statements on oath, (marked I, J,) and ask that judgment be pronounced, whether, if I could be inflexible to an appeal like this—be driven from a compliance with the proposition, so reasonable in itself, by an instinctive dread of slander, and the imputations which I knew well enough would attach to, and perhaps tarnish my integrity—I could be influenced by corrupt motives to deal with others who, although acquaintances and friends, are, in the comparison of a brotherly relation, *strangers?* and whether, with these feelings on my part, I could consent, by participating, as has been insinuated, in the purchase made of Mr. Hall, to stand before him, he knowing the nature of my oath of office, *a perjured man?* No, sir: my good name was, and yet is, my all. Money is not the god of my idolatry, as those who know me will attest. It had been better for me to-day, perhaps, had I worshipped a little more devotionally at this shrine. My good name I have labored hard to preserve. I received it as a legacy from parents who died and left me little else with which to combat the roughnesses of this bleak and cheerless world; and the business of my life has been, and I trust will ever be to its close, to preserve that legacy, and to hand it over untarnished to an only son, to whom, although I may have little more to give, it may constitute a source of the most agreeable reflections; and, by a reference to the example which this very inquiry furnishes, he may be induced the more vigilantly to guard it, and hand it over in perfect purity to his posterity. I am concerned for its preservation. I will not, I could not, disguise it; but I shall expect it to be protected, on this occasion, only on the grounds of my having demonstrated that it has been unrighteously assailed.

A.

I do hereby certify, that, at or about the time Thomas L. McKenney was appointed superintendent of Indian trade, he was engaged in a mercantile business in Washington city with my brother, J. C. Hall; and that, of the term of said partnership, which was five years, about one only had elapsed when the appointment above named was made; that Mr. McKenney aforesaid stated to my brother his necessity, under his oath of office, to relinquish all mercantile affairs on his own account, and proposed to sell out to my brother. His terms were, for his interest in the concern for the four years then to come, (the profits having been about \$1,000 for the first year,) five annual payments of \$1,000, to include the proportion of profits that had arisen on the first year's sales; he (the said McKenney) to afford his endorsement on paper running in bank for Mr. Hall's accommodation, to the amount of \$5,000. My brother declined giving as much as the sum required; but, through me, proposed to give a less amount, in similar payments, and on the same privilege of endorsement as referred to.

It was here I suggested to Mr. McKenney that my brother could be essentially served by any dealings he might have with him as a merchant for the public supplies, and that any promise of countenance to this effect would enable my brother to give more for the interest in the establishment about to be bought out; when Mr. McKenney replied, "I can make *no* stipulations on such a subject. I can hold out *no* inducements of the sort: if your brother have goods, such as my official duty requires me to procure, and his terms be as good as others, his chance will be equal. I cannot say *any thing* to justify any *expectations of the sort.*"

Such was the manner and feeling of the said McKenney on the subject, that I feared he supposed me inclined to induce him, by an additional offer, to commit himself to deal with my brother upon terms which might include his own interests, apart from his official duty and obligations; whereupon I explained that my intention was not to

insinuate that I thought he could be tempted to barter away his honor; far from it; but I only wished to get as much information as I could for my brother, as to the probable amount of purchases he might be able to make, as that would enable him to form a more correct estimate of the annual worth of the business he was in; to which Mr. McKenney replied, "*It is a point on which I cannot converse.*"

The bargain was at last concluded, by and through me, for my brother, and the sum agreed upon to be given was \$2,000, in full of his proportion of the first year's profits, and for his interest in it for the four following years of the term of the partnership, in annual notes of \$400 each; he (Mr. McKenney) agreeing to continue his endorsement on my brother's paper for \$5,000.

Thus ended the purchase on the part of my brother, and the sale on the part of Mr. McKenney.

I do further certify and swear, that the notes above specified were all that were given, and that they were given solely as compensation for the said McKenney's proportion of profits that were then made, and for his interest in the business for four years then to come.

I do further swear, that Mr. McKenney urged me to come to some conclusion, (I having undertaken to be the organ for my brother to Mr. McKenney,) as he felt himself incapable to engage in the duties of his office until he had washed his hands of his own personal mercantile concerns; and further, that he (the said McKenney) always, during the negotiation, manifested the utmost repugnance to listen to the conversation which I had with him about selling to the Indian Department; nor did he ever justify the least expectations that any countenance, of any sort, would be shown to my brother or myself; and, finally, he "begged that no more might be said upon that subject."

Now, in justice to myself, it becomes me to say, that my whole motive in asking for information was to obtain, not any commitment from Mr. McKenney, but only to enable my brother to make his arrangements, by providing such goods as might be in demand, and to get some information of their kinds, and to place ourselves (my brother, Joseph C. Hall, and myself, I mean) before Mr. McKenney's view as sellers of goods, and to express a hope for a suitable patronage.

Finally, Mr. McKenney, some time after the sale, and when I called to offer him some goods, declined even to look at them himself; and then stated that "his having been in business with my brother would prevent him from ever making any purchases; that, whatever goods we might have to offer, we must present to Mr. Bronaugh," which we did.

I further swear, that I never in my life witnessed more circumspect caution, or apprehensions of suspicion, in any man, than I did in Mr. McKenney; nor did my brother ever sell but one parcel of goods to the Indian Department, and these were inspected and approved of by Mr. Bronaugh.

EDWD. HALL.

GEORGETOWN, *November 12, 1817.*

DISTRICT OF COLUMBIA, *County of Washington, to wit:*

On this 24th day of February, 1823, personally appears Richard Thompson, before me, the subscriber, and makes oath, according to law, that the signature to the foregoing instrument of writing he believes to be the true signature of Edward Hall, brother of Joseph C. Hall, formerly of the firm of Joseph C. Hall & Co. of Washington.

JAMES ORD, *J. P.*

JOHN W. RICH, *Witness.*

I hereby certify, that the signature to this instrument, as witness, is the genuine signature of John W. Rich, as it purports to be.

WASHINGTON, *February 24, 1823.*

WM. RICH, *Brother of John W. Rich.*

B.

SIR:

INDIAN OFFICE, GEORGETOWN, *April 23, 1816.*

You mentioned to me the other evening that your brother was then in Baltimore, and that he would be glad to attend to the purchase of any articles of merchandise I might want for this office. I respectfully avail myself of this tender of services, which you will be pleased to understand as being accepted *only* upon the condition that the articles I am about to name be, if purchased, *entirely acceptable in price and quality, and in such other respects as shall render them entirely proper for the purpose for which they are intended.* With this condition, you may write to your brother to procure and send on, with as little delay as possible, twenty pieces of dark purple and chocolate brown cloth, (that is to say, ten pieces of each,) to be three-quarters of a yard wide, good quality, to cost *here* not more than seventy-five cents per yard; one hundred pieces of strouds, (about twenty yards in a piece.) Strouds are a blue cloth, six quarters wide, with a narrow cord about one inch from the selvage. For these, I will allow (if good) one dollar and twenty-five cents per yard. Six pieces of green cloth, (nearly grass green,) six quarters wide, not to exceed in price one dollar and twenty-five cents per yard.

If these goods can be procured, and can be furnished to this office in fifteen or twenty days, (sooner would be desirable,) and under the conditions named, I will buy them.

I am, &c.

THOS. L. MCKENNEY, *S. I. T.*

Mr. EDWARD HALL, *Georgetown.*

NOTE.—Mr. Hall bought, also, a parcel of blankets, at his own risk, which, on arriving, were inspected; and, being then wanted, were bought for the supplies then making up.

C.

SIR:

OFFICE OF INDIAN TRADE, *May 8, 1818.*

I will thank you if you will take the trouble to make inquiries in your city after the following articles, and of the following descriptions: Northwest Company blankets, (so called,) three points, to measure six feet six inches long, and five feet six inches wide; to weigh, per pair, eight pounds and a half. Two and a half points, to measure six feet three inches long, and five feet two inches wide; to weigh, per pair, seven pounds and a half. Strouds, from six to seven quarters wide, to weigh, per yard, from one and a half to one pound and three-quarters.

If these goods can be had, please inform me at what prices.

Respectfully, &c.

THOS. L. MCKENNEY, *S. I. T.*

To J. L. DIAS, *New York.*

54 E

D.

Extract from so much of J. L. Dias's letter as relates to the call on him for information of prices, as per letter C.

As to the inquiries contained in your favor of the 8th, I regret to inform you that I have not been able to find out any blankets of the description therein stated, nor do I believe it possible to meet with any.

In 1813, I purchased, by order of General Mason, and forwarded to some of the factories, some two and a half and three point blankets, but I believe they were of the ordinary sizes and weights, for I remember that I had previously endeavored, in vain, to procure such ones as you describe.

Note by Colonel McKenney.—It will be recollected that both Mr. Dias and Mr. Simpson had the inducements of a commission for buying.

E.

The same letter as that to Mr. Dias to Mr. H. Simpson, of Philadelphia.

F.

Copy of H. Simpson's letter.

SIR:

PHILADELPHIA, May 11, 1818.

In reply to your favor of the 8th instant, I beg leave to state, that there are no blankets in this market of the precise quality and dimensions as those you ask for. For the particulars of the quality of mine, which are the best in the market, I refer you to my letter to you of the 14th March, &c. &c.

H. SIMPSON.

THOS. L. MCKENNEY, Esq., S. I. T.

G.

Extract of a letter from General Cass to the Superintendent of Indian Trade.

I have been much gratified to find the goods sent here for the Indians are very well selected. Perfect justice has been done. I am informed, by persons in the Indian Department, that such a selection was never sent to this country. In fact, I cannot conceive that they could be better suited to the objects for which they are sent.

I refer to my letter-book D, page 348, to a letter of 24th June, 1817, in reply, in part, to one which I had received from J. W. Johnston, of Prairie du Chien. From the following paragraph, (although his letter to me is not at hand, but may be found by referring to the records of the Indian Office,) an inference may be made of the tenor of his letter to me from the following reply:

"It affords me pleasure (I say to him in reply) to learn that those goods are so very acceptable. It is surely a high commendation you bestow; and it is the more welcome, because you certainly know how to estimate an entire suitability of the articles to the tastes of the Indians in your quarter. I notice with pleasure that you are attracting, by means of those goods, the attention of the Indians."

T. L. MCKENNEY, S. I. T.

H.

Letter to Colonel Cox.

SIR:

OFFICE OF INDIAN TRADE, April 10, 1821.

Understanding that you are in Baltimore, I think proper to write to you on the subject of the merchandise conditionally purchased of you. The blankets, on being opened, turn out to be so inferior as to be almost unsuited to the trade. Besides the appearance and poorness of covering, which shows the twill on both sides, the wrong side almost uncovered, and having a black narrow stripe instead of an indigo-blue and wide one, the three points are charged to weigh eight pounds and a quarter, and weigh only seven pounds and a half. The smaller blankets are of a similar quality.

The strouding, charged as being the same with *the best* of last year's purchase, weighs four pounds less, and is narrower and thinner, of course.

It will be difficult to use these goods at all, and impossible to do so at the prices charged in the memorandum left by you. Nothing can authorize the admission of any part of them into the stock except a reduction of prices, governing the depreciation by the falling short of the weights.

I wish you to write me immediately, and say whether you are willing to let these articles be used at the rates embraced by the unlikeness of their quality to those that they have been called *equal* to in your invoice. If not, it is proper I should say, *they cannot be used at all*. I regret this the more, as there will be an interruption in the packing until I hear from you. Write *definitively and conclusively*; and this you can do, because I can have no interest in misrepresenting these goods, and I wish to receive them only on fair terms.

Respectfully, &c.

To Col. JOHN COX.

THOMAS L. MCKENNEY, S. I. T.

I.

DEAR BROTHER:

GEORGETOWN, D. C., February 21, 1823.

I received, late this evening, your letter of yesterday, in which you request me to "embody the offer I had made me by a gentleman of New York, to engage with me in a mercantile establishment in Georgetown; stating the amount in cash which he proposed to furnish; the *chief object* of that proposition; and the conversation that passed between you and myself when I made it known to you."

In accordance with said request, I now make the following statement:

Not long after you had received the appointment of superintendent of Indian trade, a gentleman (Mr. William Floyd) from New York, then trading under the firm of Floyd, Smith, & Co., proposed to me to engage with him in a large dry goods establishment in this town, which should have for *one of its objects*, or its principal object, a reference to sales to your office, and, of course, to keep the most abundant and suitable supplies of Indian goods. He proposed to furnish the means to carry it on *extensively*.

I communicated to you information of this offer, and stated its principal object, expressing my belief that we should be able to sell to you upon as good terms as any other merchants, and that the offer was one of importance to me. You instantly, with some degree of excitement, rejected the plan; and, as well as I can recollect, replied, "tell or write the gentleman that I can consider his proposition in no other light than an indirect attempt upon my honor and reputation." You further said, that no disbursing officer could, with every possible precaution, keep himself free from the suspicions of the evil-disposed, the disappointed, and the malicious, deal with whomsoever he might; and that for me, however fair and honorable were my views, and would or might be your purchases, were you to make any, yet, as I was your brother, the public would never be satisfied but that corruptions and frauds were practised; that you had set out to avoid, as far as might be in your power, any just grounds of suspicion against any act of yours in the discharge of the trust which had been committed to you; and you never would, no matter how advantageous it might be to me, sanction the offer that had been made me, so far as it looked to your office to purchase goods of us. I recollect perfectly well that I endeavored to remonstrate with you, and begged you to consider that we never should ask you or expect you to buy a single article that should not be at a *fair price*, as low as it could be had elsewhere, and suitable to your wants or the Indian trade; and that I could not see why it must follow, because I was your brother, and you made purchases of me, that therefore you must be corrupt. I assured you that it was not expected by Mr. Floyd, when he made me the offer, that you *should or would*, in *any instance*, depart from the *strict* line of your duty, for we would only expect you to purchase of us when our offers were good and as cheap as others. You replied to me, with some sharpness: "Hush it. I never will sanction it. I am a better judge of this matter than you can be;" or words to that import. Seeing me considerably hurt at your manner, and refusal of what I considered a perfectly fair and honorable offer, which might be of great advantage to me, you stated that it was your duty to *yourself* and *reputation* that forbade you to sanction the contemplated business between Mr. Floyd and myself, and that I knew you had the best and most affectionate feelings towards me; but, nevertheless, you reiterated your refusal, and declared most solemnly that you would not countenance the offer, nor buy of us, directly or indirectly, no matter how superior and cheap our goods might be. Not seeing the justice of your resolution, after I had repeatedly told you we could only expect or *desire* you to purchase when our goods were suitable to your wants, and *as cheap as they could be had elsewhere*, I made known to my brother Samuel what had passed, and requested him, as he thought you were fastidious, to call and see you on the subject. He did so, but without being able to change your views or purpose; and I abandoned the contemplated establishment.

Your affectionate brother,

WM. MCKENNEY.

WASHINGTON COUNTY, *District of Columbia*, ss:

On the 22d day of February, 1823, came William McKenney before me, the subscriber, a justice of the peace in and for the said county, and made oath on the Holy Evangelists of Almighty God that the foregoing statement is true, to the best of his knowledge.

DANIEL BUSSARD.

J.

DEAR BROTHER:

GEORGETOWN, *February 22, 1823.*

I received your letter of the 20th instant, in which you request me "to state, on oath, the conversation you had with me on the subject of the proposition which our brother William had made to him by a gentleman from New York."

I recollect that our brother William, I think in 1817 or 1818, (I forget which,) came to me, and represented that he thought you had taken a very unjustifiable stand in relation to an offer he had made to him by a gentleman of New York, of a considerable capital, to open a dry goods store in Georgetown, by refusing, if he did commence the business, to buy an article from him, at no matter what rates he might offer it. Thinking that you had not duly weighed the subject, and knowing that it was not necessary for a purchaser, because he dealt with his brother, to be a rogue, I went to your house, and found you in the fields. I represented my views to you, and urged you to think differently; and that, if William sold as cheap as any one else, and dealt in the right kind of goods, I could not see any reason why you should not deal with him. Your answer was, in substance, that you were a public officer; suspicion would attach to you, deal with him as fairly as you might; and that your reputation was worth more to you than any moneyed advantage, arising under his proposed establishment, would be to him. You rejected my entreaties, and with fervor declared you never would deal with him while you remained a public officer, thereby subjecting yourself to the slanders of the suspicious, which you might never have it in your power to put down. This I believe to be the substance of our conversation; and I am now constrained to acknowledge the propriety of your decision.

I remain, your affectionate brother,

SAML. MCKENNEY.

Mr. THOMAS L. MCKENNEY.

DISTRICT OF COLUMBIA, *County of Washington*, to wit:

On this 22d day of February, 1823, before me, the subscriber, one of the justices of the peace in and for said county, personally appears Samuel McKenney, and makes oath, on the Holy Evangelists of Almighty God, that the foregoing statement of the matters and things as therein mentioned is just and true, to the best of his knowledge and belief.

JAMES ORD.

GEORGETOWN, *February 24, 1823.*

We, the undersigned, having sold to Thomas L. McKenney, superintendent of Indian trade, on the 23d of March, 1820, two dozen single bladed penknives, at \$7 per dozen, and two dozen double bladed penknives, at \$5 50 per dozen, have no hesitation to say that they were charged *at the fair market price*, at that period; but have no recollection that the *one knife* furnished as a pattern is any part of the above sale.

WHARTON & GRINDAGE.

We certify that we packed the above knives for Chicago factory, in the year 1820.

JERE. W. BRONAUGH,
M. FITZHUGH.

18th CONGRESS.]

No. 197.

[1st Session.]

EXPENDITURES OF THE INDIAN DEPARTMENT.

COMMUNICATED TO CONGRESS, DECEMBER 2, 1823.

Statement showing the amount of moneys advanced from the 1st of January, 1822, to the 31st of December, 1822, and from the 1st of January, 1823, to the 1st of September, 1823, and the amount accounted for, for the same periods, on account of Indian Department.

Advances in 1822.	Dollars.	Advances in 1823, to 1st September.	Dollars.
For contingencies of Indian Department, Amount accounted for, -	166,406 96 159,321 02	For contingencies of Indian Department, Amount accounted for, -	57,779 23 44,506 35
To be accounted for, -	7,085 94	To be accounted for, -	13,272 88
For annuities: Amount advanced, -	165,225 00	For annuities: Amount advanced, -	178,174 55
Amount accounted for, -	130,025 00	Amount accounted for, -	135,659 62
To be accounted for, -	35,200 00	To be accounted for, -	42,514 93
For pay of Indian agents: Amount advanced, -	23,225 86	For pay of Indian agents: Amount advanced, -	14,883 33
Amount accounted for, -	22,142 53	Amount accounted for, -	12,858 33
To be accounted for, -	1,083 33	To be accounted for, -	2,025 00
For pay of sub-agents: -	-	For pay of sub-agents: Amount advanced, -	7,755 29
Amount advanced, -	9,941 66	Amount accounted for, -	6,333 33
Amount accounted for, -	9,524 99	To be accounted for, -	1,421 96
To be accounted for, -	416 67	For presents for Indians: Amount advanced, -	7,642 00
For presents for Indians: Amount advanced, -	12,198 09	Amount accounted for, -	7,422 00
Amount accounted for, -	12,048 09	To be accounted for, -	220 00
To be accounted for, -	150 00	For civilization of Indians: Amount advanced, -	8,381 17
For civilization of Indians: Amount advanced, -	6,904 16	Amount accounted for, -	3,459 00
Amount accounted for, -	981 99	To be accounted for, -	4,922 17
To be accounted for, -	5,922 17	Recapitulation for 1823: Total amount advanced, -	274,615 57
Recapitulation for 1822: Total amount advanced, -	383,901 73	Total amount accounted for, -	210,238 63
Total amount accounted for, -	334,043 62	Total to be accounted for, -	64,376 94
Total to be accounted for, -	49,858 11		

SECOND AUDITOR'S OFFICE, November 29, 1823.

WILLIAM LEE.

Copy of the license granted to General William H. Ashley to trade with the Indians up the Missouri, dated April 11, 1822.

To all who shall see these presents, greeting:

Whereas William H. Ashley, of the State of Missouri, having made application to the Department of War for license to carry on trade with the Indians up the Missouri, and hath given bond, according to law, for the true and faithful observance, by him and his agents, of all and singular the regulations and restrictions as are, or shall be, made for the government of trade and intercourse with the Indian tribes: Now, therefore, be it known that the said William H. Ashley is hereby licensed to carry on trade with the Indians up the Missouri accordingly, for the term of one year from the date hereof, unless the license hereby granted should be sooner revoked.

Given under my hand, and the seal of the War Office of the United States, at the city of Washington, this 11th day of April, in the year of our Lord 1822.

By order of the President of the United States:

J. C. CALHOUN.

NOTE.—A license of precisely the same tenor and date was also granted to Major Andrew Henry.

Extract of a letter from the Secretary of War to General William Clark, Superintendent of Indian Affairs at St. Louis, dated

JULY 1, 1822.

I have received a letter from Major O'Fallon, in which he states that he understands a license has been granted to General Ashley and Major Henry to trade, trap, and hunt on the Upper Missouri, and expresses a hope that

limits have been prescribed to their trapping and hunting on Indian lands, as, he says, nothing is better calculated to alarm and disturb the harmony so happily existing between us and the Indians in the vicinity of the Council Bluffs.

The license which has been granted by this Department, by order of the President, to General Ashley and Major Henry, confers the privilege of trading with the Indians only, as the laws regulating trade and intercourse with the Indian tribes do not contain any authority to issue licenses for any other purpose. The privilege thus granted to them they are to exercise conformably to the laws and regulations that are, or shall be, made for the government of trade and intercourse with the Indians: for the true and faithful performance of which they have given bonds, with sufficient security; consequently, it is presumed they will do no act, not authorized by such laws and regulations, which would disturb the peace and harmony existing between the Government and the Indians on the Missouri, but rather endeavor, by their regular and conciliatory conduct, to strengthen and confirm them.

18th CONGRESS.]

No. 198.

[1st Session.

TREATY WITH THE FLORIDA INDIANS.

COMMUNICATED TO THE SENATE, DECEMBER 15, 1823.

To the Senate of the United States:

WASHINGTON, December 15, 1823.

I transmit to the Senate, for its advice and consent as to the ratification, a treaty lately concluded with the Seminole Indians in Florida, whereby a cession of territory is made to the United States.

JAMES MONROE.

ARTICLE 1. The undersigned chiefs and warriors, for themselves and their tribes, have appealed to the humanity, and thrown themselves on, and have promised to continue under, the protection of the United States, and of no other nation, power, or sovereign; and, in consideration of the promises and stipulations hereinafter made, do cede and relinquish all claim or title which they may have to the whole territory of Florida, with the exception of such district of country as shall herein be allotted to them.

ART. 2. The Florida tribes of Indians will hereafter be concentrated and confined to the following metes and boundaries: commencing five miles north of Okehumke, running in a direct line to a point five miles west of Setarky's settlement, on the waters of Amazura, (or Withlachuche river,) leaving said settlement two miles south of the line; from thence, in a direct line, to the south end of the Big Hammock, to include Chickuchate, continuing in the same direction for five miles beyond the said Hammock, provided said point does not approach nearer than fifteen miles the seacoast of the Gulf of Mexico: if it does, the said line will terminate at that distance from the seacoast; thence south, twelve miles; thence in a south thirty degrees east direction, until the same shall strike within five miles of the main branch of Charlotte river; thence, in a due east direction, to within twenty miles of the Atlantic coast; thence north, fifteen degrees west, for fifty miles; and from this last to the beginning point.

ART. 3. The United States will take the Florida Indians under their care and patronage, and will afford them protection against all persons whatsoever, provided they conform to the laws of the United States, and refrain from making war or giving any insult to any foreign nation without having first obtained the permission and consent of the United States. And in consideration of the appeal and cession made in the first article of this treaty by the aforesaid chiefs and warriors, the United States promise to distribute among the tribes, as soon as concentrated, under the direction of their agent, implements of husbandry, and stock of cattle and hogs, to the amount of six thousand dollars, and an annual sum of five thousand dollars a year for twenty successive years, to be distributed as the President of the United States shall direct, through the Secretary of War, or his superintendents and agent of Indian affairs.

ART. 4. The United States promise to guaranty to the said tribes the peaceable possession of the district of country herein assigned them, reserving the right of opening through it such roads as may from time to time be deemed necessary; and to restrain and prevent all white persons from hunting, settling, or otherwise intruding upon it. But any citizen of the United States, being lawfully authorized for that purpose, shall be permitted to pass and repass through the said district, and to navigate the waters thereof, without any hindrance, toll, or exaction from said tribes.

ART. 5. For the purpose of facilitating the removal of the said tribes to the district of country allotted them, and as a compensation for the losses sustained, or the inconveniences to which they may be exposed by said removal, the United States will furnish them with rations of corn, meat, and salt for twelve months, commencing on the first day of February next; and they further agree to compensate those individuals who have been compelled to abandon improvements on lands not embraced within the limits allotted, to the amount of four thousand five hundred dollars, to be distributed among the sufferers in a ratio to each proportional to the value of the improvements abandoned. The United States further agree to furnish a sum, not exceeding two thousand dollars, to be expended by their agent, to facilitate the transportation of the different tribes to the point of concentration designated.

ART. 6. An agent, sub-agent, and interpreter shall be appointed, to reside in the Indian boundary aforesaid, to watch over the interests of said tribes; and the United States further stipulate, as an evidence of their humane policy towards said tribes, who have appealed to their liberality, to allow, for the establishment of a school at the agency, one thousand dollars per year for twenty successive years; and one thousand dollars per year, for the same period, for the support of a gun and blacksmith, with the expenses incidental to his shop.

ART. 7. The chiefs and warriors aforesaid, for themselves and tribes, stipulate to be active and vigilant in the preventing the retreating to, or passing through, of the district of country assigned them, of any absconding slaves or fugitives from justice; and further agree to use all necessary exertions to apprehend and deliver the same to the agent, who shall receive orders to compensate them agreeably to the trouble and expense incurred.

ART. 8. A commissioner or commissioners, with a surveyor, shall be appointed by the President of the United States to run and mark (blazing fore and aft the trees) the line as defined in the second article of this treaty, who shall be attended by a chief or warrior, to be designated by a council of their own tribes, and who shall receive, while so employed, a daily compensation of three dollars.

ART. 9. The undersigned chiefs and warriors, for themselves and tribes, having objected to their concentration within the limits described in the second article of this treaty, under the impression that the said limits did not contain a sufficient quantity of good land to subsist them, and for no other reason, it is therefore expressly understood between the United States and the aforesaid chiefs and warriors, that, should the country embraced in the said limits, upon examination by the Indian agent and the commissioner or commissioners to be appointed under the eighth article of this treaty, be by them considered insufficient for the support of the said Indian tribes, then the north line, as defined in the second article of this treaty, shall be removed so far north as to embrace a sufficient quantity of good tillable land.

ART. 10. The undersigned chiefs and warriors, for themselves and tribes, have expressed to the commissioners their unlimited confidence in their agent, Colonel Gad Humphreys, and their interpreter, Stephen Richards; and, as evidence of their gratitude for their services and humane treatment and brotherly attentions to their wants, request that one mile square, embracing the improvements of Neamothla at Tallahassee, (said improvements to be considered as the centre,) be conveyed in fee simple as a present to Colonel Gad Humphreys. And they further request that one mile square at the Ocheese Bluffs, embracing Stephen Richards's field on said bluffs, be conveyed in fee simple as a present to said Stephen Richards. The commissioners accord in sentiment with the undersigned chiefs and warriors, and recommend a compliance with their wishes to the President and Senate of the United States; but the disapproval on the part of the said authorities of this article shall in nowise affect the other articles and stipulations concluded on in this treaty.

In testimony whereof, the commissioners, William P. Duval, James Gadsden, and Bernardo Segui, and the undersigned chiefs and warriors, have hereunto subscribed their names and affixed their seals. Done at camp on Moultrie creek, in the Territory of Florida, this eighteenth day of September, one thousand eight hundred and twenty-three, and of the independence of the United States the forty-eighth.

WILLIAM P. DUVAL,
JAMES GADSDEN,
BERNARDO SEGUI.

[Signed, also, by certain chiefs and warriors of the Florida tribes of Indians.]

ADDITIONAL ARTICLE.

Whereas Neamothla, John Blount, Tuski-Hajo, Mulatto King, Emathlochee, and Econchatimico, six of the principal chiefs of the Florida Indians, and parties to the treaty to which this article has been annexed, have warmly appealed to the commissioners for permission to remain in the district of country now inhabited by them; and in consideration of their friendly disposition and past services to the United States, it is therefore stipulated between the United States and the aforesaid chiefs that the following reservations shall be surveyed and marked by the commissioner or commissioners to be appointed under the eighth article of this treaty: For the use of Neamothla and his connexions, two miles square, embracing the Tuphulga village, on the waters of Rocky Comfort creek. For Blount and Tuski-Hajo, a reservation, commencing on the Appalachianola, one mile below Tuski-Hajo's improvements, running up said river four miles; thence west, two miles; thence southerly, to a point two miles due west of the beginning; thence east, to the beginning point. For Mulatto King and Emathlochee, a reservation, commencing on the Appalachianola, at a point to include Yellow Hair's improvements; thence up said river, for four miles; thence west, one mile; thence southerly, to a point one mile west of the beginning; and thence east, to the beginning point. For Econchatimico, a reservation, commencing on the Chattahoochee, one mile below Econchatimico's house; thence up said river, for four miles; thence one mile west; thence southerly, to a point one mile west of the beginning; thence east, to the beginning point. The United States promise to guaranty the peaceable possession of the said reservations, as defined, to the aforesaid chiefs and their descendants, *only* so long as they shall continue to occupy, improve, or cultivate the same; but, in the event of the abandonment of all or either of the reservations by the chief or chiefs to whom they have been allotted, the reservation or reservations so abandoned shall revert to the United States, as included in the cession made in the first article of this treaty. It is further understood that the names of the individuals remaining on the reservations aforesaid shall be furnished by the chiefs, in whose favor the reservations have been made, to the superintendent or agent of Indian affairs in the Territory of Florida; and that no other individuals shall be received or permitted to remain within said reservations without the previous consent of the superintendent or agent aforesaid. And as the aforesaid chiefs are authorized to select the individuals remaining with them, so they shall each be separately held responsible for the peaceable conduct of their towns, or the individuals residing on the reservations allotted them. It is further understood between the parties that this agreement is not intended to prohibit the voluntary removal, at any future period, of all or either of the aforesaid chiefs and their connexions to the district of country south, allotted to the Florida Indians by the second article of this treaty, whenever either or all may think proper to make such an election; the United States reserving the right of ordering, for any outrage or misconduct, the aforesaid chiefs, or either of them, with their connexions, within the district of country south, aforesaid. It is further stipulated by the United States that, of the six thousand dollars appropriated for implements of husbandry, stock, &c. in the third article of this treaty, eight hundred dollars shall be distributed in the same manner among the aforesaid chiefs and their towns; and it is understood that, of the annual sum of five thousand dollars, to be distributed by the President of the United States, they will receive their proportion. It is further stipulated that, of the four thousand five hundred dollars, and two thousand dollars, provided for by the fifth article of this treaty, for the payment for improvements and transportation, five hundred dollars shall be awarded to Neamothla, as a compensation for the improvements abandoned by him, as well as to meet the expenses he will unavoidably be exposed to by his own removal and that of his connexions.

In testimony whereof, the commissioners, William P. Duval, James Gadsden, and Bernardo Segui, and the undersigned chiefs and warriors, have hereunto subscribed their names and affixed their seals. Done at camp on Moultrie creek, in the Territory of Florida, this eighteenth day of September, one thousand eight hundred and twenty-three, and of the independence of the United States the forty-eighth.

WILLIAM P. DUVAL,
JAMES GADSDEN,
BERNARDO SEGUI.

[Signed, also, by certain chiefs and warriors of the Florida tribes of Indians.]

The following statement shows the number of men retained by the chiefs who have reservations made them at their respective villages:

						Number of men.
Blount,	-	-	-	-	-	43
Cochran,	-	-	-	-	-	45
Mulatto King,	-	-	-	-	-	30
Emathlochee,	-	-	-	-	-	28
Econchatimico,	-	-	-	-	-	38
Neamothla,	-	-	-	-	-	30
					Total,	<u>214</u>

Minutes of proceedings of James Gadsden and Bernardo Segui, appointed by the President of the United States to hold a treaty with the Florida Indians.

GENTLEMEN:

DEPARTMENT OF WAR, April 7, 1823.

I have the honor to enclose you a commission from the President of the United States, appointing you commissioners to hold a treaty with the Florida Indians.

The object to be accomplished by the proposed treaty is the concentration of all the Florida Indians at some suitable point within that Territory; and the country south of Charlotte harbor, and the river of that name which empties into it, has been designated for the purpose. Your efforts, therefore, will be directed to the attainment of this object. Should there not be a sufficiency of good lands for the accommodation of the Indians in that part of the peninsula designated, you are authorized to fix the boundary north of Charlotte harbor and river, so as to take in as much of the country between them and Tampa Bay as, in your judgment, may be necessary to give the Indians enough of good lands, and sufficient space, considering their habits of life; leaving the conditions to your sound discretion. As it is desirable that the treaty should be held as soon as practicable, you will, as early as convenient, make your arrangements for that purpose.

Confiding in your prudence that the treaty will be held with the least possible expense, it is deemed unnecessary to give you any particular instructions on that point. The principal article of expense will probably be the issue of provisions to the Indians while treating with them. To avoid the delay which a correspondence between the commissioners for the purpose would occasion, Mr. Segui, being most convenient to the Indians, will fix on the time and place of holding the treaty, after consulting Mr. Hernandez, the delegate from the Territory, and notify Colonel Gadsden, the other commissioner, thereof. Mr. Segui will also ascertain the quantity of provisions that will probably be required, and issue his requisitions for the same on the commissary of subsistence at St. Mark's, if the treaty should be held at that place, or contiguous to it; or on the commissary at St. Augustine, if the treaty should be held there, or near it; who will be ordered to obey such requisitions, and charge the amount to the Indian Department. The enclosed circular will be complied with in issuing the provisions, to which (as there has, in some instances, been great irregularity) I particularly call your attention.

The Indian agent, Colonel Gad Humphreys, who is stationed for the present at St. Mark's, is instructed to obey your orders on all points connected with the proposed treaty, and to prepare the Indians to meet the commissioners at the time and place which may be fixed upon for holding it. For the funds which you may find necessary to defray the expenses attending the negotiation, you will draw on this Department. Your compensation will be at the rate of eight dollars, (\$8,) and that of the secretary to the commission (whom you are authorized to appoint) at the rate of five dollars (\$5) per diem for the time actually engaged. The payment will be made on your certificate of honor, specifying the time that you and the secretary have been actually engaged. Your certificate, in like manner, will be a necessary voucher for the presents, should there be any distributed under your authority. The treaty, when made, will be forwarded to this Department.

I have the honor to be your most obedient servant,

Col. JAMES GADSDEN,
BERNARDO SEGUI,

Commissioners to hold a treaty with the Florida Indians.

J. C. CALHOUN.

Copy of a circular to commissioners to hold Indian treaties.

GENTLEMEN:

DEPARTMENT OF WAR, September 11, 1818.

The number and importance of the treaties to be held this year, and the great amount of rations which must necessarily be issued to the Indians while attending at the treaties, render it necessary that some system should be adopted to govern such large disbursements. I have therefore to request that you will designate the Indian agent, if he should be present, (or, in case he is not, some suitable person,) who shall ascertain the number and component parts of rations daily issued. The manner of issuing and certifying to conform, as near as may be, to the mode which prevails in issuing the rations to soldiers, and at the conclusion of the treaty to be presented to you for your approval. Where the rations have not been issued by the contractor for the district, (now commissary,) the contract, and the conditions on which the rations were furnished, must be certified to this Department.

I have, &c.

J. C. CALHOUN.

SIR:

DEPARTMENT OF WAR, April 8, 1823.

Colonel James Gadsden, of Charleston, South Carolina, and yourself, have been appointed by the President commissioners to hold a treaty with the Indians; and I herewith enclose your instructions.

Since writing the instructions, Colonel Gadsden has arrived in Washington, and a copy of them, with the commission, has been delivered to him. He will write to you, and inform you where you may address him.

I have, &c.

J. C. CALHOUN.

BERNARDO SEGUI, Esq.

Commissioner, &c. St. Augustine, Florida.

SIR:

WASHINGTON, DISTRICT OF COLUMBIA, *April 9, 1823.*

I have this day accepted of an appointment as commissioner, associated with you, to negotiate with the Florida Indians. I shall leave this in a few days for Charleston, South Carolina, where I shall await your notification as to the time and place fixed for holding the treaty contemplated. I take the liberty of expressing a preference for St. Augustine, should that place, in your opinion, be considered equally eligible for the objects to be accomplished with the other points suggested. At all events, I should be in favor of assembling in the vicinity of a military post, as the expenses of the mission, to say nothing of convenience otherwise, would necessarily be less, from the supplies being on the spot, than they would be at an interior position.

Yours, &c.

BERNARDO SEGUI, Esq., *St. Augustine.*J. GADSDEN, *Commissioner, &c.*

DEAR SIR:

ST. AUGUSTINE, EAST FLORIDA, *May 1, 1823.*

I have received your favor of the 9th ultimo, informing me that you have accepted the appointment, in conjunction with me, respecting a treaty to be made with the Indians of this Territory. I have also accepted the appointment; and, as you desire to know the time and place when we ought to meet, I think that, at this time, it would be most convenient to meet in this city, where I expect to see you shortly, for the purpose of making the necessary arrangements.

I remain, very respectfully, your obedient servant,

BERNARDO SEGUI.

Colonel JAMES GADSDEN, *Charleston, South Carolina.*

MAY 17.—James Gadsden and Bernardo Segui met, agreeably to appointment, when it was determined that it would be necessary to consult with some of the chiefs of the Florida tribes of Indians, before the time and place of meeting could be judiciously designated. Expresses were despatched to Miconope and others, inviting them to an interview with the commissioners in St. Augustine as early as practicable.

[EXTRACT.]

ST. AUGUSTINE, *May 26, 1823.*

I arrived here a few days since, and have consulted with Mr. Segui as to the preliminary measures necessary to accomplish the objects of our mission. The absence of the Indian agent, who is in Pensacola, and the difficulty of communicating speedily with him, have necessarily compelled the commissioners to open a direct intercourse with the chiefs and warriors of the Florida Indians. We have, therefore, despatched a messenger for Miconope, one of the chiefs of the Seminole tribe, and on his arrival will determine the proper time and place of assembling the Indians. I apprehend it will be inconvenient for them to meet us in council before their crops, indispensable to their subsistence, are gathered; and the delay, if necessary, cannot result in any inconvenience to the country at large, as, at all events, the objects of the mission may be accomplished before the meeting, and in full time to obtain the ratification, of the Senate. I will thank you, however, to transmit me, from the records of the War Department, a copy of General Jackson's communication on the views of the Indians, as derived from their talk held at Pensacola; and particularly the document containing his report of the Indian population in the Territory: these may be important to us.

Yours, &c.

J. GADSDEN, *Commissioner, &c.*

Hon. J. C. CALHOUN.

JUNE 4.—Miconope and some of the chiefs and warriors of the Florida tribe of Indians met the commissioners, J. Gadsden and B. Segui, at the Governor's office in St. Augustine, at which meeting the views of the National Government, with regard to the Indians of Florida, were generally explained, and the chiefs present were requested to designate the most convenient spot and the earliest period when they could meet the commissioners in council, to listen to the talk from the President of the United States, as to the disposition to be made of their nation.

The 5th September, and the crossing place on Moultrie creek, in the vicinity of St. Augustine, were concluded on; and the chiefs present obligated themselves to meet with the other chiefs and warriors of their nation at the time and place appointed.

ST. AUGUSTINE, *June 4, 1823.*

We, the undersigned, chiefs and warriors of the Seminole tribe of Indians, obligate ourselves, with our tribes, and as many chiefs and warriors as the Seminole tribe may delegate, to meet James Gadsden and Bernardo Segui, commissioners appointed on the part of the United States, to listen to a talk from the President of the United States, on the 5th day of September next, with a view to the establishing perpetual peace between the white and red men of Florida.

In witness whereof, we have subscribed our names and affixed our marks.

MICONOPE, or POND GOVERNOR, his × mark.
ONSELMATCHE, or JUMPER, his × mark.Witnesses: HORATIO S. DEXTER,
SAMUEL FRY.

SIR:

ST. AUGUSTINE, *June 6, 1823.*

Bernardo Segui and myself, commissioners for holding a treaty with the Florida Indians, have, after consultation with some of the principal chiefs of the Seminole tribe, fixed on the vicinity of St. Augustine, and the 5th day of September next, as the time and place for the proposed meeting. The Seminole tribe will be advised of this determination by the commissioners, direct; and, in obedience to instructions transmitted to you from the War Department, we have to request that you will make the necessary arrangements, and prepare the Indians living in Florida, west of the Suwanee river, to meet the commissioners at the time and place before mentioned.

The assistant commissary of subsistence at St. Mark's will issue, on your requisition, such quantity of provisions as may be necessary to supply the Indians on their journey to this place.

Yours, &c.

J. GADSDEN, *Commissioner, &c.*Colonel G. HUMPHREYS, *Indian Agent, St. Mark's.*

SIR:

ST. AUGUSTINE, June 7, 1823.

B. Segui and myself, commissioners for holding a treaty with the Florida Indians, have been instructed by the Department of War to make requisitions upon yourself, or the assistant commissary at this place, for such provisions as may be wanted on the occasion. We have designated the vicinity of St. Augustine as the place, and the 5th of September next as the time of meeting. The Indians in the vicinity of St. Mark's, and west of the Appalachicola river, may, therefore, need provisions on their journey to this place, which you will be good enough to issue upon the requisition of the agent, Colonel Humphreys; or, in his absence at the time, on that of the interpreter, Mr. Richards. A supply merely sufficient to subsist the Indians to St. Augustine will alone be necessary; they will be provided for otherwise from the subsistence department at this place. Will you be good enough to supply the expresses with rations sufficient to subsist them on their return to St. Augustine?

Yours, &c.

J. GADSDEN, *Commissioner, &c.*The ASSISTANT COMMISSARY OF SUBSISTENCE, *St. Mark's*:

SIR:

ST. AUGUSTINE, June 7, 1823.

Enclosed is a copy of a communication addressed to Colonel Humphreys at St. Mark's. Should he be absent from that post or the nation, you will be good enough to attend to its contents. The commissioners will depend upon Colonel Humphreys and yourself for having the Indians west of the Suwanee river assembled at the time and place concluded on. You will acknowledge, by the bearer, the receipt of this letter.

Yours, &c.

J. GADSDEN, *Commissioner, &c.*S. RICHARDS, *Indian Interpreter, Appalachicola.*

SIR:

ST. AUGUSTINE, June 8, 1823.

Enclosed are letters to Colonel Humphreys, the assistant commissary of subsistence at St. Mark's, and Mr. Richards, Indian interpreter. You will oblige me by having that addressed to Mr. Richards sent to the place of his residence on the Appalachicola, or in the nation, as it relates to public business of considerable interest to this country. The express, with his companion, could not be engaged to go beyond St. Mark's; you will, therefore, dismiss them with a receipt for the despatches delivered, and will confer a favor on me by any facilities afforded them on their return. The letters addressed to Pensacola I will thank you to have transmitted by the first opportunity which may offer.

Yours, &c.

J. GADSDEN, *Commissioner, &c.*The COMMANDING OFFICER, *St. Mark's.*

SIR:

ST. AUGUSTINE, June 9, 1823.

Enclosed are copies of communications from Governor Duval, Colonel Walton, and myself, to Colonel Humphreys, Indian agent, which you will be good enough to have transmitted to him at St. Mark's. Should Colonel Humphreys be absent from that post, you will open the letters addressed to him, and be governed by the instructions they contain.

I send you, likewise, copies of letters addressed to you direct from Governor Duval and Colonel Walton, the originals of which have been transmitted through a different channel.

The commissioners appointed to treat with the Florida Indians depend upon Colonel Humphreys and yourself assembling those residing west of the Suwanee river at the time and place appointed, and expect every assistance will be afforded by both of you to accomplish the objects of the mission.

Yours, &c.

J. GADSDEN, *Commissioner, &c.*STEPHEN RICHARDS, Esq., *Indian Interpreter, Appulachicola.*

SIR:

ST. AUGUSTINE, June 10, 1823.

Mr. Segui and myself have been commissioned to treat with the Florida Indians as to their future location in this Territory. Understanding that the agent, Colonel Humphreys, is absent from St. Mark's, we are somewhat apprehensive that he will not receive the instructions from the War Department in time to assemble the Indians at the period and place designated.

Doubting in some degree, likewise, the certainty of the conveyance to St. Mark's, by the only express we could employ in this place, we have taken the liberty, as a precautionary measure, of enclosing a communication through you to Mr. Richards, with a request that it may be transmitted to him as early as possible by some Indian runner. Mr. Richards resides on the Appalachicola river, and I believe at the Ochesee Bluffs. You will excuse the imposition on your goodness; but we feel assured it will afford you pleasure in attending to a request, the accomplishment of which is so intimately connected with business of no ordinary interest.

Yours, &c.

J. GADSDEN, *Commissioner, &c.*JOHN CROWELL, Esq., *Indian Agent, Creek Agency.*

SIR:

ST. AUGUSTINE, June 11, 1823.

Since writing you on the 26th ultimo, Mr. Segui and myself have had a consultation with several of the principal chiefs of the Seminole tribe, and have fixed on the vicinity of St. Augustine, and the 5th of September next, as the place and time of holding the treaty. An earlier period could not have been selected, without serious injury to the Indians, by trespassing on the harvest season, and without precluding the possibility of a general attendance, from the dispersed condition of the Florida Indians, occupying a territory of more than five hundred miles in extent.

The absence of the agent from St. Mark's, and the uncertainty of letters addressed to Pensacola being received by him in time to accomplish the views of the commissioners, have necessarily forced us to communicate direct

with the different tribes, notifying them to attend at the time and place designated. Expresses have been despatched in every direction, and the Indians generally have been distinctly impressed with the idea that a treaty of amity, settlement, and limits, conformable to the views of the American Government, would be concluded; and that those tribes who neglect the invitation, or obstinately refuse to attend, will be considered as embraced within the compact formed, and forced to comply with its provisions. You have probably been advised, or may collect from the various reports made to the War Department on Indian affairs in Florida, that there is not the most friendly disposition prevailing between the different tribes, and that there is quite a division of opinion among them as to their concentration and location. The Indians occupying the peninsula, it is believed, are pleased with the selection (south) made by the Executive; while those west of the Suwanee river, and particularly within the Appalachicola district, are most attached to their own country, and would prefer, it is said, even an emigration west of the Mississippi to a concentration south of Tampa Bay, as contemplated. At the head of the discontented is Encomatta, an enterprising, daring savage, and, if not the only, among the principal instigators of the Seminole war. These conflicting interests and opinions will be the chief difficulties the commissioners will have to encounter in effecting a treaty. And, although there is no doubt as to the ability of the National Government of dictating and enforcing the terms desired, a resort to that alternative as a matter of policy may be questionable, when the views of the Executive may be effected otherwise amicably. Magnanimity would dictate the latter course, however necessary an exercise of power may be in extreme cases. It has been thought proper to present these facts to your consideration, suggesting the policy of additional instructions to the commissioners, conditionally authorizing them to provide for those tribes that may be disposed to emigrate west. It is possible that all the Florida Indians might be induced to remove, and, if so, an object so vitally important in a national or territorial point of view will be gained. Florida, as a maritime district of the American Union, is peculiarly exposed, possessing more than nine hundred miles of seacoast, with capacious bays or estuaries easy of access, and her good to her inferior lands bearing but a small proportion, and consequently unsusceptible of a dense population. She must ever be as internally weak as she is externally assailable. An Indian population, under these circumstances, connected with another class of population, which will inevitably predominate in Florida, must necessarily add to her natural weakness, and endanger the security of one of the most exposed but most important sections of the Union. It is useless to enlarge on the policy of removing a class of savages from where they may prove dangerous to where they would be comparatively harmless. Should the Executive approve of the view taken on this subject, it will be necessary for the guidance of the commissioners minutely to designate the district of country west which may be offered in exchange for the territory abandoned. In connexion with the concentration of the Indians south of Tampa Bay, there are many subjects to which your early attention may with propriety be invited. The Indians, hitherto, have been formidable in Florida, and the change of flags has not removed from the citizens all apprehensions or all recollections of former impressions. The location (south) is thought by some injudicious; and, though a large majority concur with the Executive in the views taken on the subject, all agree that a military post within or near the limits of the nation will be indispensable. The Indians have long been in the habit of keeping up an intercourse and active trade with the Cuba fishermen; and to this cause, principally, have been ascribed the encouragement hitherto given to absconding negroes, and the savage depredations committed on cattle, estates, &c. There is no difficulty in correcting the evil hereafter; but the presence of a military force will be necessary to the result; and the sooner the position is selected and occupied, the sooner will the incitements to an illicit traffic be removed. The first impressions are, with the savage, the most permanent; and a judicious location of an adequate force, simultaneous with the concentration of the Indians, cannot but have the happy effect of obtaining such an entire control, as to render them perfectly subservient to the views of Government. From conversations held with many who have explored partially the western coast of Florida, I am inclined to think that the Bay of Tampa presents the most eligible site for a military post, and offers many favorable and healthful positions. More ample information on the subject, however, shall be collected previous to the accomplishment of the object of our mission, and furnished the War Department in time to be acted on, should the occupation of the position suggested be approved.

Will you be good enough to issue orders to the commanding officer at St. Augustine to furnish the commissioners a military guard, issue lead and powder, and afford such other facilities as may be thought calculated to promote the objects of the mission? As the want of appropriations for holding a treaty must necessarily limit the presents, (always expected on such occasions,) the propriety of sending eight or ten rifles, to be distributed as a particular mark of distinction to some of the principal chiefs, is suggested to your consideration.

Yours, &c.

J. GADSDEN.

The Hon. J. C. CALHOUN, *Secretary of War.*

SIR:

ST. AUGUSTINE, June 14, 1823.

I embrace the earliest opportunity of informing you that the commissioners appointed to conclude a treaty with the Florida tribes of Indians have fixed on the crossing place on Moultrie creek, about three or four miles from St. Augustine, and on the 5th of September next, as the place and time of holding the meeting. It is impossible, for the want of estimates of population to be confided on, to state with certainty the number of individuals who may assemble. Should you, however, have in deposit thirty days' rations for fifteen hundred persons, you will be amply prepared, in my opinion, to meet all contingencies. I am informed that the Indians generally prefer the fresh to the salt meats usually issued; it would, therefore, be desirable to have as large a proportion of the former as would, under your instructions, be admissible. Moultrie creek is navigable for boats to a Mr. Garey's, where the provisions may be deposited, being within half a mile of the encamping ground selected. I will at any day, however, previous to that appointed for our meeting, (should you be so disposed,) accompany you to the spot, and with pleasure afford you any facilities in my power to the accomplishment of the duties of furnishing the Indians devolving on you.

Your obedient, &c.

J. GADSDEN, *Commissioner.*

Lieut. H. BROWN, *Assistant Commissary of Subsistence United States Army.*

SIR:

DEPARTMENT OF WAR, June 30, 1823.

Your letter of the 11th instant has been received. I agree with you as to the importance to the Territory of Florida of removing the Indians west of the Mississippi; but there are no lands which the Government can assign to them in lieu of those they may abandon, as all the public lands in that direction, that could be so disposed of, are occupied by the Choctaws or Cherokees. The Government is, however, willing to encourage the removal of

the Florida Indians, as far as it can; and if all or any part of them should be disposed to emigrate, and join the Cherokees or Choctaws, or any other tribes farther west that may be willing to receive them, you are authorized to include a stipulation in the proposed treaty on the subject; allowing them, in the event of their emigration, what may be deemed by the commissioners a fair consideration for the lands relinquished by them in Florida, and agreeing, on the part of the United States, to pay the expenses attending their removal. Your suggestions relative to the establishment of a military post will receive due attention. Orders will be given, agreeably to your request, through the adjutant general, to the commanding officer at St. Augustine, to furnish the commissioners with a military guard.

The rifles required for presents at the treaty will be furnished through the Ordnance Department. The President has directed that the Governor of the Territory, as is usual, be associated with the commissioners at the proposed treaty; and he will join you accordingly, and aid in the negotiation. He was not put upon the commission originally, on account of his absence from the Territory. The Indian agent has been ordered to repair to St. Augustine, where he will be stationed until further orders, which will enable the commissioners to avail themselves of his services.

I have the honor to be your most obedient servant,

J. C. CALHOUN.

Colonel JAMES GADSDEN, *Commissioner, &c.*

SIR:

FORT ST. MARK'S, July 2, 1823.

The express with letters for Col. Humphreys, Indian agent, the assistant commissary of subsistence, and Mr. Richards, Indian interpreter, has arrived. Col. Humphreys is here, and immediately took his letter. I gave him also Mr. Richards's, which he sent off this morning by express. The letters for Pensacola will be forwarded to-morrow morning.

Respectfully, your obedient servant,

GEO. C. HUTTER, *Lieutenant Commanding.*

Colonel JAMES GADSDEN, *Commissioner, St. Augustine, E. F.*

SIR:

FORT ST. MARK'S, FLORIDA, July 3, 1823.

Your letter of the 6th ultimo, notifying me of the time and place appointed for holding the treaty with the Florida Indians, reached me by express on the 1st instant. I have called upon the chiefs west of the Suwanee to assemble here on the 15th, at which time I shall communicate to them this information, and make the necessary arrangements for their meeting the commissioners at the time and place you have mentioned.

Your obedient servant,

G. HUMPHREYS, *Indian Agent.*

Colonel JAMES GADSDEN, *Commissioner, &c.*

SIR:

ST. AUGUSTINE, July 29, 1823.

Your letters of the 14th and 30th June, with the accompanying public documents, have been received. Our express to the western part of the Territory of Florida has just returned. He communicates to the commissioners the intelligence of the arrival of the Indian agent, Colonel Humphreys, at St Mark's, who will use all exertions to assemble the Indians at the time and place designated. No efforts will be wanting on our part to promote the views of the Executive as to the concentration of the Florida Indians.

Your obedient servant,

J. GADSDEN, *Commissioner.*

The Hon. J. C. CALHOUN, *Secretary of War.*

Continuation of proceedings of Wm. P. Duval, James Gadsden, and Bernardo Segui, appointed by the President of the United States to hold a treaty with the Florida Indians.

JULY 15.—Wm. P. Duval, as Governor of the Territory of Florida, associated, by order of the President of the United States, with J. Gadsden and Bernardo Segui, to hold a treaty with the Indians, accepts of his appointment, and takes his seat as presiding commissioner.

JULY 29.—Commissioners met at the Governor's office, when George Murray was proposed as secretary to the commission, and elected accordingly. The presiding commissioner was requested to notify him of his appointment.

SIR:

ST. AUGUSTINE, July 29, 1823.

The commissioners appointed to treat with the Seminole Indians have directed me to inform you that they have appointed you their secretary, and that they expect you will attend not only to the duties, as such, connected with the contemplated treaty to be held near this city on the 5th September next, but that you will go to the place selected for the Indians to assemble, and mark out the spot for the commissioners, and attend to the necessary arrangements for the convenience of transacting their business, &c. &c.

Your compensation will be five dollars per day, until the business of the commission shall be completed.

Yours, with high respect,

WM. P. DUVAL, *President of the Board of Commissioners.*

GEORGE MURRAY, Esq.

SIR:

ST. AUGUSTINE, July 31, 1823.

As the component parts of the soldier's ration would not be altogether acceptable to the Indians, it is the opinion of the commissioners that the smaller parts, such as soap, candles, whiskey, &c., may, in a degree, be dispensed with; and that corn and rice, in the proportion of one-fourth of the former to the latter, may be advantageously substituted for fifty barrels of the flour contained in your estimate. One-fourth of the meat part of the ration ought to be in good salt pork; and a barrel of prime pork, a barrel of beef, thirty good hams, and one hundred pounds of good lard, will be wanted for the use of the commissioners.

The bean part of the ration, on reconsideration, we would prefer retaining. The salt to be increased to fifty bushels, and the other items of your estimate reduced thus: five hundred gallons of whiskey, two hundred pounds of soap, one hundred pounds of candles, ten gallons of vinegar, and the value of the balance of the vinegar (290 gallons) to be appropriated to the purchase of molasses. The commissioners will require five officers' tents, with flies and poles complete, six camp kettles, and as many tin pans, which you will be good enough to procure, if not to be had from the depot at St. Augustine.

With respect, your servant,

WM. P. DUVAL, *Commissioner, &c.*

Lieutenant BROWN, *United States Army.*

GENTLEMEN:

DEPARTMENT OF WAR, *July 31, 1823.*

I have received a letter from General Jackson, in which he states that there will probably be some difficulty in concentrating the Indians south, as contemplated by your instructions; and suggests that they may be advantageously located "on both sides of the Appalachian, extending west ten miles, east to Ochlochne river, and south within five miles of the Ocheese Bluffs, so as to leave a free communication between East and West Florida, crossing the Appalachian at the Ocheese Bluffs." The position suggested by General Jackson is believed to be the next most advantageous to the one selected; and if the Indians cannot be concentrated on the latter, rather than the treaty should fail, it would be advisable to concentrate them on the point suggested by the general; and you are accordingly authorized to do so, if it should be found impossible to carry the first instructions into effect. The general also suggests the propriety of a movement of troops to Tampa Bay. It is possible such a movement would have a favorable influence on the negotiation; but, as it is now too late to make it with that view, I hope you will experience no inconvenience from it.

I have the honor to be your obedient servant,

J. C. CALHOUN.

Colonel JAMES GADSDEN,

BERNARDO SEGUI, Esq.,

His Excellency WM. P. DUVAL,

Commissioners to treat with the Florida Indians.

AUGUST 26.—The commissioners met at the Governor's quarters, when the following letter was addressed to Captain John Erwing, commanding the troops of the United States at this post:

SIR:

ST. AUGUSTINE, *August 26, 1823.*

The commissioners appointed to treat with the Indians in this Territory have been authorized by the Secretary of War to make requisitions upon the commanding officer at St. Augustine for a military guard, and any other facilities that they may require from the command. I have therefore to request that a guard, to be composed of an officer and twenty-five men, furnished with the necessary camp equipage for themselves, may be ordered to proceed on Friday next to the situation selected for holding the treaty on Moultrie creek. It is desirable that two of the men detailed for this service should be carpenters. You are also requested to furnish the following articles, if in your power to do so, viz: one boat, with oars and awning; four spades; four axes; one inch and a quarter, one one inch, and one half-inch auger; two hatchets; two handsaws; one cross-cut saw; one jackplane; two hammers; five wall tents, poles and pins; two common tents, poles and pins. These articles you will please to deliver to the officer detailed for this service, who will be requested to communicate with the president of the board before he proceeds to the encampment.

Yours, respectfully,

WM. P. DUVAL, *President of Commissioners.*

Captain JOHN ERWING,

Commanding officer, St. Francis Barracks, St. Augustine.

SIR:

ST. FRANCIS BARRACKS, *August 27, 1823.*

I have the honor to acknowledge the receipt of your communication of the 26th instant.

On reference to the annexed copy of my instructions from the general commanding the army, you will perceive that I am only directed to furnish, upon the requisition of the commissioners, a guard to attend them at the place of meeting. In obedience to that order, and in compliance with your requisition, so far as the strength of this garrison will permit, a subaltern, with one sergeant, one corporal, and twelve privates, will be ordered to proceed on Friday next to the situation selected on Moultrie creek. I regret, sir, that the number of men under my command fit for duty is so small as to prevent me from furnishing the complement you require. With regard to the tools, &c. mentioned in your communication, I beg leave to state that those belonging to the post are under the immediate charge of the quartermaster, (Lieutenant Brown,) who has received instructions from the chief of his department to answer the requisitions of the commissioners.

I am, sir, with great respect, &c.

J. ERWING, *Captain, &c.*

To His Excellency WM. P. DUVAL,

Governor of Florida, and President of the Commissioners.

AUGUST 27.—The commissioners met at the Governor's quarters, when the following letter was addressed to Captain Erwing, and his reply received:

SIR:

ST. AUGUSTINE, *August 27, 1823.*

I have the honor to acknowledge the receipt of your letter of [this] date. In the requisitions made on you in my letter of the 26th, the commissioners were guided by what they deemed necessary "facilities to their operations," and did not apprehend that the liberal construction of your orders could, at this late period, throw any obstacles in the way of a compliance with their wishes. As the proper judges of what was necessary, they have mentioned to you the most reduced guard which would answer their purposes; and they have again, through me, to repeat their request that the number of men, including carpenters, &c., may be furnished. The requisition for tents, boats, tools,

&c., was made on you in consequence of an intimation from Lieutenant Brown, as understood at the time, that those articles were in your possession, and that to you must application be made. I have to request, as the period of meeting is approaching, that you will inform me as early as possible this evening whether our requisition, as contained in my letter of the 26th, can be complied with.

Respectfully,

WM. P. DUVAL, *President of Commissioners.*

Captain J. ERWING,
Commanding officer, St. Francis Barracks, St. Augustine.

SIR:

ST. FRANCIS BARRACKS, *August 27, 1823.*

I have the honor to acknowledge the receipt of your letter of this date. It was far from my intention, in the letter I addressed to you this morning, to throw any unnecessary "obstacle in the way of a compliance with the commissioners' wishes," or to put any other than a *liberal* construction on the orders I have received. Taking into consideration the situation of the post committed to my charge, the number and disposition of its garrison, and the expected assemblage of a large body of Indians in its neighborhood, I stated to you the largest number of men that in my honest opinion could be spared from this command, in accordance with the spirit of my orders. In order, however, to prevent any delay in the operations of the commissioners, and to convince them of my desire to afford them all the facilities required by the most *liberal construction* of my orders, the guard, including carpenters, mentioned in your letter of the 26th, will be sent to its destination at the time appointed. I send with this, for your information, a morning report of the garrison, with an explanatory statement.

All the camp equipage, tools, and quartermaster's stores at the post, are under charge of the quartermaster, and reported by him to the chief of his department. It did not occur to me, when I last wrote, that my order would be necessary to authorize their delivery on your requisition. I shall therefore give an order to Lieutenant Brown early in the morning to furnish, out of the public stores at this post, the articles required in your letter of the 26th instant, and, in the event of any being deficient, to report the same to you.

I am, sir, very respectfully, &c.

J. ERWING, *Captain, commanding fourth artillery.*

To His Excellency W. P. DUVAL, *President Board Commissioners.*

AUGUST 28.—Colonel Humphreys, the Indian agent, arrived in St. Augustine, and reported to the commissioners that the western chiefs and warriors, to the number of three hundred and fifty, with Neamothla at their head, would arrive at the encamping ground on Moultrie creek in the course of the next day. In consequence of which, the following letter was addressed to Lieutenant H. Brown, assistant commissary of subsistence:

SIR:

ST. AUGUSTINE, *August 28, 1823.*

I have the honor of informing you that Colonel Humphreys, the Indian agent of this Territory, has arrived in St. Augustine, and brings intelligence that the Indians from the west will arrive at the camping ground to-morrow evening. The board of commissioners appointed to treat with the Indians, therefore, wish you to forward the provisions to the *camp* as early as possible in the morning, and issue such rations as Colonel Humphreys may direct.

With respect,

W. P. DUVAL, *President Board Commissioners.*

Lieutenant BROWN, *United States Army.*

On Saturday, the 30th of August, Colonel Gadsden repaired to the encampment on Moultrie creek, where the guard required had previously arrived. Neamothla, with the western tribes, had arrived the day before. On the 2d of September, Miconope and Jumper, with the southern tribes, reached the encampment.

Friday, the 5th, the commissioners all present; but as the Indians had some preliminary matters to settle among themselves, the talk was postponed until the 6th.

Saturday, 6th.—At 11 o'clock the chiefs Neamothla, John Blount, Tuski-Hajo, Econchatimico, Hicks, Mulatto King, and other chiefs and warriors to the number of more than seventy, met the commissioners in council; when, after Neamothla had been declared by Jumper to be the head of the Florida Indians, which was assented to by the Indians present, Colonel Gadsden delivered the following talk:

FRIENDS AND BROTHERS:

General Jackson told Enehemothla, two years ago, that the Americans had purchased Florida from Spain, and that the President of the United States would send commissioners to speak his mind to the Seminoles. The President has now appointed Governor Duval, Mr. Segui, and myself, these commissioners; listen, then, to the talk of your great father the President of the United States. Listen to what he has commanded us to say to you.

Many years ago, false prophets and evil-disposed men from across the water deluded the Creek nation. The young warriors became mad, and the old men forgetful. They raised the Red Sticks in war, and inhumanly massacred women and children. General Jackson with his warriors marched into the nation, subdued the deluded, and made friends with those who buried the tomahawk and sued for peace. Your father the President of the United States, like a kind parent, forgot their disobedience, and, placing his Creek brothers by themselves, they are now a rich, happy, and friendly people. Some of the Red Sticks, however, fled into Florida, and, uniting with absconding negroes, built a fort on Appalachicola. The fort was destroyed by the Americans, and with it hundreds of red men and negroes were slain. Four years ago, these same Red Sticks, with the false prophets, McQueen and Francis, and bad men from across the water, poisoned the minds of some of your warriors. Fort Hughes, on the Flint river, was attacked; and a boat with sick men, women, and infants, taken on the Appalachicola, and their scalps borne away in triumph. General Jackson was again ordered to march into your country, and you all know that he burnt your towns, destroyed your crops, and at Mickasuky and Suwanee punished the madness of your men. He could have pursued the fugitives this side of the Suwanee, and have driven you into the ocean; but, having taken the prophets and white men who deluded you, he punished the guilty and spared the innocent.

Friends and brothers: Your father the President is willing to forget all that has passed. He is willing to bury the tomakawk, and extend to you the arm of friendship. He would that his red and white children should live in peace. To secure this, he will do for you what he has done for the Creeks; he will not permit you to be scattered all over Florida; he will place you by yourselves, mark your boundaries, protect your property, prevent his white men and the Creeks from disturbing you, separate you from false prophets and bad men from across the water, place an agent among you to let him know your wants, educate your children, and give you those articles of clothing, iron, lead, powder, &c. of which you stand in need. We hear that there are among you some of the old Red Sticks that belong to the Creek nation. They have lands given them above, and must return to their nation, unless you who were born in and belong to Florida will receive them. If so, they must live on the same lands with the Florida Indians. You will think on this subject, and when you next meet the commissioners let them know your wishes. You must likewise come prepared to give us the names of the different chiefs, the names and numbers of the different towns, where those towns are situated, and the population of each; that your father the President may know how much land you may require, and the quantity of merchandise that will be necessary for you.

Friends and brothers: More than three hundred years ago the white men lived across the great deep east. The Seminoles, then a tribe of the Creek nation, hunted a long way to the west, across the great water where the sun sets. The Yemassee then inhabited Florida. Some two hundred years ago, more than one hundred years before the Seminoles ever saw Florida, the Spaniards conquered and made peace with the Yemassee. They divided the country between them, and lived like friends and brothers. The Spaniards then had forts, towns, and cultivated fields at St. Augustine, Suwanee, St. Pedro, or Chattahoochee, Tallahassee, and St. Mark's. Ferdinand de Soto, a Spanish chief, long before the Seminoles ever saw Florida, landed at the Bay of Tampa, and marched through and conquered all that land where now stand Hikki-puck, Sasychienchaty, Pelaklekaha, and Okihuidky.

Some one hundred years ago you (the Seminoles) left the Creek nation, where you had lands enough, and where the game was plenty. You were then strong; the Spaniards and Yemassee were weak. You drove the Spaniards into St. Augustine; you burnt their forts, destroyed their fields, and exterminated the Yemassee nation. You made slaves of their women, and killed and scalped their warriors. The white men are now strong, and the Seminoles are weak. The white men are like the fruit and leaves on the trees, which blossom and increase annually; the Seminoles, like the deer of the forest, that might be hunted to their destruction. The whites might take vengeance for what you did the Spaniards and Yemassee, but we will not; we will forget what has passed. Like a kind father, the President says to you, there are lands enough for both his white and red children. His whites are strong, and might exterminate his red, but he will not permit them. He will protect his red children. He will place them by themselves, and mark their boundaries, so that there shall be no more disputes between his children—no more wars, but all live like friends and brothers.

Friends and brothers: The hatchet is buried; the muskets, the white men's arms, are stacked in peace. Do you wish them to remain so? Listen, then, to the talk of your father the President. He wishes the red stick eternally buried; he drinks with you the black drink; he exchanges with you the white feather; he unites with you in the feather dance and eagle tail song. He smokes with you the pipe of eternal peace.

Return to your camp. Think well on what your father, through us, has said to you. Meet the commissioners in council again on Monday next, and let us know where you are now settled, the names of your chiefs and towns, your population, and then listen to another talk from your father the President of the United States.

At the conclusion of this talk the council broke up, the chiefs promising to reply to it on Monday.

MONDAY, 8th.—In consequence of bad weather, there was no business done this day.

TUESDAY, 9th.—The chiefs and warriors met the commissioners at 10 o'clock. Neamothla replied to the talk delivered on Saturday, and stated that the Florida Indians had determined to incorporate with their tribes the fugitive Creeks and the Red Sticks who were among them.

WEDNESDAY, 10th.—This morning the chiefs and warriors met the commissioners at 8 o'clock, and Colonel Gadsden delivered the talk which follows:

FRIENDS AND BROTHERS:

We are happy you have received as brothers those of the Creek nation among you. We are glad to learn that the red men are united. May they long continue so! We repeat to you what was said at our first meeting: that it is the will of your father, the President of the United States, that his white and red children should live like friends and brothers. To secure this, he will do for you what he has done for the Creeks. He will place you by yourselves, protect your property, and supply your wants. He wishes you to go *south*, where you can have lands enough to plant, and for the grazing of cattle. You are now scattered all over Florida—some north, some south. At the north his white men have already come into the country; and already he hears complaints from both his white and red men. To prevent any disturbances, he must remove his red children from that quarter, and unite them with those at the south. At the north, he cannot separate them without driving white men away. He cannot guard you against the Creeks, who live too near, and may trespass on your lands and property before we know it. At the south, where lands are plenty and good, and where your hunting grounds are, your father can do for you all that he promises.

Friends and brothers: The game is scarce, if not destroyed. The buffalo, the deer, and the bear have disappeared; you have hunted them from the face of the earth. The same Great Spirit, however, who gave and has taken away the buffalo, the bear, and the deer, has likewise given you the cow, the sheep, and the hog. He has pointed to the land which will yield the corn, the potato, the sugar cane, and the cotton; he commands you to follow the example of your white brethren, to live at peace with them, to cultivate the earth, and teach your squaws to spin. You will then have food enough, clothing enough. Your great father will enable you to do these things. He will give you good lands enough to the south to cultivate; he will furnish you with cattle to stock your farms, and ploughs, hoes, and such articles as you may require. Think well on what has been said to you.

Friends and brothers: Beware of false prophets; listen not to those who pretend to be your friends, who speak with forked tongues. Like the bad men from across the water, they will delude you to your ruin. Are you not tired of wars? have you not suffered enough, innocent victims of the folly of others? Brave warriors, though they despise death, do not madly contend with the strong. Your nation stands alone; if the peace and friendship now offered is refused, the poison of bad men will ruin you. Follow, then, the advice of your great father. He is your friend, and will do all in his power to make you happy. Go, then, to the south, where he directs; live in peace and friendship with the white men, and you will become a rich and a happy people.

THURSDAY, 11th.—This day, at 11 o'clock, the chiefs and warriors met the commissioners, and Neamothla replied at length to the talk delivered yesterday by Colonel Gadsden. He "objected to the location of the Indians south, be-

cause the soil was poor, and not capable of supporting them. The sea, too, being on each side of them, bad men from over the big water would see his young men, and give them bad advice, without his having power to prevent it. We are (he said) poor and needy; we do not come here to murmur or complain; we want advice and assistance; we rely upon your justice and humanity; we hope that you will not send us south, to a country where neither the hickorynut, the acorn, nor the persimmon grows; we depend much upon these productions of the forest for food: in the south they are not to be found. For me, (he said,) I am old and poor; too poor to move from my village to the south. My cabins have been built with my own hands; my fields cultivated by only myself. I am attached to the spot improved by my own labor, and cannot believe that my friends will drive me from it."

The commissioners advised the chiefs to return to their camp, and take time to consider upon what they had heard.

MONDAY, 15th.—This day the outlines of a treaty were read by the commissioners to the chiefs and warriors. They asked leave for time to consider on it.

THURSDAY, 18th.—The chiefs and warriors, having had under consideration the treaty read to them on Monday last, met the commissioners in council; and, without hesitation, signed the treaty of this date. The number of chiefs who signed was thirty-one.

FRIDAY, 19th.—An additional article was added to the treaty, and signed by the chiefs whose names are now mentioned in it.

SATURDAY, 20th.—Presents of homespun, calicoes, lead, powder, &c., were distributed to the Indians; and on Sunday, the 21st, they departed for their homes, perfectly satisfied.

TUESDAY, September 16.—Neamothla, with the other headmen and chiefs, met the commissioners in council. A return of the Indian population in Florida was handed in, from which it appears that the total amount is 4,888 souls. Neamothla objected to stating the number of negroes in the nation. The chiefs then, at the request of the commissioners, gave in the names of the different towns, their situations, and the names of chiefs who rule them; which are as follows:

Towns.	Chiefs.	Situations.
Cohowofooche, - -	Neamothla, - -	23 miles north by west from St. Mark's.
Tallahassa, - -	Chefixico Hajo, - -	20 miles north by west from St. Mark's.
Okehumpkee, - -	Miconope, - -	60 miles southwest from Volusia.
Taphulga, - -	Ehe-mathlochee, - -	30 miles east of Appalachicola, and 1 mile north of Forbes's purchase.
Totoawathla, - -	Eheconhatamico, - -	West side of Chattahoochee, 10 miles above the forks.
Chokonckla, - -	Mulatto King, - -	West side of Appalachicola, 4 miles below the fork.
Iolee, - -	Blount, - -	60 miles above the mouth of Appalachicola, on the west bank.
Spanawalka, - -	Cochrane, - -	2 miles below Iolee, on the same side.
Oscillee, - -	Latafixico, - -	At the mouth of Oscillee river, on the east bank.
Ohathlohouchy, - -	Woxaholahta, - -	On Little river, 40 miles east of Appalachicola.
Yumersee, - -	Alac Hajo, - -	Head of Sumulga Hatchee river, 20 miles north of St. Mark's.
Lochchiocha, - -	Okoska-amathla, - -	60 miles east of Appalachicola, and near Ochlochne.
Alouko, - -	Tukchuslu Hajo, - -	East side of Sumulga Hatchee river, and 20 miles north of St. Mark's.
Hiamonee, - -	Chowastic, - -	5 miles from the Georgia line, on the east bank of Ochlochne river.
Tuckagulga, - -	Ben Burgess, - -	On the east bank of Ochlochne river, between that and Hiamonee.
Wasupa, - -	Toshatehismico, - -	2 miles east of Sumulga Hatchee river, and 18 miles from St. Mark's.
Hatchcalamocha, - -	Amathla Hajo, - -	Near Drum Swamp, 18 miles west of New Mickasuky town.
Etotulga, - -	Mickcooche, - -	10 miles east of the old Mickasuky town.
Topananaulka, - -	Obiakee, - -	3 miles west of New Mickasuky.
Seleuxa, - -	Koamathla, - -	Head of Oscillee river.
Ahosulga, - -	Hockoknakola, - -	5 miles south of New Mickasuky town.
Mickasuky, (New,) - -	Tuskameha, - -	30 miles west of Suwanee river.
Sampala, - -	Ehe-maltho-chee, - -	26 miles above the forks of the Appalachicola, on the west bank.
Oktahatku, - -	Menohomaltha Hajo, - -	7 miles east of west from Sampala.
Chohalaboohulka, - -	Yahola Hajo, - -	West side of Suwanee, above its junction with Alapaha.
Welika, - -	Lathwamaltha, - -	4 miles east of Tallahassee towns.
Wachitokha, - -	Ho-lahta-mico, - -	East side of Suwanee, between that and Santa Fe.
Talakhacha, - -	Tullis Hajo, - -	West side of Cape Florida, on the seacoast.
Sohopikaliga, - -	Cho-ke-hip-kalana, - -	East of the last town, 30 miles.
Loksachumpa, - -	Lok-po-ka, Sakoosa Hajo, - -	Head of St. John's river.
Ahapapka, - -	Ocheesetustanuka, - -	Head of Okelawaha.
Apukasasocha, - -	Enehe-mathlochee, - -	20 miles west from the head of St. John's.
Yulaka, - -	Philip, or Emathla, - -	On the west side of St. John's river, 35 miles from Volusia or Dexter.
Talahassee, or Spring Gardens, - -	Uchee Tustehuka, or Billy, - -	10 miles from Volusia.
Etanie, - -	Checota Hajo, - -	West of St. John's, east of Black creek.
Tuslalahockaka, - -	Alac Hajo, - -	10 miles west of Walalecooche.
Yalacasooche, - -	Yelathaloke, - -	Mouth of Okelawaha.

SIR:

CAMP, MOULTRIE CREEK, September 21, 1823.

We have to inform you that on the 18th we concluded a treaty with the Florida tribes of Indians, and on terms, as we believe, calculated to promote their future comfort and welfare, as well as the interests of the Territory in which they reside.

The Florida Indians will be concentrated south. The location an interior one, not approaching the seacoast at any one point nearer than fifteen miles. Some few reservations on the Appalachicola, of limited extent, have been made in favor of Blount, Tuski-Hajo, Econchatimico, and others, men of industrious habits, and who have made

some advances in cultivation. Blount and Tuski-Hajo have been long friendly to the Americans, and rendered essential services to General Jackson during the military operations in Florida.

The treaty, with other documents, will be forwarded you by Colonel Humphreys, who leaves this in a few days for Washington.

WM. P. DUVAL,
JAMES GADSDEN,
B. SEGUI.

Hon. J. C. CALHOUN, *Secretary of War.*

SIR:

DEPARTMENT OF WAR, *June 30, 1823.*

By a letter, recently received from one of the commissioners, it appears that the Florida Indians cannot, from their dispersed situation, and without injury to them, be assembled earlier than the 5th September next, which will enable the President to avail himself of your services at the proposed treaty; and, for which purpose, he has directed that you be associated with the commissioners in the negotiation. You will, accordingly, join them, and unite your efforts with theirs to accomplish the object intended to be effected by it. A copy of the instructions to the commissioners, and that of a letter of this date to Colonel Gadsden, are enclosed for your information. The same allowance will be made to you, while actually engaged in this business, as is made to the commissioners, which will be paid on a similar certificate from you as is required of them.

The continued severity of the sickness of the sub-agent, from whom I have lately heard, will prevent him from resuming his duties before, perhaps, late in the fall. You will make the best arrangement you can for the management of the Indian Department at St. Augustine in the mean time; it is presumed, however, that the presence of the Indian agent there, in pursuance of the order which has been given to him, will supersede the necessity of any arrangement on the subject. A copy of the order is enclosed.

I have the honor to be, &c.

J. C. CALHOUN.

His Excellency WM. P. DUVAL, *St. Augustine, Florida.*

SIR:

ST. AUGUSTINE, *July 15, 1823.*

I have the honor to acknowledge your letter of the 30th of June last, together with a letter of instructions, dated the 7th of April last, directed to Colonel James Gadsden and Bernardo Segui, Esq., commissioners appointed to hold a treaty with the Florida Indians; also, copies of two letters from your Department, dated the 30th of June last: one addressed to Colonel Gadsden, and the other to Colonel Humphreys, Indian agent. I accept, with pleasure, the appointment which the President has conferred on me as commissioner, to be associated with Colonel Gadsden and Mr. Segui, for the purpose of holding a treaty with the Florida Indians, and I beg you will assure the President that every effort on my part shall be made to accomplish this desirable object.

With respect, I remain, &c. &c.

WM. P. DUVAL.

Hon. JOHN C. CALHOUN, *Secretary of War.*

SIR:

ST. AUGUSTINE, *September 26, 1823.*

On the 21st instant, you were advised by mail of our having concluded a treaty with the Florida tribes of Indians. The second article of the treaty, accompanying this, will inform you of the boundaries assigned them, which, with the other articles agreed on, will be found, in our opinion, to correspond with the spirit of our instructions, as well as with the humane policy of our Government. The want of a knowledge of the country south of Charlotte harbor, and the impossibility of inducing competent individuals to explore, or obtaining any satisfactory information relative to that region, necessarily prohibited the commissioners from confining the Indians to that quarter, agreeably to the views of the Executive, as first expressed in our instructions. A *northern location*, though desired by a majority of the Indians, was violently opposed, within the limits recommended by General Jackson; to have extended beyond those limits would have been injurious to the best interests of Florida. A *southern location* was objected to by the Indians, on the ground that the country south of Tampa did not contain a sufficient quantity of good land to furnish the subsistence of life; that force only could drive them into those limits; and that they were well convinced that the Americans possessed the power, and they not the ability to resist. The Indians, therefore, threw themselves on the protection of the United States, and appealed feelingly to the humanity of the commissioners not to locate them in a country in which they must inevitably starve. We know nothing of the country but from vague and contradictory representations; the appeal, therefore, was listened to, so far as to embrace within the limits assigned the Indians a small tract of country, about thirty miles north of Tampa Bay, containing within its boundaries many of the settlements of the southern chiefs. Even this extension north was not considered as removing the objections urged; to satisfy, therefore, all parties, and convince even the Indians of the humane disposition of the American Government towards them, an article was inserted, that if, on examination by the commissioners, &c. appointed to run the line, it should appear that there was not a sufficient quantity of good land within the limits allotted them, then the north line should be extended so as to give satisfaction on this point.

The reservations made on the Appalachian district were in favor of six influential chiefs, whose assent to the treaty would not have been obtained without this equitable provision for them and their connexions. They are all represented to be men of industrious habits, and who have made some advances in civilization. Blount and Tuski-Hajo have been long friendly to the Americans, and rendered essential services to General Jackson during the operations in Florida; on the termination of which they were permitted to reside where they now do, under the protection of the United States; with a promise that, when the Indians in Florida were disposed of, the provisions now made for them should be taken into consideration. We view these reservations as among the most favorable terms of the treaty. The lands allotted each chief and his connexions are so limited as to force the occupants into civil habits and pursuits; while so large a subtraction is made from the Indian population to be concentrated, as to render that population more easily manageable.

The treaty, however, was the best we could effect; and we are inclined to the opinion that the boundaries to which the Indians have been limited will be found, on reflection, to be the most judicious, in a national as well as territorial point of view. Justice has been done to the Indians, by assigning to them a sufficient quantity of tillable land, with the addition of an extent of territory alike favorable as hunting grounds and for grazing cattle; while the position is so central as to admit of being encircled by a white population, capable of overawing and controlling their uncivilized propensities.

We deem it our duty, before closing our mission, to invite your attention to some important subjects, as intimately connected with the accomplishment of the views which have dictated the policy pursued by the United States towards the Indians.

It was a misfortune to Florida, as a frontier Territory, and with her maritime exposure, to have any tribes of Indians within her boundaries. It would have been a national benefit to have removed them to a more interior position; but, as this seems to have been impracticable, the only course left was that which has been adopted—the confining the Indians within certain limits, and in that part of the Territory least objectionable. This being accomplished, it is indispensable, for the benefit of the Indians as well as the future security of Florida, that all intercourse with foreign countries or individuals exercising an influence over them be cut off, and that an exclusive control be obtained and maintained by the American Government.

This is only to be effected by the immediate establishment of military posts at the Bay of Tampa, Charlotte Harbor, and at some other point near Cape Florida, on the eastern coast; with such other salutary laws regulating the trade with them as your own sound judgment may dictate. It is scarcely necessary to state to you, that a majority of the Indians now inhabiting the Territory of Florida, and included as parties to the treaty just effected, are warriors, if not refugees from the southern Indians. Many of them are of the old Red Stick party, whose feelings of hostility have only been suppressed, not eradicated; and even the native Seminoles have ever been of a most erratic disposition. These Indians are now scattered over the whole face of Florida; but a small portion of them having any settled residence, a majority wandering about for such a precarious subsistence as the esculent roots of the woods, or the misfortunes of our navigators on the Florida Keys, may afford. To bring together these discordant and fermenting materials, to embody such a population within prescribed limits, and to conquer their erratic habits, will require, in some degree, the exercise of authority, with the presence of a military establishment adequate to enforce it. These posts, therefore, in our opinion, should be established before the boundary line is run and marked. Such a military disposition, if an adequate force, would produce an impression upon the Indians most favorable to an immediate concentration within the limits allotted.

The military establishments recommended, from the protection they would afford, will further induce an early settlement of the country, now open to the enterprise of emigrants, the presence of which population will assist materially in forcing the Indians within the limits allotted them, and in obtaining that control so much desired. As an act of justice to Lieutenant Ripley, who commanded the detachment of troops on the treaty ground, and to Lieutenant H. Brown, the assistant commissary of subsistence, we most cheerfully testify to the zealous, active, and faithful discharge of the various duties assigned them. Colonel Humphreys, Indian agent, and Mr. Richards, the interpreter, likewise rendered us essential services during the complicated difficulties we had to encounter. In assembling and marching the western Indians, through a wilderness of two hundred and fifty miles in extent, to the treaty ground, they have been exposed to privations and expenses, giving them strong claims on the Department of War for extra compensation; the equitable adjustment of which is submitted to your consideration by

Your most obedient servants,

W. P. DUVAL,
JAMES GADSDEN,
BERNARDO SEGUI.

The Hon. JOHN C. CALHOUN, *Secretary of War.*

SEPTEMBER 26.—The commissioners met this day at the quarters of Governor Duval; and, having signed the abstracts of provisions and vouchers for expenditures, they adjourned *sine die*.

Test:

GEORGE MURRAY, *Secretary to the Commission.*

SIR:

DEPARTMENT OF WAR, *October 29, 1823.*

The President not having returned to the city, as I expected, I have transmitted to him the treaty with the Florida Indians, and all the papers which accompanied it, with the letter of Governor Duval, requesting that you may be immediately appointed the commissioner, and that Lieutenant Ripley be associated with you, to run the lines of the land assigned to the Indians by the treaty. I have recommended that the request of the Governor be acceded to, and, as soon as I hear from the President, will inform you of his decision.

By a provision of the treaty, it appears that rations of bread and meat are to be furnished for the Indians, whose numbers, by an estimate which accompanied the treaty, is represented to be about 4,800. The views of the commissioners in making the provision are not stated sufficiently distinct to understand whether it was their intention that the rations of bread and meat are to be furnished indiscriminately for the whole number, or to those merely who may move on the lands assigned to them by the treaty, and in such quantities only as may be absolutely necessary for their subsistence. If the former be the intention of the commissioners, it will involve a very considerable expense, which may present some impediment to the ratification of the treaty. But, as I am not aware of any reason why rations should be furnished to so great an extent, I am inclined to think that the latter was their intention, and I am confirmed in this impression by the opinion of Colonel Humphreys. It is desirable, however, to have distinctly the views of the commissioners on the subject, and I will thank you for as full an explanation of them as you may be able to give, accompanied by an estimate of the probable number of Indians for which, in your opinion, rations will be required.

I have the honor to be, &c.

J. C. CALHOUN.

Colonel JAMES GADSDEN, *Charleston, S. C.*

SIR:

DEPARTMENT OF WAR, *November 4, 1823.*

I have to inform you that the President has acceded to the request of Governor Duval, for your immediate appointment as the commissioner to run the lines of the land assigned to the Florida Indians by the late treaty with them, and for Lieut. Ripley to be associated with you in the performance of that duty. You are accordingly authorized to make your arrangements to commence the survey as soon as practicable, associating Lieutenant Ripley with you as your assistant. As the immediate survey of the individual reservations is not material, and it is important that all information that can be obtained in relation to the tract assigned to the Indians should accompany the treaty, when it is submitted to the Senate for ratification, I would, for this reason, prefer that this survey should first claim your attention. The reservations, if confirmed by the Senate, can be surveyed at any time thereafter.

If, in making the survey of the tract assigned to the Indians, you should find that the northern line, as defined in the treaty, does not embrace a sufficiency of good land for the accommodation of the Indians, you are authorized to exercise a sound discretion, and remove it farther north, so as to include the necessary quantity.

The commanding officer at St. Augustine will be directed to afford you every facility in his power, in accomplishing the object of your commission.

You will be allowed at the rate of eight dollars per day, while actually engaged in the duties of your commission, with your necessary expenses; and Lieutenant Ripley will be allowed the same additional compensation to his pay in the line as is allowed to topographical engineers while engaged on surveys, (which is one dollar and fifty cents a day,) with his necessary expenses. The payment will be made on your certificates of honor as to the time actually engaged.

The President has also acceded to the proposition for the establishment of a military post near Tampa Bay, and immediate measures will be taken, through the proper officer, to that effect. In the mean time, the commanding officer of the post to be established will be directed to correspond with you, in relation to a proper site for such post.

I have the honor to be, &c.

J. C. CALHOUN.

Colonel JAMES GADSDEN, *Commissioner &c., Charleston, S. C.*

GENTLEMEN:

DEPARTMENT OF WAR, *November 12, 1823.*

Your letter of the 23d ultimo was duly received. I enclose for your information an extract from the treaty recently concluded with the Florida Indians, which contains the metes and boundaries of the land assigned to them by said treaty.

Colonel Gadsden is appointed the commissioner to run out the Indian tract as soon as practicable, so as to have his report on the subject before the treaty is submitted to the Senate for ratification. It is hoped the line, when properly ascertained, will not include the lands in which you are interested.

I have the honor to be, &c.

J. C. CALHOUN.

D. T. OGDEN, JOSEPH DELESPINE, ENOCH WISWALL,
JAMES B. MURREY, and PERSEUS NICKOLLS, Esqs., *New York.*

SIR:

DEPARTMENT OF WAR, *December 9, 1823.*

Your letter of the 20th ultimo has been received. Confiding in your sound discretion that the survey would be made on the most economical terms, nothing was said about compensation to surveyors, chainmen, &c. Should these duties be discharged, as you propose, by details from the army, the persons employed may be allowed a reasonable extra compensation.

Your recommendation in relation to the compensation of Lieutenant Ripley will receive attention when your report of the survey is received.

I have the honor to be, &c.

J. C. CALHOUN.

Colonel JAMES GADSDEN, *Commissioner, &c., St. Augustine.*

SIR:

DEPARTMENT OF WAR, *December 23, 1823.*

Your letters of the 26th and 29th ultimo and the 1st instant have been received. The order for the movement of the troops detailed for the occupation of Tampa Bay was given immediately after the receipt of your first letter on the subject; and it is hoped they will arrive at their destination in time to afford you any aid that may be necessary to facilitate the performance of your duty.

The letter which you enclosed for Colonel Humphreys has been delivered to him.

The treaty has been ratified by the Senate, and Colonel Humphreys has been ordered to repair forthwith to his post, to attend to its execution. A copy of the order is enclosed for your information. It is impossible to give specific instructions here for the execution of the treaty; and the agent is, therefore, directed to consult with the Governor and yourself on the measures to be taken for that purpose. You will accordingly afford your advice, and take the course which may, in your judgment, be necessary and proper, having the most rigid regard to economy.

Your request "that some of the smaller armed vessels on the West India station may be directed to enter occasionally the Bay of Tampa and Charlotte Harbor," has been submitted to the Secretary of the Navy, who has replied that he would order commanders to comply with your wish.

The bill which you have drawn on this Department for \$125 will be paid when presented, and charged as requested.

Lieutenant Ripley and yourself will proceed to run out the reservations, after you have completed the survey of the principal tract assigned to the Indians. It is desirable that the whole should be completed as soon as practicable.

In a former letter I stated that the additional compensation which you propose should be allowed to Lieutenant Ripley would be fixed after your report of the survey is received.

I have the honor to be, &c.

J. C. CALHOUN.

Colonel JAMES GADSDEN, *Commissioner, &c., St. Augustine.*

[NOTE.—For additional documents, see No. 229.]

18th CONGRESS.]

No. 199.

[1st Session.

CIVILIZATION OF THE INDIANS.

COMMUNICATED TO THE SENATE, JANUARY 26, 1824.

SIR:

DEPARTMENT OF WAR, *January 24, 1824.*

I have the honor to transmit, herewith, a statement of the expenditures, for the last year, of the annual appropriation made by the act of the 3d March, 1819, for the civilization of the Indian tribes adjoining the frontiers, as required by said act.

I have the honor to be your most obedient servant,

J. C. CALHOUN.

To the SPEAKER of the House of Representatives U. S.

Statement showing the expenditures, for the year 1823, of the annual appropriation made by the act of the 3d of March, 1819, for the civilization of the Indian tribes adjoining the frontiers.

By whom expended.	For what purpose advanced.	Amount.
R. J. Meigs, -	For the civilization of the Tennessee Cherokees of the Valley towns,	\$1,000 00
William Ward, -	“ the mission schools among the Choctaws, Mississippi,	2,116 66
Z. Lewis, New York, -	“ the United Foreign Mission Society, New York, for the Tuscarora and Seneca Indians,	1,961 34
Jos. McMinn, Cherokee agency,	“ the civilization of the Tennessee Cherokees of the Valley towns,	1,018 50
Rev. Cyrus Kingsbury, -	“ buildings, &c. for the mission schools among the Choctaws, Mississippi,	1,666 66
Rev. Jere. Evarts, Boston, -	“ the education of four Indian youths at Cornwall, Connecticut,	316 67
Benjamin F. Smith, Chickasaw agency, -	“ the Chickasaw Indians, - - - -	100 00
Rev. John Gambold, -	“ the Tennessee Cherokee Indians at Spring Place, - - - -	800 00
John Peck, New York, -	“ the Hamilton Baptist Mission Society, New York, for the Oneida Indians, - - - -	412 50
John McDonald, Ohio, -	“ the education of a Choctaw youth, - - - -	120 00
John Tipton, Fort Wayne, -	“ a school for the education of Indians at Fort Wayne, - - - -	183 00
T. Charlton Henry, -	“ the Missionary Society of the Synod of South Carolina and Georgia, for buildings at Monroe, in the Chickasaw nation, - -	790 00
Rev. J. H. Hobart, New York,	“ the education, &c. of Abraham Le Fort, a young Oneida chief, -	300 00
Rev. Henry Hill, Boston, -	“ the American Board of Foreign Missions, Boston, - - - -	100 00
Rev. James Finley, -	“ the mission school among the Wyandot Indians, - - - -	250 00
		\$11,135 33

WM. LEE.

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE, *January 22, 1824.*

18th CONGRESS.]

No. 200.

[1st Session.

DISBURSEMENTS IN THE INDIAN DEPARTMENT.

COMMUNICATED TO THE SENATE, FEBRUARY 23, 1824.

SIR:

DEPARTMENT OF WAR, *February 21, 1824.*

I transmit, herewith, a report of the Second Auditor, relative to the accounts for disbursements in the Indian Department, prepared in compliance with the third section of the act of the 6th of May, 1822, entitled “ An act to amend an act entitled ‘ An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers,’ approved 30th March, 1802.”

I have the honor to be your most obedient servant,

J. C. CALHOUN.

To the PRESIDENT of the Senate of the United States.

A list of the names of all persons to whom money, goods, or effects have been delivered, from the 1st of September, 1822, to the 1st of September, 1823, for the benefit of the Indians, specifying the amount and object for which it was intended.

The names of all persons to whom money, goods, or effects have been delivered, from the 1st of September, 1822, to the 1st of September, 1823.	Indian department: for pay of interpreters and blacksmiths; repairs of buildings; medicine and provisions for emigrating and visiting Indians; transportation and other contingencies of the agencies.	Pay of Indian agents.	Pay of Indian sub-agents.	Presents to Indians.	Civilization of Indians.	Annuities to Indians.	Amount.	REMARKS.
Lewis Cass, -	\$15,389 00	\$7,200 00	\$4,750 00	\$4,500 00	-	\$27,800 00	\$59,639 00	For the general disbursements of his superintendency.
William Clark, -	19,331 46	7,233 33	2,666 66	4,947 50	-	17,600 00	* 51,778 95	Do. do.
James Miller, -	2,937 50	-	250 00	250 00	-	1,500 00	4,937 50	Do. do.
John A. Brereton, -	100 00	-	-	-	-	-	100 00	In payment of his account for medical attendance upon Indians visiting the seat of Government, for the year 1823.
Th. L. McKenney, -	180 00	-	-	-	-	-	180 00	On account of the education, &c. of a Choctaw youth.
Gad Humphreys, -	1,554 99	-	-	-	-	-	1,554 99	For disbursements in his agency in Florida.
Return J. Meigs, -	2,405 00	650 00	250 00	50 00	\$1,000 00	-	4,355 00	For disbursements in his agency for the Cherokees of Tennessee.
William Ward, -	6,385 00	900 00	200 00	50 00	2,116 66	12,450 00	22,101 66	For disbursements in his agency for the Choctaws.
William Turner, -	185 83	-	-	-	-	-	185 83	Balance due him for his salary as Indian agent at Fort Wayne in the year 1820.
Isaac Rawlings, -	468 75	-	-	-	-	-	468 75	Balance of his account for services in receiving and storing goods intended for the Indians at the Chickasaw Bluffs in 1821.
John Crowell, -	662 50	2,625 00	1,250 00	-	-	30,500 00	35,037 50	For disbursements in his agency for the Creek Indians.
Z. Lewis, -	-	-	-	-	1,961 34	-	1,961 34	For the United Foreign Mission Society of New York, for the civilization of the Tuscarora and Seneca Indians.
Jed'h Morse, -	82 50	-	-	-	-	-	82 50	On account of his report on Indian affairs.
Law. Taliaferro, -	975 00	325 00	-	-	-	-	1,300 00	For disbursements in his agency at St. Peter's, Upper Mississippi.
John Biddle, -	-	150 86	-	-	-	-	150 86	Balance due him for salary, &c. as Indian agent at Green Bay in the year 1822.
Jos. Jourdain, -	506 74	-	-	-	-	-	506 74	For services as blacksmith, and for house-rent at Green Bay, in the year 1820.
Richard Prickett, -	226 00	-	-	-	-	-	226 00	For pay as interpreter at Green Bay in 1820.
George Walton, -	1,980 88	750 00	250 00	250 00	-	-	3,230 88	For disbursements as superintendent of Indian affairs in Florida.
Ab'm Eustis, -	100 00	-	-	-	-	-	100 00	For disbursements on account of Indians at St. Augustine.
Pierre Menard, -	6,948 92	-	208 33	-	-	500 00	7,657 25	For disbursements in his sub-agency at Kaskaskia, under the superintendency of Gov. Clark.
Peter Felham, -	-	-	921 96	-	-	-	921 96	For disbursements in his agency for the Florida Indians.
Jasper Parrish, -	6,593 99	-	500 00	300 00	-	4,375 00	11,768 99	For disbursements in his agency for the Six Nations of Indians in New York.
Dan'l E. Burch, -	3 50	-	-	-	-	-	3 50	For General Gaines, in the year 1822, printing Indian talks.
David Brearley, -	2,289 83	-	-	-	-	7,314 93	9,604 76	For disbursements in his late agency for the Cherokees of Arkansas.
S. Sibley and others, -	1,000 00	-	-	-	-	-	1,000 00	For the tolls of sundry Indians across the bridges to and from Detroit, between January 1, 1818, and December 31, 1822.
John Johnston, -	175 00	-	-	-	-	11,725 00	11,900 00	For disbursements in his agency at Piqua, Ohio.
Jos. McMin, -	2,045 00	300 00	125 00	-	1,018 50	10,000 00	13,488 50	For disbursements in his agency for the Cherokees of Tennessee.
Red Jacket and others, -	150 00	-	-	-	-	200 00	350 00	Advanced them in part of the annuity for 1823.
R. C. Nicholas, -	250 00	650 00	250 00	-	100 00	35,100 00	36,350 00	For disbursements in his agency for the Chickasaws, paid over to B. F. Smith, his successor.
George Gray, -	1,110 00	900 00	-	812 00	-	-	2,822 00	For disbursements in his agency at Natchitoches.
Thos. Webb, -	11 00	-	-	-	-	-	11 00	For medicines for Indians at the seat of Government.
George N. Morris, -	594 00	-	-	-	-	-	594 00	For services, &c. as acting Indian agent in Florida in 1822.
Jas. Gadsden, -	2,000 00	-	-	-	-	-	2,000 00	Advanced him as one of the commissioners for holding a treaty with the Florida Indians, for expenses of the commissioners, &c.

LIST—Continued.

1824.]

DISBURSEMENTS IN THE INDIAN DEPARTMENT.

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The names of all persons to whom money, goods, or effects have been delivered, from the 1st of September, 1822, to the 1st of September, 1823.	Indian department: for pay of interpreters and blacksmiths; repairs of buildings; medicine and provisions for emigrating and visiting Indians; transportation and other contingencies of the agencies.	Pay of Indian agents.	Pay of Indian sub-agents.	Presents to Indians.	Civilization of Indians.	Annuities to Indians.	Amount.	REMARKS.
Cyrus Kingsbury, -	-	-	-	-	\$1,666 66	-	\$1,666 66	For civilization of the Indians, in erecting buildings for mission schools among the Choctaws.
John Peck, -	-	-	-	-	412 50	-	412 50	For the Hamilton Baptist Mission Society, New York, for the civilization of the Oneida Indians.
John P. Gates, -	\$129 20	-	-	-	-	-	129 20	For his account as interpreter at Prairie du Chien in 1819 and 1820.
J. L. McDonald, -	-	-	-	-	120 00	-	120 00	For the education, &c. of a Choctaw youth in Ohio.
John Tipton, -	-	-	-	-	183 00	-	183 00	For the support of a school for the Indians at Fort Wayne.
T. Charlton Henry, -	-	-	-	-	790 00	-	790 00	For the Missionary Society of the Synod of South Carolina and Georgia, for buildings at Monroe Station, in the Chickasaw nation.
Rev. J. H. Hobart, -	-	-	-	-	300 00	-	300 00	For the education, &c. of Ab'm Le Fort, a young Oneida chief.
Henry Hill, -	-	-	-	-	109 00	-	109 00	For the American Board of Foreign Missions, Boston.
James Finley, -	-	-	-	-	250 00	-	250 00	For mission school among the Wyandot Indians.
Bernardo Segui, -	480 00	-	-	-	-	-	480 00	For his services as a commissioner at the Florida treaty with the Indians.
Geo. W. Tryson, -	147 50	-	-	-	-	-	147 50	For rifles as presents to the Indians at the Florida treaty.
John Walker, -	-	-	-	-	-	\$1,136 62	1,136 62	In part of annuity to the Cherokees of Arkansas, as per act of March 3, 1817.
Sol'n W. Hendricks, -	-	-	-	-	-	75 00	75 00	In part of annuity to the Six Nations of Indians, per act of February 25, 1799.
John Hays, -	-	-	-	-	-	18,400 00	18,400 00	For annuities, per acts of May 6, 1796, April 21, 1806, May 1, 1810, and March 3, 1819.
Terence Farrelly, -	-	-	-	-	-	1,948 00	1,948 00	For a claim against the Cherokee Indians of Arkansas, charged to their annuity by their consent.
Chas. Vignoles, -	125 00	-	-	-	-	-	125 00	For services at a talk with the Florida Indians preparatory to the treaty.
Jer'h Everts, -	-	-	-	-	316 67	-	316 67	For the education of four Indian youths at Cornwall, Connecticut.
E. W. Duval, -	1,632 50	1,125 00	-	220 00	-	-	* 2,977 50	For disbursements in his agency for the Cherokees of Arkansas.
John Gambold, -	-	-	-	-	800 00	-	800 00	For the civilization of the Tennessee Cherokees at Spring Place.
	\$79,156 59	\$22,809 19	\$11,621 95	\$11,379 50	\$11,135 33	\$180,624 55	\$316,727 11	

RECAPITULATION.

Of the \$79,156 59, the amount charged to Indian department, there has been paid for claims which accrued anterior to the 1st of September, 1822, the sum of \$3,114 02; so that the total amount paid for the year 1823, on that account, is \$76,042 57

And of the \$22,809 19, on account of pay of Indian agents, there has been paid for claims which accrued anterior to the 1st of September, 1822, the sum of \$150 86; so that the total amount paid for the year 1823, on that account, is 22,658 33

Indian department,	-	-	-	-	-	-	\$79,156 59
Pay of Indian agents,	-	-	-	-	-	-	22,809 19
Pay of Indian sub-agents,	-	-	-	-	-	-	11,621 95
Presents for Indians,	-	-	-	-	-	-	11,379 50
Civilization of Indians,	-	-	-	-	-	-	11,135 33
							136,102 56
Annuities to Indians,	-	-	-	-	-	-	180,624 55
							\$316,727 11

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE, February 19, 1824.

WILLIAM LEE.

18th CONGRESS.]

No. 201.

[1st Session.]

APPLICATION OF THE BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS FOR
PECUNIARY AID IN CIVILIZING THE INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 3, 1824.

Memorial of the American Board of Commissioners for Foreign Missions: To the honorable the Senate and House of Representatives of the United States in Congress assembled:

GENTLEMEN:

At the annual meeting of this board, at Boston, in September last, the subscribers* were appointed a committee "to prepare and present a memorial to the Government of the United States, on the general subject of the civilization and moral improvement of the Indian tribes within the limits of our national territory; stating, summarily, what this board, and other boards for similar purposes, of different denominations, have done, and are doing, for the benefit of the said Indians; the success of their efforts hitherto, and the encouraging prospects as to the future, provided means are furnished adequate to the support of their contemplated operations; and soliciting such pecuniary aid from the Government as, in their wisdom, they shall see fit to grant."

In fulfilment of our commission, we beg leave respectfully to state to your honorable body, that a prominent object of the board we represent is to extend the blessings of civilization and Christianity, in all their variety, to the Indian tribes within the limits of the United States. In carrying on this work of benevolence and charity, we are happy to acknowledge, with much gratitude, the aid received from the Government, in making and supporting the several establishments made for accomplishing their purpose. The object of the Government and of the board is one, and, indeed, is common to the whole community. We trust, therefore, that the measure adopted by our board will not be deemed an improper interference with the concerns of the Government—a thing at which our feelings would revolt, but only as a proper act of co-operation of a portion of the citizens in effecting a great and interesting national object.

The history of our intercourse with the Indians, from the first settlement of this country, contains many facts honorable to the character of our ancestors and of our nation; many, also—too many—which are blots on this character; and which, in reflecting on them, cannot fail to fill us with regret and with concern, lest the Lord of nations, who holds in his hand the scales of equal and everlasting justice, should in his wrath say to us, As ye have done unto these Indians, so will I requite you. We here allude to the neglect with which these aboriginal tribes have been treated in regard to their civil, moral, and religious improvement; to the manner in which we have, in many, if not most instances, come into possession of their lands and of their peltry; also, to the provocations we have given, in so many instances, to those cruel, desolating, and exterminating wars, which have been successively waged against them; and to the corrupting vices and fatal diseases which have been introduced among them by wicked and unprincipled white people. These acts can be viewed in no other light than as national sins, aggravated by our knowledge and their ignorance, our strength and skill in war and their weakness; by our treacherous abuse of their unsuspecting simplicity, and especially by the light and privileges of Christianity, which we enjoy, and of which they are destitute. In these things we are, as a nation, verily guilty, and exposed to the judgments of that just Being, to whom it belongs to avenge the wrongs of the oppressed; under whose perfect government the guilty, who remain impenitent, can never escape just punishment. The only way, we humbly conceive, to avert these judgments, which now hang, with threatening aspect, over our country; to secure the forgiveness and favor of Him whom we have offended; and to elevate our national character, and render it exemplary in the view of the world, is, happily, that which has been already successfully commenced, and which the Government of our nation, and Christians of nearly all denominations, are pursuing with one consent, and with their combined influence and energies. The American Board of Commissioners for Foreign Missions view these facts as highly encouraging; and it is their earnest desire that the God of nations would speed the course so auspiciously commenced, and give direction and his blessing to our joint efforts; add numbers and strength to those already engaged in this good work; convince, and reconcile to the object, those who are now opposed to it; and, ultimately, crown our labors with the desired success.

The work in which we are engaged, we are sensible, is not only noble and godlike, and worthy to command the best energies of our nature, but it is also a great, arduous, and difficult work, requiring patience, forbearance, perseverance, and unremitting and long-continued efforts. Here is scope enough to employ the wisdom, the means, and the power of the nation; and the object is of sufficient magnitude and interest to command the employment of them all.

We are aware of the great and only objection, deserving notice, that is made to our project, and which has been made by some men of distinction and influence in our country, whose opinion on other subjects is entitled to respect; and this is, that "it is impracticable; that Indians, like some species of birds and beasts, their fellow inhabitants of the forest, are untameable; and that no means which we can employ will prepare them to enjoy with us the blessings of civilization." In answer to this objection, we appeal to facts; facts not distant from us—not of a doubtful nature; but which exist, and are fast multiplying among us, under our own eyes and observation; to facts which cannot be doubted, and in such number and variety as furnish indubitable evidence of the practicability of educating Indians in such manner, as to prepare them to enjoy all the blessings, and to fulfil all the duties, of civilized life. A visit to the Cornwall school for educating heathen youth, and to the several establishments among the Cherokees and Choctaws, (to say nothing of many others to which we might refer,) begun by indefatigable and exemplary Moravian missionaries, and pursued by the American Board of Commissioners for Foreign Missions, would be sufficient to satisfy any candid inquirer on this subject of the truth of what we have asserted. In these establishments the experiment, as to the practicability of imparting to Indians an education suited to the enjoyments and duties of civilized life has been fairly made; and made, too, by the acknowledgment of hundreds of our most respectable citizens, (and among these we are happy to refer to the present respected President of the United States, who has been an eye-witness in the case,) with complete success. More evidence on this subject is deemed by your memorialists unnecessary, as the evidence of facts is paramount to all reasonings which can be urged against them.

It being admitted, then, that the Indians within our jurisdiction are capable of receiving an education which will prepare them to participate with us in all the blessings which we enjoy, these questions will naturally arise: Is it

* John Cotton Smith, Jonas Platt, Jedediah Morse, Stephen Van Rensselaer, and Jeremiah Evarts.

desirable that they should receive such an education? Are they willing to receive it? Have we the means of imparting it to them? These questions, your memorialists conceive, may, with confidence, be answered in the affirmative. It is desirable that our Indians should receive such an education as has been mentioned, we conceive, because the civilized is preferable to the savage state; because the Bible, and the religion therein revealed to us, with its ordinances, are blessings of infinite and everlasting value, and which the Indians do not now enjoy. It is also desirable as an act of common humanity. The progress of the white population in the territories which were lately the hunting grounds of the Indians is rapid, and probably will continue and increase. Their game, on which they principally depend for subsistence, is diminishing, and is already gone from those tribes who remain among us. In the natural course of things, therefore, they will be compelled to obtain their support in the manner we do ours. They are, to a considerable extent, sensible of this already; but they cannot thus live and obtain their support till they receive the education for which we plead. There is no place on the earth to which they can migrate and live in the savage and hunter state. The Indian tribes must, therefore, be *progressively civilized*, or *successively perish*.

The only objection to their civilization which has been seriously made is, that it would destroy our now profitable fur trade. But will it not be destroyed if the white population is suffered to spread unchecked over the hunting grounds of these Indians, to destroy their game, and to leave them to starve and perish? But, these consequences aside, can a *Christian*, who knows the present state of these tribes, their ignorance, and increasing miseries, and who duly estimates his own superior blessings, make this objection? Will any man, claiming to possess a common share of humanity and benevolence, say, Though these poor Indians, if we were so disposed, might be made happy, and we have the means of making them so, yet, as the doing of this would deprive a small portion of our citizens of a gainful commerce, it must not be done? No man, we believe, would utter such language as this, and avow a sentiment so revolting to all the good feelings which belong to our nature.

Are, then, the Indians *willing* to be civilized? The explicit declarations on this point of large numbers of their chiefs and most influential men, and the earnest *entreaties* received from many of them, sufficiently show that they *are* willing. Our education families are every where gladly and gratefully received, and kindly treated; and from many other places the cry for new establishments is heard. Judging from past experience, we have reason to expect that the objections now made by some of the pagan chiefs and interior tribes, whose game is yet plenty, will be gradually removed, and that this cry for instruction will be extended among them as their civilization advances. Admitting, then, that it is desirable that the Indians should be civilized, and that they are willing and anxious to be educated for this purpose, have we the *means* of satisfying these desires, and of giving them the education necessary to their becoming our fellow-citizens, and sharing with us our privileges? We cannot hesitate how to answer this question. We undoubtedly possess, in abundance, all the means necessary to give all the Indians, as fast as they shall desire it, the most complete education they are capable of receiving. A very small part of the profits on the many millions of acres of most valuable lands purchased by the Government of these Indians would furnish ample pecuniary means for the support of as many education establishments as would be competent to the purpose; and the religious associations of the different denominations of Christians, already formed and forming, stand ready faithfully to apply these means, when put at their disposal, to the accomplishment of this desirable object.

Your memorialists beg leave respectfully to invite the particular attention of your honorable body to the plans heretofore suggested of *colonizing* the Indians, and of founding and endowing a college among them, for the higher education of Indian youths of promising character and talents, to act as missionaries among their brethren. The former seems to be peculiarly applicable to the state of our Indians, and the only method by which those who remain can be preserved from extinction. This plan consists in collecting, on some well located and inviting territories in the north and in the south, (one for the northern, the other for the southern Indians,) the remnants of tribes now scattered and dwindling away among the white settlements, and, from time to time, such others along our borders as are willing to be civilized, and planting among them, at favorable points, education families, under the protection of a small, well-selected military garrison. These will form the rudiments of future towns and cities, and even States, and ultimately entire civilization. "It is, in short," to borrow the language and sentiments of a late sensible foreign writer on this subject, "merely to follow the method by which civilization has begun and proceeded in all countries and times: villages rising into towns, and towns into cities," and these, we may add, into large communities, "having been the origin and medium of all improvements."* The *hunter, roving state* is not adapted to the establishment and support of the institutions which pertain to Christianity and civilized life; these require the aids which can be furnished only in the congregated and agricultural state.

The establishment of a college for the education of Indian youth appears to be an indispensable mean of successfully carrying forward the civilization of their tribes, which must be done, as it ever has been done in like cases, by *native* missionaries. Indians must be civilized and converted to the faith of the Gospel by Indians, who themselves have been first civilized and converted. †

Another topic of great moment, which we beg leave to submit to the consideration of your honorable body, is that of conducting trade with the Indians. They complain, and not without cause, that they are wronged out of their hard-earned property in various ways, but most commonly through the intemperate use of intoxicating liquors. This, as is well known, is the bane of Indians; and, together with their association with the worst and lowest white people, those who are familiar with crime, and have fled from justice, are the great and almost insuperable obstacles in the way of benefiting the Indians. It is necessary, therefore, that these obstacles be first removed, by laws and regulations wisely framed, and effectual to this purpose. We beg leave here to refer again to the report we have mentioned, (page 92,) and to the plan there suggested for conducting Indian trade.

From these views of the important subject which we have thought it our duty respectfully to lay before your honorable body, your memorialists can perceive no serious obstacle in the way of completely effecting one of the noblest works, the most honorable to our character both at home and abroad, and the most godlike, in which, as a nation, we can engage. If this be done, a debt we owe to the injured ancestors of the present and future generations of our Indians will be paid, as far as we can now do it; and the judgments of Heaven, which impend over us for these injuries, will be averted. We and our children will have satisfaction in reflecting that we have been honored as the instruments of rescuing from destruction, of raising from ignorance and wretchedness, and of imparting comfort and blessings of immense and interminable value to many thousands of our fellow-beings, who are now "ready to perish." Your memorialists, therefore, deeply impressed themselves with the magnitude and importance of the subject, beg leave, with all dutifulness and earnestness, to request and to entreat your honorable body to take it under your particular consideration, and to act thereon as, in your wisdom, you shall think fit. They particularly ask that some further pecuniary aid may be provided and furnished for the support of the establishments already made by the board they represent, and for forming new establishments of the like kind, which are loudly called for by other

* Douglass's "Hints on Missions," Am. ed., p. 77. See, also, Dr. Morse's report to the Secretary of War, pp. 82 to 9. App., pp. 14 and 15, 50 to 60, 311 to 316.

† See the report above mentioned, pp. 76 to 78; and App., pp. 264 to 278.

tribes, and in stations of much importance, whence an extensive good influence might be exerted on our northern borders, among many numerous and powerful tribes dwelling upon them.

Having made the foregoing representations and remarks, your memorialists, with confidence and good hope, now leave the business committed to them to the consideration of your honorable body, who have the power to act efficiently in its accomplishment; praying that you may be endued with that integrity and uprightness which will preserve you from error in your deliberations, and give you plenteously of the wisdom which is from above, which is profitable to direct, and will infallibly lead you to all right results.

STEPHEN VAN RENSSELAER,

In behalf of himself and J. C. SMITH, JONAS PLATT, and JEDEDIAH MORSE.

18th CONGRESS.]

No. 202.

[1st SESSION.]

PROPOSITION TO HOLD TREATIES WITH THE TRIBES BEYOND THE MISSISSIPPI FOR PRESERVING THE FUR TRADE.

COMMUNICATED TO THE SENATE, MARCH 18, 1824.

Mr. BENTON, from the Committee on Indian Affairs, communicated the following documents:

SIR:

SENATE CHAMBER, *February 11, 1824.*

I am instructed by the Committee on Indian Affairs to inquire—

1. What would be the probable expense of moving a military force, of competent strength, to some point between the mouth of the Yellow Stone river and the falls of Missouri?
2. What would be the probable amount of appropriation necessary to hold treaties for the purpose of establishing relations of trade and friendship with the Indian tribes beyond the Mississippi?
3. Whether additional agencies are necessary among these tribes? and, if so, how many?

The committee would likewise wish to know the plan which the Government would prefer for maintaining peace with these Indians, and preserving the fur trade within the United States to American citizens.

Very respectfully, sir, your obedient servant,

THOMAS H. BENTON, *Chairman Com. Indian Affairs.*

Hon. Mr. CALHOUN, *Secretary of War.*

SIR:

DEPARTMENT OF WAR, *February 23, 1824.*

I have received your letter of the 11th instant, written by direction of the Committee on Indian Affairs, inquiring—

“1. What would be the probable expense of moving a military force, of competent strength, to some point between the mouth of the Yellow Stone river and the falls of Missouri?”

“2. What would be the probable amount of appropriation necessary to hold treaties for the purpose of establishing relations of trade and friendship with the Indian tribes beyond the Mississippi?”

“3. Whether additional agencies are necessary among these tribes? and, if so, how many?”

Also requesting to be informed of “the plan which the Government would prefer for maintaining peace with these Indians, and preserving the fur trade within the United States to American citizens.”

In answer to the first inquiry, I transmit, herewith, a report of the quartermaster general.

The second inquiry it is difficult to answer with any precision; but, as treaties with the Indians, for the purpose merely of establishing relations of trade and friendship, are usually attended with but little expense, it is presumed that an appropriation of \$10,000 would be sufficient for holding such treaties with the Indians referred to.

For the information required by the third inquiry, I would respectfully refer the committee to a letter of this Department, of the 12th ultimo, to General Cocke, chairman of the Committee on Indian Affairs of the House of Representatives, in answer to a similar inquiry, a copy of which is enclosed. It is proper to observe, however, that, if Congress should deem it expedient to extend our military posts on the Missouri, other agencies, in addition to the two referred to in that letter, will be necessary; and, in that event, I would respectfully propose that authority be given to employ not exceeding two additional sub-agents, with an annual compensation of \$800, and to be under the control of the Indian agent now on the Missouri. It is believed that suitable characters can be procured for the salary mentioned. This proposition is made under the conviction that the views of the Government would be better promoted by the employment of two active sub-agents, than they could possibly be by one principal agent, and with less additional expense: the compensation of the present agent at Council Bluffs being \$1,800, which, it is presumed, would be that of any other that might be authorized higher up the Missouri.

In reply to the fourth and last inquiry, relative to “the plan which the Government would prefer for maintaining peace with these Indians, and preserving the fur trade within the United States to American citizens;” I have to state, that the opinion of the Government on this subject remains unchanged. The exclusion of foreign traders from our territory is deemed to be indispensable to the security of our traders, and the establishing and maintaining relations of amity and peace with the numerous tribes of Indians on the Mississippi and Missouri; and it is believed that the extension of our posts, as formerly proposed, or occasional movements of our troops up the Missouri, as far as the Mandan villages, or the mouth of the Yellow Stone, present the only effectual mode of attaining these desirable objects. For more particular information of the views of the Department on this subject, and in relation to the trade with

the Indians, the committee are respectfully referred to my letter of the 29th December, 1819, to the chairman of the Committee on Military Affairs of the House of Representatives, and report on the Indian trade, made to the House of Representatives the 5th December, 1818: [for the first of which, see Military Affairs, No. 177; and for the latter, see No. 157 of this series.]

I have the honor to be your most obedient servant,

J. C. CALHOUN.

Hon. THOMAS H. BENTON,
Chairman Committee on Indian Affairs, Senate U. S.

SIR:

DEPARTMENT OF WAR, *January 12, 1824.*

I have received your letter of the 19th ultimo, enclosing, by direction of the Committee on Indian Affairs, "a letter of Mr. Conway, the delegate from Arkansas Territory, for my consideration and report;" also inquiring "the number of Indian agents and sub-agents now in the employ of the United States; to what tribe they are agents; the full amount of compensation paid to each; the number of each tribe to which agents are appointed, and their locality; and whether it is necessary to appoint additional agents; if so, to what tribes, and their numbers."

In reply, I have to state, that, upon mature consideration, it is the opinion of this Department that two additional agencies west of the Mississippi will be necessary: one for the Delawares, Kickapoos, Shawanees, Weas, Piankeshaws, and Peorias, who are settled on the waters of White river, and confines of the State of Missouri and Territory of Arkansas. The aggregate number of these Indians is now estimated at about eight thousand, and is constantly increasing by emigrations from the remnants of their respective tribes which yet remain on this side of the Mississippi. They are now at peace with their neighbors, the Osages and Cherokees, and friendly towards our citizens. To preserve this desirable state of things, and to attend in person to the payment of the respective annuities, would require all the attention, and great industry and accuracy on the part of the agent. It is believed that no person of sufficient weight of character and talents would be willing to undertake so responsible duties, and give his whole time to them, for the very moderate compensation allowed by law to a sub-agent; and, therefore, that the appointment of an agent should be authorized by law.

An additional agent will be required for the Osages upon the Arkansas, provided they are to remain in their present situation. The Osage Indians reside principally on the Osage river; but there is a very considerable portion of the tribe that reside on the Arkansas, west of the Cherokee settlement on that river. They are so far removed from the other portion of the tribe as to render it impracticable to place them, with advantage, under the same agent; whilst their position is such as to bring them into collision with the Cherokees on the Arkansas, to the great disturbance of our settlements in that quarter. The Cherokee hunting ground lies high up the Arkansas, and, in order to reach it, they are compelled to pass by the settlements of the Osages, which is the principal cause of the collision between the two nations. It is the intention of the Department to take measures, during the next summer, to induce, if possible, this band of the Osages to join the other upon the Osage river. Should it succeed, the evil, and the necessity for a separate agent, will be removed. It is doubtful, however, whether they can be induced to change their residence, as they are said to be very much attached to the present settlement. If the committee should deem it advisable, under these circumstances, to authorize a separate agency, in the event of the removal of the Osages on the Arkansas to Osage river, the agent to be appointed might be transferred, under the act of the 3d of March, 1819, to the Choctaws west of the Mississippi. The last treaty with the Choctaws, in fact, stipulates for the appointment of such an agent, and, so soon as a sufficient number of that tribe emigrate west of the Mississippi to justify the appointment of an agent, the Government will be bound to provide for the appointment of one.

Accompanying this, is a list which shows "the number of Indian agents and sub-agents now in service; to what tribes they are agents; the full amount of compensation paid to each, and their locality." For "the number of each tribe to which agents are appointed," I must refer you to the report of Dr. Morse, (a copy of which is herewith transmitted,) which has been compiled from authentic materials, and contains the most accurate information on this subject in the possession of the Department. When the report is no longer wanted for the use of the committee, I will thank you to return it.

All the Indian agents have been ordered to fix their agencies among or near the tribe or tribes attached to them, respectively; and they all are permanently located accordingly, with the exception of Major Graham. A site, however, has been fixed on for his agency, and, as soon as the necessary buildings can be erected, he will reside there. At present, his residence is at St. Louis; but it is understood that he is among the Indians of his agency twice a year, at those periods when they are at their villages, and continues with them until they leave them on their hunting excursions, in which they are represented to be, for the greater part of their time, engaged.

I have the honor to be your obedient servant,

J. C. CALHOUN.

Hon. JOHN COCKE,
Chair. Com. on Indian Affairs, House of Representatives United States.

List of Indian agents now in service under the authority of the acts of Congress of the 20th of April, 1818, 3d March, 1819, (two acts of this date,) and 6th of May, 1822; which last act also authorizes a superintendent at St. Louis; showing to what tribes they are agents, and the amount of compensation (which is fixed by law) paid to each.

No.	Names and stations.	For what tribe or tribes.	Compensation.
1	John Crowell, Creek agency, Georgia,*	Creeks, - - - - -	\$1,800 00
2	William Ward, Choctaw agency,*	Choctaws, - - - - -	1,800 00
3	Joseph McMinn, Cherokee agency, Tennessee,*	Cherokees, east of Mississippi, - - - - -	1,300 00
4	Edward W. Duval, Cherokee agency, on Arkansas, -	Cherokees, west of Mississippi, - - - - -	1,500 00
5	Benjamin F. Smith, Chickasaw agency,*	Chickasaws, - - - - -	1,300 00
6	George Gray, Sulphur Forks, Red river, -	Caddoes, and the various tribes on Red river, - - - - -	1,200 00
7	Benjamin O'Fallon, Council Bluffs, Missouri,*	The various tribes on the Missouri, - - - - -	1,800 00
8	Richard Graham, St. Louis,*	Osages, Delawares, &c., in Missouri, - - - - -	1,300 00
9	Lawrence Taliaferro, St. Peter's, Upper Mississippi,*	Sioux, Chippewas, &c., on the Upper Mississippi and the St. Peter's, - - - - -	1,300 00
10	Thomas Forsyth, Fort Armstrong, Rock river, -	Sacs and Foxes, &c. of Rock river, and in the vicinity of Fort Armstrong, - - - - -	1,200 00
11	Nicholas Boilvin, Prairie du Chien, -	Sacs and Foxes, &c. on the Mississippi, and in the vicinity of Prairie du Chien, - - - - -	1,200 00
12	John Johnston, Piqua, Ohio, -	Wyandots, Shawanees, Senecas, &c. in Ohio, - - - - -	1,200 00
13	Henry B. Brevoort, Green Bay, -	Winnebagoes, Menomonies, &c., in the vicinity of Green Bay, - - - - -	1,500 00
14	Alexander Wolcott, jun., Chicago,*	Chippewas, Ottawas, Pattawatamies, &c., in the vicinity of Chicago, - - - - -	1,300 00
15	George Boyd, Mackinack, -	Chippewas, &c., in the vicinity of Mackinack, - - - - -	1,400 00
16	John Tipton, Fort Wayne,*	Miamies, Weas, and Bel rivers, &c., in Indiana, - - - - -	1,200 00
17	Henry R. Schoolcraft, Sault de St. Marie,*	Ottawas, Chippewas, Pattawatamies, &c., in the vicinity of the Sault de St. Marie, - - - - -	1,200 00
18	Gad Humphreys, now in St. Augustine; but will be located among the Indians as soon as they can be concentrated on the lands assigned them by the late treaty,*	Seminoles and other tribes in Florida, - - - - -	1,500 00

The number of sub-agents now in service is twenty-two, of which there is one attached to each of the agencies marked thus (*), to aid the respective agents in the performance of their duties. There is also one attached to the superintendency at St. Louis, and one to the superintendency of Governor Cass, at Detroit, to aid the superintendents. The remainder are employed as follows, to wit:

Jasper Parrish, Six Nations, New York.
 Pierre Menard, Kaskaskias, &c., in Illinois.
 James Latham, tribes of Indians in the vicinity of Peoria, and on the Illinois river.
 James McPherson, Shawanees and Senecas, of Lewistown, Ohio.
 John Shaw, Wyandots, Upper Sandusky, Ohio.
 James Montgomery, Senecas, Senecatown, on Sandusky river.
 Benjamin Stickney, Ottawas, on the Miami and Blanchard's Fork, Ohio.
 Whitmore Knaggs, Ottawas and Chippewas, Michigan.
 Gabriel Godfroy, Pattawatamies, Michigan.
 Nathaniel Philbrook, Osages, on the Arkansas.

The compensation paid to sub-agents is \$500 per annum; and is fixed at that rate by the act of 20th April, 1818.

SIR:

QUARTERMASTER GENERAL'S OFFICE, WASHINGTON CITY, February 18, 1824.

In reply to the inquiry of the chairman of the Committee on Indian Affairs, requesting to know "what would be the probable expense of moving a military force, of competent strength, to some point between the mouth of Yellow Stone river and the falls of Missouri?" I have the honor to state, that the expense will depend upon the number of the troops to be moved, and the distance they shall be required to move. Believing that the post at the Council Bluffs was contemplated as the point of departure, I shall consider it so, and present an estimate of the amount necessary to remove from thence, to the point intended to be occupied, a force of four companies, which I should consider amply sufficient to sustain itself against all the Indians on the Missouri, unless they be aided by some European Power.

The necessary expense of the movement will consist of an outfit of boats to transport the detachment to its destination; the hire of about fifty boatmen to assist in navigating the boats; and the tools necessary to enable the detachment to construct barracks, store-houses, defences, &c.

For four companies, eight boats would be sufficient; they might be built by the troops at about \$400 each, or be purchased at \$700 each.

Say eight boats, at \$700,	-	-	-	-	\$5,600
Fifty boatmen, for 120 days, at \$1 each per day,	-	-	-	-	6,000
Amount for tools,	-	-	-	-	1,500
				Total,	<u>\$13,100</u>

The whole expense of moving the detachment, and making its establishment, would not exceed \$13,100; and if boatmen should not be employed, (and it is probable they might be dispensed with,) the expense would not exceed \$7,100. It is believed that the movement directed by Colonel Leavenworth cost the public less than \$4,000, and, without any additional expense, the colonel could have occupied any position below the falls of Missouri.

The estimate which I now submit is made for the transportation of provisions and stores sufficient for the detachment for twelve months.

I have the honor to be, sir, your obedient servant,

TH. S. JESUP, *Quartermaster General.*

The Hon. J. C. CALHOUN, *Secretary of War, Washington City.*

SIR:

WASHINGTON CITY, February 10, 1824.

I have the honor to enclose to you the answers to the questions put to me by the Committee of the Senate on Indian Affairs. A part of these answers are made from my own knowledge and observation, and a part from the recollection of conversations with persons conversant with Indian affairs on the Missouri, and on whose opinions and judgment I have great reliance.

Respectfully, yours,

R. GRAHAM, *United States Indian Agent.*

Hon. THOS. H. BENTON, *Chairman of the Committee on Indian Affairs.*

Question 1. Have you had opportunities of becoming acquainted personally, or by information to be relied upon, with the Indian tribes beyond the Mississippi?

Answer. I became acquainted with several tribes residing on the west side of the Mississippi, personally; and with the character of other tribes residing high up the Missouri, by information from persons on whom I could rely.

Ques. 2. Have you known or heard of any hostilities between the citizens of the United States and the Blackfoot Indians? If so, state the instances.

Ans. I have. About the year 1809 or 1810, a company was formed in St. Louis, for the purpose of trading with, and trapping among, the Indians residing on the waters of the Missouri river. A party from this company were sent to the mountains to trap; they built their post, I believe, on the Yellow Stone, and commenced their trapping in that country over which the Blackfoot Indians range. A party of these Indians discovered one of the trapping parties, waylaid, and killed some of them; reinforcements were obtained from the post, or some of the trappers near at hand; they pursued, overtook, and had a battle with the Indians, in which several Indians were killed, and I believe one or two white men. The hostility of these Indians presented such obstacles to the party, that, after several losses, by robbery of their traps, &c., they were compelled to retire from the country.

Ques. 3. Are the Blackfeet a wandering or stationary tribe?

Ans. They are a wandering tribe, and have no fixed habitation; raising no corn, and depending entirely upon the chase.

Ques. 4. Over what district of country do they range?

Ans. Over that country which lies between the Yellow Stone river, the Rocky Mountains, and as far north as the Saska-tche-wine river; seldom or never wandering on the Missouri below the mouth of the Yellow Stone river, but sometimes crossing that river, and extending their war or hunting parties as far as the Arkansas. The Arrepahas, who inhabit the country south of the Yellow Stone, and who are also erratic, and depend entirely upon the chase, are a band of the tribe of Blackfoot Indians; making the range of these Indians along the base of the Rocky Mountains, from the Rio del Norte to the Saska-tche-wine.

Ques. 5. Do you know, or have you heard, of any citizens of the United States hunting or trapping in this district? If so, state the particulars.

Ans. The answer to the second query furnishes the first instance that I have heard of. Some time after this, a party hunting south of the Yellow Stone were taken prisoners by the Spaniards, and carried into Santa Fé. The party of Ashley and Henry, of recent date, and some of the Missouri Fur Company, furnish the only instances of parties hunting or trapping within that district of country. The traders from Missouri to Santa Fé occasionally trap on the waters of the Arkansas and head waters of the Rio del Norte: these traders meet with the Arrepahas, but, as yet, I have not heard of any mischief done by them, though I hear of their threats.

Ques. 6. With whom do the Blackfeet trade?

Ans. Formerly, I believe, through the Assinaboins, with the British establishments on Moose river; at present, with that establishment, and others of the Hudson's Bay Company, extending on as far as the waters of the Columbia river.

Ques. 7. Have you known or heard of any hostilities between the Arickara Indians and citizens of the United States? If so, state the circumstances of each case.

Ans. The first instance was in the case of the Mandan chief, who was returning home, under the protection of the United States; for the particulars of which, I refer to the official reports.

Within the last twelve months, after inviting, as I understood, the Missouri Fur Company to send traders among them with such articles as they wanted, they treacherously attacked the company's post, in which attack the Indians lost two men; they also attacked General Ashley, with his party of trappers, on their way to the mountains in June last, and killed and wounded twenty-six men. For the particulars, I refer to the official report.

Ques. 8. Are the Arickaras a stationary or wandering tribe?

Ans. Stationary. They raise abundance of corn, pumpkins, peas, and beans; live in two villages, on the banks of the Missouri, about one hundred and fifty miles below the Mandans, and which they have fortified; they seldom or never extend their hunting excursions beyond forty or fifty miles from their village. Buffaloes, on which they principally depend, are found in immense herds within that distance.

Ques. 9. Do you know, or have you heard, that any American citizens have hunted or trapped on the grounds belonging to the Arickaras? Do you know of a letter, purporting to be written by an Indian agent at St. Louis, and published in the Atlantic papers, ascribing their hostility to this cause?

Ans. Never. I have always understood that beaver and otter are found but in small quantities in this country. American citizens, who go into the Indian country for the purpose of trapping, always go where they believe the most beaver is to be taken; distance and difficulties present no obstacles to them. In passing through the Arickara country, they kill of the buffalo a sufficiency for their daily subsistence. I know nothing of the letter written by an Indian agent at St. Louis, ascribing *their hostility* to the trapping on the Arickaras' ground; nor do I believe such a letter could be written by an *Indian agent*.

Ques. 10. Do you know of any cause which led to the attack upon General Ashley's party?

Ans. I have understood the cause which led to General Ashley's attack was a demand made on him for compensation for the two Arickaras killed by the Missouri Fur Company, which was refused by General Ashley. After failing in their various efforts to induce him to pay for the Indians who were killed by the Missouri Fur Company, they consented to open a trade for some of their horses, which General Ashley was much in want of; the trade progressed, and finished satisfactorily to both parties. In the course of the evening, General Ashley was notified, by a chief, of the intention of the villages to attack him that night, or very early the next morning, and advised him to take his horses on the opposite bank of the river. Circumstances that then looked suspicious induced General Ashley to believe it was rather the intention of this chief to steal the horses, by his urging him to remove them across the river, as small parties of Indians were occasionally seen on the opposite side. He, however, strengthened his guard, and paid no further attention to the chief, who continued urging him to move to the opposite side. Early in the morning, the party were alarmed by the firing which they heard, and soon discovered that their guard had not only been attacked, but nearly all killed and wounded.

Ques. 11. Have you any reason to believe that the Hudson's Bay Company excited the Arickaras to that attack?

Ans. I have no reason to believe they did.

Ques. 12. Do you know, or have you heard, of any hostilities between the Assinaboins and citizens of the United States?

Ans. I have not heard of any.

Ques. 13. Are the Assinaboins stationary or wandering?

Ans. I know very little of the habits of those Indians. I know of no traders, other than British, who go among them. They are numerous, and are the nearest Indians to the Hudson's Bay establishment on Red river and its waters.

Ques. 14. Where is the richest fur region beyond the Mississippi?

Ans. I have always understood the northern branches of the Missouri, above the junction of the Yellow Stone, contained more beaver than any known country.

Ques. 15. Can the fur trade of this region be secured to the citizens of the United States, without the aid of a military post at or beyond the Mandan villages?

Ans. I think it cannot. If the hand of Government were extended to the protection of the fur trade of this country, it would be a source of immense wealth to the nation; but, without the protection of a military post above the Mandans, our traders will be compelled to withdraw themselves, and the whole of that rich fur region will be occupied by those from the Hudson's Bay Company, and our traders cut off from any participation of it above the Mandans; below this point, the *fur* trade will be of no value or profit in a few years.

Ques. 16. Can corn, for the supply of a post, be raised or purchased?

Ans. Corn can be raised at the most northern points of the Missouri. The Mandans and Arickaras raise large supplies; but I would suppose a dependance upon an Indian supply would be precarious.

Ques. 17. Is there a trade carried on between Missouri and New Mexico? And what articles are carried out, and brought back in return?

Ans. There is a small trade at present, the continuance of which will very much depend upon the capacity of the Spaniards at Santa Fé to support it. They are miserably poor, and give in exchange, for British and domestic goods, which our traders take to them, jacks and mules, which they get from St. Antoine, and some little silver and furs caught by the Indians in that quarter. Combined with this trade is the trapping carried on by our citizens, who, for that purpose, spend some time on the waters of the Rio del Norte and Arkansas. Though I have generally been informed by the parties returning from that trade that it was not worth carrying on, yet they continue the trade. If these parties, trading to Santa Fé, were less liable to interruption in their trade by the depredations of the different Indian tribes through which they are compelled to pass, I believe the trade would be carried on to a greater extent, and the enterprise of our hardy citizens would push it to the more wealthy city of Mexico.

Ques. 18. Is it subject to be interrupted by Indians on the waters of the Arkansas?

Ans. It is. The Camanches, Arrepahas, Pawnees, and Osages, all cross the Santa Fé trail in their hunting or war parties; consequently, are liable to fall in with parties going to or coming from Santa Fé, and are very apt to steal their horses. A part of their route runs through the Osage country. One of the articles of a treaty with that nation provides that no white man shall pass through their country without their permission. They complain of the violation of this article of the treaty. The chiefs say it is impossible for them to keep their young men from stealing from those parties. The assent of the different Indian tribes, through whose country our traders pass, would, I think, facilitate the trade.

Ques. 19. Would a military post, some distance higher up the Arkansas than Fort Smith, contribute to protect the citizens engaged in this trade?

Ans. I am of opinion that a post established at or near the mouth of the Little Arkansas would greatly contribute to the protection of the trade to Santa Fé. Any position below that point would be so far from the track travelled, that but little protection could be extended to those who carried on the trade.

Ques. 20. What is the temper of the tribes which have an intercourse with the British towards the citizens of the United States?

Ans. Generally unfriendly. I have always found those Indians within our territories who visit British posts more unfriendly to us, and more difficult to control.

Ques. 21. What is the temper of the tribes which have no intercourse with the British traders towards the citizens of the United States?

Ans. With those tribes within my own knowledge, very friendly; and generally so, so far as I have understood of others.

Ques. 22. How near do the British trading establishments approach the territories of the United States?

Ans. Those on Red river border immediately on our territories, and some of them, I believe, are within it. There are some situated within one hundred and fifty miles of the Great North Bend of Missouri.

Ques. 23. Is it to the benefit, or injury, of the fur traders, to have hostilities with the Indians?

Ans. By no means to the benefit, but to the great injury of the traders. The very existence of the trade depends upon peace with the different Indians, both with the white people and among themselves.

Ques. 24. Has the abolition of the factory system been the cause of any Indian hostilities beyond the Mississippi?

Ans. In no one instance, within my knowledge.

Ques. 25. What is your opinion of the good or bad effects of hunting and trapping on Indian lands by American citizens?

Ans. I am decidedly of opinion that the hunting and trapping on Indian lands by American citizens produces the most unhappy effects upon the mind of the Indians. They look upon their game as we do upon our domestic animals, and hold them in the same estimation. It is their means of support: they have nothing else to depend upon for subsistence. It is not, therefore, unreasonable to suppose that they will not only steal from, but murder, those who are depriving them of their only means of subsistence. One of the means of putting a stop to this would be, to locate the traders at suitable positions within the Indian countries, and not to permit them to attend the Indians on their hunting parties, as they at present do, many of them carrying with them their traps. They should be placed at such points as the agent might designate; and the Indian would then know that every white man found on his lands, at any other place than the trading establishment, was a trespasser, and might be taken up and brought to the agent.

Mr. Pilcher's answers to questions put to him by the Committee of the Senate on Indian Affairs.

Question 1. Have you had an opportunity of becoming acquainted personally, or by information to be relied upon, with the Indian tribes beyond the Mississippi?

Answer. Having been engaged in the Indian trade for the last four years on the Missouri river and its tributary waters, I have had an opportunity of becoming acquainted personally, and by information to be relied upon, with most of the Indian tribes in all that region beyond the State of Missouri as far as the Rocky Mountains. The tribes personally known to me, and with most of whom an extensive trade has been carried on, as well by the Missouri Fur Company (to which I belong) as other companies of St. Louis, are the following: The Kansas, whose permanent residence is on the Kansas river; the Ottoes and Missourias, two small tribes who have villages on the river Platte, a short distance from the Council Bluffs; the Pawnees, a very numerous tribe, whose villages are also on the river Platte, about one hundred and fifty miles from the Council Bluffs; the Mahas, residing a little west of the Council Bluffs, on the Elk Horn, a branch of the river Platte—say from four to five hundred men; the Poncas, a small, and, at present, a wandering tribe, who generally ranged through the country on the l'Eau-qui-cours, as far west as the mountains in which that river takes its rise; and with the different bands of Sioux, neither of which have any fixed residence, but wander over a vast section of country on the right and left banks of the Missouri river—on the right, from the Big Sioux river to the sources of Jacques river, the St. Peter's, and Red river; and on the opposite side, they range through all the country watered by the l'Eau-qui-cours, White river, and the river Cheyenne, as far as the Black Mountains, in which some of those streams rise, and frequently as far north as the heads of the Little Missouri, above the Mandans.

At or near the Big Bend of Missouri, a trade is carried on with these several tribes, which are as follows: The Yanctons, Teetons, Siouones, Ogallallas, Hunkapas, and Yanctonas; amounting in all, I should judge, from their own accounts, and from my own observation, to ten or twelve thousand souls, and perhaps more. A small band of the Cheyenne Indians, another wandering tribe, sometimes visit those establishments for the purpose of trading.

I have also a personal knowledge of the Arickaras, Mandans, and Minatares, (sometimes called Gros Ventres;) these tribes reside permanently on the banks of the Missouri. The Arickaras are from four hundred and fifty to six hundred warriors strong; the Mandans and Minatares, about two hundred and fifty each, from their own accounts, and reside near the same point, in different villages. These are the only three tribes of Indians above the Council Bluffs, east of the Rocky Mountains, who have any fixed residence, or depend on any thing but the chase for subsistence.

The foregoing tribes are the only Indians of whom I have any personal knowledge. There are several wandering tribes south of the Yellow Stone river, known only by the information of persons on whom I can rely, who have been sent into that country with a view of ascertaining the prospect of opening a trade with those tribes, and for the purpose of *trapping beaver*. The Cheyennes, Rappahos, (supposed to be a band of the Blackfeet,) Kay-awas, and Crows, are separate tribes, who range through the country south of the Yellow Stone river, from its confluence with the Missouri, through the Rocky Mountains, on the waters of the rivers Platte and Arkansas, and as far as the Spanish settlements. I have no accurate information respecting the numbers of the three former tribes. The Crows, by their own accounts, have about one thousand five hundred men; but, from the information of persons who have spent several winters amongst them, and taken some pains to ascertain their actual strength, I should judge they fall short of that number. The Blackfeet, numerous and powerful; and the Assinaboins, also numerous.

Ques. 2. Have you heard of any hostilities between the Blackfoot Indians and citizens of the United States?

Ans. The Blackfoot Indians have uniformly manifested a hostile disposition to all American citizens who have visited their country, from the time of its discovery by Messrs. Lewis and Clarke, up to the present day. It will be recollected that Captain Lewis, when returning from the Columbia, met with a party of those Indians on Maria's river, or with a party called Minatares, of Fort de Prairie, who were the associates of the Blackfoot Indians, and probably a band of that nation. This party, after the most liberal and friendly treatment on the part of Captain Lewis, attempted to rob him and his men, which produced a skirmish, and some two or three of the Indians were killed. Between the years 1808 and 1810, a company was formed in St. Louis, by a number of respectable citizens, as well for the purpose of *hunting and trapping beaver*, as to open a friendly intercourse and trade with those and other Indians in that country. Several members of this company headed an expedition, and penetrated as far as the Three Forks of the Missouri. I believe nothing was omitted which it was thought would tend to bring about a friendly interview with those Indians, as a friendly understanding with them could alone insure a successful result to the adventure. This object could not be accomplished; the Indians attacked them at all points; and, in a short time, they were compelled to abandon the country, with the loss of many men and some property. Since that time, no American citizens have visited the country, until the spring of 1823. In the summer of 1822, our company fitted out an expedition, under the direction of Messrs. Immell and Jones, the object of which was to extend our business to the sources of the Missouri, as well for the purpose of *trapping beaver*, as to ascertain the prospect of introducing our trade among the Blackfoot Indians, and any other tribes in that country. This party wintered on the Yellow Stone river, near the mouth of the Big Horn, at Fort Benton, a post established in the winter of 1821, for the trade of the Crow Indians, and as a depot for a party of trappers. In the spring of 1823, the party (then consisting of thirty men) left this post, and penetrated as far as the Three Forks of the Missouri. I had instructed the heads of this party to use every effort to obtain a friendly interview with the Blackfoot Indians, and to incur any reasonable expense for the accomplishment of that object; and to impress them with the friendly disposition of American citizens towards them, and with the true object of their visiting the country. The party continued in the country, without meeting with any Blackfoot Indians, until about the middle of May; having extended their

operations to the sources of Jefferson's Fork, when they concluded to return to the Yellow Stone. While descending the Jefferson river, on their return, they met, for the first time, with a party of Blackfoot Indians, consisting of thirty-eight men. Aware of the hostile spirit formerly manifested by them, they were not permitted to approach without some precaution on the part of the whites; finally, one of the Indians exhibited a letter, when they were immediately invited to approach. The bearer presented the letter to Mr. Immell, which was not directed to any person, but was superscribed, in the English language, "*God save the King.*" The paper contained a recommendation of the Indian, stating that he was one of the principal chiefs of his nation, well disposed towards whites, and had a large quantity of furs, &c. The letter was not signed; it was written on the leaf of an account book, which seems to have been headed, before it was taken from the book, "Mountain Post, 1823;" it was dated at the bottom, "1820." The Indians were invited to remain with the party for the night, and did so, making many professions of friendship, and appeared much gratified at the proposition to establish trading-houses in the country; and pointed out the mouth of Maria's river, seventy or eighty miles below the falls of Missouri, as the most desirable spot; stating that they had understood such to be the objects of the company, &c. This was the fact, but how they got the information I am unable to divine. They were also in possession of all the information relative to an establishment at the mouth of the Yellow Stone, made the preceding fall by Messrs. Ashley and Henry; their views respecting trapping, hunting, &c. In the morning, the Indians received a number of articles as presents, and left the party apparently well satisfied.

The suspicious appearances of the above-mentioned letter, a good knowledge of the Indian character, and particularly of the treacherous disposition of that nation, induced the heads of the party to move with all possible expedition, and to use every precaution. They succeeded in reaching the Yellow Stone river, and had descended it for some distance below the mountains, and began to consider themselves secure, having met with several hunting parties of Crow Indians, who were known to them, and well disposed. But the Blackfeet had assembled, to the number of three or four hundred warriors, intercepted the party, and selected a favorable position, where they attacked and defeated them. The result was, the loss of Messrs. Immell and Jones, and five other men, and the entire loss of all the property in their possession, amounting to \$15,000 or \$16,000. The chief who bore the letter before mentioned was recognised amongst the party as one of the leaders. About the time these circumstances occurred, a party of Blackfoot Indians attacked a party of trappers headed by Major Henry, at some point between the Missouri and Yellow Stone, killed four or five of his men, and drove them from the country.

Ques. 3. Are the Blackfoot Indians wandering or stationary?

Ans. The Blackfoot Indians are a wandering tribe.

Ques. 4. Over what section of country do they range?

Ans. They range through the country north of the Missouri, from the Saska-tche-wine to Maria's river, over all the country watered by that river; through the Rocky Mountains, on the different tributaries of the Missouri, to the heads of Gallatin's Fork, and to the sources of the Yellow Stone, Platte, and Arkansas rivers; and, from all the information I have been able to collect, the mouth of Maria's river is the most central point of the country through which they wander. But it is difficult to point out the exact limits of any of those wandering tribes, because they observe none themselves. Both the Crow Indians and Blackfeet (particularly the latter) frequently range west of the mountains, particularly on war excursions against the Shoshones, Snakes, Flatheads, and other tribes on the Columbia river.

Ques. 5. Do you know, or have you heard, of any citizens of the United States having hunted or trapped in this district? If so, state the particulars.

Ans. The committee will find an answer to this interrogatory in my reply to those preceding it.

Ques. 6. With whom do the Blackfoot Indians trade?

Ans. There is no doubt but the Blackfoot Indians trade with the Hudson's Bay Company. They are well supplied with arms, ammunition, traps, blankets, stroudings, chiefs' coats, hats, and all other articles of merchandise, used by the different tribes of Indians, who trade in British manufactured goods; and at all the old Indian encampments about the Three Forks of the Missouri are to be found small rum kegs, and the heads of kegs, branded with the marks of the Hudson's Bay and Northwest Companies. The Indians themselves say they procure those articles from the *British living to the north*. It is well known that they derive nothing of the kind from the Spanish settlements, and that there never has been any trade between them and American citizens. It is known that those Indians were in the habit of trading with those companies many years ago; and all the circumstances combined can leave no doubt that that intercourse is continued.

Ques. 7. Have you known or heard of any hostilities between the Arickara Indians, and citizens of the United States? If so, state the circumstances of each case.

Ans. In relation to the hostile disposition of the Arickara Indians towards American citizens, I would observe, that a minute detail of each case would occupy more time than can be spared to its recital. I will therefore only state some of the most prominent cases which have come to my knowledge. It is known to some of the committee, that the Arickara nation attacked and defeated Lieutenants Chouteau and Pryor, about the year 1808, while ascending the Missouri river, under the American flag, with one of the Mandan chiefs and his family, who accompanied Messrs. Lewis and Clarke to the United States on their return from the Columbia. I know that the Arickaras killed a man about the year 1816 or 1817, a little above the Big Bend of the Missouri river, in the Sioux country, who was in the employment of some one of the *fur traders* of St. Louis. I know that a war party of Arickaras, amounting to eighty or ninety men, came down to that country (Sioux country) in the month of April, 1820, and robbed two trading-houses established by the Missouri Fur Company for the trade of the Sioux Indians—one above, and the other below, the Big Bend of Missouri; beat and abused the men in charge of the houses; and that the same party continued down the Missouri still further, to the trading-houses of another company, and robbed them of a considerable amount of merchandise—from the owners' account, not less than \$1,600 or \$1,700.

In September, 1822, I visited the Arickara villages myself, for the first time. I was going to the Mandans and Minatares, for the purpose of establishing trading-houses for these Indians. I was deceived in the Arickaras in different ways. From their former disposition, I had anticipated difficulties with them. But they received me well; and their conduct was so different from what I had expected, that I made them large presents, and received, in return, many professions of friendship, and promises to commit no further depredations. I left, by their own request, a clerk in their villages, with merchandise amply sufficient for their trade. I was then acting as special sub-agent, having received that appointment from Major O'Fallon, United States agent for the Missouri river; and, from the peculiar good conduct of those Indians on that occasion, I wrote him a very favorable letter respecting them, and the prospect of their future good behavior. The friendly disposition manifested on that occasion, however, was not of long duration. I know that one of the principal and leading chiefs of that nation, after visiting me at the Mandans, and ascertaining the time I intended to descend the river, returned home, raised a party, and waylaid the river, for the purpose of attacking my boat. I know that some of the principal braves of that nation attempted, during the last winter, to rob my clerk, while in their own villages, and committed violence upon him. In the

month of March last, after this clerk left their villages, and descended the Missouri, to one of our principal Sioux trading-houses, about two hundred miles below the Arickaras, a party of that nation, consisting of about eighty men, came down to the neighborhood of this house, met six of our voyagers a few miles from it, who were employed in collecting the furs and peltries traded from the Sioux Indians at different points in the vicinity of the house, stripped them naked in the prairie, robbed them of their clothes, stole two or three horses or mules, beat each of the men severely, and left them naked in the prairie. The same party came that night and fired on the house, stole another horse, and went off.

A day or two subsequent to these outrages, another party, amounting to about one hundred and fifteen men, came, in daylight, and attacked this house. Mr. McDonald, one of my partners, his clerks, and eight or ten voyagers, defended themselves and the house, which contained a large amount of property. In this affair, the Arickaras lost two men killed, and probably three or four wounded.

Ques. 8. Are the Arickara Indians a stationary or wandering tribe?

Ans. It will be seen, from my answer to preceding questions, that they are stationary.

Ques. 9. Do you know, or have you heard, that any American citizens have hunted or trapped on the grounds belonging to the Arickaras? Do you know of a letter written by an Indian agent at St. Louis, and printed in the Atlantic papers, attributing their hostility to this cause?

Ans. No party of American citizens, authorized to pass through the Indian country, have ever been in the habit of trapping on the Arickara grounds, to my knowledge. The country affords but very little fur; nor do I know of any hunting in the Arickara country, other than what is necessary for the subsistence of persons passing through.

The letter referred to by the committee, purporting to have been written by an Indian agent at St. Louis, attributing the attack upon General Ashley to this cause, accidentally fell into my hands a day or two before I left St. Louis, in December last. It was published in some one of the Atlantic papers. I have no knowledge of the author of said letter. I am personally acquainted with the different Indian agents and officers of the Indian Department on that station, and feel satisfied that it is not the production of either of them. Major O'Fallon, with whom I conversed about it, was indignant at its contents, and concurred with me in the opinion that it was a fabrication. Major Graham, whom I have seen at this place, is ignorant of the writer of this letter; and he and Major O'Fallon are the only agents on the Missouri river.

Ques. 10. Do you know of any cause which led to the attack upon General Ashley's party?

Ans. I do not positively know the cause of attack upon General Ashley. I think the remote causes may very readily be traced to their uniform hostility to Americans, and disposition to commit all sorts of depredations; but, from my views and *knowledge* of the Indian character, I think it highly probable that the immediate cause originated in a spirit of revenge for the loss sustained in the attack upon our house. Indians are not governed by the principles of right and wrong in such cases, or in the habit of inquiring where the fault lies. When the blood of an Indian is spilt, his relations are apt to revenge it the first opportunity. But, as so many contradictory statements have been made in relation to the commencement of this war, I hope the honorable committee will not think it amiss in me to remark, that an investigation upon that particular point would be met with some satisfaction.

Ques. 11. Have you any reason to believe that the Hudson's Bay Company excited the Indians to that attack?

Ans. I have no reason to believe that the Hudson's Bay Company excited the Arickaras to that attack. On the contrary, I am convinced they did not. The influence of that company does not extend as low as the Arickaras; nor do I believe they have any intercourse with them at present. The Arickaras make nothing, to induce a wish on the part of that company to acquire influence amongst them.

Ques. 12. Do you know, or have you heard, of any hostilities between the Assinaboin Indians and citizens of the United States?

Ans. The only late hostilities, of which I have any knowledge, on the part of the Assinaboins towards American citizens, are the following: They committed a robbery upon Major Henry, in the month of August, 1822, a little above the Mandan villages. He was ascending the Missouri at the head of an expedition, fitted out by Messrs. Ashley and Henry, for the purpose of *trapping beaver*. Major Henry was on board his boat, and had a party of men going by land, with some forty or fifty horses. They met a large party of those Indians, who, by their address, got possession of the horses, and rode them off. Another party of those Indians came to our fort at the Mandan villages, in the month of January last, and, I think I understood from Mr. Vanderburgh, fired on the fort; after which, they stole one or two mules, and retired. This was done in the night.

Ques. 13. Are the Assinaboins stationary or wandering?

Ans. The Assinaboins are a wandering tribe; and, I believe, are a band of the Sioux Indians. They speak the same language; and, from the vast region through which they range, must be very numerous. The principal hunting grounds and country most frequented by such of those Indians as I have any correct knowledge of lies on the Assinaboin river, and left of the Missouri, above the Mandans, on the different streams coming in from the north, as high as Milk river; and I believe they range as far as Maria's river. They are frequently found on the Missouri, between the Mandans and Yellow Stone river; and I believe their *principal* trade is carried on at those British establishments on the Assinaboin river, about one hundred and seventy miles from the Mandans. American citizens have had no friendly intercourse with them in that section of the country, to my knowledge.

Ques. 14. Where is the richest fur region beyond the Mississippi?

Ans. The richest fur region, of which I have any knowledge, is that through which the Blackfoot Indians range.

Ques. 15. Can the fur trade of this region be secured to citizens of the United States without the aid of a military post at or beyond the Mandan villages?

Ans. The fur trade of that country, and the country lying north of the Missouri river, below, as far as the Mandans, cannot be secured to American citizens until the causes which now and have ever prevented them from participating in it are removed; unless they are protected in extending their business into these remote regions, until such time as they acquire an influence sufficient to counteract that of British trading companies. The committee will observe, that those companies have no intercourse or influence with any of the tribes heretofore mentioned, with the exception of those which range through the country in question. If all trade and intercourse between those tribes and British traders can be cut off, and the American trade introduced, it would very soon protect itself. Most Indians, who have long been accustomed to intercourse with whites, become dependant on them for the supply of particular articles, without which they cannot well live, once having acquired a knowledge of their use. It is not my opinion that the Mandans are sufficiently near the Rocky Mountains to make it a point for protecting the trade on the upper waters of the Missouri river. The falls of Missouri, or Maria's, or the Yellow Stone river, would each be preferable to it; particularly either of the former points, and in the order in which they are named. A large post is not now necessary at the Council Bluffs. A small garrison there, one at or near the Big Bend, one at the Mandans, and the principal one at or beyond the Yellow Stone, are, in my opinion, so indispensably necessary for

the preservation of the fur trade on the Upper Missouri, that, without them, the most valuable part of that trade may be considered as lost to American citizens, and surrendered to the British.

Ques. 16. Can corn for the supply of a post be raised or purchased from the Indians at or beyond the Mandan villages?

Ans. The Mandans and Minatares raise considerable quantities of corn, and frequently supply traders and wandering tribes of Indians who visit them. In the fall season, a good deal may be purchased from them; but still I think it would be a precarious dependence for the supply of a post. The article, however, can as well be raised by whites as Indians. From the same soil, and with sufficient inducements, the Indians would doubtless raise much more than they now do.

Ques. 17. Is there a trade carried on between Missouri and New Mexico? and what articles are carried out, and brought back in return?

Ans. I know there is a trade carried on between the citizens of Missouri and New Mexico, but I am not sufficiently informed upon the subject to enable me fully to answer the question. I believe, however, the only articles brought back, in return for those taken out, are mules, specie, and furs.

Ques. 18. Is it subject to be interrupted by Indians on the Arkansas?

Ans. I have understood that some of those trading parties have been interfered with by Indians on the Arkansas, and several robberies committed, and some murders.

Ques. 19. Would a military post, some distance higher up the Arkansas than Fort Smith, contribute to protect the citizens engaged in that trade?

Ans. I am not sufficiently acquainted with that country to justify me in giving information respecting the effect of a military post above Fort Smith, on the Arkansas; but think it obviously true that such a post would be a great protection to the trade between Missouri and Mexico.

Ques. 20. What is the temper of the tribes who have no intercourse with British traders towards the citizens of the United States?

Ans. The disposition of such of the Indian tribes on the Missouri as are personally known to me, which have no intercourse with British traders, (excepting the Arickaras) has generally been friendly, since I acquired a knowledge of them. But where there are so many different tribes and bands of Indians, it is almost impossible to keep them all at peace with each other. Parties of war are continually roving through all sections of the country, and, while on these excursions, have frequently committed some slight depredations, which come within my knowledge; but such things do not originate in a general spirit of hostility on the part of their nation. Amongst those who are ignorant of the character of whites, having but little intercourse with them, such depredations are more frequent, because there is a greater spirit of hostility existing amongst those remote tribes towards each other, than those who have long had intercourse with the whites, and such parties are more numerous.

Ques. 21. What is the temper of the tribes which have an intercourse with British traders towards American citizens?

Ans. It will be seen, from my answer to preceding questions, that the disposition of such tribes of Indians as have intercourse with British traders, particularly the Blackfeet, has been uniformly hostile towards American citizens, in so much that they have had no intercourse with any of those tribes, with the exception of the Mandans and Minatares. It has not been long since British traders had intercourse with these tribes; but they have been so reduced by war and pestilence, the quantity of furs obtained from them at present is so small, and the American trade having been introduced amongst them, that there has been no intercourse, to my knowledge, for the last two or three years.

Ques. 22. How near do the British trading establishments approach the territory of the United States?

Ans. The establishments of the Hudson's Bay Company now stretch entirely across the continent, bordering upon the American territory, and at some places, perhaps, are within it. If the country beyond the Rocky Mountains, in the latitude of the Columbia, belongs to the United States, they have four establishments on American territory; one at the mouth of that river, one near its junction with Lewis's river, one near the mountains convenient to the Flathead Indians, and one other higher up. Fort de Prairie is a very celebrated establishment, and I think it is situated high up on the Assinaboin river. This river is lined with establishments; one very large at the mouth of Moose river, one hundred and seventy miles from the Mandan villages; another on the river Capel, a southern branch of the Assinaboin: both of which must be either within the American boundary, or near to it. The Saska-tche-wine river, which runs parallel to the Missouri, and but a short distance from it, rising in the same chain of mountains, and flowing into Lake Winnipeg, is also lined with British establishments; and, from Indian information, I have reason to believe that they have an establishment on Maria's river, a branch of the Missouri. It is from these establishments, on the Assinaboin and Saska-tche-wine rivers, that the Blackfeet and Assinaboins, both numerous and powerful nations, get their supplies of merchandise, arms, and ammunition, and come across to attack the American traders on the upper waters of the Missouri; and the furs robbed from American citizens are doubtless carried to these establishments to trade.

Ques. 23. Is it to the benefit, or injury, of fur traders, to have hostilities with the Indians?

Ans. So far from being to the benefit of persons engaged in the fur trade to have hostilities with the Indians, the very existence of such a trade depends on their pacific disposition; and both the interest and safety of persons engaged in that business require that they should not only preserve a friendly understanding with the Indians themselves, but, so far as possible, keep the different Indian tribes at peace with each other, in order that their property and men may not be exposed to roving war parties, who, particularly amongst those remote wandering tribes, are always disposed to mischief when on such excursions.

Ques. 24. Has the abolition of the factory system been the cause of any Indian hostilities beyond the Mississippi?

Ans. I know of no hostilities on the part of the Indians originating in the abolition of the factory system. I know but little of the operation or influence of these establishments, having been removed far beyond them. It is hardly probable that the abolition of this system excited the Arickaras and Blackfoot Indians to hostilities, neither of those tribes ever having heard of a factory or a factor, removed, as they were, from twelve hundred to three thousand miles from the range of their operations.

Ques. 25. What is your opinion of the good or bad effects of hunting or trapping on Indian lands by American citizens?

Ans. The tribes in the neighborhood of the Council Bluffs have complained of it, and are greatly opposed to it. The Crow Indians have never objected to it, although they have seen it with their own eyes, by parties in the employment of the Missouri Fur Company for two years. These parties have carried it on during all that time, without the least interruption of friendly intercourse, probably because they also traded with the Indians for all they could take. But I consider the case of the Crows an exception, and that the practice must lead to bad consequences. But no Indians, that I have heard of, ever objected to traders, travellers, or others, killing what was necessary for their subsistence. That comes under the notion of hospitality. The trapping done by the men of our

company was in conformity with the practice, and not under any license; the one which we receive from the Government is to *trade*.

Ques. 26. Have any other companies, besides General Ashley's and the Missouri Fur Company, hunted or trapped in the Indian country?

Ans. Messrs. Berthold, Chouteau, and Pratte, of St. Louis, who have been largely engaged in the *Indian trade*, and the principal competitors of the Missouri Fur Company in *that* business, have also been, and are still, largely engaged in the trapping business.

The numerous inquiries of the committee being answered, I must beg to be indulged in a few observations relative to the system of trade and intercourse with the Indians; which are most respectfully submitted to the consideration of the committee.

It is now, and has long been my opinion, that the present system of trade and intercourse with the Indians, so far as it applies to the Missouri river, is defective in several particulars. I believe that certain points should be fixed for trading establishments, and that every person engaged in that business should be strictly prohibited from carrying on any trade out of those trading-houses, either in a direct or indirect manner, or accompanying Indians on their hunting excursions for any purpose whatsoever; and that no white man or half-breed, who has been raised amongst whites, and is considered a citizen, and who is not authorized by license or otherwise, or in the employ of some licensed person, should be permitted to live in the Indian country, or among the Indians, under any manner of excuse or pretence whatsoever; that the points for the trading establishments should be selected by the Indian agent or agents, or the person exercising their duties; and that it should be the duty of said agents frequently to visit each and every of such establishments in their agency, provided they can be furnished with a competent escort to make themselves respected as the representatives of their Government, particularly when visiting such tribes within their agency as are far removed from civilization.

It would not be proper in me to trouble the committee with any reasoning upon this subject. Suffice it to say, that these were my original views upon the subject, and that every day's experience has impressed me more fully with their correctness, and convinced me that such a system, while it contributed much to the benefit of the Indians in a pecuniary way, would have a tendency to impress them with something like a regular system of business; teach them the true character of the whites, and impress them with a degree of respect for American citizens, which the present mode of roving about is not calculated to do; and, at the same time, would contribute greatly to the safety and convenience of those engaged in the business, without depriving either of any single benefit derived from the present system.

I would further beg to be indulged in making a few statements, to impress the committee with an idea of the value of the Indian trade to the United States. The returns of licenses show that upwards of \$600,000 was embarked last year in the trade; and, if extended into the Rocky Mountains, I should suppose that it would employ a capital of three times the amount now employed in *that* trade, for an indefinite term of years to come. Almost the whole of the articles necessary for this trade can be made in the United States. They consist of hardware, comprehending light guns, knives, hatchets, axes, hoes, lances, battle-axes, and beaver traps; cottons, comprehending checks, stripes, coarse calicoes, handkerchiefs, &c.; woollens, comprehending coarse cloths, blankets, and bannels; to which may be added, tobacco, powder, lead, and many other articles of smaller value. The company of which I am a member has always kept several blacksmiths' shops in operation on the Missouri, for the manufacture of some of the above-mentioned articles; and, at the time of the commencement of the late hostilities, had one at the Mandans, one at the Big Bend of the Missouri, and two forges in the neighborhood of the Council Bluffs. The woollen and cotton goods, particularly, can be made by American manufacturers of a quality equally as well suited to the Indian trade as British goods, with which the Indians are at present supplied.

With much respect, I am your obedient servant,

JOSHUA PILCHER.

CIVILIZATION OF THE INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 23, 1824.

Mr. McLEAN, of Ohio, from the Committee on Indian Affairs, to whom was referred the resolution of the 6th of January, instructing them to inquire into the expediency of repealing an act entitled "An act making provision for the civilization of the Indian tribes adjoining the frontier settlements," passed on the 3d of March, 1819, reported:

That they have examined the subject embraced by the resolution, and beg leave to submit the following statement:

The committee have carefully examined the measures which have been adopted for the disbursement of the annual allowance made by this law, and find them very judicious, and such as are best calculated to effectuate the benevolent designs of the Government. Although the reports heretofore made by the Secretary of War contained the rules by which the sum granted was to be apportioned and paid, the committee annex them to this report, and wish them to be referred to as a part of it. The committee also submit a statement showing the different sums paid to the Indian schools which have been organized, and the number of scholars taught at each school.

From this statement, it will appear that twenty-one schools have been established; all, except three, since the passage of the above law, and principally by the means which it affords. At these schools there are taught more than eight hundred scholars, whose progress in the acquisition of an English education exceeds the most sanguine expectations that had been formed.

Very comfortable school-houses have been erected for the accommodation of the different schools, and, in most cases, convenient dwellings for the teachers.

So far as the committee have been able to ascertain, the plan of education has been very judicious, and no pains seem to have been spared to extend to the Indians the full benefit of the law.

All the schools are increasing; and so urgent is the wish of the Indians to have their children educated, that numerous applications are refused, from the limited means which the schools possess. The time of the children is not wholly devoted to their books while at school; the girls are instructed in such arts as are suited to female industry in civilized life, and the boys are required to devote a part of their time in acquiring a knowledge of husbandry. The advances of males and females in these branches are most satisfactory, and have already had no small influence in inducing their parents to become less fond of an erratic life, and more inclined to have fixed residences, and rely for their support on the cultivation of the ground. Such has been the effect of the above circumstances, combined with some others not more influential, that, at many of the places where schools have been established, the Indians have already constructed comfortable dwellings, and now cultivate farms of considerable extent. They have become the owners of property necessary to agricultural pursuits, and for the conveniences of life.

The committee are aware that very considerable aids have been given by different Christian denominations, all of whom feel a deep interest in the paternal views of the Government. But the committee are well persuaded that, had the Government afforded no pecuniary aid, very few, if any, of the benefits which have been conferred, would have been experienced by the Indians. The annual appropriation of ten thousand dollars has encouraged the benevolent and pious, in many parts of the country, to form associations and collect donations, with the view of aiding the humane purposes of the Government. Hundreds of such associations are now in active operation; and they are much cheered in their exertions by the rapid advances to civilization which the Indians have made.

It requires but little research to convince every candid mind that the prospect of civilizing our Indians was never so promising as at this time. Never were means for the accomplishment of this object so judiciously devised, and so faithfully applied, as provided in the above act, and the auxiliary aids which it has encouraged. It is believed to be an essential part of any plan for Indian civilization, that, with the rudiments of education, the males should be taught the arts of husbandry, and the females to perform those domestic duties which peculiarly belong to their stations in civilized life. The attempts which have heretofore been made, many of which have failed, omitted this essential part. Many zealous but enthusiastic persons, who have been most conspicuous in endeavoring to reclaim the Indians, persuaded themselves to believe that, to secure this object, it was only necessary to send missionaries among them to instruct them in the Christian religion. Some of their exertions failed, without producing any salutary effect, because the agents employed were wholly unfitted for the task. Others, though productive of some good effect at first, eventually failed, because to their missionary labors were not added the institutes of education and instruction in agriculture. These are combined in the exertions now making; and, from the good which has been done, the most pleasing anticipations of success are confidently cherished. There are many Indian nations within our boundaries who have experienced no aid from these efforts; being restricted in the means, the benefits are, consequently, limited. But the committee are assured that the continuation of the appropriation, seconded by the liberal and increasing aids which are afforded by voluntary contributions, will gradually, and most effectually, extend the benefits of the law to the remotest tribes who inhabit our extensive domain. This will be a work of time; and, for its accomplishment, great labor and perseverance will be necessary. The progress, however, of this work may be more rapid than any can now venture to anticipate. The instruction and civilization of a few enterprising youths will have an immense influence on the tribes to which they belong. As the means are constantly applied, the numbers reclaimed will increase, and an increase of numbers will insure, in a geometrical proportion, success for the future. It is difficult to say what may not be accomplished under such circumstances. No one will be bold enough to denounce him as a visionary enthusiast, who, under such auspices, will look with great confidence to the entire accomplishment of the object.

The civilization of the Indians has been viewed as a work of great national importance by many whose talents and public services have rendered illustrious the annals of our country. This was an object of great solicitude with Washington, and to all who have succeeded him. Prior to the passage of the above law, the attention of Congress was invited to the subject, in almost every annual message from the Executive. If the policy of this measure were considered merely as a question of pecuniary interest, it is believed that but few would hesitate to sanction it. That it inculcates the most friendly disposition on the part of the Indians, no one, well informed on the subject, will venture to deny.

They understand the motive of the Government, and properly appreciate it. So far as the benefits of this policy are extended, will this feeling be cherished; and it affords the safest guaranty against future wars. To say nothing of the valuable lives which have been lost in the Indian conflicts we have had, how much treasure has been expended in our defence! More money was expended, in protecting the exposed parts of our country from Indian depredations, during the late war, than would be required, if judiciously applied, to secure the great plan of Indian civilization.

Shall we, from recent injuries, indulge a spirit of hostility against these unfortunate people? The principles of humanity and the dignity of our Government forbid it. There is much in their condition to excite our sympathies as men, and our protection as legislators. They have been driven from this wide domain, to a territory far less desirable, and of limited extent. They are constantly receding, as we are advancing.

The Indians are not now what they once were. They have partaken of our vices more than our virtues. Such is their condition, at present, that they must be civilized or exterminated; no other alternative exists. He must be worse than savage who can view, with cold indifference, an exterminating policy. All desire their prosperity, and wish to see them brought within the pale of civilization. The means which have been adopted, and of which the law in question is the foundation, seem the most likely to obtain the desired result. They should not, therefore, be abandoned. The passage of this law was called for by many of the people in the most populous and influential sections of our country. Their wishes were made known in language that evinced a deep interest—an interest not produced by a momentary excitement, but the result of much reflection and a high sense of moral duty. It may be said, emphatically, that the passage of this law was called for by a religious community. They were convinced of the correctness of the policy in a political point of view, and, as Christians, they felt the full force of the obligations which duty enjoined. Their zeal was tempered by reason. No fanciful schemes of proselytism seem to have been indulged. They formed a correct estimate of the importance of their undertaking, and pointed to the most judicious means for the accomplishment of their wishes. Since the passage of the law, hundreds and thousands have been encouraged to contribute their mite in aid of the wise policy of the Government. However the various denominations of professing Christians may differ in their creeds and general doctrines, they all unite in their wishes that our Indians may become civilized. That this feeling almost universally prevails, has been declared in language too unequivocal to admit of doubt. It has been seen in their words and in their actions.

The committee believe that such demonstrations are not to be regarded lightly; that the National Legislature will treat them with the highest respect. If a sectarian zeal had had any agency to produce this general interest,

it would be less entitled to serious consideration. But such a contracted feeling seems to have had no influence; a more noble and Christian motive has been cherished. All unite to second the views of the Government, by ameliorating the condition of our Indians. They are taught the first rudiments of education, the duties which appertain to man as a member of civil society, and his accountability as a moral agent. Repeat this law, and these exertions are not only paralyzed, but destroyed. The Indians will see, in such an act, that we feel less for their prosperity than our professions have encouraged them to believe; and such an impression cannot fail to produce the most injurious consequences.

From the various lights in which the committee have viewed the policy of this law, they are convinced that it is founded in justice, and should not be repealed. They therefore submit to the House the following resolution:

Resolved, That it is inexpedient to repeal the law making an annual appropriation of ten thousand dollars for the civilization of the Indians.

Extract of a letter from the Secretary of War to the Hon. John McKee.

In answer to the first part of the inquiry, "how the appropriation for civilizing the Indians has been applied, and with what effect; and whether, in my opinion, the fund can be withdrawn without injury?" I would respectfully refer you to the reports of this Department to the House of Representatives of the 15th January, 1820, 8th February, 1822, and 24th January last. The first of these reports may be found in State Papers, 1st session 16th Congress, vol. 3, No. 46; the second, in State Papers, 1st session 17th Congress, vol. 6, No. 59; and the latter, having been made during the present session, and printed, it is presumed is in the possession of each member of the committee. In answer to the latter part of the inquiry, I have to state, that the societies, in co-operation with whose benevolent efforts the fund referred to has been applied, have made considerable establishments in the Indian country, for the purpose of effecting the object of the appropriation, and incurred heavy expenses, under the expectation of a continuance of the aid which they have received from the Government. The Indians also have become much interested in these establishments, and would, no doubt, feel greatly disappointed if they are not continued. Should the fund, therefore, be withdrawn, it is my opinion that the measure would not only be productive of serious loss to these societies, but of the most injurious effects to our Indian relations; and that, both as it regards policy and justice, it would not be advisable to adopt it at this time.

I enclose, for your information, a statement relative to the establishments in the Indian country for the purposes of civilization, which has been prepared from official documents.

I have the honor to be your most obedient servant,

J. C. CALHOUN.

Statement in relation to establishments in the Indian country for the purpose of civilizing the Indians.

Names and sites of stations.	By whom established.	When established.	No. of scholars at last report.	Sum annually allowed by the United States for tuition.	No. of missionary family.	Whole expense during last year.
School at Cornwall, Connecticut,	Am. Board of Foreign Missions, Boston,	1817	35	\$1,438		
Brainard, Cherokee nation, Ten.	Do. do.	1817	84	1,200	42	\$7,632
Elliot, Choctaw nation, -	Do. do.	1818	80	1,200	12	9,735
Newell, do. -	Do. do.	1821	15	350	-	668
Mayhew, do. -	Do. do.	1822	66	800	10	15,706
Dwight, Cherokees, Arkansas, -	Do. do.	1820	50	600	9	6,241
Ft. Wayne, Indiana and Michigan,	Baptist General Convention,	1820	40	200	10	3,000
Valley Towns, Cherokees, Ten.	Do. do.	1820	50	500	26	3,000
Tensawattee, do. -	Do. do.	1821	25	250		
Withington, Creek nation, -	Do. do.	1823	40	600	7	3,000
Oneida nation, -	Hamilton Baptist Missionary Society,	1820	24	500		
Tuscarora nation, New York, -	United Foreign Mission'y Society, N. Y.	1819	45	450		
Seneca nation, New York, -	Do. do.	1819	31	450	6	2,451
Union, Osages, Arkansas, -	Do. do.	1820	12	250	30	6,700
Harmony, Osages, Missouri, -	Do. do.	1822	17	250	41	4,680
Wyandots, near Upper Sandusky,	Methodist Ohio Conference,	1821	60	500	-	1,950
Spring Place, Cherokees, Ten. -	United Brethren, -	1801	20	300	-	744
Monroe, Chickasaw nation, -	Synod of South Carolina and Georgia,	1821	54	500	12	2,675
Charity Hall, do. -	Cumberland Missionary Society,	1822	21	400	-	608
Ottawas, Miami of the Lake, -	Western Missionary Society,	1823	-	300	21	
Florissant, Missouri, -	*Catholic Bishop of New Orleans,	1823	-	800		

* No part of this allowance has yet been paid.

The expenses over and above the amount allowed by the Government are paid by the respective societies.

18th CONGRESS.]

No. 204.

[1st Session.]

EXTINGUISHMENT OF INDIAN TITLE TO LANDS IN GEORGIA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 2, 1824.

To the Senate of the United States:

WASHINGTON, March 30, 1824.

I transmit to Congress certain papers enumerated in a report from the Secretary of War, relating to the compact between the United States and the State of Georgia entered into in 1802, whereby the latter ceded to the former a portion of the territory then within its limits, on the conditions therein specified. By the fourth article of that compact, it was stipulated that the United States should, at their own expense, extinguish, for the use of Georgia, the Indian title to all the lands within the State, as soon as it might be done *peaceably* and on *reasonable* conditions. These papers show the measures adopted by the Executive of the United States, in fulfilment of the several conditions of the compact, from its date to the present time, and particularly the negotiations and treaties with the Indian tribes for the extinguishment of their title, with an estimate of the number of acres purchased, and sums paid for the lands they acquired. They show, also, the state in which this interesting concern now rests with the Cherokees, one of the tribes within the State, and the inability of the Executive to make any further movement with this tribe, without the special sanction of Congress.

I have full confidence that my predecessors exerted their best endeavors to execute this compact in all its parts; of which, indeed, the sums paid and the lands acquired during their respective terms, in fulfilment of its several stipulations, are a full proof. I have also been animated, since I came into this office, with the same zeal, from an anxious desire to meet the wishes of the State, and in the hope that, by the establishment of these tribes beyond the Mississippi, their improvement in civilization, their security, and their happiness would be promoted. By the paper bearing date on the 30th of January last, which was communicated to the chiefs of the Cherokee nation in this city, who came to protest against any further appropriations of money for holding treaties with them, the obligation imposed on the United States, by the compact with Georgia, to extinguish the Indian title to the right of soil within the State, and the incompatibility with our system of their existence as a distinct community within any State, were pressed with the utmost earnestness. It was proposed to them, at the same time, to procure and convey to them territory beyond the Mississippi, in exchange for that which they hold within the limits of Georgia, or to pay them for it its value in money. To this proposal, their answer, which bears date 11th of February following, gives an unqualified refusal. By this, it is manifest that, at the present time, and in their present temper, they can be removed only by force; to which, should it be deemed proper, the power of the Executive is incompetent.

I have no hesitation, however, to declare it as my opinion, that the Indian title was not affected in the slightest circumstance by the compact with Georgia, and that there is no obligation on the United States to remove the Indians by force. The express stipulation of the compact, that their title should be extinguished at the expense of the United States, when it may be done *peaceably* and on *reasonable* conditions, is a full proof that it was the clear and distinct understanding of both parties to it that the Indians had a right to the territory, in the disposal of which they were to be regarded as free agents. An attempt to remove them by force would, in my opinion, be unjust. In the future measures to be adopted in regard to the Indians within our limits, and, in consequence, within the limits of any State, the United States have duties to perform, and a character to sustain, to which they ought not to be indifferent. At an early period, their improvement in the arts of civilized life was made an object with the Government, and that has since been persevered in. This policy was dictated by motives of humanity to the aborigines of the country, and under a firm conviction that the right to adopt and pursue it was equally applicable to all the tribes within our limits.

My impression is equally strong that it would promote essentially the security and happiness of the tribes within our limits if they could be prevailed on to retire west and north of our States and Territories, on lands to be procured for them by the United States, in exchange for those on which they now reside. Surrounded as they are, and pressed as they will be on every side, by the white population, it will be difficult, if not impossible, for them, with their kind of government, to sustain order among them. Their interior will be exposed to frequent disturbances, to remedy which the interposition of the United States will be indispensable; and thus their government will gradually lose its authority, until it is annihilated. In this process, the moral character of the tribes will also be lost, since the change will be too rapid to admit their improvement in civilization; to enable them to institute and sustain a government founded on our principles, if such a change were compatible either with the compact with Georgia, or with our general system; or to become members of a State, should any State be willing to adopt them in such numbers, regarding the good order, peace, and tranquillity of such State. But all these evils may be avoided, if these tribes will consent to remove beyond the limits of our present States and Territories. Lands equally good, and perhaps more fertile, may be procured for them in those quarters; the relations between the United States and such Indians would still be the same. Considerations of humanity and benevolence, which have now great weight, would operate, in that event, with an augmented force; since we should feel sensibly the obligation imposed on us by the accommodation which they thereby afforded us. Placed at ease, as the United States would then be, the improvement of those tribes in civilization, and in all the arts and usages of civilized life, would become the part of a general system, which might be adopted on great consideration, and in which every portion of our Union would then take an equal interest. These views have steadily been pursued by the Executive; and the moneys which have been placed at its disposal have been so applied, in the manner best calculated, according to its judgment, to produce this desirable result, as will appear by the documents which accompany the report of the Secretary of War.

I submit this subject to the consideration of Congress, under a high sense of its importance, and of the propriety of an early decision on it. This compact gives a claim to the State which ought to be executed, in all its conditions, with perfect good faith. In doing this, however, it is the duty of the United States to regard its strict import, and to make no sacrifice of their interest not called for by the compact, nor contemplated by either of the parties when it was entered into; nor to commit any breach of right or of humanity, in regard to the Indians, repugnant to the judgment and revolting to the feelings of the whole American people. I submit the subject to your consideration, in full confidence that you will duly weigh the obligations of the compact with Georgia, its import in all its parts, and the extent to which the United States are bound to go under it. I submit it with equal confidence that you will also weigh the nature of the Indian title to territory within the limits of any State, with the stipulations in the several treaties with this tribe, respecting territory held by it within the State of Georgia, and decide whether any measure on the part of Congress is called for at the present time, and what such measure shall be, if any is deemed expedient.

JAMES MONROE.

Report of the Secretary of War.

SIR:

DEPARTMENT OF WAR, March 29, 1824.

In obedience to your order, directing me to furnish a statement of the facts and circumstances connected with the execution of the fourth article of the convention between the United States and Georgia of the 24th of April, 1802, in which the former stipulate "to extinguish, at their own expense, for the use of Georgia, as early as the same can be peaceably obtained, upon reasonable terms, the Indian title to the lands lying within the limits of that State," I have the honor to make the following report:

By the convention above referred to, Georgia ceded to the United States all the lands lying south of the State of Tennessee, and west of the Chattahoochie river, and a line drawn from the mouth of Uchee creek direct to the Nicojack, on the Tennessee river. In consideration of this cession, the United States stipulated to pay the State of Georgia \$1,250,000, and obligated themselves, in the manner above stated, to extinguish the Indian title within the limits of the State. The convention also provides for the adjustment of the Yazoo claims, which were afterwards provided for by the act of Congress approved March 31, 1814.

At the date of the convention, the Indians owned, within the limits of Georgia, twenty-five million nine hundred and eighty-four thousand acres, of which eighteen million eight hundred and thirty-one thousand eight hundred and ninety belonged to the Creeks, and seven million one hundred and fifty-two thousand one hundred and ten acres to the Cherokees; which tribes owned, besides, a considerable extent of country in the States of Alabama, Tennessee, and North Carolina. Between both of those tribes and the United States there were subsisting treaties at the time of the date of the convention, which, among other things, fixed the limits of their respective territories, and guaranteed to them the lands within those limits. (See 1st vol. United States Laws, treaty with the Creek Indians, page 361, art. 5; treaty with the Creeks, ratified 7th August, 1790; same, page 327, treaty of Holston, 1791, art. 7; same, page 332, treaty of 1798, near Tellico, articles 1 and 2.)

In fulfilment of the stipulation of the fourth article with Georgia, there have been held seven treaties with the Creeks and Cherokees; of which five were with the former: two of which were previous to the late war with Great Britain, in 1812, and three since. By the two preceding the declaration of war, there were ceded to Georgia two million seven hundred and thirteen thousand eight hundred and ninety acres, and by the three latter twelve million thirty-four thousand eight hundred acres; making, together, fourteen million seven hundred and forty-eight thousand six hundred and ninety acres. With the Cherokees there have been held two treaties, both since the late war, by which Georgia has acquired nine hundred and ninety-five thousand three hundred and ten acres, which, added to that acquired by treaties with the Creek nation, makes fifteen million seven hundred and forty-four thousand acres that have been ceded to Georgia since the date of the convention, in fulfilment of its stipulations. (See statement A.)

In acquiring these cessions for the State of Georgia, the United States have expended \$958,954 90; to which should be added the value of nine hundred and ninety-five thousand three hundred and ten acres, which were given in exchange with the Cherokees on the Arkansas river for a similar quantity ceded by the Cherokees to Georgia, by the treaties of 1817 and 1819; which lands, estimated at the minimum price of the public lands, would make \$1,244,137 50. If to these we add the sum of \$1,250,000, paid to Georgia under the convention, and \$4,282,151 12½, paid to the Yazoo claimants, it will be found that the United States have already paid, under the convention, \$7,735,243 52½, which does not include any portion of the expense of the Creek war, by which upwards of seven millions of acres were acquired to the State of Georgia. (See statement marked B.)

The United States have ever been solicitous to fulfil, at the earliest period, the obligation of the convention, by the extinguishment of the Indian titles within the limits of Georgia; a most satisfactory proof of which may be found in the number of treaties which have been held for that purpose, the quantity of lands which have been acquired, and the price paid. In fact, such has been the solicitude of the Government, that but little regard has been had to the price, whenever it has been found possible to obtain a cession of lands to the State. The price given has far exceeded that which has ever been given in other purchases from the Indians.

I feel satisfied that it may be asserted, with confidence, that no opportunity of extinguishing the Indian titles, "on reasonable terms," has been neglected to be embraced by the United States.

It may be proper to notice more particularly the treaty of Fort Jackson, of 1814, with the Creek Indians, and those of 1817 and 1819 with the Cherokees; as, under those treaties, lands were ceded not only within the limits of Georgia, but also in the neighboring States of Alabama, Tennessee, and North Carolina, which may require some explanation.

It may be proper to premise, that, previous to the late war, the four most powerful and numerous tribes of Indians, the Creeks, Cherokees, Chickasaws, and Choctaws, lay contiguous to one another, and were situated on the weakest portion of our frontier. They contained, at the period referred to, a population of between sixty and seventy thousand, and could raise at least fifteen thousand warriors. During the late war with Great Britain, great anxiety was felt in relation to those numerous and powerful tribes; and although all, except the Creeks, remained at peace, it is believed there was a strong tendency towards hostility among some of the other tribes. The Creeks commenced hostility at a critical period of the war, and created a powerful diversion of our resources, both of men and money; but, by a vigorous prosecution of the war, they were reduced, after many and severe losses. The treaty of Fort Jackson followed. They were a conquered people, and treated as such; and such terms were imposed as considerations of public policy dictated.

The advantages that would result by separating those powerful southern tribes from one another, and from the Territory of Florida, at that time a foreign province, were among the most obvious dictates of policy; as it would effectually guard against the possible future combination of those tribes, and prevent the liability to hostility, which almost invariably results from the intercourse of Indian tribes with a foreign territory. The Creek Indians were required to make the cession of lands to the United States in such a manner as to effect those important objects; and, accordingly, the United States acquired a large cession in what is now the State of Alabama, which separated the Creeks and Cherokees from the Chickasaws and Choctaws; and a cession in the southern part of Georgia, which separated the Creeks from the province of Florida.

It was not conceived that there was any thing in the stipulation of the convention with Georgia which prevented the United States from pursuing those views of national policy. The obligation of the United States extends only to the purchase of lands within the limits of Georgia, so soon as it could be done upon "peaceable and reasonable terms." The lands were acquired by conquest, and not by purchase, which left the nation at liberty to pursue those views of policy which have been stated, and which, it is believed, have tended strongly to give security and strength to the most vulnerable portion of the country.

In noticing the treaties of 1817 and 1819, it may be proper to premise, that, as far back as the year 1804, a delegation from the Cherokee nation, then at the seat of Government, were informed by Mr. Jefferson, that, if the Cherokees, or any portion of them, thought proper to emigrate to the Arkansas, they should receive as much land

as they were entitled to, in proportion to their numbers, on the east of the Mississippi. Under the sanction of this promise, and tempted by the abundance of game, emigration continued from the Cherokee nation, in small parties, to the Arkansas, until 1817. The number being then considerable, a commission was constituted to treat with the Cherokee nation, on the basis of the arrangement made by Mr. Jefferson, which was followed by the treaty of the 8th of July, 1817, which, among other things, stipulated that a census of the Cherokee nation should be taken in June following; and that a portion of the country should be ceded to the United States, equal to that which those who emigrated to the Arkansas were entitled to; that is to say, if it was found that one-third had emigrated, one-third of the territory should be ceded; and so in any other proportion, according to the number that should emigrate. To carry the treaty into effect, Congress appropriated, by the act of the 20th of April, 1818, the sum of \$80,000, in order to defray the expenses that might be attendant on the emigration of the Cherokees to the Arkansas; and Joseph McMinn, Esq., then Governor of Tennessee, was appointed agent to carry the treaty into effect. It was found, however, impossible to take the census, as proposed by the treaty, in June; and various causes delayed its final execution till the beginning of the year 1819. In the mean time, the emigration of the Cherokees was incessantly urged by all the means in possession of the Government.

It was the desire of the Government that the whole nation should emigrate, under the belief that it would be better for the Indians as well as ourselves; and no effort, on the part of the Government, was left untried to induce them to emigrate. A large portion of the nation, however, were so decidedly opposed to it, that it was found impossible to carry this policy of the Government into effect. (See statement marked C, containing a copy of this correspondence between the Department and Governor McMinn.)

The appropriation being finally exhausted, a delegation of the Cherokee nation was permitted to visit the seat of Government in 1819, in order to close the treaty of 1817. It was ascertained that about one-third part of the nation had emigrated, or enrolled to emigrate, to the Arkansas; and the delegation proposed to treat upon that basis, which was acceded to. It only remained to fix on the portion of territory to be ceded. With the view of throwing the land to be ceded within the limits of Georgia, and to separate the Creek and Cherokee nations, the Government proposed that all the lands lying south and east of Etowah, one of the main branches of the Coosa river, should be ceded by the Cherokees; but it was found impossible to induce the delegation to yield to that proposition, or to any other more favorable to Georgia than that which was adopted. They were fixed in their determination, particularly, not to be separated from the Creek nation by an intervening white population, and to cover their northern boundary by the Tennessee river, which necessarily threw the cession made by the treaty into Alabama, Tennessee, and North Carolina, as well as Georgia. Since the treaty of 1819, two attempts have been made, under appropriations of Congress, to open a negotiation with the Cherokee nation for further cessions; both of which have proved abortive. (See statement marked D, containing a correspondence between our commissioners and the Cherokee council, with a copy of the instructions to our commissioners.)

During the present winter, a delegation of the principal chiefs of the Cherokee nation visited the seat of Government, and the opportunity was seized to make known to them the sentiments of the Government upon the subject of additional cessions, in order to fulfil the stipulation of the convention with Georgia. (See statement marked E, containing a copy of an address from the delegation to the President of the United States, and the answer of this Department thereto; and a copy of a letter to the Governor of Georgia, with his reply; and also a copy of a letter to the Georgia delegation, and their answer to the same.)

It cannot be doubted that much of the difficulty of acquiring additional cessions from the Cherokee nation, and the other southern tribes, results from their growing civilization and knowledge, by which they have learned to place a higher value upon their lands than more rude and savage tribes. Many causes have contributed to place them higher in the scale of civilization than other Indians within our limits. Lying in large masses, they do not feel that depression which is invariably felt by small and detached tribes in the neighborhood of the whites; in addition to which, we may add the genial nature of their climate, which enables them to pass more readily from the hunter to the herdsman state; and the fertility of their soil, and the value of their staple articles, particularly cotton. To these, however, must be added the humane and benevolent policy of the Government, which has ever directed a fostering care to the Indians within our limits. This policy is as old as the Government itself, and has been habitually and strongly extended to the Cherokee nation.

By the fourteenth article of the treaty of Holston, in the year 1791, it is stipulated: "That the Cherokee nation may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters, the United States will, from time to time, furnish gratuitously the said nation with useful implements of husbandry; and, further to assist the said nation in so desirable a pursuit, and, at the same time, to establish a certain mode of communication, the United States will send such and so many persons to reside in said nation as they may judge proper, not exceeding four in number, who shall qualify themselves to act as interpreters. These persons shall have lands, assigned by the Cherokees, for cultivation for themselves and their successors in office; but they shall be precluded from exercising any kind of traffic."

In conformity to the provisions of this article, the various utensils of husbandry have been abundantly and constantly distributed to the Cherokee nation, which has resulted in creating a taste for farming and the comforts of civilized life. This humane policy of the Government, since the termination of the late war, has taken, in some degree, a new direction. Certain benevolent societies, in the year 1816, applied for permission to make establishments among the Cherokees and other southern tribes, for the purpose of educating and instructing them in the arts of civilized life; their application was favorably received. (See document marked F, containing a copy of their letter, and a copy of the answer of the then Secretary of War.) The experiment proved so favorable, that Congress, by the act of the 3d of March, 1819, appropriated \$10,000 annually, as a civilization fund; which has been applied in such a manner as very considerably to increase the extent and usefulness of the efforts of benevolent individuals, and to advance the work of Indian civilization.

In performing the high duties of humanity to the wretched aborigines of our country, it has never been conceived that the stipulation of the convention with Georgia, to extinguish the Indian title within her limits, was contravened. The Government has been actuated solely by a desire to perform the obligation which considerations of humanity imposed on us, in relation to these unfortunate people. Their situation, at best, is wretched, and can only be rendered tolerable by the perpetual exercise of that humanity, kindness, and justice which has ever characterized the acts of the Government towards them.

I have the honor to be, very respectfully, sir, your obedient servant,

J. C. CALHOUN.

To the PRESIDENT OF THE UNITED STATES.

A.

Statement of the quantity of land to which the Indian title has been extinguished, and remains to be extinguished, in the State of Georgia, under the compact of April 24, 1802.

INDIAN LANDS.

	<i>Sq. Miles.</i>	<i>Acres.</i>
Land of the Cherokees, not ceded to the United States, - - -	9,620 =	6 156,800
Land of the Creeks, not ceded to the United States, - - -	6,380 =	4 083,200
Total of lands not ceded, - - - - -	<u>16,000 =</u>	<u>10,240,000</u>
Land of the Creeks and Cherokees, ceded to the United States, - - -	<u>24,600 =</u>	<u>15,744,000</u>
Of which, there have been ceded by the Creeks, - - -		14,748,690
And by the Cherokees, - - - - -		<u>995,310</u>
		<u><i>Acres.</i></u>
Viz: By the former, under the treaty of 8 January, 1821, - - -	- 3,500,000	
of 22 January, 1818, - - -	- 1,450,000	
of 9 August, 1814, - - -	- 7,084,800	
of 14 Nov. 1805, and of 16 June, 1802, - - -	<u>- 2,713,890</u>	14,748,690
By the latter, under the treaty of 27 February, 1819, - - -	- 700,000	
of 8 July, 1817, - - - - -	<u>- 295,310</u>	<u>995,310</u>
Total of land that has been ceded, - - - - -	-	<u>15,744,000</u>

TOPOGRAPHICAL ENGINEER BUREAU, *March 26, 1824.*

Computed from Sturges's map of the State of Georgia.

I. ROBERDEAU, *Maj. Top. Engineers.*

The Hon. JOHN C. CALHOUN, *Secretary of War.*

NOTE.—It is understood that, from the surveys which have been made by Georgia, the quantity of land ceded by the Cherokees in that State, under the treaties of 1817 and 1819, is ascertained to be 1,349,907 acres, instead of the amount computed from the map; making a difference of 354,597 acres. Should this be correct, the difference must be made up to the Cherokees in the Arkansas, which will increase the expense of the purchase to the Government (estimating the difference at the minimum price of the public lands) \$443,246 25.

B.

Statement showing the amount of expense incurred by the United States, under the compact with the State of Georgia of April 24, 1802.

Amount paid for the purchase, commonly called the Yazoo purchase, -	\$1,250,000 00
Amount awarded to Yazoo claimants, by the commissioners appointed under the act of 3d March, 1815, - - - - -	<u>4,282,151 12½</u>
Total amount paid to the State of Georgia and Yazoo claimants, -	-
Amount paid under treaties with the Creek Indians, (including the expenses of holding the treaties,) since the date of the compact above mentioned, for extinguishment of Creek title in Georgia, - - - - -	573,692 36
Amount paid under treaties with the Cherokees, (including expenses, &c.) since the date of the aforesaid compact, for extinguishment of Cherokee title in Georgia, - - - - -	34,189 00
Amount expended in holding a treaty in the years 1822 and 1823, with the Cherokees, for a further extinguishment of their title in Georgia, but which failed, - - - - -	5,565 27
Amount expended for purchase of reservations granted to Creek and Cherokee Indians in Georgia, including the expense of negotiating the purchase, -	<u>35,145 75</u>
Total amount paid on account of purchases from the Creek and Cherokee Indians, and the expenses of holding the treaties for that purpose, -	658,592 38
Amount which remains to be paid under the treaties with the Creek Indians above referred to, on account of annuities, and for claims of the citizens of Georgia against said Indians, - - - - -	<u>300,362 52</u>
Total amount paid, and remaining to be paid, under treaties with the Creeks and Cherokees, - - - - -	-
By the treaties with the Cherokees, the United States agreed to give them a quantity of land on the Arkansas, equal to that ceded by them; and the quantity ceded in Georgia is estimated to be about 995,310 acres, which, estimated at \$1 25, (the minimum price of the public lands as fixed by act of 24th April, 1820,) amounts to, - - - - -	<u>1,244,137 50</u>
Whole amount of expenses incurred by the United States, under the convention with Georgia, - - - - -	<u>\$7,735,243 52½</u>

NOTE.—There is an unexpended balance of the appropriation per act 7th May, 1822, for holding treaties with the Creek and Cherokee Indians, for a further extinguishment of their title in Georgia, of \$29,424 30; and also, of the appropriation per act of 1st March, 1823, for the purchase of reservations granted to Creek and Cherokee Indians in Georgia, of \$14,854 25; which balances are still applicable to these objects, and amount to \$44,278 55.

WAR DEPARTMENT, *March 27, 1824.*

C.

Copy of a letter from George Graham, Esq., acting Secretary of War, dated November 29th, 1817, to Joseph McMinn, Esq.

SIR:

DEPARTMENT OF WAR, November 29, 1817.

I have the honor to acknowledge the receipt of your two letters of the 13th instant. I regret exceedingly that the gentleman whom Colonel Meigs had left in charge of the agency should have abandoned his public duties, in pursuit of his private business, at a period when his services were so essentially necessary, and when every exertion of the agent was required to prepare for and encourage the Indians to remove to the Arkansas.

The intention expressed by you to go into the Cherokee nation, for the purpose of removing the prejudices which have been excited by designing and interested people, in relation to the treaty, evinces your zeal for the public good, and is highly gratifying to the President. Your presence among them will, no doubt, have a very happy effect; but I hope the necessity of your remaining any time with them will be obviated by the presence of Lieutenant Houston, who, on the very warm recommendation of General Jackson, has been appointed an assistant agent, and whom, I presume, you will have met with on your arrival at the agency. Mr. Riley, and the rest of the delegation, are yet here; they have been informed that the different treaties that have been made by the Cherokees must be strictly adhered to, and carried into effect; that, on other subjects, their complaints will be listened to; and that they will always be treated by the Government with kindness and liberality.

I have, &c.

GEORGE GRAHAM.

His Excellency JOSEPH McMINN, Knoxville, Tennessee.

D.

Extract of a letter from Duncan G. Campbell, Esq., Commissioner, &c., to the Secretary of War, dated 28th November, 1823.

SIR:

AUGUSTA, November 28, 1823.

The result of our late visit to the Cherokees would have been made known to you sooner, but for the necessity which I felt of seeing Major Meriwether, at Milledgeville, after his resignation. Without an interview with him, I was not prepared to report our accounts. I now send you a copy of the correspondence which was held with the Cherokee council, in the month of October. A correspondence in writing, conducted with a government regularly organized, composed of Indians, is probably a novel procedure. This method of negotiating, however, was preferred on both sides; and, by reference to the journal, you will discover the manner in which it was sustained. Finding, on the part of the council, such a determined resistance to a cession, arising, as we believe, from their imagined approach to independence, we took occasion to refer them to the nature of their connexion with the General Government. In doing this, we may have submitted sentiments and schemes not warranted by our instructions, or the views and policy of the Government; of this, however, we are not aware. Since our adjournment, I have been informed that a deputation will visit you this winter. No intimation was given at Newtown of such a movement, neither do I know its object.

Upon the subject of further proceedings, I shall wait the direction of the Department. Unless some new feelings are disclosed by the deputation this winter, I should consider a further attempt at negotiation with the Cherokees unnecessary. Their determination not to dispose of a part of their territory seems to have been deliberately formed. Any future operation, to be successful, must be pursued upon a larger scale, or in a different tone. I have thought that a board, composed of a member from each of the States interested, with a competent appropriation and authority to offer territory in exchange, might effect all that could be desired. While at Newtown, the seat of Government of the Cherokees, we were visited by a deputation from the Creeks—General McIntosh at the head. Upon the subject of a cession, the Creeks hold a very different language. From information derived from McIntosh, and since confirmed by the Creek agent, the prospect in that quarter is much more favorable. The present appropriation is probably inadequate. If it could be increased to \$50,000, and diverted to the purpose of holding a treaty with that tribe, the expectation of extinguishing the title to the whole territory would be well founded. I regard the present period as auspicious for a compliance with the articles of agreement and cession of 1802, as far as relates to the territory occupied by the Creeks. That expense and difficulty will increase by delay, I have no doubt. Even without an increase of the appropriation, I should regard a different application of the present sum as inexpedient.

I have the honor, &c.

DUNCAN G. CAMPBELL.

The Hon. J. C. CALHOUN, Secretary of War.

Extract of a letter from the Secretary of War to the commissioners appointed to hold a treaty with the Cherokee Indians, dated

JUNE 15, 1822.

I enclose you a commission to treat with the Cherokee Indians. The sum of \$30,000 has been appropriated for the purpose of holding treaties with the Cherokee and Creek Indians, for the extinguishment of their title to lands within the State of Georgia; but, as it is believed that this sum would not be adequate to treat with success with both nations, and as a former appropriation for the same object was nearly all expended in holding a treaty with the Creek nation, it has been determined by the President to apply the present appropriation, in the first instance, to holding a treaty with the Cherokee nation. The President, confiding in your prudence that not more will be spent than what is absolutely necessary to effect the object of the appropriation, has placed the whole amount of it, with the unexpended balance of the former appropriation above referred to, (which, together, will make a sum of \$34,989 57,) subject to your control in treating with the Cherokees; and you will take care so to make your arrangements, that the whole amount to be spent in the negotiation, including the expenses of your commission, issues of provisions to the Indians under your orders, presents to them, and such preliminary expenses as the agent may be authorized to incur, shall not exceed, in any event, that sum. The principal article of expense will probably be the issue of provisions to the Indians while treating with them, as it is usual for the greater part of the nation to assemble on such occasions. The probable amount of provisions which will be required, and the

price at which it can be obtained, can be ascertained by a correspondence with the agent, Colonel R. J. Meigs, who has been instructed to obey your orders on all points connected with the proposed treaty, and to take such steps as he may judge best calculated to prepare the Cherokees for it. The enclosed circular will be complied with in contracting for the provisions and in issuing them; to which, as there has, in some instances, been great irregularity, I particularly call your attention. The sum to be stipulated for any cession that may be made must be left very much to your sound discretion, taking into consideration the extent and quality of the country to be ceded; but in no event is the sum to be given as the purchase money to exceed \$200,000, to be paid in instalments precisely in the same manner as in the late Creek treaty; nor must the price exceed that given in that purchase, taking into consideration the quantity and quality of the land to be purchased. The quantity of land ceded by the Creeks, in the late treaty, may be ascertained from the archives of Georgia, as it is understood it has been surveyed by the State. To ascertain the quantity of land which may be proposed to be ceded by the Cherokees, reference must be had to the best sources of information that can be obtained, particularly to such maps as are deemed most authentic. The particular portion of country to be treated for is left to your sound discretion.

If commissioners should be appointed by the State of Georgia, (as appears by the resolution of the Legislature to be the intention,) to claim property of the citizens of that State, under the provisions of the treaties of Augusta, Hopewell, Holston, and Philadelphia, the Governor will be requested to inform you of their names and residence, and you will correspond with them, and notify them of the time and place of holding the proposed treaty. You will co-operate with them in the fullest manner, in promoting, to the extent of your powers, the interests and views of the State. If the commissioners of Georgia should be able to effect an arrangement with the Cherokees, in relation to the claims above referred to, similar to that effected with the Creeks at the late treaty with them for like claims, you may insert in the treaty which you may conclude with the Cherokees a provision upon the subject, to the same effect with that inserted in the treaty with the Creeks; the amount, however, to be stipulated to be paid by the United States, on account of the claims of Georgia against the Cherokees, is not, in any event, to exceed \$89,000, to be paid in five annual instalments, as in the Creek treaty before mentioned.

You will observe, by the enclosed papers, that it is the desire of Georgia that the title to the reservations of land within that State, under the treaties with the Cherokee Indians of 1817 and 1819, should be extinguished; and that the Governor has been informed that, in case an appropriation should be made by Congress for holding a treaty with the Cherokees, the commissioners would be charged to attend to the subject. You will, accordingly, take such steps as you may deem proper, either by yourselves, or by the appointment of a special agent for the purpose, to procure from the present owners a conveyance of their title to all such reservations, a list of which is enclosed. The price to be given for such conveyance not to exceed two dollars per acre, with a reasonable allowance for the improvements that may have been made on the lands. The conveyances to be made to the State of Georgia.

Copy of a correspondence between Commissioners on the part of the United States, and the Council of the Cherokee nation.

CHEROKEE NATION, NEW TOWN, October 4, 1823.

The commissioners on the part of the United States, commissioned to hold a treaty with the Cherokee nation of Indians, arrived at this place, where they found the National Council in session. The board organized, but found it impracticable to proceed to business, without first making some improvements for their accommodation, which they determined to do with as little delay as possible.

Monday, October 6, 1823.—On this day, the board were notified by the agent of the nation that the Grand Council were disposed to receive and be introduced to the board, according to the "custom and ceremonial" of the nation. Whereupon, the board, accompanied by the agent and State commissioners, attended at the council-house, and were presented to the king, council, and committee. The Speaker, Major Ridge, addressed the board in terms of congratulation and friendship, and was answered by one of the board, Mr. Campbell, in like terms.

The board addressed to the agent, Governor McMinn, the following note:

SIR:

NEW TOWN, October 6, 1823.

We take this, the earliest convenient occasion which has offered since our arrival, to inform you that we have proceeded hither for the purpose of submitting to the Cherokee nation subjects of interest to the General Government.

The commissions under which [we] propose to act, and the instructions subjoined by the War Department, we deem proper to be submitted to you, having been led to expect your co-operation in all matters relating to our mission. Permit us to request that you will designate an hour, most convenient for yourself, for us to submit our commissions and instructions to your perusal.

The absence of our secretary, at present, we hope will be accepted as an apology for not furnishing you copies.

With sentiments of consideration and esteem, we are your obedient servants,

DUNCAN G. CAMPBELL,
JAMES MERIWETHER,
United States Commissioners.

JOSEPH McMINN, Esq., *Agent, &c.*

The Agent's reply.

GENTLEMEN:

NEW TOWN, October 7, 1823.

Your polite note of yesterday morning is before me, and would have been answered without loss of time, had not the ceremonies of yesterday occupied public attention. I will do myself the honor to attend at my office at any time after early candlelight.

With sentiments of great esteem, &c., your obedient servant,

JOSEPH McMINN.

Hon. D. G. CAMPBELL and JAMES MERIWETHER,
United States Commissioners.

Governor McMinn to the Board.

GENTLEMEN: .

OCTOBER 8, 1823.

I enclose you the copy of an order from the National Committee, agreeably to request.
Your obedient servant,

JOSEPH McMINN.

SIR:

COMMITTEE CHAMBER, *October 8, 1823.*

I am directed by the committee and council to request you to inform the United States commissioners that the General Council, when convened to-morrow morning, will be in readiness to receive the commissioners touching the objects of their mission hither, under instructions from the President of the United States. It is desired that the communications should embrace fully all the instructions they may have received from the President relative thereto.

I am, sir, respectfully,

JOSEPH McMINN, *Agent, &c.*

JOHN ROSS.

The Board's reply to the Council.

OCTOBER 8, 1823.

The undersigned, commissioners on the part of the United States, have received, through the agent, a communication by which they are notified "that the General Council, when convened to-morrow morning, will be in readiness to receive their [the commissioners'] communications touching the objects of their mission;" to which we reply, that we will do ourselves the pleasure to appear before the General Council to-morrow morning, at 10 o'clock, for the purpose of exhibiting the commission under which we propose to commence negotiations. The want of suitable accommodations since our arrival will place it beyond our power to submit a communication as early as suggested by the committee and council in their note to the agent.

With sentiments of due consideration, we are yours, &c.

DUNCAN G. CAMPBELL,
JAMES MERIWETHER.

To the NATIONAL COUNCIL.

October 9, 1823.—The board attended the council, pursuant to appointment, and submitted their commission, which was read and interpreted; and they then retired.

October 10, 1823.—The board convened, and notified the council that they would lay a communication before them to-day, at 2 o'clock.

The following is a copy of the communication:

To the Grand Council of the Cherokee nation:

FRIENDS AND BROTHERS: By the commission which we laid before you yesterday, under the hand of your father the President, you discover that we have authority to hold conferences with you of and concerning all matters interesting to the United States and the Cherokee nation. From the powers conveyed to us, it becomes our duty to bring to your notice the commissioners on the part of the State of Georgia. These gentlemen have accompanied us to-day for the purpose of showing their credentials. They are commissioned by the Governor of Georgia, but their business has been made known to our father the President, and he has directed us to co-operate with them, and give them our aid. In some of the writings which have passed between us, we are sorry to discover that the business of these commissioners is treated lightly, and but little attention given to the subject. For the sake of good understanding and justice, we ask you to listen with patience to what these commissioners may have to say. After taking a deliberate view of all the treaties heretofore made, you will be able to make up a decision. It is better they should be closed in one way or another. As soon as this part of our joint business is settled and adjusted, the United States commissioners will take occasion to submit matters of interest and importance to the Government and to the nation.

We renew our wishes that all our negotiations may be calm and friendly.

DUNCAN G. CAMPBELL,
JAMES MERIWETHER,
United States Commissioners.

Ordered, That a copy of the foregoing be handed to the Georgia commissioners, and that they be requested to attend this board this day at 2 o'clock, for the purpose of appearing before the council, jointly.

October 13, 1823.—The board accompanied the State commissioners to the council-house, where a talk was delivered to the council by that board, setting forth the grounds of the Georgia claims, as arising under the different treaties with this nation.

October 14, 1823.—On this day the council returned an answer to the communication of yesterday, and the board were called on by the State commissioners to co-operate with them in pursuing the negotiation; and did so, in the preparation of a further address.

October 15, 1823.—The board again accompanied the Georgia commissioners to the council, where a talk was delivered.

October 16, 1823.—The following note was received from the council:

IN GENERAL COUNCIL:

NEW TOWN, *October 16, 1823.*

Friends and Brothers: The General Council now embrace the opportunity of informing you that their correspondence with the commissioners on the part of Georgia is brought to a close; and that the General Council, now convened, is ready to receive your communications on all subjects relating to your instructions from the President of the United States.

With considerations of respect and esteem, we take you by the right hand as friends and brothers.

PATH KILLER, his \times mark, *Principal Chief.*
MAJOR RIDGE, *Speaker of the Council.*
JOHN ROSS, *President of National Committee.*A. McCoy, *Clerk of the National Committee.*ELIJAH HICKS, *Clerk of the National Council.*

Copy of a note received from the Georgia Commissioners.

GENTLEMEN:

NEW TOWN, October 16, 1823.

We have this moment received a communication from the National Council of the Cherokee nation, in answer to ours to them of yesterday's date; a copy of their communication to us of this day's date you herewith receive. We solicit a conference with you upon this subject, as soon as it may comport with your convenience.

We remain, gentlemen, with great respect and esteem, your obedient servants,

JOHNSON WELLBORN,
JAMES BLAIR,
Georgia Commissioners.

Reply to the Georgia Commissioners.

GENTLEMEN:

NEW TOWN, October 16, 1823.

In reply to your note of this day's date, we answer, that we will be prepared to have an interview with you this evening at candlelight, for the purpose of having a conference upon the subject of the communication received this day by you from the Cherokee chiefs.

With sentiments of esteem and respect, we are your obedient servants,

DUNCAN G. CAMPBELL,
JAMES MERIWETHER.

To Messrs. WELLBORN and BLAIR, *Georgia Commissioners.*

The following communication was this day made to the Council of the Cherokee nation.

FRIENDS AND BROTHERS:

NEW TOWN, October 16, 1823.

We are happy that a short time has been consumed in the correspondence between you and the State commissioners.

This has afforded us an opportunity of becoming partially acquainted with several members of this council. For the whole body we entertain a high respect; and we trust that, with some of you, we have contracted individual friendship. In saying this, we do no violence to our own feelings, neither do we lower the elevated character of the United States. People who have never seen you know but little of your progress in the arts of civilized life, and of the regular and becoming manner in which your affairs are conducted.

Your improvement reflects the greatest credit upon yourselves, and upon the Government by which you have been preserved and fostered. Other Governments would have triumphed in your downfall, and held you down by cruelty and oppression. Such has not been the conduct of the United States; she has set an example which the whole civilized world ought to feel proud to follow. It has been your unhappy lot to be shut out from the advantages which many others enjoy. It has been the constant study and exertion of the Government to relieve you from your unfortunate condition. The struggle has been long, but not in vain. What was promised you by your first father, (Washington,) has been fully performed by those great friends of mankind who have followed him. Under the kind protection of these earthly fathers, you have been taught that you have a Father above, to whom you are accountable. It should be your pride to act up to the near relationship which exists between you and the United States. If the President practises towards you the kind treatment of a father, it becomes your duty to return the obedience and gratitude of children. You have received this kindness from Government, from the close of the revolutionary war up to the present time.

The President acknowledges that you deserved it by the steadiness of your fidelity. Your conduct as a nation has been peaceable and harmless, although some of your citizens have been, at times, restless and troublesome.

We doubt not but that some of our citizens are liable to the same charge. You have embraced the only opportunity which has occurred of showing that you are warriors, and that you are faithful to the country.

In the last war you were found bravely fighting by the side of the white man, your brother, against the enemies of liberty. These enemies would have seduced you, if they could; and, after making you traitors to your father the President, they would have become traitors to you. Here would have followed a scene of desolation, at which every good man and Christian would weep. It was your fidelity which prevented it; and the hands of the red man and the white man were not raised against each other. The red man and the white man now are brothers, and long may they so continue.

Brothers, these remarks have grown out of feelings which have been inspired by our acquaintance with you.

Coming as we do, clothed in the high authority of the United States, we are left to speak the undisguised sentiments of sincerity. We have done so, and hope and expect to be met in the same spirit of conciliation and friendship.

Having made these remarks, we now proceed to lay before you the subject of our mission. We know that it is one which you have anticipated, and upon which you have already expressed yourselves with some earnestness. We must ask you to suspend any conclusion until we have carried the matter through a calm and deliberate discussion. The whole of the authorities of the nation are now around their great council fire, with power to do any act they may think proper. The authority of the United States is also present. Any contract which may be now concluded will be binding on both parties.

We propose to purchase of the Cherokee nation the whole, or a part, of the territory now occupied by them, and lying within the chartered limits of the State of Georgia. We do not confine ourselves to Georgia limits, because we are Georgians, but because the President has appointed us at the instance of Georgia, and instructed us accordingly. We will give you the reasons why a purchase is pressed by the General Government, for the use of Georgia. Previous to the 24th day of April, 1802, Georgia held the right of sovereignty over an immense space of country, extending even out to the Mississippi river. The General Government, seeing that the territory was too large to be contained within the limits of one State, made application to Georgia for the purchase of a part of it. This was for the purpose of organizing new States, and having them settled and populated, for the better defence of the country in case of war. Georgia listened to the application of her father the President, and sold all the land which now lies in the States of Mississippi and Alabama: this happened on the day above stated. At the same time, in consideration of this sale, the United States bound herself, "at her own expense, to extinguish, for the use of Georgia, as early as the same could be peaceably obtained, and on reasonable terms, the Indian title to all lands within the State of Georgia." The limits of Georgia are known to you; and the amount of territory occupied by you, within those limits, is also known to you.

For greater certainty, however, concerning those limits, and the obligations of the United States to the State of Georgia, we refer you to the articles of agreement and cession, entered into on the day and year aforesaid, between James Jackson, Abraham Baldwin, and John Milledge, on the part of the State of Georgia, and James Madison, Albert Gallatin, and Levi Lincoln, on the part of the United States. (See Laws of the United States, vol. 1, page 488.)

By these articles you discover the rights of Georgia and the obligations of the United States. That these rights may be fulfilled, and these obligations discharged, is the important object of the present mission. The sovereignty of the country which you occupy is in the United States alone; no State or foreign Power can enter into a treaty or compact with you. These privileges have passed away, and your intercourse is restricted exclusively to the United States. In matters of cession of territory, you are recognised as a contracting party.

The United States possessing the sovereignty, and the Cherokee nation being in possession, your consent is asked for the extinction of your title to the soil within the Georgia lines. We concede that the terms must be "peaceable" and "reasonable." Our offer to purchase establishes the first; and the consideration which may be agreed on, we trust, will be satisfactory as to the second.

Beyond the Mississippi the United States possess large domains of unsettled territory, embracing great variety of soil and climate. A portion of this nation is already there. If those with whom we are now treating are disposed to emigrate, then we offer territory in exchange of such extent, and accompanied by such other advantages, as may be agreed on. If this offer is not acceptable, then we submit another, equally "peaceable" and equally "reasonable." It is, that you cede to the United States, for the use of Georgia, such part of the territory within her limits as can be easily spared. Many reasons might be given which have induced Georgia to urge her claim for land upon the General Government.

The reasons have appeared satisfactory to the Legislature and Governor of Georgia, and to the President and Congress of the United States. Some of these reasons grow out of the political connexion of the States, and others out of the crowded settlements of the people.

It is not necessary to detail the first; they are urgent, and must, at some time, have their weight. The last are plain to the view of every one who travels through that part of the President's dominions. His white people are becoming so much crowded, that they are driven from friends and connexions to foreign lands. Others are confined to a scanty piece of soil, without timber for fencing or fuel. To prove these statements, we need only refer to the amount of our population, and the rapidity of its increase. In the county in which one of us resides there are eighteen thousand inhabitants.

The State of Georgia, in 1810, contained 252,433 inhabitants; in 1820, 344,773; showing an increase in ten years of 92,340; and yet the present settlements of Georgia do not very greatly exceed the Cherokee nation in extent, which contains about 12,000 inhabitants. This difference is too great ever to have been intended by the Great Father of the Universe, who must have given the earth *equally* to be the inheritance of his white and red children.

Whether you dispose of all we ask for by exchange, or of a part by sale, still you have enough and to spare. For each man, woman, and child of the nation, a large allowance will be left, even enough for thousands yet unborn. Surely, under this view of the subject, when so much good is to result on one side, and so little, in fact no evil, on the other, you will yield to our applications.

Brothers: We have thus made known to you the subject of our mission, and some of the reasons in support of it. In a matter of so much consequence to the United States, it certainly becomes you to deliberate; to look well to this matter in all its bearings; to do unto us as you would have us to do unto you under like circumstances.

In such time as will best suit your convenience we shall expect an answer. We believe that we shall receive one which shall comport with the calmness and friendly disposition of the council. It is not to be supposed that an affair which involves so much weight and importance is easily to be disposed of. We shall therefore beg leave to reserve to ourselves the privilege of reply, as often as we may consider it necessary.

DUNCAN G. CAMPBELL,
JAMES MERIWETHER,
United States Commissioners.

The following is an answer from the Cherokee Council.

IN GENERAL COUNCIL:

NEW TOWN, October 20, 1823.

Friends and Brothers: The very friendly manner in which you have expressed yourselves towards the members of the council, and those of them with whom you have contracted individual friendships, and the liberal view which you have taken of the progress of our improvement in the arts of civilized life, and the regular and becoming manner in which the affairs of the nation are conducted, are respectively flattering; and we beg leave to return you our grateful acknowledgments for the compliment. The many favors which have been bestowed on us by the fostering hands of our father the President are always fresh in our recollection, and we are ever ready to acknowledge our gratitude. The co-operation of the red man and the white man in subduing the common enemy during the late war, and the blood which was lost on that occasion at Tallasseehatchie, Talledega, Hillabees, Enoticopea, Emucsaws, and Tehopha, (Horse Shoe,) we conceive to be no more than what might have been expected from our hands as children and true friends to our father the President. Those acts performed are a demonstrative proof of the sincerity of our affection and fidelity, and show the firm hold by which the hand of our father is grasped, and speak more forcibly than volumes of promises.

Brothers: We have fully deliberated on your communication. The application which you have made, under the authority of your mission from the President of the United States, for the extinguishment of the Cherokee title to the *whole* or a *part* of the lands now occupied by them, and lying within the chartered limits of Georgia, either by exchange for lands west of the Mississippi river, or by purchase, we have to state, that the unfortunate part of our nation who have emigrated to the west have suffered severely since their separation from this nation and settlement in their new country. Sickness, wars, and other fatalities have visited them and lessened their numbers; and many of them, no doubt, would willingly return to the land of their nativity, if it were practicable for them to do so, without undergoing various difficulties, which would be almost insurmountable in so fatiguing and so long a journey by men, women, and children, without friends and without money to perform it. When we call to recollection the period which separated our countrymen, acquaintances, friends, and relatives from us, and look to the circumstances and means which caused our separation, we are grieved; the tears flow in our eyes, and we weep. Had it been the desire of the remaining part of this nation to have left this country, they would have embraced the opportunity, and emigrated with their fellow-countrymen; but this was not their desire. They loved the soil which gave them birth, and they have continued thereon. The limits of this nation are small, and embrace mountains, hills, and

poor lands, which can never be settled. The Cherokees once possessed an extensive country, and they have made cession after cession to our father the President, to gratify the wishes of our neighboring brethren, until our limits have become circumscribed; and it appears, from the eager desire of our brethren to obtain our lands, that it would be unreasonable for us to presume that a small cession at any time would ever satisfy them.

Brothers: The improving situation of this nation is visible, and has been acknowledged; and it would be reproachful and degrading to our character did we not look to its interest, prosperity, and future happiness. You give us one reason why a cession is urged: that is, "from the crowded settlements of the people of Georgia." We presume, if Georgia were in possession of the whole extent of her chartered limits, that it would not remedy the inconvenience complained of.

Brothers: From the comparative view which you have taken of the population of Georgia and the Cherokee nation, you say "that the difference is too great ever to have been intended by the Great Father of the Universe, who must have given the earth equally as the inheritance of his white and red children." We do not know the intention of the *Supreme Father* in this particular, but it is evident that this principle has never been observed or respected by nations or by individuals. If your assertion be a correct idea of His intention, why do the laws of civilized and enlightened nations allow a man to monopolize more land than he can cultivate, to the exclusion of others?

Brothers: We cannot accede to your application for a cession. It is the fixed and unalterable determination of this nation never again to cede *one foot* more of land. We will make known to you, as coming from our father the President, that the boundary line from the Unicoy turnpike, on the Blue Ridge, to the source of the Chestatee, has not been run by the United States surveyor, agreeably to the stipulation or intention of the treaty of 1819; but it has been run so as to include a larger tract of land than was admitted by said treaty, to the great inconvenience and injury of this nation, particularly those of our citizens who lived in that quarter, and have been compelled to *remove*. As this fact has been reported to the President, we trust that he has given you some instructions relative to the investigation of the subject.

With the brightness of the sun, we renew our assurances of respect and brotherly friendship.

PATH KILLER, his \times mark, *Principal Chief*.

MAJOR RIDGE, his \times mark, *Speaker of Council*.

JOHN ROSS, *President of National Committee*.

A. McCoy, *Clerk of National Committee*.

ELIJAH HICKS, *Clerk of National Council*.

The following is a reply from the Commissioners to the Council.

FRIENDS AND BROTHERS:

NEW TOWN, October 21, 1823.

Your communication of yesterday was handed us by your messenger. We feel constrained by duty and instruction to reply, and to reserve to ourselves the privilege of reply as often as we may consider it necessary. In doing this, we violate no sentiment which we have heretofore expressed with regard to this nation. Nothing would give us a deeper regret than to find that our confidence had been misplaced, and our encomiums improperly bestowed. Of this we have no apprehension at present, and shall pursue the negotiation under the hope that it will yet be closed in a manner which shall comport with the just expectations of the General Government.

Brothers: The relation in which this nation stands to the Government of the United States is somewhat peculiar. The original title to this soil is acknowledged to have been in you.

There was a time when most of the territory now composing the United States belonged to various tribes of Indians. The people of Europe were the first white men who landed upon these shores. As soon as they established colonies, they claimed the sovereignty of the soil by the *right of discovery*. For a long period of time, this sovereignty was exercised without resistance. At length, the colonies grew to a size which enabled them to take the management of their own affairs. A war ensued, which lasted seven years, and then ended in the complete success of the colonies. What Europe claimed by discovery, was then vested in the people of the colonies by conquest. All the country which was conquered belonged to the conquerors. The Cherokees, the Creeks, and almost every other Indian tribe, powerful and numerous as they were, took sides against us. All shared the same fate. All became subject to the Government afterwards established, under the title of the "United States of America."

This subordination and loss of power would have followed conquest, as a matter of course; but, in order that it might be reduced to a certainty, and made plain, and recorded, treaties were entered into, in every instance, with the Indian tribes who were parties to the war.

The Delawares surrendered their sovereignty at the treaty of Fort Pitt; the Six Nations at Fort Stanwix; the Creeks at New York; the Chickasaws at Hopewell; and the Cherokees at Hopewell, in 1785, and so on. By these, and by a great many other nations, a complete surrender is made, and protection claimed. The language of the United States, in the treaty of Hopewell, gives peace to the Cherokees, and receives them into favor and protection. The language of the Cherokees is submissive, and accepts the offer. So complete was the authority acquired by these memorable operations, that the territory of all those tribes was made the subject of "allotment." All the lands which they now hold have been "allotted" to them; their original title is forever gone—first, by discovery; secondly, by conquest; and thirdly, by treaty. But the surrenders which have been made from time to time by the Cherokees go still further, and authorize the United States to "manage the trade of the Cherokees as they may think proper."

Brothers: We have reference to these matters of history and compact, not to show your humiliation, but to show your dependence. On the contrary, it does not degrade you to give you the evidence of your dependence; it is a matter of distinction to be connected with, and dependant upon, the Government of the United States. There are twenty-four States and three Territories, which are found to acknowledge this connexion and dependence. The advantage is mutual. The United States give laws, stability, and protection to the States; and the States give obedience, support, and taxes to the Government. By this union, the Government becomes powerful; by a division, it would be feeble. As relating to the different tribes of Indians who have settlements within the States, the Government is prepared to speak with candor and decision. If they cherish the idea of independence and self-government, the sooner they are corrected the better. The United States will not permit the existence of a separate, distinct, and independent Government within her limits. All the people on her soil must be hers, and her laws must, sooner or later, pervade the whole. To qualify you for citizenship, the Government has, within the last twenty years, expended upon you upwards of half a million of dollars. You have been told that you are the President's favorite children. You are indeed so. He seeks not to destroy, but to preserve you. There is nothing annihilating in his scheme. When he qualifies you as citizens, you must become so. The process of qualification

will follow you, wherever you go; and as fast as you become citizens, you become subject to our laws. Whether this subjection to our laws is to be individually or collectively, depends in a great degree upon yourselves. As long ago as at the treaty of Hopewell, in 1785, the idea is suggested of your becoming a Territory of the United States, with the right of representation in Congress. If this nation would preserve a compact form, not within the limits of the States, no obstacle would remain to the organization of a Territorial Government composed of themselves. While they are within the limits of the States, the State sovereignty must prevail, and they must become merged in the white population, and take the standing of individual citizens.

Brothers: Let your choice be as it may, your condition will be bettered. The government which you have lately formed for yourselves, although it is greatly to your credit, yet is objectionable in many of its important features. A territorial organization under the United States would be greatly preferable. Such changes are common among nations, and often to the advantage of both parties. But, if this scheme is not yet sufficiently matured to meet your acceptance, then a cession of a part will quiet the solicitude of Georgia and of the United States, for the present, and give time for further deliberation. The cession of a part need not affect the wishes or interest of any individual, with respect to citizenship. If those who live upon the part ceded are not disposed to become citizens, they can be indemnified for their losses in removing, and retire within your lines. If they are disposed to become members of the States, they can be secured in a residence, and let into all privileges of ordinary citizens.

Brothers: We have thus laid before you some new topics for discussion. These involve considerations of vast importance to yourselves and to posterity. Listen to them, and answer with calmness and deliberation.

You are not engaged in light disputes or trifling considerations. Nations are parties to this correspondence. If we know our Government and ourselves, we design you no harm. Our object is the good of the whole American family.

We shall now proceed to notice some of the remarks in your communication of yesterday, and close for the present.

The picture which you have drawn of the separation of friends and relatives at the emigration to Arkansas is honorable to the sympathies of your hearts. But the heart often bleeds at what the judgment approves. Among ourselves, these separations occur almost daily. You advert with some emphasis to the "circumstances and means which caused the separation."

Brothers: We understand that it was wholly voluntary, and that your citizens projected the scheme themselves, as long ago as 1808. At that time the President was aware that the season was unpropitious for so serious an operation. His land beyond the Mississippi had not been explored. The distresses of the people and Government were great, and the prospect of a war was in view. The President acted as a great and good father to you, and advised you not to go. Since that time, it has been ascertained that the country admits of eligible settlement and organization, and the most advantageous terms have been allowed you for removal. In all this, we discover nothing but the characteristic magnanimity of the American Government.

Brothers: You state that you "once possessed an extensive country, but that you have made cession after cession, until your limits have become circumscribed." Would you, if you could, repossess yourselves of all the soil which you once held, and allow it to be peopled only by yourselves? Would you demolish temples raised to science and dedicated to God, that beasts might have a wider range, or game a broader play? Would you lay waste a city, that a wigwam might rise upon its ruins? No, brothers: you are now drinking of the streams of civilization, and leaving far behind you the tide and vulgar prejudices of untutored barbarism. These are giving place to just and liberal conceptions of the rights of man, and the bounty of man's Creator.

You suggest that the eagerness of your neighboring brethren to obtain lands is so strong, that a small cession would not satisfy them. It is true that self-interest is a strong principle of action, and in its operations often requires restraint. In this case, however, this eagerness is considered reasonable, and your father the President gives it his sanction.

We assure you that a small cession will have a much greater quieting influence than no cession at all. It is not altogether fair to set bounds to eagerness, when it is founded upon right.

Your allusion to the subject of the line run under the treaty of 1819 will receive due attention before we close our correspondence.

With great respect for the council, and increasing regard for its members, we again subscribe ourselves,
Your friends and brothers,

DUNCAN G. CAMPBELL,
JAMES MERIWETHER.

To the COUNCIL of the Cherokee Nation.

The Council to the Commissioners.

IN GENERAL COUNCIL:

NEW TOWN, CHEROKEE NATION, October 24, 1823.

Friends and Brothers: Your communication of the 21st instant has been deliberated on by the General Council, and it seems that you anticipate a hope that your application for a cession might yet be granted. We assure you, in the strongest terms, that our rejection is founded upon a mature and deliberate determination, which cannot be changed. The title of the Cherokees to the land in their possession is indisputable; and the United States, by the treaty of Holston in 1791, in the seventh article, fully declare it to be so, by solemnly guaranteeing it to them.

Brothers: We are fully sensible that we are *dependant* upon the Government of the United States for *protection*, and have ever manifested a disposition to conduct ourselves in such a manner as to comport with our duty in that respect; and we are surprised and at a loss to know what has given grounds to harbor a contrary opinion of our disposition in that respect. There must be a source from whence a misrepresentation of our disposition has been communicated to our father the President. The remark that we made, "that the Cherokees once possessed an extensive country, and made cession after cession to our father the President, to gratify the wishes of our neighboring brethren, until our limits had become circumscribed," was not intended to mean that we would wish to repossess what we had surrendered, (as would seem from your eloquent remarks on that point;) but to show, if we continued to yield to our father's application in behalf of our neighboring brethren, as we had heretofore done, that the whole of our lands would be gone. It is not our wish to "demolish temples raised to science and dedicated to God, so that beasts might have a wider range, or game a broader play;" nor to "lay waste a city, that a wigwam might rise upon its ruins;" but it is our desire that monuments of science may be raised, by our hands, on the dust of our progenitors, from which the beasts of the field have receded, and the wigwam is tottering into ruins.

The bow and the quiver are laid aside, and the pursuits of the chase are forgotten. The axe, the hoe, the plough, and the shuttle are introduced, and progressing like a consuming fire, and it is hoped that a mist will not arise to dampen its progress. You suggest an idea that, if this nation would preserve a compact form of a Territorial Government of the United States, not within the limits of the States, no obstacle would remain to the organiza-

tion; but while they are within the limits of the States, the State sovereignty must prevail, and they must become merged in the white population, and take the standing of individual citizens. And you further remark, that, in case of a cession of a part, all those who do not choose to become citizens would be indemnified for their losses; and those that choose to become members of the States can be secured in a residence, and let into all the privileges of ordinary citizens.

Brothers: The suggestion of the organization of a Territorial Government is a subject of too great weight for the nation to take up in their present situation; therefore, the suggestion cannot meet our acceptance. As respects being secured with indemnification and residence, and privileges of citizenship in the States, we beg leave to ask you to look to the treaty of 1819. What were the provisions made for the Cherokees in the second article of that treaty? And what has been the course pursued by the States of Tennessee and Georgia, and some of their citizens, relative to the sacred obligations contained in that article? We find that opposition, fraud, and every species of injustice were raised against the interests of the poor inexperienced Cherokees by them; and before the aid and assistance of the magnanimous hand of the General Government could be extended to their relief, an entire ruin and loss of property has been sustained by many of them; and many of them who are entitled to compensation for improvements under that treaty have never received one cent. A very small portion of the improvements left have been valued and paid for.

Brothers: We cannot curtail the present limits which have been reserved to this nation in the treaty of 1819. The prosperity and future happiness of our posterity cannot be lost sight of, when their destiny is placed in our hands; and should we act as an honest father, and preserve their interest and their right, they will rejoice and be happy in commemorating our names when we are no more. Under these circumstances, our brethren of Georgia cannot, or ought not, to desire us to destroy ourselves, so that they may aggrandize themselves and raise temples upon our ruins. Their State is respectable in wealth and in population, as well as in liberal sentiments of honorable men, and the extent of its bounds not small, but considerably larger than many of the other States of the Union.

Brothers: We beg leave to present this communication as a positive and unchangeable refusal to dispose of *one foot* more of *land*, so that no further application or anticipation of success may be encouraged on your part, and that a final close of the correspondence on this subject should herewith take place, as the council will very soon rise, having already continued four days over the time allowed by the authorities of the nation for its sitting.

With calmness and cordiality, we subscribe ourselves, as friends and brothers,

PATH KILLER, his *mark*, *Head Chief*.

MAJOR RIDGE, *Speaker of Council*.

JOHN ROSS, *President of National Committee*.

A. MCCOY, *Clerk of National Committee*.

ELIJAH HICKS, *Clerk of National Council*.

The Commissioners to the Council.

FRIENDS AND BROTHERS:

NEW TOWN, October 25, 1823.

Your communication of yesterday has been under consideration, and we regret to see the very wide difference which exists between us as to the material point of negotiation.

The anticipations of success which we had indulged were founded upon confidence in your judgment. We believed that we were in the right, and hoped that we should succeed in convincing you. Your rejection of our application does not at all inpair our views of the propriety of what we have laid before you. We have endeavored, by a reference to the history of this nation, to satisfy you of the nature of your title to the soil which you occupy. The doctrine, to be sure, is not very consoling, but it is nevertheless true. You attempt to rebut it by an article in the treaty of Holston in 1791. It is true that the seventh article "guaranties to the Cherokee nation all their lands not thereby ceded." And what does this guaranty amount to? You greatly mistake yourselves if you construe it into a conveyance, or even quit-claim, on the part of the United States. Notice the terms used in the fourth article of the same treaty, which conveys the lands ceded at that time. It is there said that "the chiefs and warriors, for themselves and the whole Cherokee nation, their heirs and descendants, release, quit claim, relinquish, and cede" the lands therein described. If the word "guaranty" would have expressed all this, then that word would have been used. Your title under this treaty of Holston is no better than under the treaty of Hopewell; and under neither does it amount to any thing more than *possession at the will* of the United States. You acknowledge that you are "dependant upon the United States for protection." Brothers, such acknowledgment is very empty, unless accompanied by some signs that you feel the obligation. Your father the President has asked you, in terms the most peaceable and reasonable, for what he might have demanded; you might have granted the application, without injury or inconvenience to yourselves. It will rest with him to judge whether your conduct comports with your duty. You state that it is your desire to raise monuments of science with your own hands upon the soil of your "progenitors." No lover of the human race would controvert the sentiment. No friend of mankind would bring into use "the bow and the quiver," which you say have been laid aside. The "axe, the hoe, plough, and shuttle" were given you by the President, and he will never withdraw them. But it is his desire, and it ought to be your pride, to forward the general interests of all the American people. This never can be done by your monopoly of such extent of territory.

Brothers: It would seem, from your pointed and determined rejection of what we have asked, that it would be wholly unnecessary to pursue the investigation further. We commenced with a simple proposition to purchase your claim to the whole or a part of the soil within the limits of Georgia. In the course of the correspondence, we have evinced the grounds of negotiation, and discussed topics interesting to the Government and to you. If no good results to either, we must be content with the consciousness of having done our duty. Your allusion to the proceedings under the treaty of 1819 does not require a detailed answer. Our knowledge upon that subject would not, we presume, rescue the Tennesseans or Georgians from the aspersions which you have thrown upon them. We take leave, however, to observe, that, wherever the laws have been appealed to, they have been righteously enforced, and that vast profits have been realized by the persons named in that treaty. As messengers of the United States, it does not become us to indulge local feelings. The General Government is bound to Georgia, and we doubt not but that she will fulfil her engagements.

Brothers: We will not detain the council, if they are impatient and wish to rise. We understand that they have sat much longer upon business of less importance heretofore. This is the third visit that we have made to the country, and we had a right to expect a patient hearing. We shall say but little more. Justice to our Government and good wishes to you require that we should add a few words more; we ask you to receive them as they are intended—in feelings free from excitement.

According to the usage of many years, we exercised the right of appointing the place of meeting you. We solicited your agency, and invited you to attend last January, and you *refused*. We selected another place more central, and a time more genial, and invited you to come, and you *refused*. You were then indulged in appointing time and place yourselves. We attended, and you did not. We have now come to your own time and your own place, and you have rejected a reasonable application. We told you on our arrival that we were directed to co-operate with the Georgia commissioners in negotiating the settlement of long standing claims. We have stood by and seen you reject a settlement of claims which occurred at a time and under circumstances powerfully imposing. When treaties lose their obligation, what shall bind nations? We have stood by, also, and witnessed a correspondence of serious import between yourselves and your agent. We have seen his application rejected, and heard his dissatisfaction expressed. Our appointments to meet you were under the *President's authority*. The application of the Georgia commissioners was under the *President's authority*. The application of the agent was under the *President's authority*. Where is the virtue of calling the President "father," of acknowledging "his protection," and then refusing obedience to his wishes? We might go further, and remind you of the uniform disposition of the Government to attend to your requests and redress your grievances. Even at this moment, while these things are passing before us, troops are on their march, with the sword and torch, removing intruders from your limits, and burning their dwellings.

Brothers: Ingratitude approaches to crime; a grateful return for a favor is the best evidence that the favor is felt. You cannot suppose that all these things, taken together, are to pass away and produce no effect. What the effect may be, we are not exactly prepared to say. Time will disclose it.

Brothers: We had rather see and feel a different prospect. In the sincerity of our hearts, we wish this nation well. We should be happy to see the ties which bind you to the Government drawn closer. We should like to see the chain grow brighter and stronger. We fear that the very reverse is the fact. The ties are loosening, and the chain is becoming weaker. There is a danger of your losing connexion with the Government, and having the agency abolished. We might enumerate other consequences which are not improbable, but which should be prevented if possible. The course is plain by which the evils may be averted. It is no mark of manliness and magnanimity to persist, merely for the sake of consistency. After the judgment is convinced, it is often better to yield, than to resist even a doubtful right.

Brothers: We shall now close. We are not conscious of having said any thing not warranted by the authority of our Government and the rules of fair and open negotiation. We cannot take our leave without submitting a further and distinct proposition. So well are we satisfied of its healing tendency, that it would be criminal in us to withhold it. We submit the following:

The United States propose to purchase of the Cherokee nation their claim to all the land east and north of the following boundaries: Beginning at a marked corner, at the head of Chestatee; thence, along the ridge, to the mouth of Long Swamp creek; thence, down the Etowah river, to the line which is to be run between Alabama and Georgia; thence, with said line, to the dividing line between the Creeks and Cherokees; thence, with said line, to the Chattahoochie. In consideration of said cession, the United States will pay to the Cherokee nation the sum of two hundred thousand dollars, in suitable instalments, and will also indemnify the nation against the Georgia claims; and, as a gratuity to the nation, the commissioners will pay into their treasury, at this time, for the use of the nation, the further sum of ten thousand dollars.

We are, as usual, your friends and brothers,

DUNCAN G. CAMPBELL,
JAMES MERIWETHER,
United States Commissioners.

The Council to the Commissioners.

IN GENERAL COUNCIL:

NEW TOWN, October 27, 1823.

Friends and Brothers: You say that your anticipations of success were founded upon confidence in our judgment, and that you believed and hoped you would have succeeded in convincing us that you were right, and would also satisfy us of the nature of our title to the soil which we now occupy. The doctrine which you have laid for a foundation can never convince our judgment that you are correct. We did not refer to the seventh article of Holston treaty, 1791, as a foundation of our title to the soil upon which we stand. Our title has emanated from a Supreme source, which cannot be impaired by the mere circumstance of discovery by foreigners; neither has this title been impaired by conquest or by treaty. If it was intended that our original title should be forever lost, why did not the treaties of peace declare it in plain terms; and why should the United States purchase, time after time, by treaties, lands to which you would wish to convince us we have no title? And when such purchases were made, why did they require such a right and title of conveyance as given in the fourth article of Holston treaty, 1791, to which you have had occasion to refer? We noticed the seventh article of Holston treaty to show that the United States do acknowledge our right and title, and have guaranteed to respect the same. This being the case, and the Cherokees possessing the right and title, it would have been superfluous and useless for the United States to convey to the Cherokees a right and title which was already vested in the Cherokees themselves, and not in the United States. You say our possession is at the will of the United States, and that our rejections to the several propositions which have been made cannot be expected to pass away and produce no effect; and that the ties which bind us to the United States are loosening, and the chain is becoming weaker. What, brothers! do you wish to impair the high confidence which we entertain in the magnanimity of your Government? and to harbor an opinion that, because the United States are great and powerful, and the Cherokees small and dependant upon her for protection, she will trample justice under foot, and compel us to yield what we have peaceably and respectfully refused to let the United States have, for the benefit of the State of Georgia? Have you not told us that the President has the same love towards us as his white children? and would not such a treatment of us, as you seem to be apprehensive of, be partial and wrong? Brothers, we have rejected your propositions because we love our lands, and have none to dispose of. We rejected the claims of Georgia, because we know that the nation owes her nothing under the treaties cited. We rejected the proposition of the agent, because we think that it is not expedient to grant it, inasmuch as we have given him all the privileges granted him by treaty, and are ever disposed to support his authority as an agent, so far as our citizens may be implicated with transgressions. Thus far we have not acted with ingratitude towards the General Government, in rejecting these several propositions; it is a privilege and a right which belongs to us, to use our pleasure in complying or rejecting. Therefore, your charge of ingratitude, we conceive, is not consistent with liberality. Your proposition for a special cession of a tract of land cannot be acceded to. The offer of money is not a consideration which can effect to alter the rejection which has

already been made. You have been told, in positive terms, that one foot more of land cannot be sold. You state that you are informed that the council had, on a former occasion, sat much longer than the present session. Your informant is mistaken. Twenty-five days is the longest session we have ever had at this place, and the present session has now entered the twenty-seventh day. You have no grounds to complain of a sudden close of our negotiations; the subject has been fully discussed. We now consider this a final close of our negotiation, and beg leave to take you by the right hands, as we met, in brotherly friendship; and as such may we ever continue.

PATH KILLER, his × mark, *Principal Chief*.
 MAJOR RIDGE, his × mark, *Speaker of the Council*.
 JOHN ROSS, *President National Committee*.

A. McCox, *Clerk National Committee*.

To D. G. CAMPBELL, and } *United States Commissioners*.
 JAMES MERIWETHER, Esqrs. }

October 28, 1823—The board, after deliberation, determined that any further communication to the council, at this time, was unnecessary, and therefore adjourned *sine die*.

Attest:

WM. F. HAY, *Secretary*.

E.

Extract of a letter from the Cherokee Delegation to the President of the United States, dated

CITY OF WASHINGTON, January 19, 1824.

The Cherokee nation labor under a peculiar inconvenience, from the repeated appropriations which are made for the purpose of holding treaties with them for lands. This circumstance has been productive of much evil to the improvement of the nation in the arts of civilized life, as it cannot be denied that it has retarded its progress, by unsettling the prospects of individuals. The Cherokee nation have now come to a decisive and unalterable conclusion not to cede away any more lands; the limits reserved under the treaty of 1819 are not more than sufficient for their comfort and convenience, taking into consideration the great body of mountains and poor lands which can never be settled. It is a gratifying truth, that the Cherokees are rapidly increasing in population; therefore, it is an incumbent duty on the nation to preserve, unimpaired, the rights of posterity to the lands of their ancestors. We have told you of the decisive and unalterable disposition of the nation, in regard to their lands. Father, we would now beg your interposition with Congress, on behalf of your red children, the Cherokees, so that provision may be made, by law, to authorize an adjustment between the United States and the State of Georgia, so that the former may be released from the existing compact, so far as it respects the extinguishment of the Cherokee title to lands within the chartered limits of Georgia.

GENTLEMEN:

DEPARTMENT OF WAR, January 30, 1824.

The President has received your letter of the 19th instant, and, after giving to it that mature consideration which the importance of the subject to which it refers demands, he has directed me to communicate to you the following answer:

By the compact with Georgia, the United States are bound to extinguish, for the use of the State, the Indian title to lands within the State, as soon as it can be done peaceably, and on reasonable conditions; and the Legislature and Executive of Georgia now press the fulfilment of that stipulation, with the utmost possible earnestness. This Government is anxious to fulfil the agreement, provided it can be done on conditions which accord with the import of the compact, and which will also be satisfactory to the Indians. With a view to this object, we wish to have a free communication with you, the chiefs of the Cherokees; and to appeal to the good sense and to the interest of the nation, as pointed out by their own experience, and by that of their ancestors, for two centuries back.

You must be sensible that it will be impossible for you to remain, for any length of time, in your present situation, as a distinct society or nation, within the limits of Georgia, or any other State. Such a community is incompatible with our system, and must yield to it. This truth is too striking and obvious not to be seen by all of you. Surrounded, as you are, by the people of the several States, you must either cease to be a distinct community, and become, at no distant period, a part of the State within whose limits you are, or remove beyond the limits of any State. For the United States to fulfil the compact with Georgia, the title which you hold to lands, as a distinct community, must be extinguished; and the State objects to the extinguishment of it, by vesting in you, or in any of you, in lieu thereof, the right of individual ownership. If any of you acquire that right to land, and remain there after the bond which holds you together as a distinct community is dissolved, and your present title is extinguished, it must be by purchasing the property, and acquiring the title from the State within which it is.

It remains for the Cherokee nation to decide for itself, whether it will contribute most to their own welfare and happiness for them to retain their present title to their lands, and remain where they are, exposed to the discontent of Georgia and the pressure of her citizens; or to cede it to the United States, for Georgia, at a fair price, to be paid either in other lands beyond the Mississippi, or in money, to be vested in lands to be purchased for them as individuals, within that or any other State. Should the nation decide to relinquish its present title, and to adopt either of the alternatives suggested, this Government is disposed to act generously with them. If they prefer to move in a body westward of the Mississippi, measures will be taken to acquire lands for them there, in sufficient amount, and in the quarter most agreeable to them. Facilities will also be afforded for their removal. Should they prefer to receive the value of their title in money, with a view to purchase lands in any of the States, and become citizens thereof, in that case a fair price will be given, and proper aid afforded them for the accomplishment of their object. Should the nation divide, and a portion of it pass the Mississippi, and the residue remain on this side, measures will be taken to give effect to their wishes, by the compact to be entered into, in both respects.

I have, &c.

J. C. CALHOUN.

Messrs. JOHN ROSS, GEO. LOWREY, MAJOR RIDGE, and ELIJAH HICKS, *Cherokee Delegation*.

SIR:

CITY OF WASHINGTON, February 11, 1824.

We have received your letter of the 30th ultimo, containing the answer which the President directed you to communicate to us, in reply to a particular subject embraced in the letter which we had the honor of laying before him on the 19th ultimo.

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In this answer we discover new propositions for the extinguishment of Cherokee titles to lands for the benefit of Georgia. We beg leave to say to the President, through you, the Cherokee nation are sensible that the United States are bound, by their compact with Georgia, to extinguish, for the use of that State, the Indian title to lands within the limits claimed by the State, "as soon as it can be done peaceably and on reasonable conditions;" and are also sensible that this compact is no more than a conditional one, and, without the free and voluntary consent of the Cherokee nation, can never be complied with on the part of the United States. And, having been duly authorized to make known to the Government of the United States the true sentiments and disposition of the nation on this subject, the President has been informed that the Cherokees have come to a decisive and unalterable conclusion never to cede away any more lands. And as the extinguishment of the Cherokee title to lands can never be obtained on conditions which will accord with the import of the compact between the United States and Georgia, it is desirable that the Government should adopt some other means to satisfy Georgia, than to remain any longer under anticipation of being enabled to accomplish the object of purchasing the Cherokee title. The United States now possess an extensive territory in the Floridas; why not extend the limits of Georgia in that section of country, if her present bounds be considered too small? The Cherokee nation have never promised to surrender, at any future period, to the United States, for Georgia, their title to lands; but, on the contrary, the United States have, by treaties, solemnly guaranteed to secure to the Cherokees forever their title to lands which have been reserved by them: therefore, the State of Georgia can have no reasonable plea against the Cherokees for refusing to yield their little all to the United States, so that her own aggrandizement may be raised upon their ruins.

You express a wish "to have a free communication with us on this subject, and to appeal to the good sense and to the interest of the nation, as pointed out by their own experience, and by that of their ancestors, for near two centuries back." In accordance with your wishes, we will speak frankly, and with all the good sense we may possess, and, keeping strictly in view the interest of our nation, look back to circumstances which have transpired, and endeavor to trace the causes which produced them; and also to observe the present state of things, and look forward to such objects as may be practically attainable for the best interests of the Cherokee people.

By tracing the situation of our ancestors for two hundred years back, we see nothing desirable, but much to deplore. The happiness which the Indians once enjoyed, by a quiet and undisturbed ease, in their primitive situation, before the face of the white man was seen on this continent, was now poisoned by the bad fruits of the civilized tree which was planted around them. Tumultuous wars arose, and the mountains and plains were covered with carnage, and the Elysian valleys drenched with blood; and many noble tribes, whose unfortunate doom it was to have been overshadowed by the expanded branches of this tree, drooped, withered, and are no more. Such are the scenes brought to our view by looking back to the situation of our ancestors at the period to which you have called our attention. Let us now, for a moment, seriously reflect on the true causes which have universally produced the extinction of Indian tribes, when they became merged into the white population; and we doubt not that it will be admitted at once that, by ambition, pride, and avariciousness of the civilized man, the untutored sons of nature became a prey. Defrauded out of their lands; treated as inferior beings, on account of their poverty and ignorance, they became associated with the lowest grade of society, from whom the habits of intemperance, debauchery, and all the vices of degradation peculiar to that class, were by them soon imbibed. Their lands having been swept from under their feet by the ingenuity of the white man, and being left destitute of a home, ignorant of the arts and sciences, and possessing no experience in the employment of a laborious and industrious life to obtain a living, they became straggling wanderers among strangers; and, by oppressions, their spirits were depressed, and, considering themselves degraded, they were induced to hurry away their troublesome existence by inhaling the noxious vapors of intemperance (a fatal remedy) to settle their doom of extinction. Such have been the circumstances and causes which have swept into oblivion the names of many tribes of Indians that once possessed and inhabited the soil of these United States; and such must be the fate of those tribes now in existence, should they be merged into the white population before they become completely civilized and shall have learned the arts and sciences; and such would be the fate of a large portion of the Cherokee nation, were they to cede away all their lands, and now become incorporated with the whites.

You say that "we must be sensible that it will be impossible for us to remain, for any length of time, in our present situation, as a distinct society or nation, within the limits of Georgia, or of any other State; and that such a community is incompatible with your system, and must yield to it; and that we must either cease to be a distinct community, and become, at no distant period, a part of the State within whose limits we are, or remove without the limits of any State;" and that "it remains for the Cherokee nation to decide for itself, whether it will contribute most to their own welfare and happiness for them to retain their present title to their lands, and remain where they are exposed to the discontent of Georgia and the pressure of her citizens; or to cede it to the United States, for Georgia, at a fair price, to be paid either in other lands beyond the Mississippi, or in money." Sir, to these remarks we beg leave to observe, and to remind you, that the Cherokees are not foreigners, but original inhabitants of America; and that they now inhabit and stand on the soil of their own territory; and that the limits of their territory are defined by the treaties which they have made with the Government of the United States; and that the States by which they are now surrounded have been created out of lands which were once theirs; and that they cannot recognize the sovereignty of any State within the limits of their territory. Confiding in the good faith of the United States to respect their treaty stipulations with the Cherokee nation, we have no hesitation in saying that the true interest, prosperity, and happiness of our nation demand their permanency where they are, and to retain their present title to their lands. In doing so, we cannot see, in the spirit of liberality, honor, magnanimity, equity, and justice, how they can be exposed to the discontent of Georgia or the pressure of her citizens. An extent of territory twice as large, west of the Mississippi, as the one now occupied by the Cherokees east of that river, or all the money now in the coffers of your treasury, would be no inducement for the nation to exchange or to sell their country. It rests with the interest, the disposition, and the free consent of the nation to remain as a separate community, or to enter into a treaty with the United States for admission as citizens, under the form of a Territorial or State Government; and we can only say, that the situation of the nation is not sufficiently improved in the arts of civilized life to warrant any change at present: therefore, the subject must be left for our posterity to determine for themselves, whenever the whole nation shall have been completely and fully civilized, and shall have possessed the arts and sciences.

With considerations of high respect and esteem, we have the honor to be, sir, your very obedient, humble servants,

JOHN ROSS,
GEORGE LOWREY,
MAJOR RIDGE, his \times mark.
ELIJAH HICKS.

Hon. JOHN C. CALHOUN.

SIR:

DEPARTMENT OF WAR, *February 17, 1824.*

I am directed by the President of the United States to enclose, for your information, copies of a communication from the Cherokee delegation now at this place, the answer to their communication, and their reply; by which you will perceive that the nation is very adverse to making any additional cessions to the United States.

I avail myself of the opportunity to assure you that it will afford the President much pleasure to adopt any measure in his power which may tend to the fulfilment of the convention with the State of Georgia, with the least possible delay. With this view, he would be gratified to receive the aid of your opinion on a subject so interesting to the State over which you preside.

I have the honor, &c.

J. C. CALHOUN.

His Excellency GEORGE M. TROUP, *Milledgeville, Georgia.*

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, GEORGIA, *February 28, 1824.*

I received this day your letter of the 17th instant. Be pleased to present to the President my acknowledgments for the attention which he has given to the requisition of Georgia, and especially for the manifestation of his sincere desire to adopt any measure in his power which may tend to the fulfilment of the convention with the State of Georgia, with the least possible delay.

In compliance with his wishes, I hasten to lay before him my views and expectations, as connected with this fulfilment. In your effort to open a negotiation with the Cherokee deputation for extinguishment of claims, you are met by a flat negative to two fair and liberal propositions: the first, to purchase for valuable consideration in money; the second, to accommodate them with equivalent territory, in favorable situations beyond the Mississippi. Unreasonable as the answer has been, my mind was fully prepared for such a one. It had been made known to me, some time before, that a council had been formed in the nation, for the special purpose of coming to the resolution that the State of Georgia should never acquire, for any consideration, another acre of Cherokee land, either through the agency of the United States, or otherwise; and, in conformity with this resolution, all the measures were preconcerted, to enable the chiefs to present themselves before the President, with a boldness bordering on effrontery, and to receive this first advance to negotiation with the emphatic No!—a word easily pronounced, but, in this instance, most unadvisedly; not the spontaneous offspring of Indian feeling and sentiment, but a word put into his mouth by white men, who are nourished and protected by the power of the United States; who have no common interest or sympathies with those whom they instigate to use it; and who, fixed upon the soil almost without metes or bounds, regard it as a goodly heritage for their descendants, which no power can take away.

From the day of the signature of the articles of agreement and cession, this word ceased to be available to the Indians for any permanent interest of their own. From that day, the power of protestation, which they have so recently interposed, departed from them, and could never be used, but for a little delay or for a better bargain. On that day, the fee-simple passed from the rightful proprietors to Georgia; and Georgia, after a lapse of twenty years, demands nothing of the competent authority but a motion of the tenants in possession; the answer is not only No! but Never! and is this a fit and proper one to be given to the people of Georgia, who have endured so long and so patiently; who have parted with an empire for a song; who have waited to see the United States reimbursed all their expenses, and a nett revenue flowing into their coffers, from the land which was their birth-right? a people who, having made a little reservation for themselves by compact, are now told, in answer to their just and reasonable demands, that this compact is only conditional, depending for its fulfilment on the will and pleasure of the Indians; that the primitive aboriginal rights are such now, as they were before the discovery of the country; and that, if Georgia wants land, the United States have enough in Florida, or elsewhere, to give her? How is this insult to be repelled, proceeding, as it does, from the polluted lips of outcasts and vagabonds, who make the chiefs the instruments of reiterating it at Washington? No, sir; this trick of vulgar cunning is only to be met by the firmness and dignity which become the United States Government; which it has never failed to manifest on every occasion calling for it; and which he who is the special depository of these sacred qualities has always displayed with so much advantage to his high office and to the country. The Indians must be made to understand that no talks will be listened to, but such as proceed from councils strictly Indian in character and composition; that the compact with Georgia is a very different instrument from that which it has been represented to them; that, by it, the word of the United States is passed, and that nothing can redeem it but the cession of all the lands within her limits; that the time has come, when, to postpone this redemption, would be essentially a breach of faith, of which the United States will never permit herself to be suspected; that, consulting the comfort and happiness of the Indians alone, the United States have omitted to press this measure upon them, until the very last hour; that the United States have made sacrifices for Indian interest, and will expect some small ones from the Indians in return; that, if they desired civilization, nothing is more consistent with it than concentration; and that, without regard to acquisition of territory for her own benefit, the United States have acted on this principle from the beginning, as a fundamental one in their system of improvement; that, beyond the limits of Georgia, and within the territory proper of the United States, there are lands enough for the Cherokees and all their generations to come, of which the United States possess the full and absolute dominion, where they may sit down in quiet and peaceful enjoyment, and where none can come to make them afraid; that, on the other hand, if, tired of the arts of civilization, they will betake themselves to their old pursuits, you have made a fair and liberal offer of wilderness enough, abounding in game, where the white man will not speedily come to trespass or annoy; that, in presenting these honorable overtures, you are actuated by a sincere regard to Indian interest; that, in the rejection of both, you can perceive nothing but an unfriendly spirit; and that, finally, if they persevere in this rejection, the consequences are inevitable: 1st, that you must assist the Georgians in occupying the country which is their own, and which is unjustly withheld from them; or, 2dly, in resisting the occupation, to make war upon, and shed the blood of your brothers and friends.

Having said so much, it remains only to advert to the other topics contained in your letter to the Indian delegation; and for these, a word will suffice. 1st. The reservation of a part of our territory for the settlement of the Indians. 2dly. Their incorporation into, and amalgamation with, our society. As to the first, the answer is, the articles of agreement having made no provision for such reservation, none can be made without the consent of Georgia; and that Georgia will never give her assent to any, without an equivalent, (if she would with one,) is absolutely certain. With regard to the second proposition, the answer is, that if such a scheme were practicable at all, the utmost of rights and privileges which public opinion would concede to Indians, would fix them in a middle station, between the negro and the white man; and that, as long as they survived this degradation, without the possibility of

attaining the elevation of the latter, they would gradually sink to the condition of the former—a point of degeneracy below which they could not fall; it is likely, before they reached this, their wretchedness would find relief in broken hearts. Most assuredly, nothing will contribute so essentially to that scanty share of human happiness which is left them, as their concentration and insulation, where, having enough for the wants of agriculture, they will, in their seclusion, afford no pretext for the intrusions or annoyances of the white man.

Thus frankly, in compliance with the request of the President, I submit to him my general views on this interesting subject. Thus frankly I will deem it my duty to submit them to the Legislature of the State. They are such, no doubt, as have already suggested themselves; they seem to me the only ones which the attitude assumed by the Indians will suffer us to entertain. I am sorry I cannot support them by matter of fact information of official character; to me, this is impossible. I can only say, generally, that, among men best informed on Cherokee affairs, the minds of a majority of the nation are well prepared to receive your proposition for removal.

In conclusion, I must state, not only my hope, but my conviction, that the President will perceive, in every movement on our part, in relation to this business, a sincere desire to harmonize with the Union; to maintain peace and tranquillity with the Indians, until longer forbearance will cease to be a virtue; in fact, to lend ourselves, as we have always done, heart and hand, to the support of every wise and virtuous administration of the General Government. But the President will, at the same time consider, that Georgia has a deep stake in the prompt decision of the present question. Of all the old States, Georgia is the only one whose political organization is incomplete; her civil polity is deranged; her military force cannot be reduced to systematic order and subordination; the extent of her actual resources cannot be counted; the great work of internal improvement is suspended; and all because Georgia is not in the possession of her vacant territory—a territory waste and profitless to the Indians, profitless to the United States; but, in possession of the rightful owner, a resource of strength, of revenue, and of union.

Whilst you present to the President my respects, be pleased to accept for yourself the offer of my high consideration for the part you have taken in this transaction.

G. M. TROUP.

Hon. J. C. CALHOUN, *Secretary of War.*

GENTLEMEN:

DEPARTMENT OF WAR, *February 19, 1824.*

I transmit, by direction of the President of the United States, for the information of the Georgia delegation in Congress, copies of a communication from the Cherokee delegation now at this place, the answer of the Department to their communication, and their reply.

I have the honor, &c.

J. C. CALHOUN.

To the Hon. JOHN ELLIOTT and JOHN FORSYTH,
and the other gentlemen composing the Georgia Delegation in Congress.

Copy of a letter from the Georgia Delegation in Congress.

SIR:

WASHINGTON, *March 10, 1824.*

The Secretary of War has addressed to the gentlemen composing the Georgia delegation to Congress copies of the extraordinary documents furnished by persons who are called the Cherokee delegation. As this is believed to be the first instance in which a diplomatic correspondence has been held with Indian chiefs, and in which they have been addressed by the Department of War in the same terms with those used to the representation of a State, it becomes a subject of inquiry in what light the Cherokees are at present viewed by the Government of the United States. If as an independent nation, to be treated with by all the forms of diplomatic respect, the negotiation with them should be transferred to the Department of State, and will, no doubt, be preceded by a proper examination into their authority to speak for the Cherokee tribe on matters affecting its prosperity and existence. If to be viewed as other Indians, as persons suffered to reside within the territorial limits of the United States, and subject to every restraint which the policy and power of the General Government require to be imposed upon them, for the interest of the Union, the interest of a particular State, and their own preservation, it is necessary that these misguided men should be taught by the General Government that there is no alternative between their removal beyond the limits of the State of Georgia and their extinction. The Government of the United States will deceive them grossly, if they are led to believe that, at this day, their consent is necessary to the fulfilment of its obligations to the State of Georgia. Their will must yield to the paramount duties of the General Government to itself, and to each member of the confederacy. The Cherokees allege (if, indeed, the representation made is made with their authority) that they are resolved neither to leave nor sell the lands on which they reside—lands which belong to the State of Georgia, over which Georgia did claim sovereignty until the adoption of the federal constitution, and over which she will exercise her powers, whenever any administration of the General Government resolves to fix permanently upon them any persons who are not, and whom she will never suffer to become, her citizens. The doctrines of the General Government, sanctioned by the highest tribunals, vindicate the claim of Georgia to the ownership of the soil. The Indians are simply occupants, tenants at will, incapable of transferring even their naked possession, except through the instrumentality of the United States, to the State of Georgia. Aware of the tenure by which their temporary possession is held, their headmen have sought in many instances to secure from the United States a title to the soil itself. Stipulations have been entered into by the General Government, equally contradictory to the rights of Georgia and the obligations of the United States—stipulations, however, which show that the General Government has the acknowledged right to transfer the possession of the Cherokee lands to the State of Georgia. The power which takes from the Cherokee tribe a portion of soil, to confer it on a Cherokee chief, under a different tenure, can rightfully take from the Cherokee nation for the benefit of a State.

It is with deep concern that the necessity is felt of pressing upon the General Government the considerations that are due to its character for good faith in its contracts with a member of the Union. Since the year 1802, implicit reliance has been placed in the General Government; and the just expectation has been indulged that, in the execution of its high duties, the Executive administration would carefully and steadily pursue the object for which the faith of the Union was pledged—the peaceable extinguishment, on reasonable terms, of the Indian title to all the lands within the territorial limits of Georgia. In 1817, the public declaration of the President to Congress, that an arrangement had been made, by which, in exchange for lands beyond the Mississippi, a great part, if not the

whole, of the lands possessed by the Cherokee tribe eastward of that river, in the States of North Carolina, Tennessee, and Georgia, and in the Territory of Alabama, would be soon acquired, gave a just expectation that the national pledge given to Georgia would be redeemed. In the eight years which have succeeded, these anticipations of the President have been realized every where but in Georgia. The successive purchases made since that period have crowded the Cherokees out of Tennessee, Alabama, and North Carolina, almost altogether into Georgia; and the terms upon which they have been made, have created all the difficulties now encountered in the peaceful acquisition, on reasonable terms, of the lands upon which the Cherokees are now permitted to remain; difficulties which are every hour increasing, from the policy pursued by the General Government. It is, with all due respect, a subject of serious inquiry, what produced the extraordinary change in the wishes of the Cherokee tribe, as expressed in the treaty of 1817? how it happened that the Cherokees of the Upper Towns, most of whom were without the limits of Georgia, and who desired to be permanently fixed on the lands upon which they then lived, were induced, in 1819, to abandon their designs, and many of them to become inhabitants of the region beyond the Mississippi; while the Cherokees of the Lower Towns, (most of them within the State of Georgia,) anxiously desiring to remove in 1817, were, in 1819, tempted to remain, and filled with a desire of a permanent establishment there? The same exertions which produced this, can effect another change; can induce the remnant still in the limits of Georgia to follow their brethren to the West, to a territory which the General Government can rightfully bestow upon them as a temporary or permanent property, without interfering with the right, or encroaching upon the sovereignty, of any State. Argument is not necessary to show that a power which interposes obstacles to the accomplishment of its own promises violates its faith; and that, to plead the impossibility to perform an engagement, when that impossibility is produced by those who engaged to perform it, would be equally dishonorable and hypocritical. The President is probably not aware that the United States will be liable to such accusations, if the present moment is suffered to pass without a full compliance on their part with the obligation of the treaty of cession of 1802. What has created the strong desire of the Cherokee Indians to remain where they are? The policy of the General Government; the pretended guaranties of their possessions; the attempted changes in the nature of their titles to them; the lessons received from their masters in the arts of civilized life; the acquisition of property, and the desire of extending and securing it: a policy just and generous to the Indians, but solely at the expense of a member of the Union; at war not less with the rights of that member of the Union than with the solemn promises of the General Government. The United States have the same right to colonize a tribe of Indians from the Columbia or Red river in Georgia, as they have to pursue a system of policy whose aim or end shall be the permanency of the Cherokees within that State.

If the Cherokees are unwilling to remove, the causes of that unwillingness are to be traced to the United States. If a peaceable purchase cannot be made in the ordinary mode, nothing remains to be done but to order their removal to a designated territory, beyond the limits of Georgia, and giving an ample equivalent for the territory left by them, and an ample support to the territory granted to them. An order of this kind will not be disregarded by the Cherokee tribe, whose interest will be essentially promoted by a compliance with it, (whatever may be the effect of it upon a few chief men, who seem to consider their own interest as separate and distinct from that of their brethren,) as it must be obvious that a tranquil and undisturbed possession of a permanent property can alone enable them to acquire the arts of civilized life, and to secure to them its benefits.

Our duty is performed by remonstrating against the policy heretofore pursued, by which the interests of Georgia have been disregarded, to the accomplishment of other objects of general interest, and a compliance with a solemn promise postponed, for the acquisition of territory for the General Government; and by insisting, as we do, most earnestly, upon an immediate fulfilment of the obligations of the articles of cession concluded in 1802, as the only means by which justice can be done to the State we represent, and the character of the General Government be vindicated.

J. ELLIOTT,	} <i>Senators.</i>
N. WARE,	
JOEL ABBOT,	} <i>Representatives.</i>
GEORGE CARY,	
THOMAS W. COBB,	
W. CUTHBERT,	
JOHN FORSYTH,	
WILEY THOMPSON,	

The PRESIDENT OF THE UNITED STATES.

F.

Copy of a letter from C. Kingsbury to the Secretary of War.

SIR:

WASHINGTON, D. C., *May 2, 1816.*

Perhaps I have already intruded too much upon your time. The probability that I shall not see the Secretary before the sum to be placed at the disposal of Colonel Meigs is specified is my apology for this communication. If it were an application for a favor merely personal, I should be inexcusable for troubling you in this way.

I have no doubt of the disposition of the Secretary of War, or of the President, to favor my object, so far as their acquaintance with it will enable them to confide in the wisdom of the design, and in the skill and fidelity with which it will be executed. I only regret that I have not been able to state more fully the motives which influenced the very respectable society, in whose employ I have the honor to serve, to adopt measures for the instruction of the Indians, and which influenced my own mind to engage in their service. It was my design to have stated them while at the President's, but a suitable opportunity did not appear to be presented.

The settlement of this country by our forefathers has, in various ways, proved disastrous to the natives, notwithstanding the laudable exertions, both by the Government and by individuals, to counteract such a result. Very different have been the consequences to ourselves.

Considering the relation in which we now stand to these people, it has appeared to be not only a dictate of humanity, and a duty enjoined by the Gospel, but an act of justice, to adopt efficient measures for extending to them the distinguished blessings which we enjoy; and that this is a duty binding on individuals as well as on the Government. To accomplish this object, no measure appeared so likely to succeed, as to begin with the instruction of the rising generation. It was believed that the exertions which the Government are making to civilize the Indians could not be better aided than by establishing schools.

The subject has also been viewed in its connexion with national interest and national happiness. It is equally the dictate of sound reason, and the result of past experience, that kind and benevolent exertions to instruct the

Indians have a most powerful influence to gain their confidence and secure their friendship. Probably no other means could be so successfully employed to prevent the recurrence of expensive and bloody Indian wars, and to give permanent security to our frontier settlements.

These are some of the considerations which formed the ground of the present application to Government. It was believed that, when the design was understood, it would receive the cordial approbation of the Executive, and a liberal patronage, so far as it could be conveniently granted.

It is not requested that any appropriation should be made for my support, or for the support of any person who may be employed in the school; but that it should be appropriated to the erection of suitable buildings, and to the purchase of such mechanical instruments and implements of husbandry as may render the establishment respectable and useful. The appropriations to be made through the hands, and at the discretion, of the Government agent.

Whether it will be best to have one or two large schools, or a number of small ones, must be determined by circumstances. It is only wished that that mode may be adopted which will be most useful.

I observed that this was not an application for a favor merely personal. Mr. Crawford will not suppose that I can have any pecuniary interest to promote by the object. But, as it is an object in which I have embarked with every thing that is dear to me in this life, I must be supposed to feel a peculiar solicitude for its success. I hope the plan that will be adopted and pursued will meet the approbation of every enlightened and benevolent man.

With these brief and hasty remarks, I cheerfully submit the result to your decision.

With sentiments of high respect and esteem, your humble servant,

C. KINGSBURY.

To the Hon. WILLIAM H. CRAWFORD, *Secretary of War.*

SIR:

DEPARTMENT OF WAR, *May 14, 1816.*

Your letter of the 2d instant, upon the subject of establishing schools in the Cherokee nation, has been received.

The President approves of the undertaking, and will direct such aid to be given as the laws will permit.

In the first instance, the agent will be directed to erect a comfortable school-house, and another for the teacher and such as may board with him, in such part of the nation as shall be selected for that purpose. He will also be directed to furnish two ploughs, six hoes, and as many axes, for the purpose of introducing the art of cultivation among the pupils. Whenever he is informed that female children are received and taught in the school, and that a female teacher has been engaged, capable of teaching them to spin, weave, and sew, a loom and half a dozen spinning-wheels, and as many pair of cards, will be furnished. He will be directed, from time to time, to cause other school-houses to be erected, as they shall become necessary, and as the expectation of ultimate success shall justify the expenditure.

The houses thus erected, and the implements of husbandry and of the mechanical arts which shall be furnished, will remain public property, to be occupied and employed for the benefit of the nation. If the persons who are about to engage in this enterprise should abandon it, the buildings and utensils which shall have been furnished may be occupied by any other teachers of good moral character.

The only return which is expected by the President is an annual report of the state of the school, its progress, and future prospects. This report should present the mode of teaching, and the deviations from that practised in civilized life, which experience will render necessary. Should you succeed according to your expectations, it is probable that the attention of Congress will be attracted to the subject, and that the means of forwarding your beneficent views will be more directly and liberally bestowed by that enlightened body.

I have, &c.

Rev. CYRUS KINGSBURY.

WM. H. CRAWFORD.

The Secretary of War to Governor Joseph McMinn.

SIR:

DEPARTMENT OF WAR, *December 2, 1817.*

On the further consideration of your communication of the 13th instant, the President has instructed me to request that you would remain in the Cherokee nation, at least until the return of Mr. Meigs, provided it may be compatible with your other avocations; and that you would take the entire control and direction of all matters in relation to the late treaty, and in particular as it relates to the removal of the Indians to the Arkansas, and the delivery of the articles promised to such of them as do remove. If the instructions which have been given by Mr. Meigs to the sub-agents, in relation to these objects, are inadequate or defective, you will give such additional ones as you may deem proper.

The great importance which is attached to the removal of the Cherokees to the Arkansas must be the apology for making this request of you.

I have the honor, &c.

Gov. JOSEPH McMINN, *Knoxville, Tennessee.*

GEORGE GRAHAM.

SIR:

DEPARTMENT OF WAR, *March 16, 1818.*

This day the Arkansas delegation propose to leave Washington, on their return. I trust that the reception which they have met with will be found calculated to have a most favorable effect on the great object which the Government has in view—that of moving the Cherokee nation to the west of the Mississippi; which, in its probable effects, will lead ultimately to the removal of the Creeks, Chickasaws, and Choctaws. The delegation have been gratified in all of their wishes. By the President's speech, (a copy of which will be presented to you by Mr. Houston,) you will see that he has expressed the kindest wishes towards the emigrants, and has determined to extend to them a supply of corn, to prevent any distress by so many emigrating at once. He leaves the distribution of rifles to your discretion. He has promised to Colonel Glass his island in Tennessee river, which is reported to be very inconsiderable in size—say eighteen or twenty acres. It is the desire of the President that you should obtain such information as may be in your power, as to its position, extent, and value, and report it to this Department. By the direction of the President, very considerable presents were distributed to the delegation: to Tonlontousky, \$1,000; and to each of the others, \$500. This will, no doubt, have important effects in aiding the operations now going on. In fact, I trust that your excellency will see in all that has been done the zeal with which this Department, under the direction of the President, has entered into the execution of the late treaty, which contains stipulations so important to Tennessee and the rest of the Union.

A few days since I received your excellency's two letters of the 12th and 13th of last month, and I am much gratified to see with what spirit the emigration has commenced. The necessity of supplying the emigrants with food, you will see by the President's speech, has been anticipated. The amount to be supplied, and the mode, are left to your judgment, as the President feels the greatest confidence in your zeal and discretion. It is possible that the advance in corn or corn meal might, in many instances, be made a set-off against improvements which are to be ascertained under the treaty. If any arrangement can be made of that kind, without giving offence, it would be desirable, as it will cause the appropriation to be made by Congress to go much farther. Congress will be asked to appropriate \$——; and it is the wish of the President that you should have the whole under your discretion, and that you give it such a direction as you may judge most advisable. Your excellency will, as soon as the appropriation is made, be notified of the amount, and vested with full powers to make any arrangement that you may judge best to effect the object in view.

The meeting of the Cherokees, according to your suggestion, is thought to be important, and Mr. Meigs will be instructed to call them together at such times as you may deem best. It is important that the Arkansas delegation should be present. The address of the President to the delegation (of which a number of copies have been printed) will evince to the nation, when assembled, the wishes and intentions of the President.

The two questions which your excellency proposes in your letter of the 13th have both been considered, and I entirely concur with you in respect to both. The Cherokee who may take a reservation, and should afterwards surrender it, will have a common right with his brethren on the Arkansas. The reservation of six hundred and forty acres will be in full compensation of all his claims, and the United States will not be bound to pay him for the remainder, or permit him to claim it as his right.

The President will nominate to the Senate Brown and Young to take the census of the Cherokees. Mr. Gillespie will be appointed to appraise the improvements. I send a copy of the treaty, and a copy of the claim of Colonel Brown; in relation to which you will favor this Department with your opinion.

You will continue to draw on this Department for such expenditures as your measures may require.

I have, &c.

J. C. CALHOUN.

Gov. JOSEPH McMINN, *Cherokee Agency.*

SIR:

DEPARTMENT OF WAR, *May 11, 1818.*

I have received your excellency's letter of the 24th ultimo. I have directed that the account of Robert Bell be admitted to your credit.

As the President has manifested a great desire that you should have the entire control of the execution of the late treaty with the Cherokees, I would prefer that you continue to make the disbursements, unless it should prove very inconvenient to your executive duties. Should it be inconvenient for you, I hope your accounts may be settled without requiring your presence at the seat of Government; every aid to effect which will be afforded by this Department.

Eighty thousand dollars was appropriated to carry the treaty into execution. The expenditures already made for that object, such as for boats, rifles, and the expense of the visit of the Arkansas delegation to this place, amounting, in the whole, to about \$21,255, together with what you may have drawn for and disbursed yourself, being deducted, the balance will be applicable to the completion of such other arrangements as you may think necessary to give effect to the treaty.

I have the honor, &c.

J. C. CALHOUN.

His Excellency JOSEPH McMINN, *Knoxville, Tennessee.*

SIR:

DEPARTMENT OF WAR, *July 29, 1818.*

By the last western mail, I received your excellency's two letters of the 4th and 7th instant, with the accompanying documents. They exhibit a full view of the measures to which you have resorted to carry into full effect the treaty with the Cherokees, as well as the obstacles which you have encountered. The zeal and discretion which you have exhibited throughout the whole transaction entitle you to the thanks of the Government, and fully justify the confidence which the President reposed in you.

The conduct of part of the Cherokee nation merits the severest censure. After the ratification of the treaty, resistance to its fair execution can be considered little short of hostility. The menaces offered to those who choose to emigrate or take reservations cannot be tolerated. It is an open violation of the treaty, and will, in its final result, not avail them any thing. The United States will not permit the treaty to be defeated by such means. Those who choose to remain, are permitted to do so in quiet; and those who choose to emigrate, must be equally free. If any can benefit themselves and families by emigration, why not permit them to depart? Such are the principles which govern the United States in relation to its own citizens. Nor can I suppose that those who make such violent opposition to the execution of the treaty are governed by a regard to the good of the nation. Surrounded, as the Cherokees are, by the white population, they are in danger of perpetual collision with them; or, even if disputes can be avoided, to fall under all that train of vice and misery to which a savage people are doomed when they come into contact with enlightened and civilized nations. It is in vain for the Cherokees to hold the high tone which they do, as to their independence as a nation; for daily proof is exhibited that, were it not for the protecting arm of the United States, they would become the victims of fraud and violence. If the opposers of the treaty are really the champions of the independence of their nation, they ought to be the advocates of emigration to the Arkansas. There, their claim to independence would be much better founded; and there, at a distance from us, they might, before the white population would crowd on them, acquire the arts of civilized life, and become proper subjects of regular Government.

The President, in order to add as much as possible to the permanent prosperity of the Cherokees on the Arkansas, has given them an indefinite outlet to the west, which will continue their independence as long as is practicable. I do not see what an intelligent Cherokee has to hope, situated as his nation is, except in emigrating to the west, or taking reservations, and settling down under the fostering protection of our laws. As our population grows dense around them, it will be out of the power of the Government itself to protect them in their present condition. The President, in the proposed change of territory, consulted both their and our interest. On the Arkansas every effort will be made to render their condition happy, and to lead them to the arts of civilized life. Their prospect there, in every respect, is much brighter than it would be on this side of the Mississippi; of which fact they ought to be fully satisfied.

Your construction in relation to the reservations is correct. I have examined with care the project of an arrangement which you propose, to carry the treaty into effect. Such an arrangement accords entirely with the views of the Government, if the assent of the Cherokees can be had to it. My fear would be, that, by presenting so bold a scheme at once, you would augment the violence of the opposition, and might endanger the final success of the measures which you have been pursuing. This I merely suggest, for you must be much more competent to judge, being on the spot, and being individually acquainted with their leading characters, than myself. You will, therefore, continue to exercise your discretion, as you have heretofore done, on this as well as on all other points. If you think they can be brought into the plan which you propose, the Government would not hesitate to make the most liberal advance to the nation. I should think the terms you propose moderate.

In compliance with your request, I have directed your project of an arrangement to be copied, and will transmit it to you in the form of instructions, to be used if you should judge it expedient; but would not advise the bringing it forward from the Government, unless you should be confident of success. I have varied it as to the amount proposed, which I have fixed at \$100,000; but even that sum might be considerably enlarged, if necessary to effect the arrangement. As to the time of taking the census, you are the best judge. The longer it can be fairly postponed, the better for us; but I would not delay it, in the hopes of effecting all our objects, provided they will desist from menaces and an improper opposition. I would state to them, expressly, that, until they withdrew their improper opposition, the census would not be taken.

I have, &c.

His Excellency JOSEPH McMINN, *Murfreesborough, Tenn.*

J. C. CALHOUN.

SIR:

DEPARTMENT OF WAR, *July 29, 1818.*

Mature reflection having convinced me that it would add greatly to the interest of the United States, as well as to the Cherokee nation, if the late treaty with them could be carried into full effect, by inducing that nation either to take reservations, and become citizens of the United States, or to emigrate to the Arkansas, and enjoy that life which is so agreeable to many of them, I have thought proper, through you, to propose the enclosed arrangement, which, if it should be adopted, will render the execution of the treaty simple and easy. It is to be hoped that the more intelligent part of the Cherokee nation will be convinced that, surrounded as they are by the white population, it will be impossible that they can continue long in their present condition, without sustaining the greatest inconvenience; but they may still be happy, by taking reservations, and putting themselves and their posterity under the protection of our laws, or by emigrating to a greater distance from our settlements. Both of these means are held out to them. Those who are fond of their present state of society may emigrate with advantage to a country which, in every respect, will suit them much better; and those who wish for property and protection may take reservations. Universal experience proves that a people still in a savage state cannot reside in the immediate neighborhood of a civilized nation, without falling into a state of vice and misery. By removing to the west, the Cherokee nation will obtain time, before they can be crowded by the whites, to become civilized, and capable of enjoying the advantage of equal laws. The Government of the United States will be still mindful of them in their new homes, and afford them every means to render themselves happy. Reflection ought to teach them that the arrangement would add much to their prosperity. Let them reflect how nation after nation have sunk before the United States, and they will see the necessity of coming into our views. You will present these ideas to them in the manner you may judge best to cause them to be fully comprehended.

I have, &c.

His Excellency JOSEPH McMINN.

J. C. CALHOUN.

SIR:

DEPARTMENT OF WAR, *December 29, 1818.*

I have received your two letters of the 29th November, together with the papers detailing the proceedings at the last council of the Cherokee nation.

The tone of the nation has greatly altered. That high spirit of independence which they assumed some months since has subsided into an acknowledgment of their dependance on the Government of the United States; and, whatever may have been their former opposition to the fair execution of the treaty, they appear now disposed to act correctly. I do not now see any sufficient reason to delay the taking of the census for which the treaty provides, and for the taking of which commissioners have already been appointed on our part. You will, therefore, notify the Cherokees (in order that they may appoint a commissioner) that the census will be taken in June next; or, if you should judge an earlier period practicable, at such time as you may designate. The information must also be given to the Cherokees on the Arkansas immediately, that they may have their commissioner appointed in time.

The rifles and other articles mentioned in your letters will be forwarded immediately. The state of the Indian fund, and particularly that for carrying the Cherokee treaty into effect, will not permit arrangements so extensive as the establishment of the stores which you suggest. If the President had acceded to the proposition, he would have availed himself of your zeal and experience to carry it into effect. The means of preserving the public stores, and preventing the intrusion of the white people, are left to your discretion, which I doubt not you will effect in the most judicious and economical manner.

It is to be hoped that the effects of the measures which have been pursued will, in a few years, accomplish the object of the Government. The number of the Cherokees on the Arkansas will be annually increasing by emigration; and those who remain behind will be compelled, from circumstances, to take reservations and become citizens.

I transmit a statement of the state of the appropriation to carry the Cherokee treaty into effect. The balance that remains is small, but I hope there will be no considerable deficit.

I have, &c.

Governor JOSEPH McMINN.

J. C. CALHOUN.

Extract of a letter from Joseph McMinn, Esq., to George Graham, acting Secretary of War, dated

CHEROKEE AGENCY, *December 29, 1817.*

In consequence of indisposition, I was compelled to request Mr. Houston, sub-agent, to acknowledge the receipt of your several favors of the 29th November and 2d instant; and, for the very honorable trust conferred, I beg leave to tender my sincere acknowledgments, with a promise that nothing within my power shall be wanting to promote the best interests of my country.

I arrived at Highwassee garrison on the 6th instant; on the 8th, I was notified that the Indians expressed a wish to hold a talk with me on the 10th, at that place. In the course of which, I endeavored to impress upon their minds the certainty of the ratification of the late treaty, and urged, as a reason, that every article stipulated to be given the emigrants was then at that place, and ready for delivery; and invited them to take a view of the property, as well those who had made their election to stay as those about to migrate. The superior quality of the rifles, blankets, &c. had a very pleasing effect upon all present, each of whom was invited to give publicity to what they had heard and seen.

I then recommended a meeting at the agency on the 19th, for the purpose of issuing rifles, blankets, kettles, &c.; and I received your instructions on the 16th, which were so perfectly adapted to suit the occasion as to dispel every appearance of opposition, although two very formidable plans had been laid to defeat the object. The first was, that the Cherokee light horse should wrest the property from the emigrants, which was to be given by the United States, and apply it to the satisfaction of debts contracted by the emigrants in the year past. So soon as this project was communicated, I issued an order forbidding all such attempts, and declaring that I would view it in the light of hostility against the United States, and would punish its perpetrators accordingly. Mr. Houston carried this order into effect, with a promptitude not less characteristic of his integrity than zeal for his country, by arresting the first offender, who returned the property without a moment's hesitation. The course taken on this occasion had the happy effect of dispersing this band of legal robbers. In the second place, a plan was laid to deprive me of the United States' interpreter, for his friendly disposition towards the emigrants, by not only threatening his removal from office, but his life also.

Extract of a letter from Joseph McMinn, Esq., to the Secretary of War, dated

KNOXVILLE, January 18, 1818.

The Arkansas delegation left here on the 16th instant, in good health, and comfortably clothed against the winter. I have received an official letter from the Cherokee agency, dated the 12th instant; every thing has been conducted entirely to my expectations. Sixteen rifles, &c. have been issued in my absence, up to the date referred to; and I have this moment received a verbal message from Colonel Meigs, since his arrival at the agency, stating that he was not more pleased than astonished to find the natives so harmoniously engaged in preparing to remove, and that he was about furnishing provisions for the emigrants spoken of in my last to you, who were on the verge of setting out.

Extract of a letter from Joseph McMinn, Esq., to the Secretary of War, dated

JUNE 8, 1818.

I will now proceed to give you an outline of passing events since the date of my last. Colonel Meigs and myself notified the whole Cherokee nation in due time, and in a manner expressive of every mark of attention on behalf of the Government, by each of us addressing a letter to the king (Path Killer) and Charles Hicks, which were forwarded by the sub-agent; and the shameful abuse they have made of those civilities demand an explicit disclosure. On the receipt of these letters, they summoned the chiefs of fourteen towns, who, in council, resolved that your communication should pass without giving it further notice; and, with a view further to stamp their enmity against the Government, they actually employed runners, with orders to threaten the lives of those who would attend at the agency; and, I am sorry to add, that their efforts were marked with only too great success. Indeed, the course could not fail to produce that effect, as their means were applied to the hostile and ignorant band spoken of in my letter on the subject of calling them together; though, out of the very few who attended from that quarter, I was able to give a very good account; and, out of the whole who attended, I enrolled two hundred and twenty-three families for emigration, and fifty-six for reservations, during our talk; in fact, my anticipations were realized in that. Nearly all who attended evinced a strong disposition to promote the views of the Government.

Extract of a letter from Joseph McMinn, Esq., to the Secretary of War, dated

CHEROKEE AGENCY, November 13, 1818.

Although I only intended this letter to exemplify, in some degree, the course which led to those late demands on the treasury, I will, nevertheless, state that the most numerous and respectable council that has been assembled for many years in this nation is now sitting, with the king at their head; and on yesterday I occupied their attention by reading sundry extracts from your letters, the object of which was to exhibit the powers with which I am vested, as well as to show that you had approved of the measures I had adopted; and, in conclusion, read the new plan for carrying the treaty into effect, which had been previously copied, except the clause which you added, fixing the sum to be given on the part of the United States, which will be kept entirely out of view until they agree to enter into the arrangement.

[*Extract.*]

SIR:

CHEROKEE AGENCY, November 29, 1818.

The meeting of the Cherokees here, which I mentioned to you in my letter of the 13th instant, was adjourned last evening; and at present I have only time to give you a hasty sketch of the proceedings; the balance will be forwarded by next mail, which will exhibit the precise course taken on the part of the United States, as well as that of the Cherokees.

I proposed the sum you named (\$100,000) as indemnity for their removal; that was roundly objected to by the council. I then proposed \$200,000: \$50,000 payable in three months, the balance to be paid in fifteen annual instalments of \$10,000 each; which was rejected by the council in like manner. I then, with a view to foreclose them from making any charges against the Government on the subject of the enumeration, proposed that, upon their passing a vote of public censure, in open council, against such of their officers as had violated the treaty by threatening or using violence against the Arkansas emigrants, and by issuing a national proclamation, forbidding such measures in future, the United States would agree to take the census, in the manner stipulated by treaty, without further delay.

This proposition was founded on the last clause of your letter of the 29th of July last; and, although in itself so very reasonable, was nevertheless rejected; and to that they added a public declaration, stating, in the most positive manner, that their conduct towards the United States had not been such as to warrant the slightest charge of opposition to the execution of the treaty, or unfriendly treatment towards the emigrants.

Upon these declarations we joined issue, and my first defence was bottomed upon their official acts; and, secondly, I exhibited charges against one of the members of the National Committee for violence used against Captain Starr, who was then in the employment of the United States. Many attempts were made to palliate the charge; and, ultimately, the council seemed determined to avoid coming to a decision, which compelled me to demand, in the name of the President of the United States, an avowal or disavowal of the charges; and that step alone produced the removal of the officer, and, consequently, placed the United States upon quite eligible ground, which I occupied with the utmost energies of my mind, and succeeded, to a very great extent, in satisfying those present that all restrictions of every denomination against the Arkansas people and friends of Government had entirely subsided. And I called upon the king, and all his warriors in council, to bear witness of the friendly disposition manifested by the council on this occasion, and to use their best endeavors to satisfy the minds of their people who were not present of all that had taken place.

Having disclosed the most unfriendly features in the late negotiation, I will proceed to state the progress we have made in bringing about an exchange of countries, from the 20th of December, 1817, up to this date, which, I flatter myself, will evince not only the practicability, but the certainty of its completion, in a much shorter period than the most sanguine could have anticipated when the treaty was entered into; though it certainly will require great attention on the part of the Government, and considerable expenditure of treasure.

I have the pleasure to state that seven hundred and eighteen families have been enrolled for emigration since the above date; and, astonishing as it may appear, two hundred and eighty-nine of that number have been enrolled since the 20th of last month. These, with one hundred and forty-six families who have made reservations, make an aggregate of eight hundred and sixty-four families who have relinquished their claim to land east of the Mississippi. When we add these to the population settled on the Arkansas previous to the date of the treaty, I believe we may safely conclude that we have one-half of the Cherokee population on our side.

I am, &c.

JOS. McMINN.

Hon. J. C. CALHOUN, *Secretary of War.*

Extract of a letter from Joseph McMinn, Esq., to the Secretary of War, dated

CHEROKEE AGENCY, *November 29, 1818.*

In my farewell address to my Cherokee brothers, I brought to their view the steady course of opposition which they had pursued against the measures of the administration, and added to that their declaration of independence; from which I concluded by saying, that they had forfeited their right to protection from the United States; and, in consequence of which, I would discharge the troops, and leave their future movements to the President of the United States.

This course was adopted to convince them of the impropriety of their conduct in opposing the recommendations which the President and yourself had made, and with the expectation that little or no injury would result until the pleasure of the President could be known.

SIR:

CHEROKEE AGENCY, *December 8, 1818.*

Agreeably to the promise contained in my last letter, I do myself the honor to forward copies of the correspondence between the Cherokee council and myself at our last meeting. In addition to the reasoning set forth in those papers, I spent much time, and employed every energy of my mind, in placing their true situation before them. And to prove how far I have succeeded, I will state that the king, who tarried three days after his warriors had separated, assured me that (in a private interview between him and myself, to use his own words,) the light which I had communicated to him was so strong that he could very easily see the path in which his father wished him to go; and that he would have a talk with his own people in ten nights, for the purpose of sending a deputation to see his father, who should possess full power to settle every thing according to his father's wishes.

That talk takes place to-morrow, at the house of the prince regent, (Charles Hicks;) and, to convince them further of their folly in endeavoring to retain their savage customs, circumstanced as they now are, I have forwarded a copy of the President's communication to Congress, which I have no doubt will have a good effect. It is confidently believed, here, that a deputation will be forwarded; and, with me, it is not less certain they will put a final period to an exchange of countries upon the terms proposed.

In fact, there is none amongst them so ignorant as not to see clearly that the views of Government are every day gaining strength, and cannot longer be resisted with effect. Withholding protection, as stated in my last, connected with an expected establishment of public stores, have produced more conviction than almost every thing else. I have set on foot a speculation of great interest to the United States, in relation to paying for improvements, which is considered equally so to the emigrants, amongst whom the greatest friendship exists, not only with themselves, but towards the Government, who they most ardently wish may continue to superintend the entire execution of the treaty.

I will do myself the pleasure to write you by the next mail, which will not pass for eight days.

With sentiments of sincere esteem, your obedient servant,

JOSEPH McMINN.

Hon. JOHN C. CALHOUN, *Secretary of War.*

SIR:

MURFREESBOROUGH, TENNESSEE, *January 26, 1819.*

As it has become impracticable for me to attend at the city with the Cherokees, I trust it will not be unacceptable for me to transmit to you some of the views which I expected to have explained in a personal interview.

Hicks may justly be ranked as the standard of opposition to the execution of the treaty; in fact, he is their principal legislator and sole judge, and, in every measure, commands the esteem and confidence of all that part of the nation. His mind has, however, undergone a considerable change, insomuch as to be visible to many who attended the last conferences; and this change is to be accounted for, in a great degree, by the loss which the nation sustained in the selection I made of those persons named in my report of the 24th instant. The remark will particu-

larly apply to Walker, Adair, and Taylor; the latter having been in the employment of the United States for some time in attending to the delivery of corn to the Arkansas settlers, and more particularly in exploring the Arkansas country, with which he professes to be greatly pleased, and has given his friends every reason to believe that he will remove. The understanding connected with his withdrawing, together with Walker and Adair, from the National Council, has been of the most signal service to the United States; and the selection of Walker and Taylor as two of their chiefs, on the present occasion, can be accounted for in no other way than as a measure calculated to reconcile them to the General Government in the distribution of its favors.

With me they have always urged, as I presume they will with you, a division of their country, by which those who did not choose to remove should be permitted to remain in the full exercise of all their savage customs during their pleasure. But all applications of this kind being entirely inadmissible, I have met every advance with the most positive refusal; alleging that, by the most clear and explicit terms of the treaty, it would be kept open until an entire extinguishment of their claim, by reservation and migration, would take place. To this construction of the treaty the whole council gave their silent assent, although they were frequently invited to bring forward arguments in support of their former opinions. I was then asked if the limits of the reservation could not be enlarged, and titles made to each in fee-simple; and, in support of their position, they urged that each soul was entitled to nine thousand acres of land. I corrected this error with little difficulty, and convinced them that the claim of each was not more than one thousand acres; and added, that I had no authority to change the character of their title in the smallest degree, though, I observed, I had always been of opinion that, so soon as an entire extinguishment of their claim took place, the Government would not hesitate to place on the best footing those who might take reserves, and could be well recommended; but not until that event could any change be effected relative to their titles.

The discussion of these points immediately before our separation, and the reading and explaining of your letter, which went to the vindication of the course which I had taken, did, in my opinion, give rise to the expected negotiation, which I sincerely hope may result in furthering the interests of all concerned, as far as relates to the benefit of the United States, and the different States of Georgia and Tennessee.

The Cherokee country east of the Mississippi is estimated, by the best calculators, to contain upwards of (14,000,000) fourteen millions of acres; a great proportion of which is rich land, and well watered, particularly in the Alabama Territory, which certainly contains the most valuable part of the Cherokee country. Should a failure ensue in the anticipated negotiations at the city, (which we trust is not probable,) I think I can venture to state, that \$300,000, including all former expenditures, will cover every necessary expense attending their removal, on the terms stipulated by the treaty, which would be but little more than two cents per acre; but this calculation is predicated solely upon an expectation that the Government will pursue her measures with an unabating ardor. Indeed, to relax now, (unless by entering into a general agreement with them,) would be attended with the most serious consequences, as it would not only check the progress of enrolling, but would certainly prevent those from removing who have enrolled. Now is the auspicious moment; the most violent opposition is silenced, and the friends of an exchange have at last assumed an air of independence, and an unalterable determination to acquiesce in the views of the Government. This spirit of conformity will certainly increase from this circumstance, if from no other, that at present we claim one-half of the whole population; hence, (says one of our Cherokee friends,) we see with great pleasure that the name of Cherokee nation is fast migrating towards our western settlements, and those who have hitherto been inimical to the views of the Government (say our friends) are gone; and, to retain our present standing as to wealth and power, we must follow. But, independent of this, they possess a degree of national attachment for each other, not surpassed by the population of any country; and although you may hear much about reservations, yet I hope I feel authorized in saying, their object, for the greater part, is to secure them for purposes of speculation; as few, if any, will remain east of the Mississippi.

I have the honor, &c.

JOSEPH McMINN.

Hon. JOHN C. CALHOUN, *Secretary of War.*

Copies of correspondence between Joseph McMinn and the Cherokee Council, in November, 1818.

FRIEND AND BROTHER:

CHEROKEE NATION, *November 15, 1818.*

I found myself inclined, this morning, to renew, in behalf of your father the President of the United States, and to place on paper, what I spoke to you yesterday evening, when we held each other by the hand.

You have been invited here by your father's authority, to perform the solemn duties that devolve on you, as the father and chief of his red children, the Cherokees; and it follows, as a matter of course, that you, and your chiefs with their wives and children, must all be made partakers of the comforts of life, in common with his white children who are present on this occasion. But, sir, you will please consider, that your age and standing, taken in connexion with the very delicate state of your health, not only entitle you to a full share of the ordinary support, but to such other supplies of sugar, coffee, spirit, &c. as may be necessary for the comfort of your own person, and those aged friends who attend upon you; please, therefore, call on me from time to time, as your wants may require, and I will make a brotherly division of my stores with you, during our stay together, which I hope will continue until we come to a perfect harmony of sentiments, as well amongst yourselves as between you and the United States: for I feel myself bound to say, that nothing short of such arrangement as the honorable Secretary of War has proposed will be sufficient to continue your people as a nation, especially on this side of the Mississippi, and to prove which I send you the number of families that have already enrolled. What their average number may be, I do not know, though I must believe between three and four persons to each family: when those are added to about two thousand nine hundred souls who were settled on the Arkansas previous to the treaty, I will leave you to judge for yourselves how the matter stands. Out of the whole number enrolled for the Arkansas country, there appear to have been one hundred and ninety-six families enrolled since 20th of last month, the expected time of meeting here; and I do assure you, my friend, that the preparations are making daily for the removal of very many of the most respectable of your nation, of whom, perhaps, the rulers have never contemplated such an event. As this statement of facts had escaped my memory when we were in council yesterday, I could not but view it important in the highest degree to lay it before you. I presume, on this day, or at some future one, you will form a decision for your nation; and, as you have the sentiments of your father, plainly and candidly expressed on the paper which I did myself the honor to place in the hands of the king; and by adding to that the division which is already made of your people between the east and west of the Mississippi, and also taking into view the immense extent and fertility of the soil, and the great advantages which will result from the game and range

of the Arkansas country—I say, having such ample means whereon to form a choice, that is, whether to go west of the Mississippi, or stay and become citizens of the United States, will, I hope, render the task of deciding quite simple and easy; and, so soon as the council resolves to enter into the proposed arrangement, and notifies me of their decision, I will, without a moment's loss of time, present them with the amount which I am directed by the honorable Secretary of War to give, and will then enter into all the details of the plan, in a manner to suit the mutual interest and convenience of all parties; but, as I stated to you in council, nothing can be further done, on the part of the United States, until I receive your determination to go into the measures proposed; and as I know how natural it is for you to desire to be apprized of the consideration to be given in money, I will say thus far, that it is in perfect and full accordance with the former generosity of the Government towards your nation.

Brother: Although this letter is addressed to you, it is designed for the council also; I must, therefore, ask you to be good enough to make its contents known in open council.

Your friend and brother,

JOSEPH McMINN, *Acting Agent for the United States.*

To the PATH KILLER, *King of the Cherokee Nation.*

FRIEND AND BROTHER:

IN COUNCIL, NEAR THE CHEROKEE AGENCY, *November 17, 1818.*

We have, with the most profound attention, examined the communications and propositions which your excellency thought proper to place in our hands, the object of which points to a close of the late treaty of the 8th of July, 1817; or, in other words, an entire surrender of all the lands held by the Cherokee nation east of the Mississippi river.

Brother: This question is to us, of all others, the most important. Warmly attached to the soil which gave us birth and sustenance, we cannot touch the subject without a reverential awe, lest the Great Spirit frown upon us with disdain. Your excellency can justly appreciate our feelings on the occasion; in fact, we have not words to express them. In making up our answer, we shall confine ourselves to facts, and temper our language, as heretofore, with respect. Having, however, but an imperfect knowledge of the English language, your excellency will make allowances for inaccuracies, and attribute our errors, if you find any, to their proper origin.

The third article of the late treaty stipulates that the census of the whole Cherokee nation shall be taken in the month of June, 1818, viz: that that part of the Cherokee nation desirous of remaining shall be taken by a commissioner appointed by the President of the United States, and a commissioner to be appointed by the Cherokees on the Arkansas; and those who have removed, and those wishing to remove, shall be taken by a commissioner appointed by the United States, and a Cherokee east of the Mississippi. The fourth article of the treaty, in making a dividend of the annuities between the parties, stipulates that it shall be divided agreeably to their numbers, on—say the 30th of June, 1818, or prior to that date. The division of lands between the parties is founded also on the same principle. The eighth article of the treaty stipulates that those wishing to take reservations shall register their names in the office of the Cherokee agent, which shall be kept open until the census is taken, agreeably to the stipulations contained in the third article of that treaty, (meaning the 30th June, 1818, or sooner.) From a close and attentive examination of the treaty, we cannot see any provision for any other time, for its final execution, but the 30th of June last, or during that month. We are at a loss to know why (as it has always been our anxious wish to close the treaty) it was not done on that day, or sooner. The Cherokees, ever faithful to their stipulations, are not less anxious than your excellency to bring the treaty to a final close as early as possible. That some individuals have been opposed to those emigrants to the west of the Mississippi, may be correct, but never in a national capacity. It certainly was, and is still, the wish of all to see the treaty closed agreeably to the stipulations contained in it.

The Cherokees, after the late war, in which they fought by the side of their white brethren, and lost much blood in the cause, had hoped to have been indulged in the possession of their lands. Taking all the circumstances together, we feel ourselves constrained to object to your excellency's propositions, and request that you will name an early day for the final close of the late treaty as stipulated. To avoid errors and misunderstanding, we request that our future negotiations may be confined to a written correspondence. By this, we do not mean that we will have no further verbal intercourse; this is necessary to understand our different views.

We take the present opportunity of renewing to our father the President, and our white brothers, his children, our firm and unalterable attachment.

We are, with consideration of great personal respect, your excellency's friends and brothers,

CHIEF PATH KILLER, his \times mark.

FRIENDS AND BROTHERS:

CHEROKEE AGENCY, *November 18, 1818.*

Your communication of yesterday's date was duly handed me by Major Ridge, and its contents read with that respectful attention which it so justly merits.

Brothers: Your remark respecting your attachment to the soil which gave birth even to your fathers is no doubt true; and no man, I presume, in the nation, who is not a native, can appreciate with more sympathy and feeling for you than myself; and this, in some degree, arises from my being so very intimately acquainted with your interest, and the bonds of connexion which ought to bind your nation to the United States, and which I hope will always have its influence on your minds and actions. But, my brothers, I cannot concur with you when you express your fears that the Supreme Spirit will mark your agreement to the proposition made by the United States with any signal stroke of displeasure. He is never known to frown upon the rulers of any nation whose sole object is to promote the best interests of their people; and that this proposition, which you have objected to, is pre-eminently calculated to suit your temporal interest, as well as your everlasting happiness, can very easily be proven to every enlightened and disinterested mind.

First, it has its foundation upon your own solicitations, made to Mr. Jefferson in 1809, at which time a part of your nation complained of the scarcity of game where you now live, and asked the President's permission to search for a country where game was plenty, and where they could support themselves and families by pursuing the hunter's life. That request was in itself so very reasonable, that President Jefferson, without hesitation, gave them leave to explore the country west of the Mississippi; and when (said he) you find a country to which there is no other Indian claim, the United States will give you equally as much land there as you leave where you now reside, according to your numbers; and, to add still more to your comfort and the promotion of your interest, we will furnish you with provisions, and the means of removing to your newly acquired country, where we will carry on our usual intercourse with you, and always hold you firmly by the hand as a part of our red children.

These promises were not only literally complied with in the formation of the treaty, as respects giving an equal quantity of land, but I am authorized in saying that the country ceded by the treaty contains five times the quantity held here by your whole nation; and, in addition to this, Governor Clark has obtained from the Osage and Quapaw nations of Indians (to use his own language, which I will read to you,) a country quite sufficient for the whole Cherokee nation, with all their Shawanee and Delaware allies. You also have your father's promise that these lands shall be added to those which you hold by Jackson's treaty; with a further promise, which you will find contained in the papers submitted to you, that the Arkansas claims shall have no western boundary.

When I last had the pleasure of addressing you, I promised to exhibit a map of the Arkansas country, with the lands lately attached to it by Governor Clark's treaties, to which I now invite your candid and serious attention, and ask you, my brothers, to view it, and to listen well to the description which will be given of the country, and of the advantages which will inevitably result from your people taking possession of the land given to you by the promise of your father, whose generosity has been displayed in the most unexampled manner. He has instructed his agent to clothe the aged widow and her children; to furnish arms to the youths of your nation; and, in a word, to supply all the reasonable wants of every description of your people who choose to remove to the land of promise; and all these without the variation of a single article contained in the treaty.

I have now, my brothers, as I conceive, given you the most ample proof that all who choose to remove west of the Mississippi will find their interest promoted beyond any calculation which I am able to make. Even those who choose to follow agricultural pursuits must acknowledge that a great part of the country is at least one hundred per cent. superior to this: nay, it is more than that, in relation to commercial advantages; for in these it is not surpassed by any section of the United States. Nor are its advantages less in respect to raising stock. And let me ask the question, Is there any chief or other citizen of this nation who will say that the advantages to those who choose to follow the gun and chase are not equal to those enjoyed by their fathers in the land where we now are, even at the most ancient period?

Brothers: I will now return, and show, according to my promise, that the views contained in the proposition, about which I am now treating, is calculated to promote your everlasting happiness, provided you practise what you avowed to be your object in the presence of President Jefferson, viz: that you were anxious to engage in the pursuits of agriculture and civilized life, to promote which you asked Mr. Jefferson to narrow the limits of the country in which you lived, by which means you proposed to begin the establishment of fixed laws and a regular government. I am now addressing myself to the party which was in the year 1809 willing to exchange the hunter's life for the one just above described.

Brothers: To pursue the plough and tread in the path of civilized life is worthy of the best of Christians; and rest assured that your proposition to do so was one of god-like character, and the Government of the United States, as though to promote your laudible views, now invites you to take reservations, which perfectly accords with the principle you proposed to Mr. Jefferson, and which your father and your white brothers would rejoice to see and hear. And, brothers, you may rest certain, as I humbly conceive, that, so far from the Great Spirit frowning on you for permitting your people who incline to live by the gun to remove west of the Mississippi, and yourselves to follow agriculture and civilized life here, he would bless all your honest endeavors to become not only members of the great American family, but much more for your religious exertions in forming a part of his great society of saints. These are considerations, my brothers, of the greatest importance; and, if we believe the holy book to be true, every heathen shall know the Great Spirit, and shall bow his knee before him; and this knowledge can only be acquired, in the first instance, by turning your attention as I have described, and by procuring a competent education for your children, and raising them to understand industry and their moral obligations towards one another.

Here, then, my brothers, is your true situation; this immense newly discovered country will form sufficient inducements to all who wish to follow the hunter's life to remove thither, where they will have schools established for the education of their youths; whilst you, who have seen the folly and felt the toils of the gun and the chase, can stay with us here, entirely undisturbed by the bad examples which seem to accompany the hunter's life, as well with white as with red people; here you will enjoy the advantage of equal and just laws; here you will find morality and religion respected, and vice punished to the full extent.

But, brothers, it is not my duty, nor is it my wish, to persuade you either to go or stay, but to exhibit the advantages on both sides, which I have faithfully done, according to my views; and now I leave you to judge whether it is better to go west of the Mississippi, or stay on reservations here. You have the promise of your father's friendship on both sides, and choose for yourselves; but remember, you who are rulers here this day, that you hold the future destiny of thousands yet unborn, as it were, in your hands; and I call upon you to act from disinterested principles. If you conceive that a portion of your people's happiness would be promoted by a removal, you are bound, as honest men, to say so, and bid them go in peace and prosper; and to such as you think ought to stay on reservations, say so; and in the name of every principle that is good, let us have peace at home and abroad, and let the liberties and freedom of your people be marked in every transaction of your public duties.

Brothers: I must ask you to reconsider the proposition which I proposed to you on the 14th instant, and to give it and the accompanying papers a careful, friendly, and attentive reading: in them you will discover the precise views of the Government towards your people, which cannot be altered by any power which I possess; as the course which you ask me to take, if adopted, would only be calculated to continue a small portion of your people in their present unhappy state and distracted condition, which is in direct opposition to their best interests, as also to the course your father has laid down in which you are to go. This language may at first appear strange; but, upon examination of the treaty of Hopewell, as well as others, you will find that the United States possess the sole right of governing your nation upon all matters and occasions where the subject is one of general character, and involving principles of individual and general policy; they act as your immediate guardians and agents; and is it not perfectly consistent that they should, since they are compelled to protect you, as well within as without the limits of your nation, and as well against internal as foreign enemies? Here, for example, are troops assembled for the purpose of removing our people from amongst yours, who will take up their march on the rise of this meeting. I ask you to examine and see from whence this necessity: does it not arise from the want of fixed laws and a regular administration of the Government? It certainly does. I ask again, does not the experience of you and myself for twenty-five years past prove as clear as can be that the necessity, instead of diminishing, is every day increasing? And is not the list of murders and robberies pretty near as great within the last twelve months as the whole period since your nation and ours entered into a state of peace?

This being the state of facts, it becomes the indispensable duty of those who possess the guardian power over you to say as at present they have done. We have provided a country suited to the interest and wishes of a great part of your nation, and for those remaining we invite them to enter into the pursuits of husbandry and civilized life; by these means, and these alone, you will be emancipated from a state of things already insupportable, and against which religion and morality must revolt.

Friends and brothers: On recurring to the third article of the treaty of Hopewell, you will find that the United States are bound to afford you protection, as well against foreign as neighboring enemies. Does it not then follow, as a matter of course, that they have the right to choose the means to be employed in protecting you?

If you answer yes, you can be told that the President of the United States informed Congress, at the opening of the last session, that the posts of New Orleans and Mobile were very much exposed to foreign enemies; that, although these places were of the utmost importance to every section of the United States, they never could be protected, but by having the eastern side of the Mississippi settled compactly, from the northern lakes to the Floridas; and, to effect which, treaties would have to be formed with all the native nations residing east of the last mentioned river, by which to obtain a relinquishment of their title, by taking reservations of six hundred and forty acres each, or by removing west of the Mississippi.

In consequence of this recommendation being made by the President, Congress entered into an arrangement for holding treaties with the Choctaw and Chickasaw nations of Indians; and, as we are advised, the latter nation have sold to the United States above seven millions of acres. From the Choctaws we have not heard, though no doubt exists as to their disposition to acquiesce with the Government.

From this statement, it must appear that one of the grand leading objects in bringing about an extinguishment of native claim to their lands, is, to place the southwestern country in a state of defence, thereby to afford ample protection to the liberties, lives, and property of its citizens, of whom the Cherokee nation forms a part, but who protest against the measure, as operating contrary to their wishes and interest.

To place this subject in a situation in which you can see how far you are under obligations to agree to the proposition before you, I will give a short detail of the ties or obligations between the citizens composing the United States and the Government itself. The citizens, by compact, are to adhere, with cheerfulness, to all existing treaties, laws, rules, and regulations entered into by the United States; and, in return, the Government stands bound to protect the citizens, individually and collectively, against all violence offered either by internal or external enemies. These, my brothers, are the ties by which the citizens and Government stand bound to each other; and the penalty on the part of the citizens, or any portion of them, who will refuse to yield obedience to the treaties, laws, and authority of the United States, is, that they shall be considered as enemies of the United States, and unworthy of its protection in any case. And again: with regard to the powers of the Government, on the subject of providing for the general defence of any city or country, the constitution of the United States gives the rulers the right to take private property for public purposes, at any time when the public good requires it to be done; but they are bound, in every instance, to give a fair equivalent or price for the same.

To prove this to be true, Jackson's army took your property in the late war, for which the United States have since paid you. If General Jackson, as a private man, had ordered your property to be taken, he, and all others concerned, would have been viewed as robbers, and punished accordingly; and to this statement may be added, that many very valuable houses were taken possession of by our army in the late war, and the inhabitants and property thrown out of doors, and, in some instances, the houses ruined; yet all have been paid for by the United States.

Having gone thus far, little more need be said to prove to you that, as the demand has been made of your country, you are bound to make a surrender of it, as good citizens, who are worthy of protection; and, at the same time, I hold that the United States are solemnly bound to pay you an honest fair price, and to indemnify you for such losses as you have a just right to claim under the provisions of the treaty.

Brothers: You express a wish to know why the census had not been taken in June last; to which I reply, that, having been instructed by the honorable Secretary of War to propose a suspension of the time fixed on by the treaty, I had prepared a talk, to propose to you, on that subject, at our meeting at this place in May last, to which the whole nation was invited to attend.

To your non-attendance, my brothers, it is owing that the subject was not acted on at that time; and, when I proposed to the Arkansas delegation the propriety of their making an appointment, General Tonlontusky replied, that you had been invited to attend the council as well as himself; that, as you did not meet at his father's request, and make an appointment of a commissioner on your part, and as he was in a country which he did not claim as his own, he would also decline making one on the part of the Arkansas tribe; and further, from an examination of my journal of the Oostannally proceedings, I find that I was not officially notified of your having made an appointment of a commissioner until the 30th June, which was the last day contemplated for closing the treaty, as the council seem to urge. Now, brothers, it is very easy to perceive that there are faults on all sides; and, as I conceive neither side can be interested, nor, in fact, acquitted of neglect by any defence they can make, I am willing to let the subject go to rest on my part.

JOSEPH McMINN, *Acting Agent for the United States.*

Cherokee Chiefs, in Council, to Joseph McMinn, Esquire.

FRIEND AND BROTHER:

IN COUNCIL, NEAR CHEROKEE AGENCY, November 21, 1818.

Your communication of the 18th instant was this day read in open council, explained, and interpreted to the chiefs assembled. After deliberating with that attention which its contents justly merited, we have prepared the following sentiments from the centre of our hearts. Though expressed through the organs of unrefined sense, in all the simplicity of nature, incapable of polished words, you will at once see the sentiments of your red brothers in their true colors.

Brother: We know that we are under the protection of the Government of the United States; therefore, are not insensible that we are also dependant on the humanity, generosity, and friendship of that magnanimous Government. We feel ourselves bound, by the strongest bands of brotherly and friendly attachment, to observe all our obligations with the United States, in the most inviolable manner.

Brother: You seem to express a desire that we ought to keep friendship at home as well as abroad, and to permit all those who wish to emigrate to the Arkansas to exercise their own free will and choice, as well as those who would choose to remain. That principle is so consistent with our sentiments, in all our actions, that we are not a little surprised to hear such a recommendation made by your excellency, particularly when you have had such a fair opportunity of making yourself acquainted with the true sentiments and dispositions of the nation. The actions of bad individuals certainly ought not to be attached to the nation, in any country.

Brother: We perfectly agree with you in believing that the Great Spirit is incapable of frowning on the rulers of any nation whose sole object was to promote the best interest of their people. But, most beloved brothers, permit us to ask you, in the presence of that Great Spirit, whether we would be acting with that humane and

honest principle, which is capable of producing blessings from that Supreme, if we were to accede to your propositions, to compel a whole nation of people, contrary to their free will and choice, to leave the land of their nativity, which mouldered the bones of their forefathers, and so much esteemed and revered by them; and at the same time withdraw from them the means of comfort and support, which all the solemnity of a treaty (and ratified by the highest authority of the Government of the United States) had provided, by accepting of a pittance which would not be more than one-tenth of competency of providing for a general removal!

Brother: The idea which you seem to convey respecting the late treaty appears that you are of opinion that the Cherokees of this country are bound to take reservations, or emigrate to the west of the Mississippi river, and no other alternative for their continuance here in common, as usual. Brother, we would ask you, as a candid man, why did the stipulations of that treaty provide for the taking the census of both nations, for an equal division of lands, agreeably to their respective numbers? It cannot be sound reason to believe that it was proper to take the census of both nations, when all those who took reservations were limited to but 640 acres to each and every head of a family, if it was not intended that the surplus of the lands were to remain in common, for the benefit of this nation. The theory upon which you have founded the principle of taking private property for public good, we are not fully capable of comprehending your excellency's ideas on that point; unless you mean that the public good requires the acquisition of this country, and that you are determined to seize it. On these points, beloved brother, how far the disposition of the Government of the United States are disposed to act towards your poor red brothers, you are the best judge; but yet we cannot, for a moment, withhold our sense of the humane benevolence and benignity of the United States, to believe that the country which has been solemnly guaranteed to the Cherokees by them will be viewed as private property, and the obligations of all their treaties with the Cherokee people trampled under foot. That there have been faults and neglect, agreeably to the admission of your excellency, respecting the not taking of the census, we will not deny; but, on our part, we are unable to discover any. We have too much respect for the honor of the United States to attribute it to them. No, brother; in them we have the most unbounded confidence. We have had too many proofs of their justice and magnanimity, of their liberality and friendship for us, to harbor, even for a moment, a suspicion that they would act unjustly towards us. No, brother, our confidence in the United States is so complete, that we believe, provided they have inadvertently injured us, by themselves or agents, that they would redress our wrongs when made known.

Brother: Reason and prudence are the monitors by which all prudent people and individuals ought to be guided. We know, however, that conscience is but the force of education. Religion is certainly commendable; but the force of our prejudices forbids that you should at once expect to see us embrace yours. We, like yourselves, found ours upon our prejudices, and follow the religion of our fathers. A different education would beget different prejudices, and, with your education, we should no doubt adopt your prejudices as well as religion. This, however, is not to be expected in the pursuit of game in the wilderness. We have here the advantages of adopting the virtues of our white brothers who surround us. Your excellency is not unacquainted with the progress which we have made in agriculture and civilized life. The benign influence of religion has opened the eyes of many, and we do not believe that the epithet of *savage* ought any longer to be applied to the Cherokee nation of people; but, with a removal to the west, all our flattering prospect of civilized life must vanish.

Brother: With deliberation, candor, and good nature, we again inform your excellency that we have decisively rejected your propositions for an entire extinguishment of all our claims to lands east of the Mississippi river; and must again solicit your excellency to cause the late treaty to be carried into full effect, agreeably to the stipulations therein contained, as early as practicable.

Brother: We solicit an interview with your excellency, at the agency office, on the 23d instant. On the acquiescence of your excellency to this solicitation, you will please to cause the cannon to be fired. We have the pleasure of subscribing ourselves, intrinsically,

Your brothers and friends,

Chiefs and Warriors.

Path Killer,	Big Rattling of Gourd,	She-ri-ka,
Charles Hicks,	Little Turtle,	John Beamer,
Going Snake,	Thomas Saunders,	Little Path Killer,
The Boot,	Squire,	Soo-we-cullah,
Sour Mush,	Noisy Fellow,	The Crow,
Tiger,	Chu-na-qual-es-kee,	Nan-too-we-yah,
Chickesaw-te-kee,	Oo-ta-le-tah,	Su-wa-kee,
Tees-to-wal-os-kee,	Two Killer,	Tey-es-tes-kee,
Robert McLemore,	Ta-ka-ha-kee,	Big Half-breed,
Eight Killer,	Ja-lay-es-kee,	Oon-oo-la,
Che-la-ke-te-hee,	Woman Killer,	Car-sal-ar-wee,
James Downing,	The Ridge,	Bark,
Dreadful Water,	Daniel Griffism,	Willee,
Rising of Fawn,	Coo-wes-koo-wee,	Sick-a-to-wee,
Sicketowee,	Chulamee,	Yau-oo-kee,
Bear-going-in,	Bridge Maker,	John Doherty,
Coo-la-chee,	Oo-soo-kee,	Bark of Chota,
Wee-ley,	Co-nat-ley,	Saw-an-oo-kee,
Wash-my-face,	Three Killer,	At-los-en-a.
John Benge,	Kala-waskee,	

Committee Names.

John Ross,	Roman Nose,	John Baldrige,
Richard Riley,	Currokee Dick,	George Lowrey,
Thomas Foreman,	Kee-le-chee-lee,	Rabbit Sleep,
Cabbin Smith,	George Saunders,	James Brown.
Hair,		

A. McCOY, *Clerk National Committee.*

His Excellency JOSEPH McMINN.

To the King and Chiefs of the Cherokee Nation.

FRIENDS AND BROTHERS:

CHEROKEE AGENCY, November 23, 1818.

Few, if any occurrence in public life, has ever fallen in my way more unexpected, or better calculated to wound my feelings, than the receipt of your communication made to me this day. It must surely be, my brothers, that you view me as an impostor, acting upon my own authority, with a view to deceive your nation; or that you flatter yourselves with the empty expectation that the United States cannot execute a measure of general defence for the safety of her citizens, which shall, in the slightest degree, affect your interest or your wishes. You act as though you were insensible of trampling upon the highest authorities known to the constitution and laws of the United States. Has not the honorable Secretary of War told you that you deserve the severest censure; that, after the ratification of the treaty, resistance to its fair execution can be considered little short of hostility; that threats offered to those who choose to emigrate or take reservations cannot be allowed; that such measures are in open violation of the treaty, and will, in their final result, avail you nothing; that the United States will not permit the treaty to be defeated by such means? He tells you plainly he does not believe that those who make opposition to the execution of the treaty are governed by a regard for the good of the Cherokee nation. This he brings against you from your own language in council at Oostannally, which I forwarded at your request, in which you state, "We consider ourselves as a free and distinct nation, and that the Government of the United States have no police over us, further than a friendly intercourse in trade."

I now ask you, my brothers, to say if you are prepared to adhere to these declarations; and, if so, the protection intended to be afforded to you by the troops who are assembled here for removing the whites from your land is entirely unnecessary. Nay, it ought to be considered by you as an insult, to speak of protecting a nation equally as independent as you appear to be on paper. By a further examination of the remarks made by the Secretary of War, in reply to your declarations, you will see where he states that daily proof is exhibited that, were it not for the protecting arm of the United States, your nation would become the victims of fraud and violence. He states, explicitly, that the United States cannot protect you in your present condition; and concludes those highly important remarks by stating that the President, in the proposed change of countries, consulted both your and our interest. "On the Arkansas," says he, "every effort will be made to render their condition happy, and to lead them into the arts of civilized life." To this fatherly and friendly promise you appear to enter your protest, and, in support, urge that this measure is well calculated to place your nation in the back ground as to education and advances towards civilized life. Let us examine your plan, (which is to keep a part of your nation here,) and see how it will operate in practice. Suppose, for the sake of argument, that one-half of your nation will remain here, upon one-half the territory you now claim: I ask, what can you promise those people, provided you could keep them here? Is it not to keep them in their present savage state? If that be your policy, which I must believe is true, it is in direct opposition to the very humane course pursued and intended by your father, the President of the United States, to be continued towards your nation until the final accomplishment of the great design of your becoming a part of the American family. And a still greater objection exists against your plan. You oppose the principle, or the policy, or perhaps both, of taking reservations, which forms the only certain road to your becoming a religious, moral, and industrious people; but, so long as a population of about five thousand souls inhabit a district of country containing upwards of five millions of acres, there remains no hope that they ever will prosper as a select society; and this remark will apply equally as well to the white as the red population. Your people, as well as all others, must become industrious from necessity, for none ever will be so from choice; and the greater the space they have to occupy, the greater will be their inducements to idleness.

JOSEPH McMINN, *Acting Agent for the U. S.*

CHEROKEE AGENCY, November 24, 1818.

To the King, Chiefs, Headmen, and Warriors of the Cherokee Nation:

In your second rejection of the proposition submitted to you under the authority of the United States, I discover that you object to the amount proposed as indemnity for your removal, &c.

I will, therefore, with a view to foreclose you from making any just and reasonable charges against the Government, propose that, upon your receding from the rejection contained in your communication, I will vary the sum proposed of \$100,000 to \$200,000, payable as follows: \$50,000 will be paid by the United States, within three months from the date hereof, with an annuity of \$10,000 per annum, for fifteen years, payable at the agency of the Arkansas people, agreeably to the preceding stipulations. In addition to the \$50,000, you will receive, at the same time, the annuity due to your nation for the present year, which must be divided according to the provisions of the treaty entered into with you on the 8th July, 1817. And, to prevent any further misunderstanding on that point, I propose that it shall be equally divided for the present year, between both parts of the nation, and shall continue to be divided, in like manner, until the first day of the year 1822, that being the period at which I propose the possession of the Cherokee nation shall be surrendered, provided this proposition shall be agreed to on your part. It is, nevertheless, to be distinctly understood, that no part of the annuity which will fall due under this arrangement will be subject to a division as aforesaid. The public boats which are now on hand are reserved for the removal of the emigrants who have been enrolled previous to this date; but the balance of the public stores, except so much ammunition as the emigrants may require, will be surrendered as has heretofore been proposed.

JOSEPH McMINN, *Acting Agent for the U. S.*

CHEROKEE AGENCY, November 25, 1818.

To the King, Chiefs, Headmen, and Warriors of the Cherokee Nation:

BROTHERS: After making three different attempts to get you to embrace the views of the United States, in relation to an exchange of countries, the result has been that you have given your unconditional rejection to each; and, as you still insist on the census being taken, I am willing to enter into an arrangement with you upon that point, provided you disavow, in suitable terms, the improper interference of all your officers in opposing the execution of the treaty, up to this date; and decree that, in future, it shall be deemed a crime for any of your officers or citizens to use violence or threats against the property or persons of those who either have, or wish to remove west of the Mississippi, or against any of your people who may take reservations, as all such are considered as being worthy of, and really under, the protection of the United States, to the full extent of white citizens; and to state, in your decree, that all who are found guilty of either of the aforesaid offences, or any other offences of like nature, shall suffer penalties, as the nature of their cases may justify. And I do further require, that proclamation be made by

the authority of your national council, in writing, requiring all your people to conduct themselves in strict obedience to all existing treaties, and to conform to the aforesaid decrees, or such others as you may think proper to make, in support of peace and friendship between your nation and the citizens of the United States.

Brothers: So soon as I am officially notified that you have adopted these measures, and when I am also officially notified that the Arkansas tribe have appointed a commissioner on their part to act with the United States commissioner here, I will arrange with you and them for taking the census, in conformity with the provisions of the late treaty. But it must be distinctly understood, that we will commence taking the census of both parts of the nation at one and the same time.

JOS. McMINN,
Acting Agent for the United States.

IN COUNCIL ASSEMBLED, NEAR CHEROKEE AGENCY, *November 25, 1818.*

FRIEND AND BROTHER: We have received and considered your last proposition, together with all other communications; all of which urge the Cherokee nation to surrender to the United States all the lands held by them east of the Mississippi. After a long, candid, and deliberate consideration of all the points, after having acquainted ourselves with the sentiments of the nation, and after giving it that candid and respectful attention which is due to the high source from which it emanated, we are again under the necessity of objecting to your excellency's proposal. We must repeat to your excellency our anxious wish that you will assure our father the President of the United States, that, in making up this opinion, we are only actuated by a desire to promote the best interests of the nation; that we are now, and trust ever will remain, the firm friends and warm advocates of our white brothers, the people of the United States; of whom, together with our father the President, we now implore their mercy and protection.

Your friends and brothers, in behalf of the whole Cherokee nation,

THE PATH KILLER,
CHAS. HICKS,
GOING SNAKE,
BIG HALF-BREED,
THE BOOT.

A. McCoy, *Clerk.*

CHEROKEE AGENCY, *November 26, 1818.*

To the King, Chiefs, Headmen, and Warriors of the Cherokee nation:

I learn, from your communication of yesterday's date, your desire to put a period to the present negotiation; on which point (for the first) we are agreed.

You state that, after a long, candid, and deliberate consideration of all the points, and after having made yourselves acquainted with the sentiments of your nation, you have rejected the proposition for an extinguishment of your territorial claim. Although I leave out of view the motives which influenced your council in forming this decision, I am unable to reconcile to my mind the following very extraordinary and singular facts, viz: of your having objected, first, to meeting here agreeably to your father's request; and, secondly, your rejection of every proposition which has been submitted to you, notwithstanding you were duly furnished with copies of all the letters and documents from the War Department in any manner connected with the negotiation; and these were seconded by such arguments in open council as you could not, or at least did not choose to, meet. You politely request me to assure your father, that, in forming your opinion, you have been actuated by a desire to promote the interest of your nation. But, my brothers, such an interference between you and your father attaches too much delicacy; and to prove to him that you are justified in your present course of opposition to every measure which he has proposed for the promotion of your interest, would, I presume, require greater force of reasoning than you and I possess. But I will transmit correct copies of your communications addressed to me, and leave your father to judge for himself whether there is that consistency between your actions towards the United States, and your declarations on paper, as he conceives there ought to be between those who govern and the governed.

For myself, I cannot resist expressing my astonishment at your determined opposition to the proposed measure; and from whence it should arise is equally mysterious, unless from a long train of unexampled friendship exhibited by the United States towards your nation, from which, perhaps, you have been taught to believe, as your council expressed at Oostannally, that "we consider ourselves as a free and distinct nation, and that the United States have no police over us further than a friendly intercourse in trade." Now, let me ask you, my brothers, have you a shadow of right to look for protection from the United States, after making that declaration, except so far as would become the reciprocal interest of both parties in carrying on commerce? Then, let me again ask, what advantage does the United States reap from your trade? or have you any? You must answer, no. Well, let me inquire, how are you furnished with the implements of husbandry, and those for manufacturing; which articles many of you have in such abundance, that you furnish your white neighbors with them at less than their original cost? Answer, from the fostering hand of the United States. And do you now believe that your conduct on the present occasion will be viewed by the President of the United States as corresponding with their generosity towards you? I apprehend it will not. Nor do I suppose he will applaud the contemptible epithet of "pittance," as expressed by you in speaking of the sum of \$100,000 as indemnity for your removal to the west. But give me leave to tell you, however pitiful it may appear in your estimation, it is the precise sum that I was instructed to propose to you in the first instance.

Brothers: I have neither time nor disposition to trouble you with any further remarks, than barely to state, for the information of all your citizens who either wish to remove west of the Mississippi, or take reservations here, that the rolls will be kept open in both cases, as usual; that a constant stock of arms, ammunition, and every article stipulated by treaty to be given to those who choose to emigrate to the Arkansas country, will be kept open at all times; and every aid and protection will be given that reason and justice can require, as well in furnishing those with linen for tents who prefer travelling by land, as in furnishing those with boats who choose to remove by water.

Brothers: In taking my leave of you, I express my entire satisfaction of the peace and harmony which has prevailed, not only in our deliberations, but in every rank and class of the community on both sides; and, with respect to the troops that are now stationed here for your immediate protection, and removal of the intruders, they will be sent home on furlough, where they will await the pleasure of the President of the United States for their further movements.

Your friend and brother,

JOSEPH McMINN,
Acting Agent for the United States.

CHEROKEE AGENCY, November 26, 1818.

To the King and Chiefs of the Cherokee nation:

BROTHERS: From your last communications of yesterday, I believe you are disposed to place a period to the present negotiation.

Previous to which, I wish the council to attend at the firing of the cannon at this place, for the purpose of closing our business, as it has been conducted, in peace and friendship.

Your friend and brother,

JOSEPH McMINN,
Acting Agent for the United States.

FRIEND AND BROTHER:

IN COUNCIL, November 27, 1818.

Your proposition of an arrangement to provide for the taking of the census has undergone the deliberation of the council.

We view it no less novel than strange, because we conceive the laws of our country, which provide for the security and protection of our lives and property, are equally extended to all and every person within the jurisdiction of our nation; they cannot be withdrawn from those of our fellow-citizens who may choose to emigrate to the west of the Mississippi, because they intend to leave this country. No, brother; our hearts are not of rock, as you seem to suppose; our friendship and attachment to those of our countrymen, relations, friends, and acquaintances, who take leave of us for a new country, are not to be withdrawn from them on that account; but, on the contrary, we wish them all the happiness that can be enjoyed from peace and quietness. Brother, we are fearful you have founded prejudices on suspicion, respecting our feelings and sentiments towards our country people who are separating from us; all differences of opinion relating to the true and literal meaning of the late treaty ought not to be imputed to hostility or opposition to it, as we assure you, in the most positive manner, nothing is more desirable to your red brothers than to observe with fidelity all our existing treaties. We do not conceive it necessary to make any national decrees in the substance you propose; the execution of our laws will not be withheld to render justice to our Arkansas brothers.

Your friends and brothers,

PATH KILLER,
CHARLES HICKS,
THE BOOT,
GOING SNAKE,
SU-WE-CUL-LAH.

18th CONGRESS.]

No. 205.

[1st SESSION.]

EXTINGUISHMENT OF INDIAN TITLE TO LANDS IN GEORGIA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 5, 1824.

IN SENATE, December 18, 1823.

The Committee on the state of the Republic, to whom was referred the communication of his excellency the Governor, on the subject of the extinguishment of Indian claims to the lands within the territorial limits of Georgia, beg leave to report:

That they have derived much gratification from the perusal of this interesting document. It presents to them an unequivocal manifestation of the disposition of the Executive to sustain the just rights of the State on the important subject of the extension of the jurisdictional limits, with a firmness which is tempered by discretion, and a zeal which is guided by intelligence; a disposition to which, in the unanimous opinion of this committee, every suggestion of duty, and every feeling of honorable pride, on the part of this Legislature, will be accordant and responsive.

The committee do not deem it necessary, in this report, to enter into a minute examination of the luminous exposition of the rights of this State which is contained in the communication of his excellency the Governor. Adopting it, as they do, unanimously, and in its whole extent, they believe they will best perform the duty which is assigned to them by recommending that an address be presented to the President of the United States, based on the principles and fortified by the arguments of this communication.

They ask leave, accordingly, to report the following memorial and resolution:

To the President of the United States of America: The memorial and remonstrance of the Senate and House of Representatives of the State of Georgia, in General Assembly met.

The Legislature of Georgia find themselves constrained once more to address the President of the United States on the subject of the extension of their territory by the extinguishment of the Indian title to the lands situated within the limits of the State.

If the reiteration of their remonstrances on this subject shall seem to the Chief Magistrate of the Union to be importunate, their justification will be found in the deep interest which is felt in it by their constituents; in the unanswerable justice of their claim; in the long interval which has passed since they were reasonably entitled to expect the accomplishment of an object of such vital importance to Georgia, and in the accumulated and accumulating obstacles which time is interposing to its ultimate fulfilment.

In recurring to the articles of agreement and cession entered into between the commissioners of the United States and of Georgia, on the 24th day of April, 1802, these memorialists find a stipulation that the United States shall, as soon as may be, extinguish the Indian title to all the lands within the State of Georgia. This stipulation was not gratuitous on the part of the Government of the Union, but was in consideration of the surrender by the State of Georgia of a territory sufficiently valuable and extensive to constitute two independent and powerful mem-

bers of the federal compact. The motive to this surrender cannot be misunderstood. In consenting thus to restrict her right of soil and her sovereignty, Georgia looked, with the confidence which she has always reposed in the plighted faith of the Union, to the prompt extinguishment of the Indian title to all the lands within her remaining limits, and the speedy settlement of her then, and still, vacant territory. Limiting her ultimate views of extensive empire, she had hoped, by such limitation, to escape from the helplessness of a protracted infancy, and, marching in quick time to the accomplishment of her destinies, to have seen her laws and her sovereignty co-extensive with the limits of her territory within which she had consented to confine herself. Twenty-one years have passed away, and she is still destined to experience the disappointment of her hopes. She has witnessed, during this period, the extension of the Union, the multiplication of the members of the federal republic, by repeated acquisitions of territory, while she is still doomed to have a long line of frontier exposed to the predatory incursions of the savage, and the lives of her citizens who dwell there to his subtle and relentless vengeance.

Such, sir, is her claim to relief. It seems to these memorialists that it is too obvious to require further exposition. Do the United States possess the power to afford it? That the State of Georgia is vested with the ultimate title to all the lands within her territorial limits; that the claim of the Indians is, consequently, restricted to a mere temporary usufructuary right, are propositions which, it is believed, can neither be doubted nor denied. The existing state of things must, therefore, have a termination. The time must come when the soil of Georgia shall no longer be imprinted with the footstep of the savage; when the inhabitants of her border shall no longer be liable to be awakened from their slumbers by the war-whoop of an approaching foe, nor to witness the destruction of their dwellings in the blaze which illumines his retreat; when her sovereignty shall be co-extensive with her territory, and the authority and the protection of her laws shall pervade every portion of her empire. Such a state of things must come. It must be produced, too, by the act, and at the expense, of the Government of the Union, in the fulfilment of her obligation to Georgia. Will delay facilitate its ultimate accomplishment? Will it lessen the expense to be incurred by the United States? Is it required by any rational consideration of humanity towards the Indian tribes, who now roam through the wilderness of our State? It seems to these memorialists that delay can only serve to multiply obstacles to the fulfilment of the engagements of the Union. From causes too obvious to require detail, every day diminishes the disposition of the savage to abandon his accustomed haunts, and consequently increases the price which he will demand for their surrender. No principle of humanity forbids the enforcement of the claim. The exhausted state of the game affords a scanty and precarious subsistence to the hunter, and a dispersed and wandering population are not in a condition to become the objects of the benefits of civilization.

Their removal beyond the Mississippi would give to these sons of nature a wilderness congenial to their feelings and appropriate to their wants; while the region which they would relinquish would become the abode of civilization, and contribute to the happiness of thousands. These memorialists have seen with what facility the United States, "blending justice with authority," have been enabled to prescribe to the native tribes inhabiting the contiguous Territory of Florida the limits of their range; and they do not doubt that a similar exercise of a legitimate authority, equally tempered by justice, will suffice to obtain for Georgia all which she desires. They ask, therefore, from the Government of the Union, (certainly with the respect which they have always felt, and which they have omitted no proper occasion to manifest to the Government of their choice and of their confidence, but, at the same time, with the earnestness which is authorized by the justice of their claim, and demanded by the necessities of their constituents,) that a liberal appropriation may be made for the extinguishment of the Indian title to all the remaining lands within the limits of Georgia; and that commissioners may be appointed, with instructions, in every event, to effect this indispensable object by a proper representation to the Indian tribes of the just claims of Georgia, of the solemn obligations of the United States, and of the improvement in their own condition which will result from their acquiescence.

Resolved, That a copy of the foregoing memorial and remonstrance be forwarded to the Senators and Representatives of the State of Georgia in the Congress of the United States, and that they be requested to use their exertions for the attainment of its object.

IN SENATE, December 18, 1823.

Agreed to, unanimously,

THOMAS STOCKS, *President*.

Attest: W. Y. HANSELL, *Secretary*.

IN THE HOUSE OF REPRESENTATIVES, December 20, 1823.

Concurred in,

DAVID ADAMS, *Speaker*.

Attest: WM. C. DAWSON, *Clerk*.

Approved 20th December, 1823,

G. M. TROUP, *Governor*.

A true copy: ELISHA WOOD, *Secretary Executive Department*.

18th CONGRESS.]

No. 206.

[1st SESSION.]

CLAIMS OF THE CREEKS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 15, 1824.

Mr. McLANE, of Delaware, from the Committee of Ways and Means, to whom was referred a resolution of the House of Representatives of the 27th February last, instructing them "to inquire into the expediency of making an appropriation to compensate the friendly Creek Indians for property lost and destroyed during the late Creek war," reported:

That the claim, on the part of the friendly Creek Indians, is to an indemnity for certain losses which they sustained from hostile Indians of their own tribe during the Creek war, and is founded upon an instrument delivered

by them to General Jackson on the 9th of August, 1814; by which they complain that, in running the line to retain lands conquered from the hostile Indians, he run it in such a manner as to take a quantity of the lands of the friendly Indians, for which no equivalent was afforded; and express their reliance on the justice of the United States to do them justice. The subject was brought before Congress in the year 1817, and a report was at that time made by the Committee of Ways and Means, to which the committee beg leave now to refer for a more satisfactory illustration of the foundation of the claim.

That report recommended the appropriation of a definite sum, to be applied under the direction of the Secretary of War, as an indemnity to the friendly Creeks, in fair proportion to their losses; and, accordingly, the sum of *eighty-five thousand dollars* was appropriated.

These claims for losses were liquidated by the chiefs, in council, at Fort Hawkins, in July, 1817, and amounted to the sum of \$110,417 90. Of this sum, \$81,085 60 was paid to the individuals, in proportion to their respective claims; and the balance (of \$3,914 40) was placed in the hands of the two principal chiefs, by general consent, to be applied to some cases of peculiar hardship otherwise unprovided for.

It is now represented to the committee that there are many claims not liquidated at the time aforesaid, on account of which no payment has been made; and to meet these, as well as the balance of all the other claims, an appropriation is now solicited.

It is the opinion of the committee that the sum of \$85,000, appropriated by the law of 1817, was intended to be a full indemnity for all the losses of the friendly Indians, and was equal to any reasonable expectation. This appears to be manifest from the estimate, by Colonel Hawkins, that the chiefs would have been satisfied, at the date of the treaty, with the sum of \$60,000; and, in the letter of the acting Secretary of War to D. B. Mitchell, the Indian agent, directing the application of the money, he is informed that, as the law is general in its terms, and predicated on Colonel Hawkins's estimate, "it will be proper to pay the claimants mentioned in the estimate only a portion of their claim at present, as it is probable that there may be other claimants entitled to the benefit of the law, who are not mentioned in the list of claims furnished by Colonel Hawkins; therefore, a final distribution of the money should not take place until the whole amount of the claims is ascertained."

The just and reasonable expectations of the Indians, at the date of the treaty, are the foundation of the claim of the friendly Creeks to indemnity; and there does not appear to be any obligation, on the part of the United States, to exceed those expectations further than they have done already.

The committee beg leave to submit to the House all the documents in their possession touching the subject; and recommend the adoption of the following resolution:

Resolved, That it is inexpedient to make any further appropriation to compensate the friendly Creek Indians for property lost and destroyed during the late Creek war.

SIR:

DEPARTMENT OF WAR, *March 10, 1824.*

I have received your letter of the 5th instant, requesting such information as it may be in my power to afford touching the manner in which the sum of \$85,000, appropriated by an act of Congress, in 1817, for the relief of the friendly Creek Indians, has been paid and applied; whether that sum was intended, at the time, as a full indemnity for the losses of the friendly Creeks, or as a mere estimate of the amount of those losses; and whether, from any information in this Department, it is now expedient to make a further appropriation?

In reply, I have the honor to transmit the enclosed papers, which contain all the information in the possession of the Department on the subject.

Since the payment of the \$85,000 above mentioned, repeated applications have been made by the Creek Indians for further indemnity; but the Department declined acting upon them, as there was no appropriation at its disposal that could be so applied. The Department has no information to enable it to say whether it would be expedient now to make an appropriation for that object or not.

I request that the original paper sent may be returned to the Department when the committee are done with it.

I have the honor to be your most obedient servant,

J. C. CALHOUN.

Hon. LOUIS McLANE,

Chairman Committee of Ways and Means, House of Representatives, United States.

Copies of letters from the Secretary of War to Major General Thomas Pinckney.

SIR:

WAR DEPARTMENT, *March 17, 1814.*

The policy, dictated as well by the unprovoked and ungrateful conduct of the hostile Creeks, as by a due regard to the future safety of the southwestern frontier, may be brought under the following heads, viz:

1st. An indemnification (for the expenses incurred by the United States in prosecuting the war) by such cession or cessions of land as may be deemed an equivalent for said expenses.

2d. A stipulation, on their part, that they will cease all intercourse with any Spanish post, garrison, or town; and that they will not admit among them any agent or trader who does not derive his authority or license from the United States.

3d. An acknowledgment of a right in the United States to open roads through their country; to navigate all waters and streams within the same; and, also, to establish therein such military posts and trading-houses as may be deemed necessary or proper.

And 4th. A surrender of the prophets or other instigators of the war, who will be held subject to the orders of the President.

With these outlines as your guide, you are authorized, in conjunction with Colonel Hawkins, to open and conclude a treaty of peace with the hostile Creeks so soon as they shall express a desire to put an end to the war.

I have, &c.

SIR:

WAR DEPARTMENT, *March 20, 1814.*

Since the date of my last letter, it has occurred to me that the proposed treaty with the Creeks should take a form altogether military, and be in the nature of a *capitulation*; in which case, the whole authority of making and concluding the terms will rest in you, exclusively, as commanding general. In this transaction, (should it take place,) Colonel Hawkins, as agent, may be usefully employed.

I have, &c.

Extract of a letter from the Secretary of War to Major General A. Jackson, dated

MAY 24, 1814.

In the event of your acceptance of the appointment announced by my letter of the 22d instant, I have to suggest the wish of the President that you should proceed, without delay, to Fort Jackson, and consummate the arrangements committed to Major General Pinckney, in relation to the hostile Creeks. A copy of the instructions given to General Pinckney is enclosed.

Extract of a letter from George Graham, chief clerk of the Department of War, to Colonel Hawkins, agent to the Creek nation, dated

JULY 12, 1815.

I am directed by the President to request that you will report to this Department, as soon as practicable, your opinions on the following points:

1st. As to the nature and extent of the indemnity which the friendly chiefs claim, in consequence of the letter addressed by General Pinckney on the 23d April, 1814?

2d. How far the Government ought, from motives of justice or policy, to yield to their claims?

3d. Whether indemnity ought to be made to them by restoring a part of the ceded land, or by an additional annuity, or by giving them a certain fixed sum in money and goods?

4th. Whether these compensations (of whatever nature they may be) should be confined entirely to the friendly chiefs?

Extract of a letter from Colonel Hawkins to George Graham, chief clerk of the War Department, dated

CREEK AGENCY, August 1, 1815.

I have received your letters of the 12th and 15th July, with a copy of the agreement and capitulation between General Jackson and the Creek nation, as ratified, and sundry documents accompanying.

I regret the necessity of reporting on the points suggested for the elucidation of the terms of peace offered by General Pinckney, and the understanding between General Jackson and the chiefs; as I expected, from what passed in the conference between the parties, the general would have sent on such a statement as would have placed the subject, (aided by his secretary, sent on partly for the purpose,) in a just point of view before the Government. However, I am to suppose it has, from some cause, been omitted; and, as I am required, it is my duty to do it. That the first interrogatory may be clearly explained, I must go into detail as to the manner of negotiating with the chiefs on it.

"1st. As to the nature and extent of the indemnity which the friendly chiefs claim, in consequence of the letter addressed by General Pinckney of the 23d of April, 1814?"

As soon as the terms of peace were offered, as expressed in the letter referred to, I took measures to explain them literally to the friendly Indians, and, through them, and the prisoners in our possession, to the hostiles who had fled, or were flying, to Pensacola.

When General Jackson arrived as sole commissioner, he addressed a speech to the chiefs, among whom there was but a single hostile one; marked his line, which, he said, should not be altered; he altered it, notwithstanding, to accommodate Tookaubatche. The chiefs replied to him, which the general's secretary and the agent took in writing for him. They, in conference, repeatedly urged the justness of their claims to losses, as promised in the terms of peace offered; and the general as often denied having powers to act on it. Upon being asked, among other things, as his powers extended only to retaining as much land conquered from the hostiles as would indemnify the United States for the expenses of the war, upon what principles he took the lands eastwardly to Georgia, belonging obviously to the friendly Indians? the general answered, he did it from political motives—to prevent an intercourse between the Indians and the Spaniards and English in the Floridas; to have a border to know and separate his enemies from his friends, which was as beneficial to the friendly Indians as to the United States; and also gave the friendly Indians the lands in the fork of Tallapoosa and Coosa. The Speaker asked where the hostiles were to be placed, if he took all their land? His answer was, you have room enough to take them among you. The Speaker said the war was not yet settled, and they were called on for lands to pay the expense of it; and, before it was settled, he supposed there would be another call. The general replied, he would take upon himself to settle it, if it lasted twenty years, without calling on them for any more land.

It struck me forcibly, at the time, that the general, who was authorized only to retain lands conquered from the hostiles to indemnify the United States for the expenses of the war, should take nearly eight millions of acres from the friendly Indians, over and above all the hunting grounds of the friendly Upper Creeks, giving, without consulting them, what he called an equivalent, which they did not deem such, and did not feel himself authorized to adjust this equitable claim of theirs. I suggested to the general, upon extending the line eastwardly, for the motives assigned by him, if he could, for a reasonable equivalent, where that line touched Flint river, go up the same, it would be a great accommodation to Georgia. Upon which, after some reflection on the subject, and making inquiries as to how far up the line should go, and at what creek it should leave the river, he said his powers did not justify it, and he would adhere to his first line.

The Speaker, after conferring with the chiefs about him, told the general there were no hostile chiefs there, but the heads of the nation, masters of the land, were; they were friends, met to settle matters, and not to quarrel; they were talking for information; he would be ready in a day or two to do what was demanded of them; but, before he signed any papers with him, as he would not admit their claims in the treaty, he should make and sign a paper expressive of them, and who were the masters of the land.

On the 8th of August they sent for the agent and General Jackson, and expressed a determination, before they yielded up and signed away their lands, to grant, as a mark of national gratitude, a donation for his distinguished services, to the general; and to Colonel Hawkins and his family, to whom they owed much, and whose children were natives of their land; to the two interpreters, one of whom had all his property destroyed, (Mr. Cornells;) and, in the instrument which they would sign, to express their claims under the terms of peace offered. The general was very feelingly impressed with this unexpected mark of national gratitude, which he accepted, with the reserve—if approved of by the President; and that the President might, if he would, have it disposed of to clothe their poor naked women and children. Their motive for doing this being as expressed, they rejected this modification.

On the 9th, the instrument of conveyance having been drawn under the interpretation of Mr. Cornells and Major McIntosh, and read, the Speaker said, their claims being mentioned, the letters should go on as a part of it, as they contained what they demanded; whereupon, the instrument was signed, in the usual form, in the square of the council. After being signed, the Speaker urged it should be sent on with the treaty which they were about to sign; to which he annexed the letters of the 23d and 25th of April, between General Pinckney and Colonel Hawkins; and that some good man should take them up to the Government, and after this they would sign with the general.

Having signed, the general said he would send up his secretary with the treaty and documents mentioned; and such of the Indians there present who had claims might make them, and lodge them with him, and his secretary should take them with him; which was done accordingly. The document of the 9th is what the chiefs, in fact, call their part of the treaty. [The original paper, which accompanies this, contains the documents here referred to.]

As to the extent of the claims, I have no data to calculate from. Part of the vouchers were taken on by Mr. Cassedy, the general's secretary, and the remainder given in since to the assistant agent at Coweta, which I have ordered on here; whatever they may be, I will forward them as soon as received. I believe, at the time of drawing the lines for the treaty, \$60,000 would have been received as an equivalent. The Indians of Tookaubatche were the most faithful, and the greatest sufferers; their town was besieged for eight days, and, when they had to retreat, it was destroyed, with all their property but what they could carry off when they retreated to Coweta. Some of Coosaude Tuskegee, Coweta, and Tallahassee had their houses burnt, their stock and provisions destroyed; some few to a considerable amount, but mostly to a trivial one. The losses sustained were by no means general, as many of the friendly towns did not lose any thing but what was taken by disorderly individuals of Floyd's army.

Question 2d. "How far the Government ought, from motives of justice or policy, to yield to their claims?"

From the statement on the first question, it is apparent, justice is on the side of the claimants, and policy requires a strict fulfilment of the expectations of the chiefs. From the unceasing efforts made to poison the minds of the Indians by British agents, who abound in the means of corruption, and the chiefs having already expressed, with much warmth, that their half of the treaty is lopped off, they may refuse their ratification, which they are advised to do by the British agents; and, from the singular manner the capitulation is worded—the parties "agree to ratify and confirm," &c.—it appears they have a right to do so.

Question 3d. "Whether indemnity ought to be made to them by restoring a part of the ceded land, or by an additional annuity, or by giving them a certain fixed sum in money or goods?"

I believe the correct way would be to liquidate the claims of individuals, some of which, I am told, are too high; reduce them to a just value, and pay them. If it were a national claim, a cession of land might be desirable; but to individuals, it is otherwise.

Question 4th. "Whether these compensations (of whatever nature they may be) should be confined entirely to the friendly chiefs?"

This question is, in fact, already answered. It should be confined to the individual claimants, for none other are in contemplation of the terms of peace offered, nor have I ever heard any such mentioned by any chief. The national question put to me on compensation is, "When is the annuity to arrive? or is it withdrawn from us without assigning a reason?"

Extract of a letter from General David B. Mitchell, Creek Agent, to the Secretary of War, dated

MARCH 18, 1818.

I have now the honor to enclose a concise statement of the accounts presented by the friendly Indians for losses during the late war, and of the application of the sum appropriated by Congress for their payment; by which it appears that a little upwards of \$100,000 is still due.

The gross amount of the claims presented, including the abstract made by Colonel Hawkins, is very little over or under \$300,000; but they were reduced by the chiefs to \$195,417 90. A general abstract of the whole will be forwarded as soon as completed.

Statement of claims for losses by the friendly Creek Indians, during the late war, as liquidated and settled by the chiefs in council, at Fort Hawkins, in July, 1817, and at the agency, in January, 1818; also, showing the sums paid, and balance due.

1. Amount liquidated for upper towns, at Fort Hawkins, in July, 1817,	-	\$77,572 50	
Deduct this amount, paid at same time, -	-	31,029 00	
			\$46,543 50
2. Amount liquidated for lower towns, at Fort Hawkins, in July, 1817,	-	29,775 00	
Deduct this amount, paid at same time, -	-	11,910 00	
			17,865 00
3. Miscellaneous claims liquidated at Fort Hawkins, in July, 1817,	-	27,157 00	
Deduct this sum, paid to these claims, -	-	10,862 00	
			16,295 00
4. Amount liquidated at the agency, in January, 1818,	-	49,524 00	
Deduct this amount, paid to these claims, -	-	19,809 60	
			29,714 40
			<u>29,714 40</u>
Whole balance due, -	-		\$110,417 90

Recapitulation, showing the application of the sum appropriated.

Paid to Upper Creeks, in July, 1817,	-	-	-	\$31,029 00
Paid to Lower Creeks, in July, 1817,	-	-	-	11,910 00
Paid to miscellaneous claims, -	-	-	-	10,862 00
Paid at the agency, in January, 1818,	-	-	-	19,809 60
				<u>73,610 60</u>

Paid Major Hughes, by special order of the chiefs, - - -	\$3,400
Paid two and a half per cent. discount on sale of bills for \$83,000, - - -	2,075 (a)
Received by McIntosh at Washington, - - -	2,000
	7,475 00
(b) This balance placed in the hands of the two principal chiefs, by general consent, to be applied to some cases of peculiar hardship otherwise unprovided for, - - -	3,914 40
	\$85,000 00

(a) \$83,000 of the money having been remitted in drafts upon the United States Bank in Philadelphia, and the branch of that bank in Savannah refusing to pay them, this charge arose from the difference of exchange between Savannah and Augusta, and Philadelphia, at that time, and has been allowed by the chiefs, rather than be delayed, or run the risk of conveyance by an agent.

(b) When the first payments were made, it was necessary, as the claims were not all received at that time, and the amount was much greater than the sum appropriated, to adopt some rule of proportion in making the payment. Two-fifths was finally determined upon; and this sum is the balance, after paying two-fifths of the whole claims liquidated. And as some cases have occurred which merit attention, but were excluded in consequence of the limitation, this amount has been set apart to relieve them, by general consent.

D. B. MITCHELL, *Agent for Indian Affairs.*

CREEK AGENCY, *March* 18, 1818.

Extract of a letter from George Graham, acting Secretary of War, to David B. Mitchell, Indian agent Creek nation, dated

MARCH 20, 1817.

I enclose you a copy of the law making an appropriation of eighty-five thousand dollars to indemnify individuals of the Creek nation for losses sustained during the late war, together with a copy of the correspondence with Colonel Hawkins, and his estimate of the damages sustained by them, respectively. These papers were laid before the Committee of Claims, and the law was predicated on them; but, as it is general in its terms, it will be proper to pay the claimants mentioned in the estimate only a portion of their claim at present, as it is probable that there may be other claimants entitled to the benefits of the law, who are not mentioned in the list of claims furnished by Colonel Hawkins; therefore, a final distribution of the money should not take place until the whole amount of the claims is ascertained. \$2,000 of the amount appropriated have been paid to Major McIntosh, in part of his claim for losses, and the balance (\$83,000) will be remitted to you by the Treasurer.

18th CONGRESS.]

No. 207.

[1st SESSION.]

EXTINGUISHMENT OF INDIAN TITLE TO LANDS IN GEORGIA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 15, 1824.

Mr. FORSYTH made the following report:

The select committee to whom was referred the President's message of the 30th of March, with the documents accompanying it, relating to the compact of 1802 between the United States and the State of Georgia, submit to the House, on that message, and on the memorial of the Legislature of the State of Georgia, also referred to them, [See Nos. 204 and 205.] the following report:

The State of Georgia claimed, on the establishment of the independence of the United States, all the lands now forming the States of Georgia, Alabama, and Mississippi, with the exception of those portions of the two last States which formed a part of Florida and Louisiana.

This claim was founded upon the charter of incorporation of the proprietary government—on the royal commissions issued to the Governors of the State, after the proprietors had surrendered their charter to the Crown. The claim was disputed by South Carolina and by the United States. The conflicting claims of South Carolina and Georgia were adjusted by a convention between them, in 1787. The United States recognised, by the treaty with Spain of the year 1795, the claim of Georgia;* having refused, in 1788, a cession from the State, on account of the remoteness of the lands and of the terms proposed by Georgia.

In April, 1798, Congress passed a law† in relation to the western part of the territory of Georgia, with a reservation of the rights of Georgia to the jurisdiction and soil.

In May, 1800, another act‡ was passed, containing a similar reservation.

In December, 1800, Georgia remonstrated against these acts, as a violation of her right of sovereignty and soil.§ The compact of 1802 put an end to the disputes which were likely to arise out of this collision between the General and State Governments. By this compact, the United States obtained a surrender of the right of Georgia to the sovereignty and soil of two States, containing, by estimate, 86,000,000 of acres of land, for the paltry consideration of the payment of \$1,250,000, *out of the proceeds of that land*, and a promise to extinguish the Indian title to the land within the territorial limits not ceded to the United States, as soon as it could be done *peaceably and on reasonable terms*. The execution of this compact produced no change in the right of Georgia to the sovereignty and soil of the land within her newly defined boundaries. Its only effect was to throw upon the United States the expense which might attend the extinguishment of the Indian title; an expense which, but for this compact, must have been borne by the State. Nor did this compact, in the slightest circumstance, add to the title of the Indians; it recognised only the claim which they, as Indians, were allowed to have, according to the usages of the States, and the liberal policy adopted towards them by the General Government.

* Journals of old Congress, vol. 13, p. 49, 50.

† Laws of United States, vol. 3, p. 39.

‡ Laws of United States, vol. 3, p. 380.

§ Public Lands, vol. 1, No. 206.

In relation to the Cherokees, the principal topic of the President's message, it would appear that new doctrines are permitted to be entertained of them, in the opinion of the committee, neither consistent with the opinions heretofore entertained, with the practices of the Government, nor with the interests of the Union. The Cherokees claim to be an independent tribe. The President avows the belief that the articles of cession of 1802 are a full proof that the Indians had a right to the territory, in the disposal of which they were to be regarded as free agents.

The acts of the General Government, in 1814, in relation to the Creeks; the language of the President of the United States in 1817; the language of the Secretary of War in 1818; of the agent of the Government in that year, in treating with the Cherokees; and of the agent treating with them in 1823, do not correspond with the opinions now expressed.

In 1814, General Jackson, acting under the authority of the Government, took from the Creek Indians, for an equivalent, named by himself, all the land the United States chose to require, to effect a great object of national policy in regard to the Indian tribes. It cannot be alleged that this was done by virtue of conquest. The letter of the late Indian agent, Colonel Hawkins, of the 11th of August, 1815, laid before the House of Representatives* on the 5th of April, 1824, shows that nearly 8,000,000 of acres were taken from the friendly Indians, (our allies in the war,) over and above all the hunting grounds of the upper friendly Creeks, for what was called an equivalent, but which the Indians did not deem such.

In 1817, in his message at the opening of Congress, the President says: "The hunter state can exist only in the vast uncultivated desert. It yields to the more dense and compact form and greater force of civilized population; and, of right, it ought to yield, for the earth was given to mankind to support the greatest number of which it is capable; and no tribe or people have a right to withhold from the wants of others more than is necessary for their own support and comfort."†

In a letter of the 29th July, 1818, the Secretary of War says to Mr. McMinn, (speaking of the attempts to prevent the Cherokees from going to Arkansas,) "the United States will not permit the treaty to be defeated by such means. Those who choose to remain, are permitted to do so in quiet; those who choose to emigrate, must be equally free." And further: "It is in vain for the Cherokees to hold the high tone which they do as to their independence as a nation; for daily proof is exhibited that, were it not for the protecting arm of the United States, they would become the victims of fraud and violence." Mr. McMinn tells the Cherokees, in conformity with this declaration, in his talk to the chiefs of the 23d November, 1818: "It must surely be, my brothers, that you view me as an impostor, acting upon my own authority, with a view to deceive your nation; or that you flatter yourselves with the empty expectation that the United States cannot execute a measure of general defence for the safety of her citizens which shall, in the slightest degree, affect your interest or your wishes." The agents of 1823 assert an unqualified right in the United States to take from the Indians any of their lands for public use. It is asserted, however, by the Secretary of War, that there were treaties existing with the Cherokees in 1802, which guaranteed their lands. These guaranties were only of the Indian title, as understood by all at the date of the execution of these treaties—a title of mere occupancy for the purposes of hunting. The idea of title to the soil was, until lately, unknown to the Indians. Their lands were overrun by them, not inhabited; their rights not transferred, but extinguished; dependant upon the will of the power to whom the sovereignty over them belongs. This sovereign power was Georgia prior to the adoption of the constitution of the United States. That constitution gave to the United States the authority to manage the affairs of the Indians, for the peace of the Union and the eventual benefit of Georgia. The Indians had mere occupation; the United States were the agents of Georgia for the extinguishment of this allowed possession. The compact of 1802 required this to be effected out of the general fund. No act of the United States, nor of the Indians, nor of both, could, without her consent, impair the rights of Georgia to the jurisdiction and soil of the territory in question, whenever the Indians should be removed from it by accident, by contract, or by force. This doctrine is confirmed by the decision of the Supreme Court of the United States, which has declared sales made by States of Indian territory valid prior to the extinguishment of Indian title;‡ that there is a species of seisin in fee, which enables a State to grant to individuals. In fact, the compact of 1802 is the acknowledgment of the United States of this doctrine, as their only title to the soil of Alabama and Mississippi is founded upon it. The Secretary of War, in his attention to the treaties guarantying the Indian title, has entirely omitted to notice the first and most important document in relation to this subject—the treaty of Hopewell of 1785; a document sustaining the opinion of the committee, and giving to it what is now deemed important—the sanction of Indian acquiescence. The fourth article of the treaty of Hopewell§ says, "The boundary allotted to the Cherokees for their hunting grounds is, and shall be, the following." The Indians acknowledge by that treaty the United States as their sovereign; and by the ninth article Congress assume, for the interest and comfort of the Indians, the power to regulate their trade, and manage all their affairs as they may deem proper. This treaty existed at the adoption of the constitution of the United States; and Georgia, as a member of the Union, was vested with the sovereignty and soil of the Cherokee lands, subject only to the Indian right of hunting within the allotted limits; which right the General Government was bound to extinguish as early as the general convenience would permit.

The duty of the General Government was to do all acts which would accelerate this event; to refrain from all acts which would retard it. Over the territories of the United States the General Government could rightfully exercise unlimited power in relation to the Indian tribes. Within a particular State, the sole power was that of agency, for the preservation of peace, the regulation of trade, and the extinguishment of title. To this general obligation, imposed by the constitution on all the States, a special promise was added in favor of Georgia, in 1802, partially executed; but, to the complete execution of which, difficulties are alleged to exist which require the interposition of the power of Congress.

How far this promise has been complied with, is attempted to be shown by two documents (marked A and B) sent to Congress by the President. By the document A, it appears that the Indian title to 15,744,000 acres has been extinguished, and that there remain 10,240,000 acres yet in their possession as hunting grounds. The first quantity is alleged to be all that could be peaceably obtained on reasonable terms.

The document No. 1, accompanying this report, will show that since 1802 the United States have been able to obtain, for their own use, more than 30,000,000 of acres in Alabama and Mississippi, in addition to 7,633,400 obtained in 1801; to 5,006,880, obtained for Tennessee by treaty from the Chickasaw Indians, subsequently confirmed by a treaty with the Cherokees; 700,000 for North Carolina; and a quantity, an estimate of which is not in the hands of the committee, for South Carolina. No satisfactory explanation is afforded to show how this difference in the quantity of lands procured by the United States for their own account, and in compliance with their promise to Georgia, has occurred.

The document B is intended to show the expense incurred in the execution of the compact of 1802. It is defective and delusive. It contains no credit for the money received at the treasury of Georgia, viz: the Yazoo

* Report of the Committee of Ways and Means, 5th April, 1824.

† Fletcher vs. Peck, 6 Cranch Reports, pages 87, 142.

‡ Journal of the House of Representatives.

§ Laws of the United States, vol. 1, p. 323.

fund.* It is omitted to be stated that the \$1,250,000 was paid out of the proceeds of the property acquired. It charges the Yazoo compromise as a benefit to Georgia, who had no interest in the settlement but a common interest with the other States. The land procured for the Cherokees on the Arkansas is charged at the minimum value of lands surveyed and offered for sale by the United States, and not at its trifling actual cost, about \$25,000.

The committee are at a loss to know what bearing this defective document has on the question of the Cherokee lands. As, however, they presume it has a relation not well understood, they conceive it proper to show, by the statement No. 2, what pecuniary advantages have accrued, and will accrue to the United States, under the compact with Georgia. By this statement it appears that \$4,512,850 23, exclusive of Mississippi stock, have been received into the public treasury; that \$6,444,821 51 are due from sales made; that the land ceded by the Indians, and not yet sold, is 27,588,800 acres, which, at the minimum price, is \$34,486,000. That there remain yet, as hunting grounds for the Indians, 22,977,576 acres.

The balance of profit is sufficiently with the United States to justify contracts for the extinguishment of Indian title for the benefit of Georgia, without great scrutiny as to the amount of expense incurred. The committee agree with the Secretary of War "that no opportunity of extinguishing the Indian title, on reasonable terms, has been neglected by the General Government," for its own use; but they do not perceive that the same zeal has been successfully exerted for the State of Georgia. The treaty of 1814, with the Creeks, was dictated by General Jackson to the Creeks, by order of the Department of War. As has been already seen, a large territory was taken from the Creeks.

The policy of the United States, as explained by the Secretary, required a separation of the tribes of Indians from each other, and from the ocean. To this policy a compliance with the promise to Georgia was sacrificed. It is alleged that the obligation to Georgia extends only to the *purchase* of lands, &c. The term "purchase" is an interpolation; it is not found in the articles of cession of 1802. It is alleged, also, that this land was obtained by conquest; and therefore the nation was at liberty, laying the contract with Georgia out of view, to pursue its plan of policy. Without entering into any considerations to show that the United States, having obtained by force, not used for that purpose, but defensively, the opportunity to extinguish the Indian title within the limits of Georgia, was bound in good faith to use it, it is deemed sufficient to refer the House to the facts disclosed by the extract from Colonel Hawkins's letter, already quoted, that this acquisition by *conquest* was an acquisition of lands from *friends and allies*, for an *equivalent named by the United States*.

The propriety of accommodating the State of Georgia was suggested to the commissioner of the United States by the Indian agent; but the answer was, that the instructions of the Government would not permit a compliance with this suggestion. (See Colonel Hawkins's letter p. 493.) The committee are of opinion that an acquisition of land to Georgia, to any extent, could have been obtained from the Creeks in 1814. The attention of Congress has been called to the arrangements made with the Cherokees in 1817 and 1819. The arrangement of 1817 was for the purpose of carrying into effect the wishes of the Cherokees, as declared to Mr. Jefferson in 1808, by a deputation from the upper and lower towns. According to the preamble of the arrangement of 1817, the *upper towns* desired to remain fixed above the Highwassee river, to contract their society within narrow limits, and begin the establishment of fixed laws and a regular government. The *lower towns* desired to continue the hunter life, and for that purpose wished to remove across the Mississippi. The wishes of the upper and lower towns were granted, and arrangements made for the removal of the latter across the Mississippi. No line was drawn between the upper and lower towns, although a request was made of the Indians that it should be done by the United States. The arrangement of 1817 provides for the fulfilment of the wishes expressed in 1808, and the promises of the Government of 1809. The wish of the lower towns was a removal beyond the Mississippi; that of the upper, a contraction of their society within narrower limits. By the third and fourth articles, it was agreed that a census should be taken of the population beyond the Mississippi, and of those who chose to migrate thither; and a census of those who chose to remain in their present location. The territory occupied by them on this side of the Mississippi was to be divided according to the relative numbers of those who had migrated, and would migrate, to the remainder; and that portion which fell to the migrators was to be received by the United States, in place of the lands furnished to the Cherokees beyond the Mississippi. From this plan, the extinguishment of the title of the Cherokee Indians was anticipated, and would have taken place had it been executed in its spirit by the General Government. (See No. 3, extracts from Mr. McMinn's letter.) It appears, however, that the census was never taken, and that, in 1819, a deputation of Cherokees was permitted to come to Washington, to adjust, finally, the difficulties arising out of the treaty of 1817. The lower Cherokee towns, in the limits of Georgia, did not remove beyond the Mississippi. Most of the removals took place from the upper towns, out of the limits of Georgia. In place of the proportion of lands to be abandoned according to the treaty of 1817, a fixed quantity was accepted; a very small and worthless part of which is in Georgia.

It is alleged by the Secretary of War that the desire of Government was to have a cession in such form as would separate the Creeks and Cherokees; but that it was found impossible to induce the Cherokees to yield to that proposition, or to any other more favorable to Georgia than that which was adopted. He does not, however, state that any other was made, with a view to comply with the compact of 1802. The proposition made for the separation of the Creeks and Cherokees was not for the benefit of Georgia, had it been acceded to, although the interests of the State would have been more advanced than by the actual arrangement; yet, even in that case, the United States would have sacrificed the obligations of the compact to the policy of separating the Indian tribes, and to the consequent acquisition of lands for their own use in the State of Alabama. The committee cannot understand why a cession of the whole quantity of land in Georgia could not have been obtained. The obligation of the Indians was simple—a line, a boundary; and the United States had only to insist upon fixing that boundary, according to the preamble of the arrangement of 1817. The Secretary of War, however, states that the Indians would not yield, and it seems that the United States did yield. It is obvious to the committee that the interest of Georgia was considered a mere secondary object, from the terms of the arrangement of 1819. The preamble to that arrangement is a satisfactory evidence of the entire forgetfulness of the obligations of the compact of 1802.

The treaty is made in consequence of the earnest desire of a great part of the Cherokee nation to remain on this side of the Mississippi, to commence the measures necessary to the civilization and preservation of the nation. The committee are surprised that the occasion was not taken to satisfy the Indians that their continuance in Georgia was impossible, unless Georgia consented to it; and still more so, that the Indians should be encouraged, by this preamble of a treaty, made at the seat of Government, under the eyes of the President, to entertain that expectation. The treaty of 1817, and that of 1819, show a strange forgetfulness of the limited extent of the power of the United States over the land in question. The Secretary of War, acting under the direction of the Executive Magistrate, and pursuing the example set in 1817, seems to have imagined that the United States and the Indians could do, lawfully, whatever suited their mutual convenience, without regard to the State of Georgia; an error which had been previously committed, in treaties with the Creeks. No difference was made between Indian lands

* \$184,515 94.

within the limits of the State claiming the eventual jurisdiction and soil, and the Indian lands where the soil is the property of the United States. Provisions are made, in both treaties, for vesting individuals with fee-simple titles to land, and to convert them, by a short process, into citizens. The right of the United States to do either is absolutely denied by the committee. The General Government can take the property of individuals for public use, but the constitution withholds the power even to prejudice the claims of any State. Congress can establish a uniform rule of naturalization: the Executive Magistrate cannot make, by an Indian treaty, special exceptions to the established rule. The effect of such acts on the part of the General Government was to be anticipated. The Indians were taught the value of separate property, and the advantages to be obtained by a continuance in their present position. The General Government authorized, also, the establishment of missionaries among the Cherokees, to instruct their children, and to give them a taste for the cultivation of the soil. The committee are not informed that the influence acquired by these missionaries has been exerted to induce the Indians to seek a residence beyond the Mississippi, nor are they informed that the Government has ever thought it necessary to impose upon them such a task. The committee are not to be understood as expressing any disapprobation of the policy of the United States for the civilization of the Indian tribes; they confine themselves to the policy, as it has affected the performance of the promises of the United States under the compact of 1802. As it relates to that compact, they express their decided conviction that the attempts which have been made to civilize and permanently fix the Cherokees in Georgia are in direct violation of the promise to extinguish their title, as soon as it could be done peaceably and on reasonable terms; nor do the committee perceive the necessity of holding out the idea of permanent settlement in Georgia as a prelude to the establishment of a regular government for the Indians. As it regards expense, it would certainly be, for the United States, the cheapest mode of effecting this object, as the cost would be paid by Georgia, and the United States would be saved from the onerous obligation of removing the Indians for the benefit of that State; a saving of expense which, however, the United States will not desire, as it involves a breach of their faith.

From the circumstances thus detailed, the House will not be surprised at the present pretensions of the Cherokees to be regarded as independent, or their declarations that they will neither sell nor quit the lands occupied by them. Some surprise cannot but be felt at the acquiescence of the United States in the substitution of diplomatic correspondence for Indian talks, and at the manner in which the subject of the Cherokees is presented to Congress. The Legislature of Georgia, at their last session, sent to the Chief Magistrate a memorial on the subject of the compact of 1802. The President of the United States has not laid that memorial before Congress, but has preferred to present to the legislative body a correspondence of the Secretary of War with certain Cherokee chiefs, which begins, on their part, by a declaration that they would sell no more land; contains a request that no more appropriations should be made for that purpose, and a suggestion that the United States should in some other way satisfy Georgia, as by a cession in Florida. To the formal answer of the Secretary of War a rejoinder is given, and, on this rejoinder, Congress are informed that its power must be exerted, as it is obvious that the Executive can do nothing further without the intervention of Congress. The President has given his opinion, that the use of force would be unjust, and that without force nothing can be done. What should be done by Congress, is a subject of the most serious and important concern. The parties to the compact of 1802 anticipated the extinguishment of the Indian title to all the lands in Georgia. The United States agreed to extinguish it, as soon as it could be done peaceably, and on reasonable terms. The compact imposed upon the General Government the obligation to use all the means necessary to accomplish the end in view. It was especially their duty to refrain from doing any thing calculated even to retard, much less to render impracticable, the attainment of that end. If the committee have not deceived themselves, it must be apparent that the United States have omitted to embrace two occasions when a fuller performance of the conditions of the compact was in their power. It is equally apparent that the United States have not only omitted to express constantly, and with firmness, to the Cherokees, the necessity of their ultimate removal from Georgia, but have held out to them the idea of a permanent residence, as citizens, in that State; have taught them the value of their position, and intimated that it depended upon themselves to remain or to remove; and have attempted to vest in individuals a permanent property in the soil. From these causes, every day increasing in their effect upon the inclination of the Cherokees, has arisen the determination of the Cherokees, as made known to the President. It is the policy of the United States which has created the difficulties; if peaceable acquisition is impossible, that impossibility is the work of the General Government. In this state of things, encountering contradictory obligations, the course for the Government is plain and obvious. Justice should be done to Georgia. The Indian claim should be extinguished, even should force be required for that purpose; or the consent of the State must be obtained to some arrangement which will free the United States from the embarrassments arising from its regard to the unhappy condition of the Indians, from a respect to the expectations they have erroneously permitted this tribe to entertain, and from their formal and solemn obligation to a member of the Union.

The committee do not, however, believe that any serious difficulty now exists to the peaceable extinguishment of the Indian title, on reasonable terms. An order from the General Government for their removal would be cheerfully acquiesced in, if accompanied by the necessary preparation for the prosperity of the tribe, and a just equivalent for the temporary inconveniences they might suffer. The committee agree with the President, that it would promote essentially the security and happiness of the tribes of Indians if they could be prevailed on to retire beyond the limits of the States; but they cannot see the injustice of any measure, short of actual hostility, which would essentially promote the security and happiness of the Cherokees. There is another consideration which should be brought into view. The only plausible objection to the proposed order is its injustice and inhumanity to the Indians. That it is just to promote their essential security and happiness, even by means not agreeable to their wishes, cannot be denied; that it is humane to preserve them from dangers to which they will be exposed by an obstinate adherence to their own opinions, is equally true. Their present position is incompatible with the claims of the State of Georgia. The knowledge of the fact that the United States will not, in consequence of the perverseness of the Cherokees, comply with the obligations of the compact of 1802, will necessarily produce irritations and resentments, the consequences of which may be easily foreseen: the United States may be under the fatal necessity of seeing the Cherokees annihilated, or of defending them against their own citizens. The committee offer to the House the following resolutions, under a full conviction that the adoption of them will not be followed by any consequences injurious to the Cherokee tribe, or to the character of the General Government, for justice and humanity.

Resolved, That the United States are bound by their obligations to Georgia to take, immediately, the necessary measures for the removal of the Cherokee Indians beyond the limits of that State.

Resolved, That such an arrangement with the State of Georgia should be made as may lead to the final adjustment of the claims of that State, under the compact of 1802, with the least possible inconvenience to the Cherokee and Creek Indians within the boundaries of the State.

Resolved, That the sum of _____ dollars should be appropriated for the purposes expressed in the above resolutions.

No. 1.

Estimate of the land ceded by the Creeks, Cherokees, Choctaws, and Chickasaws, to the United States, in Tennessee, North Carolina, Alabama, and Mississippi, with the dates of the treaties under which the several quantities in each State, respectively, were obtained.

		Acres.
In Tennessee.—From the Chickasaws, treaty	19th October, 1818,	5,006,880
North Carolina.—From the Cherokees,	“ 8th July, 1817,	700,000
Alabama.—From the Choctaws,	“ 17th October, 1802,	} 21,057,022
From the Cherokees,	“ 7th January, 1806,	
From the Creeks,	“ 9th August, 1814,	
From the Cherokees,	“ 27th February, 1819,	
Mississippi.—From the Choctaws,	“ 17th October, 1802,	133,000
From the same,	“ 17th December, 1801,	7,638,400
From the same,	“ 16th November, 1805,	4,142,720
From the same,	“ 18th October, 1820,	5,169,788
From the Creeks, under the treaty of Fort Jackson, situate in Mississippi,	treaty 9th August, 1814,	393,520
		17,477,428
Acres,		44,241,330

DEAR SIR:

TOPOGRAPHICAL BUREAU, April 7, 1824.

There are no maps or other documents in this Department sufficiently accurate to form a correct estimate of the quantity of land ceded by the Indians to the States you mentioned. That of North Carolina is taken from an estimate of Governor Holmes; the others are computed from maps and other papers in the Land Office. The scale on which they are made is not such as to afford the means of very accurate calculation, but I hope it may answer your purpose. I have the honor, &c. I. ROBERDEAU, *Maj. Top. Engineers.*

To the Hon. JOHN FORSYTH, &c.

No. 2.

SIR: TREASURY DEPARTMENT, GENERAL LAND OFFICE, April 8, 1824.

In reply to your note, requesting to be informed of the quantities of certain Indian cessions of lands to the United States, I have the honor to state as follows, viz:

1st inquiry. “Of the quantity of land, in acres, ceded by the Indians to the United States, in the *State of Alabama*, (exclusive of Florida,) since the articles of cession between the State of Georgia and the United States, in 1802.”

Answer. There has been ceded in Alabama, since the period alluded to, (viz: 24th April, 1802,) the quantity of 21,057,022 acres, north of 31° of latitude.

2d inquiry. “Of the quantity of land, in acres, ceded by the Indians to the United States, in the *State of Mississippi*, (Florida excluded,) since the same period.”

Answer. The following lands, viz:

		Acres.
1st. That part of the cession under the treaty of Fort Confederation, of October 17, 1802, situate in Mississippi,	- - - - -	133,000
2d. Quantity ceded by the treaty of Mount Dexter, of November 16, 1805,	- - - - -	4,142,720
3d. Quantity ceded by the Choctaws, treaty of October 18, 1820,	- - - - -	5,169,788
4th. That part of the cession under the treaty of Fort Jackson, of August 9, 1814, situate in Mississippi,	- - - - -	393,520
Total,		9,839,028

4th inquiry. “Of the quantity of land yet remaining in the possession of the Indians, in Alabama and Mississippi, respectively, (Florida excluded.)”

Answer. The quantity of land to which the Indian title has not been extinguished in the States above mentioned is estimated as follows, viz:

		Acres.
In Alabama, lands of the Cherokees and Creeks,	- - - - -	5,995,200
Do. do. Choctaws,	- - - - -	781,440
Do. do. Chickasaws,	- - - - -	495,936
Total,		7,272,576
In Mississippi, the quantity of lands yet remaining in the possession of the Indians is estimated at	- - - - -	15,705,000
Aggregate of both States,		22,977,576

5th inquiry. “Of the number of acres of land which have been sold, and which remain to be sold, of lands ceded by the Indians to the United States, since the same period, in the States of Alabama and Mississippi, respectively.”

Answered by the following statement:

Statement showing the number of acres of land sold, and the quantity which remains to be sold, in the now States of Mississippi and Alabama, north of 31° of latitude, since the articles of cession executed between the State of Georgia and the United States, (viz. 24th April, 1802,) after deducting the lands reverted; and, also, those relinquished to the United States, under the act of March 2, 1821, up to the 30th day of June, 1823.

		Acres.
Quantity of land sold,	- - - - -	4,649,816
Purchase money,	- - - - -	\$14,348,748
Quantity of land remaining unsold, of land surveyed,	- - - - -	24,460,480
Add quantity of land unsurveyed,	- - - - -	3,128,320
Total quantity of land remaining to be sold,	- - - - -	27,588,800

6th inquiry. "A statement showing the amount of money received and receivable by the United States, for lands sold in Alabama and Mississippi since the same period, calculating the lands sold at the prices they brought, and also calculating the lands which remain to be sold at the minimum price fixed by law."

Answered by the following statement:

Mississippi and Alabama, north of 31° of latitude.

	Acres.
Money received into the treasury for lands sold up to June 30, 1823,	- \$4,512,850 23
Balance due from individuals under credit system, September 30, 1822,	- 6,444,821 51
Estimated quantity of land remaining to be sold of what is now ceded,	- 27,588,800
Value of the remaining land to be sold, calculated at the minimum price,	- 34,486,000 00

In reply to your last inquiry, I have to state that the land contained in that part of Georgia which forms the counties of Early, Irwin, and Appling, is estimated (from Tanner's atlas) to contain 7,298,000 acres.

The means of complying with your request in the third inquiry, respecting the quantity of land ceded by the Cherokees in the States of Tennessee and North Carolina, are not in the possession of this office.

I am, very respectfully, sir, your obedient servant,

G. GRAHAM.

P. S.—It should be remarked, that the quantity of the cessions in Mississippi has been calculated from Melish's map of the United States.

No. 3.

Extracts of Mr. McMinn's letter, dated

Sir:

JANUARY 26, 1819.

As it has become impracticable for me to attend at the city with the Cherokees, I trust it will not be unacceptable for me to transmit to you some of the views which I expected to have explained in a personal interview.

With me they have always urged, as I presume they will with you, a division of their country, by which those who did not choose to remove should be permitted to remain in the full exercise of all their savage customs during their pleasure. But all applications of this kind being entirely inadmissible, I have met every advance with the most positive refusal; alleging that, by the most clear and explicit terms of the treaty, it would be kept open until an entire extinguishment of their claim, by reservation and migration, would take place. To this construction of the treaty, the whole council gave their silent assent, although they were frequently invited to bring forward arguments in support of their former opinions.

The Cherokee country east of the Mississippi is estimated, by the best calculators, to contain upwards of (14,000,000) fourteen millions of acres; a great porportion of which is rich land, and well watered, particularly in the Alabama Territory, which certainly contains the most valuable part of the Cherokee country. Should a failure ensue in the anticipated negotiations at the city, (which we trust is not probable,) I think I can venture to state that \$300,000, including all former expenditures, will cover every necessary expense attending their removal, on the terms stipulated by the treaty, which will be but little more than two cents per acre; but this calculation is predicated solely upon an expectation that the Government will pursue her measures with an unabating ardor. Indeed, to relax now, (unless by entering into a general agreement with them,) would be attended with the most serious consequences, as it would not only check the progress of enrolling, but would certainly prevent those from removing who have enrolled. Now is the auspicious moment; the most violent opposition is silenced, and the friends of an exchange have at last assumed an air of independence, and an unalterable determination to acquiesce in the views of Government. This spirit of conformity will certainly increase from this circumstance, if from no other—that at present we claim one-half of the whole population; hence, (says one of our Cherokee friends,) we see, with great pleasure, that the name of Cherokee nation is fast migrating towards our western settlements; and those who have hitherto been inimical to the views of Government (say our friends) are gone; and, to retain our present standing as to wealth and power, we must follow. But, independent of this, they possess a degree of national attachment for each other, not surpassed by the population of any country; and, although you may hear much about reservations, yet I hope I feel authorized in saying their object, for the greater part, is to secure them for purposes of speculation, as few, if any, will remain east of the Mississippi.

SIR:

HOUSE OF REPRESENTATIVES, April 9, 1824.

On the back of the copy of your letter to Joseph McMinn, of the date of the 29th of July, 1818, sent to Congress by the President with his message of the 30th of March, there is a memorandum that no copy of the arrangement referred to in the letter is on file in the War Department, and that, consequently, no copy of it could be furnished.

I am instructed by the committee, to whom the message of the President has been referred, to ask for as accurate a statement of the contents of the lost document as your recollection of it will enable you to give.

I am, sir, with great respect, your most obedient servant,

JOHN FORSYTH, *Chairman of the Select Committee, &c.*

Hon. JOHN C. CALHOUN, *Secretary of War.*

SIR:

DEPARTMENT OF WAR, April 12, 1824.

I have received your letter of the 9th instant, and, in reply, have to state, that it is impossible, at this period, to state particularly "the contents of the lost document," referred to in the copy of my letter of the 29th of July, 1818, which accompanied the message of the President of the 30th ultimo to Congress; but my impressions are, (and of the correctness of which I have no doubt, from the correspondence of Governor McMinn and of this Department, copies of which are before the committee of which you are chairman,) that it contained propositions to be submitted to the Cherokee nation, having for their object the gradual, and ultimately the entire extinguishment of the Cherokee title east of the Mississippi.

I think it proper to observe, that the document in question accompanied the letter from Governor McMinn of the 4th or that of the 7th of July, 1818, the receipt of both of which is acknowledged in my letter of the 29th of the same month, and was submitted by him for the consideration of this Department, and was subsequently copied and returned to him in the form of instructions. These letters have been searched for in vain; and the memorandum to which you refer, endorsed on the copy of my letter of the 29th, was intended as information why copies of them, and of the documents which accompanied them, were not furnished. Since the receipt of your letter, another search has been made, but with no better success. I have the honor to be, &c.

J. C. CALHOUN.

Hon. J. FORSYTH, *Chairman, &c. &c.*

SIR:

HOUSE OF REPRESENTATIVES, April 13, 1824.

I have just received your answer to my letter. The object of the arrangement proposed through Colonel McMinn was understood. The committee desire to know what were the *measures* proposed to effect that object. If your recollection permits, I shall be obliged if you will satisfy the committee on that point.

I am, sir, with great respect, your most obedient servant,

JOHN FORSYTH, *Chairman of the Select Committee, &c.*

The Hon. J. C. CALHOUN, *Secretary of War.*

SIR:

DEPARTMENT OF WAR, April 14, 1824.

I have received your letter of yesterday, and, in answer to the inquiry—*What were the measures proposed to effect the object* of the arrangement proposed to the Cherokee nation, through Governor McMinn, in 1818? I have to state, that it is impossible, at this distance of time, to give from recollection a more accurate view of the measures proposed to effect the object of that arrangement than may be inferred from the correspondence between Governor McMinn and the Department, and Governor McMinn and the Cherokee council.

I have written to Governor McMinn for a copy of the arrangement, and of his letters of the 4th and 7th of July, 1818, which have been mislaid; and it is hoped they may be received in time to furnish copies for the information of the committee.

I have the honor to be your most obedient servant,

J. C. CALHOUN.

Hon. JOHN FORSYTH, *Chairman, &c.*

TREASURY DEPARTMENT, AUDITOR'S OFFICE, January 13, 1818.

I have examined and adjusted an account between the United States and the State of Georgia, in relation to the Mississippi lands, and find that the said State is entitled to credit on said account:

By amount payable as a consideration for lands south of Tennessee, ceded by said State to the United States, agreeably to "articles of agreement and cession between the United States and the State of Georgia," bearing date the 24th of April, 1802,	\$1,250,000 00
Deduct this sum, being the balance of the money deposited in the treasury of the State, on account of purchases previously made of said State by individuals, and which is set over in part payment, pursuant to a report made by the commissioners appointed under the act entitled "An act supplementary to the act providing for the indemnification of certain claimants of public lands in the Mississippi Territory," and approved by the President on the 15th of March, 1817, as per copy herewith,	184,515 94
	<u>\$1,065,484 06</u>

I also find that the said State is chargeable on said account:—

To treasury warrants, for amount of the following, viz:

No. 6,821, dated 12th January, 1814,	\$80,696 02
7,160, dated 13th April, 1814,	15,526 92
9,253, dated 30th September, 1815,	170,885 69
301, dated 27th February, 1817,	375,000 00
To State of Georgia, in relation to arms sold for amount of that account transferred to this, being the value of 4,000 muskets, with bayonets, &c. delivered by the superintendent of military stores at Philadelphia to their agent, William Robertson, on the 3d March, 1808, per report No. 23,609,	46,332 70
Leaving a balance of three hundred and seventy-seven thousand and forty-two dollars and seventy-three cents due from the United States unto the said State of Georgia,	377,042 73
	<u>\$1,065,484 06</u>

As appears from the statement and vouchers herewith transmitted for the decision of the Comptroller of the Treasury thereon.

R. HARRISON, *Auditor.*

J. ANDERSON, *Esq. Comptroller.*

TREASURY DEPARTMENT, COMPTROLLER'S OFFICE.

Admitted and certified this 14th day of January, 1818.

JOSEPH ANDERSON.

TREASURY DEPARTMENT, REGISTER'S OFFICE, April 17, 1824.

Pursuant to "An act to provide more effectually for the settlement of accounts between the United States and receivers of public money," I, Joseph Nourse, Register of the Treasury of the United States, do hereby certify that the foregoing account is a true copy of the original on file in this office.

JOSEPH NOURSE, *Register of the Treasury.*

[18th CONGRESS.]

No. 208.

[1st SESSION.]

VIEWES OF THE CHEROKEES IN RELATION TO FURTHER CESSIONS OF THEIR
LANDS.

COMMUNICATED TO THE SENATE, APRIL 16, 1824.

To the Senate of the United States in Congress assembled:

We, the undersigned delegation from the Cherokee nation, now on a visit at the seat of Government of the United States, on matters of vast import, as will appear by the President's message of the 30th of March last, and its accompanying documents, humbly beg leave to submit before your honorable body a few remarks, which we are bound (as we believe) to make, under a sense of duty to our nation, as well as to ourselves. It is with unfeigned regret and pain we discover the sentiments which are expressed by the Governor of Georgia, in his letter to the Secretary of War of the 28th of February last; and, also, those expressed by the Georgia delegation in Congress to the President of the United States, on the 10th of March last. We cannot but view the design of those letters as an attempt, bordering on a hostile disposition towards the Cherokee nation, to arrest from them, by arbitrary means, their just rights and liberties, the security of which is solemnly guaranteed to them by these United States. As you have a full view of the subject before your honorable body, it is not our purpose to be superfluous: therefore, we will take occasion to assert, under the fullest authority, that all the sentiments expressed in relation to the *disposition and determination* of the nation *never again to cede another foot of land*, are *positively the production and voice of the nation*; and what has been uttered by us, in the communications which we have made to the Government, since our arrival in this city, is expressive of the *true sentiments of the nation*, agreeably to our instructions, and that not *one word* of which has been *put into our mouth by a white man*. Any surmises or statements to the contrary are ill-founded and ungenerous. We forbear to animadvert on the aspersion pointed at our chiefs by the pen of the Georgia delegation; it is but a subterfuge. The Cherokees are informed on the situation of the country west of the Mississippi river; and there is not a spot out of the limits of any of the States or Territories thereof, and within the limits of the United States, that they would ever consent to inhabit, because they have unequivocally determined never again to pursue the chase, as heretofore, or to engage in wars, unless by the special call of the Government, to defend the common rights of the United States; and as a removal to the barren waste bordering on the Rocky Mountains, where water and timber are scarcely to be seen, could be for no other object or inducement than to pursue the buffalo, and to wage wars with the uncultivated Indians in that hemisphere. Imposing facts! We speak from the experience which has been so repeatedly realized, that such a state of things would inevitably be the result, were the Cherokees to emigrate to that country. But such an event will never take place. The Cherokees have turned their attention to the pursuits of the civilized man; agriculture, manufactures, and the mechanic arts, and education, are all in successful operation in the nation at this time; and, whilst the Cherokees are peacefully endeavoring to enjoy the blessings of civilization and Christianity on the soil of their rightful inheritance; and whilst the exertions and labors of various religious societies of these United States are successfully engaged in promulgating to them the word of *truth and life*, from the *sacred volume of holy writ*, and under the patronage of the General Government, *they are threatened with removal or extinction*. This subject is now before your honorable body for a decision. We appeal to the magnanimity of the American Congress for justice, and the protection of the rights, liberties, and lives of the Cherokee people. We claim it from the United States, by the strongest obligation which imposes it upon them—by treaties; and we expect it from them under that *memorable* declaration, "that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness."

We, therefore, in behalf and under the highest authority of the Cherokee nation, have hereunto affixed our signatures, at Washington City, this 15th day of April, 1824.

JNO. ROSS,
GEO. LOWREY,
MAJOR RIDGE, his X mark,
ELIJAH HICKS.

[18th CONGRESS.]

No. 209.

[1st SESSION.]

PROPOSITION OF A PART OF THE CHEROKEES TO CEDE THEIR LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, APRIL 16, 1824.

To the House of Representatives:

APRIL 16, 1824.

I herewith transmit to the House of Representatives a report from the Secretary of War, which contains the information requested by the resolution of the 8th instant, respecting the proposals that were made by certain Indians therein described, of the Cherokee nation, for the cession of their lands to the United States.

JAMES MONROE.

SIR:

DEPARTMENT OF WAR, April 12, 1824.

I have the honor to furnish, herewith, copies (marked A) of all the correspondence called for by the resolution of the House of Representatives of the 8th instant, in relation to the proposals made by several Creek Path Indians of the Cherokee nation to make cession of their lands to the United States; also, a copy of a letter from this Department (marked B) to Colonel Meigs, on the subject of that proposition.

I have the honor to be, very respectfully, your obedient servant,

J. C. CALHOUN.

To the PRESIDENT OF THE UNITED STATES.

A.

DIVISION OF THE SOUTH, HEAD-QUARTERS,
NASHVILLE, January 18, 1821.

SIR:

On yesterday, a deputation of Cherokees from the Creek Path Town, consisting of George Fields, Wolfe, and Turtle Fields, handed me the letters marked Nos. 1, 2, and 3, herewith enclosed. The paper marked No. 4 contains the explanation and talk delivered to me by their confidential agent, Turtle Fields, and subscribed to by the others, which is also enclosed.

On my return from the Creek frontier last summer, and passing through the lower part of the Cherokee country, I found great dissatisfaction prevailed, arising from the jealousy of Hicks and others, which, I think, I communicated to you.

When I set out to hold a treaty with the Choctaws, I heard that the Path Killer had sent to me a deputation. They passed my house, and, finding me not at home, followed me to the Choctaw nation; that deputation consisted of part of the present, viz: George Fields and Wolfe. They remained with me during the negotiation with the Choctaws; said they had a talk for me when it was concluded; and appeared very desirous that the Choctaws should obtain a country adjoining their Cherokee brothers on the Arkansas, that they might aid each other in the day of danger. They did not, however, hint their business till I reached Russelville, Alabama, on my return, and on the morning when we were to part. They then informed me of their instructions to consult me whether their father the President of the United States would, upon the terms mentioned in their talk, (marked No. 4, and herewith enclosed,) give to them the reservation asked for; informing me, also, that they had no confidence in Hicks, &c.; that their people had not been heard in council, and for three years had not received any part of the annuities; that they were fearful that Hicks and others would, at some future day, cheat them out of their land: all of which they wished to make known to their father the President of the United States, and get him to secure them permanently in the lands they now ask for. I then told them that I could make no communication to their father the President until the chiefs of their town would, in writing, address me on that subject; when that was done, I would freely make it known, through you, to him, and I had no doubt but it would be granted.

I do believe it to be a reasonable request, and ought to be granted. It is a small demand, compared to what their population entitles them out of the whole country reserved to the Cherokee nation. The only good land on the reserve asked for is on Thompson's and Brown's creeks. The distance from the one to the other is about one mile and a half; and from Brown's to Skort creek is about the same. The whole reservation does not contain more than six thousand acres of good land; the balance is rock and mountain of the most rugged kind.

I do believe, in a political point of view, as well as in justice to these people, their prayer ought to be noticed. It is inviting Congress to take up the subject, and exercise its power, under the Hopewell treaty, of regulating all the Indian concerns as it pleases. This is a precedent much wanted; that the absurdity in politics may cease, of an independent sovereign nation holding treaties with people living within its territorial limits, acknowledging its sovereignty and laws, and who, although not citizens, cannot be viewed as aliens, but as the real subjects of the United States. If Congress, by law, will, on the terms proposed, take up the subject and give them the grant asked for, it will give to Georgia and Alabama all the Cherokee lands not settled upon by those who will petition Congress, at the next session, for the right of citizenship. In short, I believe, in a very short time, these people will offer this part of reserved land to the United States for lands on the Arkansas; and, as part of their nation is now there, good policy will dictate the propriety of sending all there, who do not wish to remain where they now are as citizens of the United States. This belief is bottomed on my mere opinion, and to be taken as such. These people wishing to go to the Arkansas, could not, unless they abandoned their improvements, go without compensation. They now fear the injustice of the upper part of the nation, and desire to become independent of them, and be in such a situation that they can remain where they now are forever; or, if they choose, offer theirs for other land in a country more beneficial to themselves.

If the real object of the Government is to send all over the Mississippi that are not disposed to be citizens, to consolidate our southern population, now is the proper time for Congress to take up the subject, allow the grant, and establish a happy precedent, that will hereafter establish the rule of legislating for, rather than treating with, the Indians within our territorial limits. This will secure to the nations of Indians more justice, and great saving to our nation. I have only to add, that I do hope their prayer may be granted, and the precedent established of Congress legislating for them.

I am, sir, with great respect, your most obedient servant,

ANDREW JACKSON.

Hon. J. C. CALHOUN, *Secretary of War.*

No. 1.

Address of the Chiefs and Warriors of Creek Path Town, in the Cherokee nation, to Major General Andrew Jackson.

DEAR SIR:

CREEK PATH TOWN, January 3, 1821.

Having learned by our messenger, George Fields, your friendly disposition towards us, your having told him to inform us that you would use your influence to see justice done to us with respect to the land we now live on, we address you with full confidence that you will not see us wronged out of what we consider our just right by any persons whatever. Unhappily, differences exist between us and the upper part of the nation; they claim the right of depriving us of our lands when they think fit to do so; they allow us no voice in the national councils; and, in fact, they treat us, in a manner, as intruders. We now appeal to you to use your influence to have us reinstated in the enjoyments and privileges we formerly possessed as a part of our nation; and to put it out of the power of the upper part of the nation to dispose of our lands against our consent. Owing to indisposition, the Path Killer is not with us while writing this, but has sent us, by a trustman, what he wishes inserted in this letter; (which is, as nearly as the writer can understand, to this effect:)

"My dear brother: My first acquaintance with you was at Fort Strother, in the Creek campaign. We went on and beat our enemies. The next time I saw you was at Turkey Town; then, after that, you were at Highwassee; but, from my indisposition at that time, I was deprived of the pleasure of seeing you; but was much pleased to hear of the good advice you gave my people, particularly to the women. We feel thankful to you for having the intruders removed from amongst us. We feel satisfied that you will keep them off from our lands, and from doing violence to us. We have been informed that some of them intend returning and planting corn again in the spring; but trust you will have them removed, if they should. Captain James Reed and his sons have been a protection to our property ever since they have lived amongst us. We hope that you will do what you think best, in order to give

them power to suppress any bad practices of ill-disposed white men towards us. For further information, we refer you to our messenger, George Fields, who will give you a full account of our wishes with respect to boundaries, &c."

The Path Killer commenced a letter to you, but, for the want of a writer who could explain to you what he wished to communicate, he had to decline it. The scrap, as begun, we have sent, enclosed, by George Fields and others, whom we shall send; and, on their return, we request that you will be so good as to write us on the subject of this letter.

Accept, dear sir, assurances of our regard and good will.

SPEAKER, his × mark.
 WASAUCY, his × mark.
 ARCHIBALD CAMPBELL, his × mark.
 NIGHT KILLER, his × mark.
 JAMES SPENCER, his × mark.
 JOHN THOMPSON.

No. 2.

SIR:

JANUARY 8, 1821.

We, the chiefs of Creek Path, do send the two messengers that you saw before, with two more with them; and we would wish you to receive them as your real friends, as they are. We have chosen one man out of the four, that, if any thing should be omitted in writing to you, he shall tell you our wishes; and we wish you to receive what he tells you the same as if it was a letter. The one who will tell you is Turtle Fields, one of our young chiefs. If our messengers should fall short of money or provisions, by being detained, we would wish you to assist them.

We remain, with respect, your real friends and well wishers.

SPEAKER, his × mark.
 WASAUCY, his × mark.
 ARCHIBALD CAMPBELL, his × mark.
 JAMES SPENCER, his × mark.
 JOHN THOMPSON.

No. 3.

DECEMBER 11, 1820.

MY DEAR WHITE BROTHER:

I understand, by our messengers, that you are resolved to do any thing for us respecting our petition; and, if that is the case, I want you to do every thing that is in your power for us.

PATH KILLER, his × mark,
King of the Cherokee Nation.

No. 4.

The following chiefs, as a delegation from the lower part of the Cherokee nation, viz: George Fields, Wolfe, and Turtle Fields, reached Nashville this 17th of January, 1821, and presented to me the following letters: first, an address of the chiefs and warriors of the Creek Path Town, in the Cherokee nation, to Major General Andrew Jackson, dated the 3d of January, 1821, signed by the Speaker, Wasaucy, Archibald Campbell, Night Killer, James Spencer, and John Thompson; another from the same chiefs, dated the 8th of January, 1821; and one from the Path Killer, chief of the Cherokee nation, dated the 11th of December, 1820. On the 8th of January, 1821, I met this delegation, and had the following talk with them:

Friends and brothers: I am glad to see you and shake you by the hand, and greet you not only as friends and brothers, but as my trusty warriors; and to express to you the pleasure I feel on hearing that my old friend and brother the Path Killer still lives.

Friends and brothers: I have read the two letters from your chiefs, and the one from the principal chief of the Cherokee nation, Path Killer, with great attention; and can assure you, your chiefs and warriors, that I have no doubt but your father the President of the United States will do every thing he can do to secure you in possession of that tract of land you desire, upon your relinquishing to the United States all claim to any other part of the land reserved to the Cherokee nation.

But, before I can forward your letters and request to your father the President, you must state to me the precise bounds of the country your chiefs and warriors wish to have reserved for themselves; the number of families, and the number of the chiefs and warriors within your district, who wish to be included in the bounds of the reservation you ask for.

To which they answered: The reservation we wish is represented in the plan we hand you, and bounded as follows: Beginning on the south bank of the Tennessee river, above Ditto Landing, where the present Cherokee boundary is established; thence, with said line, round the head of Thompson's and Brown's creeks, to an acute point in said line, northeast to General Jackson's trace to Fort Strother; then, a due north line to Short creek; thence, down said creek, to the Tennessee river, to include the islands at the mouth of Short creek; and thence, down the Tennessee, to the beginning.

There are, and will be, settled within these bounds, about eighty families, and upwards of one hundred chiefs and warriors. Upon our father the President, and the Congress of the United States, securing to us, the chiefs and warriors of said district, a permanent right to said land, as above described, we will relinquish to the United States all claim to any other land within the limits reserved for the Cherokee nation by treaty. We are instructed to state to you, and to request you to lay the same before our father the President of the United States, that we are entitled to a proportionable part of the annuities granted to the Cherokee nation by treaty with the United States, that have become due, or may hereafter become due; none of which we have received for three years, nor have we been heard by our chiefs in council for that period. The council for the Cherokee nation last fall divided the nation into eight districts or counties; the one in which we live is bounded as follows: Beginning on the Tennessee river, at the mouth of Racoon creek; runs up that creek, to its source; thence, in a direct line, to the forks of Coosa river, at the mouth of Emuchy creek; thence, to the Creek line; with the Creek line to the Coosa river, with the Coosa river to the mouth of Well's creek; thence, with the Cherokee boundary, to the Tennessee river, and up that river to the beginning; which being considered one-eighth part of the nation, we are entitled to one-eighth part of the annuities, which we pray may be secured to us, and placed in the hands of our own chiefs, to be equally divided amongst us by them in whom we have confidence, under the conditions and stipulations of the treaty of 1817, which secured to all who wished to remove to Arkansas compensation for their improvements, transportation, and provisions. Many of us were prepared to remove, and incurred great expense; we were forbidden by our king and chief the Path Killer. Without the consent of any of the chiefs of our town, a delegation was sent on to the city of Washington, who made a treaty, securing to themselves and some others reserves and benefits, rescinding the stipulations of the treaty of 1817, which secured to the Cherokee pay for his improvement, and transportation and

provision on his removal, which has prevented many who were prepared to remove to the Arkansas. From such acts as these we are fearful that the upper part of the nation may, at some future day, deprive us of our country without our consent; we therefore wish the President and Congress to take into consideration our prayer, and that, by a solemn act, we may be permanently secured in the title to the bounds herein set forth, and in the plan handed you; and that we may be protected from the intrusion of others, by wholesome regulations: all which we request, for ourselves, and as representatives of the chiefs and warriors of our district, you will lay before the President of the United States; and, looking to you as a friend and brother, that you will use your influence with our father the President of the United States that our prayers may be heard, and that we and our posterity may be secured in the peaceable enjoyment and permanent possession of the small spot of land we ask for.

GEORGE FIELDS,
TURTLE FIELDS, his × mark.
WOLFE, his × mark.

Test: ANDREW JACKSON.

DIVISION OF THE SOUTH, HEAD-QUARTERS,
NASHVILLE, *January 18, 1821.*

FRIENDS AND BROTHERS:

By the hands of our brothers George Fields, Wolfe, and Turtle Fields, I received your letters—one from my old friend and brother the king of your nation, the Path Killer, dated the 11th December, 1820, and two from your chiefs, the Speaker, Wasaucy, Archibald Campbell, Night Killer, James Spencer, and John Thompson; which I have read and considered with great attention, and have received from the mouth of your faithful friend and agent, Turtle Fields, who has explained to me all your wishes, not expressed in your letters, as it respects the boundary you wish reserved, and the grievances you labor under, from the want of being heard in the councils of your nation by your chiefs, heretofore, and your apprehensions of being hereafter deprived of your country without your consent, as you have been of receiving your proportion of the annuities for the last three years: all of which I think reasonable, and I have no doubt will be heard and redressed by your father the President of the United States.

You have fought with me; I then told you I was your friend; that your father the President of the United States was not only your friend, but he loved you as children, and he would act always as your friend. You now ask him, through me, to have secured to you a tract of country, small in proportion to what you are entitled to, compared with your numbers, and compared with the whole country reserved by treaty for the use of the whole Cherokee nation; and to have this allotted to you and your posterity, permanently, so that your nation cannot sell, without your consent, to the United States—relinquishing all right to any other land you may be entitled to, which has been secured by treaty to the Cherokee nation, and which may of right belong to you as part of that nation. This is so reasonable, that I have no doubt but your father the President of the United States, and Congress assembled, will readily grant it. The chiefs of the upper part of your nation cannot complain of this. They can procure, by proper application, the same security. This done, you know that you will rest unmolested in possession of what is thus allotted to you, as long as you choose to possess it; and, if the upper part of the nation choose, it can obtain the same security you now ask for. I hope your request will be granted you; and I can assure you, as a friend and brother, and as a friend of your whole nation, that, as far as I have influence, it shall be exercised to obtain your request from the President and Congress of the United States; and for which purpose I have transmitted to your father the President the three letters received by your trusty friends and brothers addressed to me, as well as your trusty agent Turtle Field's explanation of all your wishes. So soon as I receive an answer from your father the President of the United States, I will forward it to you.

Friends and brothers: I never have flattered or deceived one of my red brothers. I never tell them lies. I have not the power to say positively that your request will be granted; but I will make a faithful recommendation of it to your father the President of the United States, and use my influence that the reserve you ask shall be made to you. Your happiness and permanent security require it; the interest of your white brethren urges it; from which I conclude it will be granted to you. I have directed your delegation to shake you all by the hand for me as friends and brothers, and to say to you that I wish the happiness of you and your whole nation.

I am your friend and brother,

ANDREW JACKSON.

To *Path Killer, Speaker, Wasaucy, Archibald Campbell, Night Killer, James Spencer, and John Thompson.*

SIR:

NASHVILLE, *December 8, 1822.*

A few days since I received the communication, herewith enclosed, from the Creek Path Cherokee Indians; and, in reply, gave it as my opinion that our Government would not be disposed to purchase any of their lands, unless with the approbation of at least a majority of the headmen of the nation.

But, as they were desirous to know the disposition of the President in relation to this matter, I have thought proper to forward their address, and to request that you will be pleased to communicate such decision as may be made thereon.

I have the honor to be, &c.

WM. CARROLL.

The Hon. J. C. CALHOUN, *Washington City.*

DEAR SIR:

CHEROKEE NATION, *November 2, 1822.*

We, the undersigned, chiefs of the Creek Path towns in the said Cherokee nation, beg your attention a short time to read a few lines addressed to you from your red brethren, the Creek Path people. You are no stranger to the services we rendered you in time of the Creek war, when we were under the command of General Jackson. At that time we had Colonel Richard Brown, our beloved chief, for our leader; but he is now no more, and it is we that feel the effects, to our sorrow. While he was yet alive, we had a representative in our national councils; but since his death we have none, and cannot be heard, and for no other reason than this. About the summer of 1817, General Jackson was appointed by the United States to hold a conference with the Cherokees, at Turkey Town, on Coosa river, for the purpose of extinguishing part or all of the Cherokee claim of land; but did not, at that time, get his ends accomplished. Some time after this, Governor McMinn was appointed commissioner to conclude said treaty at Highwássee, when we fully understood our country was to be given up as a part of said cession; but finally they did not treat with Governor McMinn, and appointed a delegation, altogether from the

upper part of the nation, giving us no chance to be heard at all. These went on to the federal city, and made a treaty to please themselves, which made them and their friends all rich, by getting money and reservations of six hundred and forty acres of the best lands in all the country; in the mean time, getting rights in fee-simple for all their relations, (a great part boys and women,) that never had been of any service to their country, and leaving men out who have been of essential service to the United States—such as Captain John Thompson, for one, whom you were well acquainted with during the war. True it is, some of us did enrol our names as Arkansas emigrants, not knowing but our lands were sold at the same time; and finding, shortly after, they were not, we sat still on our farms that we had made, thinking no one had a better right than we who made them. Nevertheless, we plainly see there is no peace for us on this side the Mississippi; therefore, we have sent our long tried friend, Captain James Reed, to you, for the purpose of getting you to use your influence with the General Government, and your State members in Congress, for us, the Creek Path people, to have the privilege to sell our own part of the country, at a reasonable price, to the United States, and for us to reap the benefit of the proceeds of the sales, to enable us to move away in peace; well knowing the United States are not bound to furnish us with any thing, without an equivalent, to defray our expenses in removing away. We are not able to move without we can have that privilege. The upper chiefs are now in council, as we understand, for the purpose of selling all the Cherokee lands in the chartered limits of the State of Georgia. The next will be ours, if they can. Our request is a reasonable one. We only want from the mouth of Short creek, down, which is only eight miles above Deposit, on Tennessee river; thence, to Coffee's Bluff; thence, with the crooked line that General Coffee run, for the express purpose of favoring the Creek Path people; otherwise it would have been Government land before this time. The bearer can give you full information on the subject, having lived among us for several years. In confidence, we conclude, and remain your respectful brothers, so long as we live,

WASAUCY,
SPEAKER,
GEORGE FIELDS,
TURTLE FIELDS,
GEORGE GESS,
JAMES SPENCER,
YOUNG WOLFE,
JOHN THOMPSON, *Interpreter.*

To His Excellency WM. CARROLL, *Governor of the State of Tennessee.*

B.

Copy of a letter from the Secretary of War to Colonel R. J. Meigs, Cherokee Agent, dated

SIR:

DEPARTMENT OF WAR, *December 30, 1822.*

I have received your letters of the 20th and 22d ultimo, and the 4th instant.

The Department has been apprized of the proceedings of the National Committee and Council, by a communication from them, previous to the receipt of your letter of the 22d ultimo. Your remarks upon these proceedings are believed to be correct, and it is hoped, notwithstanding the declaration which they contain, a treaty will be effected with the Cherokee nation, by the commissioners appointed for that purpose. The enclosed extract of a letter from the Creek Path towns, addressed to Governor Carroll, and transmitted by him to this Department, will show that the nation are not unanimous in the declaration not to cede any more lands, above referred to; and you will use every proper exertion to dispose the nation generally to meet the commissioners at the time appointed by them for holding the purposed treaty.

You will lay the enclosed extract before the commissioners, for their information, on their arrival at the agency.

I have, &c.

J. C. CALHOUN.

Colonel R. J. MEIGS, *Cherokee Agent.*

18th CONGRESS.]

No. 210.

[1st SESSION.]

TREATY WITH THE CHEROKEES IN 1804.

COMMUNICATED TO THE SENATE, APRIL 30, 1824.

To the Senate of the United States:

I communicate to the Senate a treaty entered into with the Cherokee nation as early as 1804, but which, owing to causes not now understood, has never been carried into effect. Of the authenticity of the transaction, a report from the Secretary of War, with the documents accompanying it, furnishes the most unquestionable proof. I submit it to the Senate, for its advice and consent as to the ratification.

JAMES MONROE.

Articles of a treaty between the United States of America and the Cherokee Indians.

Daniel Smith and Return J. Meigs, being commissioned by Thomas Jefferson, President of the United States, with power of acting in behalf of the said United States in arranging certain matters with the Cherokee nation of Indians; and the underwritten principal chiefs, representing the said nation, having met the said commissioners in

a conference at Tellico, and having taken into their consideration certain propositions made to them by the said commissioners of the United States, the parties aforesaid have unanimously agreed and stipulated as is definitely expressed in the following articles:

ARTICLE 1. For the considerations hereinafter expressed, the Cherokee nation relinquish and cede to the United States a tract of land, bounding southerly on the boundary line between the State of Georgia and the said Cherokee nation, beginning at a point on the said boundary line northeasterly of the most northeast plantation in the settlement known by the name of Wafford's settlement, and running at right angles with the said boundary line four miles into the Cherokee lands; thence, at right angles, southwesterly and parallel to the first mentioned boundary line, so far as that a line, to be run at right angles southerly to the said first mentioned boundary line, shall include in this cession all the plantations in Wafford's settlement, so called, as aforesaid.

ART. 2. For and in consideration of the relinquishment and cession, as expressed in the first article, the United States, upon signing the present treaty, shall cause to be delivered to the Cherokees useful goods, wares, and merchandise, to the amount of five thousand dollars, or that sum in money, at the option (timely signified) of the Cherokees, and shall also cause to be delivered, annually, to them, other useful goods, to the amount of one thousand dollars, or money to that amount, at the option of the Cherokees, (timely notice thereof being given,) in addition to the annuity heretofore stipulated, and to be delivered at the usual time of their receiving their annuity.

In witness of all and every thing herein determined between the United States and the Cherokee nation, the parties have hereunto set their hands and seals, in the garrison of Tellico, on Cherokee ground, within the United States, this twenty-fourth day of October, in the year one thousand eight hundred and four, and in the twenty-ninth year of the independence and sovereignty of the United States.

DANIEL SMITH,
RETURN J. MEIGS.

[Signed, also, by the chiefs and warriors of the Cherokee nation.]

SIR:

WAR DEPARTMENT, *April 29, 1824.*

The delegation of Cherokees now in Washington called the attention of the Government, by their letter of the 19th of January last, to a treaty which they alleged had been concluded by commissioners on the part of the United States and their nation, on the 24th of October, 1804. It was ascertained, after diligent search, that no such treaty was to be found in this Department; and no evidence whatever could be obtained in confirmation of the existence of such a treaty. This being communicated to the delegation, they presented a duplicate of the treaty, together with other papers relating to it. With a view to ascertain, as far as it was practicable, the cause which had operated to prevent the ratification of this treaty, I addressed a letter to the Secretary of the Senate, and to Colonel McKee, of the House of Representatives, one of the subscribing witnesses to the treaty, whose replies are herewith submitted; and, lastly, the subject was referred to Mr. Jefferson, whose answer is enclosed. There can be no doubt of the genuineness of the treaty, or that its non-ratification by the Senate, at the time, was owing to some accidental circumstance. The delegation having furnished their duplicate of the treaty, accompanied by a request that it be laid before the Senate for its ratification, I have the honor herewith to enclose it, together with all the documents connected with it.

I have the honor to be, &c.

To the PRESIDENT OF THE UNITED STATES.

J. C. CALHOUN.

Extract of a letter from the Cherokee Delegation, addressed to the President of the United States, dated

FATHER:

JANUARY 19, 1824.

Permit us to add and call your attention to a treaty which was entered into between the Cherokee nation and Daniel Smith and Return J. Meigs, commissioners duly authorized by the then President (Mr. Jefferson) of the United States, on the 24th of October, 1804, for a tract of land in the State of Georgia, known by the name of Wafford's settlement; for which cession the nation was to receive \$1,000 annually. For reasons not fairly known to us, this treaty was not ratified; but the United States kept possession of the land, thereby depriving the nation from receiving the equivalent for which it was sold. As this treaty was duly authorized and solemnly entered into, and the United States received the land which they had treated for, we conceive it but just that the Cherokees should now receive the equivalent for which they sold the land. Therefore, we hope our present father the President, and the Senate of the United States, will reconsider the subject, and ratify the aforesaid treaty.

Extract of a letter from the Secretary of War to the Cherokee Delegation, dated

FEBRUARY 6, 1824.

The records of this Department have been examined, and no information can be found in relation to the treaty to which you have called the attention of the President. Among the treaties with the Cherokee nation, there are two negotiated at Tellico, on the 25th and 27th October, 1805, by Colonel Meigs and Daniel Smith, as the commissioners of the United States; both of which were ratified during the succeeding session of Congress, and their stipulations have been faithfully fulfilled by the Government. Neither of these, therefore, can be the treaty to which you refer; and as no such treaty, nor any information respecting it, can be found, it is not in the power of the President to comply with your request on the subject.

[NOTE.—Some time after this letter was written, a copy of the treaty referred to by the Cherokee delegation, with the copy of the communication from Daniel Smith, one of the commissioners by whom it was concluded, was accidentally found in a bundle of old miscellaneous papers.]

SIR:

WAR DEPARTMENT, OFFICE OF INDIAN AFFAIRS, *April 15, 1824.*

I have the honor, in obedience to your order directing me to lay before you the facts and circumstances connected with the treaty of Tellico, entered into on the part of the United States by Daniel Smith and R. J. Meigs, commissioners, and the Cherokee nation of Indians, to make the following report:

It appears that a commission was issued to the abovenamed commissioners, bearing date April 4, 1804, empowering them to treat with such of the chief men of the Cherokee nation of Indians as should be designated by the nation for that purpose; and to pursue such measures as, in their opinion, were best calculated to obtain such cession of lands claimed by said nation, within the limits of the State of Tennessee, Kentucky, or Georgia, as could be done on reasonable terms; more especially the land situated between East and West Tennessee, and the land near Currahee mountain, including the settlement of Colonel Wafford, and for such cession as they could obtain from said nation within the limits of Georgia, in the vicinity of Currahee mountain, including Colonel Wafford's settlement.

It further appears that a treaty was accordingly held by the commissioners aforesaid, and concluded by them on the part of the United States, and certain Cherokee chiefs in behalf of their nation, bearing date October 24, 1804; in which, in consideration of the relinquishment and cession, as expressed in the first article of said treaty, it was agreed by the commissioners to deliver to the Cherokees useful goods, wares, and merchandise, to the amount of \$5,000, or that sum in money, at the option of the Cherokees; and, in addition to this sum, an annual payment thereafter of \$1,000, in goods or money, at the option of the Cherokees. (See treaty, page 507.)

It moreover appears that the stipulation for the payment of the \$5,000 was fulfilled, (see copy of a letter signed Daniel Smith to H. Dearborn;) but the annual payment of \$1,000 does not appear to have been made.

The genuineness of the treaty is attested by Colonel John McKee, of the United States Congress. It appears not to have been ratified by the Senate, nor is there any evidence that it ever was submitted, (see Mr. Cutts's letter.) The treaty referred to by Mr. Cutts, bearing date 25th October, 1805, and which was ratified by the Senate in December, 1805, has no connexion with the one forming the subject of the present inquiry.

The Cherokee delegation now at Washington have called the attention of the Government to this subject, in their letter of the 13th February last, (herewith sent.) They ask for a ratification of the treaty, and a fulfilment of its stipulations.

All which is respectfully submitted:

THOMAS L. MCKENNEY.

To the Hon. the SECRETARY OF WAR.

GENTLEMEN:

WAR DEPARTMENT, April 4, 1804.

The President of the United States having appointed you joint commissioners for holding a treaty or conference with such of the chief men of the Cherokee nation of Indians as may be designated by the nation for that purpose, you will please to take such measures for opening said conference, and at such time and place, as you shall judge expedient; and when a meeting of the parties shall have been effected, you will pursue such measures as, in your opinion, are best calculated to obtain such cessions of lands claimed by said nation, within the limits of the State of Tennessee, Kentucky, or Georgia, as can be done on reasonable terms; more especially the land situated between East and West Tennessee, and the land near Currahee mountain, including the settlement of Colonel Wafford and the other white inhabitants within his immediate neighborhood. You are authorized to stipulate to pay the said nation, in money or goods, for such lands, within the limits aforesaid, as the Cherokees shall agree to cede, such sum or sums as, in your opinion, shall be reasonable, not exceeding \$14,000 for any cession which may be obtained within the limits of the States of Tennessee and Kentucky, together with a reasonable annual stipend, not exceeding \$3,000; and for such cession as you may obtain from said nation within the limits of Georgia, in the vicinity of Currahee mountain, including Colonel Wafford's settlement and the other white inhabitants in his neighborhood, any sum you may think reasonable, not exceeding \$5,000, with an annual stipend not exceeding \$1,000. If one or two thousand dollars worth of goods will, in your opinion, be useful to be had at the place of holding the treaty, you are hereby authorized to call on Mr. Hooker, at Tellico factory, therefor. The sums stipulated to be paid as a consideration for cessions obtained will be forwarded in money or goods, at the time you shall agree on. For expenses in procuring provisions, &c., you will draw on this Department. Your compensation will be six dollars per day, while actually employed in the conference or treaty, and in travelling to and from the place of holding the same, together with your reasonable and necessary expenses.

I have the honor to be, &c.

H. DEARBORN.

P. S.—If you shall be of opinion that it will be useful for you to have five or six thousand dollars in money transmitted prior to the commencement of the treaty, you will please to give notice accordingly, and it will be transmitted.

R. J. MEIGS and DANIEL SMITH, Esqrs.

SIR:

SOUTHWEST POINT, October 31, 1804.

Having been previously assured that our meeting only a convention of the chiefs of the Cherokees would produce a disappointment in the prosecution of our endeavors to obtain a cession of the lands pointed out in our instructions on that head, it was thought best to meet them at Tellico, where they were to assemble on the 10th instant to receive their annuity for the current year. We met them at Tellico on the 10th instant, communicated our authority to treat, and made the propositions directed. We have only succeeded in obtaining a cession of the lands near the Currahee mountain, called Wafford's settlement. For this cession we stipulated to give them five thousand dollars in prompt pay, and one thousand dollars in addition to their former annuity. We drew on the United States factor at Tellico, Mr. Hooker, for goods to the amount of three thousand four hundred and sixty dollars and thirty-three and one-third cents; the balance, fifteen hundred and thirty-nine dollars and sixty-six and two-thirds cents, Mr. James Vann assumed to pay, which was very satisfactory to the Cherokees, and which sum we have engaged to refund to him within sixty days; and as one of the undersigned will in a few days go to Cumberland, the drafts will only be signed by one. As there would be no difficulty in ascertaining the boundary lines of the ceded tract, and as the persons who were lately removed off were anxious to return, and the cold weather was advancing, two persons, with two Cherokee chiefs, were empowered to run the lines, and report by a plat and remarks. From the particular circumstances of the case, we doubt not this will be agreeable to the Executive. The Cherokees were then urged on the propriety of making a cession of the lands lying between East and West Tennessee. Several days were taken up on this part of our business, and, as far as we could discover, there was a strong party in favor of the cession—probably a majority of the chiefs; but a majority, unless it amounts to nearly the whole, is not considered with them sufficient to determine on matters of great interest, particularly in making cessions of lands. The best informed among them, and who are in favor of their advancement in useful improve-

ments, are in favor of the cession, as, by lessening the quantity of their wild lands, they will gradually be drawn from the hunting life. To oppose the selling of lands, and to make themselves popular, a party had concerted measures for the purpose of preventing a sale: this was principally among the young chiefs. The principal chiefs had apparently acquiesced, as they say, to let the young men know and see that they are not competent to conduct business without them, and request this may be mentioned to their father the President; and have pointedly told us that we must not consider the treaty at an end, and that they are concerting measures to resume their proper places, and have fixed on a mode of correspondence with us. They appear strongly induced to this, on account of the clashing of their claims with the Chickasaws. The Chickasaws claim the lands on Duck and Elk rivers, and from the Tennessee ridge to the Tennessee river, and down the Tennessee river, on the north side, under the ridge, to the Ohio. This tract may be estimated at about ten thousand square miles, and is esteemed by those most acquainted with it to be very valuable. They have informed General Robertson, who was with Governor Sevier at the conference, by the appointment of the Legislature of Tennessee, that they will sell this land to the United States. We beg leave to observe, that good policy seems to indicate that the present time should be embraced to make the purchase. The Cherokees claim nearly all the same lands, as being allotted to them by the treaty of Hopewell in 1785, and confirmed to them by the subsequent treaties with them, to and including the treaty of 1798 at Tellico. The Chickasaws say this was done in the first instance at Hopewell, where they had only a small representation, when their claims were not well understood. There had probably been some error, inevitable at that early period after the war. To remedy which, and for other causes, particularly their sending warriors to fight for the United States under Generals St. Clair and Wayne, they obtained from President Washington an acknowledgment of their right to the lands in question. This they have under his signature, dated in 1794 or 1795, which they hold with great care, and call it their parchment.

The titles of these two nations to the lands in question are questionable, and they are both conscious of it; each is afraid the other will sell. The Cherokees request that they may be first consulted on the business. If the lands should be purchased, a relinquishment must be had from each party. Steps are taking to sound the Chickasaws more fully on the subject. If these lands can be had of the Chickasaws, it is probable that it will facilitate the purchase of the lands between East and West Tennessee. Should it be thought proper to treat for these lands, we think it our duty to mention that it will be of importance that General Robertson be appointed a commissioner; he possesses the confidence of both parties, particularly so of the Chickasaws. The treaty for the lands ceded near the Currahee mountain will accompany this communication, together with the receipts for the sum agreed to be paid down.

At another conference it will not be necessary to assemble many of the Cherokees, besides the chiefs. As the matter has been so much discussed, they cannot expect to acquire more information on the subject. At the first meeting, it was necessary. The authority and influence of the chiefs is so limited, that they dare not conclude on any important business but in the presence of a considerable number of their people. We have strong expectations of succeeding in another conference.

We are, sir, with high respect, your obedient servants,

DANIEL SMITH.

HENRY DEARBORN, Esq., *Secretary of War.*

SIR:

HIGHWASSEE GARRISON, *December 20, 1811.*

I am requested by the Cherokee nation to state to the Government, that, in order to have the treaty ratified which was concluded at Tellico on the 24th day of October, 1804, which has been hitherto postponed on account of a misunderstanding respecting the limits of the ceded tract known by the name of Wafford's settlement, the Cherokee nation are now willing to have the limits extended; and have, at their own motion, and at their own expense, had a survey made of ten miles and twelve chains, and added to the temporary boundary lines which were run in 1804. With this addition, the tract is now thirty-three miles and seventy-six chains in length, by four miles in width, and will cover every plantation of every settler that can pretend to have any color of claim on account of occupancy before the boundary line was run by Colonel Hawkins, in 1797: on which last mentioned line the ceded tract is bounded in its whole length, as may be seen by its delineation on the enclosed map. The Cherokees conceive that by the extension of the lines, whereby 25,912 acres of land are added, every reasonable objection to the ratification of said treaty is now removed. The purchase money was paid at the signing of the treaty, but they claim a right to the stipulated annuity.

The first settlers on this tract were, perhaps, excusable at the time they went on; but after Hawkins's line was run, in 1797, they could be considered in no other light than in that of intruders, and from that time to the year 1804 had been cause of continual complaints from the Indians, and operated unfavorably in enhancing the expense of extinguishment of the Indian title; and to this cause it may be attributed that the price paid for this cession was higher than has been usually paid for cessions of Indian lands. But it ought not to be considered separately. The obtaining this small tract was only executing a part of our commission; the conferences were kept open by adjournments, until the land lying between East and West Tennessee was obtained. The two cessions acquired by the commissioners were estimated at about 5,000,000 acres, (say 4,500,000;) so that the price paid per acre will be found to be less than two cents. The principal paid as consideration for the two cessions, united, amounted to \$19,000 00
The two annuities, amounting to \$4,000, may be said to be derived from a sum producing the same
at six per cent. per annum, and may, with propriety, be also called principal, and may be considered as equal to so much stock; that is,

These two sums, added, show the price of the two cessions,	-	-	-	-	\$85,666 66 $\frac{2}{3}$
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and will evince, by calculation, that these cessions of land did not cost the United States two cents per acre.

I hope the treaty will now be ratified, that the Cherokees may realize every thing that was stipulated in it. They are as well disposed towards the United States and towards the administration as Indians can be. I have been informed this week, and it may be relied on, that a young chief, who is intelligent, rich, and ambitious, said that he could take with him a body of young Cherokees (warriors, as they call themselves,) to act against the northern Indians, their ancient enemies, whom the Cherokees and Chickasaws drove from the Tennessee and Cumberland waters many years ago. At least one-half the land claimed now by these two tribes was acquired by conquest. I do not mention these things because I think the United States need their aid at present: but if our country should be hard pressed by the English Indian auxiliaries, it may perhaps justify meeting them on their own ground; and, as I have before observed, it will be difficult to prevent them from taking a part; for, like all other Indians, they are as un-

stable as water, and are acted on from the impulse or pressure of the moment, without the pain of anticipating consequences. I think it my duty to apprise the Government of the disposition of the Indians in my agency. This has induced me to add these observations to the principal subject of my letter.

I am, &c.

RETURN J. MEIGS.

WILLIAM EUSTIS, Esq., *Secretary of War.*

P. S.—The enclosed letter of instructions will show that the commissioners were guided by it in every respect.
R. J. M.

SIR:

HOUSE OF REPRESENTATIVES, *April 15, 1824.*

The enclosed treaty concluded with the Cherokees on the 24th October, 1804, has been transmitted to me, with the request that I would make such remarks as I may think proper, embracing its genuineness, and the reasons, if I know any, why it was never ratified by the Senate. I can state confidently, as well from an intimate knowledge of the handwriting of many of the signers to this instrument, as from a perfect recollection of the negotiating and signing the treaty, that it is genuine. I have never heard any reasons assigned why it has not been ratified.

I have the honor to be, &c.

The Hon. JOHN C. CALHOUN, *Secretary of War.*

JOHN MCKEE.

Extract of a letter from Colonel Return J. Meigs to the Secretary of War, dated

SIR:

HIGHWASSEE GARRISON, *August 25, 1812.*

The Cherokee chiefs have requested me to state to you that the citizens on the frontier of the State of Georgia continue to extend their intrusions on the Indian lands; that they now have reached the margin of the Chattahoochie river, about ten miles above the Georgia boundary line, and extending along the frontier of Jackson and Franklin counties. Within the tract now intruded on lies the tract known by the name of Wafford's settlement, once laid out four miles wide and a little less than twenty-four miles long; but the settlers there having complained that Wafford's settlement ought to have been extended so far southwest along the line of the State as to cover a plantation early made by a man named Vickory, the Cherokees, in order to remove this complaint of their motion, extended the boundary lines ten miles, the same width, so as to cover the plantation of Vickory, making Wafford's settlement now thirty-four miles long by four in width.

I am, respectfully, &c.

RETURN J. MEIGS.

Copy of a letter from the Cherokee Delegation.

SIR:

CITY OF WASHINGTON, *February 13, 1824.*

We are sorry to understand by your communication of the 6th instant that no information can be found, by examining the records of the Department, in relation to the treaty to which we have called the attention of the President. We would therefore beg leave to lay before the President, through you, the treaty; and the accompanying documents will show that, previous to the cession of this tract of land by this treaty, many white families had intruded on it, and, in consequence thereof, orders for their removal had been issued by the Government; and the officers to whom the orders were given interposed in behalf of the intruders so far as to appeal to the liberality and humanity of the Cherokees to suspend their removal until they should have secured their crops; and the agent, in like manner, introducing similar recommendations, the Cherokees hesitated not to grant the privilege, under assurances that they would be removed so soon as their crops were secured. Such was the course pursued time after time for the indulgence of those intruders, until the negotiation, which was brought about for the purchase of that tract of country, was effected by the treaty of 1804, which is herewith submitted. We have full assurance, from the justness of our application, that there will be no hesitation in the honorable body composing the Senate and the Executive chair in the ratification of the treaty. Colonel John McKee, one of the witnesses to this treaty, is now a representative in Congress from Alabama, who, no doubt, can testify to its authenticity. You will, moreover, discover from the extract of Colonel Meigs's letter to Mr. Eustis, the Secretary of War, that the Cherokees, in the spirit of conciliation, and in order to appease the minds of the intruders, actually permitted more land to be surveyed than was included under the cession of this treaty, so that their houses and farms might be covered, viz: a tract of land ten miles long and four miles wide, as a gratuity. Such are the facts in relation to this treaty. We forbear any comment on the liberality of the nation on this occasion, and the course which has been pursued towards them in return. Take up the subject, view it in its proper shape, and decide according to the merit of its character: this is all we desire in behalf of the unfortunate people we have the honor to represent.

With respect, &c.

JOHN ROSS,
GEORGE LOWREY,
MAJOR RIDGE,
ELIJAH HICKS.

Hon. JOHN C. CALHOUN, *Secretary of War.*

SIR:

OFFICE OF THE SECRETARY OF THE SENATE, *April 13, 1824.*

In answer to your letter of yesterday, respecting a treaty with the Cherokee Indians, I have to state that I have caused the executive journals to be examined, and find that no treaty with the Cherokees of the date of October 24, 1804, has ever been submitted to the Senate. A treaty answering to that mentioned in your letter, in every respect excepting the date, (which is October 25, 1805,) was ratified by the Senate in December, 1805.

With great respect, &c.

CHARLES CUTTS.

To the Hon. SECRETARY OF WAR.

DEAR SIR:

WAR DEPARTMENT, April 19, 1824.

It is with extreme reluctance that I subject you to any trouble with any portion of the business of this Department; but, as the information wanted cannot be obtained in this or any other of the Departments, I have taken the liberty to place the enclosed papers in your hands, in the hope that it may be in your power to furnish it.

The Cherokee Indians have claimed an annuity of \$1,000, under a treaty which appears to have been negotiated in the year 1804, but of which there is no record in this or the State Department. They have furnished a duplicate, which, with other papers connected with it, I herewith enclose, accompanied by a statement of the case from Colonel McKenney, who has charge of the Indian bureau; to which it may be proper to add, that the land ceded under the treaty is in possession of the citizens of Georgia.

The President is desirous to know whether the treaty was disapproved by the Executive, and on that account not submitted for the ratification of the Senate; or whether its not having been submitted for ratification was accidental. If you have it in your power to furnish the above, or any other information in relation to it, I shall be happy to receive it, in order that it may be laid before the President.

With the highest respect, I have the honor to be, sir, your most obedient servant,

J. C. CALHOUN.

To THOMAS JEFFERSON, *late President of the United States.*

SIR:

MONTICELLO, April 25, 1824.

I duly received your letter of the 19th instant, with the documents it covers, relative to the treaty of October 24, 1804, with the Cherokees, for the purchase of lands. Recurring to memory alone, I can affirm that the treaty enclosed to me, and now returned, is genuine. It is well remembered, because no case of intruders ever occurred, which excited more anxiety or commiseration with us than that of Wafford's settlement, which it covered. On the complaint of the Cherokees, we endeavored to purchase the lands from them; but, on their refusal, we assured them the intruders should be removed; and orders were accordingly given. But the officers to whom they were given interceded with the Indians to let the settlers remain until they had gathered their crops; and this indulgence was, I believe, repeated, until at length they agreed to sell the lands. Recurring to my papers, I find the following passage in a letter to General Dearborn, of April 8, 1804, written from this place, where I was on a short visit at the time: "I think, before I left Washington, we had decided to take immediate measures for endeavoring to purchase of the Cherokees all their lands in Tennessee, or such, the most interesting to that State, as they would be willing to sell; and to name Meigs and Daniel Smith commissioners." To this General Dearborn answered by the letter of April 14, which I now enclose you, informing me that Smith and Meigs had accordingly been authorized to hold the treaty. This is the last trace of the transaction which I find in my papers. I have, for forty years back, kept a list of every letter or communication I wrote or received. A diligent examination of this list assures me that I never received this treaty. I have preserved press or polygraph copies of every message I ever sent to either House of Congress. A like examination of these proves I never laid this treaty before the Senate. Yet, that the treaty was entered into, is proved by the duplicate copy produced by the Indians, equally authentic with our own; by its actual execution; by the delivery of the lands on their part, and of the price in goods on ours; and by the testimony of Mr. McKee and others. How it has happened that this has been done without ratification by the Senate, I do not know. Two conjectures occur: either the treaty may have been lost by the way, or, if received by the War Office, it may have been mislaid there accidentally, and escaped subsequent recollection. In this case, it may still be in some unsuspected bundle, where nobody will ever think of looking for it. The execution of the treaty having taken place immediately, and on the spot where it was signed, nothing occurred here to recall our attention to it afterwards; and, in the mass of other business engrossing the mind, we have overlooked this, and a failure of duty has been incurred by a lapse of memory. I take to myself my share in this omission, and can only say, in excuse, "*homo sum.*" The treaty had all my approbation. It is some consolation that the blot may yet be covered, if all parties are agreed. The Indians will, doubtless, consent that their duplicate shall be laid before the Senate, which, being equally an original with that which should have been laid before their predecessors, can receive their ratification, *nunc pro tunc*. This will sanction all that has been done, on the principle that the confirmation of a proceeding supplies preceding defects. In this way may be repaired a slip of the executive functionaries, unwittingly committed, and full justice be done to the other party.

With my regrets that an involuntary failure of recollection in myself, among the other officers of the Government participating in it, should have produced the present embarrassment, be pleased to accept the assurance of my high respect and consideration.

TH: JEFFERSON.

Hon. J. C. CALHOUN, *Secretary of War.*

Copy of a letter from General Dearborn, referred to in Mr. Jefferson's letter, dated

SIR:

WASHINGTON, April 14, 1804.

I have been duly honored with your letter of the 8th instant, and have presented a copy to each of the heads of Departments. I think there can be no doubt of the propriety of directing the commanding officers of the respective posts in Upper Louisiana to remove any persons who have set down on lands, without titles, since the 20th of December last, and to prevent, by all the means they respectively possess, any new settlements or surveys, except under titles derived from actual settlers, legally obtained, previous to the cession from Spain to France. I have doubts as to the propriety of vesting any considerable discretionary power in the present commanding officers for removing any actual settlers, except in very clear and indisputable cases. When the militia districts, as contemplated by the act of Congress, shall have been designated, and the commandants appointed, more ample powers may be confided to them than may be expedient to vest in the present commanders; and, in the mean time, new settlements may be prevented.

General Daniel Smith and Colonel Meigs have been appointed for holding a conference, or treaty, with the Cherokees, in conformity to your directions; and they are to hold the treaty at such time and place as will, in their opinion, be most expedient.

With respectful consideration, I am, sir, your obedient servant,

H. DEARBORN.

To the PRESIDENT OF THE UNITED STATES.

18th CONGRESS.]

No. 211.

[1st Session.]

PROPOSITION TO EXTINGUISH INDIAN TITLE TO LANDS IN MISSOURI.

COMMUNICATED TO THE SENATE, MAY 14, 1824.

Mr. BENTON, from the Committee on Indian Affairs, to whom was referred the President's message, communicating the memorial of the General Assembly of the State of Missouri, on the subject of Indians residing within that State, reported:

That the following Indians now live within the limits of Missouri:

1. A remnant of Shawanees and Delawares, on the Mississippi river, above Cape Girardeau.
2. A remnant of Shawanees and Delawares, on the head of Currant river.
3. A remnant of Delawares, on the head waters of White river.
4. A remnant of Piankeshaws, on the head waters of Black river.
5. A remnant of Peorias, on the head waters of St. Francis river.
6. A remnant of Kickapoos, on the Osage river.
7. A part of the Osages, on the Osage river.

That these remnants and parts of tribes are scattered across the State, from the Mississippi to its western boundary, occupying small districts of country, and surrounded or pressed upon by the white population.

The committee believe that such a position must be the effect of accident or inadvertence; and that it is pregnant with evil both to the Indians themselves, and to the people of the State of Missouri.

The experience of centuries has shown that Indian tribes, placed in small masses, in the midst of a white population, are constantly exposed to the influence of causes which operate to the degradation of their character, and to the diminution of their numbers. The contact of two races of people, differing in language and character, and each retaining a recollection of former wars and massacres, gives rise to collisions, both of persons and property, in which the weaker party are most usually the sufferers, both in the first wrong, and in the final punishment. To the State itself, the existence of separate communities within its bosom, and independent of its laws, is a palpable evil, an anomaly in government, and a direct inconsistency with the policy and jurisdiction of a sovereign State.

The committee believe that the Federal Government has adopted a system of policy to be observed towards the Indian tribes, the object of which is to perpetuate their existence, and to ameliorate their condition, by gradually turning them from the hunter to the farming state.

Approving this humane policy, the committee recommend its application to the remnants and parts of tribes now residing within the State of Missouri. They believe that these Indians are in a fit and proper state to admit of a fair experiment to change their habits. They have all acquired some knowledge of agriculture and of the useful arts. They cultivate corn and vegetables in the spring and summer, and hunt during the autumn and winter. They possess and appreciate the value of the common domestic animals, horses, cattle, &c. They are the remnants of once powerful nations. Their names are known to American history. They have retired before the wave of American population, and they are now again overtaken by it, and threatened to be swallowed up in it. The committee would present them as eminently fit subjects for the exercise of that generous policy which has been announced. But, to exercise it with any chance of success, they believe it to be indispensably requisite, first, to relieve them from the pressure and contact of a surrounding white population; and, secondly, to exchange their temporary residence, within the limits of the State of Missouri, to a fixed and permanent home beyond its boundaries.

To accomplish these two objects, it will be necessary, first, to acquire a suitable tract of country, which can be assigned to them in perpetuity; and, secondly, to obtain their consent to go to it.

It is believed that there will be no difficulty in accomplishing either of these objects.

The country immediately west of the State of Missouri and the Territory of Arkansas, to the extent of several hundred thousand square miles, is owned by the Osages and Kansas. Their ownership is merely nominal. They occupy no more than four or five points, where their villages are situated; all the rest is idle, or only used for hunting; for which purpose, it is becoming daily less valuable with the daily decrease of game. The acquisition of a part of this ground for the specific purpose of being assigned to other friendly Indians, it is believed, would not be a difficult task. A tract binding on the western boundary of Missouri and Arkansas, stretching from the Red river to the Missouri, with a breadth of say one or two hundred miles, might be divided into portions suited to the numbers in each tribe, and a portion assigned to each. The Kansas and Osages would, of course, retain a division suitable to themselves.

The consent of the Indians in Missouri to go to these new homes can hardly be doubted. They are fully sensible of the disadvantages of their present position. They have suffered too much from the contact and pressure of a white population not to know its effect. They are too few in number to oppose any resistance to the moral and physical causes which must operate to their degradation, and to the further diminution of their numbers. They must know that their present position is temporary; that an effort to remove them is incessantly made; that the power of the State is against them; and that, sooner or later, they must go. Under these circumstances, they cannot be insensible to the advantages of changing, at once, an inconvenient and temporary residence, for a fixed and permanent home; nor can they fail to feel new inducements to cultivate the ground, to build houses, and to plant orchards, when they know that their posterity is to succeed to their possessions.

The committee believe it to be a further recommendation to the adoption of this plan, that thereby permanent homes may be acquired, not only for the Indians in Missouri, but for those also who are now in the Territory of Arkansas, and to as many others as may be induced to emigrate from the east side of the Mississippi. The tract of country proposed to be acquired is — miles in length, upon a depth of one or two hundred. It would form commodious settlements for all the Indians, wherever situated, whose present position is inconvenient to themselves and to the whites. The tracts assigned, and the back country towards the Rocky Mountains, would afford, for some years, game to the hunter. At their villages, the ground would be cultivated: the two pursuits of farming and hunting would be combined. As game disappears, the benefit of supplies from the earth and from domestic animals would be more sensibly felt; and the experience of domestic comforts and regular supplies, if any thing, would attach them to the soil, and work a permanent change in their mode of life. At all events, the day of their final extinction would be deferred, and humanity would have the consolation of an effort to avert their fate.

With these views, the committee report a bill, &c.

18th CONGRESS.]

No. 212.

[1st Session.]

ABOLITION OF THE INDIAN TRADING-HOUSES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MAY 25, 1824.

Mr. COCKE made the following report:

The Committee on Indian Affairs, to whom was referred a resolution on the 26th of March last, in the following words, viz: "*Resolved*, That the Committee on Indian Affairs be instructed to complete the inquiry which was commenced at the last session, and reported upon in part, [See No. 196,] into the execution of an act entitled 'An act to abolish the Indian trading establishment, approved on the ____ day of _____, 1822;' and also to inquire what general average per centum, over and above the prime cost and carriage, for which articles of merchandise were sold by the factory agents before the passage of the law aforesaid; the amount of money which ought to have been returned to the Government upon the abolition of the establishment; the amount which has actually been paid into the treasury, together with that which has been secured to be paid under the provisions of the law for abolishing said establishment; and if, by contrasting said sums, a balance shall be found due to the Government, what mode can be devised to recover the same from the person or persons withholding it;" report:

That, from the report of the Committee on Indian Affairs, made at the last session of the seventeenth Congress, it appears that \$290,000 were drawn from the treasury, for the purpose of carrying into effect the views of the Government in the establishment of the Indian trading-houses. This capital, being embarked in a trade in which private individuals make considerable profits, ought to have been returned undiminished upon the abolition of the establishment, if that trade had been conducted with ordinary good management. But, upon the passage of the law to abolish the Indian trading-houses, all the property, consisting of merchandise, cash, furs and peltries, Indian and other debts, and buildings, surrendered to the agents, amounted only to \$269,673 92. The statement marked "General statement No 1" will give a view of the Indian trading establishment at the time of its abolition. The accounts which accompany that statement, marked from A to K, inclusive, show the amount and the various kinds of property at the several factories; the accounts from L to N, inclusive, the amount of salaries, balances, &c. up to the time of the surrender. The accounts marked from No. 1 to No. 8, inclusive, will show the proceeds of the sales of the property so received. The account marked No 9 will show the sales of the property deposited in Georgetown. The account marked No. 10 will show the amount of losses sustained in the sales of furs and peltries. The account marked No. 11 will show the receipts and expenditures by the agent who was appointed to close the business of the establishment. The account No. 12 is a consolidated statement, which exhibits a general view of the amount of the sales, and of the application of such part as has been received in cash. From this statement, it will be seen that the sum of \$38,173 15 has been paid into the treasury; the sum of \$52,951 41 in bills receivable, and said to be good, is secured to be paid. The sum of \$17,367 27 has been paid in debts, salaries, and contingencies, &c., leaving the sum of \$76,400 37 as the amount of Indian and other debts, and \$69,862 70 as the amount of losses on the sales and of property yet to be accounted for.

The committee are unable to ascertain the average advance laid upon their goods by the late factors engaged in the Indian trade; but, from the extracts and copies of letters marked from No. 1 to No. 11, from the superintendent to them, it appears that sixty-eight per centum was to be considered the standard advance to cover all contingent expenses and losses, leaving to their prudence and discretion the power to increase or lessen it, as circumstances might require. If, therefore, the fund set apart by the Government for the purposes of Indian trade had been managed with such a regard for the public interests as individuals of ordinary prudence observe in their own affairs, it is not doubted but that the Indian trading establishment might have been maintained without any loss of its capital, if it did not yield a profit sufficient to reimburse the Government the expense of supporting it. But, upon looking into the accounts of the factors, sufficient evidence will be found to establish the belief that no business conducted upon such principles could be persevered in without a total loss of the whole capital. At the six factories from which complete returns have been received, the sum of \$28,692 68 is reported as the amount of the Indian debts alone. But how long this debt has been accumulating—whether from the foundation of the establishment, or for a few years only—the committee have no means of determining. It is such a sum, however, as could not have arisen if the factors had had a due regard for the public interests, or if a proper watchfulness had been maintained by the superintendent. As complete returns have not been received from two of the factories, it is impossible, at this time, to state the precise amount of the loss of the Government upon closing the concerns of the establishment; but it is believed that the amount of the Indian and other debts, and the losses on the sales, &c., making, together, the sum of \$146,263 07, may be stated as the probable amount. Upon this supposition, the sum of \$123,410 85 will be returned to the Government; but this sum will be increased by the amount of debts or property hereafter received. The committee, however, have no means of ascertaining the sum which will probably be received from either of those sources. That the Indian debts are totally lost, is fully believed. But they are of opinion that the laws of the United States, if enforced, point out the means of recovering such debts as are due from the establishment. Without pretending to offer any resolution at this time, the committee content themselves with referring to the documents which accompany this report, and submit them to the House to take such measures as may be deemed most expedient.

GENERAL STATEMENT—No. 1.

Statement exhibiting the amount of property, of various kinds, received by the several agents appointed to wind up the concerns of the United States Indian Trade Establishment, as more particularly shown by the abstracts referred to.

Names of agents.	Factories.	Amount.
George Graham, principal agent, - -	Georgetown, per abstract A, - -	\$47,343 01
George Graham, principal agent, - -	- - B, - -	14,490 87
Daniel Gantt, - -	Prairie du Chien, - C, - -	38,801 33
Samuel Blunt, - -	Fort Osage, - D, - -	31,640 07
William Gibson, - -	Fort Armstrong, - E, - -	9,312 90
Thomas G. Ringgold, - -	Green Bay, - F, - -	11,742 81
Abraham B. Lindsley, - -	Chicago, - G, - -	15,637 62
George P. Forrest, - -	Arkansas, - H, - -	18,301 18
Robert N. Johnson, - -	Red River, Louisiana, I, - -	11,763 29
Henry Randall, - -	Choctaw nation, - K, - -	48,615 78
Balances due the establishment, which are not included in any of the foregoing abstracts, per abstract herewith, - -	- - L, - -	36,307 86
Balance due on account of salaries to the late factors, paid out of the factories prior to the transfers to the new agents, and not included in any of their receipts, per abstract - -	- - M, - -	2,372 84
		286,329 56
Deduct this sum, for debts due from the late Indian trade establishment at the time of the transfer, per abstract - -	- - N, - -	16,655 64
		\$269,673 92

Consolidated statement, showing the species of property received by the several agents.

Merchandise, - - - -	\$131,566 82½
Cash, - - - -	28,385 99
Furs and peltries, - - - -	23,607 99½
Indian and other debts, - - - -	85,380 86
Buildings, - - - -	17,387 89
	\$286,329 56

A.

Abstract of property, of various kinds, received by George Graham, principal agent for winding up the concerns of the Indian Trade Department, from Thomas L. McKenney, late Superintendent of Indian Trade, on the 14th June, 1822.

Merchandise, - - - -	\$31,473 97
Cash, - - - -	6,856 35
Debts, - - - -	9,012 69
	\$47,343 01

B.

Abstract of moneys received by George Graham, principal agent, on account of sales of property not included in the receipt of the principal agent to the late Superintendent of Indian Trade, or in the receipts of the new agents to the factors.

Date.	From whom received.	For what received.	Amount.
1822.			
June 16,	Bernard Gilpin, -	On account of skins sold by the late superintendent of Indian trade, -	\$60 00
Sept. 6,	George S. Gaines, -	On account of Choctaw factory, -	43 92
October 31,	Sundry persons, -	Skins sold them this day, -	1,502 05
Dec. 16,	Geisse & Korckhauss, -	Skins sold them by the late superintendent Indian trade, -	7,538 30
Dec. 22,	Joseph L. Dias, -	Skins sold by him in New York, -	2,750 00
Dec. 25,	Joseph L. Dias, -	Skins sold by him in New York, -	868 50
1823.			
January 5,	Sundry persons, -	On account of skins sold in October last, -	1,465 23
June 30,	Thomas C. Wright, -	On account of skins sold him by the late superintendent of Indian trade, -	50 00
June 30,	Joseph L. Dias, -	Skins sold by him in New York, -	212 87
			\$14,490 87

C.

Abstract of property of various kinds received by Daniel Gantt, agent for winding up the concerns of the Prairie du Chien Factory, as per his receipt to John W. Johnson, late factor, dated 30th September, 1822.

Merchandise, - - - -	\$25,478 06½
Furs and peltries, - - - -	616 00
Lead, - - - -	81 20
Sugar, - - - -	90 62½
Wild oats, - - - -	8 35
Tallow, - - - -	105 97½
Flour, - - - -	119 15
Feathers, - - - -	20 50
Mats, - - - -	35 50
Wood, - - - -	36 00
Cash, (of which the sum of \$902 16 is in uncurrent notes,) - - - -	1,003 85
Debts, - - - -	6,608 11¾
Buildings, - - - -	4,598 00
	<u>\$33,801 33</u>

D.

Abstract of property of various kinds received by Samuel Blunt, agent for winding up the concerns of the Osage Factory, as per his receipt to George C. Sibley, late factor, dated 5th November, 1822.

Merchandise, tools, and furniture, -	\$17,609 24½
Furs, peltries, and other produce, -	3,722 02½
Buildings, - - - -	6,203 00
Debts, - - - -	4,105 80
	<u>\$31,640 07</u>

E.

Abstract of property of various kinds received by William Gibson, agent for winding up the concerns of the Fort Armstrong Factory, as per his receipt to Robert B. Bell, late factor, dated 1st January, 1823.

Merchandise, furniture, and tools, -	\$8,108 47¾
Buildings, - - - -	519 50
Stationary and desk, - - - -	14 60
Peltries, - - - -	4 50
Cash, - - - -	665 82¼
	<u>\$9,312 90</u>

F.

Abstract of property of various kinds received by Thomas G. Ringgold, agent for winding up the concerns of the Green Bay Factory, as per his receipt to Matthew Irwin, late factor, dated October 24, 1822.

Merchandise, furniture, &c., from Mr. Irwin, -	\$5,615 37¾
Merchandise, furniture, &c., from Governor Cass, at Detroit, -	136 00
	<u>\$5,751 37¾</u>
Debts, - - - -	5,991 44
	<u>\$11,742 81¾</u>

G.

Abstract of property of various kinds received by A. B. Lindsley, agent for winding up the concerns of the Chicago Factory, as per his receipts to Jacob B. Varnum, late factor, dated 1st August, 1822, and to Governor Cass, dated 9th December, 1822.

Merchandise, - - - -	\$13,646 33
Cash, - - - -	706 15
Furs and peltries, - - - -	369 54
Indian debts, - - - -	400 35
Factory buildings, - - - -	515 25
	<u>\$15,637 62</u>

H.

Abstract of property of various kinds received by George P. Forrest, agent for winding up the concerns of the Arkansas Factory, as per his receipt to Barak Owens, late acting factor, dated the 12th February, 1823.

Merchandise, - - - -	\$6,645 44½
Cash, - - - -	840 22
Furs and peltries, - - - -	4,263 60
Debts, - - - -	6,551 91½
	<u>\$18,301 18</u>

I.

Abstract of property of various kinds received by Robert N. Johnson, agent for winding up the concerns of the late factory on the Sulphur fork of Red river, per his receipt to William McClellan, the late factor, dated 1st February, 1823.

Merchandise, - - - -	\$6,401 87
Cash, - - - -	8 50
Furs and peltries, - - - -	1,734 97
Debts, - - - -	1,055 95
Factory buildings, - - - -	2,562 00
	<u>\$11,763 29</u>

K.

Abstract of property of various kinds received by Henry Randall, agent for winding up the concerns of the Choctaw Factory, as per his receipt to John Hersey, late factor, dated the 1st of October, 1822.

Merchandise, - - - -	\$16,451 11
Peltry and other produce, - - - -	12,400 00
Debts due, - - - -	12,702 48
Bills receivable, - - - -	257 82
Cash, - - - -	3,814 23
Factory buildings, - - - -	2,990 14
	<u>\$48,615 78</u>

L.

Abstract of balances due the late United States Indian Trade Department, not included in the receipts of any of the new agents appointed to wind up the concerns of said establishment, viz:

Due from James Kennerly, late agent at St. Louis, Missouri, as per statement of his account, forwarded by the Fifth Auditor to the District Attorney, to put in suit, - - - -	\$29,890 59
Due from Major A. R. Woolley, late agent at Pittsburg, as per statement of his account, - - - -	988 42
Due from the Indian Department for goods delivered out of the Marie Decine Factory to Richard Graham, Esq., Indian agent, to indemnify the Osage tribe for the discontinuance of the factory, prior to the transfer to the new agents, - - - -	2,553 95
Amount of goods taken by Governor Cass, superintendent of Indian affairs, Detroit, out of the merchandise lodged in his hands from Chicago and Green Bay Factories, in the year 1822, and used by him in his department, cost - - - -	2,874 90
	<u>\$36,307 86</u>

M.

Abstract of salaries of the late factors at the United States Indian trading-houses, from July 1, 1822, to the dates of their delivering the property of their respective establishments to the new agents, viz:

John W. Johnson, factor at Prairie du Chien, from the 1st July to the 5th November, 1822, at \$1,300 per annum,	-	-	-	-	\$451 39
Frederick Bernard, assistant at do., from the 1st July to the 30th September, 1822, at \$650 per annum,	-	-	-	-	162 50
Robert B. Belt, factor at Fort Armstrong, from the 1st July to the 31st December, 1822, at \$1,300 per annum,	-	-	-	-	650 00
John Connelly, assistant at do., same time, at \$650,	-	-	-	-	325 00
George C. Sibley, factor at Fort Osage, from the 1st July to the 5th November, 1822, at \$1,300 per annum,	-	-	-	-	451 39
Lilburn W. Boggs, assistant at do., same time, at \$700,	-	-	-	-	225 69
John Hersey, factor at the Choctaw station, from the 1st July to the 30th September, at \$1,300 per annum,	-	-	-	-	325 00
Benjamin Everett, assistant at do., same time, at \$700,	-	-	-	-	175 00
William McClellan, factor at Red river, from 1st July, 1822, to 31st January, 1823, at \$1,300 per annum,	-	-	-	-	758 33
Jacob B. Varnum, factor at Chicago, from 1st July to 15th August, 1823, at \$1,300 per annum,	-	-	-	-	162 50
Matthew Irvin, factor at Green Bay, from the 1st July to 24th October, 1822, at \$1,300 per annum,	-	-	-	-	410 44
Matthew Lyon and Barak Owens, factors at Arkansas, from 1st July, 1822, to 28th February, 1823, at \$1,300 per annum,	-	-	-	-	866 67
P. B. Bazin, assistant at do., from the 1st July, 1822, to 12th February, 1823, at \$650 per annum,	-	-	-	-	401 54
					5,365 45
Deduct as follows, viz:					
This sum, paid by George Graham, in cash, on account of salaries to the factors, since the 14th June, 1822,	-	-	-	-	\$1,393 14
This sum, estimated to be due on account of salaries to the late factors,	-	-	-	-	1,599 47
					2,992 61
Balance paid out of the trade fund, prior to the transfer to the new agents,	-	-	-	-	2,372 84

N.

Abstract of payments made by George Graham, principal agent, on account of debts due from the late Indian Trade Department, prior to the transfer to him from the late Superintendent of Indian Trade.

Date.	To whom paid.	For what paid.	Amount.
1822.			
June 19,	Charles A. Burnett,	Silver work,	\$391 70
July 15,	McCoy & Scallan,	Balance due on their account to March 31, 1822,	397 18
July 31,	Ditto,	Balance due on their account to June 30, 1822,	700 00
Sept. 2,	Gideon Davis,	Stationary,	5 50
Sept. 2,	J. L. Lihault,	Cooperage,	12 48
Sept. 18,	James Scull, agent, Arkansas,	Due him for transportation,	58 00
Sept. 18,	William Quynn,	Repairing guns,	4 00
Dec. 16,	Henry Derenger,	Beaver traps,	315 00
Dec. 16,	A. C. Cazenove,	Powder,	868 50
1823.			
January 3,	Daniel Kurtz,	Rent of office,	780 00
January 3,	J. Magen,	Rent of warehouse,	375 00
January 13,	James Thomas,	Stationary,	1 12½
January 29,	Hazel & Linthicum,	Contingent articles,	3 09
Feb. 27,	James Morrison,	Transportation,	58 12½
August 31,	Price & Morgan,	Balance due them,	29 34
August 31,	John Symington,	Due him for transportation,	456 60
			4,455 64
	Add this sum, due the Indian Department for goods turned over by the Secretary of War to the trade fund, being purchased for annuities, but not delivered to the Indians,		12,200 00
			\$16,655 64

No. 1.

Abstract exhibiting the amount of property received by Daniel Gantt, agent for winding up the concerns of the United States Indian trading-house at Prairie du Chien, and the returns made by him for the same.

1822.					
Sept.	30,	To amount of property received from John W. Johnson, late factor,	-	-	\$38,801 33
"	"	Cash received from George Graham, Esq., principal agent,	-	-	945 40
					<u>\$39,746 73</u>
		<i>Returned as follows, viz:</i>			
1823.					
August	20,	Furs and peltries,	-	-	\$916 87½
"	"	Factory buildings,	-	-	4,798 80
"	"	Cash,	-	-	975 91
"	"	Uncurrent bank notes,	-	-	902 16
"	"	Debts due, per list,	-	-	5,216 20
"	"	Bills receivable,	-	-	14,504 93
"	"	Factory books,	-	-	117 50
"	"	Loss on sales, including salary and contingent accounts,	-	-	12,300 05
"	"	Due from William Gibson, late agent, for winding up the concerns of the Fort Armstrong factory,	-	-	14 30½
					<u>\$39,746 73</u>

No. 2.

Abstract exhibiting the amount of property received by the late William Gibson, agent for winding up the concerns of the United States Indian trading-house at Fort Armstrong, and the returns made by his administrator, Alexander Maxwell, for the same.

1823.					
January	1,	Amount of property received from R. B. Belt, late factor,	-	-	\$9,312 90
"	"	Cash received from George Graham, principal agent,	-	-	1,023 28
					<u>\$10,336 18</u>
		<i>Returned as follows, viz:</i>			
Nov.	1,	Bills receivable for sales,	-	-	\$3,471 70
"	"	Drafts on Department of War for goods furnished Indian agents,	-	-	1,793 04
					5,264 74
"	"	Balance remaining to be accounted for, in which will be included salary, and contingent account and loss on sales,	-	-	5,071 44
					<u>\$10,336 18</u>

No. 3.

Abstract exhibiting the amount of property received by Samuel Blunt, agent for winding up the concerns of the United States Indian trading-house at Fort Osage, and the returns made by him for the same.

1822.					
Nov.	5,	Amount of property received from George C. Sibley, late factor,	-	-	\$31,640 07
"	"	Cash advanced by the principal agent,	-	-	726 72
					<u>\$32,366 79</u>
		<i>Returned as follows, viz:</i>			
1823.					
May	24,	Cash,	-	-	\$1,500 00
"	"	Bills receivable,	-	-	14,383 76
"	"	Furs and peltries,	-	-	2,033 02
"	"	Indian debts,	-	-	4,105 80
"	"	Factory buildings,	-	-	6,203 00
"	"	Salary and contingent accounts,	-	-	1,629 92
"	"	Loss on sales,	-	-	2,511 29
					<u>\$32,366 79</u>

No. 4.

Abstract exhibiting the amount of property received by Thomas G. Ringgold, agent for winding up the concerns of the United States Indian trading-house at Green Bay, and the returns made by him for the same.

1822.				
October 24,	Amount of property received at the factory from Matthew Irwin, late factor,	-	-	\$11,742 81½
"	Cash received from George Graham, principal agent,	-	-	1,127 73
				<u>\$12,870 54</u>
	<i>Returned as follows, viz:</i>			
1823.				
Sept. 10,	Cash,	-	-	\$250 00
"	Bills receivable,	-	-	1,628 71
"	Screw press, left in charge of Col. Perkins, Detroit,	-	-	271 65
"	Buildings,	-	-	190 40
"	Salary and contingent accounts,	-	-	2,164 50
"	Debts, per list,	-	-	5,902 81
"	Loss on sales,	-	-	2,430 95
"	Merchandise stolen by soldiers,	-	-	31 52
				<u>\$12,870 54</u>

No. 5.

Abstract exhibiting the amount of property received by A. B. Lindsley, agent for winding up the concerns of the United States Indian trading-house at Chicago, and the returns made by him for the same.

1822.				
October 24,	Amount of property received at Chicago factory and Detroit, from the stock of the Chicago and Green Bay factories,	-	-	\$15,637 62
"	Cash received from George Graham, Esq.,	-	-	100 00
				<u>\$15,737 62</u>
	<i>Returned as follows, viz:</i>			
1823.				
January 20,	Cash,	-	-	\$1,243 23
"	Bills receivable,	-	-	5,063 09½
"	Indian debts not collected,	-	-	400 35
"	Factory buildings,	-	-	709 17
"	Salary and contingent accounts,	-	-	1,353 40
"	Loss on sales,	-	-	6,968 37½
				<u>\$15,737 62</u>

No. 6.

Abstract exhibiting the amount of property received by Robert N. Johnson, agent for winding up the concerns of the United States Indian trading-house at the Sulphur Fork of Red River, Louisiana, and the returns made by him for the same.

1823.				
February 1,	Amount of property received at the factory,	-	-	\$11,763 29
"	Cash received from G. Graham, principal agent,	-	-	400 00
				<u>\$12,163 29</u>
	<i>Returned as follows, viz:</i>			
July 20,	Cash,	-	-	\$1,607 50
"	Bills receivable,	-	-	1,872 97
"	Furs and peltries,	-	-	1,378 25
"	Indian debts,	-	-	1,055 95
"	Buildings,	-	-	2,623 50
"	Salary and contingent accounts,	-	-	1,490 02
"	Loss on sales,	-	-	2,135 10
				<u>\$12,163 29</u>

No. 7.

Abstract exhibiting the amount of property received by Geo. P. Forrest, agent for winding up the concerns of the United States Indian trading-house on the Arkansas, and the returns made by him for the same.

1823.				
Feb. 28,	Amount of property received from Barak Owens, late acting factor,	-	-	\$18,301 18
"	Cash received from George Graham, principal agent,	-	-	400 00
				<u>\$18,701 18</u>
	No returns have as yet been received from this factory, except 114 packs of skins, which cost \$3,695 50½, and produced in New Orleans, nett, this sum, -			
				<u>\$3,683 65</u>

No. 8.

Abstract exhibiting the amount of property received by Henry Randall, agent for winding up the concerns of the United States Indian trading-house in the Choctaw nation, and the returns made by him for the same.

1822.				
Sept. 30,	Amount of property received from John Hersey, late factor,	-	-	\$48,615 78
"	Cash received from G. Graham, principal agent,	-	-	300 00
				<u>\$48,915 78</u>
	<i>Returned as follows, viz:</i>			
1823.				
October 10,	Cash,	-	-	\$4,900 00
"	Peltries,	-	-	12,223 10
"	Debts, per list turned over to Colonel Ward,	-	-	12,011 57
"	Bills receivable,	-	-	10,233 21
"	Salary and contingent accounts,	-	-	3,040 16
"	Loss on sales,	-	-	6,507 74
				<u>\$48,915 78</u>

No. 9.

Statement exhibiting the loss sustained on the merchandise which remained in the stores of the late Superintendent of Indian Trade in Georgetown.

Amount received on the 14th June, 1822, as per receipt of George Graham, principal agent, to the late superintendent of Indian trade, per invoice, at cost, -		-	-	<u>\$31,473 97</u>
<i>Sold as follows, viz:</i>				
In Georgetown, at auction, damaged articles which cost \$228 82, for this sum, -			\$78 87	
In New York, per Messrs. Hine & Co., this amount, per invoice at cost \$31,175 28, for this sum, nett proceeds, -			10,632 83	
Loss on the sales of the whole, this sum, including charges, -			20,762 27	
				<u>\$31,473 97</u>

No. 10.

Statement exhibiting the amount of losses sustained on the sales of furs and peltries remitted by the several agents appointed to wind up the concerns of the United States Indian trading-houses.

Prairie du Chien factory, per invoice of Daniel Gantt, agent, forwarded to New Orleans, addressed to McCoy and Scallan, cost \$916 87, sold for nett \$657 56; lost on sale, -			\$259 31	
Osage factory, per invoice of Samuel Blunt, agent, forwarded to New Orleans, addressed to same, cost \$2,033 02, sold for \$1,288 86; lost on sale, -			744 16	
Red River factory, per invoice of Robert N. Johnson, agent, forwarded to McCoy and Scallan, New Orleans, cost \$1,378 25, sold for \$922 79 nett; lost on sale, -			455 46	
Arkansas factory, per invoice of George P. Forrest, agent, forwarded to McCoy and Scallan, New Orleans, cost \$3,695 50½, sold for nett \$3,683 65; lost on sale, -			11 85½	
Choctaw factory, per invoice of Henry Randall, agent, forwarded to William Bayard, Mobile, cost \$12,223 10, sold for nett \$7,574 18; lost on sales, -			4,648 92	
				<u>\$6,119 70</u>

No. 11.

Statement exhibiting the receipts and expenditures of cash by George Graham, principal agent for winding up the concerns of the late United States Indian trade establishment.

1822.				
June 14,	Received from the late superintendent of Indian trade,	-	-	\$6,856 35
"	Received for articles sold, not included in my receipt to him,	-	-	92 25
"	Received from George S. Gaines, late United States factor,	-	-	43 92
				<u>\$6,992 52</u>
1823.				
Dec. 1,	Received for sales of merchandise, furs, and peltries, &c. from 14th June, 1822, to this date, -		-	48,552 90
				<u>\$55,545 42</u>
<i>Expenditures as follows:</i>				
Payments for debts due prior to the transfer from the late superintendent,			\$4,496 40	
Factor's drafts for salary, -			1,393 14	
Transportation, contingencies, and expenses on the sales of furs, peltries, &c. -			829 44	
Payments to new agents and clerks, on account of salaries, &c. -			10,648 29	
Paid Treasurer of the United States, -			38,178 15	
				<u>\$55,545 42</u>

No. 12.

Consolidated statement exhibiting the total amount of property received by all the agents for winding up the concerns of the late United States Indian Trade Establishment, the total amount returned by them, and the amount of loss on sales and property yet to be accounted for.

Amount received by all the new agents, as per general statement No. 1, - -	\$286,329 56	
Less this sum, being amount of debts due from the establishment, - -	16,655 64	
		\$269,673 92
<i>Returns as follows, viz:</i>		
Cash paid into the treasury, - - - - -	\$38,178 15	
Cash paid in part of debts due from the establishment, - - - - -	4,496 40	
Cash paid on account of factor's salary, transportation, contingencies, and expenses on sales of peltries, &c., - - - - -	2,222 58	
Cash paid new agents and clerks, on account of salaries, &c., - - - - -	10,648 29	
Bills receivable, - - - - -	52,951 41	
Indian and other debts, - - - - -	76,400 37	
Buildings, - - - - -	14,914 02	
Balance, being the amount of loss on sales, and of property yet to be accounted for, from the Arkansas and Fort Armstrong factories, - - - - -	69,862 70	
		\$269,673 92

No. 1.

Copy of a circular from John Mason, Superintendent of Indian Trade, to Agents, dated

SIR:

INDIAN OFFICE, GEORGETOWN, December 12, 1807.

Previous to the reception of this letter, you will have received from the Secretary of War your commission as agent of Indian trade at —. By his directions, I now transmit you the instructions which are to govern your conduct.

1st. The prices you put on the goods you have on sale must necessarily vary according to circumstances; but that which you will consider as the standard advance on the price charged in the invoices furnished from this office will be at the rate of sixty-eight per cent.; and this you will consider as the estimate to cover the cost of transportation, and to yield such profit only as will indemnify the establishment for the expenses at your trading-house, and on the returns made by you to bring round the sales of furs and peltries without loss.

As to the prices allowed to Indians for the skins, you will be governed generally by those to which they have been accustomed, and at which you can obtain them without giving them dissatisfaction; but, after all, much must be left to your discretion and prudence, so to reduce or raise your prices, as compared with the standard advance, and with the rate you may be obliged to allow for skins, as to enable us to pay all charges and to avoid sinking money. To enable you to judge of which, the rate of sales of the skins received from you will be occasionally furnished you.

2d. The goods to be sent you are intended for sale to the Indians, and it is the express direction of the Secretary of War "that no white persons are to be considered as having any right to be furnished with factory goods, and, except in very particular and pressing cases, no sales should be made to white persons of any description whatsoever, and in no case but for prompt pay and at an advance of ten per cent. on the Indian prices; and you will be held accountable for the payment of all articles sold to white people on credit. Credits may, however, be given, with caution, to principal chiefs of good character."

If a professed white trader wants goods, you are not to sell him, at any price, any article that you may possibly be in want of for the Indians. If you have a surplus of others, you may, using great caution, sell them; but then only at an advance of ten per cent. on the current prices.

3d. As before instructed, a suitable guard will, if necessary, be furnished you, (by order of the Secretary of War,) by the officer commanding the garrison near you. You will, however, be absent as little as possible from the store. An interpreter, when necessary, will be furnished; and it is of importance that he should be a person of sober, discreet, and temperate habits, and attached to the interest of the United States.

4th. You are restricted by law from carrying on any trade, commerce, or barter, on your own account, or any other, except for the United States, as you will observe by the sixth section of the law establishing Indian trading-houses, passed on the 21st April, 1806. You will on all occasions so demean yourself towards the Indians generally, and towards the chiefs in particular, as to obtain and preserve their friendship, to be conciliatory in all your intercourse with them, and, by every proper means in your power, to secure their attachment to the United States.

5th. The sale of ardent spirits is most strictly prohibited.

6th. You will furnish me with your list of articles wanted as early in the season as possible, it being of great advantage to have ample time to make purchases. Let your lists be full, clear, explicit in description as to each article, and always bear in mind that good supplies must depend on adequate remittances.

7th. You will take the greatest possible care to ascertain and examine the quality of the furs and peltries you receive, see that their quality is fairly proportioned to the prices allowed, and that their condition is good; to preserve them with attention while in your possession, and to send them off in good order, carefully and safely packed; and, particularly, you are to be watchful to avoid the imposition of private traders who may attempt to make instruments of the Indians, or otherwise to put off on you bad skins, and to get hold of your goods for the purposes of their trade. Take in as small a proportion of deer skins as you can with propriety do, and forward whatever you receive as returns (cash, notes, and drafts excepted,) to Joseph Saul, New Orleans,* and Governor Clark, St. Louis.† Forward to me the invoices, respectively, as you send off the articles.

8th. All remittances of bills, notes, or cash, must be made to me, and under my direction; and you are to correspond with, and take orders on all commercial operations from, and keep all accounts with me. If any communications of a civil or political nature be necessary, you will make them separately, and in direct correspondence with the Secretary of War. If any of the officers of Government, who are well known to you, want cash, you may take their drafts for it on any of the Departments at Washington.

9th. You will keep correct accounts of every transaction in a day-book, journal, leger, and cash-book; in the day-book, every thing must be recorded. You will also keep an invoice-book and a letter-book. You will render me

* For the southern factories.

† For the factories on the Upper Mississippi and Missouri.

"quarter-yearly accounts of all money, goods, and property whatsoever, which shall be transmitted you, or which shall come into your hands; and you shall transmit duplicates of your accounts to the Secretary of the Treasury of the United States." These accounts you will make up to the last days (inclusively) of March, June, September, and December, in each year; they will comprise abstracts of your account books, balanced up to, and including, those days respectively, as to sales, receipts, expenditures, and stock on hand: the stock on hand detailed clearly and accurately by inventory. This point, as to making up to the given day and transmitting regularly your accounts and inventory, is so essential that it must not be dispensed with in any instance; and you must be as early as possible, after the time to which made up, in sending them off.

Assuring you of my prompt attention to all your communications, and with the best wishes for the success of your trading-house,

I am, &c.

JOHN MASON, S. I. T.

No. 2.

Extract of a letter from General John Mason, Superintendent of Indian Trade, to Geo. S. Gaines, the Factor in the Choctaw nation, dated

MARCH 2, 1808.

I am sorry to see that, of \$7,313 65, amount in cost of the two invoices, there is as much as \$5,690 in deer skins. This article will inevitably destroy the fund of this establishment, unless we can take them in much smaller quantities, or at by far lower prices. I received, a few days since, account of sales of 30,894 lbs. deer skins, and 81 skins, whereof 23,270 lbs. and the 81 skins were from your trading-house; 7,624 lbs. from the Chickasaw factory, shipped by General Shee, last summer, to Bordeaux; they were invoiced by him at 26½ cents per lb., and the 81 skins at 2s. 3d. each; and, at this rate, amounted on board, including \$26 shipping charges, to \$8,246 91. The nett amount of sales 9,788 francs, equal to \$1,835 25. Clear loss \$6,411 60.

No. 3.

Extract of a letter from John Mason, Superintendent of Indian Trade, to John Johnson, Factor at the river Des Moines, dated

INDIAN OFFICE, May 16, 1809.

I remark the credit of about \$1,400 you had given the chiefs, and the pacotilles of about equal amount to Dorion and Blundow: all which is approved; and I have no doubt but operations of this kind, conducted with prudence, will do good. But you should not send any trader into the interior without consulting Governor Lewis, as he will best know, from time to time, when it may not be politic to trade with certain tribes.

No. 4.

Extract of a letter from Thomas L. McKenney, Superintendent of Indian Trade, to Major Daniel Hughes, Factor at Fort Hawkins, dated

APRIL 29, 1816.

It will be proper for you to examine and settle all the books belonging to the trading-house, as they may stand when you take charge of it; also, to begin a new set of accounts with the stock with which you commence.

This factory has, for several years, been doing a losing business; in your hands, I trust, it will be revived.

No. 5.

Extract of a letter from Thomas L. McKenney, Superintendent of Indian Trade, to Isaac Rawlings, Factor to the Chickasaws, dated

AUGUST 23, 1816.

I hasten to communicate to you a reply to so much of your letter as relates to the description of goods now on hand at the factory, and respecting the prices at present allowed the Indians for their deer skins.

I am aware that the goods sent you, and which lie so inactively on hand, are not suited to the business in which you are engaged; but it so happened that, when my predecessor sent them, our country was unable to furnish better, or a kind more suited to the tastes of the Chickasaws. My instructions to you on this head are, to sell those goods, even if they bring no more than cost, in preference to keeping them on hand, subject as they will be to loss and damage. I have to request, also, that you engage actively in running them off, to make way for the very excellent supply now sent you.

No. 6.

Extract of a letter from Thomas L. McKenney, Superintendent of Indian Trade, to Major Daniel Hughes, dated

INDIAN OFFICE, May 26, 1817.

I have received your letter of the 1st instant; also, Mr. Bowen's statement of certain evils of which he complains, and which he assigns as the cause of the unfortunate exhibit of another quarter's loss, larger than the former.

I apprehend, unless something can be done, there will be no remedy but a total breaking up of that factory. I cannot, consistently with my office, look on a repetition of losses without stopping them; and if intermediate means are not interposed, the last remedy must be applied.

No. 7.

Extract of a letter from Thomas L. McKenney, Superintendent of Indian Trade, to George C. Sibley, Factor at Fort Osage, dated

JUNE 17, 1817.

I can readily conceive the necessity you have been under to sell off your stock at reduced prices.

No. 8.

Extract of a letter from the Superintendent of Indian Trade to Isaac Rawlings, the Chickasaw Factor, dated
INDIAN OFFICE, July 14, 1817.

I regret to learn the loss of the peltries, in their passage to Mr. Saul. I do not understand from your letter whether a part, or the whole, was lost. I could wish it had been otherwise, as every little drawback like this is discouraging in the view, when it is called for, of the prosperity of the trade. It was without your control, however, and is a case without remedy.

No. 9.

Extract of a letter from Thomas L. McKenney, Superintendent of Indian Trade, to Joseph Saul, Agent for Factories, New Orleans, dated

INDIAN OFFICE, May 16, 1820.

I have received by your letter of the 10th ultimo your returns of the sale of deer skins made by me, through William Jones, Esq. of Philadelphia, to Geisse and Korkhauss. The result is, indeed, painful; painful in another sense, besides the extraordinary, and, I believe, hitherto unequalled loss, which has been sustained, and which may make it necessary for me to institute an inquiry into it.

I am fully aware of the importance of having the peltries at New Orleans by April; but I am also aware of the thousand obstacles which may put it out of the factor's power to get them there by that season. In the parcel out of which has resulted this uncommon loss, nearly all arrived in New Orleans in good time, save those from the Sulphur Fork factory; and even those, at no later period than you have often before received them, when no such loss as the present was experienced. But, when peltries do arrive out of time, the very object of the agency is to pay the greater attention to their preservation. This you may have done. I am sure you never designedly permitted the injury to happen; but your avocations, it is possible, might have led you to repose confidence in others, which might have been misplaced. However, I have this day notified Mr. Smith that I will adjust your account, and pay him, for you, the balance which may appear to be due.

No. 10.

Extract of a letter from Thomas L. McKenney, Superintendent of Indian Trade, to John W. Johnson, Factor at Prairie du Chien, dated

SEPTEMBER 28, 1821.

On the subject of the merchandise in the factory which may not be suited to the purposes of trade, but which may answer all the purposes of presents, it would be well to say to these gentlemen, that the interests of the Government will be consulted in this branch of its operations by their relieving the factory of the goods in question, so far as their wants may go; and you will put the goods at cost and charges, or cost, or even loss, as their condition, &c. may require, so as to bring them within the limits of the Secretary's directions.

No. 11.

Extract of a letter from the Superintendent of Indian Trade to John W. Johnson, Factor at Prairie du Chien, dated

INDIAN OFFICE, September 25, 1821.

I feel some anxiety about the accumulated amount of merchandise on hand at the factory in your charge; some of it having been for so many years on hand, and having been bought under unfavorable circumstances, puts it without the limits of a reasonable expectation of doing any thing with it to profit. I wish cost and charges could be got for it. You will make an invoice of every unsaleable or dead article, and remark upon the condition of each, so as to convey your opinion of its worth. And should opportunities occur by which you can dispose of this selection usefully to the establishment, you will do so.

I have communicated an offer to the Secretary of War of these goods, to be used as presents, in the event of their being wanted in that quarter.

18th CONGRESS.]

No. 213.

[2d SESSION.

EXPENDITURES OF THE INDIAN DEPARTMENT.

COMMUNICATED TO CONGRESS, DECEMBER 7, 1824.

SIR:

WAR DEPARTMENT, OFFICE OF INDIAN AFFAIRS, November 24, 1824.

I have had the honor, in compliance with your order of the 1st instant, to report the amount (viz. \$151,000) for which an appropriation by Congress will be required for the current expenses of the Indian Department for the year 1825; also, an estimate of the sums necessary to carry into effect certain Indian treaties, and to hold treaties of peace, &c. with certain Indian tribes, within the same period.

I now have the honor to report (in paper marked A) the sums which have been drawn from the several appropriations for expenditures in the Indian Department, and the amount of accounts which have been rendered to this office for disbursements for the three quarters ending the 31st August last, to which period they are made up, in conformity to the act of Congress of 6th May, 1822.

It will be seen from this statement that \$282,654 13 have been drawn; and that returns have been received for \$242,849 83, leaving a balance of \$39,804 30 to be accounted for, which arises principally from disbursements made on account of objects which are not yet completed.

Statement marked B shows the number of schools, where established, by what society, the number of teachers to each, and the number of pupils, by the last returns.

Since the establishment of this office, in March last, the rules and regulations for the government of Indian affairs have been revised, and greatly enlarged. Among the measures first taken, were those which were deemed to be essential to secure a prompt rendition of accounts; and these, it is believed, will, in the course of the present year, result in insuring the utmost promptitude and accuracy. The necessary checks, it is believed, are provided.

Forms were also prepared and forwarded to the superintendents of the Indian schools, which have produced a system in their reports, out of which a general exhibit of all that relates to this branch of the Indian Department can be furnished with facility and accuracy, at the close of each year.

The returns show that thirty-two schools are now in operation, containing nine hundred and sixteen children. The reports of the superintendents are highly satisfactory. They certainly demonstrate that no insuperable difficulty is in the way of a complete reformation of the principles and pursuits of the American Indian. Judging from what has been accomplished since the adoption by the Government, in 1819, of the system upon which all the schools are now operating, and making due allowance for the tardy advancements of the first two or three years, which were for the most part consumed in the work of preparation, and in overcoming the prejudices and apprehensions of the Indians, there is good reason to believe that an entire reformation may be effected, (I mean among the tribes bordering on our settlements, and to whom those benefits have been extended,) in the course of the present generation; it being with the children of the Indians that those have to do who have undertaken this work of reformation.

Nothing appears to be required to effect so humane an object but the necessary means for the support of the system, as its enlargement may be required, and the continued application of the same zeal and intelligence which have, so far, characterized those who superintend and conduct it.

I have the honor to be, sir, very respectfully, your obedient servant,

THOS. L. MCKENNEY.

To the Hon. the SECRETARY OF WAR.

A.

Statement showing the amount of moneys drawn from the several appropriations for expenditures in the Indian Department, and the amount of accounts rendered for disbursements, in the three quarters ending the 31st August last; to which time the accounts are required to be rendered and settled, annually, by the act of the 6th May, 1822.

Indian Department, including the pay of the officers and presents to Indians,	-	\$55,341 97	
Annuities,	-	182,050 00	
Civilization of Indians,	-	6,762 16	
Holding treaty with the Quapaws,*	-	7,000 00	\$244,154 13
Carrying into effect treaty with the Florida Indians,*	-	8,500 00	
Claims of the citizens of Georgia against the Creek Indians,	-	23,000 00	
			38,500 00
Amount of disbursements,	-	-	282,654 13
			242,849 83
Balance to be accounted for on the 31st August,	-	-	\$39,804 30

WAR DEPARTMENT, OFFICE OF INDIAN AFFAIRS, November 24, 1824.

THOMAS L. MCKENNEY.

* These two items being for objects not yet completed, no returns have been received; nor have any returns been received for the last: these, together, make up very nearly the above balance. When the returns for them, with those of the Governor of Arkansas, and for some of the advances on account of the civilization of the Indians which have not yet come in, are received, this balance will be fully covered.

B.

Statement showing the number of schools, where established, by what society, the number of teachers attached to each, and the number of pupils, from the last returns.

No.	Where established.	By what society.	No. of teachers.	No. of pupils.
1	Spring Place, Cherokee nation, east Mississippi,	United Brethren, -	-	20
2	Ochgeeloggie, do. do. -	Do. -	-	Not yet op'd.
3	Brainard, do. do. -	Amer. Board for Foreign Missions,	42	84
4	Carmel, do. do. -	Do. do.	-	-
5	Creek Path, do. do. -	Do. do.	-	-
6	High Tower, do. do. -	Do. do.	-	-
7	Dwight, Cherokee nation, west Mississippi, -	Do. do. -	10	50
8	Elliot, Choctaw nation, -	Do. do. -	7	46
9	Bethel, do. -	Do. do. -	4	21
10	Mayhew, do. -	Do. do. -	10	69
11	Emman's, do. -	Do. do. -	4	20
12	Mushulatubbee's, do. -	Do. do. -	1	11
13	Mr. Juzon's, do. -	Do. do. -	1	12
14	Capt. Harrison's, do. -	Do. do. -	1	14
15	Goshen, do. -	Do. do. -	4	15
16	Bethany, do. -	Do. do. -	3	-
17	Jik-haw-nah, do. -	Do. do. -	4	-
18	Carey, on the St. Joseph's, Michigan Territ'y,	Baptist General Convention, -	18	61
19	Valley Towns, Cherokees, east Mississippi, -	Do. do. -	7	60
20	Tensawattee, do. do. -	Do. do. -	-	25
21	Withington, Creek nation, -	Do. do. -	10	41
22	Oneida, New York, -	Hamilton Baptist Missionary Soc. -	7	34
23	Charity Hall, Chickasaw nation, -	Cumberland Missionary Board, -	14	31
24	Monroe, do. -	Synod of S. Carolina and Georgia, -	12	54
25	Tuscarora nation, New York, -	United Foreign Missionary Society, -	-	45
*26	Seneca nation, do. -	Do. do. -	6	31
27	Union, Osages, Arkansas, -	Do. do. -	15	12
28	Harmony, Osages, Missouri, -	Do. do. -	47	27
29	Wyandots, Upper Sandusky, Ohio, -	Methodist Episcopal Church, -	12	65
30	Ottawas, Miami of the Lake, -	Western Missionary Society, -	21	10
31	Florissant, Missouri, -	Catholic Bishop of New Orleans, -	-	-
32	Passamaquoddies, Indian Point, Maine, -	Society for propagating the Gospel among the Indians, -	1	60
Whole number of pupils, -			-	916

NOTE.—The numbers under the head of the "No. of Teachers," in most cases, embrace every person, including children, connected with the families of the teachers.

OFFICE OF INDIAN AFFAIRS, November 24, 1824.

THOMAS L. MCKENNEY.

* This school, it appears, is suspended for the present, in consequence of proceedings against it under a law of the State of New York.

18th CONGRESS.]

No. 214.

[2d Session.

TREATIES WITH THE IOWAY, SAC, AND FOX TRIBES.

COMMUNICATED TO THE SENATE, DECEMBER 15, 1824.

To the Senate of the United States:

WASHINGTON, December 13, 1824.

I transmit to the Senate, for its advice and consent as to the ratification, the treaties concluded and signed on the 4th day of August last, between the United States and the Ioway and Sac and Fox tribes of Indians.

JAMES MONROE.

SIR:

DEPARTMENT OF WAR, December 8, 1824.

I have the honor to lay before you the enclosed treaties, concluded since the last session of Congress, with the Ioway and the Sac and Fox tribes of Indians.

I have the honor to be your most obedient servant,

J. C. CALHOUN.

To the PRESIDENT OF THE UNITED STATES.

TREATY WITH THE IOWAYS.

Articles of a treaty made and concluded at the city of Washington, on the 4th day of August, 1824, between William Clark, Superintendent of Indian Affairs, being specially authorized by the President of the United States thereto, and the undersigned chiefs and headmen of the Ioway tribe or nation, duly authorized and empowered by the said nation.

ARTICLE 1. The Ioway tribe or nation of Indians, by their deputies, Mah-hos-kah, (or White Cloud,) and Mah-ne-hah-nah, (or Great Walker,) in council assembled, do hereby agree, in consideration of a certain sum of money, &c. to be paid to the said Ioway tribe by the Government of the United States, as hereinafter stipulated, to cede and forever quit claim, and do, in behalf of their said tribe, hereby cede, relinquish, and forever quit claim, unto the United States, all right, title, interest, and claim to the lands which the said Ioway tribe have or claim within the State of Missouri, and situated between the Mississippi and Missouri rivers, and a line running from the Missouri, at the mouth or entrance of Kansas river, north one hundred miles, to the northwest corner of the limits of the State of Missouri, and from thence east to the Mississippi.

ART. 2. It is hereby stipulated and agreed, on the part of the United States, as a full compensation for the claims and lands ceded by the Ioway tribe in the preceding article, there shall be paid to the said Ioway tribe, within the present year, in cash or merchandise, the amount of five hundred dollars; and the United States do further agree to pay to the said Ioway tribe five hundred dollars annually, for the term of ten succeeding years.

ART. 3. The chiefs and headmen, who sign this treaty, for themselves, and in behalf of their tribe, do acknowledge the lands east and south of the lines described in the first article, (which have been run and marked by Colonel Sullivan,) so far as the Indians claimed the same, to belong to the United States; and that none of their tribe shall be permitted to settle or hunt upon any part of it, after the first day of January, one thousand eight hundred and twenty-six, without special permission from the superintendent of Indian affairs.

ART. 4. The undersigned chiefs, for themselves, and all parts of the Ioway tribe, do acknowledge themselves and the said Ioway tribe to be under the protection of the United States of America, and of no other sovereign whatsoever; and they also stipulate that the said Ioway tribe will not hold any treaty with any foreign Powers, individual State, or with individuals of any State.

ART. 5. The United States engage to provide and support a blacksmith for the Ioway tribe, so long as the President of the United States may think proper, and to furnish the said tribe with such farming utensils and cattle, and to employ such persons to aid them in their agriculture, as the President may deem expedient.

ART. 6. The annuities stipulated to be paid by the second article, to be paid either in money, merchandise, provisions, or domestic animals, at the option of the aforesaid tribe; and when the said annuities, or any part thereof, is paid in merchandise, it is to be delivered to them at the first cost of the goods at St. Louis, free from cost of transportation.

ART. 7. This treaty shall take effect, and be obligatory on the contracting parties, so soon as the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof.

In testimony whereof, the said William Clark, commissioner as aforesaid, and the chiefs and headmen of the Ioway tribe of Indians, as aforesaid, have hereunto set their hands, the day and year first before written.

WM. CLARK.

[Signed, also, by the chiefs and headmen of the Ioway tribe.]

TREATY WITH THE SACS AND FOXES.

Treaty of peace and friendship made and concluded between William Clark, Superintendent of Indian Affairs and sole commissioner on the part of the United States, and the chiefs and headmen of the Sac and Fox tribes of Indians.

To perpetuate peace and friendship between the United States and the Sac and Fox tribes or nations of Indians, and to remove all future cause of dissensions which may arise from undefined territorial boundaries, the President of the United States of America, by William Clark, superintendent of Indian affairs, and sole commissioner specially appointed for that purpose, of the one part; and the undersigned chiefs and headmen of the Sac and Fox tribes or nations, fully deputed to act for and in behalf of their said nations, of the other part; have entered into the following articles and conditions, viz:

ARTICLE 1. The Sac and Fox tribes or nations of Indians, by their deputations in council assembled, do hereby agree, in consideration of certain sums of money, &c. to be paid to the said Sac and Fox tribes, by the Government of the United States, as hereinafter stipulated, to cede and forever quit claim, and do, in behalf of their said tribes or nations, hereby cede, relinquish, and forever quit claim, unto the United States, all right, title, interest, and claim to the lands which the said Sac and Fox tribes have or claim within the limits of the State of Missouri, which are situated, lying, and being between the Mississippi and Missouri rivers, and a line running from the Missouri at the entrance of Kansas river, north one hundred miles, to the northwest corner of the State of Missouri, and from thence east to the Mississippi. It being understood that the small tract of land lying between the rivers Des Moines and the Mississippi, and the section of the above line between the Mississippi and the Des Moines, is intended for the use of the half-breeds belonging to the Sac and Fox nations; they holding it, however, by the same title, and in the same manner that other Indian titles are held.

ART. 2. The chiefs and headmen who sign this convention, for themselves, and in behalf of their tribes, do acknowledge the lands east and south of the lines described in the first article, so far as the Indians claim the same, to belong to the United States; and that none of their tribes shall be permitted to settle or hunt upon any part of it, after the first day of January, one thousand eight hundred and twenty-six, without special permission from the superintendent of Indian affairs.

ART. 3. It is hereby stipulated and agreed, on the part of the United States, as a full consideration for the claims and lands ceded by the Sac and Fox tribes in the first article, there shall be paid to the Sac and Fox nations, within the present year, one thousand dollars in cash, or merchandise; and, in addition to the annuities stipulated to be paid to the Sac and Fox tribes by a former treaty, the United States do agree to pay to the said Sac tribe five hundred dollars, and to the Fox tribe five hundred dollars, annually, for the term of ten succeeding years. And, at the request of the chiefs of the said Sac and Fox nations, the commissioner agrees to pay to Maurice Blondeau, a half Indian of the Fox tribe, the sum of five hundred dollars, it being a debt due by the said nation to the aforesaid Blondeau, for property taken from him during the late war.

ART. 4. The United States engage to provide and support a blacksmith for the Sac and Fox nations, so long as the President of the United States may think proper, and to furnish the said nations with such farming utensils and cattle, and to employ such persons to aid them in their agriculture, as the President may deem expedient.

ART. 5. The annuities stipulated to be paid by the third article are to be paid either in money, merchandise, provisions, or domestic animals, at the option of the aforesaid tribes; and when the said annuities, or any part thereof, is paid in merchandise, it is to be delivered to them at the first cost of the goods at St. Louis, free from cost of transportation.

ART. 6. This treaty shall take effect and be obligatory on the contracting parties so soon as the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof.

In testimony whereof, the said William Clark, commissioner as aforesaid, and the chiefs and headmen of the Sac and Fox tribes of Indians as aforesaid, have hereunto set their hands, at Washington City, this fourth day of August, in the year of our Lord one thousand eight hundred and twenty-four.

WM. CLARK.

[Signed, also, by the chiefs and headmen of the Sac and Fox tribes.]

18th CONGRESS.]

No. 215.

[2d SESSION

PLAN FOR EXTINGUISHING THE CHEROKEE CLAIM TO LAND IN GEORGIA, TENNESSEE,
AND ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 12, 1825.

SIR:

DEPARTMENT OF WAR, *January 10, 1825.*

In compliance with the resolution of the House of Representatives of the 7th instant, directing the Secretary of War "to lay before the House copies of letters from Joseph McMinn, deceased, late agent of Indian affairs in the Cherokee nation, to the War Department, dated 4th July, 1818, and 7th July, 1818; together with a copy of the plan proposed by the direction of the Secretary of the War Department, for the complete extinguishment of the Cherokee claim to lands then occupied, by them in Georgia, Tennessee, and Alabama, referred to in the Secretary's letter of 29th July, 1818;" I have the honor to transmit, herewith, the enclosed copies of all the papers required by said resolution, with the remark, that the blank in the copy of the plan proposed, (which Governor McMinn states to have been occasioned by the wearing of the paper,) it is believed, was filled with \$100,000; and that directions were given to him to enlarge this sum, if necessary to effect the arrangement.

I think it proper further to remark, that the reason for the omission to send in these papers with the letter from this Department referred to in the resolution, was, that the originals were not to be found on the files of the Department at the time, nor have they since been found. The duplicates from which the enclosed copies are taken were transmitted to the Department, by the late agent, since the last session of Congress, in compliance with a letter addressed to him requiring him to do so, soon after it was discovered that the originals could not be found.

I have the honor to be your most obedient servant,

Hon. HENRY CLAY,

Speaker House of Representatives of the United States.

J. C. CALHOUN.

SIR:

CHEROKEE AGENCY, *July 21, 1824.*

In obedience to your instructions, I do myself the honor to forward the papers asked for in your letter of the 14th April last; and have to express my regret that they have been thus long delayed, which has taken place from the great difficulty in procuring a messenger.

I beg leave to remark, that the blank, near the close, in the arrangement, had become too much worn to enable me to make out distinctly the amount originally stated, although I believe it was fifty thousand dollars.

With due respect, I have the honor to be your obedient servant,

JOSEPH McMINN.

Hon. JOHN C. CALHOUN, *Secretary of War.*

SIR:

CHEROKEE AGENCY, *July 4, 1818.*

I returned from the Oostannally talk last evening at 7 o'clock, where I had attended for eight days. Many attempts were made to prevent my attendance—some by threatening my life, and others by chastisements; neither of which was put into execution, though many of my friends anticipated one or the other would be realized. In fact, I did not myself know what disposition would be made of me, but had determined that nothing but indisposition should prevent my attendance. This meeting was composed of the Southern and Overhill Indians, (in all, upwards of two thousand warriors,) whose hostility I have mentioned some time ago, and which is much stronger than I had anticipated.

I beg leave to trouble you with something like a journal of the proceedings, from my arrival there until my departure. I arrived at the council-house on the evening of the first day's meeting, (24th June,) just as the council adjourned. Many of its members were very much intoxicated with spirits, and manifested great hostility to the treaty and to myself; one of whom told me, through Major Walker, that, if I mentioned the subject of exchanging countries, they had determined to chastise me with their light-horse as they did their bad men. Major Walker, and all who were with me, that were well disposed towards the views of Government, encamped the first night within their lines, without receiving insult or molestation.

JUNE 25th.—I attended at the council-house, where my arrival was announced; on which I was invited to take a seat, though previously the whole of the chiefs arose and shook me by the hand, and, after some desultory conversation, I was invited to give them a talk, which I promised to deliver next morning.

JUNE 26th.—Met the council agreeably to appointment, where I read the President's speech to the Arkansas delegation. The chiefs observed, that it was expected I would read a talk from their father addressed to them; that they were opposed to exchange of countries, and did not wish to hear any talks in favor of the Arkansas people.

I now found myself compelled to show them that the speech was made to the whole nation, by bringing to their view the different points where the word "nation" was introduced; after which, I entered into the views of the Government at very considerable length, and concluded by exhibiting a chequered plat on the ground, respecting the manner in which their father had told his council (the last Congress) the country must be laid off and settled, from the northern lakes to the Floridas. In support of the right to do so, I quoted the treaty of Hopewell, but took every possible care to assure and show them that so many of their nation as chose to become citizens of the United States would be furnished with reservations, as stipulated by the treaty, but that it must be understood the remaining part of the nation must remove west of the Mississippi. These points I stated in emphatical language, and frequently recapitulated in the course of the day, as it was for these declarations they had promised to chastise me. I felt determined to assert my country's rights in the commencement, let the consequence be what it might; and to their credit, I can say none pretended to speak during the time I occupied the floor, (which was nearly three hours,) except one, who, in broken English, observed, he could not stand that talk, and withdrew.

JUNE 27th.—After the council was opened, I proceeded to read the treaty, and to give it such constructions as I conceived just. I also recapitulated many of the circumstances which led to the treaty, to show that it had its origin in the application made by their deputies to President Jefferson, in 1809, and upon which the United States certainly stood justified in entering into the agreement, and that the late treaty was the consequence resulting therefrom.

JUNE 28th.—I communicated your wishes relative to a suspension of taking the enumeration in a written talk, a copy of which is herewith sent, (marked A;) the answer to which is contained in a written talk, addressed to me on the 30th ultimo, (marked B.) This document contains the only written talk delivered by them to me; a copy of which is forwarded.

JUNE 29th.—Was chiefly spent in transacting business of the nation.

JUNE 30th.—Was furnished with the document last mentioned, to which I made a verbal answer of considerable length; but, in conclusion, was asked to deliver one in writing, which I did accordingly, and which was made the order of the next day.

JULY 1st.—I laid my answer, above referred to, before the National Council, (marked C,) together with a written talk, (a copy of which is forwarded, marked D;) to which I received a verbal answer, stating that they were willing to hold a talk, but must refer the subject to the decision of their king as to the place of meeting, but promised to apprise me of the result in a very short time. Their opposition to this place arises from a fixed determination to keep their people at as great a distance from the public stores as possible. This was the true and only reason why their last meeting was held at Oostannally; there, they knew I could not furnish arms; and, in return, I would not agree to furnish one ration for their use. This day the council adjourned about two o'clock, P. M., neither party having gained a single specific point, though the conquest is claimed on the part of the United States, in consequence of the enemy being silenced at every onset, both written and verbal; and so obvious was this, that the Hon. Elias Earle, of South Carolina, and all other disinterested spectators, marked the progress of its decision as to external appearances; and I feel very certain that, if a national meeting takes place as proposed, it will give a deathblow to their enmity, even if a general extinguishment of title should not take place, as heretofore spoken of; though of that I entertain few doubts, if any, provided the President and yourself should agree to the plan, of which I will treat more at large in my next.

In the proposition submitted, I have unauthorizedly proposed the payment of the sum stipulated to be paid by General Jackson's treaty; though I flatter myself that, when all things are taken into view, (I mean the great distress they labor under for the want of money, and the immense advantage that would result to the United States from being acquitted of the trouble and charge of settling the Cherokees west of the Mississippi,) my conduct on this occasion will meet the approbation of the administrators of my country. A copy of my plan, which will be in addition to the one now forwarded, will form a part of my next.

I have the honor to be, with great respect, your obedient servant,

JOSEPH McMINN.

Hon. JOHN C. CALHOUN, *Secretary of War.*

A.

A copy of a proposition submitted to the honorable Secretary of War, in July, 1818, by Joseph McMinn.

The United States, by their agent, Joseph McMinn, will give to the whole Cherokee nation all the public stores now on hand at the agency, and all the boats and other property not disposed of previous to this date, and also such sums of money as may hereafter be agreed upon.

In consideration of the receipt of money and articles of property heretofore enumerated, which is hereby acknowledged to have been received, the whole Cherokee nation, by their chiefs in open council now assembled, do, of their own voluntary will and accord, agree to surrender to the United States, and forever quit claim and possession to, the whole extent of their nation on the east side of the Mississippi, upon the simple and plain terms contained in the late treaty, entered into on the 8th of July, 1817, by which all who choose to become citizens of the United States shall be received and considered as such in all respects; that is to say, the head of each Indian family may obtain a reservation of six hundred and forty acres of land, to be laid off and held agreeably to the eighth article of the treaty aforesaid. And the residue of the Cherokee people, who are not disposed to make reservations in manner aforesaid, shall, each and every of them, be entitled to lands on the Arkansas and White rivers, in common with all who have previously removed thither.

And in order to foreclose all misconstructions respecting this agreement, the parties each declare that it is only to be considered as a measure calculated to hasten the execution of the existing treaty, and will neither add to, nor diminish from, that instrument, but will be obligatory and binding on the parties, to wit:

The United States, by their agent, Joseph McMinn, Governor of the State of Tennessee, do stipulate that the United States shall surrender to the whole Cherokee nation all the aforesaid articles of property and one-half of the money (say in current bank notes) stipulated to be given, upon the parties aforesaid signing and sealing this agreement; and the remaining half of the money (say bank notes as aforesaid) shall be paid at the expiration of two years from the date hereof: which articles of property, and the several sums of money, shall be considered by the whole Cherokee nation as releasing the United States, in future, from all trouble and expense in purchasing all or any of the articles stipulated by the United States to be given to the Arkansas emigrants, in pursuance of the treaty of the 8th of July, 1817.

And the chiefs, headmen, and warriors of the whole Cherokee nation do further stipulate, that, within two years from the signing and sealing of this agreement, the whole Cherokee nation shall surrender to the United States their

possession and entire claim to all their land lying east of the Mississippi river, except those who may have taken reservations.

And the United States, by their agent, further stipulate, that, on the completion of this agreement, the annuities for the present year shall be paid to the whole Cherokee nation, including all those who are called Arkansas Cherokees, without unnecessary delay; and the annuities for the year 1819, and every succeeding year, shall be paid at the Cherokee agency on the Arkansas and White rivers, in the same manner, and to the same amount, as though the residence of the Cherokees had never been changed.

And the United States do further agree, upon the foregoing propositions being entered into, to pay to the whole Cherokee nation, within three months after the ratification of the treaty, \$———; and within three months thereafter, the additional sum of \$50,000.

Copy of a letter from Joseph McMinn to the Secretary of War.

SIR:

CHEROKEE AGENCY, July 7, 1818.

I promised you, in my last, to do myself the honor of enclosing you a copy of the plan which I took the liberty to propose to the council of the Cherokee nation as the most likely, in my estimation, to effect a sudden and entire abandonment of their claim; and although I am extremely anxious to see the treaty executed, yet it affords me great pleasure to find that they did not close the contract. I have now ample opportunity of submitting my entire views, which will enable the President and yourself to give me such instructions for my future guidance as will enable me to transact the business agreeably to your pleasure.

The views of the opposition party are now pretty clearly developed in the documents which I did myself the honor to enclose by the last mail; they will, however, appear infinitely less harmless to you than to those who can connect their individual actions and declarations with their official acts; their avowed object is, to take the enumeration as soon as possible, with the expectation that the greater portion of their people will be found here, when, by the terms of the treaty, a tract of country will be laid off for them, upon which they and their heirs will live in the full enjoyment of all their savage customs. These sentiments were expressed to me by Hicks, the head of the old nation, and reiterated in council. In fact, Hicks says publicly that if six chiefs (whom he has not named) remain with him, he will insure them and their friends rest in their present possessions, during his life at least.

The council, in answer to me, say they disavow the right of reservations being made, except on the lands ceded at the treaty; but to their countrymen, they openly pronounce the penalty to be death; the literal fulfilment of which many of them believe in with as much certainty as the Christian in his God: were it not for these declarations, I should be able to enrol for emigration nearly their whole nation. To obviate these restraints, I tell them every where that the United States stand pledged to protect the Arkansas emigrants against all their enemies; and notwithstanding this declaration was made repeatedly at the last talk, yet, so completely are they under the control of Hicks and others, that those who have given me assurances of their going to the West dare not even look at me nor speak to me, unless after night, and then they would keep themselves concealed in the grass and the bushes, as though in the land of their enemies; and since I have commenced writing this letter, two principal chiefs have come to this place, under a similar situation, with a view to enrol for migration, who have just notified me that they will stay all night, for the purpose of effecting their wishes.

Having endeavored, in some degree, to delineate the situation of affairs in this nation, I will now proceed to state my own views, and endeavor to show why I have assumed a much higher ground than had ever been taken here before; and, in doing this, I trust you will decide with me, when all things are taken together, from my first coming to this place to the present day, that it will require very little argument to show that the enemies of the treaty have evidently determined on its overthrow; though, as I very much desire to place the subject in its own garb, and to recite, as briefly as I can, the ground I took to counteract their views, I will bring to your recollection what I stated to you in January last, namely, that the light horse of the nation were assembled on the first day I had appointed for issuing arms, &c., for the express purpose of wresting the property out of the hands of the emigrants, under the pretext of old debts. This attempt to intimidate and rob the emigrants of the arms, &c. was met by a general order, declaring, in unequivocal terms, that, if they did not desist from the practice, (for they had commenced prior to notice given,) I would view it as an act of hostility against the United States, and would punish the perpetrators with an armed force; which order had the happy effect of putting a total stop to their designs. The next attempt to thwart the views of Government, of an official character, was refusing to meet here in council on the 20th May last; a copy of which refusal is herewith enclosed, (marked E.) This refusal was accompanied by an order of the council, (though not inserted in the papers above referred to,) by which runners were sent through every section of the nation, where the least hope of success was entertained, forbidding their attendance, under their accustomed penalties; the effect of which I stated to you immediately after the adjournment of our meeting. And further to express their enmity, they held their meeting above referred to on the same day, and within twenty miles of the place where the Arkansas chiefs held their talk on the 6th of May last. After the termination of the talk here, it was conceived most advisable to give them a second invitation, as was stated in my letter of the 8th of June last, by which to adjourn their meeting to this place, where they would have provisions furnished at their father's expense. To this request, which I thought a little humiliating to the Government, they gave for answer that which is contained in the enclosed paper, (marked F,) which cannot be considered more than barely respectful to the Government, but which was founded, as I remarked in my last, upon a determination to keep the public stores and their people separate. Upon the receipt of these papers, you will have before you all the written correspondence which I have received from the Cherokee chiefs, from which you will be enabled to judge how far I have acted consistent with my duty and the interest of my country. And here I repeat the solicitations contained in my letter of the 8th June, in which I expressed a wish to be instructed as to the precise course I must pursue, and for that purpose I have drawn up the articles proposed to be entered into with the Cherokees, for your inspection, a copy of which is enclosed, (marked G.) This paper has never been presented to them, nor did I deem it discreet, until they should express a wish to enter into the arrangement; you will, therefore, perceive that the Government is not bound, except to renew the propositions submitted and enclosed to you by last mail. At next meeting, (should one take place,) you therefore can take such course with that paper as you may think proper, without any violation of good faith; though I will take the liberty of suggesting that, if it may be thought advisable to keep it at rest, perhaps policy would dictate the propriety of attaching a condition which would amount to a rejection. However, should the principle be approved of, I would very much prefer that the whole should be written in your office, and signed with your own hand; and, in some part or other, let it be expressed that it emanated from the President, who is always esteemed their father and their only friend; and should you think proper to conclude with your accustomed liberality as to the extent of my power, and also to express your approval of such parts of my con-

duct as you may conceive to merit it, the favor will be acknowledged. I have taken the liberty of making these requests from motives of interest to my country, and to let the party opposing the Government discover their error in charging entirely to me what they conceive to be absolute oppression. In fact, they told me in council, at Oostannally, that they did not believe their father knew how much they were opposed to the treaty, nor how much it would, in its operation, disturb their peace, as he had always permitted them to do as they please.

If it should be deemed necessary to authorize me to vary the general propositions, would it not be proper to give those instructions in a private letter? as I have promised them I would ask their father to give me directions how he wished me to act with his red children, and that I would read his talk to them. And so far as it goes to second the course I have taken, I will underwrite for its being carried into effect, and with infinitely less trouble and risk than upon any other plan within my knowledge. When I take into view the stupendous plan of Government in opening the way to an entire extinguishment of native claim east of the Mississippi, and the immense importance of consolidating the settlements from the northern lakes to the Floridas, I cannot but suppose the declaration of independence, on the part of the Cherokees, as recently expressed, merits some attention; for, on its adoption, a similar declaration will issue in behalf of the neighboring nations. This principle once established, would be subversive of all order, peace, and happiness here, as well as to overthrow the present treaty.

I still hold the commissions of Brown and Young, and shall continue to do so until I receive your order to the contrary. In the application for a suspension of taking the census, I asked until the 1st of November. I was aware that that period would keep back a comparison of numbers until next spring; by which time, I trust, many more than the half will have gone to the West. The Cherokees agreed to suspend until 1st of September; to which I replied that, as they did not agree to the whole of the requests, I could not close with their proposal until advised by the Government, so that they will necessarily look for a considerably delay. I adopted this course by way of retaliation.

Colonel Meigs put a letter into my hands, a copy of which is herewith enclosed, (marked H,) which goes to show how much pains has been taken with them, in order to afford a thorough knowledge of the views of Government. But, sir, I am sorry to say that reason has very little influence on their minds, and justice seems to have still less; for, on the second night after my arrival, they stole two very valuable horses from me, which I have not heard of since.

I have ordered the commissioner for valuing improvements to proceed no further in the discharge of his duties, until he may be otherwise advised; in fact, those few valuations which he has made have never yet been known to any other person than myself. I still entertain the same opinion expressed in my letter of the 8th of June; and should we have the good fortune to hold a meeting in September, it is possible something may grow out of that in favor of the United States. At all events, I will not permit the commissioner to proceed, until I am advised by you.

I beg you to write me fully, as soon as your convenience will suit, and address to Murfreesborough, for which place I will leave here on the 10th instant, and, when there, will advise you of the time of my return, and of every necessary information. In the mean time, I am well aware that many things are mentioned in this letter which I have previously communicated, but my design was to bring the whole situation of this business before you in the smallest bounds I possibly could. After having done so, I subscribe myself, with very great respect and esteem,

Your obedient and very humble servant,

JOSEPH McMINN.

Hon. JOHN C. CALHOUN, *Secretary of War.*

18th CONGRESS.]

No. 216.

[2d SESSION.

TREATY WITH THE QUAPAW TRIBE.

COMMUNICATED TO THE SENATE, JANUARY 19, 1825.

To the Senate of the United States:

WASHINGTON, January 17, 1825.

I transmit to the Senate, for its advice and consent as to the ratification, a treaty, which has been concluded by a commissioner duly authorized for the purpose, with the Quapaw Indians in Arkansas, for the cession of their claim to lands in that Territory. I transmit, also, a report from the Secretary of War, with other documents relating to this subject.

JAMES MONROE.

SIR:

DEPARTMENT OF WAR, January 6, 1825.

I have the honor to lay before you the enclosed treaty, which has been concluded with the Quapaw Indians, under the provisions of an act of Congress of the last session, for the extinguishment of their title to lands in the Territory of Arkansas, accompanied by a copy of the instructions of this Department to the commissioner, and of his letter transmitting the treaty.

I have the honor to be your obedient servant,

J. C. CALHOUN.

To the PRESIDENT OF THE UNITED STATES.

Articles of a treaty between the United States of America and the Quapaw nation of Indians.

ARTICLE I. The Quapaw nation of Indians cede to the United States of America, in consideration of the promises and stipulations hereinafter made, all claim or title which they may have to lands in the Territory of Arkansas comprised in the following boundaries, to wit: Beginning at a point on the Arkansas river, opposite to the post of Arkansas, and running thence a due southwest course to the Ouachita river; and thence, up the same, to the Saline fork; and up the Saline fork, to a point from whence a due northeast course will strike the Arkansas river at Little Rock; and thence, down the right (or south) bank of the Arkansas river, to the place of beginning.

ART. 2. In consideration of the cession made in the first article of this treaty, by the aforesaid chiefs and warriors, the United States engage to pay to the four head chiefs of the Quapaw nation the sum of five hundred dollars each, in consideration of the losses they will sustain by removing from their farms and improvements; the payment to be made at the time they receive their annuity for the year eighteen hundred and twenty-five; and, also, to the said nation, the sum of four thousand dollars, to be paid in goods, at the signing of this treaty. And the United States also engage to pay to the Quapaw nation one thousand dollars in specie, annually, for the term of eleven years, in addition to their present annuity.

ART. 3. The United States hereby guaranty to the said nation of Indians the same right to hunt on the lands by them hereby ceded as was guarantied to them by a treaty concluded at St. Louis, on the twenty-fourth of August, eighteen hundred and eighteen, between the said Quapaw nation of Indians, and William Clark and Auguste Chouteau, commissioners on the part of the United States.

ART. 4. The Quapaw tribe of Indians will hereafter be concentrated and confined to the district of country inhabited by the Caddo Indians, and form a part of said tribe. The said nation of Indians are to commence removing to the district allotted them before the twentieth day of January, eighteen hundred and twenty-six.

ART. 5. For the purpose of facilitating the removal of the said tribe to the district of country allotted them, and as a compensation for the losses sustained, and the inconveniences to which they may be exposed, by said removal, the United States will furnish them with corn, meat, and salt, for six months, from the first day of January, eighteen hundred and twenty-six.

The United States further agree to furnish a sum, not exceeding one thousand dollars, to be expended by their agent, to facilitate the transportation of the said tribe to the district of country herein assigned them. An agent, sub-agent, or interpreter, shall be appointed to accompany said tribe, and to reside among them.

ART. 6. From the cession aforesaid, there shall be reserved to James Scull, in consideration of a debt of seven thousand five hundred dollars, due to him from the Quapaw nation, and recognised in open council, two sections of land, commencing on the Arkansas river, opposite to Mrs. Embree's, and running up and back from said river for quantity. And the United States guaranty to the Quapaw nation the payment of the said debt of seven thousand five hundred dollars, either by the ratification of the grant made in this article, or by the payment of said amount in money, exclusive of the amount stipulated to be paid to the said nation by this treaty.

ART. 7. There shall be granted by the United States to the following persons, being Indians by descent, the following tracts of land: To François Imbeau, one quarter-section of land, commencing at a point on the Arkansas river, opposite the upper end of Wright Daniel's farm, and thence up and back from said river for quantity. To Joseph Duchassin, one quarter-section of land, commencing at the lower corner of the quarter-section granted to François Imbeau, and running down and back from said river for quantity. To Saracen, a half-breed Quapaw, eighty acres of land, to be laid off so as to include his improvement, where he now resides, opposite Vaugines. To Baptiste Socie, eighty acres of land, lying above and adjoining Saracen's grant. To Joseph Bonne, eighty acres of land, lying above and adjoining Socie's grant. To Baptiste Bonne, eighty acres of land, lying above and adjoining Joseph Bonne's grant. To Lewis Bartelmi, eighty acres of land, lying above and adjoining Baptiste Bonne's grant. To Antoine Duchassin, eighty acres of land, lying above and adjoining Bartelmi's grant. To Baptiste Imbeau, eighty acres of land, lying above and adjoining A. Duchassin's grant. To François Coupot, eighty acres of land, lying above and adjoining Baptiste Imbeau's grant. To Joseph Valliere, eighty acres of land, lying above and adjoining François Coupot's grant. All the said tracts of land shall be laid off, so as to conform to the lines of the United States' surveys, and binding on the Arkansas river.

ART. 8. This treaty shall take effect, and be obligatory on the contracting parties, so soon as the same shall be ratified by the Senate of the United States.

In testimony whereof, the commissioner on the part of the United States, Robert Crittenden, and the undersigned chiefs and warriors of the said nation, have hereunto subscribed their names and affixed their seals.

Done at Harrington's, in the Territory of Arkansas, on the fifteenth day of November, A. D. eighteen hundred and twenty-four, and of the independence of the United States the forty-ninth.

ROBERT CRITTENDEN.

[Signed, also, by the chiefs and warriors of the Quapaw nation of Indians.]

SIR:

WAR DEPARTMENT, June 26, 1824.

By an act of Congress of the 26th ultimo, seven thousand dollars are appropriated towards the extinguishment of the right of the Quapaws to lands in the Territory of Arkansas; and I have the honor to enclose you a commission from the President of the United States, appointing you to treat with those Indians for the accomplishment of this object, and for the compensation to your secretary, the selection of whom is left with you.

It is desirable that this treaty be held as early as practicable. The disposition to be made of the Quapaws will engage your attention. That which is most desirable is, to incorporate them (if this can be done in the spirit of mutual friendship and good feelings) with the Caddoes; if this cannot be effected, with some other tribe; but if such a union cannot be accomplished, then you will make the best disposition of them which may be practicable.

Confiding in your prudence that the treaty will be held with the least possible expense, it is deemed unnecessary to give you any particular instructions on this point.

The provisions will be obtained on contract, on the most moderate terms, and the rations issued will be on account, and according to the number receiving them, which you will be particular in stating. As you are on the spot, and the Quapaws but few in number, it is expected that a short time only will be required to accomplish the objects of the commission, and at a reasonable expense. A warrant for the appropriation has issued in favor of the Hon. Henry W. Conway; but as it may not require the whole of it in making this treaty, you will, as soon as the treaty is completed, transmit your accounts and vouchers for settlement, so that the unexpended balance (if any) may be returned to the treasury. The sum appropriated is intended to cover all the expenses connected with the commission, as well your pay as commissioner, and the pay of your secretary, as the disbursements which you may make in holding the treaty.

Your compensation will be at the rate of eight dollars, and that of your secretary to the commission at the rate of five dollars per diem, for the time you are actually engaged. The payment will be made on your certificate of honor, specifying the time that you and the secretary have been actually engaged. Your certificate, also, will be a necessary voucher for the items of expenditure under the commission.

I have the honor, &c.

J. C. CALHOUN.

ROBERT CRITTENDEN, Esq.,
Secretary and Acting Governor, &c. of the Arkansas Territory.

SIR:

LITTLE ROCK, *November 24, 1824.*

Mr. Thomas W. Newton, the secretary of the Quapaw treaty, will present to you the result of my negotiations on the subject.

I have deemed it improper to trust a paper of its importance to our precarious mails. I have stipulated nothing with him as to compensation; he carries it on, relying solely upon your adjudication of his claim.

I have the honor to inform you that the entire wishes of your Department have been met in the treaty which has been concluded. I regret the impracticability of a compliance with a part of your letter of instructions, as to a designation of the number of Indians rationed each day. The number upon the treaty ground fluctuated, hourly, from fifty to one hundred and fifty.

An Indian will eat two United States rations each day for ten days; and if I had limited them to one, I have no hesitation in saying they would have deserted the treaty ground. They were much averse to a cession of their entire claim, and I was constrained to resort to every honorable means to gain upon their feelings, and obtain their confidence. You will perceive by my accounts that, to effect this object, I was not only compelled to give them as much as they would eat, but that I presented them with one blanket each, and the chiefs each a uniform coat. I flatter myself, however, that if I have exceeded your estimate of the probable expenses of holding this treaty, it will, in your estimation, be more than counterbalanced by the reduced price for which I have obtained their land.

The Indians insisted, from the earliest stages of the treaty, on receiving as a prompt payment, in case of sale, the same amount as paid (by Governor Clark) to them on a similar occasion. I found it necessary to comply with this request, and obtained for them the articles they wished, to the amount of four thousand dollars; for which their receipts are forwarded, to be credited, as you will perceive by the treaty, as a payment of that amount out of the fifteen thousand dollars, the consideration money for the land ceded.

I have been constrained to allow them a few reserves or donations to half-breeds resident in the nation. You will find them few and very limited, with the exception of James Scull's: he is a white man. The treaty itself presents a fair statement of his case. I would barely remark, that he is poor, with a numerous family; that the benevolence of his disposition tempted him to credit them for the specified amount, and that almost abject poverty will be the consequence of his failure to obtain remuneration.

The Indians will join the Caddoes, for which purpose they will immediately set on foot negotiations; their allowance of provisions is estimated as barely sufficient to enable them to reach their new home.

I have been in much pain at my inability to comply sooner with your wishes in holding this treaty; but the want of the essential articles for doing so, my being compelled to send to the banks of the Ohio for them, and the indisposition of my family during the summer, will, I hope, be deemed sufficient apologies.

I have had no precedents to guide me in this treaty, never having been at one previously. I apprehend, therefore, inaccuracies in the accounts, and possibly in the treaty. I am conscious that I paid the four thousand dollars on my own responsibility; the residue of the disbursement I designed to be strictly within the limits of your instructions—in their spirit, at least, where an obedience to the letter was impossible. For any further information relative to the disbursements or to the accounts forwarded, I refer you to Mr. Newton.

I have the honor to be, very respectfully, your obedient servant,

ROBERT CRITTENDEN.

Hon. JOHN C. CALHOUN, *Secretary of War.*

N. B.—I omitted to remark, in the body of my communication, that, as I had received six thousand four hundred dollars only out of the seven thousand five hundred dollars appropriated, and as the surplus on the account rendered is a strain on my limited means, I would be much obliged to you to forward the money, if consistently you can, from the residuum of the contingent appropriation.

R. C.

18th CONGRESS.]

No. 217.

[2d SESSION.]

ABOLITION OF INDIAN TRADING-HOUSES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, ON THE 21ST OF JANUARY, 1825.

*To the House of Representatives:*WASHINGTON, *January 20, 1825.*

In compliance with a resolution of the House of Representatives of the 19th December, 1822, requesting the President to communicate "what progress has been made in the execution of the act of last session entitled 'An act to abolish the Indian trading establishment,' with a report from the factories, respectively, as the same may be made to him," I herewith transmit a report from the Secretary of the Treasury, with documents which contain the information requested.

JAMES MONROE.

SIR:

TREASURY DEPARTMENT, *January 10, 1825.*

I have the honor to submit, herewith, a report from the late agent for settling the concerns of the United States trading establishment with the Indians; which report, with those heretofore transmitted, contains the information requested by a resolution of the House of Representatives of the 19th December, 1822, referred by you to this Department.

I have the honor to be, with great respect, your obedient servant,

WM. H. CRAWFORD.

The PRESIDENT OF THE UNITED STATES.

SIR:

INDIAN OFFICE, WASHINGTON, *October 25, 1824.*

I have the honor to submit the following statements, which, with those submitted on the 1st December last, embrace all the information called for by a resolution of the House of Representatives of the 19th December, 1822, in the following words: "*Resolved*, That the President be requested to communicate to this House what progress has been made in the execution of the act of last session, entitled 'An act to abolish the Indian trading establishment,' with a report from the factories, respectively, as the same may be made to him." The general statement, with the abstracts referred to therein, marked from A to N, inclusive, exhibit the amount and description of the property received by the agents appointed to wind up the concerns of the United States Indian trading establishment, from the superintendent of Indian trade and the factors, respectively. The papers numbered from No. 1 to No. 11 exhibit the amount of property received by the several agents, and their respective returns as to the disposition of it. From these statements, it will be seen that the merchandise, of every description, which was turned over to the agents by the superintendent and factors, has been sold; that the agents have accounted for the property thus turned over, and adjusted their accounts; and that the nett proceeds, so far as they have come into the hands of the principal agent, have been paid into the treasury. The consolidated statement, numbered 12, exhibits the total amount of property received by the new agents from the superintendent and factors; the total amount of salaries, commissions, and other expenses incurred in winding up the concern; the amount of debts not collected; the amount of buildings unsold; the amount of loss on the sales of merchandise, &c.; and the ascertained loss in winding up the concern to the 1st of October, 1824.

The factory buildings on the Arkansas and Red rivers, and that at Chicago, have been sold. The others have been put into the possession of officers commanding posts near where they are situated, to be disposed of, under instructions from the Department of War. The Indian agents residing at or near the late factories have been furnished with lists of the Indian and other debts due to them, respectively; and have been instructed, from the Department of War, to use their best endeavors to collect them. Many of the notes taken for sales of property, made by the new agents, are lying over under protests. They have all been placed in the hands of the United States district attorneys for collection, who have found it necessary to put some of them in suit. There is good reason, however, to believe that there will, eventually, be little or no loss in the collection of these notes, which are designated in the consolidated statement as "bills receivable."

I have the honor to be, very respectfully, your obedient servant,

GEORGE GRAHAM, *Late Agent.*

To the Hon. WILLIAM H. CRAWFORD, *Secretary of the Treasury.*

Statement exhibiting the amount of property, of various kinds, received by the several agents appointed to wind up the concerns of the United States Indian Trade Establishment, as more particularly shown by the abstracts referred to.

Names of agents.	Factories.	Amount.
George Graham, principal agent, - -	Georgetown, per abstract A, - -	\$47,343 01
George Graham, principal agent, - -	- - B, - -	14,769 50
Daniel Gantt, do. - -	Prairie du Chien, - C, - -	38,801 33
Samuel Blunt, do. - -	Fort Osage, - D, - -	31,640 07
William Gibson, do. - -	Fort Armstrong, - E, - -	9,312 90
Thomas G. Ringgold, do. - -	Green Bay, - F, - -	11,742 81
Abraham B. Lindsley, do. - -	Chicago, - G, - -	15,637 62
George P. Forrest, do. - -	Arkansas, - H, - -	18,501 18
Robert N. Johnson, do. - -	Red River, Louisiana, I, - -	11,763 29
Henry Randall, do. - -	Choctaw nation, - K, - -	49,262 59
Balances due the establishment, which are not included in any of the foregoing abstracts, per abstract herewith, - -	- - L, - -	37,246 65
Balance due on account of salaries to the late factors, paid out of the factories prior to the transfers to the new agents, and not included in any of their receipts, per abstract - -	- - M, - -	3,489 56
		289,780 51
Deduct this sum, for debts due from the late Indian trade establishment at the time of the transfer, per abstract - -	- - N, - -	18,195 38
		\$271,585 13

A.

Abstract of property, of various kinds, received by George Graham, principal agent for winding up the concerns of the late Indian Trade Department, from Thomas L. McKenney, late Superintendent of Indian Trade, on the 14th June, 1822.

Merchandise, - - - -	\$31,473 97
Cash, - - - -	6,856 35
Debts, - - - -	9,012 69
	\$47,343 01

B.

Abstract of moneys received by George Graham, principal agent, on account of sales of property not included in the receipt of the principal agent to the late Superintendent of Indian Trade, or in the receipts of the new agents to the factors.

Date.	From whom received.	For what received.	Amount.
1822.			
June 16,	Bernard Gilpin,	- On account of skins sold by the late superintendent of Indian trade,	\$60 00
Sept. 6,	George S. Gaines,	- On account of Choctaw factory,	43 92
October 31,	Sundry persons,	- Skins sold them this day,	1,502 05
Dec. 16,	Geisse & Korckhauß,	- Skins sold them by the late superintendent Indian trade,	7,538 30
Dec. 22,	Joseph L. Dias,	- Skins sold by him in New York,	2,750 00
Dec. 25,	Joseph L. Dias,	- Skins sold by him in New York,	868 50
1823.			
January 5,	Sundry persons,	- On account of skins sold in October last,	1,465 23
June 30,	Thomas C. Wright,	- On account of skins sold him by the late superintendent of Indian trade,	50 00
June 30,	Joseph L. Dias,	- Skins sold by him in New York,	212 87
<i>Add the following, received since December 1, 1823, viz:</i>			
Dec. 13,	H. Johnson, ag't at Pittsburg,	Balance which remained in his hands,	98 37
1824.			
March 6,	B. Gilpin,	- On account of skins sold to him by the late superintendent of Indian trade,	40 00
April 20,	H. Johnson,	- Articles sold by him in Pittsburg,	74 50
August 19,	Thomas C. Wright,	- On account of skins sold by the late superintendent of Indian trade,	65 76
			\$14,769 50

C.

Abstract of property of various kinds received by Daniel Gantt, agent for winding up the concerns of the Prairie du Chien Factory, as per his receipt to John W. Johnson, late factor, dated 30th September, 1822.

Merchandise, - - - -	\$25,478 06½
Furs and peltries, - - - -	616 00
Lead, - - - -	81 20
Sugar, - - - -	90 62½
Wild oats, - - - -	8 35
Tallow, - - - -	105 97½
Flour, - - - -	119 15
Feathers, - - - -	20 50
Mats, - - - -	35 50
Wood, - - - -	36 00
Cash, - - - -	1,003 85
Debts, - - - -	6,608 11¾
Buildings, - - - -	4,598 00
\$38,801 '33	

D.

Abstract of property of various kinds received by Samuel Blunt, agent for winding up the concerns of the Osage Factory, as per his receipt to George C. Sibley, late factor, dated 5th November, 1822.

Merchandise, tools, and furniture, -	\$17,609 24½
Furs, peltries, and other produce, -	3,722 02½
Buildings, - - - -	6,203 00
Debts, - - - -	4,105 80
\$31,640 07	

E.

Abstract of property of various kinds received by William Gibson, agent for winding up the concerns of the Fort Armstrong Factory, as per his receipt to Robert B. Belt, late factor, dated 1st January, 1823.

Merchandise, furniture, and tools, -	\$8,108 47¾
Buildings, - - - -	519 50
Stationary and desk, - - - -	14 60
Peltries, - - - -	4 50
Cash, - - - -	665 82¼
\$9,312 90	

F.

Abstract of property of various kinds received by Thos. G. Ringgold, agent for winding up the concerns of the Green Bay Factory, as per his receipt to Matthew Irwin, late factor, dated October 24, 1822.

Merchandise, furniture, &c., from Mr. Irwin, -	\$5,615 37¾
Merchandise, furniture, &c., from Governor Cass, at Detroit, -	136 00
\$5,751 37¾	
Debts, - - - -	5,991 44
\$11,742 81¾	

G.

Abstract of property of various kinds received by A. B. Lindsley, agent for winding up the concerns of the Chicago Factory, as per his receipts to Jacob B. Varnum, late factor, dated 1st August, 1822, and to Governor Cass, dated 9th December, 1822.

Merchandise, - - - -	\$13,646 33
Cash, - - - -	706 15
Furs and peltries, - - - -	369 54
Indian debts, - - - -	400 35
Factory buildings, - - - -	515 25
\$15,637 62	

H.

Abstract of property of various kinds received by George P. Forrest, agent for winding up the concerns of the Arkansas Factory, as per his receipt to Barak Owens, late acting factor, dated the 12th February, 1823.

Merchandise, - - - -	\$6,645 44½
Cash, - - - -	840 22
Furs and peltries, - - - -	4,263 60
Debts, - - - -	6,551 91½
18,301 18	

Add for factory buildings omitted above, put down at what they sold for, which was not ascertained on the 1st December, 1823, when the above statement was made, -

200 00

\$18,501 18

I.

Abstract of property of various kinds received by Robert N. Johnson, agent for winding up the concerns of the late factory on the Sulphur fork of Red river, per his receipt to William McClellan, the late factor, dated 1st February, 1823.

Merchandise,	-	-	-	-	-	\$6,401 87
Cash,	-	-	-	-	-	8 50
Furs and peltries,	-	-	-	-	-	1,734 97
Debts,	-	-	-	-	-	1,055 95
Factory buildings,	-	-	-	-	-	2,562 00
						<u>\$11,763 29</u>

K.

Abstract of property of various kinds received by Henry Randall, agent for winding up the concerns of the Choctaw Factory, as per his receipt to John Hersey, late factor, dated the 1st of October, 1822.

Merchandise,	-	-	-	-	-	\$16,451 11
Peltry and other produce,	-	-	-	-	-	12,400 00
Debts due,	-	-	-	-	-	12,702 48
Bills receivable,	-	-	-	-	-	257 82
Cash,	-	-	-	-	-	3,814 23
Factory buildings,	-	-	-	-	-	2,990 14
						<u>\$48,615 78</u>

Add for an invoice of blankets sent to the Choctaw Factory in December, 1821, left blank in the inventory receipted by Henry Randall, the agent for winding up that factory, and not included in the above amount, - - -

646 81

\$49,262 59

L.

Abstract of balances due the late United States Indian Trade Department, not included in the receipts of any of the new agents appointed to wind up the concerns of said establishment, viz:

Due from James Kennerly, late agent at St. Louis, Missouri, as per statement of his account, forwarded by the Fifth Auditor to the District Attorney, to put in suit, -	-	-	-	-	-	\$29,890 59
Due from Major A. R. Woolley, late agent at Pittsburg, as per statement of his account, -	-	-	-	-	-	988 42
Due from the Indian Department for goods delivered out of the Marie Decine Factory to Richard Graham, Esq., Indian agent, to indemnify the Osage tribe for the discontinuance of the factory, prior to the transfer to the new agents, -	-	-	-	-	-	2,553 95
Amount of goods taken by Governor Cass, superintendent of Indian affairs, Detroit, out of the merchandise lodged in his hands from the Chicago and Green Bay Factories, in the year 1822, and used by him in his department, cost -	-	-	-	-	-	2,874 90
						<u>\$36,307 86</u>

Add the following, ascertained since the 1st December, 1823, and included in the foregoing, viz:

Due from James Kennerly to the Fort Armstrong Factory, per statement of R. B. Belt, late factor,	-	-	-	-	-	197 76
Due from the Indian Department to said factory, as per statement of R. B. Belt, late factor, -	-	-	-	-	-	1,007 22

37,512 84

Deduct this amount, overcharged in the account of Major A. R. Woolley in the foregoing, -

266 19

\$37,246 65

M.

Abstract of salaries of the late factors at the United States Indian trading-houses, from June 4, 1822, to the dates of their delivering the property of their respective establishments to the new agents, viz:

John W. Johnson, factor at Prairie du Chien, from June 4 to November 5, 1822, at \$1,300 per annum,	-	-	-	-	-	\$548 59
Frederick Bernard, assistant at do., from June 4 to September 30, 1822, at \$650 per annum,	-	-	-	-	-	210 71
Robert B. Belt, factor at Fort Armstrong, from June 4 to December 31, 1822, at \$1,300 per annum,	-	-	-	-	-	746 42
John Connelly, assistant at do., same time, at \$650,	-	-	-	-	-	373 21
George C. Sibley, factor at Fort Osage, from June 4 to November 5, 1822, at \$1,300 per annum,	-	-	-	-	-	548 59
Lilburn W. Boggs, assistant at do., same time, at \$700,	-	-	-	-	-	295 33
John Hersey, factor at the Choctaw station, from June 4 to September 30, 1822, at \$1,300 per annum,	-	-	-	-	-	421 42
Benjamin Everett, assistant at do., same time, at \$700,	-	-	-	-	-	226 92
William McClellan, factor at Red river, from June 4 to October 15, 1822, at \$1,300 per annum,	-	-	-	-	-	475 49
Jacob B. Varnum, factor at Chicago, from 4th June to 15th August, 1822, at \$1,300 per annum,	-	-	-	-	-	258 93
Matthew Irwin, factor at Green Bay, from the 4th June to 24th October, 1822, at \$1,300 per annum,	-	-	-	-	-	506 20
Matthew Lyon and Barak Owens, factors at Arkansas, from 4th June, 1822, to 28th February, 1823, at \$1,300 per annum, -	-	-	-	-	-	959 47
P. B. Bazin, assistant at do., from the 4th June, 1822, to 12th February, 1823, at \$650 per annum,	-	-	-	-	-	450 85
Paul Baillio, factor at Marie Decine, from the 4th June to 2d November, 1822, at \$1,300 per annum,	-	-	-	-	-	538 01

6,560 20

Deduct as follows, viz:

This sum, paid by George Graham, in cash, on account of salaries to the factors, since the 4th June, 1822,	-	-	-	-	-	\$1,564 94
This sum due for salaries at this date,	-	-	-	-	-	1,505 70

3,070 64

Balance paid out of the trade fund, prior to the transfer to the new agents, -

-\$3,489 56

OCTOBER 1, 1824.

N.

Abstract of payments made by George Graham, principal agent, on account of debts due from the late Indian Trade Department, prior to the transfer to him from the late Superintendent of Indian Trade.

Date.	To whom paid.	For what paid.	Amount.
1822.			
June 19,	Charles A. Burnett, -	Silver work, -	\$391 70
July 15,	McCoy & Scallan, -	Balance due on their account to March 31, 1822, -	397 18
July 31,	Ditto, -	Balance due them, -	700 00
Sept. 2,	Gideon Davis, -	Stationary, -	5 50
Sept. 2,	J. L. Lihault, -	Cooperage, -	12 48
Sept. 18,	James Scull, agent, Arkansas, -	Due him for transportation, -	58 00
Sept. 18,	William Quynn, -	Repairing guns, -	4 00
Dec. 16,	Henry Derenger, -	Beaver traps, -	315 00
Dec. 16,	A. C. Cazenove, -	Powder, -	868 50
1823.			
January 3,	Daniel Kurtz, -	Rent of office, -	780 00
January 3,	J. Mason, -	Rent of warehouse, -	375 00
January 13,	James Thomas, -	Stationary, -	1 12½
January 29,	Hazel & Linthicum, -	Contingent articles, -	3 09
Feb. 27,	James Morrison, -	Transportation, -	58 12½
August 31,	Price & Morgan, -	Balance due them, -	29 3¼
August 31,	John Symington, -	Balance due him, -	456 60
			4,455 64
Add this sum, being the amount of the Chickasaw's annuity, forwarded in the year 1818, but not delivered, and subsequently transferred, by the Secretary of War's directions, to the trade fund, -			12,200 00
Add the following payments since the 1st of December, 1823, viz:			16,655 64
Dec. 27,	James Blutworth, balance due him, -	- - - -	76 50
1824.			
July 15,	James Scull, balance due him, -	- - - -	2 87
			16,735 01
Add this sum due for salaries prior to the 3d of June, 1822, -			1,460 37
			\$18,195 38

OCTOBER 1, 1824.

SIR:

INDIAN OFFICE, GEORGETOWN, *January 22, 1823.*

I enclose a copy of a letter addressed by me to William Clark, Esq., superintendent of Indian affairs at St. Louis, with his answer, and have to request your instructions as to the propriety of sending the goods on hand at this office to St. Louis, or as to such other disposition of them as you may deem most expedient. The absence of all demand for goods adapted to the Indian trade in this District, together with the embarrassed state of its commerce, and the consequent scarcity of money, make it certain that the goods cannot be sold here, either at private or public sale, except, at an immense sacrifice. I would therefore suggest the propriety of sending them to St. Louis, to be disposed of in conformity to the suggestions stated in the enclosed communications; or of shipping them to New York, under the charge of an agent, with instructions to sell them at vendue. The reasons for or against either of these modes of disposing of the goods will so readily suggest themselves to you, that it is unnecessary for me to recapitulate them.

With great respect, your obedient servant,

GEORGE GRAHAM, *Agent.*

The Hon. WILLIAM H. CRAWFORD, *Secretary of the Treasury.*

SIR:

INDIAN OFFICE, GEORGETOWN, *November 7, 1822.*

I enclose you an invoice of the goods on hand at this office. Since the abolition of the Indian trading establishment, there is no demand at this place for Indian goods, and they cannot be sold here. I have proposed to the Secretary of the Treasury that they should be forwarded to you, to be used for Indian purposes for the years 1823 and 1824, and to be sold to individuals engaged in the Indian trade, allowing you a per centage on the amount disposed of by you, in either way. The goods are generally of good quality, particularly the woollens, which are excellent. As goods of this description are now lower than when these were imported, a deduction of twenty per cent. would be made on the invoice prices.

I must request the favor of you to inform me whether you think it probable that the goods could be disposed of in St. Louis, for Indian purposes, or otherwise; and whether you would undertake to dispose of the whole, or any part of them.

With great respect, your obedient servant,

GEORGE GRAHAM, *Agent.*

Gen. WM. CLARK, *Superintendent of Indian Affairs, St. Louis.*

SIR:

St. Louis, December 18, 1822.

By the last mail I received your letter of the 7th of November, accompanied by an invoice of Indian goods in the public store at Georgetown, which you have proposed to the Secretary of the Treasury should be forwarded to me, to be used for Indian presents for the years 1823 and 1824, and to be sold to individuals in the Indian trade, &c.

You express a wish to be informed whether it is probable that those goods can be disposed of in St. Louis for Indian presents or otherwise; and whether I would undertake to dispose of the whole, or any part of them, allowing me a per centage on the amount disposed of.

As the goods are believed to be generally of good quality, I have no doubt but a part of them would answer very well for Indian presents. I think it probable that a part may be sold to Indian traders, on a credit; but I much doubt if those goods can be sold for cash, at the prices you propose, as, by deducting twenty per cent. from the first cost, the price of the goods will not be less than the same articles are sold by Messrs. Berthold, Chouteau, & Pratte; Messrs. Stone, Bostwick, & Co.; and Messrs. Crooks & Co., merchants engaged in the Indian trade at this place, who import their goods, of an excellent quality, and credit the traders whom they furnish until they make their trade with the Indians, which is usually one year.

In making sales of Indian goods to individual traders, it is important to have all such articles as may be necessary to make (what they call) an equipment, &c. I observe by the invoice that all these articles are not embraced in it; there is a very great difference in the proportion of the several articles. The proportion of guns and blankets is too small, and red strouding, glass, &c. too large for other articles. However, many of the articles may be disposed of at private sale; and such as cannot be disposed of in that way, I can advise no better plan than their being sold at auction, or reserved as presents, to be delivered at some treaty, or to quiet Indian claims; in effecting which, they may be usefully disposed of, and on better terms than being sold at auction; and I think it not improbable that there will be some demand in the ensuing year. If it is thought advisable to order these goods, or any others, to me, they shall be attended to, and I will dispose of them in any way you may advise. It may not be amiss to observe, that there are, in the warehouse belonging to the Indian Department at this place, a quantity of factory goods, which, I have reason to believe, are of such inferior quality that they will not sell for much, and in no other way than at vendue, even at this place, which is considered, from its situation, to be the best calculated to sell Indian goods of any town on the continent; yet it has not been possible for the agent to dispose of them at private sale. Should you determine to send the goods mentioned in the invoice, or any part of them, to this place, to be disposed of, it will be important that they arrive here very early in the spring.

I remain, with sentiments of respect, your most obedient servant,

WILLIAM CLARK.

Mr. GEORGE GRAHAM.

SIR:

TREASURY DEPARTMENT, March 5, 1823.

I am directed by the President to request that the Indian goods now in your possession be sent to New York, to the address of Hone & Towns, of the firm of which Mr. Hone is a partner, with directions that, after reasonable notice, they be disposed of at auction, for notes payable to you, as principal agent, at sixty and ninety days, negotiable in the office of discount and deposit in New York.

I have also to request that the notes may be deposited in that office for collection.

I remain, with respect, your most obedient servant,

WM. H. CRAWFORD.

GEORGE GRAHAM, Esq. *Principal Agent*.

GENTLEMEN:

INDIAN OFFICE, GEORGETOWN, March 11, 1823.

By direction of the honorable the Secretary of the Treasury, I herewith enclose you invoice and bill of lading of ninety-seven packages of merchandise, the property of the United States, shipped on board the sloop Abeona, William H. Nicholls, master, to your address, amounting to \$31,175 28.

These goods you will please sell at auction, on a credit of sixty and ninety days, for notes with unexceptionable endorsers, negotiable and payable at the office of discount and deposit, New York, first giving two or three weeks notice of the sale in the papers of your city.

The notes you will deposit in that office for collection, and forward to me the cashier's receipt for them. As I have no samples of the goods to send you, it will be necessary to have the packages opened previous to the sale. I do not wish it to be known that the goods are the property of the United States, as purchasers are more apt to form combinations at the United States' sales than at those of individuals. I wish the tiers to be kept out of sight, as they would be immediately recognised as United States' property by persons engaged in the Indian trade. A large portion of the goods being strouds and blankets of the heaviest kinds, and well suited for the Indian trade, it is hoped they will command good prices. You will please forward your accounts as soon after closing the sales as practicable.

Very respectfully, I am, gentlemen, your obedient servant,

GEORGE GRAHAM, *Agent*.

Per JERE. W. BRONAUGH.

Messrs. HONE & TOWNS, *New York*.

SIR:

NEW YORK, March 17, 1823.

We have received this morning your favor of the 11th instant, with invoice and bill of lading of ninety-seven packages, shipped on board the Abeona, to our address. The vessel has not yet arrived, but, as soon as she gets here, you may rely upon our paying every attention to your instructions with regard to the goods.

Very respectfully, your obedient servants,

J. & P. HONE, & Co.

GEORGE GRAHAM, Esq.

GENTLEMEN:

INDIAN OFFICE, GEORGETOWN, May 3, 1823.

Your favor of the 17th March last I duly received; in which you acknowledge the receipt of my letter of the 11th of March, covering invoice and bill of lading of sundry packages of goods forwarded to you, per the sloop Abeona, for sale at auction. Not having since heard from you, I beg the favor of you to inform me whether the vessel arrived safe, and what progress you have made in disposing of the goods.

Respectfully,

GEORGE GRAHAM, *Agent*.
Per JERE. W. BRONAUGH.To Messrs. J. & P. HONE, & Co., *New York*.

SIR:

NEW YORK, *May 5, 1823.*

Herewith, we send account of sales of ninety-seven packages of merchandise, shipped by you to our address, by direction of the honorable Secretary of the Treasury. As you, doubtless, were aware of the depreciation of every description of merchandise since these goods were purchased, we presume you are prepared for the loss which our account exhibits.

We send certificate of deposit, to the credit of the Treasurer of the United States,	-	-	\$2,602 97
Sundry notes, as entered in bank book, (a loose receipt being refused,)	-	-	8,041 43
Which items, with discounts allowed for cash,	-	-	37 95
And cash paid for freight,	-	-	112 87
			-
Make the nett amount of sales,	-	-	\$10,795 22

At this season of the year, when the pressure of business employs every class of the mercantile community, we find considerable delay in making our collections. This has retarded our settlement with you longer than we wished, but we presume that no inconvenience has resulted to you.

We are, sir, very respectfully, your obedient servants,

J. & P. HONE, & Co.

GEORGE GRAHAM, Esq., *Agent Indian Office, Georgetown, D. C.*

GENTLEMEN:

INDIAN OFFICE, GEORGETOWN, *May 16, 1823.*

Your letter of the 5th instant, covering your account of sales, was duly received. Although I was prepared to expect considerable loss on the sale of the goods, yet I must confess that the loss which has been incurred has very far exceeded any calculations which I had made upon the subject. The money and notes, the proceeds of the sales, should have been deposited in bank to my credit, as agent. I have written to the cashier, and forwarded the orders of the Treasurer on the subject, and will thank you to call at the bank and have the proper entries made.

With great respect, gentlemen, your obedient servant,

GEORGE GRAHAM, *Agent.*

Messrs. J. & P. HONE, & Co., *New York.*

No. 1.

Abstract exhibiting the amount of property received by Daniel Gantt, agent for winding up the concerns of the United States Indian trading-house at Prairie du Chien, and the returns made by him for the same.

1822.				
Sept. 30,	To amount of property received from John W. Johnson, late factor,	-	-	\$38,801 33
" "	Cash received from George Graham, Esq.,	-	-	945 45
	<i>Returned as follows, viz:</i>			\$39,746 78
1823.				
August 20,	Furs and peltries,	-	-	\$916 87½
" "	Factory buildings,	-	-	4,798 50
" "	Cash,	-	-	975 91
" "	Uncurrent bank notes,	-	-	902 16
" "	Debts due, per list,	-	-	5,216 20
" "	Bills receivable for property sold by him,	-	-	14,504 93
" "	Factory books,	-	-	117 50
" "	Salary and travelling expenses,	-	-	2,480 81
" "	Contingencies,	-	-	961 93
" "	Due from William Gibson, late agent, for winding up the concerns of the Fort Armstrong factory,	-	-	14 30½
" "	Loss sustained on sales,	-	-	8,857 46
				\$39,746 78

No. 2.

Abstract exhibiting the amount of property received by the late William Gibson, agent for winding up the concerns of the United States Indian trading-house at Fort Armstrong, and the returns made by his administrator, Alexander Maxwell, for the same.

1822.				
December,	Amount of merchandise received from Daniel Gantt, agent at Prairie du Chien,	-	-	\$14 30
1823.				
January 1,	Amount of property received from R. B. Belt, late factor, per receipt,	-	-	9,312 90
" "	Cash received from George Graham, principal agent,	-	-	1,023 28
	<i>Returned as follows, viz:</i>			\$10,350 48
1824.				
March 10,	Bills receivable for property sold by him,	-	-	\$2,210 93
" "	Factory buildings and furniture left in the hands of Major Burbank at Fort Armstrong,	-	-	3,557 50
" "	Salary and travelling expenses,	-	-	1,806 40
" "	Contingencies,	-	-	169 94
" "	Cash,	-	-	127 00
" "	Loss sustained on sales,	-	-	2,478 71
				\$10,350 48

No. 3.

Abstract exhibiting the amount of property received by Samuel Blunt, agent for winding up the concerns of the United States Indian trading-house at Fort Osage, and the returns made by him for the same.

1822.					
Nov.	5,	Amount of property received from George C. Sibley, late factor,	-	-	\$31,640 07
"	"	Cash advanced by the principal agent,	-	-	726 72
		<i>Returned as follows, viz:</i>			
1823.					
May	24,	Cash,	-	\$1,500 00	
"	"	Bills receivable for property sold by him,	-	14,383 76	
"	"	Furs and peltries,	-	2,033 02	
"	"	Indian debts,	-	4,105 80	
"	"	Factory buildings,	-	6,203 00	
"	"	Salary and travelling expenses,	-	1,629 92	
"	"	Contingencies,	-	311 78	
"	"	Loss on sales,	-	2,199 51	
					\$32,366 79

No. 4.

Abstract exhibiting the amount of property received by Thomas G. Ringgold, agent for winding up the concerns of the United States Indian trading-house at Green Bay, and the returns made by him for the same.

1823.					
October	24,	Amount of property received at the factory from Matthew Irwin, late factor,	-	-	\$11,742 81
"	"	Cash received from principal agent, at sundry times,	-	-	1,123 73
		<i>Returned as follows, viz:</i>			
1824.					
Sept.	10,	Cash,	-	\$250 00	
"	"	Bills receivable for property sold by him,	-	1,628 71	
"	"	A screw and press, left in hands of Col. Perkins at Detroit,	-	271 65	
"	"	Building,	-	190 40	
"	"	Salary and travelling expenses,	-	2,040 04	
"	"	Contingencies,	-	124 46	
"	"	Debts due,	-	5,902 81	
"	"	Merchandise stolen by soldiers,	-	31 52	
"	"	Loss on sales,	-	2,426 95	
					\$12,866 54

No. 5.

Abstract exhibiting the amount of property received by A. B. Lindsley, agent for winding up the concerns of the United States Indian trading-house at Chicago, and the returns made by him for the same.

1822.					
October	24,	Amount of property received at Chicago factory and Detroit, from the stock of the Chicago and Green Bay factories,	-	-	\$15,637 62
"	"	Cash received from the principal agent,	-	-	100 00
		<i>Returned as follows, viz:</i>			
1823.					
January	20,	Cash,	-	\$1,243 23	
"	"	Bills receivable for property sold by him,	-	5,063 09½	
"	"	Indian debts,	-	400 35	
"	"	Factory buildings,	-	709 17	
"	"	Salary and travelling expenses,	-	1,097 81	
"	"	Contingencies,	-	255 58	
"	"	Loss on sales,	-	6,968 37½	
					\$15,737 62

No. 6.

Abstract exhibiting the amount of property received by Robert N. Johnson, agent for winding up the concerns of the United States Indian trading-house on Red river, Louisiana, and the returns made by him for the same.

1823.				
February 1,	Amount of property received at the factory,	-	-	\$11,763 29
"	Cash received from G. Graham, principal agent,	-	-	400 00
				<u>\$12,163 29</u>
	<i>Returned as follows, viz:</i>			
"	Cash,	-	-	\$1,607 50
"	Bills receivable for property sold by him,	-	-	1,872 97
"	Furs and peltries,	-	-	1,378 25
"	Indian debts,	-	-	1,055 95
"	Buildings,	-	-	2,623 50
"	Salary and travelling expenses,	-	-	1,305 23
"	Contingencies,	-	-	184 79
"	Loss on sales,	-	-	2,135 10
				<u>\$12,163 29</u>

No. 7.

Abstract exhibiting the amount of property received by Geo. P. Forrest, agent for winding up the concerns of the United States Indian trading-house on the Arkansas, and the returns made by him for the same, viz:

1823.				
Feb. " 28,	Amount of property received from Barak Owens, late acting factor,	-	-	\$18,301 18
"	Amount of factory buildings, not included in the inventory, now put down at what they sold for,	-	-	200 00
"	Cash received from George Graham, principal agent,	-	-	909 38
				<u>\$19,410 56</u>
	<i>Returned as follows, viz:</i>			
1824.				
June " 1,	Furs and peltries,	-	-	\$3,695 50½
"	Outstanding debts turned over to the Indian agent,	-	-	3,653 18
"	Bills receivable for property sold by him,	-	-	2,084 85½
"	Cash,	-	-	3,100 00
"	Salary and travelling expenses,	-	-	2,523 73
"	Contingencies,	-	-	1,057 71
"	Loss on sales,	-	-	3,295 58½
				<u>\$19,410 56</u>

No. 8.

Abstract exhibiting the amount of property received by Henry Randall, agent for winding up the concerns of the United States Indian trading-house in the Choctaw nation, and the returns made by him for the same.

1822.				
Sept. " 30,	Amount of property received from John Hersey, late factor,	-	-	\$49,262 59
"	Cash received from G. Graham, principal agent, at sundry times,	-	-	746 50
				<u>\$50,009 09</u>
	<i>Returned as follows, viz:</i>			
1823.				
October 10,	Cash,	-	-	\$4,940 00
"	Indian debts,	-	-	12,011 57
"	Furs and peltries,	-	-	12,223 10
"	Counterfeit notes received of the late factor,	-	-	105 00
"	This amount paid debts due from the factory,	-	-	15 93
"	Salary and travelling expenses,	-	-	1,792 30
"	Bills receivable for property sold by him,	-	-	10,233 21
"	Contingencies,	-	-	1,517 59
"	Loss on sales,	-	-	7,154 55
				<u>49,993 25</u>
"	This amount overdrawn, to be deducted out of his commission on the bills receivable when collected,	-	-	15 84
				<u>\$50,009 09</u>

No. 9.

Statement exhibiting the amount of merchandise received by George Graham, principal agent, from Thomas L. McKenney, late Superintendent of Indian Trade, the amount received for sales of the same, with the amount lost on the whole.

1822.				
June 14,	Amount of merchandise received from the late superintendent of Indian trade this day,	-	-	\$31,473 97
"	Sold in Georgetown damaged goods, which cost, as per statement rendered the Fifth Auditor,	-	\$228 62	
"	Sold in New York goods which cost, as per invoice rendered Fifth Auditor,	-	31,175 28	
"	Stolen out of the warehouse articles which cost, as per statement rendered Fifth Auditor,	-	59 57	
"	Articles yet remaining on hand, which cost, as per statement rendered Fifth Auditor,	-	10 50	\$31,473 97
"	Amount received on sales made in Georgetown, as shown per statement rendered the Fifth Auditor,	-	61 55	
"	Amount received on sales made in New York, as per accounts rendered Fifth Auditor, (see copies of letters herewith, marked B No. 1 to B No. 9,*)	-	10,679 41	
"	Amount of merchandise yet on hand, as shown above,	-	10 50	10,751 46
	Total amount lost on the sales of merchandise,	-	-	\$20,722 51

* Copies of these were forwarded with my report of the 1st of December, 1823; but not being included in the report of the Committee of Indian Affairs, are again furnished.

OCTOBER 1, 1824.

No. 10.

Statement exhibiting the amount of losses sustained on the sales of furs and peltries remitted by the several agents appointed to wind up the concerns of the United States Indian trading-houses, viz:

Prairie du Chien factory, per invoice of Daniel Gantt, agent, forwarded to New Orleans, addressed to McCoy and Scallan, cost \$916 87, sold for nett \$657 51; lost on sale,	-	-	\$259 31
Osage factory, per invoice of Samuel Blunt, agent, forwarded to New Orleans, addressed to same, cost \$2,033 02, sold for \$1,288 86; lost on sale,	-	-	744 16
Red River factory, per invoice of Robert N. Johnson, agent, forwarded to McCoy and Scallan, New Orleans, cost \$1,378 25, sold for \$922 79 nett; lost on sale,	-	-	455 46
Arkansas factory, per invoice of George P. Forrest, agent, forwarded to McCoy and Scallan, New Orleans, cost \$3,695 50½, sold for nett \$3,683 65; lost on sale,	-	-	11 85½
Choctaw factory, per invoice of Henry Randall, agent, forwarded to William Bayard, Mobile, cost \$12,223 17, sold for nett \$7,574 18; lost on sales,	-	-	4,648 92
Total amount lost on sales,	-	-	\$6,119 70

A No. 11.

Statement exhibiting the receipts and expenditures of cash by George Graham, principal agent for winding up the concerns of the late United States Indian Trade Establishment.

1822.				
June 14,	Received from the late superintendent of Indian trade,	-	\$6,856 35	
"	Received for articles not included in my receipt to him,	-	92 25	
"	Received from George S. Gaines, late factor,	-	43 92	\$6,992 52
1823.				
Dec. 1,	Received for sales of merchandise, furs, and peltries, &c. from 14th June, 1822, to 1st December, 1823,	-	-	48,552 90
				\$55,545 42
	<i>Expenditures as follows:</i>			
	Payments for debts due prior to the transfer,	-	\$4,496 40	
	Factor's drafts for salary,	-	1,393 14	
	Transportation, contingencies, and expenses on the sales of furs, &c.	-	829 44	
	Payments to new agents and clerks, on account of salaries, &c.	-	10,648 29	
	Paid Treasurer of the United States,	-	38,178 15	\$55,545 42

B No. 11.

Statement exhibiting the receipts and expenditures of cash by George Graham, principal agent for winding up the concerns of the United States Indian Trade Establishment, from June 14, 1822, to October 1, 1824.

1823. Dec. 1,	This amount received from the 14th June, 1822, to date, as shown by statement A No. 11, -	-	\$55,545 42
1824. October 1,	This sum, received for notes, drafts, &c., since the 1st December last, -	-	22,514 99
			78,060 41
	<i>Expenditures as follows:</i>		
1823. Dec. 1,	This amount paid into the treasury, and on account of salaries, contingencies, &c., from the 14th June, 1822, to date, as shown per statement A No. 11, herewith, -	\$55,545 42	
1824. October 1,	This amount paid on same accounts, from 1st December, 1823, to date, viz:		
	Contingencies, - - - -	\$105 38	
	Salaries and commissions, - - - -	4,538 64	
	Treasurer of the United States, - - - -	17,860 00	
	Cash in bank, - - - -	10 97	
		22,514 99	
			78,060 41

No. 12.

Consolidated statement, exhibiting the amount of property received by all the agents for winding up the United States Indian Trade Establishment; the amount paid into the treasury; the amount paid for salaries, commissions, contingencies, &c.; and the ascertained loss on the business, up to the 1st October, 1824.

Amount received by all the new agents, as per general statement No. 1, -	\$289,780 51	
Less this sum, being the amount of debts due from the establishment, -	18,195 38	\$271,585 13
<i>Accounted for as follows, viz:</i>		
Cash paid into the treasury, as shown per statements A and B No. 11, -	56,038 15	
Cash paid salaries and commissions to agents and clerks, transportation, contingencies, &c., as shown per said statements, -	22,022 26	
Indian and other debts due the factories, as shown per the returns of the agents, -	32,345 86	
Balances due on the books of the department, and notes uncollected, and in suit, which were received from the late superintendent of Indian trade, -	46,175 22	
Bills receivable remaining uncollected, received from new agents for sales made by them, -	38,905 29	
Factory buildings remaining undisposed of, put down at cost, -	11,749 70	
Balance, being the amount sunk on sales, -	64,348 65	
		271,585 13
Balance brought down, -	64,348 65	
Add the amount of salaries, commissions, &c., as shown above, -	22,022 26	
Ascertained loss on winding up, to this date, -	-	\$86,370 91

OCTOBER 1, 1824.

18th CONGRESS.]

No. 218.

[2d SESSION.

PLAN FOR REMOVING THE SEVERAL INDIAN TRIBES WEST OF THE MISSISSIPPI RIVER.

COMMUNICATED TO THE SENATE, JANUARY 27, 1825.

To the Senate of the United States:

WASHINGTON, January 27, 1825.

Being deeply impressed with the opinion that the removal of the Indian tribes from the lands which they now occupy, within the limits of the several States and Territories, to the country lying westward and northward thereof, within our acknowledged boundaries, is of very high importance to our Union, and may be accomplished on conditions and in a manner to promote the interest and happiness of those tribes, the attention of the Government has been long drawn with great solicitude to that object. For the removal of the tribes within the limits of the State of Georgia, the motive has been peculiarly strong, arising from the compact with that State, whereby the United States are bound to extinguish the Indian title to the lands within it, whenever it may be done peaceably and on

reasonable conditions. In the fulfilment of this compact, I have thought that the United States should act with a generous spirit; that they should omit nothing which should comport with a liberal construction of the instrument, and likewise be in accordance with the just rights of those tribes. From the view which I have taken of the subject, I am satisfied that, in the discharge of these important duties, in regard to both the parties alluded to, the United States will have to encounter no conflicting interests with either; on the contrary, that the removal of the tribes from the territory which they now inhabit to that which was designated in the message at the commencement of the session, which would accomplish the object for Georgia, under a well-digested plan for their government and civilization which should be agreeable to themselves, would not only shield them from impending ruin, but promote their welfare and happiness. Experience has clearly demonstrated that, in their present state, it is impossible to incorporate them in such masses, in any form whatever, into our system. It has also demonstrated, with equal certainty, that, without a timely anticipation of, and provision against, the dangers to which they are exposed, under causes which it will be difficult, if not impossible, to control, their degradation and extermination will be inevitable.

The great object to be accomplished is, the removal of these tribes to the territory designated, on conditions which shall be satisfactory to themselves and honorable to the United States. This can be done only by conveying to each tribe a good title to an adequate portion of land to which it may consent to remove; and by providing for it there a system of internal government, which shall protect their property from invasion, and, by the regular progress of improvement and civilization, prevent that degeneracy which has generally marked the transition from the one to the other state.

I transmit, herewith, a report from the Secretary of War, which presents the best estimate which can be formed, from the documents in that Department, of the number of Indians within our States and Territories, and of the amount of lands held by the several tribes within each; of the state of the country lying northward and westward thereof, within our acknowledged boundaries; of the parts to which the Indian title has already been extinguished; and of the conditions on which other parts, in an amount which may be adequate to the object contemplated, may be obtained. By this report, it appears that the Indian title has already been extinguished to extensive tracts in that quarter, and that other portions may be acquired, to the extent desired, on very moderate conditions. Satisfied I also am that the removal proposed is not only practicable, but that the advantages attending it to the Indians may be made so apparent to them, that all the tribes, even those most opposed, may be induced to accede to it at no very distant day.

The digest of such a government, with the consent of the Indians, which should be endowed with sufficient power to meet all the objects contemplated; to connect the several tribes together in a bond of amity, and preserve order in each; to prevent intrusions on their property; to teach them, by regular instruction, the arts of civilized life, and make them a civilized people, is an object of very high importance. It is the powerful consideration which we have to offer to these tribes as an inducement to relinquish the lands on which they now reside, and to remove to those which are designated. It is not doubted that this arrangement will present considerations of sufficient force to surmount all their prejudices in favor of the soil of their nativity, however strong they may be. Their elders have sufficient intelligence to discern the certain progress of events in the present train, and sufficient virtue, by yielding to momentary sacrifices, to protect their families and posterity from inevitable destruction. They will also perceive that they may thus attain an elevation to which, as communities, they could not otherwise aspire.

To the United States, the proposed arrangement offers many important advantages, in addition to those which have been already enumerated. By the establishment of such a government over these tribes, with their consent, we become, in reality, their benefactors. The relation of conflicting interests, which has heretofore existed between them and our frontier settlements, will cease. There will be no more wars between them and the United States. Adopting such a government, their movement will be in harmony with us, and its good effect be felt throughout the whole extent of our territory, to the Pacific. It may fairly be presumed that, through the agency of such a government, the condition of all the tribes inhabiting that vast region may be essentially improved; that permanent peace may be preserved with them, and our commerce be much extended.

With a view to this important object, I recommend it to Congress to adopt, by solemn declarations, certain fundamental principles, in accord with those above suggested, as the basis of such arrangements as may be entered into with the several tribes; to the strict observance of which, the faith of the nation shall be pledged. I recommend it also to Congress to provide, by law, for the appointment of a suitable number of commissioners, who shall, under the direction of the President, be authorized to visit and explain to the several tribes the objects of the Government, and to make with them, according to their instructions, such arrangements as shall be best calculated to carry those objects into effect.

A negotiation is now depending with the Creek nation for the cession of lands held by it within the limits of Georgia, and with a reasonable prospect of success. It is presumed, however, that the result will not be known during the present session of Congress. To give effect to this negotiation, and to the negotiations which it is proposed to hold with all the other tribes within the limits of the several States and Territories, on the principles and for the purposes stated, it is recommended that an adequate appropriation be now made by Congress.

JAMES MONROE.

SIR:

DEPARTMENT OF WAR, *January 24, 1825.*

In obedience to your instructions, directing a statement of the names of the Indian tribes now remaining within the limits of the different States and Territories, the number of each tribe, and the quantity of land claimed by each; also, an estimate of the amount of appropriation necessary to commence the work of moving the Indians beyond the Mississippi, to be laid before you, I herewith enclose a report from Colonel McKenney, to whom is assigned the charge of the Office of Indian Affairs, which contains all of the information required, except the estimate of the sum that will be necessary to be appropriated to commence the removal.

In forming the estimate required, it will be necessary to take a summary view of the number and position of the several tribes to be removed, and to form a plan in detail for their removal.

It appears, by the report enclosed, that there are in the several States and Territories (not including the portion of Michigan Territory west of Lake Michigan and north of the State of Illinois (about 97,000 Indians, and that they occupy about 77,000,000 of acres of land.

The arrangement for the removal; it is presumed, is not intended to comprehend the small remnants of tribes in Maine, Massachusetts, Connecticut, Rhode Island, Virginia, and South Carolina, amounting to 3,023. To these also may be added the remnants of tribes remaining in Louisiana, amounting to 1,313, as they are each of them so few in number that it is believed very little expense or difficulty will be found in their removal; making, together, 4,336: which subtracted from the 97,000, the entire number in the States and Territories, will leave 92,664 to be removed. Of these, there are residing in the northern parts of the States of Indiana, Illinois,

in the peninsula of Michigan, and New York, including the Ottawas in Ohio, about 13,150, which, I would respectfully suggest, might be removed, with advantage to the country, west of Lake Michigan and north of the State of Illinois. The climate and the nature of the country are much more favorable to their habits than that west of the Mississippi; to which may be added, that the Indians in New York have already commenced a settlement at Green Bay, and exhibit some disposition to make it a permanent one; and that the Indians referred to in Indiana, Illinois, in the peninsula of Michigan, and Ohio, will find in the country designated kindred tribes, with whom they may be readily associated. These considerations, with the greater facility with which they could be collected in that portion of the country, compared with that of collecting them west of the Mississippi, form a strong inducement to give it the preference. Should the proposition be adopted, the Indians in question might be gradually collected, as it became necessary, from time to time, to extinguish the Indian title in Indiana, Illinois, and Michigan, without incurring any additional expense other than what is usually incidental to such extinguishment. Deducting, then, the Indians residing in the northwestern parts of Indiana, Illinois, in Michigan, and New York, with the Ottawas in Ohio, amounting to 13,150, from 92,664, will leave but 79,514. It is proper to add, that a late treaty with the Quapaws stipulates and provides for their removal, and that they may also be deducted from the number for whose removal provision ought to be made. They are estimated at 700, which, deducted from 79,514, will leave 78,814 to be removed west of the State of Missouri and Territory of Arkansas, should the views of the Department be adopted.

Of these, there are estimated to reside in the States of North Carolina, Georgia, Tennessee, Alabama, and Mississippi, 53,625, consisting of Cherokees, Creeks, Choctaws, and Chickasaws, and claiming about 33,573,176 acres, including the claim of the Cherokees, in North Carolina; 3,082 in Ohio, and in the southern and middle parts of Indiana and Illinois, consisting of Wyandots, Shawanees, Senecas, Delawares, Kaskaskias, Miamies, and Eel Rivers; 5,000 in Florida, consisting of Seminoles and remnants of other tribes; and the remainder in Missouri and Arkansas, consisting of Delawares, Kickapoos, Shawanees, Weas, Ioways, Piankeshaws, Cherokees, Quapaws, and Osages.

The next subject of consideration will be to acquire a sufficient tract of country west of the State of Missouri and Territory of Arkansas, in order to establish permanent settlements in that quarter of the tribes which are proposed to be removed. The country between the Red river and the Arkansas has already been allotted to the Choctaws, under the treaty of the 18th October, 1820. The country north of the river Arkansas, and immediately west of the State of Missouri, is held almost entirely by the Osages and the Kansas: the principal settlement of the former being on the Osage river, not far west of the western boundary of Missouri; and of the latter, on the Missouri river, near Cow Island. There is a band of the Osages situated on the Verdigris, a branch of the Arkansas. Governor Clark has been already instructed to take measures to remove them from the Verdigris, to join the other bands on the Osage river. To carry this object into effect, and to extinguish the title of the Osages upon the Arkansas and in the State of Missouri, and also to extinguish the title of the Kansas to whatever tract of country may be necessary to effect the views of the Government, will be the first object of expenditure, and would require an appropriation, it is believed, of not less than \$30,000. After this is effected, the next will be to allot a portion of the country to each of the tribes, and to commence the work of removal. The former could be effected by vesting in the President discretionary power to make the location; and the latter, by commencing with the removal of the Cherokees, Piankeshaws, Weas, Shawanees, Kickapoos, and Delawares, who now occupy different tracts of country lying in the northwestern portion of the Arkansas Territory, and the southwestern portion of the State of Missouri. It is believed that the Cherokees, to whom has been allotted a country lying between the Arkansas and White rivers, will very readily agree to removing their eastern boundary farther west, on the consideration that, for the lands thereby ceded, they may have assigned to them an equal quantity farther west, as they have evinced a strong disposition to prevent the settlement of the whites to the west of them. It is probable that this arrangement could be effected by an appropriation of a few thousand dollars, (say five thousand,) for the expense of holding the treaty. Nor is it believed that there will be any difficulty in inducing the Piankeshaws, Weas, Shawanees, Kickapoos, and Delawares to occupy a position that may be assigned to them west of the State of Missouri, or that the operation will be attended with any great expense. The kindred tribes in the States of Ohio and Indiana, including the Wyandots, the Senecas, and the Miamies and Eel Rivers, in those States, and the Kaskaskias in Illinois, it is believed, might be induced, without much difficulty, to join them, after those now residing in Missouri are fixed in their new position west of that State. Of the sum that will be necessary for this purpose, it is difficult to form an estimate. These tribes amount to 3,082. The expense of extinguishing their title to the lands occupied by them will probably be high, in comparison with the price which has been usually given for lands in that quarter, as they (particularly the Indians in Ohio) have made some advances in civilization and considerable improvements on their lands. The better course would be to remove them gradually, commencing with those tribes which are most disposed to leave their present settlements; and if this arrangement should be adopted, an appropriation of \$20,000 would be sufficient to commence with.

It may, however, be proper to remark, that these tribes, together with those in New York, have indicated a disposition to join the Cherokees on the Arkansas; and that a deputation of the former, with a deputation from those Cherokees, are now on their way to the seat of Government, in order to make some arrangement to carry the proposed union into effect. Should it be accomplished, it would vary the arrangement which has been suggested in relation to them, but will not probably materially vary the expense.

It only remains now to consider the removal of the Indians in Florida, and the four southern tribes residing in North Carolina, Georgia, Tennessee, Alabama, and Mississippi.

It is believed that immediate measures need not be taken with regard to the Indians in Florida. By the treaty of the 18th September, 1823, they ceded the whole of the northern portion of Florida, with the exception of a few small reservations, and have had allotted to them the southern part of the peninsula; and it is probable that no inconvenience will be felt, for many years, either by the inhabitants of Florida, or the Indians, under the present arrangement.

Of the four southern tribes, two of them (the Cherokees and Choctaws) have already allotted to them a tract of country west of the Mississippi. That which has been allotted to the latter is believed to be sufficiently ample for the whole nation, should they emigrate; and if an arrangement, which is believed not to be impracticable, could be made between them and the Chickasaws, who are their neighbors, and of similar habits and dispositions, it would be sufficient for the accommodation of both. A sufficient country should be reserved to the west of the Cherokees on the Arkansas, as a means of exchange with those who remain on the east. To the Creeks might be allotted a country between the Arkansas and the Canadian river, which limits the northern boundary of the Choctaw possessions in that quarter. There is now pending with the Creeks a negotiation, under the appropriation of the last session, with a prospect that the portion of that nation which resides within the limits of Georgia may be induced, with the consent of the nation, to cede the country which they now occupy for a portion of the one which it is proposed to allot for the Creek nation on the west of the Mississippi. Should the treaty prove successful, its stipula-

tions will provide for the means of carrying it into effect, which will render any additional provision, at present, unnecessary. It will be proper to open new communications with the Cherokees, Choctaws, and Chickasaws, for the purpose of explaining to them the views of the Government, and inducing them to remove beyond the Mississippi, on the principles and conditions which may be proposed to the other tribes. It is known that there are many individuals of each of the tribes who are desirous of settling west of the Mississippi, and, should it be thought advisable, there can be no doubt that (if, by an adequate appropriation, the means were afforded the Government of bearing their expense) they would emigrate. Should it be thought that the encouragement of such emigration is desirable, the sum of \$40,000, at least, would be required to be appropriated for this object, to be applied under the discretion of the President of the United States. The several sums which have been recommended to be appropriated, if the proposed arrangement should be adopted, amount to \$95,000. The appropriation may be made either general or specific, as may be considered most advisable.

I cannot, however, conclude without remarking, that no arrangement ought to be made which does not regard the interest of the Indians as well as our own; and that, to protect the interest of the former, decisive measures ought to be adopted to prevent the hostility which must almost necessarily take place, if left to themselves, among tribes hastily brought together, of discordant character, and many of which are actuated by feelings far from being friendly towards each other. But the preservation of peace between them will not alone be sufficient to render their condition as eligible in their new situation as it is in their present. Almost all of the tribes proposed to be affected by the arrangement are more or less advanced in the arts of civilized life, and there is scarcely one of them which has not the establishments of schools in the nation, affording, at once, the means of moral, religious, and intellectual improvement. These schools have been established, for the most part, by religious societies, with the countenance and aid of the Government; and, on every principle of humanity, the continuance of similar advantages of education ought to be extended to them in their new residence. There is another point which appears to be indispensable to be guarded, in order to render the condition of this race less afflicting. One of the greatest evils to which they are subject is that incessant pressure of our population, which forces them from seat to seat, without allowing time for that moral and intellectual improvement, for which they appear to be naturally eminently susceptible. To guard against this evil, so fatal to the race, there ought to be the strongest and the most solemn assurance that the country given them should be theirs, as a permanent home for themselves and their posterity, without being disturbed by the encroachments of our citizens. To such assurance, if there should be added a system, by which the Government, without destroying their independence, would gradually unite the several tribes under a simple but enlightened system of government and laws formed on the principles of our own, and to which, as their own people would partake in it, they would, under the influence of the contemplated improvement, at no distant day, become prepared, the arrangements which have been proposed would prove to the Indians and their posterity a permanent blessing. It is believed that, if they could be assured that peace and friendship would be maintained among the several tribes; that the advantages of education, which they now enjoy, would be extended to them; that they should have a permanent and solemn guaranty for their possessions, and receive the countenance and aid of the Government for the gradual extension of its privileges to them, there would be among all the tribes a disposition to accord with the views of the Government. There are now, in most of the tribes, well educated, sober, and reflecting individuals, who are afflicted at the present condition of the Indians, and despondent at their future prospects. Under the operation of existing causes, they behold the certain degradation, misery, and even the final annihilation of their race, and, no doubt, would gladly embrace any arrangement which would promise to elevate them in the scale of civilization, and arrest the destruction which now awaits them. It is conceived that one of the most cheap, certain, and desirable modes of effecting the object in view, would be for Congress to establish fixed principles, such as have been suggested, as the basis of the proposed arrangement; and to authorize the President to convene, at some suitable point, all of the well-informed, intelligent, and influential individuals of the tribes to be affected by it, in order to explain to them the views of the Government, and to pledge the faith of the nation to the arrangements that might be adopted. Should such principles be established by Congress, and the President be vested with suitable authority to convene the individuals as proposed, and suitable provision be made to meet the expense, great confidence is felt that a basis of a system might be laid, which, in a few years, would entirely effect the object in view, to the mutual benefit of the Government and the Indians; and which, in its operations, would effectually arrest the calamitous course of events to which they must be subject, without a radical change in the present system. Should it be thought advisable to call such a convention, as one of the means of effecting the object in view, an additional appropriation of \$30,000 will be required; making, in the whole, \$125,000 to be appropriated.

All of which is respectfully submitted.

J. C. CALHOUN.

To the PRESIDENT OF THE UNITED STATES.

SIR:

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, *January 10, 1825.*

I have the honor herewith to submit, in compliance with your directions, a table containing a statement of the names of the Indian tribes now remaining within the limits of the different States and Territories, the number of each tribe, and the quantity of land claimed by each.

There is no land assigned (as will be seen on reference to the table) to the Indians in Louisiana; yet it is believed the Caddoes have a claim, (but to what extent is not known;) so also have the Cherokees, (whose numbers are not known,) to a tract in the northwest corner of the State of North Carolina, which, it is believed, does not exceed 200,000 acres. In New Jersey, Pennsylvania, and perhaps in Maryland, a few Indians are remaining; but how many, or what quantity of land is owned by them, (if any,) there are no means of ascertaining.

There are now remaining within the limits of the different States and Territories, (as is shown by the table,) sixty-four tribes and remnants of tribes of Indians, whose "names" and "numbers" are given; who number, in the aggregate, 129,266 souls, and who claim 77,402,318 acres of land.

It will be seen, by adverting to the table, that the Indians residing north of the State of Illinois, east of the Mississippi, and west of the lakes, are comprehended in the estimate of the number in Michigan Territory; although, in estimating the quantity of land held by Indians in that Territory, the portion only so held in the peninsula of Michigan is estimated. It was found impossible, from any documents in possession of this office, to distinguish the number of Chippewas and Ottawas residing in the peninsula of Michigan, from those residing on the west side of Lake Michigan. It is, however, believed that the whole number residing in the peninsula does not exceed 3,500; and these, as has been stated, are principally of the Chippewa and Ottawa tribes.

It may be proper also to remark, that of the 6,400 Sacs and Foxes, who are included in the estimate as part of the 129,266, and who occupy lands on both sides the Mississippi, not more than one-third of that number are supposed to reside on the east side; and of the 5,200 Osages, who by the table are assigned to Missouri and Arkansas, it is believed that not more than one-third of that number reside within the State of Missouri and Territory

of Arkansas. If, therefore, the number assumed for the peninsula of Michigan be correct, and two-thirds of the Sacs and Foxes (as is believed to be the fact) reside on the west of the Mississippi, and two-thirds of the Osages west of Missouri and north of Arkansas, there will remain "within the limits of the different States and Territories" (confining the Michigan Territory to the peninsula) 97,384 Indians, possessing (if the 200,000 acres which are believed to be claimed by the Cherokees in North Carolina be added) 77,602,318 acres of land.

In obtaining this information, resort has been had for the "names" and "numbers" of the Indian tribes to the reports to this office, and to other sources of information which are deemed to be the most accurate; and for the quantity of land claimed by them, to the files of this office, to the General Land Office, and to computations carefully made from the best maps, by Colonel Roberdeau of the Topographical Bureau.

The 4,000,000 acres assumed as the quantity claimed by the Cherokees in Arkansas, although but an estimate, is believed to be nearly correct. The precise quantity, however, cannot be ascertained, until it is known how much they ceded on this side the Mississippi, for which, by the treaty of 1817, they are to receive an equal number of acres on the other.

I have the honor to accompany this with a note from Colonel Roberdeau in relation to the difference between his estimate of last year, of the lands claimed in Georgia, and his recent corrected computation of them.

I have the honor to be, very respectfully, your most obedient servant,

THOS. L. MCKENNEY.

To the Hon. the SECRETARY OF WAR.

TOPOGRAPHICAL BUREAU, January 10, 1825.

The quantity of land in the State of Georgia not ceded to the United States by Indians was, last year, reported at 10,240,000 square acres. Upon a review of the calculations, and having more correct documents than were then referred to, the whole quantity in the State appears to be 9,537,920 acres; of which 5,292,160 are of the Cherokees, and 4,245,760 of the Creeks, as nearly as can be computed.

I. ROBERDEAU,

Lieutenant Colonel Topographical Engineers.

Colonel THOMAS L. MCKENNEY, Indian Department.

Statement showing the names and numbers of the different tribes of Indians now remaining within the limits of the several States and Territories, and the quantity of land claimed by them, respectively.

Names of the tribes.	States or Ter. in which located.	No. of each tribe.	Number in each State or Ter.	No. of acres claimed by each tribe.	Remarks.
St. John's Indians, -	Maine, -	300	-	-	No information as to their lands.
Passamaquoddies, -	Do. -	379	-	100	
Penobscots, -	Do. -	277	-	92,160	
			956		
Marshpee, -	Massachusetts, -	320	-	-	All the Indians in this State reside on their respective reservations, at the places by which they are designated. The quantity of land occupied by them is not known, nor is there any information in this office by which it can be ascertained.
Herring Pond, -	Do. -	40	-	-	
Martha's Vineyard, -	Do. -	340	-	-	
Troy, -	Do. -	50	-	-	
			750		
Narragansets, -	Rhode Island, -	-	420	3,000	No information as to their lands.
Mohegan, -	Connecticut, -	300	-	4,000	
Stonington, -	Do. -	50	-	300	
Groton, -	Do. -	50	-	-	
			400		
Senecas, -	New York, -	2,325	-	-	These Indians own and possess, together, sixteen reservations of land, containing, in the whole, according to the report of the agent, on file in this office, about the number of acres stated.
Tuscaroras, -	Do. -	253	-	-	
Oneidas, -	Do. -	1,096	-	-	
Onondagas, -	Do. -	446	-	-	
Cayugas, -	Do. -	90	-	-	
Stockbridge, -	Do. -	273	-	-	
Brotherton, -	Do. -	360	-	-	
St. Regis Indians, -	Do. -	300	-	-	
			5,143		
Nottaways, -	Virginia, -	-	47	27,000	The quantity of land claimed by these tribes is contained in several reservations, secured to them, respectively, by treaty; besides these, there are a number of other reservations secured separately to individual Indians, containing, together, 16,200 acres; making the whole quantity claimed in this State 409,501 acres, according to information obtained from the General Land Office.
Catawbas, -	South Caro., -	-	450	144,000	
Wyandots, -	Ohio, -	542	-	162,840	These tribes reside, in some degree, promiscuously; and the number stated comprehends all those inhabiting the country north of Illinois, and between Lake Michigan and Mississippi river, as well as those residing on the peninsula formed by Lakes Erie and Michigan, and the northern boundary of Indiana. The quantity of land mentioned is that claimed by the Indians in the peninsula only; but in what proportion by the respective tribes, cannot be ascertained.
Shawanees, -	Do. -	800	-	117,615	
Senecas, -	Do. -	551	-	55,505	
Delawares, -	Do. -	80	-	5,760	
Ottawas, -	Do. -	377	-	50,581	
			2,350		
Wyandots, -	Michigan Ter. -	37	-	-	7,057,920
Pattawatamies, -	Do. -	106	-	-	
Chippewas and Ottawas, (the former by far the most numerous,) -	Do. -	18,473	-	-	
Menomonies, -	Do. -	3,900	-	-	
Winnebagoes, -	Do. -	5,800	-	-	
			28,316		

STATEMENT—Continued.

Names of the tribes.	States or Territories in which located.	No. of each tribe.	Number in each State or Ter.	No. of acres claimed by each tribe.	Remarks.	
Miami & Eel River,	Indiana, -	-	1,073	10,104,000	A part of these lands is claimed by the Pattawatamies and Chippewas, (who reside partly in this State and in Illinois;) but in what proportion, there are no means of ascertaining.	
Menomonies, - Kaskaskias, - Sacs and Foxes, -	Illinois, - Do. - Do. -	270 36 6,400	- - 6,706	5,314,560	This is the whole quantity of land claimed by Indians in this State, including the Pattawatamies and Chippewas, but there are no means of distinguishing the quantity owned by each tribe. The number of Sacs and Foxes embraces those on both sides of the Mississippi; there being no means of ascertaining the particular number of them in Illinois.	
Pattawatamies and Chippewas, -	Indiana & Il.	-	3,900	-	Claim lands in both States; quantity claimed by them separately from other tribes not known.	
Creeks, - Cherokees, - Choctaws, - Chickasaws, -	Geo. & Ala. Geo. Ala. & Tenn. Miss. & Ala. Mississippi, -	20,000 9,000 21,000 3,625	- - - -	33,571,176	The quantity of land here stated is the whole quantity claimed by all these tribes within the States mentioned; of which Creeks claim in Ga. - - 4,245,760 Cherokees ditto, - - 5,292,160 9,537,920 Creeks and Cherokees in Ala. 5,995,200 Choctaws, ditto, 781,440 Chickasaws, ditto, 495,936 7,272,576 Cherokees in Tennessee, - 1,055,680 Choctaws and Chickasaws in Mississippi, - 15,705,000	
Seminoles, and other remnants of tribes,	Florida Ter.	-	5,000	4,032,640	Quantity of land computed from the survey made by Col. Gadsden.	
Billoxie, - Apolashe, - Pascagoula, - Addees, - Yaltasses, - Coshattees, - Caddoes, - Delawares, - Choctaws, - Shawanees, - Natchitoches, - Quapaws, - Piankeshaws, -	Louisiana, - Do. - Do. - Do. - Do. - Do. - Do. - Do. - Do. - Do. - Do. - Do. - Do. -	55 45 121 27 36 180 450 51 178 110 25 8 27	- - - - - - - - - - - - -	1,313	- - - - - - - - - - - - -	These Indians are all hunters, and reside principally on Red river, in this State. There is no information as to the lands claimed by them. Their numbers are taken from the report of the agent, on file in this office.
Delawares, -	Missouri, -	1,800	-	21,120	Hold the lands they occupy under the treaty with them of 3d October, 1818.	
Kickapoos, -	Do. -	2,200	-	9,600	Hold their lands under treaties of 30th July, and 30th August, 1819.	
Shawanees, -	Do. -	1,383	-	14,086	These Indians emigrated a few years ago from the east of the Mississippi to their present residence in this State.	
Weas, -	Do. -	327	-	-	Under the treaties of 1818 and 1820, the Weas sold out all their claim to lands in Indiana, Ohio, and Illinois, and emigrated to this State. There is no information as to the lands now owned or occupied by these Indians.	
Ioways, -	Do. -	1,100	-	-	No information as to the lands claimed by these Indians.	
Osages, -	Mo. & A. T.	5,200	-	3,491,840	The Osages reside partly in Missouri and in Arkansas, and the greater portion west of both. Of the lands stated as claimed by them, 2,737,920 acres are in the former, and 753,920 acres in the latter.	
Piankeshaws, - Cherokees, -	Do. - Ark. Ter. -	207 6,000	- -	- 4,000,000	No information as to their lands. The Cherokees claim about this quantity of land in this Territory, under treaties of 1817 and 1819: the precise quantity not yet ascertained.	
Quapaws, -	Do. -	700	-	-	These Indians have recently sold out all their claim, and are about to remove beyond the limits of the Territory.	
Choctaws, -	Do. -	-	-	8,858,560	Very few or none of this tribe reside in the Territory; but they claim in it the quantity of land stated under the treaty of 18th October, 1820.	
			18,917			

RECAPITULATION.

States and Territories.	Whole number of Indians.	Whole quantity of land claimed.	Remarks.
		<i>Acres.</i>	
Maine, -	956	92,260	
Massachusetts, -	750		
Rhode Island, -	420	3,000	
Connecticut, -	400	4,300	
New York, -	5,143	246,675	
Virginia, -	47	27,000	
South Carolina, -	450	144,000	
Ohio, -	2,350	409,501	
Michigan Territory, -	28,316	7,057,920	The number of Indians embraces those in the country west of Lake Michigan, as well as those in the peninsula of Michigan; the information being such as not to admit of a separate enumeration.
Indiana, -	11,579	10,104,000	Some of the Indians claiming lands in these States reside partly in both; the particular number in either cannot, therefore, be stated.
Illinois, -		5,314,560	
Georgia, -	53,625	9,537,920	The Indians claiming lands in these States do not all reside in any one of them, except the Chickasaws; and it cannot, therefore, be stated what is the particular number residing in each State.
Alabama, -		7,272,576	
Tennessee, -		1,055,680	
Mississippi, -		15,705,000	
Florida Territory, -	5,000	4,032,640	
Louisiana, -	1,313		
Missouri, -	18,917	2,782,726	The Osages and Piankeshaws are scattered in Missouri and Arkansas, and most of the former beyond the limits of either; it cannot, therefore, be stated what is the particular number of Indians in either.
Arkansas Territory, -		13,612,560	
	129,266	77,402,318	

DEPARTMENT OF WAR, OFFICE INDIAN AFFAIRS, *January 10, 1825.*

THOS L. MCKENNEY.

18th CONGRESS.]

No. 219.

[2d SESSION.]

TREATY WITH THE CHOCTAWS.

COMMUNICATED TO THE SENATE, ON THE 27TH JANUARY, 1825.

*To the Senate of the United States:*WASHINGTON, *January 27, 1825.*

I transmit to the Senate a treaty concluded in this city with a deputation from the Choctaw Indians, accompanied with a report from the Secretary of War, with a copy of the correspondence connected with the negotiation, for the advice and consent of the Senate.

JAMES MONROE.

SIR:

DEPARTMENT OF WAR, *January 22, 1825.*

I have the honor to lay before you the enclosed treaty, which has been concluded with the Choctaw delegation, together with the correspondence relating thereto.

I have the honor to be, very respectfully, your obedient servant,

J. C. CALHOUN.

To the PRESIDENT OF THE UNITED STATES.

TREATY WITH THE CHOCTAWS.

Articles of a convention made between John C. Calhoun, Secretary of War, being specially authorized therefor by the President of the United States; and the undersigned chiefs and headmen of the Choctaw nation of Indians, duly authorized and empowered by said nation, at the city of Washington, on the twentieth day of January, in the year of our Lord eighteen hundred and twenty-five.

Whereas a treaty of friendship, and limits, and accommodation, having been entered into at Doak's Stand, on the eighteenth of October, in the year eighteen hundred and twenty, between Andrew Jackson and Thomas Hinds, commissioners on the part of the United States, and the chiefs and warriors of the Choctaw nation of Indians: and whereas the second article of the treaty aforesaid provides for a cession of lands west of the Mississippi, to the Choctaw nation, in part satisfaction for lands ceded by said nation to the United States, according to the first article of said treaty: and whereas, it being ascertained that the cession aforesaid embraces a large number of settlers, citizens of the United States; and it being the desire of the President of the United States to obviate all difficulties resulting therefrom, and also to adjust other matters in which both the United States and the Choctaw nation are interested: the following articles have been agreed upon and concluded between John C. Calhoun, Secretary of War, specially authorized therefor by the President of the United States, on the one part, and the undersigned delegates of the Choctaw nation, on the other part:

ARTICLE 1. The Choctaw nation do hereby cede to the United States all that portion of the land ceded to them by the second article of the treaty of Doak's Stand, as aforesaid, lying east of a line beginning on the Arkansas, one hundred paces east of Fort Smith, and running thence, due south, to Red river; it being understood that this line shall constitute and remain the permanent boundary between the United States and the Choctaws; and the United States agreeing to remove such citizens as may be settled on the west side to the east side of said line, and prevent future settlements from being made on the west thereof.

ART. 2. In consideration of the cession aforesaid, the United States do hereby agree to pay the said Choctaw nation the sum of six thousand dollars, annually, forever; it being agreed that the said sum of six thousand dollars shall be annually applied, for the term of twenty years, under the direction of the President of the United States, to the support of schools in said nation, and extending to it the benefits of instruction in the mechanic and ordinary arts of life; when, at the expiration of twenty years, it is agreed that the said annuity may be vested in stocks, or otherwise disposed of, or continued, at the option of the Choctaw nation.

ART. 3. The eighth article of the treaty aforesaid having provided that an appropriation of lands shall be made for the purpose of raising six thousand dollars a year, for sixteen years, for the use of the Choctaw nation; and it being desirable to avoid the delay and expense attending the survey and sale of said land; the United States do hereby agree to pay the Choctaw nation, in lieu thereof, the sum of six thousand dollars, annually, for sixteen years, to commence with the present year. And the United States further stipulate and agree to take immediate measures to survey, and bring into market, and sell the fifty-four sections of land set apart by the seventh article of the treaty aforesaid, and apply the proceeds in the manner provided by the said article.

ART. 4. It is provided by the ninth section of the treaty aforesaid that all those of the Choctaw nation who have separate settlements, and fall within the limits of the land ceded by said nation to the United States, and desire to remain where they now reside, shall be secured in a tract or parcel of land, one mile square, to include their improvements. It is, therefore, hereby agreed, that all who have reservations, in conformity to said stipulation, shall have power, with the consent of the President of the United States, to sell and convey the same in fee-simple. It is further agreed, on the part of the United States, that those Choctaws, not exceeding four in number, who applied for reservations, and received the recommendation of the commissioners, (as per annexed copy of said recommendation,) shall have the privilege, and the right is hereby given to them, to select, each of them, a portion of land, not exceeding a mile square, any where within the limits of the cession of eighteen hundred and twenty, where the land is not occupied or disposed of by the United States; and the right to sell and convey the same, with the consent of the President, in fee-simple, is hereby granted.

ART. 5. There being a debt due by individuals of the Choctaw nation to the late United States trading-house on the Tombigbee, the United States hereby agree to relinquish the same; the delegation, on the part of their nation, agreeing to relinquish their claim upon the United States to send a factor with goods to supply the wants of the Choctaws west of the Mississippi, as provided for by the sixth article of the treaty aforesaid.

ART. 6. The Choctaw nation having a claim upon the United States for services rendered in the Pensacola campaign, and for which it is stipulated, in the eleventh article of the treaty aforesaid, that payment shall be made, (but which has been delayed for want of the proper vouchers, which it has been found, as yet, impossible to obtain,) the United States, to obviate the inconvenience of further delay, and to render justice to the Choctaw warriors for their services in that campaign, do hereby agree upon an equitable settlement of the same, and fix the sum at fourteen thousand nine hundred and seventy-two dollars and fifty cents; which, from the muster rolls, and other evidence in the possession of the Third Auditor, appears to be about the probable amount due for the services aforesaid; and which sum shall be immediately paid to the delegation, to be distributed by them to the chiefs and warriors of their nation, who served in the campaign aforesaid, as may appear to them to be just.

ART. 7. It is further agreed, that the fourth article of the treaty aforesaid shall be so modified, as that the Congress of the United States shall not exercise the power of apportioning the lands, for the benefit of each family or individual of the Choctaw nation, and of bringing them under the laws of the United States, but with the consent of the Choctaw nation.

ART. 8. It appearing that the Choctaws have various claims against citizens of the United States for spoliations of various kinds, but which they have not been able to support by the testimony of white men, as they were led to believe was necessary, the United States, in order to a final settlement of all such claims, do hereby agree to pay to the Choctaw delegation the sum of two thousand dollars, to be distributed by them in such way, among the claimants, as they may deem equitable. It being understood that this provision is not to affect such claims as may be properly authenticated, according to the provision of the act of eighteen hundred and twenty.

ART. 9. It is further agreed, that, immediately upon the ratification of this treaty, or as soon thereafter as may be, an agent shall be appointed for the Choctaws west of the Mississippi, and a blacksmith be settled among them, in conformity with the stipulation contained in the sixth article of the treaty of eighteen hundred and twenty.

ART. 10. The chief Puck-she-nub-bee, one of the members of the delegation, having died on his journey to see the President, and Robert Cole being recommended by the delegation as his successor, it is hereby agreed that the said Robert Cole shall receive the medal which appertains to the office of chief; and, also, an annuity from the United States, of one hundred and fifty dollars a year, during his natural life, as was received by his predecessor.

ART. 11. The friendship heretofore existing between the United States and the Choctaw nation is hereby renewed and perpetuated.

ART. 12. These articles shall take effect and become obligatory on the contracting parties so soon as the same shall be ratified by the President, by and with the advice and consent of the Senate of the United States.

In testimony whereof, the said John C. Calhoun, and the said delegates of the Choctaw nation, have hereunto set their hands, at the city of Washington, the twentieth day of January, eighteen hundred and twenty-five.

J. C. CALHOUN.
MOOSHULATUBBEE, his × mark.
ROBERT COLE, his × mark.
DANIEL McCURTAIN, his × mark.
TALKING WARRIOR, his × mark.
RED FORT, his × mark.
NITTUCKACHEE, his × mark.
DAVID FOLSOM.
J. L. McDONALD.

In presence of: THO. L. MCKENNEY,
HEZEKIAH MILLER,
JOHN PITCHLYNN, *United States Interpreter.*

WASHINGTON CITY, November 8, 1824.

The Choctaw delegation, in opening the business of their mission, submit the following remarks to the Secretary of War:

At a period about two years subsequent to the treaty which was made with our nation in the autumn of the year 1820, some of the chiefs were notified by Colonel William Ward, the United States agent, that it was the desire of the Government to procure a modification of that treaty; and that, for that purpose, commissioners had been, or would be, appointed to meet the Choctaws in council. We were at that time surprised at the proposition, especially when we understood that the contemplated treaty was with a view of repurchasing some of the lands which had been ceded to the Choctaws beyond the Mississippi river. Some of us had been beyond the Mississippi previous to the treaty of 1820, and knew that white settlers were on the land proposed to be ceded. General Jackson was informed of the fact. He stated that the arm of Government was strong, and that the settlers should be removed. They have not, however, been removed; nor have we learned that any efforts have been made to effect their removal.

We told the United States agent that we were not, at that time, willing to meet the commissioners. We wished to visit our great father the President of the United States, and hold a talk with him. We had often met commissioners. We had stated to them, at different times, some of the many grievances under which we labored; and we had asked for redress. They had uniformly stated, in reply, that they were unable to grant it; that their powers were limited.

We, therefore, on this occasion, wished to visit the President of the United States, (the fountain-head of power,) and have a full understanding with him on all the points of difference between our white brothers and ourselves. We have accordingly arrived here, (after an interval of more than twenty years since our last visit,) and have presented ourselves before you as the representative of the President. We wish now to hear from you what talk those commissioners had been authorized to deliver to our council, and what propositions they had been empowered to make.

Respectfully submitted by

PUSHAMATAHAH, his × mark.
MOOSHULATUBBEE, his × mark.
ROBERT COLE, his × mark.
DANIEL McCURTAIN, his × mark.
TALKING WARRIOR, his × mark.
RED FORT, his × mark.
NITTUCKACHEE, his × mark.
DAVID FOLSOM.
J. L. McDONALD.

Delegates from the Choctaw nation.

Interpreted by me, and signed by the delegation in my presence.

JOHN PITCHLYNN.

Hon. J. C. CALHOUN, *Secretary of War.*

FRIENDS AND BROTHERS:

DEPARTMENT OF WAR, November 9, 1824.

Since my conversation with you yesterday, I have examined more fully the maps and communication in relation to the eastern boundary line, established by the treaty of the 18th October, 1820, of the cession made under the said treaty to the Choctaws, between Red river and the Arkansas. I find, by reference to the documents, that our surveys and settlement on Red river extend quite up to the mouth of the Kiamsha; and that a line, to comprehend our settlements, must run as far west as that point. From the mouth of the Kiamsha to the western boundary of the Territory of Arkansas, established by an act of the last session of Congress, is a distance of but a few miles; and as that Territory has expressed an anxious desire that that should be established as the eastern boundary of the Choctaw cession, the President instructs me to say that he will be much gratified if the delegation will agree to fix it as the boundary. It would certainly possess many advantages for a boundary; among which is not the least prominent, that it would be permanent. There is no probability that any State or Territory will be erected to the west of the Arkansas Territory, which would leave the Choctaws, who might choose to emigrate, a quiet and undisturbed possession of the immense country lying between the Arkansas and Red rivers, and the western boundary of the Territory of Arkansas, and the boundary between the United States and Mexico; being a country of not less than three hundred by one hundred and twenty miles, and amply sufficient for the wants of the whole Choctaw nation. Should the line, on the contrary, be drawn any where to the east of the western boundary of the Territory of Arkansas, so as to include within the cession to the Choctaws a part of that Territory, there is no likelihood that such a boundary would be permanent, as there is every reason to believe that the people of that Territory would never rest satisfied until the Indian title was extinguished to its western boundary.

In order that you may have a just idea of the country in question, I herewith enclose the latest and most accurate map of that portion of the United States, which may be relied upon as sufficiently accurate for all practical purposes. The line marked A and B, drawn in red ink, indicates the boundary, as established by the treaty of the 18th of October, 1820; a line, also drawn in red, marked C and D, indicates the western boundary of the Territory of Arkansas, the line proposed to be established by the Government; and the line marked E and F, the western boundary between the United States and Mexico.

I am authorized by the President to state, that, should the delegation agree to the line proposed to be established, he is willing to make a reasonable and adequate compensation to the Choctaws for the country which may be thereby ceded.

Should, however, the delegation not approve of the line proposed to be established, I should be glad if they would state their ideas upon what ought to be the boundary line, and their proposal as to where it should run.

I also suggested, yesterday, that it was the desire of the Government to extinguish part of the Choctaw title to lands joining the county of Monroe, in the State of Mississippi. In making this proposition, it is not the desire of the Government to acquire more land in that quarter; but that county lying detached from all the others in the State, and it being insufficient in itself, under the constitution of the State, to form a judicial district, subjects the people of the county to great inconvenience. Under these circumstances, the President would view in a very favorable light a cession contiguous to that county, sufficient to form two or three counties, in order to form a judicial district, and thereby remove the inconvenience now experienced.

If the delegation accede to the request, I am authorized by the President to state that a liberal and fair compensation will be made, not only for the land ceded, but to the individuals who may have improvements lying within such cession.

I shall be glad to hear from the delegation, either in writing or verbally, on both those points.

I am, &c.

JOHN C. CALHOUN.

To the CHOCTAW DELEGATION, now in Washington.

SIR:

CITY OF WASHINGTON, November 12, 1824.

We have received and considered your proposal in relation to our lands beyond the Mississippi, and also in relation to a cession of land adjoining Monroe county. This latter proposition we will first dispose of.

After a full discussion among ourselves, we have come to the conclusion that we cannot sell any more of our lands bordering on the Tombigbee. The Government must be satisfied of our friendly disposition towards our white brothers. In war, we have given them our assistance; and in peace, we have endeavored to show our hospitality. Our determination, therefore, cannot be supposed to result from any unfriendly feeling. It is the result of a thorough conviction on our own minds that we act in conformity with the wishes of our countrymen. About eight years since, we held a treaty with certain commissioners, of whom General Coffee was one. At that time, we sold all our lands lying east of the Tombigbee. We had hoped that that would have been the last request to sell more lands in that quarter. We were induced to hope so from the assurances of the commissioners. We were told that, by selling our lands east of the Tombigbee, and confining ourselves entirely to the west side, we should establish a good boundary; having the Mississippi on one side, and the Tombigbee on the other, there was a reasonable prospect that our limits would be permanent. We cannot consent to change the line. We wish that the Tombigbee should continue to be our boundary on the east.

We now come to consider your proposition in relation to our lands between the Arkansas and Red rivers. You propose to purchase all our lands lying within the Arkansas Territory. We do not feel ourselves authorized to sell so much. We consider it a misfortune that our white brothers are settled on the lands which were ceded to us; and it is our earnest desire to effect an amicable and satisfactory arrangement, so as to accommodate our white brothers of the Arkansas, without injuring ourselves. We are willing to sell that portion which is most thickly populated, and not more. Take us to the western boundary of the Arkansas Territory, and you take all our valuable land. You bring us, also, in contact with Indian tribes who are in enmity with us. On the banks of the Red river, and below the Kiamsha, the lands are fertile. There, our people could settle; some might cultivate the land, and some would live by hunting. We do not wish that our people should always live by hunting. We wish them to live where there are inducements to agriculture. Beyond the Kiamsha we meet with nothing but prairies. That tract of country is by no means so valuable as that on which the white people are settled. We are not, therefore, willing to sell so much as you require, but we are willing to sell some.

That portion of country which we propose ceding, (provided we receive adequate compensation,) lies between the Washita and Red rivers, and is bounded as follows: Up the Washita, from the point where the Choctaw boundary line crosses the same, to its source; thence, south, to that point on Red river where the Spanish line strikes the same; thence, down Red river, to the present boundary line; thence, to the place of beginning.

This section of country we believe to be the most thickly populated. We know it to be valuable; but our white brothers are there, and we wish to live in peace and harmony with them. We make our proposition in the spirit of accommodation; and we trust you will regard it as proceeding from the most friendly feelings and motives.

Respectfully, your friends and brothers,

PUSHAMATAHAH,
MOOSHULATUBBEE,
ROBERT COLE,
DANIEL McCURTAIN,
TALKING WARRIOR,
RED FORT,
NITTUCKACHEE,
DAVID FOLSOM,
J. L. McDONALD.

The Hon. J. C. CALHOUN, *Secretary of War.*

FRIENDS AND BROTHERS:

DEPARTMENT OF WAR, November 15, 1824.

I have laid your communication of the 12th instant before the President, who has given it due consideration.

The object of the Government, as stated in a former communication, in wishing to acquire additional territory adjoining the county of Monroe, in the State of Mississippi, was not for the desire of obtaining more lands, but for the accommodation of that State in the arrangement of its courts. The President regrets that you have made a final decision against the cession.

In proposing the western boundary of the Territory of Arkansas as a limit between the United States and the Choctaws' possession beyond the Mississippi, it was the sincere wish of the President to fix upon a boundary that would be permanent between the United States and the Choctaws' possession in that quarter. The one proposed seemed to possess, in that point of view, great advantages. It is, however, by no means the desire of the President to obtain a cession of all the cultivatable lands which are now owned by the Choctaws on that side of the Mississippi, under the treaty of the 18th October, 1820. In wishing that the Choctaws would remove to the west of the Mississippi, the Government does not desire that they should change their agricultural habits for their former hunter's habits. While, therefore, the President respects the motive which the delegation assigns against extending the line of cession so far west, he cannot approve of that which the delegation proposes to fix. It is believed that the cession proposed would not fulfil any one of the desires of the Government. It would leave a large number of our population still on the Choctaw land; to avoid the trouble and the difficulty of removing them, constitutes one of the principal objects in proposing the present treaty. Nor would there be any likelihood that the boundary proposed would be permanent; for, by reference to the map, it will be seen that it leaves a narrow neck of land between the Arkansas and the upper branches of the Washita in possession of the Choctaws, which would be surrounded on two sides by our population, and which, having no strongly-defined natural boundaries, would be subjected to the perpetual intrusion of our citizens. This state of things could not fail to produce irritation on both sides; to

remove which, a new treaty must be held, and more natural and permanent boundaries fixed. This had better be done at once. For which purpose I propose, by direction of the President, the extension of the western boundary of Louisiana, from the point where it strikes the Red river, due north, to the Arkansas; with the understanding that, if the line so extended should strike the Arkansas west of Fort Smith, then, in that case, the line to be from the point where the Louisiana line strikes Red river to Fort Smith. By inspecting the map, it will be seen that the line will pass, for the most part, through an elevated country, dividing the waters of Little river, Kiamsha, and the Poteau; and it is presumed will be both mountainous and poor, and will probably constitute a good natural boundary. It is believed that it would possess more advantages than any other that can be drawn, taking into view the mutual desire of the Choctaw nation and the United States. To the former, it will leave a sufficient tract of fertile woodland country, suitable for cultivation; while, to the latter, it would leave the most of our settlements in that quarter on the east side of the line, and afford a prospect to both of permanent limits.

If the delegation will accede to the proposition, (which I trust they will, for the reasons I have assigned,) I will be prepared to discuss the question of compensation.

I am, &c.

J. C. CALHOUN.

To the CHOCTAW DELEGATION, now at *Tennison's Hotel, Washington City.*

SIR:

CITY OF WASHINGTON, *November 17, 1824.*

The Choctaw delegation yesterday received a communication from the War Department, on the subject of the *mode* in which the price for our lands beyond the Mississippi was to be appropriated. The delegation cannot, at this time, give a decisive answer on this subject. We are authorized to say, that the understanding among us is, to appropriate the money which we receive for our lands for the purpose of educating Choctaw youth; but we cannot say to what amount, nor in what particular manner.

The delegation wish you to tell them what price you are willing to pay for the land which they propose to cede; and they can then determine, with the less hesitation, on the manner in which the compensation for the cession shall be applied.

We are, respectfully, your obedient servants,

DAVID FOLSOM,
J. L. McDONALD.

To the Hon. J. C. CALHOUN.

FRIENDS AND BROTHERS:

DEPARTMENT OF WAR, *November 19, 1824.*

Having agreed upon the limits of the cession which you propose to make of your lands west of the Mississippi, I now proceed to make you an offer for them. It being the wish of the Government to be liberal, and more especially so as you have intimated your intention of applying a part, at least, of their proceeds, to the improvement and education of your children, I have concluded to offer you five thousand dollars, to be paid immediately upon the ratification of the treaty, and the provision by the Congress for carrying it into effect; and six thousand dollars, annually, for ten years: it being understood that not less than three thousand dollars of the annual allowance be applied, under the direction of the Government, to the improvement of your children, by the agency of schools, and in making them acquainted with agriculture and the mechanic arts.

Considering the remoteness of the lands proposed to be ceded, and the price which has been usually given for those similarly situated, it is believed that the offer is a liberal one, and I hope the delegation will find no difficulty in acceding to it.

I am, &c.

JOHN C. CALHOUN.

To the CHOCTAW DELEGATION.

SIR:

CITY OF WASHINGTON, *November 20, 1824.*

The compensation proposed to be given, in a communication from the War Department of yesterday, for a portion of the Choctaw lands west of the Mississippi, is considered by the delegation *entirely inadequate*. They can never consent to surrender their lands on such terms; and, unless the Government can bring itself to the conclusion to make a far more liberal offer, the negotiation must come to an immediate close, and the delegation return to their homes.

To show, however, their disposition to make a satisfactory adjustment on what they conceive to be just and liberal terms, the delegation will make a further communication to the War Department on Monday or Tuesday next, in which their views on the subject will be more fully expressed.

Respectfully, your obedient servants,

DAVID FOLSOM,
J. L. McDONALD,

On behalf of the Choctaw Delegation.

To the Hon. JOHN C. CALHOUN.

SIR:

WASHINGTON CITY, *November 22, 1824.*

We propose, in this communication, to express our views on the subject of what we conceive to be a just and liberal compensation for our lands beyond the Mississippi. We shall speak with some freedom, but not without respect. We esteem you our friend and brother, and as the organ of our great father the President of the United States, who has shown himself the friend of the red man. We approach you, therefore, with respect; but, at the same time, it is not inconsistent with that respect to speak openly and frankly on the subject of our business.

The price you have offered us for the land which we propose to cede we consider altogether inadequate. The proposed cession contains at least five millions of acres, the greater part of it valuable land. You have considered your offer *liberal*, because the country is remote. It is remote, undoubtedly; but it is, nevertheless, valuable. To us, distance is nothing; nor can it be much to you. By means of the Arkansas and Red rivers, your citizens can have easy access to the Mississippi and to New Orleans. A large portion of the land embraced in the proposed limits is, we believe, fit for cultivation. Suppose you should not be able to sell more than one-third; that, at the minimum price of public lands, will bring you more than two millions of dollars. Is it not just and right that we should receive, in annuities, a reasonable portion of that sum?

We will advert to another consideration. A part of the country is in the highest degree fertile, (especially that bordering on Red river,) and in a fine state of cultivation. We have made no improvements ourselves, we admit; but they have been made for us. It is a well known fact, that there are fine farms, dwelling-houses, cotton-gins, and mills of various descriptions, on the land which was ceded to us by the treaty of the 18th of October, 1820;

and are not these, in strict justice, our property? Those improvements which were made previous to the treaty of 1820 were sold to us by the commissioners of the United States. They were apprized of the fact of there being white settlers on that land; they, nevertheless, sold the land, and the improvements with it. Those improvements which have been made since the treaty, without any color of right, and contrary to the laws of Congress, which prohibit settlement on the Indian lands, are unquestionably ours. The *labor* has not been ours, we freely acknowledge; but who can say that the property is not? Suppose the Government, in compliance with its obligation, were forcibly to remove the settlers from our lands; (this would be, we are ready to believe, a severe and distressing task; we could not, ourselves, see it without a painful feeling; but we put the case fairly before you:) suppose the measure accomplished; what inducements would not then be presented to some of our people for a removal across the Mississippi? We should have good farms and dwelling-houses, for the reception of those who should choose to emigrate. Can we not, then, with propriety, demand compensation for those rights, and for that property of which we are deprived by the failure of the Government to comply with its obligation? We are informed that there are five or six thousand inhabitants on our land. Some of their improvements, especially on the Red river, are very valuable. We may, therefore, without entering into any nice calculation, venture to affirm that the value of improvements made by such a population amounts to several hundred thousand dollars.

We do not wish to embarrass our father the President by these considerations; nor do we mean to assume any thing like a threatening tone. When the arm of your Government is lifted, we are weak—we are powerless. We rely entirely upon your justice; and for that we shall patiently wait. We shall not attempt to remove those people by force; but, if you comply not with our request, we ask you to remove them.

Having presented these views to your consideration, we next proceed to state the terms which, in our opinion, present a fair and reasonable compensation, for the cession which we propose to make.

We wish, in the first instance, to have some points rectified in the last treaty—we mean that of the 18th October, 1820. We wish the fourth article abolished. It has excited fears and jealousies, on the part of the Choctaws, lest a premature incorporation should take place with the citizens of Mississippi.

We wish the annuity of \$6,000, promised to be paid in the last treaty, immediately to commence.

Instead of fifty-four sections of land, which were to have been set apart as a school fund, we would rather take the money, at the minimum price of public lands; the interest, under the direction of the President, to go to the education of our children.

Those reserves which were taken under the ninth article of the treaty of 1820 we wish should be granted in fee-simple to the occupants. They are capable of managing for themselves, and there were but two reserves taken. A few, also, petitioned for reserves in 1820, and received the recommendation of the commissioners. These reserves, in justice, ought to be granted; and we request that they may be.

The foregoing points (in relation to the treaty of 1820) we are persuaded are a matter of indifference to the Government. We presume that it neither gains nor loses by a compliance with our request.

We now make a direct proposition for the proposed cession west of the Mississippi. After the views we gave in the beginning of this letter, you will not be surprised that we think our terms reasonable. We ask, first, that thirty thousand dollars worth of goods be distributed as presents to our nation—fifteen thousand dollars the first year; fifteen thousand dollars the second. Secondly, that nine thousand dollars a year, for twenty years, be appropriated for the support of mechanical institutions among the Choctaws. Thirdly, that the same sum be appropriated, annually, for twenty years, for the education of Choctaw children, in colleges or institutions out of the nation. Fourthly, that three thousand dollars a year, for twenty years, be appropriated for the education of Choctaws beyond the Mississippi, when they shall have settled there, and an agent appointed to live among them: these annuities to be applied for the purposes expressed, under the direction of the President of the United States.

The price we ask may be more than has been usually given for lands lying so remote; but it is not more than what we think to be their just value. We wish our children educated. We wish to derive lasting, and not transient, benefits from the sale of our lands. The proceeds of those sales we are desirous should be applied for the instruction of our young countrymen. It is for this important object that we may seem to you to be unreasonable in our proposition. We feel our ignorance, and we begin to see the benefits of education. We are, therefore, anxious that our rising generation should acquire a knowledge of literature and the arts, and learn to tread in those paths which have conducted your people, by regular gradations, to their present summit of wealth and greatness.

Respectfully, your friends and brothers,

PUSHAMATAHAH, his × mark.
 MOOSHULATUBBEE, his × mark.
 ROBERT COLE, his × mark.
 DANIEL McCURTAIN, his × mark.
 TALKING WARRIOR, his × mark.
 RED FORT, his × mark.
 NITTUCKACHEE, his × mark.
 DAVID FOLSOM.
 J. L. McDONALD.

I certify the foregoing to be the talk of the chiefs, it, having been interpreted by me.

JOHN PITCHLYNN.

To the Hon. JOHN C. CALHOUN.

FRIENDS AND BROTHERS:

DEPARTMENT OF WAR, November 27, 1824.

I have submitted for the consideration of the President the terms on which you propose to make the cession to the United States of lands west of the Mississippi, in conformity to the offer contained in your letter of the 22d instant, and I am instructed by him to say that they are wholly inadmissible.

It is believed that the lands could not be sold (as a body) for the price at which you propose to dispose of them, were they brought into the market, and the entire tract sold at once; and that they would not realize to the Government the sum at which you have offered them, on the final sales, even through the Land Office, after deducting the expense attending the survey and sales, and calculating the interest on the sum for which you propose to sell them. Unless, therefore, the Choctaw delegation are prepared to make a very great reduction in the terms on which they have offered to sell, it would be useless to attempt to conclude a treaty.

In the present stage, it is not deemed necessary to touch upon the several articles to which you have referred in the treaty of the 18th October, 1820, as the arrangements which you propose can only be considered in connexion with the sale of the lands west of the Mississippi.

I am, respectfully, your friend and brother,

J. C. CALHOUN.

To the CHOCTAW DELEGATION.

SIR:

CITY OF WASHINGTON, *November 30, 1824.*

We have received your letter in reply to our communication of the 22d instant. You state that the terms proposed by us are considered by the President wholly inadmissible, and that, unless the delegation shall determine to make a very great reduction in the price which they ask for their lands, it is useless to attempt to conclude a treaty.

Our determination is made: we cannot depart essentially from our original proposition. We may have erred in the estimate we made of the value of the land which we proposed to cede; but we cannot, consistently with the opinions we have formed, consent to make the reduction of price which you expect. Our situation is one of great responsibility. Our people are looking towards us with interest and anxiety. They expect that we shall either make an advantageous treaty, or none. We do not believe that your terms offer us the advantage we were prepared to expect. The negotiation, therefore, comes to a close, and we shall prepare to return to our homes.

Before we leave the city, (which we wish to do in a few days,) we shall present for your consideration a number of claims which our people have against the Government of the United States. Those are subjects on which commissioners have seldom given us satisfaction; and it was for that reason we were the more desirous to visit this city, and see the President. We hope to have a perfect understanding with you on those points.

Notwithstanding we have differed on the most important subject of our negotiation, we can still say, with the utmost sincerity of heart, that we are now, as we ever have been,

Your friends and brothers,

PUSHAMATAHA, his × mark.
 MOOSHULATUBBEE, his × mark.
 ROBERT COLE, his × mark.
 DANIEL McCURTAIN, his × mark.
 TALKING WARRIOR, his × mark.
 RED FORT, his × mark.
 NITTUCKACHEE, his × mark.
 DAVID FOLSOM.
 J. L. McDONALD.

To the Hon. JOHN C. CALHOUN.

FRIENDS AND BROTHERS:

DEPARTMENT OF WAR, *December 31, 1824.*

Your two letters, of the 30th ultimo and 1st instant, were duly received, and laid before the President at the first opportunity. A press of business, both upon the President and myself, has prevented an earlier attention to them.

I now have to inform you, after full inquiry and deliberation, that the price asked by you for your lands west of the Mississippi cannot be given. The President is willing to give the full value, but cannot think of giving more than what the land is fairly worth; and is desirous, both on your account and that of the United States, to conclude a treaty of cession.

He trusts that you will reconsider your offer, and agree on one more reasonable. Should it be acceptable to you, I will include in the arrangement, upon an equitable settlement, an adjustment of your Pensacola claims, and also any other just claims which you may have upon the Government.

I am, respectfully, your friend and brother,

J. C. CALHOUN.

To the CHOCTAW DELEGATION.

SIR:

CITY OF WASHINGTON, *January 3, 1825.*

We have received your letter of the 31st December, in reply to a communication some time since made by us. You state that the price which we ask for our lands cannot be given; and you convey the wish of the President that we would reconsider our offer, and agree upon one more reasonable.

Notwithstanding we had believed the negotiation terminated, we are still animated with the desire of making an amicable adjustment of the differences between us. We can therefore assure you, that, although we thought our original offer reasonable, we are, nevertheless, willing to make a liberal reduction in our price. We have already assured you that we cannot take the price which you proposed to give. We expect that you will make a liberal advance. It will be unnecessary for us to make an offer. What we should consider *more reasonable*, you might still think too much. To avoid delay, therefore, we would respectfully suggest that the proposal come from you. Tell us, at once, the highest price you can give—the utmost extent to which you can go; and we can immediately determine whether to accept or reject your offer.

We would take this opportunity to request that you would communicate your views on the points presented for your consideration in our letter of the 1st December.

Respectfully, your friends and brothers,

MOOSHULATUBBEE, his × mark.
 ROBERT COLE, his × mark.
 DANIEL McCURTAIN, his × mark.
 TALKING WARRIOR, his × mark.
 RED FORT, his × mark.
 NITTUCKACHEE, his × mark.
 DAVID FOLSOM.
 J. L. McDONALD.

To the Hon. JOHN C. CALHOUN.

FRIENDS AND BROTHERS:

WAR DEPARTMENT, *January 5, 1825.*

In reply to your letter of the 3d instant, and in compliance with your suggestion that the proposition of a price for your lands west of the Mississippi be made by me, I propose, as the highest price that can be given, the sum of \$90,000, payable in ten annuities of \$9,000 each; also, to relinquish the claim of the Government upon your nation for the sum due by it to the late Choctaw trading-house; it being understood that you relinquish your claim upon the Government for the establishment of a trading-house, as provided for by the sixth article of the treaty of the 18th October, 1820.

Should this proposition be accepted, I propose further to comprehend in the definitive arrangements a provision for an equitable allowance for your services rendered in the Pensacola campaign, and also to settle such other just claims as you may have to present.

The several other points referred to in your letter of the 1st ultimo will be considered, and replied to as soon as possible.

I am, respectfully, your friend and brother,

J. C. CALHOUN.

To the CHOCTAW DELEGATION.

SIR:

CITY OF WASHINGTON, *January 14, 1825.*

We have attentively considered the proposition contained in your letter of the 5th instant. We asked you to state the highest price which you were willing to give for our lands beyond the Mississippi. You have named \$90,000, to be discharged in ten annual payments. This, as it stands, we cannot accept. After deliberate reflection, we have ourselves determined to make a final proposition. It will not vary much from yours; but it will be in a shape which holds forth the promise of more permanent benefit to our people. You will remark that we have made a very great reduction in our price. We have done so, not because our original opinion of the value of the land is changed, but because of the peculiar circumstances of the case, and on account of the views which you have given us in your communications, written and verbal.

The terms which we propose are the following:

1st. \$6,000 a year, *perpetual annuity*; that annuity to be sold, or continued by the Choctaws, at their option, any time after twenty years.

2d. The annuity of \$6,000 for sixteen years, promised in the treaty of 1820, to commence the present year.

3d. The relinquishment (as suggested by you) of all claims which you may have against individuals of the Choctaw nation, for debts due to the trading-house, in consideration that we relinquish our claim to have a trading-house established west of the Mississippi.

4th. An equitable settlement of the Pensacola claims, and of all other just claims which may be presented.

The foregoing are the principal conditions. There are others which we could wish granted, but upon which we would not insist with pertinacity. For instance: we would rather take *money*, and apply the interest to the purposes of education, than the fifty-four sections of land provided to be set apart under the treaty of 1820. We wish certain reserves (taken under the same treaty) to be confirmed in fee-simple; and we wish to *sell* you two small reserves (the one containing *eight*, the other *two* square miles,) which we have on the Pascagoula and Tombigbee rivers. They were retained under the treaty of 1805, and are valuable. Should you wish to make the purchase, we presume there would be no difficulty in agreeing on a price.

We hope that the terms we have proposed may be satisfactory, and that our business will be speedily closed.

Respectfully, your friends and brothers,

MOOSHULATUBBEE, his × mark.

ROBERT COLE, his × mark.

DANIEL McCURTAIN, his × mark.

TALKING WARRIOR, his × mark.

RED FORT, his × mark.

NITTUCKACHEE, his × mark.

DAVID FOLSOM.

J. L. McDONALD.

I certify that the foregoing is the correct talk of the chiefs.

JOHN PITCHLYNN.

To the Hon. JOHN C. CALHOUN.

FRIENDS AND BROTHERS:

WAR DEPARTMENT, *January 15, 1825.*

I have received your letter of yesterday, in which you vary the proposition made by me in mine of the 5th instant for a cession of your lands west of the Mississippi; and offer, in lieu of it, another, which you state as follows:

"1st. Six thousand dollars a year, *perpetual annuity*; that annuity to be sold, or continued by the Choctaws, at their option, any time after twenty years.

"2d. The annuity of six thousand dollars for sixteen years, named in the treaty of 1820, to commence the present year.

"3d. The relinquishment (as suggested by you) of all claims which you may have against individuals of the Choctaw nation, for debts due to the trading-house, in consideration that we relinquish our claim to have a trading-house established west of the Mississippi.

"4th. An equitable settlement of the Pensacola claims, and of all other just claims which may be presented."

I have submitted the foregoing proposition to the President, who directs me to accept it, with the understanding that the annuity for six thousand dollars be applied to the support of schools in your nation, and to the improvement of your people in the mechanic arts.

The outlines of a treaty will be prepared for your signatures early in the coming week.

I am, respectfully, your friend and brother,

J. C. CALHOUN.

To the CHOCTAW DELEGATION.

SIR:

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, *January 22, 1825.*

I have the honor to state, that only two persons of the Choctaw delegation have succeeded to reservations of one mile square, under the provisions of the ninth article of the treaty of 1820; their names, as reported by the Choctaw delegation now here, are Molly McDonald and Wesley Trahern; to whom the right to sell, in fee-simple, with the consent of the President of the United States, is ceded by the fourth article of the treaty concluded on the 20th instant.

The extract from the letter of General Jackson and Thomas Hinds, commissioners, which accompanied the treaty of October 18, 1820, recommending similar privileges of location, and the right to sell to certain individuals of the Choctaw nation, contains the information necessary to explain the remaining part of the provision of the fourth article of the treaty aforesaid.

I have the honor to be, very respectfully, your obedient servant,

THOS. L. McKENNEY.

To the Hon. the SECRETARY OF WAR.

Extract from the letter of General Andrew Jackson and Thomas Hinds, which accompanied the treaty concluded by them, as the commissioners on the part of the United States, with the Choctaw nation, on the 18th October, 1820, dated October 19th, 1820.

"You will receive, accompanying the treaty, a request from the chiefs, headmen, and warriors of the Choctaw nation, in favor of Noble Osborne and Alexander Hamilton, which it is our desire should be laid before Congress, and the object of the petition granted. Should a law be passed in favor of Hamilton, it is suggested that he ought to be restricted, so as to be prevented from locating his section on a town site, or on any portion of land set apart for the support of schools in the Choctaw nation. Hamilton is three-fourths white man, and a native of the country. He has been a soldier, and at one time appointed an officer in the army of the United States. He is poor, and we have promised to use our endeavors to secure to him this grant of land, and that he be made a citizen, and subject to our laws. Mr. Osborne has for many years kept a United States stand on the public road running through the nation. His treatment to both Indians and white men has given general satisfaction, and all have interceded in his behalf.

"The application of Greenwood Leflore to become a citizen of the United States, and have his section of land, to include his improvements, secured to him in fee, is believed to be just and reasonable, and ought to be granted. It will, it is presumed, have a good effect, and in a short time induce all those who remain on this side of the Mississippi to petition for the same privilege. The applications of George Turnbull and Alexander McKee* are reasonable, and should also be granted by Congress."

NOTE.—The application in favor of Noble Osborne, referred to in the foregoing extract, being to secure to him "the privilege of entering, at Congress price, one section of land where he now lives," has been complied with. The cases, therefore, remaining to be complied with, and to which the provision made in the fourth article of the treaty to which this is annexed is particularly intended to apply, are those of Alexander Hamilton, Greenwood Leflore, George Turnbull, and Alexander McKee. It is proper to observe, that, since the application was first made, Hamilton has died; and it has been renewed, at the request of the Choctaw delegation, for the benefit of his legal representative or representatives.

THOMAS L. MCKENNEY.

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, *January, 1825.*

SIR:

CITY OF WASHINGTON, *December 22, 1824.*

In compliance with your verbal request of this morning, to communicate to you my views and opinions on the subject of the proposed treaty with the Choctaw Indians, for the purchase of a part of the lands which they claim west of the Mississippi river, by virtue of the treaty of 1820, I submit the following, after investigating the facts, and reflecting maturely on the subject.

It is known to your Department that the people of Arkansas have complained, with a common voice, of the unhappy influence of the treaty of 1820 upon their interests and prosperity; yet they have never imputed to the Government of the United States a desire to retard the growth of their Territory, or a disposition to injure their personal rights or happiness as citizens, but attributed the unfortunate treaty of 1820 to a want of correct information as to the extent of the injury which Arkansas and her citizens would receive from its fulfilment.

The complaints which they made on the subject proceeded not from a disposition on their part, under any circumstances, to oppose the authority of the Government, or to do injustice to the Choctaw Indians; but from a fixed confidence, which they have always entertained, in the justice and magnanimity of the Government, and a conviction that the Choctaws might be induced to yield, for an adequate consideration, the tract of country on which they were settled previous to the treaty; and that the Government, after knowing their situation, would lose no time in making the necessary arrangements for their relief.

Influenced by just considerations, Congress, on the representation of my predecessor, passed a law establishing as the western boundary of the Territory a line to be run due south from the southwest corner of the State of Missouri to Red river; and the appropriation which was previously made, by law, to carry the treaty into effect, was to be applied by the President, to secure a modification of the treaty, to relieve the settlers within the limits designated by the above-named act from the unhappy condition into which they were thrown by the treaty of 1820.

When this was made known to the people of Arkansas, the complaints which they had made were succeeded by a general burst of joy, and the most unqualified expressions of gratitude to their Government for its liberality and justice.

But, when an examination was made as to the course the line would run, it was ascertained that from twelve hundred to two thousand souls would fall west of it. With this knowledge, the General Assembly of Arkansas passed a memorial to Congress, praying for an extension of the line, to embrace all the settlements and counties that were formed previous to the treaty of 1820.

The same liberality and justice which dictated the first measure for their relief, influenced Congress, at the last session, to grant the request; and a law was passed, extending the boundary line forty miles west of the southwest corner of the State of Missouri, and thence, due south, to Red river.

With this boundary, the people are satisfied. It embraces the most, if not all, who were living in the country previous to the treaty, and gives to Arkansas sufficient territory to form a strong State on our frontier.

To give you a more correct knowledge of the importance which the people of Arkansas attach to the purchase of the country from the Indians, to our western line, as established by law, I herewith submit a copy of the memorial of the General Assembly of that Territory, (marked A,) which was presented the 23d of March last to the United States Senate, and referred to a select committee; and to show the view which that committee took of the subject, and the importance they allowed it to possess, I also submit a copy of the report made by the chairman, (marked B.)

I have said to you, in conversation, that the line proposed in the negotiation which is pending with the Choctaws will be east of that which the General Assembly of Arkansas remonstrated against; and that between two and three thousand souls, if that line should be established, will still be within the limits of the Choctaw claim.

To strengthen this position, I herewith submit, as evidence of the fact, a copy of a statement (marked C) which was made by Major Bradford, at the last session of Congress, to the select committee of the Senate, to which the memorial of the General Assembly of the Territory, on the subject of the western boundary, was referred.

It shows that two thousand persons were disfranchised by the law establishing a boundary from the southwest corner of Missouri, due south, to Red river.

Otherwise Alexander H. McKee.

The line proposed at present is east of that several miles, and, if established, will cut off a greater number of our citizens.

I am aware of the kind disposition of our Government towards Arkansas, and of the anxiety which the Executive and you, sir, have manifested, by your frequent expressions on the subject, to consult the views and wishes of the people, in relation to this important subject; and, also, of the difficulties which the Choctaws create by the slow and hesitating manner with which they consent to surrender even a part of the country inhabited by our citizens.

But I trust that difficulties of this character will not induce the Government to adopt any measure which will be destructive to the peace and interests of so large a proportion of the population of Arkansas.

That the establishment of the line proposed will be ruinous to thousands, is evident from the facts and evidence to which I have referred you.

As the Delegate of Arkansas, I can never consent to any measure which is calculated to check the prosperity of my Territory, or to destroy the interest of any portion of its inhabitants.

That the boundary suggested in the negotiation will do both, is, I presume, a point which will not be disputed.

If the whole of the Choctaw claim within the limits of Arkansas cannot be extinguished by treaty, I would suggest to you a line from the mouth of the Poteau to the mouth of the Kiamsha, as one which would save the most of the inhabitants. But it would only be after all hope had vanished of securing a treaty for the whole that I would consent to this line on the Kiamsha and Poteau rivers; and between the Poteau and Canadian fork there are very extensive tracts of the most fertile lands—much more, I presume, than can ever be cultivated by the Choctaws, independent of the vast region of country which they claim west of the limits of Arkansas.

In conclusion, I must ask of the Executive of the United States, in the event of a failure at this time to purchase from the Choctaws the tract of country which was inhabited by our citizens prior to the treaty of 1820, to suspend the operations of the treaty until a purchase can be made; and, in the mean time, to cause the Choctaws, who may and have moved west of the Mississippi, to be located west of the Kiamsha and Poteau, until some definitive arrangement can be made with them to our satisfaction.

With the greatest respect, I have the honor to be, sir, your most obedient servant,
HENRY W. CONWAY.

Hon. J. C. CALHOUN, *Secretary of War.*

A.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The Legislature of the Territory of Arkansas respectfully represent: That the citizens of this Territory have seen with astonishment, and no small degree of regret and concern, an act of the last session of Congress, entitled "An act making further appropriations for the military service of the United States for the year one thousand eight hundred and twenty-three, and for other purposes," (chap. 24, and sec. 3,) that a line due south from the southwest corner of the State of Missouri, to Red river, has been established as the western boundary of the Territory of Arkansas.

To press this subject upon the consideration of the nation, it [is] deemed by your memorialists only necessary to advise the General Government that the line, as established, will forever blast the hopes and just expectations of the citizens of the Territory, as it will transfer to the Choctaw Indians a large portion of the counties of Miller and Crawford, a section of the country which, by the fertility of the soil and amenity of situation, has been justly considered as one of the most choice tracts of land in our Territory—the pride, the boast of Arkansas. Indeed, the line, as established, will transfer to the Choctaw Indians more than one-half of the most respectable inhabitants of the county of Miller, which is now a well-organized community, located upon the public lands already surveyed.

And the representatives of the people feel it a duty which they owe to themselves and their constituents to press the consideration of this subject upon the National Government, with that degree of solicitude and anxiety which the magnitude and importance of the subject so justly inspires.

Your petitioners represent the propriety of a modification or change in our western territorial line, so as to commence at the southwest corner of the State of Missouri, and running thence to the falls on the Verdigris river, and from thence to the mouth of the Kiamsha, on Red river. We believe that the establishment of the line above mentioned is equally as important to the General Government as to this Territory. Your petitioners would observe, that the line heretofore established is well calculated to keep Arkansas in a state of territorial bondage.

If such has been the object of the nation, it is well calculated to effect that object. This we cannot believe; but, if the General Government feel a disposition to see this Territory prosper, and increase in wealth, population, and respectability, the establishment of the line for which we ask will secure to us certain success.

Your petitioners would further observe, that, although the tract of country already included within the bounds of this Territory is large, yet a knowledge of the situation of our country is sufficient to convince all that it does not contain, within its present limits, a sufficient quantity of good land for a State Government.

The lands calculated to attract the attention and admiration of the emigrant are situate upon the margin of the navigable streams; and that part of them which is most navigable, and upon which our future prosperity greatly depends, is confined within the limits of that line to which your memorialists would invite your deliberate consideration.

T. FARRELLEY,
Speaker of the House of Representatives.
SAM. C. ROANE,
President of the Legislative Council.

Approved October 18, 1823.

ROBERT CRITTENDEN, *Acting Governor.*

B.

Mr. BENTON, from the select committee to whom was referred the memorial from the General Assembly of the Territory of Arkansas, reported:

That the memorialists represent that the line prescribed, by an act of the last session of Congress, for the western boundary of the Territory of Arkansas, will pass through the counties of Miller and Crawford, and leave a proportion of the population of said counties on the outside of said line, and beyond the jurisdiction of said Territory; and they pray that the line may be altered, and fixed so far west as will include the residue of said counties and their inhabitants.

By information derived from the Delegate of said Territory, the committee are informed that the number of inhabitants thus cut off from the Government under which they had lived amounts to about twelve hundred souls; and the inquiries which present themselves are: 1st. Whether the said inhabitants shall be left as they are, without law to govern them? 2d. Or, whether they shall be compelled to come within the present limits of the Territory? 3d. Or, whether the western boundary shall be extended to include them?

The first alternative the committee reject, for reasons too obvious to require specification. To the second, many objections are found, arising from the organized state of the counties; the claim which many of the inhabitants set up for pre-emption rights, under the act of Congress of the 12th of April, 1814; and, above all, from the fact that, by an order issued from the War Department on the 15th December, 1818, a line drawn from the source of the Kiamsha to the source of the Poteau was fixed as the limit of western settlements in Arkansas, and settlers west of that line were ordered to be removed to the east of it; in the execution of which order, by the commanding officer of Fort Smith, on the Arkansas river, the settlers in the now counties of Miller and Crawford were not removed, because found to be on the eastern side of said line. The third alternative is, therefore, adopted by the committee, as well for the reasons growing out of the objections to the first and second, as because a line further west will divide into two equal parts the territory of the United States upon the Arkansas, east of the Mexican boundary, and will give to the future State of Arkansas that power and magnitude, to which, as a frontier State, in relation both to a foreign nation and numerous Indian tribes, it will be justly entitled.

The adjustment of the Indian boundary lines not being a subject of legislation, the committee do not make any report upon the existing boundary between the Choctaws and white settlers in the Territory of Arkansas. They leave that subject to the operation of treaties, made, or to be made; and report a bill solely for the extension of the western boundary line of the Territory of Arkansas.

C.

Upon the request of Mr. Conway, Delegate in Congress from the Territory of Arkansas, I make the following statement:

In the month of June, in the year 1819, being in command of the United States troops stationed at Fort Smith, on the Arkansas river, I received an order from the commanding officer of the southern division, (General Jackson,) commanding me to remove all the settlers who should be found west of a line drawn from the sources of the Kiamsha to the Poteau; (the former, a stream emptying into Red river; the latter, into the Arkansas river;) and to compel all such settlers to return to the east side of said line.

Upon the receipt of the order, I set out with some half a dozen soldiers on horseback, (a corporal's guard,) and proceeded to the tract of country on which the intruders had settled. I found about two hundred families, in the whole, on the west side of the line designated: some of them had crops growing; others, none. I read the order which I had received to the heads of the different families, requiring those who had no crops growing to obey it immediately; and to those who had, time was allowed till October. The order was immediately obeyed; and some of those to whom I had given leave to remain till their crops were gathered were driven in before that time by Captain Combs, commanding at Natchitoches, who had received a similar order, and executed it in the district of country next to Red river; in some instances, burning the houses and destroying the crops. Afterwards, Mr. Downs and Mr. Woodward, being authorized by Government to run certain lines in Arkansas, fixed upon a line from the mouth of Canadian Fork, southwardly, to the head of Jack's Fork of Kiamsha, and down it to its mouth.

This line was further west than the one designated in the order which I had received and executed; and, immediately after, many of those who had removed under the order of myself and Captain Combs re-occupied the ground from which they had been removed. Information of this having reached the Government of the United States, an order was sent to Colonel Arbuckle, commanding at Fort Smith, in the fall of the last year, commanding him to drive back all such intruders to the east side of the line from the sources of the Kiamsha and Poteau. This was accordingly done, and the people, thus twice removed back, settled in the counties of Miller and Crawford; and, I should suppose, that about two thousand souls were cut off from the Territory by the line fixed for the western boundary of Arkansas at the last session of Congress.

Given under my hand, at the city of Washington, this 25th day of March, 1824.

W. BRADFORD.

SIR:

WAR DEPARTMENT, *January 18, 1825.*

I have laid before the President your letter of the 22d December last, in which you object to the line which was proposed to be established between the Red river and the Arkansas, in the treaty now pending with the Choctaw delegation, on the ground that there would remain upwards of two thousand of the inhabitants of the Territory west of the proposed line; and I am directed by the President to inform you, that it has been his anxious desire, in the proposed arrangement with the Choctaws, to establish the line in a manner perfectly satisfactory to the Territory. With this view, it was first proposed to the delegation to establish the western boundary of the treaty as fixed by the act of 26th May, 1824, as the eastern boundary of the country to be retained by the Choctaws west of the Mississippi; but the proposition was decidedly and firmly rejected by the Choctaw delegation, on the ground that the country west of it is so destitute of timber, and of such sterile soil, as to render it unfit for agriculture. Actuated with the same desire, the President was anxious to fix the line of the Kiamsha and Poteau as the boundary of the proposed cession. But the deputation, governed by the same motives above stated, refused to go farther west than the western boundary of Louisiana; to which line you object. It is certainly to be deeply regretted that so large a number of the inhabitants of the Arkansas Territory should reside west of the proposed line; but the President is of the impression that, under all the circumstances of the case, the views you have presented against its establishment are not sufficient, and has accordingly directed the negotiation to proceed upon the basis of establishing that line.

Should the proposed treaty fail, there would be no other alternative left but to enforce the treaty of 18th October, 1820, which establishes a line far east of the one now proposed; and which, instead of the removal of two thousand, would, according to the best information, cause the removal of about five thousand. The reason why the treaty has not been heretofore enforced now no longer exists to justify its non-fulfilment. So soon as it was discovered, after the ratification of the treaty of 1820, that a large number of the inhabitants of the Territory resided west of the line which was thereby established as the eastern boundary of the Choctaw possessions, a proposition was made to modify the treaty, so as to prevent the disagreeable necessity of removing our citizens; which proposition

has been the subject of correspondence and discussion to the present time. During its pendency, the President felt justified in omitting to take steps to fulfil the treaty in relation to the points under discussion. But, should the treaty now pending fail, and there should be no further hope (as would be the fact) that a modification of the former treaty could be obtained, there could be no good excuse for delaying the enforcement of its provisions, and, consequently, of removing those of our citizens who have unfortunately settled and made improvements on the Choctaw side of its eastern boundary. To avoid so disagreeable a consequence, and to mitigate the evil as far as practicable, when it cannot be wholly remedied, the President is of opinion that it would be preferable to establish the boundary now proposed, than to enforce the original. In fact, he considers the object so desirable, as to present strong inducements of acceding to what might otherwise be considered as a high price, than to be reduced to the necessity of subjecting so many families and individuals to the distress and losses which must necessarily be attendant on a removal. In coming to this decision, he is not of the impression that the settlements on the land in question have been lawfully made by those who now occupy it, or even that they have been under the implied sanction of the Government. The orders to which you allude, to prevent settlements west of the Kiamsha and Poteau, were not intended to encourage settlements east of those rivers, on lands belonging to the United States, and can, fairly considered, furnish no sanction for the settlements in question; and it is even very probable that those who made the settlements did so without knowledge of the order, most of them having made them, it is believed, before the order could have been made known in that quarter. But, though our citizens have no claim, in strict justice, against their removal, they still have claims upon the humanity of the Government. The settlements have probably been formed thoughtlessly, under the temptations of fine soil and a genial climate, without reflecting that the lands were not theirs, and that they rendered themselves liable, of course, to be removed as intruders, under the laws of the country.

The general mode of forming settlements in our country, no doubt, encouraged the settlements; and the settlers may be considered, under those circumstances, as having claims, not upon the justice, but humanity of the country. Their situation is thus viewed by the President; and, while he cannot yield to their desires upon the score of justice, he feels very solicitous to make such a modification of the treaty of 1820 as will subject as few as possible to the distress and losses which must be attendant on a rigid enforcement of its provisions.

I have the honor to be, very respectfully, your obedient servant,

J. C. CALHOUN.

To the Hon. H. W. CONWAY,
Delegate from Arkansas, United States Congress.

[18th CONGRESS.]

No. 220.

[2d SESSION.]

APPLICATION OF THE CHOCTAW TRIBE FOR AID FROM THE UNITED STATES IN
IMPROVING THEIR CONDITION.

COMMUNICATED TO THE SENATE, FEBRUARY 21, 1825.

SIR:

WASHINGTON, February 18, 1825.

The enclosed is an address from the Choctaw delegation now in this city to the Congress of the United States. Be pleased to present it to the Senate, and much oblige

Yours, very respectfully,

J. L. McDONALD, *One of the Delegation.*

Hon. JOHN GAILLARD, *President pro tem. U. S. Senate.*

To the Congress of the United States:

WASHINGTON, February 18, 1825.

As the representatives of the Choctaw nation and (in part) of the aborigines of this country, we feel ourselves impelled alike by duty and by inclination to address you at the present crisis. The Indians are becoming objects of increasing interest among your people. Sympathy is felt for their condition, and the most benevolent exertions have been, and continue to be, made to improve and civilize them. Under such circumstances, we cannot refrain from giving an expression of our feelings with regard to our condition and prospects. You are an assembly which we have been taught to consider the most august in the world, and into whose hands are committed the destinies of our people. To whom, then, could we more properly address ourselves on the great points connected with our happiness and prosperity?

Our good father the President has spoken to you, and requested you to adopt some measures to improve the condition of the Indian race. He has recommended that all the Indians east of the Mississippi be persuaded to remove and establish themselves to the west; that a certain form of government be provided for them; and that the land to which they may remove be secured to them forever.

Of the policy and practicability of the measure, we will not now express a decided opinion; time alone can determine. Of the motives which prompted the recommendation, we entertain no question. The opinion expressed by the President, that under no pretence should the Indians be forcibly removed from the lands which they occupy, gives us an assurance that his feelings are truly paternal towards us. That opinion accords with the sentiment entertained by all just and reflecting men, and cannot, therefore, fail to be responded to by your honorable body.

We have long been sensible of our weakness, and we know that, should the Government of the United States rise in hostility against us, we must inevitably be exterminated or driven to the west. We know that the extensive country which you now possess once belonged to our forefathers. We have heard that from a small beginning you

have grown to be a great and powerful people; and that, as you advanced, we receded; as you flourished, we decayed. We have been tempted to ask, Why should this be so? Has the Great Spirit frowned upon his red children, that they should thus have withered in your presence? Yet we have been told from the good book that he loves all his children alike, and that his greatest attribute is that of infinite mercy. This we are most willing to believe, and, believing, we are led to the natural conclusion that for some great end, only known to himself, he has permitted us to melt before you; but that the time must come when his interposing hand will be outstretched in our behalf, and we be made to become like white men.

We rejoice to think that that period is approaching. The voice of the President, the sentiments of philanthropy which seem to pervade the people, the schools and religious institutions which have been established among us—all give us the consoling assurance that we are not doomed to extinction. We have become sensible that one great reason of the power and prosperity with which our white brothers are so eminently favored has been the general diffusion of literature and the arts of civilized life among them. You have institutions to promote and disseminate the knowledge of every branch of science; you have a government, and you have laws, all founded upon those principles of liberty and equality which have ever been dear to us; for, in all our vicissitudes of fortune, and notwithstanding the constant and gradual diminution of our numbers, we have never been the slaves of any Power, and we trust in the Great Spirit we never shall be. The theory of your Government is, justice and good faith to all men. You will not submit to injury from one party because it is powerful, nor will you oppress another because it is weak. Impressed with that persuasion, we are confident that our rights will be respected.

We have but small tracts of territory remaining, and our numbers are comparatively few. The majority of those east of the Mississippi are turning their attention to agriculture, are settling themselves, and would in time become useful citizens. We admit, at the same time, that a large number still continue a wandering life, are wretched and degraded. These it would give us pleasure to see settled west of the Mississippi. It would be better for them, and better for those who remained. But you cannot persuade all to remove. The gradual operation of the laws which you may enact with regard to this subject would probably effect much. But there are those whom the strongest inducements could scarcely persuade to leave the land which contains the bones of their fathers, and which has been rendered dear to them by the recollections of youth. The important question then presents itself, What will you do with those that remain? What measures will you adopt to improve their condition, to promote their happiness? It is this great point to which our address is intended principally to direct your attention.

As connected with the subject and with the question just proposed, we are constrained to say that in several of the southern States we are denied privileges to which, as members of the human family, we are of right entitled. However qualified by education we may be, we are neither permitted to hold offices, nor to give our testimony in courts of justice, although our dearest rights may be at stake. Can this be a correct policy? Is it just? is it humane? When schools are multiplying among us; when we have made liberal appropriations of money for the education of our children; when we are forsaking the chase, and turning our attention to agriculture, and are becoming an orderly and social people; does it comport with an enlightened and liberal policy to continue the imposition of those degrading restrictions upon us? Should not inducements be held forth to our young men to qualify themselves to become useful citizens of your republic? Should not the portals of honorable distinction be thrown open to them as well as to their white brothers? But the subject is a painful one, and we will dismiss it. The mist of prejudice is gradually vanishing before the light of reason, and enlarged sentiments of philanthropy begin to prevail. We leave the issue of the question to your wisdom and to the liberality of the South.

In conclusion, we would express the earnest hope that the result of your deliberations respecting our unfortunate race may be such as to insure durable benefits to them, and lasting credit, in the eyes of posterity, to yourselves.

Respectfully submitted by

MOOSHULATUBBEE, his × mark.
ROBERT COLE, his × mark.
DANIEL McCURTAIN, his × mark.
TALKING WARRIOR, his × mark.
RED FORT, his × mark.
NITTUCKACHEE, his × mark.
J. L. McDONALD.

Interpreted, and the signing witnessed by me,

JOHN PITCHLYNN,
United States Interpreter for the Choctaws.

18th CONGRESS.]

No. 221.

[2d SESSION.]

DISBURSEMENTS BY INDIAN AGENTS.

COMMUNICATED TO CONGRESS, FEBRUARY 25, 1825.

SIR:

DEPARTMENT OF WAR, *February 24, 1825.*

I transmit, herewith, a report of the Second Auditor of the Treasury, prepared in compliance with the third section of the act of the 6th of May, 1822, entitled "An act to amend an act entitled 'An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, approved 30th March, 1802.'"

I have the honor to be your obedient servant,

J. C. CALHOUN.

The SPEAKER of the House of Representatives.

SIR:

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE, *February 22, 1825.*

In obedience to an act of 6th May, 1822, to amend an act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, approved the 30th March, 1802," I have the honor to transmit, herewith, duplicate copies of all such accounts as have been rendered to this office by persons charged or trusted with the disbursement or application of money, goods, or effects, for the benefit of the Indians, from the 1st September, 1823, to the 1st September, 1824, as per the accompanying statement (herewith submitted,) showing who have been delinquent in forwarding their accounts within the same period. These statements would have been transmitted earlier, but that some of the accounts had not been furnished to this office until within a short period; particularly that of General Clark, of St. Louis, who, in consequence of his detention at the seat of Government with a deputation of Indians, did not reach his superintendency until after the time required by the aforesaid act for rendering his accounts had expired.

It affords me pleasure to add, that all the superintendents and Indian agents have rendered their accounts, showing, in a satisfactory manner, the application of the money, goods, or effects, with which they have been charged on the books of this office, within the period above specified.

I have the honor to be, very respectfully, your obedient servant,

WILLIAM LEE.

Hon. JOHN C. CALHOUN, *Secretary of War.*

A list of the names of all persons to whom money, goods, or effects have been delivered, from the 1st of September, 1823, to the 1st of September, 1824, for the benefit of the Indians, specifying the amount and object for which it is intended.

The names of all persons to whom money, goods, or effects have been delivered, from the 1st of September, 1823, to the 1st of September, 1824.		FOR WHAT PURPOSES ISSUED.									
		Indian dep't: for pay of interpreters & blacksmiths; repairs of buildings; medicine and provisions for emigrating & visiting Indians; transportation and other conting't expenses.	Pay of Indian agents.	Pay of sub-agents.	Presents to Indians.	Civilization of Indians.	Annuities to Indians.	Expenses for rations and for implements of husbandry, & transportation of the Indians, per the Florida treaty.	Purchase of three tracts of land in Tuscarora county, State of Ohio.	Purchase of Creek and Cherokee reservations.	Extinguishment of Indian title to Quapaw lands in Arkansas.	Aggregate.
Duff Green,	\$30 00	-	-	-	-	-	-	-	-	-	\$30 00
William P. Duval,	2,142 00	\$375 00	-	\$250 00	-	\$5,500 00	\$21,650 50	-	-	-	29,917 50
John A. Brereton,	100 00	-	-	-	-	-	-	-	-	-	100 00
Lewis Cass,	31,327 00	11,700 00	\$6,735 00	4,250 00	-	24,300 00	-	\$1,000 00	-	-	79,312 00
William Clark,	39,970 08	6,916 67	3,270 00	5,913 20	-	4,100 00	-	-	-	-	60,170 05
John Crowell,	2,925 00	525 00	375 00	-	-	30,500 00	-	-	-	-	34,325 00
George Gray,	1,900 00	900 00	-	200 00	-	-	-	-	-	-	3,000 00
Peter Pelham,	125 00	-	250 00	-	-	-	-	-	-	-	375 00
Gad Humphries,	3,519 70	2,209 74	-	191 73	-	-	-	-	-	-	5,921 17
Bernard Segui,	632 00	-	-	-	-	-	-	-	-	-	632 00
G. D. Worthington,	229 44	-	-	-	-	-	-	-	-	-	229 44
James Gadsden,	3,604 34	-	-	147 50	-	-	-	-	-	-	3,751 84
Joseph McMinn,	2,985 08	650 00	250 00	-	2,150 00	-	-	-	-	-	6,035 08
Harvey Brown,	4,221 63	-	-	-	-	-	-	-	-	-	4,221 63
William Ward,	5,430 22	900 00	200 00	-	862 50	12,450 00	-	-	-	-	19,842 72
George Walton,	1,243 75	-	-	-	-	-	-	-	-	-	1,243 75
Richard Graham,	1,517 71	650 00	-	-	-	13,500 00	-	-	-	-	15,667 71
C. W. Fanning,	220 00	-	-	-	-	-	-	-	-	-	220 00
James Miller,	750 00	-	-	-	-	-	-	-	-	-	750 00
Robert Crittenden,	3,000 00	1,125 00	750 00	375 00	-	5,500 00	-	-	-	-	10,750 00
Matthew Irwin,	70 00	-	-	-	-	-	-	-	-	-	70 00
Benjamin F. Smith,	8,167 00	975 00	500 00	-	1,183 33	35,100 00	-	-	-	-	45,925 33
S. Carruthers,	194 07	-	-	-	-	-	-	-	-	-	194 07
Rogers, Mackey, and Brown,	500 00	-	-	-	-	1,000 00	-	-	-	-	1,500 00
Jasper Parrish,	7,586 39	-	375 00	17 50	-	4,750 00	-	-	-	-	12,728 89
John Johnston,	635 00	-	-	-	-	11,725 00	-	-	-	-	12,360 00
John Ross,	1,280 00	-	-	-	-	10,000 00	-	-	-	-	11,280 00
William Prince,	108 06	-	-	-	-	-	-	-	-	-	108 06
Nathaniel Jewett,	15 62	-	-	-	-	-	-	-	-	-	15 62
Charles B. King,	513 50	-	-	-	-	-	-	-	-	-	513 50
James B. Griffith,	6 60	-	-	-	-	-	-	-	-	-	6 60
Isaac Cooper,	49 50	-	-	-	-	-	-	-	-	-	49 50
Robert Malbone,	-	974 24	-	-	-	-	-	-	-	-	974 24
Thomas Forsyth,	-	1,700 00	-	337 39	-	-	-	-	-	-	2,037 39
John Hays,	-	900 00	375 00	-	-	-	-	-	-	-	1,275 00
John Tipton,	-	600 00	250 00	92 08	183 00	18,400 00	-	-	-	-	19,525 00
Peter Wilson,	-	-	133 33	-	-	-	-	-	-	-	133 33
B. F. Stickney,	-	-	500 00	-	-	-	-	-	-	-	500 00

1825.]

DISBURSEMENTS BY INDIAN AGENTS.

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LIST—Continued.

The names of all persons to whom money, goods, or effects have been delivered, from the 1st of September, 1823, to the 1st of September, 1824.	FOR WHAT PURPOSES ISSUED.										
	Indian dep't: for pay of interpreters & blacksmiths; repairs of buildings; medicine and provisions for emigrating & visiting Indians; transportation and other conting't expenses.	Pay of Indian agents.	Pay of sub-agents.	Presents to Indians.	Civilization of Indians.	Annuities to Indians.	Expenses for rations and for implements of husbandry, & transportation of the Indians, per the Florida treaty.	Purchase of three tracts of land in Tuscarora county, State of Ohio.	Purchase of Creek and Cherokee reservations.	Extinguish- m't of Indian title to Quapaw lands in Arkansas.	Aggregate.
Lawrence Taliafferro, - - -	-	-	-	\$658 00	-	-	-	-	-	\$658 00	
Nathaniel Philbrook, - - -	-	-	-	182 12	-	-	-	-	-	182 12	
Nicholas Boilvin, - - -	-	-	-	2,244 17	-	-	-	-	-	2,244 17	
Henry Conway, - - -	-	-	-	-	-	-	-	-	\$7,000 00	7,000 00	
Eliza Dodds, - - -	-	-	-	451 33	-	-	-	-	-	451 33	
William Noyes, - - -	-	-	-	122 12	-	-	-	-	-	122 12	
J. B. Finley, - - -	-	-	-	-	\$1,983 00	-	-	-	-	1,983 00	
Samuel Houston, - - -	-	-	-	-	36 00	-	-	-	-	36 00	
Moses Allen, - - -	-	-	-	-	1,050 00	-	-	-	-	1,050 00	
T. C. Henry, - - -	-	-	-	-	1,200 00	-	-	-	-	1,200 00	
Samuel Thompson, - - -	-	-	-	-	225 00	-	-	-	-	225 00	
Z. Lewis, - - -	-	-	-	-	350 00	-	-	-	-	350 00	
Albion K. Parris, - - -	-	-	-	-	233 33	-	-	-	-	233 33	
O. B. Brown, - - -	-	-	-	-	500 00	-	-	-	-	500 00	
Jeremiah Everts, - - -	-	-	-	-	1,225 00	-	-	-	-	1,225 00	
Henry Hill, - - -	-	-	-	-	525 00	-	-	-	-	525 00	
Charles A. Burnett, - - -	-	-	-	-	336 18	-	-	-	-	336 18	
Ninian Beall, - - -	-	-	-	-	1,074 47	-	-	-	-	1,074 47	
John Lutz, - - -	-	-	-	-	97 00	-	-	-	-	97 00	
William Mackey, - - -	-	-	-	-	105 14	-	-	-	-	105 14	
Hugh Gelston, - - -	-	-	-	-	59 25	-	-	-	-	59 25	
H. Simpson, - - -	-	-	-	-	148 62	-	-	-	-	148 62	
Henry Deringer, - - -	-	-	-	-	693 15	-	-	-	-	693 15	
John B. Blake, - - -	\$57 00	-	-	-	-	-	-	-	-	57 00	
Richard Burgess, - - -	108 00	-	-	-	-	-	-	-	-	108 00	
Duncan G. Campbell, - - -	-	-	-	-	-	-	-	\$13,000 00	-	13,000 00	
Luther Rice, - - -	-	-	-	-	2,850 83	-	-	-	-	2,850 83	
E. P. Swift, - - -	-	-	-	-	225 00	-	-	-	-	225 00	
	\$125,163 69	\$31,100 65	\$13,963 33	\$18,046 05	\$14,781 99	\$176,825 00	\$21,650 50	\$1,000 00	\$13,000 00	\$7,000 00	\$422,531 21

RECAPITULATION.

Contingencies of Indian department, -	\$125,163 69	Annuities to Indians, -	\$176,825 00	Purchase of Creek and Cherokee reservations, -	\$13,000 00
Pay of Indian agents, -	31,100 65	Expenses for rations, implements of husbandry, and transportation of Indians, per Florida treaty, -	21,650 50	Extinguishment of Indian title to Quapaw lands in Arkansas, -	7,000 00
Pay of sub-agents, -	13,963 33	Purchase of three tracts of land in Tuscarora county, State of Ohio, -	1,000 00		
Presents to Indians, -	18,046 05				
Civilization of Indians, -	14,781 99				\$422,531 21

Governor Duval, superintendent of Indian affairs, Florida, has, within a few days, rendered vouchers accounting fully for the amount with which he stands charged. Accounts showing the disbursement of the money advanced for the purchase of Creek and Cherokee reservations, and for the extinguishment of Indian title to Quapaw lands in Arkansas, have not been fully rendered to this office.

SECOND AUDITOR'S OFFICE, February 18, 1825.

WILLIAM LEE.

18th CONGRESS.]

No. 222.

[2d Session.

TREATY WITH THE CREEKS AT THE INDIAN SPRINGS.

COMMUNICATED TO THE SENATE, FEBRUARY 28, 1825.

To the Senate of the United States:

WASHINGTON, February 28, 1825.

I transmit to the Senate, for the exercise of its constitutional power, a treaty lately concluded at the Indian Springs by commissioners of the United States, duly authorized, with the chiefs of the Creek nation assembled there in council, with the documents connected therewith.

JAMES MONROE.

TREATY WITH THE CREEKS.

Articles of a convention entered into and concluded at the Indian Springs, between Duncan G. Campbell and James Merriwether, commissioners on the part of the United States of America, duly authorized, and the chiefs of the Creek nation in council assembled.

Whereas, the said commissioners on the part of the United States have represented to the said Creek nation that it is the policy and earnest wish of the General Government that the several Indian tribes, within the limits of any of the States of the Union, should remove to territory to be designated on the west side of the Mississippi river, as well for the better protection and security of said tribes and their improvement in civilization, as for the purpose of enabling the United States, in this instance, to comply with the compact entered into with the State of Georgia, on the twenty-fourth day of April, in the year one thousand eight hundred and two; and the said commissioners having laid the late message of the President of the United States upon the subject before a General Council of said Creek nation, to the end that their removal might be effected upon terms advantageous to both parties:

And whereas the chiefs of the Creek towns have assented to the reasonableness of said proposition, and expressed a willingness to emigrate beyond the Mississippi, those of Tuckabatchee excepted: These presents, therefore, witness that the contracting parties have this day entered into the following convention:

ARTICLE 1. The Creek nation cede to the United States all the lands lying within the boundaries of the State of Georgia, as defined by the compact hereinbefore cited, now occupied by said nation, or to which said nation have title or claim; and, also, all other lands which they now occupy, or to which they have title or claim, lying north and west of a line to be run from the first principal falls upon the Chattahoochee river, above Coweta town, to Ocuskee Old Town, upon the Tallapoosa; thence to the falls of the Coosa river, at or near a place called the Hickory Ground.

ART. 2. It is further agreed between the contracting parties, that the United States will give, in exchange for the lands hereby acquired, the like quantity, acre for acre, westward of the Mississippi, on the Arkansas river, commencing at the mouth of the Canadian fork thereof, and running westward between the said rivers Arkansas and Canadian fork for quantity. But whereas said Creek nation have considerable improvements within the limits of the territory hereby ceded, and will, moreover, have to incur expenses in their removal, it is further stipulated that, for the purpose of rendering a fair equivalent for the losses and inconveniences which said nation will sustain by removal, and to enable them to obtain supplies in their new settlement, the United States agree to pay to the nation emigrating from the lands herein ceded the sum of four hundred thousand dollars; of which amount there shall be paid to said party of the second part, as soon as practicable after the ratification of this treaty, the sum of two hundred thousand dollars. And as soon as the said party of the second part shall notify the Government of the United States of their readiness to commence their removal, there shall be paid the further sum of one hundred thousand dollars. And the first year after said emigrating party shall have settled in their new country, they shall receive, of the amount first above named, the further sum of twenty-five thousand dollars; and the second year, the sum of twenty-five thousand dollars; and annually thereafter, the sum of five thousand dollars, until the whole is paid.

ART. 3. And whereas the Creek nation are now entitled to annuities of thirty thousand dollars each, in consideration of cessions of territory heretofore made, it is further stipulated that said last mentioned annuities are to be hereafter divided in a just proportion between the party emigrating and those that may remain.

ART. 4. It is further stipulated that a deputation from the said parties of the second part may be sent out to explore the territory herein offered them in exchange; and if the same be not acceptable to them, then they may select any other territory west of the Mississippi on Red, Canadian, Arkansas, or Missouri rivers, the territory occupied by the Cherokees and Choctaws excepted; and if the territory so to be selected shall be in the occupancy of other Indian tribes, then the United States will extinguish the title of such occupants for the benefit of said emigrants.

ART. 5. It is further stipulated, at the particular request of the said parties of the second part, that the payment and disbursement of the first sum herein provided for shall be made by the present commissioners negotiating this treaty.

ART. 6. It is further stipulated, that the payments appointed to be made the first and second years after settlement in the west shall be either in money, merchandise, or provisions, at the option of the emigrating party.

ART. 7. The United States agree to provide and support a blacksmith and wheelwright for the said party of the second part, and give them instruction in agriculture, as long, and in such manner, as the President may think proper.

ART. 8. Whereas the said emigrating party cannot prepare for immediate removal, the United States stipulate for their protection against the encroachments, hostilities, and impositions of the whites and of all others; but the period of removal shall not extend beyond the first day of September, in the year one thousand eight hundred and twenty-six.

ART. 9. This treaty shall be obligatory on the contracting parties so soon as the same shall be ratified by the President of the United States, by and with the consent of the Senate thereof.

In testimony whereof, the commissioners aforesaid, and the chiefs and headmen of the Creek nation, have hereunto set their hands and seals, this twelfth day of February, in the year of our Lord one thousand eight hundred and twenty-five.

DUNCAN G. CAMPBELL, [L. s.]

JAMES MERRIWETHER, [L. s.]

Commissioners on the part of the United States.

WILLIAM McINTOSH,

Head Chief of Cowetas.

[Signed, also, by the chiefs and headmen of the Creek nation.]

Whereas the foregoing articles of convention have been concluded between the parties thereto: and whereas the Indian chief, General William McIntosh, claims title to the Indian Spring reservation (upon which there are very extensive buildings and improvements) by virtue of a relinquishment to said McIntosh, signed in full council of the nation: and whereas the said General William McIntosh hath claim to another reservation of land on the Ocmulgee river, and, by his lessee and tenant, is in possession thereof:

Now these presents further witness, that the said General William McIntosh, and also the chiefs of the Creek nation in council assembled, do quit claim, convey, and cede to the United States the reservations aforesaid, for and in consideration of the sum of twenty-five thousand dollars, to be paid at the time and in the manner as stipulated for the first instalment provided for in the preceding treaty. Upon the ratification of these articles, the possession of said reservations shall be considered as passing to the United States, and the accruing rents of the present year shall pass also.

In testimony whereof, the said commissioners on the part of the United States, and the said William McIntosh and the chiefs of the Creek nation, have hereunto set their hands and seals, at the Indian Springs, this fourteenth day of February, in the year of our Lord one thousand eight hundred and twenty-five.

DUNCAN G. CAMPBELL, [L. s.]

JAMES MERRIWETHER, [L. s.]

U. S. Commissioners.

WILLIAM MCINTOSH.

ETOMME TUSTUNNUGGEE, his × mark. [L. s.]

TUSKEGOH TUSTUNNUGGEE, his × mark. [L. s.]

COWETA TUSTUNNUGGEE, his × mark. [L. s.]

COLONEL WM. MILLER, his × mark. [L. s.]

JOSIAH GRAY, his × mark. [L. s.]

NEHATHLUCCO HATCHEE, his × mark. [L. s.]

ALEXANDER LASLEY, his × mark. [L. s.]

WILLIAM CANARD, his × mark. [L. s.]

Witnesses of execution:

WM. F. HAY, *Secretary.*

WM. HAMBLY, *United States Interpreter.*

Whereas, by a stipulation in the treaty of the Indian Springs, in 1821, there was a reserve of land made to include the said Indian Springs for the use of General William McIntosh: Be it therefore known to all whom it may concern, that we, the undersigned chiefs and headmen of the Creek nation, do hereby agree to relinquish all the right, title, and control of the Creek nation to the said reserve unto him, the said William McIntosh, and his heirs, forever, in as full and ample a manner as we are authorized to do.

BIG WARRIOR, his + mark.
YOHOLO MICCO, his + mark.
LITTLE PRINCE, his + mark.
HOPOI HADJO, his + mark.
TUSKEHENAHAU, his + mark.
OAKEFUSKA YOHOLO, his + mark.
JOHN CROWELL,

Agent for Indian Affairs.

JULY 25, 1825.

SIR:

DEPARTMENT OF WAR, July 16, 1824.

Major James Merriwether and yourself have been appointed by the President commissioners to treat with the Creek Indians, and I accordingly enclose herewith your commission and instructions.

Major Merriwether is notified of the appointment, and furnished with a copy of the instructions.

I have the honor to be your obedient servant,

JOHN C. CALHOUN.

Colonel DUNCAN G. CAMPBELL, *Commissioner, &c., Washington, Georgia.*

SIR:

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, July 16, 1824.

Colonel Duncan G. Campbell and Major James Merriwether have been appointed by the President commissioners to treat with the Creek Indians for a further extinguishment of their title to lands within the limits of Georgia; and I am directed by the Secretary of War to notify you thereof, and to transmit to you the enclosed extract of his instructions to the commissioners, for your information and government.

With great respect, I have the honor to be your obedient servant,

S. S. HAMILTON.

To Col. JOHN CROWELL, *Indian Agent, Creek Agency, Georgia.*

Extract of a letter from the Secretary of War to Colonel Duncan G. Campbell and Major James Merriwether, Commissioners, &c. dated

JULY 16, 1824.

The probable amount of provisions that will be required to be issued to the Indians while treating with them, and the price at which they can be obtained, can be ascertained by a correspondence with the agent, Colonel John Crowell, who is instructed to obey your orders on all points connected with the proposed treaty, and to take such steps as may be necessary to prepare the Indians to meet the commissioners at the time and place which they may fix on for holding it, and of which he should be early apprized.

GENTLEMEN:

WAR DEPARTMENT, July 16, 1824.

I have the honor to enclose you a commission to treat with the Creek Indians. At the late session of Congress an appropriation was made, in addition to the unexpended balance of the appropriation heretofore made for

the same object, (which, together, make a sum of \$50,000,) to enable the President of the United States to take the necessary measures for the extinguishment of the title of the Creek Indians to the land now occupied by them, lying within the limits of the State of Georgia. The President, desirous that the object of the appropriation should be accomplished as fully as practicable, has directed the whole amount of it to be placed subject to your control; and he anticipates, from your prudence and abilities, the most favorable termination to the proposed treaty. You will take care, however, that the whole expenses of negotiation, including those of your commission, issues of provisions and presents under your orders, and such preliminary expenses as the agent may be authorized to incur, shall, in no event, exceed the sum of \$50,000. The probable amount of provisions that will be required to be issued to the Indians while treating with them, and the price at which they can be obtained, can be ascertained by a correspondence with the agent, Colonel John Crowell, who is instructed to obey your orders on all points connected with the proposed treaty, and to take such steps as may be necessary to prepare the Indians to meet the commissioners at the time and place which they may fix on for holding it, and of which he should be early apprized. The enclosed circular will be strictly complied with in contracting for the provisions, and in issuing them.

It is the desire of the Government that the feelings and wishes of the State of Georgia should be particularly attended to in any treaty that may be made with the Creek nation. The particular tract and the extent of country, therefore, to be treated for, are left to your sound discretion. The sum to be stipulated for any cession that may be obtained must also be left very much to your discretion, taking into consideration its extent and the quality of the soil; but, rather than the treaty should fail, the price ought to be liberal, but, in no event, to exceed the price paid under the treaty of the 8th of January, 1821, with the Creek nation: the terms on which the land was then purchased were considered very high. For the purchase made by that treaty, the United States stipulated to pay \$200,000 in specified instalments; and they assumed to pay, as a further consideration for said purchase, to the State of Georgia, in five annual instalments, whatever balance might be found due by the Creek nation to the citizens of said State; which balance has been ascertained to amount to \$100,589; making, in the whole, as the consideration for that purchase, the sum of \$300,589. You will, therefore, in fixing on a price for any cession which may be proposed to be made by the Creek nation, in no event exceed the price given by that treaty, taking into consideration the quantity of land ceded by it, and the quantity of that proposed to be ceded, but will, if possible, obtain it on more reasonable terms. The quantity of land ceded by the Creeks, in the treaty just mentioned, may be ascertained from the surveys which, it is presumed, have been made of it by the State of Georgia. To ascertain the quantity which they may now propose to cede, reference must be had to the best sources of information that can be obtained, particularly to the latest and most authentic maps of the State.

For the expenses of negotiating the treaty, you will draw on the Branch Bank at Savannah, of which you will give the Department notice. The bank will be authorized by the Treasury Department to accept your drafts, provided they do not exceed \$50,000.

Your compensation will be at the rate of \$8, and that of your secretary (whom you are authorized to appoint) at the rate of \$5 per day, for the time actually engaged. The payment will be made on your certificate of honor, specifying the time that you and your secretary have been actually engaged. Your certificate, in like manner, will be a necessary voucher for presents distributed under your authority.

I have the honor to be, &c.

J. C. CALHOUN.

To Colonel DUNCAN G. CAMPBELL and Major JAMES MERRIWETHER, *Commissioners, &c.*

GENTLEMEN:

DEPARTMENT OF WAR, July 19, 1824.

Upon reflection, it is thought proper to defer transmitting the funds for the expense of negotiating with the Creeks, until you have apprized the Department of your acceptance, and of the time at which the funds will be required. On the receipt of such information, the funds will be forwarded.

I have the honor, &c.

JOHN C. CALHOUN.

Colonel DUNCAN G. CAMPBELL and Major JAMES MERRIWETHER, *Commissioners, &c.*

SIR:

WASHINGTON, July 27, 1824.

I had the honor of receiving yours of the 16th instant, accompanied by a commission to Major Merriwether and myself to hold a treaty with the Creek nation of Indians. The instructions under which our proceedings are to be conducted have also been received. I have this day written to the Creek agent, Colonel Crowell, upon the subject of the contemplated treaty, and have an expectation of seeing the other commissioner this week at Athens. The President and Department will please accept my acknowledgments for this additional mark of confidence, and the pledge of my best exertions to accomplish the business of the appointment.

With great consideration and esteem, I am, &c.

DUNCAN G. CAMPBELL.

The Hon. J. C. CALHOUN.

DEAR SIR:

WASHINGTON, July 27, 1824.

By the last mail I received a communication from the Secretary of War, advising me of the appointment of commissioners to treat with the Creek nation of Indians for the acquisition of territory within the limits of Georgia. Before this reaches you, you will no doubt receive the like information. Being instructed to correspond with you upon the subject of the proposed treaty, I am happy that an acquaintance will authorize a free discussion of all matters connected with the subject. Having so recently heard of the appointment, I have not yet had an opportunity of seeing my colleague, Major Merriwether. We shall, no doubt, have an interview next week at Athens, where we shall probably digest some plan for our future operations. In the mean time, will you do me the favor to give me your views as to the most convenient time and place of having the convention? Say, also, what number of Indians may be expected to attend, what length of time we shall probably be engaged in the negotiation, and what will be the most advisable mode of supplying rations at the least expense.

I am, &c.

DUNCAN G. CAMPBELL.

Colonel JOHN CROWELL.

SIR:

AUGUSTA, August 6, 1824.

When on the eve of leaving home for Savannah, where I have to attend the district court on business of the United States, I received information from the Department of War of yourself and Major Merriwether being appointed to treat with the Creek Indians for lands within the limits of Georgia, as well as your letter on the same subject. As my presence at the court in Savannah is indispensably necessary, I cannot attend you till my return, which, I think, will be about the 15th, when I will do myself the honor to call on you at your residence, and make the necessary arrangements preparatory to the meeting of the Indians. I hope the few days delay, in consequence of my trip to Savannah, will not be material, or interfere with your arrangements in relation to it.

I have, &c.

JOHN CROWELL, *Agent for Indian Affairs.*Colonel DUNCAN G. CAMPBELL, *Washington, Georgia.*

SIR:

WASHINGTON, August 8, 1824.

Since writing you on the 27th, I have received yours of the 19th ult., relating to the transmission of the funds for negotiating with the Creeks. The Department will please consider us as having accepted the appointment of commissioners. I have lately seen Major Merriwether; but not having heard from the agent, Colonel Crowell, we were unable to fix definitively upon the time of holding the treaty. We spoke of the 1st of November as well suited for the occasion, and shall direct our arrangements to that period, unless the agent furnishes some satisfactory reason to the contrary. A young gentleman who resides at the agency reached here yesterday, and informs me that the agent received communications from the Department and myself at the same time, and at the moment of setting out for Savannah; that he will be here on the 15th instant, on his return. I shall avail myself of the opportunity of the interview to acquire in detail all the information necessary to our future operations. The agent is intelligent and communicative, and, I am certain, will afford us all the facilities within his control.

I have, &c.

DUNCAN G. CAMPBELL.

The Hon. JOHN C. CALHOUN.

DEAR SIR:

WASHINGTON, September 5, 1824.

Having received Major Merriwether's views upon the subject of a contract for supplying rations for such Indians as may attend the contemplated treaty, I now forward the result. The major seems to be of opinion that advertising for proposals will be the most expedient plan which we can adopt. I have given you, on the other side, an extract from his letter, to which I ask your attention. Situated as you are, with more means of information on the subject than we possess, and having also had the benefit of experience upon the matter of contract, we must necessarily place much reliance upon your judgment and discretion. You will readily perceive that it is an object as well as a duty to be cautious as well as economical. Keeping these principles in view, we will request you to pursue such course as you may deem most expedient in procuring a favorable and efficient contract. I shall attend Baldwin court on the fourth Monday in this month, when I shall be glad to be informed of any matter affecting our negotiation. We are greatly concerned for the result of our mission, and must beg you to prepare the nation for the issue we desire.

I am, &c.

DUNCAN G. CAMPBELL.

Colonel JOHN CROWELL.

SIR:

DEPARTMENT OF WAR, September 13, 1824.

In drawing up your instructions, as commissioners to treat with the Creek Indians, the subject of exchange of territory did not escape the attention of the Department; but there is, at present, no tract of land on the west of the Mississippi, to which the Indian title is extinguished, that could be offered in exchange. Such being the fact, it was believed that no arrangement could take place, on the principle of exchange of territory, that would be satisfactory to the Creeks. If, however, you should find there is any likelihood of making the exchange, the Government would prefer that to any other arrangement. But such an arrangement would have to be conditional upon the extinguishing the Indian title to the tract that may be designated west of the Mississippi. Should any such tract be conditionally designated west of our settlements, the Government would immediately make arrangements for the extinguishment of the Indian title, in order to put the Creeks in possession of it. The enclosed sketch will show the present Indian boundaries in that quarter, which will regulate you in your location west, should an exchange of territory be adopted as the basis of the pending treaty with the Creeks.

I have, &c.

JOHN C. CALHOUN.

To Colonel DUNCAN G. CAMPBELL.

SIR:

PRINCETON, CREEK NATION, September 20, 1824.

In reply to your letter of the 5th instant, on the subject of a contract to be made for supplying rations for such Indians as may attend the contemplated treaty, I have to observe, that I did, while at Washington, give you the best information I possessed in relation to this subject. I will with pleasure close a contract for you, or do any thing you may require me to do in relation to the contract, or any other matter touching the business of the treaty, that I can consistently do. But it must be distinctly understood, that it is to be done under your special instructions. Should you determine to advertise for proposals, there is no time to spare; and if you wish me to close the contract, you will direct the proposals to be made to me at the Creek agency, on a given day, for rations to be issued to the Indians at Broken Arrow, near Fort Mitchell, to commence on the 25th of November, and to continue as long as the commissioners may require. Should the proposals be directed to me, it must be done on or before the 1st of November, as I shall be absent from that date to the 20th of November on business in Savannah.

From the best information I have been able to collect, I think we may reasonably calculate on about five thousand Indians attending the treaty.

I have, &c.

JOHN CROWELL, *Agent for Indian Affairs.*Colonel DUNCAN G. CAMPBELL, *Milledgeville.*

SIR:

PRINCETON, CREEK NATION, *September 27, 1824.*

Since I wrote you last, I have had an interview with a number of the head chiefs of the Creek nation at this place. I stated to them that commissioners had been appointed by the United States for the purpose of holding a treaty with them for the purchase of their lands within the limits of Georgia, and the commissioners and myself had appointed the 25th November for the meeting, and at this place; but, in consequence of the indisposition of several of the head chiefs, they were opposed to fixing upon that day. I then urged them to as early a day as possible, and we finally agreed upon the 6th of December as the earliest day they would consent to. You will, therefore, consider that as the day of the meeting, instead of the 25th of November, as agreed upon between us at Washington.

I have, &c.

JOHN CROWELL, *Agent for Indian Affairs.*Colonel DUNCAN G. CAMPBELL, *Washington, Georgia.*

SIR:

WATKINSVILLE, *October 13, 1824.*

I have declined answering yours of the 20th and 27th ultimo, knowing that I should have an interview with Major Merriwether at this place. Having had that interview, I now communicate the result. When we fixed on the 25th November as the day of commencing our negotiations with the Creeks, we felt that it was a more distant period than was well suited to our convenience. It is, therefore, with more reluctance that we obtain an assent to a postponement of the time. The 6th of December is an extension of the time which will result in such an interference with our engagements, as to be highly objectionable. We have, therefore, come to the conclusion of suggesting the 1st of December as better suited to ourselves, and which we hope will in nowise be exceptionable to the chiefs or yourself. We are of opinion that a contract for supplying rations can be most economically obtained by advertising for proposals. Your intended absence, as mentioned in yours of the 20th, will occur at a time when the proposals should be opened and a contract closed. We have, therefore, advertised for proposals to be delivered to ourselves at Milledgeville, on the 8th of November; at which time a contract will be reduced to form, and a requisition made. About that time, you will probably pass Milledgeville, on your way to Savannah. Should this be the case, we shall be very happy to have the benefit of your experience and judgment on the subject. We shall be obliged to you to issue a friendly invitation to the chiefs to meet us at Broken Arrow on the 1st of December. It will be matter of regret if the time is objected to, for we have seen no substantial reason given by the nation for the postponement.

I am, &c.

Colonel JOHN CROWELL.

DUNCAN G. CAMPBELL.

On the 8th day of November, the commissioners met at Milledgeville, for the purpose of receiving proposals for the supply of rations at the contemplated treaty, when the following contract was entered into:

STATE OF GEORGIA:

Memorandum of a contract this day entered into between James Merriwether and Duncan G. Campbell, commissioners on the part of the United States, of the one part, and John H. Brodnax, of the other part, witnesseth:

The said Brodnax agrees to furnish said commissioners with supplies for such of the Creek nation of Indians as may attend a treaty to commence with said nation on the 1st day of December next, at the Indian town called Broken Arrow, on the Chattahoochie river. A requisition is, by these presents, now made on said Brodnax for twenty thousand rations, to be ready for delivery on the day and at the place aforesaid. The ration to consist of twenty ounces of beef, twenty ounces of sifted corn meal, and the army quantity of salt. The beef part of the ration estimated at five cents; the meal part at three cents and three-fourths, and the salt part at one-fourth of a cent. In case of failure on the part of the said Brodnax to furnish the full supply of rations, having the component parts aforesaid, then he is to be liable for the deficiency, according to the above estimates.

It is further stipulated that the said Brodnax is to furnish any additional supply of rations, of the same component parts, at the same place and at the same prices, which the commissioners may require, pending the negotiation with the said nation; the said Brodnax being furnished with the earliest practicable notice of the requisition of further supplies after the commencement of the said negotiation on the day aforesaid. It is further stipulated, that the said Brodnax is to give the necessary attention of himself, agents, or laborers, in taking care of and issuing the rations aforesaid, from day to day, as the same may be demanded for use. The commissioners, on their part, agree to pay at the rate of nine cents per ration for each and every ration furnished by said Brodnax, under the requisitions of said commissioners. The sum of eighteen hundred dollars is now advanced to said Brodnax in consideration of the twenty thousand rations agreed to be furnished as aforesaid, but to be refunded in proportion to any deficiency which may occur in furnishing the amount of said first requisition.

Witness our hands and seals, this 9th November, 1824.

JAMES MERRIWETHER, [L. s.]
D. G. CAMPBELL, [L. s.]
JOHN H. BRODNAX. [L. s.]

Signed, sealed, and acknowledged in presence of

SAMUEL D. ECHOLS.

STATE OF GEORGIA:

Know all men by these presents, that we, John H. Brodnax, Zachariah White, Magers Henderson, and Laird W. Harris, are held and firmly bound to James Merriwether and Duncan G. Campbell, commissioners acting on the part of the United States, in the sum of five thousand dollars; for which payment, well and truly to be made, we bind ourselves, our executors, administrators, &c., jointly and severally, firmly by these presents. Witness our hands and seals, this 9th November, 1824.

The condition of the above obligation is such, that whereas the abovenamed John H. Brodnax hath this day entered into a contract with the said commissioners, acting on the part of the United States, to furnish a supply of rations in the Creek nation, at the time, upon the terms, and in the quantities specified in a contract bearing even date

herewith: Now, if the said Brodnax shall well and faithfully abide, fulfil, keep, and perform all and singular the covenants, undertakings, and agreements in said writing specified, and shall not violate, neglect, refuse, or fail to comply therewith, then the above obligation to be void, else to be and to remain in full force and virtue.

Test: SAMUEL D. ECHOLS.

JOHN H. BRODNAX, [L. s.]
 ZACHARIAH WHITE, [L. s.]
 M. HENDERSON, [L. s.]
 LAIRD W. HARRIS, [L. s.]

PRINCETON, NEAR BROKEN ARROW, November 30, 1824.

The commissioners arrived this day at this place, and, finding the Indians convening in considerable numbers, issued to the agent and the contractor the following instructions and orders:

SIR: PRINCETON, CREEK NATION, November 30, 1824.

Pursuant to instructions, and also to a circular from the Department of War, (copies of which are herewith furnished,) you are designated to ascertain the number and component parts of rations issued daily pending the present treaty. The manner of issuing and certifying to conform, as near as may be, to the mode which prevails in issuing rations to soldiers. At the close of the treaty, the account will be presented to us for approval.

Your obedient servants,

DUNCAN G. CAMPBELL,
 JAMES MERRIWETHER,
 U. S. Commissioners.

Col. JNO. CROWELL, Agent for Indian Affairs.

SIR: PRINCETON, CREEK NATION, November 30, 1824.

The issuing of rations to the Indians will commence on to-morrow morning. The agent of the nation, Colonel Crowell, has been designated to ascertain the number and component parts of rations issued daily. Rations will be issued daily, in the morning, at the old factory buildings, in such numbers as the agent may require.

Your obedient servants,

DUNCAN G. CAMPBELL,
 JAMES MERRIWETHER,
 U. S. Commissioners.

Major JOHN H. BRODNAX, Contractor, &c.

DECEMBER 4, 1824.

The commissioners having been this morning notified of the organization of the council, attended, with the nation's agent, at twelve o'clock, and were introduced. The council were informed that the commissioners held their authority under the United States, and had important business to transact, which would be disclosed in a talk on Monday.

On this day an additional requisition was made upon the contractor, as follows:

SIR: From the increasing number of Indians now convening at this place, an additional number of rations will be necessary. You are required forthwith to supply the further number of twenty thousand rations, to be issued according to the terms of your contract entered into with us.

D. G. CAMPBELL,
 JAMES MERRIWETHER,
 U. S. Commissioners.

JOHN H. BRODNAX, Contractor.

DECEMBER 7, 1824.

The inclemency of the weather prevented a meeting of the chiefs on yesterday. On this day, the following address was delivered to them in full council:

Friends and Brothers of the Creek nation:

We met you on Saturday last around your great council fire, and were received with the pipe and the right hand of friendship. We then informed you that we had the same feeling towards you, and that we were commissioned by our father the President of the United States. We also told you that on this day we would make known to you the object of our visit. We now tell you that, upwards of twenty years ago, a bargain was made between the United States and Georgia. The United States agreed to purchase for Georgia all the lands lying within certain limits. In this direction, the line runs from Florida, up the Chattahoochie, to the first big bend above the mouth of Uchee creek, and thence to Nicojack, on the Tennessee river. Georgia has made several requests of the United States to have this agreement carried into effect. The United States, feeling bound by her contract, has appointed commissioners, and they are now before you, on this business. The President finds you entirely surrounded by white people. He sees that there are frequent interruptions by encroachments on both sides. A great many complaints are sent to him. He has attended to all these things, as he wished to make them all quiet. He has extensive tracts of country under his dominion beyond the Mississippi, which he is willing to give you in exchange for the country you now occupy. We make you an offer, not only for your territory within the limits of Georgia, but for your whole country. The price which we are to give can be more fully stipulated hereafter. This can consist, in a great measure, of other lands, of such extent and value as may be agreed upon. But our Government would do something more, so as to make your removal easy, and your new settlement secure and comfortable. In a matter of this weight, we cannot say at once all we have to lay before you. We shall expect you to listen to us as long as we have any thing to say, and we will do the same by you. We want you to take time and consider, and deliberate well before you decide either way. We know that our Government has not directed us to make an unjust or improper offer to you. We cannot consent, therefore, that our propositions should be put aside in a hasty manner. After going fully into the subject on both sides, we shall be able to lay our proceedings before the President, and let him decide upon what has been done.

Whenever you are ready to answer us, we shall be ready to meet you. In all our intercourse, we desire good understanding.

Your friends and brothers.

DECEMBER 8, 1824.

The following reply was this day made by the chiefs to the address of yesterday:

FRIENDS AND BROTHERS:

On Saturday last we received you as members of our father's family. The pipe, as a token of peace, was offered to you, and you received it; the right hand of friendship was extended to you, and you did not refuse. Your talk was, that you were sent to us by our father the President of the United States; that you would in two days repeat to us our father's talk. You have, in part, done so. You have told us that upwards of twenty years ago a bargain was made between the United States and Georgia; that the United States agreed to purchase for Georgia all its lands lying within certain limits, &c. The agreement between our father the President of the United States and our brothers of Georgia we have never before this time been acquainted with, nor are we now convinced that any agreement between the United States and the State of Georgia will have the effect of alienating the affections of a just parent from a part of his children, or aggrandizing the one by the downfall and ruin of the other. That ruin is almost the inevitable consequence of a removal beyond the Mississippi, we are convinced. It is true, very true, that we are "surrounded by white people;" and that there are encroachments made. What assurances have we that similar ones will not be made on us, should we deem it proper to accept your offer and remove beyond the Mississippi? and how do we know that we would not be encroaching on the people of other nations?

We will await your next communication, entertaining the hope that you will then acquaint us with the whole of your talk.

We have all confidence in our father the President, and in yourselves as commissioned by him, and are convinced that you will deal justly by us.

As we have met friends, we wish to continue so, let the result of our meeting be as it may.

Your friends and brothers,

LITTLE PRINCE, his + mark.

O. PORTHLE YOHOLO, his + mark,

Speaker of the Upper Creeks.

WM. McINTOSH, his + mark,

Speaker of the Nation.

HOPOY HADGO, his + mark.

WILLIAM HAMBLY, *Principal Interpreter.*

CHILLY McINTOSH, *Clerk of the National Council.*

The following requisition was this day made on the contractor:

SIR:

We perceive that an additional number of rations will be necessary; you will, therefore, have twenty thousand more in readiness immediately.

Major JOHN H. BRODNAX.

JAMES MERRIWETHER,
DUNCAN G. CAMPBELL.

The following address was this day made to the chiefs:

DECEMBER 9, 1824.

FRIENDS AND BROTHERS:

We attended your council yesterday, and received your talk, which we are glad to find made in a spirit of good feeling and liberality. This was expected of you, on account of the kindness and protection which has always been extended to you by the United States. You have requested that the whole of our talk be delivered at this time. We have no objection to go fully into that subject; and, although the time allowed is very short, we believe we shall be able to comply with your request. Brothers, we now proceed to explain the nature of your connexion with the General Government, and, although it may not be very pleasing, it is nevertheless true.

We ask you, how did the Muscogee nation come by this country? You came from the west, and took the country from another people, who were in possession. After living here a great many years, the people from over the big waters came in large vessels, and took some of the country from you, and set up their own Government, and made laws, and made you obey them. Ninety-two years ago the British granted a charter to all the land between Savannah and Alatamaha rivers, up to their heads, and thence to the western ocean. Then, afterwards, sixty years ago, the same British Government extended the limits of Georgia to St. Mary's river; thence, along the Florida line, to Mississippi river.

All this was Georgia until 1802. We will now tell you how the country we have described happened to belong to the United States. About fifty years ago a war broke out between the British and their own people who were here. The war lasted seven years, and the British were conquered; you took part in that war, and were conquered also. All the country which was conquered belonged then to the conquerors. The British were all driven off, and you would have shared the same fate but for the humanity and goodness of the new Government which was established after the war. This new Government was called the United States of America; and directly after it was formed, it held treaties with you and all other Indian tribes. You are not the only tribe that fought on the side of the British; every other tribe did the same, and all were treated alike—all gave up, and claimed protection, and were received into favor. The Delawares made a treaty at Fort Pitt, and gave up their power; the Six Nations did the like at Fort Stanwix; the Cherokees at Hopewell; and the Creeks at New York.

Since the war of the Revolution, when General Washington fought, the Indian tribes have had no power in the United States. It was not your fault that your forefathers fought against their country, yet you have to be the sufferers by their rashness. Since this time, some of you have shown yourselves worthy of being the President's children, by fighting by the side of the white man against the foes of liberty. The President will always stand by you, and protect you against want and against your enemies. He has not sent us here to make offers or propose schemes for your injury or destruction. On the contrary, the most earnest wish of his heart is, that you should be preserved; that you should live and prosper; that you should advance in civilization; that you should have good laws, and obey them; that you should have schools, and learn; that you should have churches, and worship Him who made you. But the question is, how are we to attain these desirable ends? The President, in great goodness, has pointed out the way. Fifteen years ago he advised some of his red children to go beyond the Mississippi. Five thousand went, and are free from intrusion and disturbance from the whites. These limits are extended, and they are not surrounded and hemmed in on every side. If the young men wish to pursue the game,

it is there found in abundance; if they wish to become herdsmen and cultivators, the soil is well-suited for these purposes. But, above all, if you wish to quit the chase, to free yourselves from barbarism, and settle down in the calm pursuits of civilization and good morals, and to raise up a generation of Christians, you had better go. The aid and protection of the Government will go with you. The good wishes of the best men alive will go with you; and the missionaries, with their schools and meeting-houses, and good examples and prayers, will be planted in the midst of you. Brothers, the talk which we now deliver to you is from the mouth of a great and good man, our father the President. In speaking to his Cherokee children, he says these words: "My impression is strong that it would promote essentially the security and happiness of the tribes within our limits, if they could be prevailed on to retire west and north of our States and Territories, on lands to be procured for them by the United States, in exchange for those on which they now reside. Surrounded as they are, and pressed as they will be on every side, by the white population, it will be difficult, if not impossible, for them, with their kind of government, to sustain order among them. Their interior will be exposed to frequent disturbances; to remedy which, the interposition of the United States will be indispensable: and thus their government will gradually lose its authority, until it is annihilated. In this process, the moral character of the tribes will also be lost, since the change will be too rapid to admit their improvement in civilization; to enable them to institute and sustain a government founded on our principles, if such a change were compatible either with the compact of Georgia or with our general system; or to become members of a State, should any State be willing to adopt them in such numbers. But all these evils may be avoided, if these tribes will move beyond the limits of our present States and Territories." These are the words of the President, used no longer ago than last March. We will now give you the talk of the Secretary of War (Mr. Calhoun) to the Cherokees, last January. He says: "You must be sensible that it will be impossible for you to remain for any length of time in your present situation, as a distinct society or nation, within the limits of Georgia, or any other State. Such a community is incompatible with our system, and must yield to it. This truth is too striking and obvious not to be seen by all of you, surrounded as you are by the people of the several States. You must either cease to be a distinct community, and become at no distant period a part of the State within whose limits you are, or remove beyond the limits of any State."

We have thus given you the talks of two of the highest authorities of the United States—the President and Secretary of War. These, to be sure, were delivered to the Cherokees; but they apply with equal force to you, for both are within the Georgia limits, and the United States are bound to extinguish your title. Brothers, we might add the talks of the members of Congress from Georgia to the President, and also the talk of our headman, the Governor of Georgia. We have these by us, and will explain them to you verbally. They are too long to be included in this writing. We can here say this much of them, that they set forth very strongly the rights of Georgia; that the President has listened to them, and sent us here for the purpose of settling matters which threaten to produce the greatest disturbances and serious consequences.

Brothers, before we came into your country, we read in the newspapers where some of you had held two meetings at Tuckabatchee and Pole Cat Springs, and signed a talk to "follow the pattern of the Cherokees, and never sell another foot of land." We fear you have suffered yourselves to be misled. You have made a hasty conclusion, which you are unable to support. Whether this was produced by the Cherokee talk that was sent to you, or by the intermeddling officiousness of interested individuals, or by both, we are not exactly prepared to say. But we warn you against the advice of intruders and false prophets. As lofty grounds as the Cherokees have taken, we have no doubt of seeing the time when they will come under the laws of the whites, or go to the west, where they can be to themselves. These two meetings which you have had are rash and premature. They are not binding even upon those who signed them, much less are they binding upon the nation. This is the place where laws are made—in full council; not at Tuckabatchee or Pole Cat Springs, where a mere handful are gathered together, not, perhaps, so much by their own consent as by designing individuals. This nation was once led into a dreadful war by bad advisers and false prophets. Take care how you listen to talks which come from such sources. No man, no nation, has a right to interfere with the affairs of this nation. We shall make our propositions open and fair to this council. If our talk is received, we doubt not but the good of yourselves and of the United States will be advanced. If it is rejected, it will be to the injury of both. There shall be no interference with us, and we shall be inclined to try the extent of our powers if we detect any interference with you.

Brothers, we have heard you say that you love the country you live in, and that you are opposed to a removal. This is not the first country which has been sold by its proprietors. The United States have lately bought Florida from Spain; and the Spaniards are gone, a part to Cuba, and others beyond the seas. The United States, some years ago, bought Louisiana from France, and many of the inhabitants removed thousands of miles from the place of their birth, and where their fathers were buried. The United States have lately made a treaty with the Seminoles, and have marked out a country for them, and told them to go to it. The United States have exchanged lands with the Choctaws, and that tribe have a flourishing settlement, with which they are very much pleased, on Red river, including the Warm Springs. Other instances might be given where countries have been sold, and people removed. We believe that, by an exchange and removal, this nation would secure a safe and permanent resting-place, where they would be free from interruption and disturbance. You would have some encouragement to clear fields and build good houses. They would be yours; and yours not for a short time, but for yourselves and generations afterwards. You flourish best when at a distance from the settlements. In going through your country, where do we find the most improvements? On the lines of the States, and even on the public roads, we hardly ever see a field or a house. You retire within, in order to get clear of the intrusions and encroachments of disorderly whites, who sometimes gather upon our frontiers. But even in the interior, the state of your improvements is such as to show that there is something wrong—that you do not consider yourselves at home. You told the commissioners at the Indian Springs that your people had quit hunting, and settled down to the industrious use of the axe, hoe, plough, and loom. The game is gone, but still we find you ranging in parties in all directions; some to Florida, some to the Cherokee and Choctaw nations, and some have gone even beyond the Mississippi. Brothers, we plainly see, and we know it to be true, from the talks of the President, the Secretary of War, the Governor of Georgia, the Georgia delegation in Congress, and the Legislature of Georgia, for years past, that one of two things must be done: you must come under the laws of the whites, or you must remove. Brothers, these are not hard propositions. If you intend to be industrious, and go to work in earnest, our laws will not be burdensome. But the difference will be so quick and so great, that at first it might make you restless and uneasy. But, let you go where you will, a change in your condition will be the study of Christians and the work of the Government. Brothers, we now tell you what we, in the name of your father the President, want you to do. We want the country you now occupy. It is within the limits of Georgia and Alabama. These States insist upon having their lines cleared. The President will do this by giving you a better country, and will aid you in removing; protect you where you may go, against whites and all others; and give you a solemn guaranty in the title and occupancy of the new country which you may select. We now leave you to pause, to examine, and decide. This talk comes to you full of friendship, yet it is of serious and important import. By deciding for yourselves, it may prevent others from deciding for you.

We want an answer as soon as it may be convenient to give it. The Congress of the United States and the Legislature of Georgia are both in session, and they will want to know what has been done. We again assure the nation of our friendly feeling.

DUNCAN G. CAMPBELL,
JAMES MERRIWETHER,
U. S. Commissioners.

DECEMBER 10, 1824.

The following requisition was this day made on the contractor:

SIR: Furnish forthwith twenty thousand rations, which we perceive will be requisite.

DUNCAN G. CAMPBELL,
JAMES MERRIWETHER,
U. S. Commissioners.

Major JNO. H. BRODNAK.

DECEMBER 11, 1824.

The following reply was this day received from the chiefs, in answer to the address delivered them on the 9th instant:

FRIENDS AND BROTHERS:

THE-CATCH-KA, *December 11, 1824.*

You have given us a very long talk, which we will now answer the most prominent parts of.

You tell us of things which we never heard before. You tell us that the Muscogees are not the original proprietors of this soil; that they came from the west, and obtained it by conquest. This we do not know. From all the traditions which have been handed down to us from our forefathers, we have been impressed with the belief that we are the original and sole proprietors of the soil. Brothers, the first white people that ever landed here found us here. The first red people that were known to visit the whites were from the Coweta town. We are therefore under the conviction that our people are the original proprietors of the soil, as an inheritance left to us by our forefathers. As proof of this, every sale of lands which has been made to the whites has been made by the Muscogees. But admit that we now hold our lands by right of occupancy only; admit the claim of Georgia to have been a good one to that part of country ceded to the United States by the treaty of cession of 1802; a stipulation in that agreement declares that the United States will extinguish for Georgia the Indian title to the lands within the ceded limits so soon only as it can be done on peaceable and reasonable terms. This certainly admits the claim of the Muscogees to the right of an occupancy, until they are willing to dispose of that occupancy. It is true that, in the war between Great Britain and her colonies, many of our people were deluded by the British, and persuaded to take the side against the colonies. But after the conclusion of that war, which terminated in favor of the colonies, a new, free, and independent Government was formed, and acknowledged by all or many of the European Powers.

After the establishment of the United States Government, they made treaties with the different tribes; and the first treaty entered into between the Muscogee nation and the United States, at New York, in August, 1790, the fifth article of which here follows, viz: "The United States solemnly guaranty to the Creek nation all their lands within the limits of the United States, to the westward and southward of the boundary line described by the preceding article," expressly guaranties to this nation all the lands within certain limits, and not ceded by that treaty; a part of which lands are the lands which Georgia now claims. The second article of the treaty of Fort Jackson, done in August, 1814, speaks this language: "The United States will guaranty to the Creek nation the integrity of all their territory, eastwardly and northwardly of the said line, to be run and described as mentioned in the first article." At the treaty of the Indian Springs, in January, 1821, in reply to a request made by the chiefs of the nation to the commissioners, for a guaranty to the remainder of their lands, the commissioners said verbally, "that we had already a sufficient guaranty in two former treaties;" alluding, undoubtedly, to the treaties of New York, in 1790, and Fort Jackson, in 1814. Taking into view words of the treaty of cession with Georgia, and the several guaranties in treaty stipulations between this nation and the United States, as well as the letter of the honorable George Graham, acting Secretary of War, to the Creek deputation, dated 17th March, 1817, an extract of which here follows, viz: "The land which was guarantied to you by the treaty signed by General Jackson and your chiefs and headmen, on the 9th of August, 1814, is your land; and your father the President, who holds you and your nation fast by the hand, will take care that no part of it is ever taken from you, except by the free consent of the chiefs and headmen, given in council, and for a valuable consideration;" it seems to have been distinctly understood by the contracting parties, and acknowledged by the Government of the United States, that no coercive measures were to be apprehended by us; nor can we believe that our father the President will act otherwise than in good faith, in the strict and faithful performance of treaty stipulations. Brothers, we have already parted with various tracts of our land, until we find our limits quite circumscribed; we have barely a sufficiency left us. The proposal to remove beyond the Mississippi, we cannot for a moment listen to. Brothers, we have among us aged and infirm men and women, and helpless children, who cannot bear the fatigues of even a single day's journey. Shall we, can we, leave them behind us? Shall we desert, in their old age, the parents that fostered us? The answer is in your own hearts. No! Again: we feel an affection for the land in which we were born; we wish our bones to rest by the side of our fathers. Considering, then, our now circumscribed limits, the attachments we have to our native soil, and the assurances which we have that our homes will never be forced from us, so long as the Government of the United States shall exist, we must positively decline the proposal of a removal beyond the Mississippi, or the sale of any more of our territory. Brothers, we feel gratified by the friendly disposition manifested towards us by you; and as we met friendly, so we hope to part.

Your friends and brothers,

[Signed as before.]

DECEMBER 14, 1824.

In conversation with Colonel Crowell, the agent, the commissioners were informed that the two publications dated at Tuckabatchee and Pole Cat Springs, signed by a number of the upper town chiefs, were written by the sub-agent, Captain Walker; that to the first, which was brought to this place in June last, no signatures were obtained, but the agent understood it to be consented to generally. It was then in the handwriting of Captain Walker. The last meeting where the Pole Cat proceedings occurred was at Walker's house. No communication was made to the Government of either of these proceedings.

The following communication was received from his excellency the Governor of Georgia:

GENTLEMEN:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *December 9, 1824.*

The Legislature will probably adjourn about the 18th instant; and, as much anxiety is manifested to know whether you have any prospects of concluding a treaty, I have sent an express, that this letter may be safely delivered into your own hands. If there are no prospects of bringing your mission to a favorable termination, be so good as to apprise me of the obstacles you have had to encounter, and if you found yourselves anticipated and forestalled by the Indian council held in the spring, of which we received the first notice recently through an Alabama print. Inform me, if you please, by what authority that council was held; whether with the knowledge, countenance, or encouragement of the agent: was the agent present at that council, and what part did he take: who drew up their state paper: were the proceedings of that council made known by the agent to his Government, without delay; and was it with a knowledge of these proceedings that you were appointed: were any allusions made to them in your instructions. You will pardon the trouble I give you. There is no absolute right, on my part, to propound these questions; no obligation on yours to answer them. Nevertheless, you are citizens of Georgia; and if your negotiations fail, you will see how necessary it will be for me to receive true and correct answers to these questions, from such authority as will enable me to use them in vindication of our rights to the best advantage. You will not infer from any of them that hasty inferences have been indulged to the prejudice of the Government of the United States. Hope is still entertained that all will be right; and in no event will any thing be sought to inculpate the Government of the United States but strict matter of fact.

With great consideration and respect,

G. M. TROUP.

To which the following reply was returned:

SIR:

PRINCETON, NEAR BROKEN ARROW, *December 14, 1824.*

Your express arrived here on Sunday, and found us absent on a small excursion up the river on business most importantly connected with our mission. We did not return till yesterday, and then in excessive rain, which has greatly retarded our operations. We are not without our difficulties in determining what shall be our answer to the several inquiries which you have propounded. These do not arise, however, from any reluctance to make to you a full disclosure of our proceedings, and the obstacles which we have had to encounter; but from an apprehension that, by such communication, we might, *for the present*, weaken the means of which we hope successfully to avail ourselves. As agents of the General Government, and as citizens of Georgia, we cannot regard your efforts upon this subject in other than the most favorable light; and at a time more seasonable, in case of our failure, we shall be prepared most heartily to co-operate in your views, and upon the very points of your inquiries.

We commenced our negotiations in writing; as far as it has progressed in this way, we send you a copy. This method has been abandoned, as too formal, and liable to too many interruptions. Our discussions will be conducted orally for the future, and in this way we shall enjoy advantages which will probably lead to success.

The proceedings which you have seen published as occurring at Tuckabatchee and Pole Cat Springs were evidently intended to forestal us. They have, in a great measure, had the effect, by spreading alarm throughout the nation, by the miserable farrago of threats which they contain. For some time past, the Cherokees have exerted a steady and officious interference in the affairs of this tribe. That this has derived additional impulse, and that we are now encountering a daily interference most active and insidious, we have no doubt.

We decline a specification, in the hope that we may succeed without it, and thereby avoid its irritating consequences. Deeply sensible that a persevering zeal is indispensable in furtherance of the policy of the Government, and in vindicating the rights of Georgia, we will communicate again by express, to reach you in the forenoon of Saturday, if such step should appear to us to promise any advantage.

With sentiments of great consideration and respect, we are your obedient servants,

DUNCAN G. CAMPBELL,
JAMES MERRIWETHER.

His Excellency GEORGE M. TROUP, *Milledgeville.*

On this day (December the 14th) the commissioners attended the council, and found them engaged in the earnest discussion of the subject of the treaty. Eight or ten chiefs delivered their opinions at considerable length, and some with great earnestness and vehemence. After they had closed, the commissioners were invited in, and, having previously arranged with the council to conduct the negotiation, verbally delivered to them a talk, which insisted, in strong terms, upon the acquisition of the whole country by exchange, or of a part by exchange or purchase. The wishes of the General Government were urged. Efforts were used to convince the council that such arrangement was indispensable, whether considered in relation to the United States or themselves; that, for the safety and better means of defence of the United States, and to enable her to comply with the compact with Georgia, it was necessary that the States should lie together in a compact form; that, for the protection and improvement of the nation, it was necessary they should go out of the limits of the States. They were warned against the talks of any body except the General Government, and were told that they had been misled by the Cherokees and others, whose duty it was to have instructed them better.

Many other topics were also urged, and documents read, showing the rights of the United States and Georgia, and the opinions and wishes of the General Government.

At the close of the commissioners' remarks on the above subject, they proposed that the balance of the negotiation should be conducted by a number of chiefs, to be selected by the council; and that the mass who were standing round, and occasioning great expense in rations, should be discharged. They also proposed that the place of negotiation should be changed to some room, which should be more comfortable and convenient; and that the commissioners would pay the expense of such a room. To the whole of these last propositions a flat denial was received. It was answered, that they would discharge none of their people; that they would meet nowhere but in the square; and that the proceedings should be in the presence of all who were attending. Two chiefs then gave their answers to the main subject of the commissioners' talk. These were short, but pointed, consisting of but little more than the emphatic "No." The council were then informed that the commissioners could not take such answers as conclusive; that they should continue the negotiation as long as they thought proper, and would expect to meet the council again on to-morrow.

The following letter was addressed to the agent:

SIR:

Having been instructed by the War Department to call on you for any information or assistance which we might need, pending the present treaty, we have to request that you cause to be produced to us certain documents transmitted by the Cherokee nation, or some individual thereof, to this nation; also, a letter purporting to have been written by one Charles Casheda, of Tennessee, to the Big Warrior. We deem an inspection of the above documents material to us in furthering the just views and policy of the General Government. If they are in the custody, power, or control of yourself or sub-agent, we shall be thankful if you will cause them to be furnished as soon as practicable.

We are, sir, your obedient servants,

Colonel JOHN CROWELL, *Agent, &c.*

DUNCAN G. CAMPBELL,
JAMES MERRIWETHER.

To which the following reply was received:

GENTLEMEN:

In reply to your note of this date, in relation to certain documents said to have been transmitted to the nation by the Cherokees, I have to remark, that no such documents, or documents of any description from the Cherokees, are in my possession; but, on application to the sub-agent, he has delivered to me the enclosed papers, and states that they are all that are in his possession. He states that the letter of Casheda of Tennessee to the Big Warrior he believes to be in the possession of the Warrior.

Mr. Peck, who acted as secretary to the Creek council, informs me that he has in his possession the correspondence between the Cherokees and the United States commissioners at New Town, but that he does not feel himself authorized to give them up without the consent of the chiefs from whom he received them.

I have, &c.

JOHN CROWELL, *Agent for Indian Affairs.*

Messrs. CAMPBELL and MERRIWETHER,
United States Commissioners.

NOTE.—The papers furnished were, a letter from the Cherokee delegation to the President; letter from D. G. Campbell to the Secretary of War, dated 28th November, 1823; report of the Secretary of War to the President; Secretary of War to Cherokee delegation; the delegation to the Secretary of War; and President's message to Congress. The above papers were in manuscript, and, as we believe, in the handwriting of John Ross.

DECEMBER 16, 1824.

The commissioners met the council again on this day, and gave them a talk. Reference was had to the treaties of Augusta, Galphinton, and Shoulderbone, for the purpose of showing that, even before the Revolution, the lands which the nation occupied were not held by title, but were reserved to them simply for hunting-grounds. Subsequent treaties were also referred to, and many arguments urged in favor of an entire or partial cession of lands. A distinct proposition was then submitted, that the United States would give lands in exchange for the entire possessions of the Creek nation, acre for acre, and indemnify the nation for their improvements and the expenses of removal; would pay the sum of five hundred thousand dollars, or would make an exchange for the lands within the limits of Georgia, giving, as odds, the sum of three hundred thousand dollars. To these arguments and propositions the Little Prince replied, that he had directed his warriors several times to tell the commissioners that he had no land for sale, but that we would not believe them; therefore, he would answer himself. He said he should listen to no old treaties; that at New York the nation gave up land, and that General Washington gave them the balance, and told them it was theirs; and that they never intended to spare another foot. The commissioners then laid before them sundry documents, containing evidence of a claim in favor of Blackburn and Houston, of Tennessee, against the nation, forwarded by the War Department; and then retired.

DECEMBER 18, 1824.

The commissioners met in council, and asked whether they persisted in the determination which they had expressed, of ceding lands on no terms. The Big Warrior's deputy answered, that he would not take a housefull of money for his interest in the land, and that we might take this for a final answer.

In regard to the claim from Tennessee, the council insisted on delay, stating that papers were in the hands of the Big Warrior which were material. They said, further, that the arrest of the claimants, and the capture of their goods, were under the order of the agent, Colonel Hawkins; and that this order could not then be produced; and that they could not consider the claim any further at this time.

The commissioners then took their leave of the council, and retired.

On the evening of this day the commissioners consulted as to the course best to be pursued. Believing that they had been defeated by *combination* and *preconcert*, they resolved to pursue the subject by every means of which they could avail themselves. It appeared that the most active, industrious, and insidious means had been resorted to, for months, for the purpose of inspiring confidence, determination, prejudice, and obstinacy, in one part of the nation, (upper towns,) and of spreading fears and alarms in the other, by threats and menaces. These were frequently repeated in the course of the negotiation. The commissioners found themselves overreached in the selection of the place. The combination had every opportunity of exerting its devices, and the commissioners had but few facilities of counteraction. We satisfied ourselves that a treaty could be obtained from the chiefs within the limits of Georgia, and to the extent of the Georgia claim. The basis of such treaty would have been exchange of territory, and would have effected the removal of one-half of the nation, (ten thousand.) The commissioners, entertaining some doubts of the validity of a treaty signed by a dividual council, and fearing to expose such part of the chiefs to the resentment of the combination, resolved upon a temporary adjournment, for the purpose of obtaining the further instructions of the Government. The following communication was then addressed to the Secretary of War; but the commissioners, considering that the business of negotiation requires to be precipitated, and that the least delay would endanger success; and considering, further, that the subject admits of better explanation and greater detail by a personal interview with the Executive of the Union, determined that a member of the board should, with the least possible delay, proceed to Washington city, and that proceedings should rest until his return. D. G. Campbell being selected to make the visit to Washington, the board adjourned, and resolved to set out for Georgia the next day.

SIR:

CITY OF WASHINGTON, *January 8, 1825.*

The commissioners appointed by the General Government to hold a treaty with the Creek nation of Indians for the acquisition of territory, met at the Broken Arrow, (an Indian town on the Chattahoochie,) on the 29th November last. The negotiation was commenced on the 1st December, with the chiefs of the nation, in number about two hundred. There were in attendance, however, from six to ten thousand of the inhabitants of the country. Our proceedings were necessarily protracted, on account of our exposed situation at an inclement season, and the obstacles which we had to encounter. Having continued in session from the 1st to the 18th of December, we resolved upon a temporary adjournment, that we might be enabled to communicate with the Government upon points materially affecting our future operations. For this purpose, I have visited this place, and now do myself the honor of submitting to the Department, as well the proceedings which have already occurred, as the prospective arrangements which we hope to effect.

From the discussions which have been had, great in number and variety, upon the subject of our relations with the Indian tribes within the limits of States, we are very certain that we do not err in concluding that it is the wish as well as the policy of the Government that the land claim of such tribes should be extinguished, and their removal effected. To produce such desired end, the commissioners have exerted every means which it was in their power to control. Had the authorities and people of the nation been left to the free and unrestrained exercise of their own inclinations and judgment, we believe that our success would have been commensurate with our wishes and propositions. From the outset, it was impossible not to perceive a very striking difference between the sentiments and deportment of the chiefs of the upper and lower towns. This local distinction applies itself to the settlers upon the Tallapoosa, and those upon the Chattahoochie. The former are principally under the control of the Big Warrior, and the latter of General McIntosh. The former were stubborn and unyielding, while the latter considered our proposition as reasonable, and were disposed to its acceptance. A treaty could have been obtained, signed by a large majority of the chiefs within the Georgia limits, ceding the territory which they occupy; and we doubt not but that there would have been a striking unanimity on the part of the population, but for the threats and intimidating language which had been industriously circulated. These are contained in the written proceedings of the two meetings held by a portion of the chiefs at Tuckabatchee in May, and at the Pole Cat Springs in November last. The first of these meetings seems to have been produced, in some measure, by a communication made by John Ross, a Cherokee chief, to the Big Warrior, immediately after his return from this place, in the spring of the last year. His communication was accompanied by manuscript copies of the whole proceedings which occurred shortly previous with that tribe. With the precise tenor of Ross's letter we could not inform ourselves, but understood that it proposed a concert of action between the two tribes; that it earnestly advised a resistance of the policy of the Government; and that its further aim was to depreciate McIntosh, and to destroy his standing and influence. The course prescribed seems to have been scrupulously pursued, for, at the meeting at Tuckabatchee, the resolution was to "follow the pattern of the Cherokees, and, on no account whatever, to consent to sell one-foot of land, either by exchange or otherwise." This meeting was attended exclusively by chiefs within the Alabama limits. The proceedings of this meeting were in the presence of, and reduced to writing by, Captain Walker, the sub-agent, and carried shortly after (in June) to the Broken Arrow by the Big Warrior, and submitted for sanction. No objection was made, except by McIntosh; neither do we understand that any direct sanction was obtained. The time which transpired between the period of this meeting and the subsequent meeting at the Pole Cat Springs, in November, seems to have been industriously employed in confirming the decision of the upper town chiefs, and in exciting and cherishing the fears and alarms of McIntosh and his adherents.

The second meeting at the Pole Cat Springs was at the house of the sub-agent, and, as on the previous occasion, he was the writer of the state paper, and immediately afterwards caused both to be published in the newspapers of Alabama. A paper containing these publications accompanies this statement. Of the existence of these proceedings, by which the question was prejudged and the commission forestalled, we had no knowledge until we obtained it casually on our way to the treaty. Under these disadvantages, the negotiation was commenced; and the journal of our proceedings, herewith furnished, will serve to show, to some extent, the manner in which it was pursued. The commissioners were dependant solely upon their own exertions. They derived no aid from the principal agent, and encountered the perfidious opposition of his assistant. I may not, sir, have a proper apprehension of the duties and obligations of the agent's department; but, according to my convictions, a furtherance of the views and policy of the Government should form its paramount consideration. The agent, however, entertains a different sentiment, and professes to pursue the course of strict neutrality. As against the agent, we make no charge of interference; but that Captain Walker has prostituted the duties of his office, and wantonly intermeddled, we have no hesitation in alleging. If these people are capable, they are not inclined to draw the distinction, and, therefore, give to the conduct of Captain Walker the sanction of the agent's department.

I have thus, sir, enumerated some of the causes which operated what our adversaries are pleased to regard an entire defeat. We are, however, far from considering that we have failed in laying the groundwork of the most pleasing and satisfactory success. The letter which I had the honor to address to the Department from Augusta, in November, 1823, in which allusion is made to the sentiments of General McIntosh, has been used as an instrument in the hands of his enemies, for the purpose of lessening his influence and of bringing him into contempt among his own people. Satisfied, as I am, that nothing which I then said, or which I shall now say, ought rightfully to have such tendency, I shall proceed to detail some further proceedings with which that individual is particularly connected. So long as the negotiation was conducted with the council generally, no answer was received other than a prompt rejection of every proposition which was submitted. We were aware that individuals sitting in council acquiesced in such refusal, who are heartily disposed to a cession, but were held in restraint by the intimidating language of the adverse party. We made access to a number of chiefs of this description, and received from them a full disclosure of their feelings, wishes, and difficulties. A treaty could have been obtained, signed by a full representation of chiefs from all the towns within the limits of Georgia. The population contained within those limits is represented by the agent to be about ten thousand, and also to be the one-half of the whole nation. Such treaty would have extinguished the Indian claim to all lands within the limits of Georgia, and would have effected the removal of that number of Indians beyond the Mississippi. To the conclusion of such a treaty, at the time, and under the circumstances, two difficulties presented themselves. We had commenced our negotiation with the entire nation, represented by a national council. After doing this, we were not fully satisfied that a treaty, obtained from a divided council, sitting at a different place, would have met the sanction of the Government. Its rejection would have reduced its signers to the grade of common Indians, and perhaps have exposed their persons to the severest vengeance of the opposing party. It was therefore thought most expedient to come to a temporary adjournment, and consult the Government in relation to the exigency. The authority of the Executive is asked to convene the chiefs within the limits of Georgia; to negotiate with them exclusively, if we think proper; or inclusive of a deputation of chiefs from the upper towns, if such deputation should present themselves, and evince a disposition to negotiate to further extent. The success of any future operation depends solely upon the decision to be

made upon this proposition. The grant of such authority, with positive certainty, will result as I have stated. If it be considered as inconsistent or impolitic, then any further prospect of acquiring lands of the Creeks by the process of negotiation may be considered as closed. Much conversation was held with General McIntosh concerning the details and consequences of such an arrangement. He is the only Indian with whom I have ever conversed who seemed to comprehend rightly the connexion between the Indian tribes and the Government of the United States. If others have the like legal view of their condition, they have never had the candor or magnanimity to express it. He seems to appreciate very feelingly the manner in which the tribe has been cherished, and the very humane and advantageous policy suggested by the President and the Department of concentrating all the tribes in compact settlements beyond the Mississippi. In effecting this design, he will have it in his power to be eminently useful. Himself and his followers (ten thousand in number) would form the largest tribe in the west; and, by example and invitation, would induce others to join them. It is sanguinely believed that, even at the outset, if such arrangement were about to occur, the nation would not permit itself to be divided, but that the whole would come in, and that the removal would be general and entire. But if this desirable end could not be produced at once, the emigrating party would very speedily drain from our limits those who might remain. For considerations like these, I view it as matter of great moment to maintain McIntosh in his authority and influence, and in his estimation of himself. I beg to be pardoned for suggesting that I consider this much his due, from the important military services which he has rendered the United States. He stands very differently, in point of merit, from his principal opposer, (the Big Warrior;) and the like difference would be found in a comparison of the followers of the one with those of the other. He has been to the west himself, and has the judgment to discover, and the candor to acknowledge, the superior advantages of a location in that quarter. He would have preferred the territory selected by the Choctaws, but has no objection to a settlement still further west. The emigrating party are desirous that as little time should be lost as possible. They will send out an exploring committee, and wish to avail themselves of the spring and summer of this year for that purpose. They are desirous, also, that the period of their removal should not be beyond the next fall. Such promptness and expedition cannot be otherwise than acceptable to the Government. It will be particularly so to the States which are interested. It is proposed by the emigrants themselves to relieve the Government from the entire expense and detail of transportation. A particular sum, not unreasonable or excessive in amount, will be stipulated to be given, which they will receive and disburse themselves, considering it as a full indemnity for the improvements which they abandon, and the expenses which they may incur, either in transportation or the purchase of necessaries to sustain them in their new settlement.

Upon the subject of the government of the Creeks, we could not acquire information of a definite and satisfactory character. Their council is composed of a great number of chiefs, of various grades of authority. The Big Warrior is head chief of the upper towns, and McIntosh of the lower; he is also speaker of the nation. The Little Prince is highest in authority, being head chief of the nation; and has been uniformly the friend and adherent of McIntosh. In the present negotiation, he considered himself bound by the sanction he had given to the proceedings at Tuckabatchee and Pole Cat Springs. His attendance at those meetings we consider to have been insidiously procured.

The attendance of the head chief of the Coweta town was procured in like manner, at the last meeting at Pole Cat Springs. The name of this chief, as signed to the proceedings, is Tome Tuskumuggee. I received the statement from himself, that he had been taken in, and imposed upon, and that he should not hold himself bound by the supposed pledge. This Coweta town is the most extensive and numerous in the nation, and claims to be the original town of the whole tribe, and that all others are its branches. In proof of this priority of standing, I beg leave to refer you to our journal, which contains a communication from the council of the 11th of December, in which they say that "the first red people that ever visited the whites were from the Coweta town." The like proof was contained in an observation of the Little Prince during the negotiation. In argument, an old treaty was referred to, which had been concluded between the Creeks and the State of Georgia. Its authenticity was denied, on the ground that "no Coweta chief had signed it." Coweta is on both sides of the Chattahoochie; contains McIntosh, the Little Prince, Tome Tuskumuggee; and extends from Broken Arrow to the Cherokee boundary. It is worthy of remark, that the treaty of 1821, concluded at the Indian Springs, is signed by but two chiefs on the Alabama side of the nation. The fact is, that McIntosh maintains the right of the Coweta town alone to dispose of the whole country. It would seem that the upper towns conceded this authority, and dreaded its exercise; for the utmost consternation was discoverable whenever it was known that the commission [the commissioners] and the Coweta chiefs had had an interview.

Thus, sir, have I hastily detailed to you the obstacles which we had to encounter; the foundation which we laid; the prospective advantages which are held out to us; the manner of their attainment; and a very imperfect history of the relative powers of the Creek towns. I shall be gratified if the sketch shall be found to contain the information required. If it does not, its defects may probably be supplied by reference to myself; and [I] hope that such reference may be made, without reserve, as often as necessary.

I would add, very respectfully, that an early decision is desirable. It is in contemplation to return to the Creek country, re-assemble the chiefs by the 5th of February, and transmit the treaty in time for the adjudication of the present Senate.

With great consideration and esteem, I have the honor to be, sir, your obedient servant,

DUNCAN G. CAMPBELL.

The Hon. J. C. CALHOUN, *Secretary of War, Washington City.*

Extract of a letter from Colonel Duncan G. Campbell, Commissioner, &c., to the Secretary of War, dated

WASHINGTON, January 11, 1825.

Having understood from the Department this morning, in a verbal conversation, that the President, after consulting the cabinet, had declined granting to the commissioners the authority which was asked in my communication of the 8th instant, I take leave to propound another course, and to request that I may be instructed accordingly, as the decision may be made.

The facts heretofore disclosed show a willingness on the part of the Indians within the Georgia limits to cede their territory, and to emigrate; but insurmountable obstacles present themselves to the acceptance of a treaty thus concluded. It is now proposed to reassemble the chiefs of the whole nation; to renew the offers already made; to obtain the entire Creek country, if practicable; but if this cannot be effected, then to accept a treaty signed by the chiefs within the limits of Georgia, provided such treaty be accompanied by the assent of the other chiefs that the land to be abandoned by the emigrating party shall be immediately subject to the disposition of the Gov-

ernment. I am unable to perceive any objection to which this proposition may be liable. If the President entertains the like views, and we can receive specific instructions that the plan proposed coincides with the wishes and policy of the Government, I have a strong assurance that a treaty, highly favorable, may shortly be obtained. The special message of the President, which you mentioned as being about to be made, will no doubt be found an efficient auxiliary.

Copy of a letter from D. G. Campbell to Colonel John Crowell, Agent of Indian Affairs.

SIR:

WASHINGTON CITY, January 12, 1825.

The commissioners on the part of the United States have come to the conclusion of assembling the chiefs of the Creek nation, for the purpose of submitting to them matters of importance to themselves and the Government. The day of convention will be the 7th of February next, (Monday,) at the Indian Springs. We are desirous that all the chiefs of the nation should attend who are in the habit of transacting public business and of signing treaties.

You will cause the enclosed invitation to be circulated forthwith amongst the chiefs, and broken days issued accordingly. On my return to Georgia, which will be in a few days, I shall probably have occasion to address you further upon the subject of the negotiation.

I am, sir, your obedient servant,

DUNCAN G. CAMPBELL.

Colonel JOHN CROWELL, *Agent Indian Affairs.*

Copy of the circular addressed to the chiefs.

To the Chiefs of the Creek nation:

WASHINGTON CITY, January 12, 1825.

By the authority of the President of the United States, you are requested to convene at the Indian Springs on Monday, the 7th day of February next. Matters of great consequence to the nation and the United States will be laid before you.

We shall expect all to be present on the day appointed who are in the habit of transacting the business of the nation, and of signing treaties.

DUNCAN G. CAMPBELL,
in behalf of himself and
JAMES MERRIWETHER,
United States Commissioners.

Copy of a letter from the Secretary of War to Colonel Duncan G. Campbell, Commissioner, &c. dated

SIR:

DEPARTMENT OF WAR, January 13, 1825.

I am directed by the President to inform you that Captain Walker, the sub-agent of the Creek nation, has been discharged by his order. The reasons for his discharge will appear in the letter to Colonel Crowell, the agent, covering the discharge of the sub-agent, a copy of which is herewith enclosed.

The agent was instructed, by a letter from this Department of the 16th July last, covering an extract from the instructions to yourself and Major Merriwether, to obey your orders on all points connected with the proposed treaty, as will appear by a copy of the letter and of the extract referred to, and herewith enclosed. It was not doubted by the Department but that he would zealously co-operate in effecting the object of the Government in authorizing the treaty to be held. It appears, however, by the report, that the agent neglected to inform you of the previous meetings and decision of the Creek chiefs at Tuckabatchee and the Pole Cat Springs, which had so material a bearing on the negotiation, and that the commissioners had to rely solely upon their own exertions, without aid from the agent, who assumed a neutral position. It also appears from the journal, that, in the opinion of the commissioners, the Creek Indians had been misled by the Cherokees, and *others whose duty it was to have instructed them better.* It is the desire of the President, before he makes any decision on the conduct of the agent, to be put in full possession of all the facts and circumstances, which may enable him to form a correct opinion as to his conduct and motives in withholding his co-operation; and, particularly, whether the agent received any instruction from the commissioners directing his general or particular co-operation, which he refused, or neglected to fulfil; and who are referred to in speaking of "others," in the extract from the journal of the proceedings of the commissioners above stated; and, particularly, whether the agent was, and, if so, by what particular acts of his were the Creeks misled.

It is doubtless the duty of the agent to watch over and to protect the Indians assigned to his agency, and to advance their interest in all cases under the treaties, laws, and instructions of the Department; but still he is the agent of the Government, and is bound in all cases to give his zealous co-operation in effecting its views. In addition to which, in this case he was particularly directed to obey the instructions of the commissioners, which ought to have excluded all doubt as to his duty of affording all the aid in his power to contribute to a successful termination of the treaty.

The commissioners, in their communication to the Governor of Georgia, speaking of the difficulties in answering his inquiries, remark that "these [difficulties] do not arise from any reluctance to make to you [the Governor] a full disclosure of our proceedings, and the obstacles which we have had to encounter; but from an apprehension that, by such communication, we might, for the *present*, weaken the means of which we hope successfully to avail ourselves. As agents of the General Government, and as citizens of Georgia, we cannot regard your efforts upon this subject in other than the most favorable light; and at a time more seasonable, in case of our failure, we shall be prepared most heartily to co-operate in your views, and upon the very points of your inquiries." Again: "That we are now encountering a daily interference, most active and insidious, we have no doubt. We decline a specification, in the hope that we may succeed without it, and thereby avoid its irritating consequences."

The President requests to be informed of the nature of the communication which was withheld from the Governor, and which, if it had been communicated, would, for the *present*, weaken the means of which the commissioners hoped successfully to have availed themselves; and which, at a time more seasonable, in the case of a failure, they proposed to make known, and to co-operate with his views on the points of his inquiries; and what was

the nature of the means referred to; and, also, what was the nature of those active and insidious interferences which the commissioners encountered, but which they declined specifying in their answer to the Governor, in order to avoid irritating consequences; and from whence such interferences came.

The proposed renewal of the negotiation renders the explanation the more desirable. The President is very solicitous for its successful termination; and a full disclosure of the nature, extent, and source of the opposition at which the commissioners hint will enable him to adopt such measures as the facts disclosed may require.

I have the honor to be your most obedient servant,

J. C. CALHOUN.

To Col. DUNCAN G. CAMPELL, *Commissioner, &c.*

Copy of a letter from the Secretary of War to Colonel John Crowell, Indian Agent, &c., dated

SIR:

DEPARTMENT OF WAR, January 13, 1825.

I herewith enclose a letter to Captain Walker, discharging him from the service of the United States as sub-agent, which you will cause to be delivered as speedily as practicable. The charges against Captain Walker are, generally, that he aided and countenanced the Indians in their opposition to the treaty, and particularly that he penned the publication of the Creek chiefs at Tuckabatchee and the Pole Cat Springs; and that their meeting at the latter was at his house, and with his sanction and countenance. In addition to the above, it appears, by verbal statements, that Captain Walker has married a daughter of one of the principal chiefs of the nation, which creates a relationship that is calculated to influence him improperly in the discharge of his duty. Captain Walker's place will be filled by the Department as soon as a suitable person can be selected.

I have, &c.

J. C. CALHOUN.

To Col. JOHN CROWELL, *Indian Agent, Creek Agency, Georgia.*

Copy of a letter from the Secretary of War to Mr. William Walker, Sub-agent, &c., dated

SIR:

DEPARTMENT OF WAR, January 11, 1825.

It appearing by the journal and report of the commissioners appointed by the President to treat with the Creek Indians for a cession of territory, that, so far from contributing to effect the object of the Government, your influence has been used in defeating the successful termination of the treaty, I am directed by the President to inform you that you are, in consequence, discharged from the service of the United States as sub-agent; and your pay and duties will accordingly cease on the receipt of this communication.

I am, respectfully, your obedient servant,

JOHN C. CALHOUN.

To Mr. WILLIAM WALKER, *Sub-agent, Creek Agency.*

Copy of a letter from Duncan G. Campbell to the Secretary of War, dated

SIR:

WASHINGTON CITY, January 14, 1825.

I have received yours of yesterday, informing me of the removal of Captain Walker from the office of sub-agent of the Creek nation, and asking further information respecting the position assumed by the principal agent; and asking, also, an explanation of certain passages contained in the commissioners' journal.

I regard the impeachment of an individual of official delinquency as matter of delicate import. I did not, therefore, permit myself to become the accuser of Captain Walker, until, by actual observation, and from his own acknowledgment, I was possessed of direct and manifest proof of his guilt. Not possessing the like evidence against the agent, I cannot consent to be considered his accuser. My only allusion to this officer was upon the ground of his non-co-operation, and his omission to restrain his sub-agent in his adverse movements. This was in compliance with the course suggested by the Department, which required an enumeration of all the difficulties which we had encountered. As far as he has been brought into question by my report, on account of the negative course which he professed to pursue, and the neutrality which he assumed, the grounds taken have been fully sustained by the President and Department. In any proceeding beyond this, I decline an agency. It only remains for me, then, to give explanations to certain passages which you have cited in the journal, to limit or extend their bearings as the state of facts may require, and to answer certain questions which you have propounded.

I am asked "whether the agent received any instructions from the commissioners, directing his general or particular co-operation, which he refused or neglected to fulfil?" The power of the commissioners to control the agent was derived from their instructions; and the tenor of these instructions will show the extent of that power. The article connected with the subject is this:

"The probable amount of provisions that will be required to be issued to the Indians while treating with them, and the price at which they can be obtained, can be ascertained by a correspondence with the agent, Colonel John Crowell, who is instructed to obey your orders on all points connected with the proposed treaty, and to take such steps as may be necessary to prepare the Indians to meet the commissioners at the time and place which they may fix on for holding it, and of which he should be early apprized."

The construction given to this article was, that it limited itself to the *provisions* which might be needed at the treaty, and to the *assemblage* of the Indians. Our expectations that the agent would co-operate were formed from our convictions of his duty as the officer of the Government. If, as appears to be the fact, his convictions were otherwise, our order would have been an unavailing process. On reference to the journal, I find, in a letter which I addressed to the agent on the 5th September, this sentence:

"I shall attend Baldwin court on the fourth Monday in this month, when I shall be glad to be informed of any matter affecting our negotiation. We are greatly concerned for the result of our mission, and must beg you to prepare the nation for the issue we desire."

Whether this will be regarded as an "instruction," "directing his general or particular co-operation," I cannot undertake to say. It is most certain that the agent did not so regard it; or, if he did, then he failed to "fulfil" it; for neutrality was his avowed course from beginning to end.

I now proceed to an explanation of the allusions contained in the letter of the commissioners to Governor Troup, of Georgia. The Legislature of that State being in session, and near a close, the Governor communicated with the commissioners by express. This happened at what we considered the crisis of the negotiation. The very day on which the express arrived was spent by the commissioners at Coweta, a few miles distant from the treaty ground, on business connected with the treaty. The absence of the commissioners, the despatch of an express to Georgia, the arrival of the Governor's express from Georgia, and the communication had by the commissioners on that day with some of the chiefs, had the effect of producing great confusion and alarm in the ranks of those who considered themselves our adversaries. This was manifested by the hasty departure of two messengers to the Big Warrior; one on the night of the 13th, and the other on the morning of the 14th December. One of these messengers was sent at the instance of the sub-agent himself. The Big Warrior was not present at the treaty, but seemed to be represented by a committee of four. With these, the sub-agent had constant intercourse; and, in council, they were the organ of the opposition. For these acts of interference he was called to account by the commissioners, and given to understand the danger to which he had exposed himself. The withholding of these facts was intended to have its operation upon Walker, and to be made the price of his co-operation. These are some of the "insidious" and "daily interferences" to which we had allusion; and this is the individual whom we intended to designate. The business of negotiation, always intricate when applied to Indians and their advisers, becomes peculiar, and is often influenced, by circumstances seemingly unimportant.

Thus, sir, have I answered the several points upon which the President required further information. In doing this, I have had reference alone to facts of a positive character; to none others did I consider myself warranted in resorting. Impressions, circumstances incidentally occurring, public rumor, or newspaper speculations, I have not considered as topics proper to be embodied in this report.

I have the honor to be your most obedient servant,

DUNCAN G. CAMPBELL.

The Hon. J. C. CALHOUN, *Secretary of War.*

SIR:

DEPARTMENT OF WAR, *January 18, 1825.*

The President has deliberately considered the proposition submitted by the commissioners to treat with the Creeks, of holding a separate treaty with General McIntosh for a cession of that portion of the Creek territory lying within the limits of Georgia; and, although he is very desirous of acquiring for the State of Georgia the land in question, he is of opinion that he cannot, with propriety, authorize the treating with General McIntosh alone, as proposed by the commissioners. There could be no objection to an arrangement with him to abandon the country which he now occupies, and to settle, with his followers, on such tract of country as might be assigned to him on the west of the Mississippi; but the President is of opinion that it is not in the power of General McIntosh to cede any portion of the land belonging to the Creek nation, without the assent of the nation itself. The principle on which such cession would be made, without such consent, would involve the idea that every individual in the nation would have a right to cede to the United States the particular portion of the country in which he might be in actual occupancy; and would, in effect, completely destroy that degree of independence which, under the laws, treaties, and usages of the Government, they have ever enjoyed.

Though a treaty cannot be made, for these reasons, with General McIntosh alone, for a cession of territory, yet the President can see no objection to a renewal of the negotiation, as proposed by your letter of the 11th instant, in order to obtain an arrangement with General McIntosh, with the consent of the nation, for the cession of the country in question; and you are accordingly, in conjunction with Major Merriwether, as commissioners, authorized to renew the negotiation. You will, however, distinctly perceive in the remarks which have been made, that whatever arrangement may be made with General McIntosh for a cession of territory must be made by the Creek nation, in the usual form, and upon the ordinary principles with which treaties are held with the Indian tribes.

In the renewed negotiation you will consider the instructions formerly given, of the 16th of July, as applying to the renewed negotiation, as far as they are, in their nature, applicable.

The agent has received instructions to give his hearty co-operation in the object of the negotiation, and to obey, in every respect, the orders which you may give under your instructions. A copy of the letter to the agent is herewith enclosed for your information.

I have the honor to be your most obedient servant,

J. C. CALHOUN.

To Colonel DUNCAN G. CAMPBELL, *Commissioner, &c.*

SIR:

DEPARTMENT OF WAR, *January 18, 1825.*

I enclose, by direction of the President, a copy of a letter from this Department to Colonel Campbell, one of the commissioners to treat with the Creeks, and a copy of his answer to the same. The nature and object of the letter and the reply sufficiently explain themselves, and will require no particular remarks.

In communicating them, however, to you, I am directed by the President to state, that, although he sees nothing in the journal and report of the commissioners, or in the answers of Colonel Campbell, to impeach your motives, yet he does not approve of your conduct in relation to the late treaty. Though it is the duty of the agent to protect and cherish the Indians confided to his care, yet that duty never can be in conflict with the paramount one which he owes to the Government, and which, on all occasions, obligates him to give his hearty co-operation in effecting its views.

The Department did not suppose that any doubt was entertained on this point, and therefore did not particularly inculcate this duty in its instructions to you in relation to the Creek treaty. The extract, however, from the instructions to the commissioners, in which they are informed that you would obey their instructions on all points, which was communicated to you, is considered as sufficiently indicating the views of the Department in regard to your duties.

The President attributes the fact to a misconception of your duties that you did not report the meeting of the Indians at Tuckabatchee and the Pole Cat Springs, either to this Department or to the commissioners, and that you did not adopt decisive measures to control the conduct of the sub-agent in his opposition to the views of the Government.

The treaty is about to be renewed, and the President, feeling much interest in its successful termination, looks with confidence to your hearty co-operation with the commissioners. You will spare no pains in preparing the Indians for the meeting, and contributing to the successful termination of the negotiation; and it is also expected that

you will cheerfully, and with alacrity, obey such instructions as you may receive from the commissioners in the fulfilment of their duties under the instructions of the Department; a copy of which is herewith enclosed.

I am, &c.

JOHN C. CALHOUN.

To Colonel JOHN CROWELL, *Indian Agent, Creek Agency.*

CREEK NATION, COWETA, *January 25, 1825.*

We, the chiefs of Coweta, Taladega, Cusseta, Broken Arrow, and Hitchita towns, in council met, do take this method to lay before our father the President of the United States the most distressing difficulties that are existing in our nation, and have been for some time past, owing entirely to the existence of two parties in the nation, known and designated by the red sticks, (or hostile party,) and the other party friendly to the United States, and who were the warm supporters of the American war against said party of Indians, and also against the British. For further particulars we most respectfully refer our father the President to General Jackson, who can test to the characters of the present bearers of this remonstrance. It is painful to us to acknowledge that there is an actual necessity of calling upon our father the President of the United States for protection, inasmuch as the Big Warrior, who is influenced by the hostile party, (with the exception of a few,) is calling his chiefs together, who consist of such Indians as were particularly opposed to the United States during the last American war, (one of the most conspicuous chiefs of this council is Gun Boy, whom we took prisoner before Fort Gaines, during Jackson's campaign against the Seminole Indians;) and passing orders and decrees, without the consent of any of our towns, apparently for the destruction of our people, who are the friendly party, inasmuch as it certainly will create an internal war amongst ourselves; and we hope our father, the President of the United States, will never admit that his red children, who took his white children by the hand in the defence of the United States in the late war with Great Britain, should be entirely excluded from having any voice in the nation, or, in other words, excluded from the benefits of their country, and for the Big Warrior and his party to have the entire prerogative of the nation. We are informed that the Big Warrior and his chiefs are now in council, and we expect are passing such decrees as are derogatory to the safety of McIntosh and the rest of his chiefs; for instance, it has been but a short time since when they met in the grand council square, and passed an order for the execution of McIntosh and any other of his chiefs who would make any propositions to the United States in favor of selling any part of the country which we now claim. This is not all; there is no doubt but that said council, at the present meeting, will pass an order for the dismissal of General McIntosh and many others of his adherents; and in all probability they have sent, or will send, on a delegation from the council to that amount; although knowing, at the same time, that McIntosh and his chiefs have the superiority in the grand council of the nation; for reasons why, they were the only supporters and defenders of the nation in the last war; and that a number of the Big Warrior's chiefs forfeited their rights to the country which they previously had, by their hostility to the United States during the last war.

We do, therefore, deny that the Warrior's party have any right to enter into any such arrangements; and we also deny that Gun Boy, and several others of the Warrior's chiefs, have any privilege in the National Council, although we have heretofore permitted them to do so; for they did not defend our country from the foreign or domestic foes, but used their utmost exertions against the United States, and in favor of their enemies. We, therefore, headmen of the nation, or of the aforesaid towns, assure our father the President that we have much trouble in our country, and much too in consequence of our agent's partiality to the Big Warrior's party, inasmuch as it appears to create a jealousy with us that the United States are failing to comply with what they once promised us—that is, protection. But we are conscious that it is unknown to our father the President.

But hoping that our father will make the necessary inquiries of our delegation, and advise accordingly for his red children's welfare, of which we ever pray, &c.

Cowetas.

Tome Tuskunuggee, his + mark.	Neharholo, his + mark.
Hothe Marta Tusnuggee, his + mark.	Coweta Tuskunehar, his + mark.
James Island, his + mark.	Yeacas Ku, his + mark.
Colonel Blue, his + mark.	Fama Micco, his + mark.
Cosku Tuskunuggee, his + mark.	Joseph Marshall.
James Derriso, his + mark.	Benjamin Marshall.
Tulsa Hayo, his + mark.	John Shenner.
Arpefka Tuskuneggee, his + mark.	Captain Canard, his + mark.
Efar Tuskunahar, his + mark.	Jacob Beaves, his + mark.
Fosuch Emarlo, his + mark.	Foshuneh Tuskunuggee, his + mark.
Thlatohayo, his + mark.	

Taladegas.

Walthroco Hargo, his + mark.	Oakfuske Tuskunuggee, his + mark.
Fucklas Emarlo, his + mark.	Rolin Gaison, his + mark.
Dick, his + mark.	

Broken Arrows.

Arpefku Tuskunuggee, his + mark.	Harper Lovett, his + mark.
Samuel Miller, his + mark.	John Harrod, his + mark.
C. W. Miller, his + mark.	Coseata.
Charles Miller, his + mark.	Tuckeparchuhago, his + mark.
Andy Lovett, his + mark.	

Hitchetas.—Seah Gray.

WILLIAM McINTOSH, *Speaker National Council.*
SAMUEL HAWKINS, *Interpreter.*

CHILLY McINTOSH, *Clerk.*

CREEK NATION, *January 25, 1825.*

We, the principal chiefs of Coweta, Taladega, Broken Arrow, and Hitcheta towns, in council met, agreeably to a previous notice by General William McIntosh, whom we acknowledge to be our principal protector and chief, having full confidence in his patriotism, integrity, and great regard for his people whom he represents, have unanimously nominated and appointed him, with seven others of the National Council, to wit: Tome Tuskunuggee, Oathle Tuskunuggee, Benjamin Derriso, Seah Gray, Arpifke Tuskunuggee, Tukuparchu Hayo, and Coweata

Emarlo, and Samuel Hawkins, interpreter, to meet the President of the United States, our father, and to make such arrangements as will be most conducive to the welfare of our people, and to receive such advice as our father the President may think proper to give; and should our father the President give it as his opinion that the claim of the State of Georgia to the land within her limits would prevent a fee-simple title from vesting in our people, then, in that event, General William McIntosh, with the other delegates of our chiefs, are duly authorized, in behalf of our people, to make such arrangements with our father the President, or his commissioners for that purpose, in an exchange for lands west of the Mississippi, as have been referred to by the United States commissioners lately at the Broken Arrow, assuring the President our father, at the same time, that any thing which the said delegates may do on the occasion will meet the approbation of the National Council in general, inasmuch as there are six of our principal council, with General William McIntosh, who are authorized to sign any treaty of that kind which our father the President and our delegates may make upon the subject.

Signed in open council the day and date above written.

Cowetas.

Tome Tuskunuggee, his + mark.	Thohato Hayo, his + mark.
Hoethlemarto Tuskunuggee, his + mark.	Nichar Halo, his + mark.
James Island, his + mark.	Coweata Tuskunehar, his + mark.
Colonel Blue, his + mark.	Yeacas Ku, his + mark.
Coskee Tuskunuggee, his + mark.	Farma Micco, his + mark.
James Derriso, his + mark.	Joseph Marshall.
Tulsa Hayo, his + mark.	Benjamin Marshall.
Arpifkee Tuskunuggee, his + mark.	John Shebica, his + mark.
Efau Tuskunaha, his + mark.	Jacob Beaves, his + mark.
Fosuch Emarlo, his + mark.	Fospunch Tuskunuggee, his + mark.

Taladegas.

Mathlo Hayo, his + mark.	Oakfuske Tuskunuggee, his + mark.
Fucklas Emarlo, his + mark.	Robin Gaison, his + mark.
Dick, his + mark.	

Broken Arrows.

Arpifke Tuskunuggee, his + mark.	Andy Lovett, his + mark.
Samuel Miller, his + mark.	Harper Lovett, his + mark.
C. W. Miller, his + mark.	John Harrod, his + mark.
Charles Miller, his + mark.	

Hitcheta.—Seah Gray.

Cusseta.—Tuckabatchee Hayo.

WILLIAM McINTOSH, *Speaker National Council.*
SAMUEL HAWKINS, *Interpreter.*

CHILLY McINTOSH, *Clerk to the National Council.*

SIR:

WASHINGTON, February 4, 1825.

We have received your communication of the 2d instant, and, in reply thereto, have the honor to state, that all the information which we have received, in relation to the causes which obstructed the treaty lately attempted between the United States and the Creek Indians, has been derived from conversations held by some of us with Colonel D. G. Campbell, one of the commissioners on the part of the United States, and who recently came to this place on business connected with the treaty. Of the ardent wish of the commissioners to procure an extinguishment of Indian title to lands in Georgia, we have no doubt. You will, doubtless, recollect that the grounds for the appropriation for holding a treaty with the Creek Indians were disclosed in a communication made by these same commissioners (then in treaty with the Cherokees) to the War Department, and last year laid before the House of Representatives. The causes of a failure to obtain a favorable treaty may be reduced to two.

1st. The indifference of the principal agent in affording his aid and co-operation to the commissioners. This indifference is discoverable from the following circumstances: As long ago as November, 1823, Colonel Campbell (then a commissioner to treat with the Cherokees) had a conversation with the agent at Milledgeville, in Georgia, soon after the election of the present Governor, Troup, in opposition to Captain Talbot. This conversation Colonel Campbell detailed to one of the undersigned, and is in substance as follows: Colonel Campbell inquired of the agent what prospect there was of obtaining a cession of land from the Creeks. The agent replied, that the time had been when he thought it very good; that he had had every thing arranged with the Indians, and their minds properly prepared to make a cession; but that *then* he was indifferent on the subject, and he should put himself to no trouble about it; that if *their wishes* had been accomplished, (alluding to the recent election of Governor,) he believed a treaty could have been made, but that it was *then* very doubtful; that he did not wish *any friend* of *his* to be injured by a failure of a treaty, and advised Colonel Campbell to resign, or to have nothing to do with it. His remarks were accompanied with various shrugs and allusions to the recent election, which left no doubt on Colonel Campbell's mind as to his meaning. Colonel Campbell very properly replied, that these considerations should have no influence on his mind; that, however favorable he had been to the election of Captain Talbot, he felt it his duty to promote the interests of the State, by every means in his power, without regard to such local political circumstances.

Colonel Campbell also detailed conversations held with the agent at or near Broken Arrow, the late treaty ground. They were, in substance, that, on inquiry as to the course which he should pursue in relation to the pending treaty, the agent replied that he should be *neutral*; that, although he would afford no special aid, he would throw no obstacles in the way; that he had collected the Indians, and the commissioners might then do the best they could; that *he had not been instructed* to co-operate with the commissioners; and that, without such instructions, he did not feel it his duty to take an active part. (It appears that this statement is true, and that he never had received any *special* instructions from the War Department on this subject.) Accordingly, he never did afford them any aid. On the contrary, Colonel Campbell stated, that, from a variety of circumstances that came under his own observation, he was impressed with the belief that the agent was not friendly to a treaty of cession.

2d. The interference of the Cherokee Indians and others dissuading the Creeks from making a treaty. How this interference was made, the committee can be more distinctly informed by calling for the journal kept by the commissioners, (now believed to be in the War Department;) from which it will be seen that the Cherokee delega-

tion in this city during the last session of Congress soon after its adjournment furnished to the Creek chiefs copies of all the proceedings and correspondence had last winter, and which were laid before Congress; that this led to one or two councils of the Creek chiefs, in which they came to the determination to cede no more lands, and published a *manifesto* to that effect in the Alabama papers. It appears that this document was in the handwriting of the sub-agent, Captain Walker, (who is married to a daughter of the Creek chief Big Warrior); that this proceeding was known to the principal agent; and that he made no communication thereof to the War Department, or to the commissioners, until they procured it by a peremptory order, (to be found on their journal,) to be produced by the sub-agent.

From conversations held by Colonel Campbell with some of the undersigned, there can be no doubt that Colonel Campbell was under the belief that the *sub-agent* had actively interfered to prevent a treaty; that this interference was known to the principal agent; and that he gave no information thereof to the Government, nor to the commissioners, until it was dragged out by their order above described.

From like conversations with Colonel Campbell, and from other sources of information, it appears that several brothers, relations, and connexions of the principal agent, have trading establishments in the nation, in which many believe he is more or less interested. Whether this be the fact, we cannot state. Colonel Campbell stated that all the conductors of these establishments were inimical to a treaty. He gave to one of the undersigned one remarkable case. He states that the commissioners determined to make the effort to enlist one of these (Mr. Henry Crowell, a brother of the agent,) in the cause. Mr. Crowell appeared at first not disinclined; but, subsequently, after consultation with his friends, (it is not remembered whether Colonel Campbell stated the agent was one whom he had consulted,) he returned, and said he had determined to do nothing; but insinuating, at the same time, that, were he to try, he could succeed in inclining the Indians to cede lands, but that, so long as the affairs of the State of Georgia were in the present hands, he would not do any thing to aid in establishing their popularity; and, finally, declined interfering on that account.

In relating these conversations, it is not pretended that more than their substance is given.

Colonel Campbell is distinctly under the belief that the Creek Indians within the limits of Georgia, over whom the chief McIntosh has influence, are inclined to cede their lands, and remove beyond the Mississippi; they form about one-half of the nation. The principal object of Colonel Campbell's visit here was to procure authority to treat with these separately. It has been withheld, as we understand. Colonel Campbell thinks McIntosh and his party in great danger. A quarrel is existing between him and the Big Warrior, and no good understanding exists between him and the agent. Unless sustained by the Government, McIntosh will be deprived of his power in the nation, and probably of his life. This is greatly to be regretted, as he enters fully into the views of the Government upon the removal of the Indians over the Mississippi. Colonel Campbell has been furnished with new instructions, (the tenor of which can be procured from the War Department,) and has gone to make another effort to procure a cession of land. Success is hardly probable, inasmuch as all the Alabama Indians are opposed to it, and as the commissioners will again have to encounter the intrigues of those who have heretofore interposed their influence to prevent it. It is true the sub-agent has been removed, and, as is said, the principal agent *reprimanded*; but the sub-agent is yet in the nation, with all the connexions and friends of the agent, who have trading establishments there, and whose opposition is well known. It is also doubtful whether the reprimand of the agent is calculated to excite in him any zeal, inducing him earnestly to co-operate with the commissioners in the object of their mission. Any explanations upon the matters contained in the foregoing communication, the undersigned will be happy to make, on the request of the committee.

We have the honor to be, &c.

THOMAS W. COBB,
J. ELLIOTT,
JOEL ABBOT,
GEORGE CARY,
EDWARD F. TATTNALL,
WILEY THOMPSON,
JOHN FORSYTH.

General JOHN COCKE,
Chairman of the Committee on Indian Affairs.

INDIAN SPRINGS, February 7, 1825.

On this day the commissioners met at this place, pursuant to appointment; but few chiefs having arrived, no business was done. The following letter was received from the agent, Colonel Crowell:

GENTLEMEN:

INDIAN SPRINGS, February 7, 1825.

Having been informed by the War Department of the renewal of the negotiation with the Creek Indians for a cession of land, and being instructed to obey your orders in relation to the negotiation, I now have the honor to inform you that I will, in compliance with my instructions, obey such directions as I may receive from you in the fulfilment of your duties under the instructions of the War Department, and cheerfully co-operate with you in bringing to a successful termination the present negotiation.

I have the honor to be your obedient servant,

JOHN CROWELL, Agent Indian Affairs.

Messrs. MERRIWETHER and CAMPBELL.

The following reply was returned the next morning:

SIR:

INDIAN SPRINGS, February 8, 1825.

We have received your note of yesterday, informing us of the instructions which have been communicated to you by the Department of War upon the subject of the negotiation now pending with the Creek Indians. A successful termination of the business in which we are engaged is every way desirable and important, whether viewed in relation to the policy and wishes of the General Government, the rights and interests of the State of Georgia, or the permanent advantage and prosperity of the Indians themselves. With these convictions, we enter again upon the discharge of our duties, with increased powers and enlarged instructions highly favorable to success. Regarding your co-operation as an essential auxiliary, we are happy to be informed of a "cheerfulness on your part to co-operate with us in bringing to a successful termination the present negotiation." We shall recommence our proceedings as soon as the chiefs shall have arrived, and shall expect a free and unreserved intercourse with you during their progress.

We have the honor to be, sir, your obedient servants,

DUNCAN G. CAMPBELL,
JAMES MERRIWETHER.

Colonel JOHN CROWELL, Agent for Indian Affairs.

THURSDAY, 10th.

The commissioners, having discovered that the chiefs and headmen had convened to the number of near four hundred, prepared a large council room, and gave notice to the chiefs that they would meet them at twelve o'clock. The notice was answered by a message from the Tuckabatchee chiefs that they were not ready, and were not disposed to meet in the room prepared for the council, but were disposed to hold our meetings at their own camp. An order was then issued calling a meeting without delay, and at the room designated, when the chiefs were assured that all intrusions should be prevented, and that no white man should be present except the commissioners, secretary, and agent. A meeting was then had, at which the commissioners gave the chiefs a long and friendly talk; explained to them very fully the views of the Government in proposing their removal; pointed out the country which would be assigned to them in the fork of Arkansas and Canadian rivers, and explained its advantages. The late message of the President to the Congress of the United States was then translated to them and explained. They were cautioned against all other talks of interested and pretended friends, and told that they had no safe dependance but upon the President. The message was then put into their possession, and directed to be interpreted as often as was necessary. At the close of the commissioners' talk, the agent stated to the council that he was instructed by the War Department to tell them what was the wish of the Government on the subject; that what the commissioners had told them was all the talk of the President; that the President wished them to sell their lands, and go beyond the Mississippi; that it was his wish, also, because it was the President's wish; and that, if he was continued agent, he would go with them and be their friend. He stated, further, that the reason why he had not given them this advice at Broken Arrow was, because he was not instructed to do so, and did not, therefore, consider it to be his duty.

The propositions made at Broken Arrow were repeated: to exchange for the whole country, and give a difference of five hundred thousand dollars, which should be considered as a full indemnity for the loss of improvements and the expense of removal. The chiefs were then advised to consult among themselves, and give the subject a full and dispassionate consideration. The commissioners then retired. On the evening of this day, the Cowetas, Cussetas, Hitchetas, Soowagalooos, Tuladegas, New Yorkers, Sand Towns, Thlecatchkas, and Big Shoals, met in a council of their own; there was a numerous representation from the Coweta and Cusseta towns. The subject of the treaty was fully discussed, as we are informed, and have no doubt; a vote was taken, and was unanimous, with the exception of two inconsiderable chiefs, in favor of a cession. Those who attended were free in their intercourse and communications with the commissioners, and seemed to feel no restraint or hesitation in the expression of their feelings and assent upon the subject of a sale and removal.

The following communication was received from the War Department, by express from Washington, Georgia:

GENTLEMEN:

DEPARTMENT OF WAR, *January 21, 1825.*

In my instructions to you of the 13th of September last, there was no designation of land made to be assigned to the Creeks in the event of their removal. Since you left here, the subject has been further examined into, in reference to a general disposition of the tribes west of the Mississippi; from which examination I find that a portion of the country lying in the junction of the Arkansas and the Canadian river, one of the principal branches of the Arkansas, and which limits the Choctaw possessions in that quarter, is the best, and may accordingly be proposed. Any arrangements, however, which may be entered into in relation to it must, of course, be subject to the extinguishment of the titles to those lands, according to the tenor of my instructions aforesaid.

I am, very respectfully, your obedient,

J. C. CALHOUN.

To Messrs. CAMPBELL and MERRIWETHER, *Commissioners, &c.*

FRIDAY, 11th.

The commissioners met the council at 12 o'clock. The chiefs were requested to give their reply to the talk of yesterday. The head chief from Tuckabatchee then addressed the commissioners to the following effect:

"We met you at Broken Arrow, and then told you we had no land to sell; I then heard of no claims against the nation, nor have I since. We have met you here at a very short notice, and do not think that the chiefs who are here have any authority to treat. General McIntosh knows that we are bound by our laws, and that what is not done in the public square, in general council, is not binding on the nation. I am, therefore, under the necessity of repeating the same answer as given at Broken Arrow, that we have no land to sell. I know that there are but few from the upper towns here, and many are absent from the lower towns.

"General McIntosh knows that no part of the land can be sold without a full council, and without the consent of all the nation; and, if a part of the nation choose to leave the country, they cannot sell the land they have, but it belongs to the nation. From what you told us yesterday, I am induced to believe that it may be best for us to remove, but we must have time to think of it; and, should the chiefs who are here sell the land now, it might create dissensions and ill blood among the Indians. I have received a message from my head chief, the Big Warrior, directing me to listen to what the commissioners have to say; to meet them friendly, and part in the same way, but not to sell the land. I am also instructed to invite you to meet us at Broken Arrow three months hence, when a treaty may possibly be made, and to return home. This is the only talk I have for you, and I shall return home immediately. I gave you but one talk at Broken Arrow, and I shall give you but one here: such is the message I have received from my head chief, and I am bound to obey; to-morrow I shall leave here. I have now said all I have to say; I will listen to any thing further you have to say, but shall give no further answer."

The chiefs who were in favor of cession, being vastly superior in grade and numbers, replied to this talk, and stated that the nation was fully represented—much more so than is usual at meetings without the nation; and that they were fully authorized to make a treaty; that they had come here for the purpose of making a treaty, and should do so. Finding that the subject was undergoing a discussion, the commissioners retired, for the purpose of removing the restraint which their presence might produce; and, after some further debate among themselves, the council broke up. Previous to retiring, the commissioners informed the council that they had been called together by the authority of the President, on business of importance; that the nation appeared to be fully represented; and that, if any of them thought proper to leave the place before the business was closed, they should conceive themselves fully authorized to carry on and conclude the negotiation with those who remained.

SATURDAY, 12th.

In the morning of this day, early, the commissioners were informed that, in the course of the previous night, a part of the Cussetas and Soowagalooos had broken up their encampment and started home. On inquiry, it was found that a part of the chiefs from those towns had secretly left their encampment after midnight, and retired, without giving the slightest intimation of their intentions either to the commissioners or to those chiefs of the other towns with whom

they had acted in concert on Thursday evening, and in council on Friday. Being wholly at a loss to account for this sudden and mysterious movement, the commissioners instituted an inquiry into its cause. The only information obtained was derived from a half-breed Indian, who stated that the order for their departure came from Colonel Hambly, the interpreter. The following order was issued, and the messenger despatched: "The chiefs of the Cusseta towns having assembled at the Indian Springs, under the authority of the President, and then suddenly retired, under order, as is stated; the commissioners demand that they state to the bearers hereof the reasons of their leaving the treaty ground, and particularly that they state under whose order they are acting." At 2 o'clock, having prepared a treaty in conformity with the wishes of a large portion of the chiefs, the commissioners met the council, when the treaty, having been fully interpreted and explained, was signed by all the chiefs present, except the delegation from Tuckabatchee and one chief from Taladega. During the execution of the treaty, to which no objection had been made, the principal chief from Tuckabatchee, (Poyethleyohole,) addressed the council as follows: "I have received instructions from my head chief not to sign a treaty; but, perhaps, on seeing him, we may yet conclude to join you, and all be friends. I wish to part with you all in perfect friendship." The Tuckabatchee chiefs then took friendly leave of the commissioners and the council, and retired.

MONDAY, 14th.

The commissioners met the council; when an additional article to the treaty was interpreted to, and signed by, all the principal chiefs present.

Soon after the treaty was concluded, Colonel Williamson returned, and made the following report:

"Wm. W. Williamson, having been despatched, under written authority from the United States commissioners holding a treaty with the Creek Indians, for the purpose of demanding of certain chiefs the reasons of their leaving the treaty ground, and of ascertaining under whose authority they were acting, reports to the commissioners the occurrences of his jaunt, and the information which he acquired.

"The informant states that, under the order of the commissioners, he set out from the treaty ground on Saturday morning, taking with him two intelligent half-breed Indians, one of whom speaks English correctly.

"Having progressed upwards of twenty miles in pursuit, he met a Coweta Indian, who, upon being questioned, stated that he met Tuckabatchee Hajo, a Cusseta chief, who told him that they had left the treaty; that Colonel Stedham had told him to go; that Hambly said so; and, if they did not go, they would all be put in jail. (Colonel Stedham is a chief of Soowagaloo town, and Hambly is United States interpreter.) The informant then proceeded a few miles onward, and overtook the son of old Tuskenah, the head chief of Cusseta. He stated that, the over night, Colonel Stedham came to the camp, and took his father out; and that, in their absence, he fell asleep; and, when he awoke, he found that all were gone, and word left for him to follow. The young man then referred us to another Indian, who was travelling with him, who, he said, was riding Stedham's saddle. The person referred to was then examined, who stated that, in the night, a white man came to the camp and called out Stedham, and had a conversation of some length; at the close, Stedham returned to the camp and said he should be off, and would take the [examinant's] saddle, and examinant must bring on his. We then proceeded to Flint river, forty-five miles from the treaty ground. We there learned that the retiring party had crossed the river about the middle of the day, and observed that they were then out of danger, and could not be overtaken. We found that the party had stopped, and some were resting, and others amusing themselves. Search was made for Tuckabatchee Hajo, who, upon being questioned, acknowledged that he had made the statement to the young Indian as before related, and confirmed it; he added, that Hambly had told Stedham to go, and take old Tuskenah with him.

"Another old chief was next examined, (Ossa Pochee,) who stated that Stedham had come to the camp in the night, and called out old Tuskenah, and had a long talk, and told him that, if they did not all go, the white people would have them all in jail; that they must start that night, and ride all night, and get over the line, or they would be overtaken. They then broke up and set out.

"Another Indian stated that Stedham said that if old Tuskenah and his party were brought away, what were left could not make a treaty; and that was the reason they came off. These examinations were had during the course of Saturday night: next morning we sought an interview with old Tuskenah himself. He was found extremely indisposed to a full disclosure; but, upon being closely questioned, acknowledged that Stedham had come to him in the night, and told him to go; that he was one of the oldest chiefs, and that a treaty could not be made without him. Other Indians, standing by, observed to Tuskenah that he had told them a different story before. He then acknowledged that Stedham had said the orders came from Hambly, and that Stedham's information was as he had before stated. He said that he was a friend to the commissioners and the President, and had no notion of going off until Stedham gave him the talk. In the course of the examination, he implicated Poyethleyohole; and said that he had come to the camp and told them to go and break up the treaty for the present, and they would meet again, a few months hence, at Broken Arrow. Poyethleyohole is the head chief of Tuckabatchee attending the treaty.

"In our jaunt, we received certain information of the death of the Big Warrior, from different sources."

The commissioners then convened the chiefs; distributed some presents; ordered them furnished with rations to take them home; advised them to temperance and unanimity; and took friendly leave, and adjourned.

SIR:

INDIAN SPRINGS, *February 13, 1825.*

In compliance with instructions received from Colonel Campbell, while in Washington city, I notified the chiefs of this nation to meet the United States commissioners at this place on the 7th instant, for the purpose of treating with them for their lands.

Your letter of the 18th ult., enclosing a copy of the instructions to the commissioners, did not reach me until the 6th. On the arrival of the commissioners, I informed them that I was ready to obey their orders on all points touching the negotiation, and would cheerfully co-operate with them in effecting the object of their mission.

Yesterday a treaty was signed by McIntosh and his adherents alone. Being fully convinced that this treaty is in direct opposition to the letter and spirit of the instructions which I have a copy of, I feel it to be my bounden duty, as the agent of the Government, to apprise you of it, that you may adopt such measures as you may deem expedient as to the ratification; for, if ratified, it may produce a horrid state of things among these unfortunate Indians. It is proper to remark, that, with the exception of McIntosh, and perhaps two others, the signatures to this treaty are either chiefs of low grade, or not chiefs at all; which you can perceive by comparing them with those to other treaties, and with the receipts for the annuity; and these signers are from eight towns only, when there are fifty-six in the nation.

I beg you to be assured that I pursued strictly your instructions in relation to this negotiation; and, although the treaty has not been made in conformity with the instructions with which I have been furnished, yet I think it can be at no distant day, to the entire satisfaction of the Government. I have made these hasty remarks from a conviction

of duty, to apprise you of the manner in which it was accomplished; and if it be thought necessary, I can give you all the particulars pending this negotiation. A deputation of head chiefs are desirous of visiting Washington, to have a full and fair understanding relative to —.

I have the honor to be your obedient servant,

JOHN CROWELL, *Agent for Indian Affairs.*

Hon. JOHN C. CALHOUN, *Secretary of War.*

SIR:

WASHINGTON, (GA.) *February 16, 1825.*

On the 13th instant we had the honor of enclosing to you, from the Indian Springs, the copy of a treaty which had been concluded the day previously with the Creek nation of Indians. On Monday morning, the 14th, a supplemental article was added, which has exclusive relation to two reservations claimed by the Indian chief General McIntosh. I am gratified at the opportunity which I now make of transmitting to the Department, by our secretary, Major Hay, the original treaty and the commissioners' journal. On reference to this last document, you will discover under what circumstances the negotiation was renewed, and how it progressed and terminated. There is nothing of singular import in the whole proceeding, except the sudden and mysterious departure of the Cussetas, at night, after solemn assent to a treaty. The explanation given to this movement, by the report of Colonel Williamson, at the conclusion of the journal, I hope will be found satisfactory. The step was far from being voluntary. These chiefs, doubtless, were deluded by a wily and perfidious individual in the service of the Government as interpreter. His opposition to a treaty was notorious. His life and character have been too much diversified, and too strongly marked, to make him a fit officer of public trust.

The attendance of chiefs was a full one—much more so than is usual when *chiefs only* are invited. The opposition was feeble, and seems to have been dictated by the Big Warrior. The death of this chief, I conceive, puts the question at rest. That all opposition will now cease, and that the dissenting party will now treat and re-unite themselves with the majority, I have no doubt. To meet this expected contingency, a portion of the appropriation has been reserved.

Shortly before the notice was circulated for the meeting at the Indian Springs, the chiefs of the lower towns convened on Flint river, and adopted certain proceedings, which I now enclose. At these proceedings the Cussetas were fully represented, and the head chief actually signed them. The deputation had reached Milledgeville, on their way to the city, when I reached Georgia.

I have the honor to be, sir, with great consideration, your obedient servant,

DUNCAN G. CAMPBELL.

The Hon. JOHN C. CALHOUN, *Secretary of War.*

GENTLEMEN:

DEPARTMENT OF WAR, *March 22, 1825.*

The treaty of the Indian Springs, of the 12th of February last, entered into by you, as commissioners on the part and in behalf of the United States, and certain chiefs and warriors of the Creek Indians, having been ratified in due form, I am directed by the President of the United States to carry the same into effect.

By the second article of the said treaty, it is provided that the sum of \$200,000 shall be paid as soon as practicable after the ratification of said treaty; and by the fifth article it is stipulated, at the particular request of the parties of the second part, that the payment and disbursements of the first sum provided, viz: two hundred thousand dollars, (\$200,000,) "shall be made by the present commissioners negotiating said treaty." To carry the provision for the payment of the \$200,000 into effect, a requisition has been issued in your favor for that sum, which will be transmitted to you by the Treasury. In paying and disbursing it, the President directs that it be in accordance with the following rule, viz: among all the chiefs of the tribe, heretofore acknowledged as such, and on the same scale that their annuities are distributed. The motive for this arrangement is founded in established usage, in the dictates of justice, and as furnishing the whole the means by which they may be enabled to transport themselves to the country destined for their residence. You will apply to the agent (Colonel Crowell) for a list of the chiefs, and their respective proportions of the annuities heretofore granted them, and act upon it as the basis of the distribution.

It is the wish of the President, before you distribute the money, that you should convene the chiefs, or have an interview otherwise with them, and explain to them the object of the payment; namely, that it is the first payment agreed upon in the treaty for the compensation for their lands. It is to be presumed that, when they are advised that the treaty will eventually be carried into effect, they will readily receive their respective portions: if not altogether, at least a large number; and, thereafter, those who may at first refuse, will successively acquiesce in the measure. In the disposition of the payment, you will look to this as a probable result, and retain as much money in your hands as that event may require. You will keep this Department regularly advised of your proceedings.

I have the honor to be, &c.

JAMES BARBOUR.

To Colonel DUNCAN G. CAMPBELL and Major JAMES MERRIWETHER, *Commissioners, &c.*

19th CONGRESS.]

No. 223.

[1st SESSION.]

EXPENDITURES OF THE INDIAN DEPARTMENT, AND THE STATE OF OUR RELATIONS WITH THE SEVERAL TRIBES.

COMMUNICATED TO CONGRESS, ON THE 6TH OF DECEMBER, 1825.

SIR:

DEPARTMENT OF WAR, OFFICE INDIAN AFFAIRS, *November 30, 1825.*

I have had the honor to receive your directions of the 3d ultimo, as follows:

"You will, as early as practicable, report to me an estimate of the amount which will be required to be appropriated for the current expenses of the Indian Department for the year 1826.

"You will also report, separately, the amount of money disbursed and settled in the Indian Department, from the commencement of the present year to the termination of the third quarter of it, including disbursements for the same period under the appropriation for the civilization of the Indian tribes; the number of schools, where established, by what society, the number of teachers at each, and the number of pupils, by last reports; together with the effects, as already developed, of the present system for civilizing the Indians, and its probable and ulterior consequences upon them as a race, viewed both in relation to their present situation, and that which contemplates their future and permanent residence upon lands west of the Mississippi. You will report, also, the operations of commissioners appointed to hold Indian treaties under acts of the last session of Congress, and such other remarks as you may think proper to make in relation to the administration of the Indian Department."

I had the honor, on the 14th ultimo, to furnish the estimate of the amount (\$153,000) required to be appropriated for the current expenses of the year 1826.

The accompanying statement, which I have the honor now to submit, (marked A,) shows the amount of money that has been drawn from the treasury, on account of the Indian Department, for the first, second, and third quarters of the present year; how much of that amount has been settled; and how much remains to be accounted for. It appears from this statement that \$781,827 14 has been drawn from the treasury; that \$535,017 87 has been accounted for; and that there remains to be accounted for \$246,809 27. It is proper to remark, that the sum of \$191,368 91, which appears from the statement to be accounted for, is the unapplied balance of the appropriation of the 3d March, 1825, of \$250,000, in reference to a treaty with the Creeks; and is, though drawn from the treasury, subject, at the pleasure of the Department, to its orders. If this sum be deducted from the balance of \$246,809 27, there will remain to be accounted for \$55,440 36; all which, it is believed, will be fully accounted for when several returns, which are daily expected, shall be received.

Statement marked B shows the number of schools, where established, by what society, the number of teachers at each, and the number of pupils, according to the last reports. These returns show that thirty-eight schools are in operation, and that they contain eleven hundred and fifty-nine children. On comparing this with the report of last year, it will be found that four new schools have been established, and that the increase in the number of children, for this year, is two hundred and forty-three.

Measures were duly taken to carry into effect the acts of Congress of the 25th May, 1824, (I go back to this, because its provisions have but just been executed,) and of the 3d March, 1825: the former having for its object the formation of treaties beyond the Mississippi; the latter, the establishment of peace and boundaries between the various tribes of the Upper Mississippi and the lakes; also, another act of the 3d March, 1825, authorizing the President to cause a road to be marked out from the western frontier of Missouri to the confines of New Mexico, and which act also makes provision for holding treaties with the intervening Indian tribes, for the purpose of obtaining their consent to the marking of said road, and to the unmolested use thereof to the citizens of the United States and of the Mexican republic.

Advices have been received of as late date as the 21st September last, from General Atkinson and Major O'Fallon, the commissioners appointed to carry into effect the provisions of the act of the 25th May, 1824; at which period they were at Fort Atkinson, on the Missouri, to which place they had returned two days previous to the date of their letter, after having penetrated the country as far as the Two Thousand Mile creek, and fully accomplished, so far, the objects of their commission. It only remained for them to treat with a few tribes, the Mahas, Ottoes, Missourias, and Pawnees, which they expected to accomplish in twelve days, when they were to descend to St. Louis, and report more in detail. It is understood that General Atkinson is on his way to this city, bringing with him the treaties; and that the entire object of the commission is accomplished.

Returns have been received from General Clark and Governor Cass, the commissioners appointed to mediate, at Prairie du Chien, between the Sioux, Sac, Fox, Ioway, Chippewa, Menomonie, and Winnebago tribes, and to establish boundaries between them. In this work of mercy the commissioners have been successful. Treaties have been entered into with those tribes, by which their long and bloody wars have been terminated, and boundaries assigned to them, as the surest guaranty against future hostilities.

Messrs. Reeves, Sibley, and Mather, the commissioners appointed to mark the road from the western frontier of Missouri to the confines of New Mexico, and to hold treaties with the intervening Indian tribes, are engaged in the performance of those duties.

With the view of adjusting certain claims of the Shawanee Indians for lands, in exchange for a tract hitherto occupied by them at Cape Girardeau, in Missouri, and for spoiliations of various kinds, and improvements left by them at Cape Girardeau, General Clark was directed, in March last, to adjust these claims, and authorized, should it be necessary, to treat with the Osage and Kansas tribes for the extinguishment of their titles to lands for those Indians. This arrangement has been accordingly made; and, in accomplishing it, and following up the views of the Executive, in providing a country for such tribes of Indians as may think proper to emigrate and join their friends in the west, but especially to secure a country for the Creeks, in pursuance of the obligations of the General Government in its compact with Georgia, the commissioner very judiciously embraced, in the negotiation for the accommodation of the Shawanees, at that meeting, an extinguishment of the Indian titles to three or four millions of acres of land in Missouri and Arkansas, and nearly one hundred millions of acres beyond the western boundaries of Missouri and Arkansas. Reservations are secured to the Osages and Kansas: to the first, a tract of fifty miles front, parallel to, and about twenty-five miles west of, the western boundary of Missouri; and to the Kansas, a tract of thirty miles front, parallel also to the western boundary of Missouri, and about fifty miles west of it; both running back to the Spanish line. A judicious arrangement as to space between those two reservations, and between the frontier of Missouri, has been effected. Thus, all the titles of Indians to lands within the limits of Missouri, except a few reservations, have been extinguished; and a country represented to be fertile, and in all respects desirable, provided, and in sufficient extent, beyond the boundaries of Missouri and Arkansas, for the accommodation of all the tribes within the States, which, should they incline to occupy it, it is the policy of the Government to guaranty to them lasting and undisturbed possession.

At the same time, treaties of peace and friendship were entered into between the Osage and Delaware, the Shawanee, Wea, Piankeshaw, and Peoria tribes of Indians; and, subsequently, a treaty has been concluded, which assigns to the Shawanees fifty miles square of lands in the southwest corner of Missouri, with the privilege of exchanging them for a like quantity of land on the Kansas river, (which, it is believed, they will prefer,) for lands of theirs hitherto occupied by them at Cape Girardeau. The same treaty provides for payment for improvements abandoned by them at Cape Girardeau, and for spoiliations committed on their property there.

From the representations of a deputation of Cherokeees of the Arkansas and the Shawanees, who accompanied them in February last, it was believed that if they could hold a council with their friends in Ohio, Indiana, and Illinois, they could induce them to emigrate and join them on their possessions in the west. This was the great object of their visit. Directions were issued to Governor Cass to meet them at Wapahkonetta, in Ohio; but nothing was accomplished, except that deputations of some of the tribes intend, in the following spring, to visit their bro-

thers of the west. It is probable that the object of that meeting may, in the course of the next year, be in part, at least, realized.

The Quapaws, it is expected, will commence their removal from Arkansas to the country south of Red river on the 1st of January next, in conformity to the provisions of the treaty with them of the 15th November, 1824; and measures have been taken to fulfil the provisions of that entered into with the Choctaws on the 20th January, 1825.

Nothing suggests itself to me in the way of improvement in the administration of the Indian Department, as it is at present constituted; but under the modification which I had the honor to suggest to you in my letter of the 15th instant, benefits of a valuable description might be anticipated.

I will do myself the honor, in obedience to your instructions, to make the remaining parts of your directions of 3d October the subject of a future and special communication.

I have the honor to be, very respectfully, your obedient servant,

THOMAS L. MCKENNEY.

Hon. JAMES BARBOUR, *Secretary of War.*

A.

Extract from the Second Auditor's statement, showing the amount of requisitions drawn by the Secretary of War on the treasury of the United States, in the first, second, and third quarters of 1825; the amount which has been accounted for on the settlement of accounts; and the balance which remains to be accounted for, as appears from the books of the Second Auditor of the Treasury.

Heads of expenditure.	Amount drawn from the treasury.	Amount accounted for on the settlement of accounts.	Balance to be accounted for.
Indian department, - - - -	\$143,014 59	\$131,138 30	\$11,876 29
Pay of Indian agents, - - - -	43,318 19	42,506 69	811 50
Pay of Indian sub-agents, - - - -	19,461 65	18,893 78	567 87
Civilization of Indians, - - - -	11,032 91	4,246 05	6,786 86
Presents to Indians, - - - -	18,728 23	15,158 97	3,569 26
Annuities to Indian tribes, - - - -	221,518 98	200,518 98	21,000 00
Claims against the Osages, - - - -	2,748 00	2,628 92	119 08
Carrying into effect the treaty with the Creeks, - - - -	23,000 00	23,000 00	
Do. do. Choctaws, - - - -	3,748 72	3,748 72	
Extinguishment of Indian title to Quapaw lands, - - - -	373 91	373 91	
Running the line of the land assigned to Florida Indians, - - - -	362 44	362 44	
Expenses of rations to be furnished to Florida Indians, - - - -	31,854 25	26,430 25	5,424 00
To defray the expenses of treating with Choctaws for a modification of the treaty of 18th October, 1820, - - - -	9,723 44	7,937 94	1,785 50
To defray the expenses of making treaties with the Indians beyond the Mississippi, - - - -	3,716 21	216 21	3,500 00
To defray the expenses of holding treaties with the Sioux, Chipewas, &c. - - - -	6,400 00	6,400 00	
Claims of Choctaws for services in the Pensacola campaign, - - - -	16,972 50	16,972 50	
Towards the execution of any treaty with the Creeks that may be ratified prior to the next session of Congress, - - - -	225,853 12	34,484 21	191,368 91
	\$781,827 14	\$535,017 87	\$246,809 27

B.

Statement showing the number of Indian schools, where established, by whom, the number of teachers, the number of pupils, and the amount annually allowed and paid to each by the Government, with remarks as to their condition.

No.	Names of stations and sites.	By whom established.	Numb. of teachers.	Number of pupils.	Am't annually allowed by Govern't.	Remarks.
1	Spring Place, Cherokee nation, Alabama,	United Brethren,	6	15	\$300	Progressing prosperously.
2	Ochgeelgee, do.	Do.	-	-	-	
3	Elliot, Choctaw nation,	Amer. Board of Commissioners for Foreign Missions,	7	30	2,250	These schools have had to encounter some difficulties; but they are, nevertheless, progressing with a favorable degree of success.
4	Mayhew, do.	Do. do. do.	6	65		
5	Bethel, do.	Do. do. do.	3	16		
6	Emman's, do.	Do. do. do.	4	22		
7	Goshen, do.	Do. do. do.	6	16		
8	Capt. Harrison's, do.	Do. do. do.	1	13		
9	Juzon's, do.	Do. do. do.	1	13		
10	Mooshulatubbee's, do.	Do. do. do.	1	13		
11	Ai-ik-hun-hah, do.	Do. do. do.	3	30		
12	Bethany, do.	Do. do. do.	-	-		
13	L. S. Williams's, do.	Do. do. do.	2	4	600	Prosperous and increasing. An appendage of Carey. Progressing with considerable success.
14	Carey, on St. Joseph's river, among the Pattawatamies,	Baptist General Convention,	26	70		
15	Thomas, on Grand river, among the Ottawas,	Do. do. do.	-	-		
16	Withington, Creek nation, Georgia,	Do. do. do.	11	34		
17	Oneida, Oneidas, New York,	Do. do. do.	7	40		
18	Senecas, do.	United Foreign Missionary Society,	6	43		
19	Cataraugus, Senecas, do.	Do. do. do.	9	39		
20	Oneida Castle, Oneidas, New York,	Protestant Episcopal Church, New York,	3	33		
21	Charity Hall, Chickasaw nation,	Cumberland Missionary Board,	14	31		
22	Florissant, Missouri,	Society of Jesuits,	7	24		
23	Pleasant Point, Passamaquoddy Indians, Maine,	Society for propagating the Gospel, &c.	1	60	250	No reports have been received from any of these schools for this year, (except that for the Wyandots, at Upper Sandusky.) This part of the statement is, therefore, made from the last year's reports, with the exception just mentioned, which were not, in some respects, complete. They were then represented as being in a flourishing condition; and there is no reason to doubt that they continue to be so, and are improving in usefulness to those for whose benefit they are intended.
24	Brainard, Cherokee nation east of Mississippi,	Amer. Board of Commissioners for Foreign Missions,	-	-	1,000	
25	Carmel, do. do.	Do. do. do.	42	84	100	
26	Creek Path, do. do.	Do. do. do.	-	-	100	
27	High Tower, do. do.	Do. do. do.	-	-	100	
28	Dwight, do. west of Mississippi,	Do. do. do.	10	75	800	
29	Valley Towns, do. east of Mississippi,	Baptist General Convention,	7	60	500	
30	Tensawatee, do. do.	Do. do. do.	-	25	250	
31	Tonawanda, Senecas, New York,	Do. do. do.	-	30	300	
32	Union, Osages, Arkansas,	United Foreign Missionary Society,	6	31	250	
33	Harmony, Osages, Missouri,	Do. do. do.	47	27	250	
34	Tuscaroras, New York,	Do. do. do.	-	45	450	
35	Michilimackinac, do.	Do. do. do.	-	50	500	
36	Monroe, Chickasaw nation,	Synod of South Carolina and Georgia,	12	54	800	
37	Wyandots, Upper Sandusky,	Methodist Episcopal Church,	12	57	800	
38	Ottawas, Miami of the Lake,	Western Missionary Society,	21	10	300	
			281	1,159	\$13,550	

NOTE.—The numbers in the column of teachers, in most cases, include the whole number of the families of the teachers, mechanics, &c. employed at the different stations, they being so returned in the reports.

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, December 3, 1825.

THOMAS L. MCKENNEY.

19th CONGRESS.]

No. 224.

[1st Session.]

TREATIES WITH THE OSAGE, KANZAS, AND SHAWANEE TRIBES.

COMMUNICATED TO THE SENATE, DECEMBER 14, 1825.

To the Senate of the United States:

WASHINGTON, December 14, 1825.

I transmit to the Senate for their consideration and advice, with regard to their ratification, the following treaties:

1. A treaty between the United States and the Great and Little Osage tribes of Indians, concluded at St. Louis, in the State of Missouri, on the 2d day of June last, by William Clark, superintendent of Indian affairs, commissioner on the part of the United States, and the chiefs, headmen, and warriors of the same tribes, duly authorized and empowered by their respective tribes or nations.

2. A treaty between the United States and the Kansas nation of Indians, concluded at St. Louis, in the State of Missouri, on the 3d day of June last, by William Clark, superintendent of Indian affairs, commissioner on the part of the United States, and the chiefs, headmen, and warriors of the said nation, duly authorized and empowered by the same.

3. A convention between the United States and the Shawanee nation of Indians, residing within the State of Missouri, signed at St. Louis, in the State of Missouri, on the 7th day of November last, by William Clark, superintendent of Indian affairs, and the chiefs and headmen of the said nation, duly authorized and empowered by the same.

JOHN QUINCY ADAMS.

TREATY WITH THE GREAT AND LITTLE OSAGES.

Articles of a treaty made and concluded at St. Louis, in the State of Missouri, between William Clark, Superintendent of Indian Affairs, commissioner on the part of the United States, and the undersigned chiefs, headmen, and warriors of the Great and Little Osage tribes of Indians, duly authorized and empowered by their respective tribes or nations.

In order more effectually to extend to said tribes that protection of the Government so much desired by them, it is agreed as follows:

ARTICLE 1. The Great and Little Osage tribes or nations do hereby cede and relinquish to the United States all their right, title, interest, and claim to lands lying within the State of Missouri and Territory of Arkansas, and to all lands lying west of the said State of Missouri and Territory of Arkansas, north and west of the Red river, south of the Kansas river, and east of a line to be drawn from the head sources of the Kansas, southwardly, through the Rock saline, with such reservations, for such considerations, and upon such terms, as are hereinafter specified, expressed, and provided for.

ART. 2. Within the limits of the country above ceded and relinquished, there shall be reserved to and for the Great and Little Osage tribes or nations aforesaid, so long as they may choose to occupy the same, the following described tract of land: Beginning at a point due east of White Hair's village, and twenty-five miles west of the western boundary line of the State of Missouri, fronting on a north and south line, so as to leave ten miles north, and forty miles south, of the point of said beginning, and extending west with the width of fifty miles, to the western boundary of the lands hereby ceded and relinquished by said tribes or nations; which said reservation shall be surveyed and marked at the expense of the United States, and upon which the agent for said tribes or nations, and all persons attached to said agency, as also such teachers and instructors as the President may think proper to authorize and permit, shall reside, and shall occupy and cultivate, without interruption or molestation, such lands as may be necessary for them. And the United States do hereby reserve to themselves, forever, the right of navigating freely all watercourses and navigable streams within, or running through, the tract of country above reserved to said tribes or nations.

ART. 3. In consideration of the cession and relinquishment aforesaid, the United States do hereby agree to pay to the said tribes or nations, yearly, and every year, for twenty years, from the date of these presents, the sum of seven thousand dollars, at their village, or at St. Louis, as the said tribes or nations may desire, either in money, merchandise, provisions, or domestic animals, at their option. And whenever the said annuity, or any part thereof, shall be paid in merchandise, the same is to be delivered to them at the first cost of the goods at St. Louis, free of transportation.

ART. 4. The United States shall, immediately upon the ratification of this convention, or as soon thereafter as may be, cause to be furnished to the tribes or nations aforesaid six hundred head of cattle, six hundred hogs, one thousand domestic fowls, ten yoke of oxen, and six carts, with such farming utensils as the superintendent of Indian affairs may think necessary; and shall employ such persons to aid them in their agricultural pursuits as to the President of the United States may seem expedient; and shall also provide, furnish, and support for them, one blacksmith, that their farming utensils, tools, and arms may be seasonably repaired; and shall build, for each of the four principal chiefs, at their respective villages, a comfortable and commodious dwelling-house.

ART. 5. From the above lands ceded and relinquished, the following reservations, for the use of the half-breeds hereafter named, shall be made, to wit: One section, of six hundred and forty acres, for Augustus Clermont, to be located and laid off so as to include Joseph Rivar's residence, on the east side of the Neosho, a short distance above the Grand Saline, and not nearer than within one mile thereof; one section for each of the following half-breeds: James, Paul, Henry, Rosalie, Anthony, and Amelia, the daughter of She-me-hunga, and Amelia, the daughter of Mi-hun-ga, to be located two miles below the Grand Saline, and extending down the Neosho, on the east side thereof; and one section for Noel Mongrain, the son of Wa-taw-nages, and for each of his ten children, Baptiste, Noel, Francis, Joseph, Mongrain, Louis, Victoria, Sophia, Julia, and Juliet; and the like quantity for each of the following named grandchildren of the said Noel Mongrain, to wit: Charles, Francis, Louisson, and Wash; to commence on the Marais des Cygnes, where the western boundary line of the State of Missouri crosses it, at the York of Mine river, and to extend up Mine river, for quantity; one section for Mary Williams, and one for Sarah Williams, to be located on the north side of the Marais des Cygnes, at the Double creek, above Harmony; one section for Francis T. Chardon; one section for Francis C. Tayon; one section for James G. Chouteau; one section for Alexander Chouteau; one section for Pelagie Antaya; one section for Celeste Antaya; one section for Joseph Antaya; one section for Baptiste St. Michelle, jr.; one section for Louis St. Michelle; one section for Victoria St. Michelle; one section for Julia St. Michelle; one section for Francis St. Michelle; one section for Joseph Perra;

one section for Susan Larine; one section for Marguerite Rencau; one section for Thomas L. Balio; and one section for Terese, the daughter of Paul Louise: which said several tracts are to be located on the north side of the Marais des Cygnes, extending up the river, above the reservations in favor of Mary and Sarah Williams, in the order in which they are hereinabove named.

ART. 6. And also fifty-four other tracts, of a mile square each, to be laid off under the direction of the President of the United States, and sold, for the purpose of raising a fund, to be applied to the support of schools for the education of the Osage children, in such manner as the President may deem most advisable to the attainment of that end.

ART. 7. Forasmuch as there is a debt due from sundry individuals of the Osage tribes or nations to the United States' trading-houses of the Missouri and Osage rivers, amounting in the whole to about the sum of four thousand one hundred and five dollars and eighty cents, which the United States do hereby agree to release; in consideration thereof, the said tribes or nations do hereby release and relinquish their claim upon the United States for regular troops to be stationed for their protection in garrison at Fort Clark, and also for furnishing of a blacksmith at that place, and the delivery of merchandise at Fire Prairie, as is provided for in the first, third, and fifth articles of the treaty concluded on the tenth day of November, one thousand eight hundred and eight.

ART. 8. It appearing that the Delaware nation have various claims against the Osages, which the latter have not had it in their power to adjust; and the United States being desirous to settle, finally and satisfactorily, all demands and differences between the Delawares and Osages, do hereby agree to pay to the Delawares, in full satisfaction of all their claims and demands against the Osages, the sum of one thousand dollars.

ART. 9. With a view to quiet the animosities which at present exist between a portion of the citizens of Missouri and Arkansas and the Osage tribes, in consequence of the lawless depredations of the latter, the United States do furthermore agree to pay to their own citizens the full value of such property as they can legally prove to have been stolen or destroyed by the Osages since the year eighteen hundred and eight, and for which payment has not been made under former treaties: *Provided*, The sum to be paid by the United States does not exceed the sum of five thousand dollars.

ART. 10. It is furthermore agreed on, by and between the parties to these presents, that there shall be reserved two sections of land, to include the Harmony missionary establishment, and their mill on the Marais des Cygnes; and one section, to include the missionary establishment above the lick, on the west side of the Grand river, to be disposed of as the President of the United States shall direct, for the benefit of said missions, and to establish them at the principal villages of the Great and Little Osage nations, within the limits of the country reserved to them by this treaty, and to be kept up at said villages, so long as said missions shall be usefully employed in teaching, civilizing, and improving the said Indians.

ART. 11. To preserve and perpetuate the friendship now happily subsisting between the United States and the said tribes or nations, it is hereby agreed that the provisions contained in the ninth article of the treaty concluded and signed at Fort Clark, on the tenth day of November, one thousand eight hundred and eight, between the United States and the said tribes or nations, shall, in every respect, be considered as in full force, and applicable to the provisions of this treaty; and that the United States shall take and receive into their friendship and protection the aforesaid tribes or nations, and shall guaranty to them, forever, the right to navigate freely all watercourses or navigable streams within the tract of country hereby ceded, upon such terms as the same are, or may be, navigated by the citizens of the United States.

ART. 12. It is further agreed, that there shall be delivered, as soon as may be after the execution of this treaty, at the Osage villages, merchandise to the amount of four thousand dollars, first cost in St. Louis, and two thousand dollars in merchandise before their departure from this place, and horses and equipage to the value of twenty-six hundred dollars; which, together with the sum of one hundred dollars to be paid to Paul Louise, and the like sum to Baptiste Mongrain, in money, shall be in addition to the provisions and stipulations hereby above contained, in full satisfaction of the cession hereinbefore agreed on.

ART. 13. Whereas the Great and Little Osage tribes or nations are indebted to Augustus P. Chouteau, Paul Balio, and William S. Williams to a large amount, for credits given to them, which they are unable to pay, and have particularly requested to have paid or provided for in the present negotiation, it is therefore agreed on, by and between the parties to these presents, that the United States shall pay to Augustus P. Chouteau one thousand dollars, to Paul Balio two hundred and fifty dollars, and to William S. Williams two hundred and fifty dollars, towards the liquidation of their respective debts due from the said tribes or nations.

ART. 14. These articles shall take effect and become obligatory on the contracting parties so soon as the same shall be ratified by the President, by and with the advice and consent of the Senate of the United States.

In testimony whereof, the said William Clark, commissioner as aforesaid, and the deputation, chiefs, headmen, and warriors of the Great and Little Osage nations of Indians, as aforesaid, have hereunto set their hands and seals, this second day of June, in the year of our Lord one thousand eight hundred and twenty-five, and of the independence of the United States the forty-ninth.

WILLIAM CLARK.

[Signed, also, by the chiefs and headmen of the Great and Little Osage nations.]

TREATY WITH THE KANZAS.

Articles of a treaty made and concluded at the city of Saint Louis, in the State of Missouri, between William Clark, Superintendent of Indian Affairs, commissioner on the part of the United States of America, and the undersigned chiefs, headmen, and warriors of the Kansas nation of Indians, duly authorized and empowered by said nation.

ARTICLE 1. The Kansas do hereby cede to the United States all the lands lying within the State of Missouri to which the said nation have title or claim; and do further cede and relinquish to the said United States all other lands which they now occupy, or to which they have title or claim, lying west of the said State of Missouri, and within the following boundaries: Beginning at the entrance of the Kansas river into the Missouri river; from thence, north, to the northwest corner of the State of Missouri; from thence, westwardly, to the Nodewa river, thirty miles from its entrance into the Missouri; from thence to the entrance of the Big Nemahaw river into the Missouri, and, with that river, to its source; from thence to the source of the Kansas river, leaving the old village of the Pania Republic to the west; from thence, on the ridge dividing the waters of the Kansas river from those of the Arkansas, to the western boundary of the State line of Missouri; and, with that line, thirty-miles, to the place of beginning.

ART. 2. From the cession aforesaid, the following reservation for the use of the Kansas nation of Indians shall be made of a tract of land: to begin twenty leagues up the Kansas river, and to include their village on that river;

extending, west, thirty miles in width, through the lands ceded in the first article; to be surveyed and marked under the direction of the President, and to such extent as he may deem necessary, and at the expense of the United States. The agents for the Kansas, and the persons attached to the agency, and such teachers and instructors as the President shall authorize to reside near the Kansas, shall occupy, during his pleasure, such lands as may be necessary for them within this reservation.

ART. 3. In consideration of the cession of land and relinquishment of claims made in the first articles, the United States agree to pay to the Kansas nation of Indians three thousand five hundred dollars per annum, for twenty successive years, at their villages, or at the entrance of the Kansas river, either in money, merchandise, provisions, or domestic animals, at the option of the aforesaid nation; and when the said annuities, or any part thereof, is paid in merchandise, it shall be delivered to them at the first cost of the goods in Saint Louis, free of transportation.

ART. 4. The United States, immediately upon the ratification of this convention, or as soon thereafter as may be, shall cause to be furnished to the Kansas nation three hundred head of cattle, three hundred hogs, five hundred domestic fowls, three yoke of oxen, and two carts, with such implements of agriculture as the superintendent of Indian affairs may think necessary; and shall employ such persons to aid and instruct them in their agriculture as the President of the United States may deem expedient; and shall provide and support a blacksmith for them.

ART. 5. Out of the lands herein ceded by the Kansas nation to the United States, the commissioner aforesaid, in behalf of the said United States, doth further covenant and agree, that thirty-six sections of good land, on the Big Blue river, shall be laid out under the direction of the President of the United States, and sold for the purpose of raising a fund, to be applied, under the direction of the President, to the support of schools for the education of the Kansas children within their nation.

ART. 6. From the lands above ceded to the United States there shall be made the following reservations, of one mile square, for each of the half-breeds of the Kansas nation, viz: for Adel and Clement, the two children of Clement; for Josette, Julie, Pelagie, and Victoire, the four children of Louis Gonvil; for Marie and Lafleche, the two children of Baptiste Gonvil; for Laventure, the son of Francis Laventure; for Elizabeth and Pierre Carbonau, the children of Pierre Brisa; for Louis Joncas; for Basil Joncas; for James Joncas; for Elizabeth Datcherute, daughter of Baptiste Datcherute; for Joseph Butler; for William Rodgers; for Joseph Coté; for the four children of Cicili Comparé, each, one mile square; and one for Joseph James: to be located on the north side of the Kansas river, in the order above named, commencing at the line of the Kansas reservation, and extending down the Kansas river for quantity.

ART. 7. With the view of quieting all animosities which may at present exist between a part of the white citizens of Missouri and the Kansas nation, in consequence of the lawless depredations of the latter, the United States do further agree to pay to their own citizens the full value of such property as they can legally prove to have been stolen or destroyed since the year one thousand eight hundred and fifteen: *Provided*, The sum so to be paid by the United States shall not exceed the sum of three thousand dollars.

ART. 8. And whereas the Kansas are indebted to François G. Choteau for credits given them in trade, which they are unable to pay, and which they have particularly requested to have included and settled in the present treaty: it is therefore agreed on, by and between the parties to these presents, that the sum of five hundred dollars, towards the liquidation of said debt, shall be paid by the United States to the said François G. Choteau.

ART. 9. There shall be selected at this place such merchandise as may be desired, amounting to two thousand dollars, to be delivered at the Kansas river with as little delay as possible; and there shall be paid to the deputation now here two thousand dollars, in merchandise and horses, the receipt of which is hereby acknowledged; which, together with the amount agreed on in the third and fourth articles, and the provisions made in the other articles of this treaty, shall be considered as a full compensation for the cession herein made.

ART. 10. Lest the friendship which is now established between the United States and the said Indian nation should be interrupted by the misconduct of individuals, it is hereby agreed that, for injuries done by individuals, no private revenge or retaliation shall take place; but, instead thereof, complaints shall be made by the party injured to the other; by the said nation, to the superintendent or other person appointed by the President; [and by the superintendent, or other person appointed by the President,] to the chiefs of said nation; and it shall be the duty of the said chiefs, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished, agreeably to the laws of the State or Territory where the offence may have been committed: and, in like manner, if any robbery, violence, or murder shall be committed on any Indian or Indians belonging to said nation, the person or persons so offending shall be tried, and, if found guilty, shall be punished in like manner as if the injury had been done to a white man. And it is agreed, that the chiefs of the Kansas shall, to the utmost of their power, exert themselves to recover horses or other property which may be stolen from any citizen or citizens of the United States by any individual or individuals of the nation; and the property so recovered shall be forthwith delivered to the superintendent or other person authorized to receive it, that it may be restored to its proper owner; and, in cases where the exertions of the chiefs shall be ineffectual in recovering the property stolen as aforesaid, if sufficient proof can be adduced that such property was actually stolen by any Indian or Indians belonging to the said nation, the superintendent or other officer may deduct from the annuity of the said nation a sum equal to the value of the property which has been stolen. And the United States hereby guaranty to any Indian or Indians a full indemnification for any horses or other property which may be stolen from them by any of their citizens: *Provided*, That the property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said nation of Kansas engage, on the requisition or demand of the President of the United States, or of the superintendent, to deliver up any white man resident among them.

ART. 11. It is further agreed on, by and between the parties to these presents, that the United States shall forever enjoy the right to navigate freely all watercourses or navigable streams within the limits of the tract of country herein reserved to the Kansas nation; and that the said Kansas nation shall never sell, relinquish, or in any manner dispose of the lands herein reserved, to any other nation, person, or persons whatever, without the permission of the United States for that purpose first had and obtained; and shall ever remain under the protection of the United States, and in friendship with them.

ART. 12. This treaty shall take effect, and be obligatory on the contracting parties, as soon as the same shall be ratified by the President, by and with the consent and advice of the Senate of the United States.

In testimony whereof, the said William Clark, commissioner as aforesaid, and the deputation, chiefs, headmen, and warriors of the Kansas nation of Indians, as aforesaid, have hereunto set their hands and seals, this third day of June, in the year of our Lord eighteen hundred and twenty-five, and of the independence of the United States of America the forty-ninth year.

WILLIAM CLARK.

[Signed, also, by the chiefs, headmen, and warriors of the Kansas nation of Indians.]

TREATY WITH THE SHAWANEE.

Articles of a convention made between William Clark, Superintendent of Indian Affairs, and the undersigned chiefs and headmen of the Shawanee nation of Indians, residing within the State of Missouri, duly authorized and empowered by said nation, at the city of St. Louis, on the seventh day of November, in the year of our Lord one thousand eight hundred and twenty-five.

Whereas the Shawanee Indians were in possession of a tract of land near Cape Girardeau, in the State of Missouri, settled under a permission from the Spanish Government, given to the said Shawanees, and Delawares by the Baron de Carondelet, on the fourth day of January, one thousand seven hundred and ninety-three, and recorded in the office of recorder of land titles at St. Louis, containing about (25) twenty-five miles square, which said tract of land was abandoned by the Delawares in the year one thousand eight hundred and fifteen, and from which the said Shawanees, under an assurance of receiving other lands in exchange, did remove, after having made valuable and lasting improvements on the same, which were taken possession of by the citizens of the United States: and it being the desire of the United States fully to indemnify said tribe for all losses and injuries sustained by them by reason of such removal, the following articles have been agreed upon, between William Clark, superintendent of Indian affairs, specially authorized, on the one part, and the undersigned delegates of the Shawanee tribe, residing within the State of Missouri, on the other part:

ARTICLE 1. The Shawanee tribe do hereby cede and relinquish to the United States all their claim, interest, and title to the lands on which they settled, near Cape Girardeau, under an authority of the Spanish Government as aforesaid, situate, lying, and being between the river St. Come and Cape Girardeau, and bounded on the east by the Mississippi, and westwardly by White Water.

ART. 2. It is further agreed by the contracting parties, that, in consideration of the cession aforesaid, the United States do hereby agree to give to the Shawanee tribe of Indians within the State of Missouri, for themselves and for those of the same nation, now residing in Ohio, who may hereafter emigrate to the west of the Mississippi, a tract of land equal to (50) fifty miles square, situated west of the State of Missouri, and within the purchase lately made from the Osages, by treaty bearing date the second day of June, one thousand eight hundred and twenty-five, and within the following boundaries: commencing at a point (2) two miles northwest of the southwest corner of the State of Missouri; from thence, north, (25) twenty-five miles; thence, west, (100) one hundred miles; thence, south, (25) twenty-five miles; thence, east, (100) one hundred miles, to the place of beginning. But whereas the said Shawanee tribe had valuable and lasting improvements within the tract of land hereby ceded, and moreover will have to incur expenses in their removal, it is further stipulated, that, for the purpose of rendering a fair equivalent for the losses and inconveniences which said tribe will sustain by removal, and to enable them to obtain supplies in their new settlements, the United States agree to pay to the tribe emigrating from the lands herein ceded the sum of fourteen thousand dollars, which amount shall be paid to said party of the second part as soon as practicable after the ratification of this treaty; five thousand dollars of which amount shall be furnished in domestic animals, implements of husbandry, and provisions, as soon as the said tribe remove upon the lands assigned them.

ART. 3. It is further stipulated, that a deputation of the said parties of the second part may be sent to explore the lands assigned to them in the preceding article; and, if the same be not acceptable to them, upon an examination of the same, which shall be had, and made known to the superintendent of Indian affairs at Saint Louis, on or before April next; who [he] shall, in lieu thereof, assign to them an equal quantity of land, to be selected on the Kansas river, and laid off either south or north of that river, and west of the boundary of Missouri, not reserved or ceded to any other tribe.

ART. 4. It appearing that the Shawanee Indians have various claims against the citizens of the United States, to a large amount, for spoiliations of various kinds, but which they have not been able to support by the testimony of white men; the United States, in order to a final settlement of all such claims, do hereby agree to pay to the Shawanee nation the sum of (\$11,000) eleven thousand dollars, to be distributed by them in such way as may be deemed equitable; and to support and keep a blacksmith, for their use, on the lands hereby assigned, for the term of five years, or as long as the President may deem advisable. And it is further stipulated, that the United States shall furnish, for the use of the Shawanees, the tools necessary for the blacksmith's shop, and (300) three hundred pounds of iron annually, to be furnished at the expense of the United States.

ART. 5. The friendship heretofore existing between the United States and the Shawanee nation is hereby renewed and perpetuated.

ART. 6. These articles shall take effect and become obligatory on the contracting parties so soon as the same shall be ratified by the President, by and with the advice and consent of the Senate of the United States.

In testimony whereof, the said William Clark, and the said delegates of the Shawanee nation, have hereunto set their hands, at the city of St. Louis, the seventh day of November, one thousand eight hundred and twenty-five.

WILLIAM CLARK.

[Signed, also, by the chiefs and headmen of the Shawanee nation.]

SIR:

St. Louis, June 11, 1825.

I have the honor to forward you an original triplicate of a treaty, signed at this place on the 2d instant, with the chiefs and warriors of the Great and Little Osage Indians; and another, signed on the 3d, with the chiefs and warriors of the Kansas nation.

At the negotiation of these treaties the two nations were fully represented; the chief with a party of warriors from every village being present, and fully authorized, before they left home, to act according to their discretion.

Of the country ceded to the United States, a small portion, consisting of a breadth of twenty-four miles, running south from the Missouri river, along the western boundary of the State, some distance into the Territory of Arkansas, and amounting to three or four millions of acres, lies within the limits of this State and that Territory. The acquisition of this portion of our territory has been an object ardently desired by the citizens of Missouri, and the Legislature have several times addressed memorials to Congress praying for the extinction of the Indian title; it comprises some of the richest and most beautiful land in this State, and will meet with a ready sale when it is brought into market.

But the great body of the cession lies west of Missouri and Arkansas, and is so extensive, that, after leaving the Kansas and Osages a district sufficient for their permanent residence, and after furnishing homes for the tribes whose accommodation was the immediate object of your instructions, it will still leave the Government enough to enable them to comply with the stipulations of the treaty made with the Creek Indians last winter, and also to furnish permanent residences to other tribes in different States, who may be willing to remove to the west, in pursuance of the system for the gradual removal and collocation of the Indians.

I find, from information derived from persons to be relied upon, that the country embraced in these cessions

is wonderfully adapted to an Indian population in the first stages of civilization. Grass is universally abundant; and the winters, in a great portion of the cession, mild enough to winter cattle, horses, and other domestic animals, to subsist themselves without care from their owners. On all creeks and rivers there are bottoms of rich land, easily prepared for cultivation. The country is divided into woodland and prairies, (but mostly prairie,) and is well watered by springs and running streams, and is convenient to the salt plains and springs of strong salt water, from which an inexhaustible supply of salt can be obtained; and also to the great buffalo range, from which supplies can be obtained until they can be supplied from their own flocks.

In agreeing upon the amount and mode of payment, I have preferred a limited to a permanent annuity; I conceive the former to be more valuable to the Indians and to the Federal Government.

An annuity forever must of course be small; and the dividend to each individual becomes so inconsiderable, that the Government confers no favor by bestowing it, and the Indians enjoy no benefit by receiving it; it is, in fact, received with contempt instead of gratitude, and the Government is burdened with a perpetual debt, the annual payment of which is doing more harm than good. And if the tribes become extinct, as has already happened in some cases of permanent annuities, then an evil of the opposite extreme is experienced; for a few individuals receive the whole, and become pensioners on Government, without rendering any service in return. In the treaties concluded with the Kansas and Osages, the annuities are limited to twenty years; in the course of which time, the humane experiment now making by Government, to teach them to subsist themselves by the arts of civilized life, will have had a fair trial, and, if it succeeds, they will need no further aid from the Federal Government. The two annuities amount to \$10,500 per annum; the payment of which, and of every other expense attendant upon the negotiation and the execution of these treaties, can be made from the sales of one-fifth of the lands ceded by them within the limits of this State, leaving nearly one hundred millions of acres west of Missouri and Arkansas to be exchanged with tribes in the different States which may be willing to remove to the west. You will perceive that a part of the consideration for these cessions is payable in domestic animals, of which the Kansas and Osages are entirely destitute. They now possess no other animals than those necessary in a hunting state, to wit, horses and dogs. By adding a stock of cattle, hogs, and fowls, their advance to the farming, or at least to the pastoral state, will be greatly facilitated. Each of the treaties contains several reservations of a mile square in favor of half-breed Indians and their children. Reserves of this kind have been heretofore made in behalf of such persons, and, in my opinion, have a good effect in promoting civilization, as their attachment is created for a fixed residence, and an idea of separate property is imparted, without which it is vain to think of improving the minds or morals of the Indians, or making any progress in the work of civilization. As a treaty with Indians should always be a complete settlement, and leave no cause of future complaint or negotiation, nor any difference unadjusted, I have, as a part of the consideration for the Osage cession, agreed to relinquish a debt of about \$4,000, due from them to the United States for goods bought at the public trading-house before the abolition of the factory system, which would never have been paid; also, I have agreed that the United States should make indemnification, to a certain amount, for horses and property taken or stolen by those Indians from the frontier white people; (a measure necessary to prevent self-redress on the part of the sufferers;) and I have also agreed to pay a few small debts to the traders to whom these Indians were indebted. On the other hand, the Osages have released the United States from the stipulation of a former treaty, for keeping up a military post, blacksmith, and delivery of goods at Fire Prairie: these stipulations being now burdensome to the United States, without producing any good to the Indians; yet, by treaty, our Government was bound to keep them up.

The missionary establishments in this State and in the Arkansas Territory, for the benefit of the Osage Indians, are to be sold out and established at the principal villages occupied by these Indians. It belongs to the President, under the treaty, to give the necessary orders and to direct the mode of sale. Those missionaries may have objections to this removal; but their establishments were built upon individual and public contribution, for the special benefit of the Indians; and, to answer the purpose of their institution, they must be located amongst Indians. The mills which they have built would be serviceable at the Indian villages, in saving the squaws from the laborious process of pounding the grain into meal, and the example of the missionaries might be serviceable in teaching a knowledge of farming and of the useful arts; and, with this view, the treaty stipulates for the removal of their establishments to the principal villages of the Indians.

Experience having convinced me of the necessity of preventing a white and Indian population from remaining in immediate contact with each other, and the Indians themselves being fully sensible of the inconveniences of such neighborhood, it has been stipulated in the treaties now made that the Osage reservation shall commence twenty-five miles west of the Missouri line, and the Kansas about double that distance. This distance will be sufficient to prevent the stock of the two parties from intermixing, render the access to ardent spirits more difficult, and prevent collisions of property and persons. It may not be amiss to observe, that more than half of the reservations for individuals are out of the State and Territorial limits.

I have, &c.

WILLIAM CLARK.

To the Hon. JAMES BARBOUR, *Secretary of War.*

19th CONGRESS.]

No. 225.

[1st Session

INSTRUCTIONS TO, AND CORRESPONDENCE WITH, GENERALS PINCKNEY AND JACKSON, RELATING TO THE TREATY WITH THE CREEKS AT FORT JACKSON.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 27, 1825.

To the House of Representatives of the United States:

WASHINGTON, December 27, 1825.

In compliance with a resolution of the House of Representatives of the 23d instant, I transmit, herewith, a report from the Secretary of War, with the correspondence between the Department of War and Generals Pinckney and Jackson, and all the instructions given to the said Generals Pinckney and Jackson, relating to the treaty with the Creek Indians, afterwards made at Fort Jackson, so far as the same can be communicated without prejudice to the public interest.

JOHN QUINCY ADAMS.

WAR DEPARTMENT, December 24, 1825.

The Secretary of War, to whom was referred the resolution of the House of Representatives of the 23d instant, requesting the President of the United States "to cause to be laid before this House the correspondence between the Department of War and Generals Pinckney and Jackson, and all the instructions given to said Generals Pinckney and Jackson relating to the treaty with the Creek Indians afterwards made at Fort Jackson, so far as the same can be communicated, in his discretion, without prejudice to the public interest," has the honor to enclose, herewith, papers marked from No. 1 to No. 11, inclusive, which contain the information required.

Respectfully submitted.

The PRESIDENT OF THE UNITED STATES.

JAMES BARBOUR.

No. 1.

SIR:

WAR DEPARTMENT, March 17, 1814.

The policy dictated as well by the unprovoked and ungrateful conduct of the hostile Creeks, as by a due regard to the future safety of the southwestern frontier, may be brought under the following heads, viz:

1st. An indemnification (for the expenses incurred by the United States in prosecuting the war) by such cession or cessions of land as may be deemed an equivalent for said expenses.

2d. A stipulation on their part that they will cease all intercourse with any Spanish post, garrison, or town; and that they will not admit among them any agent or trader who does not derive his authority or license from the United States.

3d. An acknowledgment of a right in the United States to open roads through their territory; to navigate all waters and streams within the same; and, also, to establish therein such military posts and trading-houses as may be deemed necessary or proper; and

4th. A surrender of the prophets or other instigators of the war, who will be held subject to the orders of the President.

With these outlines as your guide, you are authorized, in conjunction with Colonel Hawkins, to open and conclude a treaty of peace with the hostile Creeks, so soon as they shall express a desire to put an end to the war.

I have the honor, &c.

To Major General THOMAS PINCKNEY.

JOHN ARMSTRONG.

No. 2.

SIR:

WAR DEPARTMENT, March 20, 1814.

Since the date of my last letter, it has occurred to me that the proposed treaty with the Creeks should take a form altogether military, and be in the nature of a capitulation; in which case, the whole authority of making and concluding the terms will rest in you, exclusively, as commanding general. In this transaction, should it take place, Colonel Hawkins, as agent, may be usefully employed.

I have, &c.

Major General THOMAS PINCKNEY.

JOHN ARMSTRONG.

No. 3.

Extract of a letter from Major General Pinckney to the Secretary of War, dated

FORT HAWKINS, April 8, 1814.

I have had the honor of receiving, by the mail of this day, your letters of the 20th of March, &c. Your letter of the 17th of March, containing instructions for the treaty of peace with the Creek Indians, was received on the 1st of this month, and immediately communicated to Colonel Hawkins. I greatly prefer the form of a military capitulation, and will endeavor that the business shall take that course; in which case, the quantum and location of the land to be ceded as indemnity, with other details, may be left to be settled by commissioners to be appointed by the President.

No. 4.

Extract of a letter from General Andrew Jackson to the Secretary of War, dated

FORT WILLIAMS, April 25, 1814.

The commissioners appointed to make a treaty with the Creeks will have little to do but to assign them their proper limits. Those of the friendly party, who have associated with me, will be easily satisfied; and the remainder, or the hostile party, pleased that their lives were spared them, will thankfully accept, as a bounteous donation, any district which may be allotted them for their future settlement. Will you permit me to suggest that a line, running from some point on the Georgia line, westwardly, to New Yankee, on the Tallapoosa, and thence to the Coosa, a mile or two above this place, would leave to the north of it a district of country quite sufficient for their purposes, and perhaps the most suitable that could be assigned them? Provision might be made for the Big Warrior and his immediate adherents on the south of the line, if that should be found necessary for any reasons.

Such an arrangement, I am satisfied, would be the best for the United States, and, I believe, for the Creeks; and such an arrangement it will require but little negotiation to effect.

No. 5.

Extract of a letter from the Secretary of War to Major General Andrew Jackson, dated

MAY 24, 1814.

In the event of your acceptance of the appointment announced by my letter of the 22d instant, I have to suggest the wish of the President that you should proceed, without delay, to Fort Jackson, and consummate the arrangements committed to Major General Pinckney, in relation to the hostile Creeks. A copy of the instructions given to General Pinckney is enclosed.

No. 6.

Extract of a letter from the Secretary of War to Major General Pinckney, dated

MAY 26, 1814.

General Jackson has been furnished with a copy of the instructions which were given to you in relation to the Indian treaty, and required to carry these arrangements into effect.

No. 7.

Extract of a letter from the Secretary of War to Major General Andrew Jackson, dated

MAY 31, 1814.

Colonel Meigs states that the Cherokees are interested in the arrangements which you are authorized to adopt in relation to the Creeks; and it is desirable that his statement should be heard by you in their behalf.

No. 8.

Extract of a letter from General Jackson to the Secretary of War, dated

FORT JACKSON, July 14, 1814.

I have summoned the chiefs of the Creek nation to a convention, to be holden at this post on the 1st of August next, for the purpose of terminating, if possible, pursuant to instructions, the differences between their nation and the United States. Whether all the chiefs of the hostile party will attend, cannot be ascertained until the lapse of that period; but the event shall be announced as early as possible.

No. 9.

Extract of a letter from General Pinckney to the Secretary of War, dated

CHARLESTON, August 26, 1814.

I have the honor of enclosing an extract of a letter addressed to me by Colonel Hawkins, and beg leave to submit to you the propriety of the promises held out by me to the friendly Indians, in my letter to Colonel Hawkins of 23d of April, being complied with. When that letter was written, I considered it to be good policy to attach to the interests of the United States the leading men of that nation who should render essential service to us; and I know of no method so cheap to the United States as to assign to them such lands as might be thought a reasonable reward for their services, within the limits of the conquered territory, which the United States might relinquish to the nation; which, with the addition of some honorary medals, &c., would probably have the desired effect.

No. 10.

Extract of a letter from Colonel Hawkins to General Pinckney, dated

CREEK AGENCY, August 16, 1814.

The following part of the terms offered by you to the Creeks, in yours of the 23d, [April,] the general [Jackson] declared he had no authority to accede to: "You may likewise inform them that the United States will not forget their fidelity; but, in the arrangements which may be made of the lands to be retained as indemnity, their claims will be respected, and such of their chiefs as have distinguished themselves by their exertions and valor in the common cause will also receive a remuneration in the ceded lands, and in such manner as the Government may direct." He marked his line, and demanded their acquiescence.

No. 11.

HEAD-QUARTERS, SIXTH AND SEVENTH DISTRICTS,

SIR: CAMP NEAR THE CONFLUENCE OF THE COOSA AND TALLAPOOSA RIVERS, April 23, 1814.

The complete success with which it has pleased the Almighty to bless the arms of the United States in the present war with the hostile Creek Indians, having amply retaliated on their infatuated people the loss of blood sustained by the citizens of the United States, and by that part of the natives who remained faithful to them; and their insolence, ingratitude, and perfidy having been severely chastised; the Government of the United States, willing to spare the dispersed remnant of these miserable people, who may be sincerely disposed to atone for their former misdeeds by their future good conduct, you will be pleased, sir, to communicate to them the following terms upon which peace will be granted to them.

The United States will retain so much of the conquered territory as may appear to the Government thereof to be just indemnity for the expenses of the war, and as a retribution for the injuries sustained by its citizens and by the friendly Creek Indians.

The United States will retain the right to establish military posts and trading-houses, and to make and use such roads as they may think necessary, and freely to navigate all the rivers and watercourses in the Creek territory.

The enemy must, on their parts, surrender their prophets, and such other instigators of the war, as may be designated by the Government of the United States; and they must agree to such restrictions upon their trade with foreign nations as shall be established by the Government of the United States.

The hostile Indians, willing to submit to the above terms, are to come in to Fort Jackson by the northwest side of the Alabama road; or to Fort Decatur, by the federal road, on the southeast side.

You will please, sir, to communicate these terms to the friendly Indians, and to enjoin on them, in the prosecution of the war, against such as may continue hostile, to abstain carefully from injuring those who may be returning with the intention of making their submission. You may likewise inform them that the United States will not forget their fidelity; but, in the arrangements which may be made of the lands to be retained as indemnity, their claims will be respected, and such of their chiefs as have distinguished themselves by their exertions and valor in the common cause will also receive a remuneration in the ceded lands, and in such manner as the Government may direct.

You will please, sir, to take such measures as you may think expedient to communicate the above terms to the hostile party, and to point out the roads whereby they may approach the posts of the United States to surrender themselves; which road you will also please to designate to the friendly party.

The calamities of the war having reduced many of the women and children of the nation to the utmost distress, for want of subsistence, the United States will furnish provision for them at the posts to which it can be most conveniently conveyed.

I have the honor to be, &c.

THOMAS PINCKNEY.

To Colonel HAWKINS.

19th CONGRESS.]

No. 226.

[1st SESSION.

TREATIES WITH SEVERAL TRIBES.

COMMUNICATED TO THE SENATE, JANUARY 11, 1826.

To the Senate of the United States:

WASHINGTON, January 9, 1826.

I transmit to the Senate, for their consideration and advice with regard to ratification, the following treaties:

1. A treaty signed at the Poncar village, at the mouth of White Paint creek, the first below the Qui Carre river, on the 9th of June, 1825, by Brigadier General Henry Atkinson and Major Benjamin O'Fallon, commissioners on the part of the United States, and certain chiefs, headmen, and warriors of the Poncar tribe of Indians, on the part of said tribe.

2. A treaty signed at Fort Lookout, near the three rivers of the Sioux pass, on the 22d June, 1825, by the same commissioners on the part of the United States, and certain chiefs, headmen, and warriors of the Teeton, Yancton, and Yancoities bands of the Sioux tribe of Indians, on the part of the said bands.

3. A treaty signed at the mouth of the Teeton river, on the 5th of July, 1825, by the same commissioners on the part of the United States, and by certain chiefs, headmen, and warriors of the Sioune and Ogallala bands of Sioux Indians; and on the 12th July, 1825, at Camp Hidden creek, by chiefs and warriors of the Siounes of the Fire Hearts band, on the part of their respective bands.

4. A treaty signed at the mouth of the Teeton river, on the 6th of July, 1825, by the same commissioners on the part of the United States, and by certain chiefs, headmen, and warriors of the Chayenne tribe of Indians, on the part of said tribe.

5. A treaty signed at the Auricara village, on the 16th of July, 1825, by the same commissioners on the part of the United States, and by certain chiefs, headmen, and warriors of the Hunkpapas band of the Sioux tribe of Indians, on the part of said band.

6. A treaty signed at the Ricara village, on the 18th July, 1825, by the same commissioners on the part of the United States, and by certain chiefs, headmen, and warriors of the Ricara tribe of Indians, on the part of said tribe.

7. A treaty signed at the Mandan village, on the 30th of July, 1825, by the same commissioners on the part of the United States, and by certain chiefs and warriors of the Mandan tribe of Indians, on the part of said tribe.

8. A treaty signed at the Lower Mandan village, on the 30th of July, 1825, by the same commissioners on the part of the United States, and by certain chiefs and warriors of the Belantse-etoa or Minnetaree tribe of Indians, on the part of said tribe.

9. A treaty signed at the Mandan village, on the 4th of August, 1825, by the same commissioners on the part of the United States, and by certain chiefs and warriors of the Crow tribe of Indians, on the part of said tribe.

10. A treaty signed at Fort Atkinson, Council Bluffs, on the 25th of September, 1825, by the same commissioners on the part of the United States, and by certain chiefs, headmen, and warriors of the Ottoe and Missouri tribe of Indians, on the part of said tribe.

11. A treaty signed at Fort Atkinson, Council Bluffs, on the 30th September, 1825, by the same commissioners on the part of the United States, and by certain chiefs, headmen, and warriors of the Pawnee tribe of Indians, on the part of said tribe.

12. A treaty signed at Fort Atkinson, Council Bluffs, on the 6th of October, 1825, by the same commissioners on the part of the United States, and by certain chiefs, headmen, and warriors of the Maha tribe of Indians, on the part of said tribe.

JOHN QUINCY ADAMS.

TREATY WITH THE PONCARS.

For the purposes of perpetuating the friendship which has heretofore existed, as also to remove all future cause of discussion or dissension, as it respects trade and friendship, between the United States and their citizens and the Poncar tribe of Indians, the President of the United States of America, by Brigadier General Henry Atkinson, of the United States army, and Major Benjamin O'Fallon, Indian agent, with full powers and authority specially appointed and commissioned for that purpose, of the one part, and the undersigned chiefs, headmen, and warriors of the Poncar tribe of Indians, on behalf of said tribe, of the other part, have made and entered into the following articles and conditions, which, when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding on both parties, to witt:

ARTICLE 1. It is admitted by the Poncar tribe of Indians that they reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection. The said tribe also admit the right of the United States to regulate all trade and intercourse with them.

ART. 2. The United States agree to receive the Poncar tribe of Indians into their friendship and under their protection, and to extend to them, from time to time, such benefits and acts of kindness as may be convenient, and seem just and proper to the President of the United States.

ART. 3. All trade and intercourse with the Poncar tribe shall be transacted at such place or places as may be designated and pointed out by the President of the United States, through his agents; and none but American citizens, duly authorized by the United States, shall be admitted to trade or hold intercourse with said tribe of Indians.

ART. 4. That the Poncar tribe may be accommodated with such articles of merchandise, &c. as their necessities may demand, the United States agree to admit and license traders to hold intercourse with said tribe, under mild and equitable regulations: in consideration of which, the Poncar tribe bind themselves to extend protection to the persons and the property of the traders, and the persons legally employed under them, whilst they remain within the limits of the Poncar district of country. And the said Poncar tribe further agree, that if any foreigner, or other person not legally authorized by the United States, shall come into their district of country for the purposes of trade, or other views, they will apprehend such person or persons, and deliver him or them to some United States superintendent or agent of Indian affairs, or to the commandant of the nearest military post, to be dealt with according to law. And they further agree to give safe-conduct to all persons who may be legally authorized by

the United States to pass through their country; and to protect, in their persons and property, all agents or other persons sent by the United States to reside temporarily among them.

ART. 5. That the friendship which is now established between the United States and the Poncar tribe should not be interrupted by the misconduct of individuals, it is hereby agreed, that, for injuries done by individuals, no private revenge or retaliation shall take place; but, instead thereof, complaints shall be made by the party injured to the superintendent or agent of Indian affairs, or other person appointed by the President. And it shall be the duty of the said chiefs, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States: and, in like manner, if any robbery, violence, or murder shall be committed on any Indian or Indians belonging to said tribe, the person or persons so offending shall be tried, and, if found guilty, shall be punished in like manner as if the injury had been done to a white man. And it is agreed that the chiefs of said Poncar tribe shall, to the utmost of their power, exert themselves to recover horses or other property which may be stolen or taken from any citizen or citizens of the United States by any individual or individuals of said tribe; and the property so recovered shall be forthwith delivered to the agents, or other person authorized to receive it, that it may be restored to the proper owner. And the United States hereby guaranty to any Indian or Indians of said tribe a full indemnification for any horses or other property which may be stolen from them by any of their citizens: *Provided*, That the property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said Poncar tribe engage, on the requisition or demand of the President of the United States, or of the agents, to deliver up any white man resident among them.

ART. 6. And the chiefs and warriors as aforesaid promise and engage that their tribe will never, by sale, exchange, or as presents, supply any nation or tribe of Indians, not in amity with the United States, with guns, ammunition, or other implements of war.

Done at the Poncar village, at the mouth of White Paint creek, the first below the Qui Carre river, this ninth day of June, A. D. one thousand eight hundred and twenty-five, and of the independence of the United States the forty-ninth. In testimony whereof, the said commissioners, Henry Atkinson and Benjamin O'Fallon, and the chiefs, headmen, and warriors of the Poncar tribe, have hereunto set their hands and affixed their seals.

H. ATKINSON,
Brigadier General United States Army.
BENJ. O'FALLON,
United States Agent Indian Affairs.

[Signed, also, by the chiefs, headmen, and warriors of the Poncar tribe.]

TREATY WITH THE TEETONS, YANCTONS, AND YANCTONIES.

For the purposes of perpetuating the friendship which has heretofore existed, as also to remove all future cause of discussion or dissension, as it respects trade and friendship, between the United States and their citizens and the Teeton, Yancton, and Yanctonies bands of the Sioux tribe of Indians, the President of the United States of America, by Brigadier General Henry Atkinson, of the United States army, and Major Benjamin O'Fallon, Indian agent, with full powers and authority specially appointed and commissioned for that purpose, of the one part, and the undersigned chiefs, headmen, and warriors of the Teeton, Yancton, and Yanctonies bands of the Sioux tribe of Indians, on behalf of said bands or tribe, of the other part, have made and entered into the following articles and conditions, which, when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding on both parties, to wit:

ARTICLE 1. It is admitted by the Teeton, Yancton, and Yanctonies bands of Sioux Indians that they reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection. The said bands also admit the right of the United States to regulate all trade and intercourse with them.

ART. 2. The United States agree to receive the said Teeton, Yancton, and Yanctonies bands of Sioux Indians into their friendship and under their protection, and to extend to them, from time to time, such benefits and acts of kindness as may be convenient, and seem just and proper to the President of the United States.

ART. 3. All trade and intercourse with the Teeton, Yancton, and Yanctonies bands shall be transacted at such place or places as may be designated and pointed out by the President of the United States, through his agents; and none but American citizens, duly authorized by the United States, shall be admitted to trade or hold intercourse with said bands of Indians.

ART. 4. That the Teeton, Yancton, and Yanctonies bands may be accommodated with such articles of merchandise, &c. as their necessities may demand, the United States agree to admit and license traders to hold intercourse with said tribes or bands, under mild and equitable regulations: in consideration of which, the Teeton, Yancton, and Yanctonies bands bind themselves to extend protection to the persons and the property of the traders, and the persons legally employed under them, whilst they remain within the limits of their particular district of country. And the said Teeton, Yancton, and Yanctonies bands further agree, that if any foreigner, or other person not legally authorized by the United States, shall come into their district of country for the purposes of trade, or other views, they will apprehend such person or persons, and deliver him or them to some United States superintendent or agent of Indian affairs, or to the [commandant of the] nearest military post, to be dealt with according to law. And they further agree to give safe-conduct to all persons who may be legally authorized by the United States to pass through their country, and to protect, in their persons and property, all agents, or other persons sent by the United States to reside temporarily among them.

ART. 5. That the friendship which is now established between the United States and the Teeton, Yancton, and Yanctonies bands, should not be interrupted by the misconduct of individuals, it is hereby agreed, that, for injuries done by individuals, no private revenge or retaliation shall take place; but, instead thereof, complaints shall be made by the party injured to the superintendent or agent of Indian affairs, or other person appointed by the President. And it shall be the duty of the said chiefs, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States: and, in like manner, if any robbery, violence, or murder shall be committed on any Indian or Indians belonging to said bands, the person or persons so offending shall be tried, and, if found guilty, shall be punished in like manner as if the injury had been done to a white man. And it is agreed that the chiefs of the said Teeton, Yancton, and Yanctonies bands shall, to the utmost of their power, exert themselves to recover horses or other property which may be stolen or taken from any citizen or citizens of the United States by any individual or individuals of said bands; and the property so recovered shall be forthwith delivered to the agents, or other per-

son authorized to receive it, that it may be restored to the proper owner. And the United States hereby guaranty to any Indian or Indians of said bands a full indemnification for any horses or other property which may be stolen from them by any of their citizens: *Provided*, That the property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said Teeton, Yancton, and Yantconies bands engage, on the requisition or demand of the President of the United States, or of the agents, to deliver up any white man resident among them.

ART. 6. And the chiefs and warriors as aforesaid promise and engage that their band or tribe will never, by sale, exchange, or as presents, supply any nation or tribe of Indians, not in amity with the United States, with guns, ammunition, or other implements of war.

Done at Fort Lookout, near the three rivers of the Sioux pass, this twenty-second day of June, A. D. one thousand eight hundred and twenty-five, and of the independence of the United States the forty-ninth. In testimony whereof, the said commissioners, Henry Atkinson and Benjamin O'Fallon, and the chiefs, headmen, and warriors of the Teeton, Yancton, and Yantconies bands of the Sioux tribe, have hereunto set their hands and affixed their seals.

H. ATKINSON, *Brig. Gen. U. S. Army.*

BENJ. O'FALLON, *U. S. Agent Indian Affairs.*

[Signed, also, by the chiefs and headmen of the Teeton, Yancton, and Yantconies bands.]

TREATY WITH THE SIOUNES AND OGALLALAS.

For the purpose of perpetuating the friendship which has heretofore existed, as also to remove all future cause of discussion or dissension, as it respects trade and friendship, between the United States and their citizens and the Sioune and Ogallala bands of the Sioux tribe of Indians, the President of the United States of America, by Brigadier General Henry Atkinson, of the United States army, and Major Benjamin O'Fallon, Indian agent, with full powers and authority specially appointed and commissioned for that purpose, of the one part, and the undersigned chiefs, headmen, and warriors of the said Sioune and Ogallala bands of Sioux Indians, on behalf of their bands, of the other part, have made and entered into the following articles and conditions, which, when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding on both parties, to wit:

ARTICLE 1. It is admitted by the Sioune and Ogallala bands of Sioux Indians that they reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection. The said bands also admit the right of the United States to regulate all trade and intercourse with them.

ART. 2. The United States agree to receive the Sioune and Ogallala bands of Sioux into their friendship and under their protection, and to extend to them, from time to time, such benefits and acts of kindness as may be convenient, and seem just and proper to the President of the United States.

ART. 3. All trade and intercourse with the Sioune and Ogallala bands shall be transacted at such place or places as may be designated and pointed out by the President of the United States, through his agents; and none but American citizens, duly authorized by the United States, shall be admitted to trade or hold intercourse with said bands of Indians.

ART. 4. That the Sioune and Ogallala bands may be accommodated with such articles of merchandise, &c. as their necessities may demand, the United States agree to admit and license traders to hold intercourse with said bands, under mild and equitable regulations: in consideration of which, the Sioune and Ogallala bands bind themselves to extend protection to the persons and the property of the traders, and the persons legally employed under them, whilst they remain within the limits of their particular district of country. And the said Sioune and Ogallala bands further agree, that, if any foreigner, or other person not legally authorized by the United States, shall come into their district of country, for the purposes of trade, or other views, they will apprehend such person or persons, and deliver him or them to some United States superintendent or agent of Indian affairs, or to the commandant of the nearest military post, to be dealt with according to law. And they further agree to give safe-conduct to all persons who may be legally authorized by the United States to pass through their country, and to protect, in their persons and property, all agents or other persons sent by the United States to reside temporarily among them; nor will they, whilst on their distant excursions, molest or interrupt any American citizen or citizens who may be passing from the United States to New Mexico, or returning from thence to the United States.

ART. 5. That the friendship which is now established between the United States and the Sioune and Ogallala bands should not be interrupted by the misconduct of individuals, it is hereby agreed, that, for injuries done by individuals, no private revenge or retaliation shall take place; but, instead thereof, complaints shall be made by the injured party to the superintendent or agent of Indian affairs, or other person appointed by the President. And it shall be the duty of said chiefs, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States: and, in like manner, if any robbery, violence, or murder shall be committed on any Indian or Indians belonging to the said bands, the person or persons so offending shall be tried, and, if found guilty, shall be punished in like manner as if the injury had been done to a white man. And it is agreed that the chiefs of said Sioune and Ogallala bands shall, to the utmost of their power, exert themselves to recover horses or other property which may be stolen or taken from any citizen or citizens of the United States by any individual or individuals of said bands; and the property so recovered shall be forthwith delivered to the agents, or other person authorized to receive it, that it may be restored to the proper owner. And the United States hereby guaranty to any Indian or Indians of said bands a full indemnification for any horses or other property which may be stolen from them by any of their citizens: *Provided*, The property stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said Sioune and Ogallala bands engage, on the requisition or demand of the President of the United States, or of the agents, to deliver up any white man resident among them.

ART. 6. And the chiefs and warriors, as aforesaid, promise and engage that their bands will never, by sale, exchange, or as presents, supply any nation, tribe, or bands of Indians, not in amity with the United States, with guns, ammunition, or other implements of war.

Done at the mouth of the Teeton river, this fifth day of July, A. D. eighteen hundred and twenty-five, and of the independence of the United States the fiftieth. In testimony whereof, the said commissioners, Henry Atkinson and Benjamin O'Fallon, and the chiefs, headmen, and warriors of the Sioune and Ogallala bands, have hereunto set their hands and affixed their seals.

H. ATKINSON, *Brig. Gen. U. S. Army.*

BENJAMIN O'FALLON, *U. S. Agent Indian Affairs.*

[Signed, also, by the chiefs, headmen, and warriors of the Sioune and Ogallala bands.]

TREATY WITH THE CHAYENNE TRIBE.

For the purpose of perpetuating the friendship which has heretofore existed, as also to remove all future cause of discussion or dissension, as it respects trade and friendship, between the United States and their citizens and the Chayenne tribe of Indians, the President of the United States of America, by Brigadier General Henry Atkinson, of the United States army, and Major Benjamin O'Fallon, Indian agent, with full powers and authority specially appointed and commissioned for that purpose, of the one part, and the undersigned chiefs, headmen, and warriors of the Chayenne tribe of Indians, on behalf of said tribe, of the other part, have made and entered into the following articles and conditions, which, when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding on both parties, to wit:

ARTICLE 1. It is admitted by the Chayenne tribe of Indians that they reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection. The said tribe also admit the right of the United States to regulate all trade and intercourse with them.

ART. 2. The United States agree to receive the Chayenne tribe of Indians into their friendship and under their protection, and to extend to them, from time to time, such benefits and acts of kindness as may be convenient, and seem just and proper to the President of the United States.

ART. 3. All trade and intercourse with the Chayenne tribe shall be transacted at such place or places as may be designated and pointed out by the President of the United States, through his agents; and none but American citizens, duly authorized by the United States, shall be admitted to trade or hold intercourse with said tribe of Indians.

ART. 4. That the Chayenne tribe may be accommodated with such articles of merchandise, &c. as their necessities may demand, the United States agree to admit and license traders to hold intercourse with said tribe, under mild and equitable regulations: in consideration of which, the Chayenne tribe bind themselves to extend protection to the persons and the property of the traders, and the persons legally employed under them, whilst they remain within the limits of their particular district of country. And the said Chayenne tribe further agree, that if any foreigner, or other person not legally authorized by the United States, shall come into their district of country for the purposes of trade, or other views, they will apprehend such person or persons, and deliver him or them to some United States superintendent or agent of Indian affairs, or to the commandant of the nearest military post, to be dealt with according to law. And they further agree to give safe-conduct to all persons who may be legally authorized by the United States to pass through their country; and to protect, in their persons and property, all agents or other persons sent by the United States to reside temporarily among them; nor will they, whilst on their distant excursions, molest or interrupt any American citizen or citizens who may be passing from the United States to New Mexico, or returning from thence to the United States.

ART. 5. That the friendship which is now established between the United States and the Chayenne tribe should not be interrupted by the misconduct of individuals, it is hereby agreed, that, for injuries done by individuals, no private revenge or retaliation shall take place; but, instead thereof, complaint shall be made by the party injured to the superintendent or agent of Indian affairs, or other person appointed by the President. And it shall be the duty of said chiefs, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States: and, in like manner, if any robbery, violence, or murder shall be committed on any Indian or Indians belonging to said tribe, the person or persons so offending shall be tried, and, if found guilty, shall be punished in like manner as if the injury had been done to a white man. And it is agreed that the said chiefs of said Chayenne tribe shall, to the utmost of their power, exert themselves to recover horses or other property which may be stolen or taken from any citizen or citizens of the United States by any individual or individuals of said tribe; and the property so recovered shall be forthwith delivered to the agents, or other person authorized to receive it, that it may be restored to the proper owner. And the United States hereby guaranty to any Indian or Indians of said tribe a full indemnification for any horses or other property which may be stolen from them by any of their citizens: *Provided*, That the property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said Chayenne tribe engage, on the requisition or demand of the President of the United States, or of the agents, to deliver up any white man resident among them.

ART. 6. And the chiefs and warriors as aforesaid promise and engage that their tribe will never, by sale, exchange, or as presents, supply any nation or tribe of Indians, not in amity with the United States, with guns, ammunition, or other implements of war.

Done at the mouth of the Teeton river, this sixth day of July, A. D. eighteen hundred and twenty-five, and of the independence of the United States the fiftieth. In testimony whereof, the said commissioners, Henry Atkinson and Benjamin O'Fallon, and the chiefs, headmen, and warriors of the Chayenne tribe of Indians, have hereunto set their hands and affixed their seals.

H. ATKINSON, *Brig. Gen. U. S. Army.*

BENJAMIN O'FALLON, *U. S. Agent Indian Affairs.*

[Signed, also, by the chiefs, headmen, and warriors of the Chayenne tribe of Indians.]

TREATY WITH THE HUNKPAPAS.

For the purpose of perpetuating the friendship which has heretofore existed, as also to remove all future cause of discussion or dissension, as it respects trade and friendship, between the United States and their citizens and the Hunkpapas band of the Sioux tribe of Indians, the President of the United States of America, by Brigadier General Henry Atkinson, of the United States army, and Major Benjamin O'Fallon, Indian agent, with full powers and authority specially appointed and commissioned for that purpose, of the one part, and the undersigned chiefs, headmen, and warriors of the said Hunkpapas band of Sioux Indians, on behalf of their band, of the other part, have made and entered into the following articles and conditions, which, when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding on both parties, to wit:

ARTICLE 1. It is admitted by the Hunkpapas band of Sioux Indians that they reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection. The said band also admit the right of the United States to regulate all trade and intercourse with them.

ART. 2. The United States agree to receive the Hunkpapas band of Sioux into their friendship and under their protection, and to extend to them, from time to time, such benefits and acts of kindness as may be convenient, and seem just and proper to the President of the United States.

ART. 3. All trade and intercourse with the Hunkpapas band shall be transacted at such place or places as may be designated and pointed out by the President of the United States, through his agents; and none but American

citizens, duly authorized by the United States, shall be admitted to trade or hold intercourse with said band of Indians.

ART. 4. That the Hunkpapas band may be accommodated with such articles of merchandise, &c. as their necessities may demand, the United States agree to admit and license traders to hold intercourse with said band, under mild and equitable regulations: in consideration of which, the Hunkpapas band bind themselves to extend protection to the persons and the property of the traders, and the persons legally employed under them, whilst they remain within the limits of their particular district of country. And the said Hunkpapas band further agree, that, if any foreigner, or other person not legally authorized by the United States, shall come into their district of country for the purposes of trade, or other views, they will apprehend such person or persons, and deliver him or them to some United States superintendent or agent of Indian affairs, or to the commandant of the nearest military post, to be dealt with according to law. And they further agree to give safe-conduct to all persons who may be legally authorized by the United States to pass through their country, and to protect, in their persons and property, all agents or other persons sent by the United States to reside temporarily among them.

ART. 5. That the friendship which is now established between the United States and the Hunkpapas band should not be interrupted by the misconduct of individuals, it is hereby agreed that, for injuries done by individuals, no private revenge or retaliation shall take place; but, instead thereof, complaints shall be made by the injured party to the superintendent or agent of Indian affairs, or other person appointed by the President. And it shall be the duty of said chiefs, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States: and, in like manner, if any robbery, violence, or murder shall be committed on any Indian or Indians belonging to said band, the person or persons so offending shall be tried, and, if found guilty, shall be punished in like manner as if the injury had been done to a white man. And it is agreed that the chiefs of the said Hunkpapas band shall, to the utmost of their power, exert themselves to recover horses or other property which may be stolen or taken from any citizen or citizens of the United States by any individual or individuals of said band; and the property so recovered shall be forthwith delivered to the agents, or other person authorized to receive it, that it may be restored to the proper owner. And the United States hereby guaranty to any Indian or Indians of said band a full indemnification for any horses or other property which may be stolen from them by any of their citizens: *Provided*, That the property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said Hunkpapas band engage, on the requisition or demand of the President of the United States, or of the agents, to deliver up any white man resident among them.

ART. 6. And the chiefs and warriors as aforesaid promise and engage that their band will never, by sale, exchange, or as presents, supply any nation or tribe of Indians, not in amity with the United States, with guns, ammunition, or other implements of war.

Done at Auricara village, this sixteenth day of July, one thousand eight hundred and twenty-five, and of the independence of the United States the fiftieth. In testimony whereof, the said commissioners, Henry Atkinson and Benjamin O'Fallon, and the chiefs, headmen, and warriors of the Hunkpapas tribe of Indians, have hereunto set their hands and affixed their seals.

H. ATKINSON, *Brig. Gen. U. S. Army.*

BENJ. O'FALLON, *U. S. Agent Indian Affairs.*

[Signed, also, by a number of the chiefs and headmen of the Hunkpapas band of Sioux.]

TREATY WITH THE RICARAS.

To put an end to an unprovoked hostility on the part of the Ricara tribe of Indians against the United States, and to restore harmony between the parties, the President of the United States, by Brigadier General Henry Atkinson, of the United States army, and Major Benjamin O'Fallon, Indian agent, commissioners duly appointed and commissioned to treat with the Indian tribes beyond the Mississippi river, gives peace to the said Ricara tribe; the chiefs and warriors thereof having first made suitable concessions for the offence. And for the purpose of removing all further or future cause of misunderstanding, as respects trade and friendly intercourse between the parties, the above-named commissioners, on the part of the United States, and the undersigned chiefs and warriors of the Ricara tribe of Indians, on the part of said tribe, have made and entered into the following articles and conditions, which, when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding on both parties, to wit:

ARTICLE 1. Henceforth there shall be a firm and lasting peace between the United States and the Ricara tribe of Indians, and a friendly intercourse shall immediately take place between the parties.

ART. 2. It is admitted by the Ricara tribe of Indians that they reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection. The said tribe also admit the right of the United States to regulate all trade and intercourse with them.

ART. 3. The United States agree to receive the Ricara tribe of Indians into their friendship and under their protection, and to extend to them, from time to time, such benefits and acts of kindness as may be convenient, and seem just and proper to the President of the United States.

ART. 4. All trade and intercourse with the Ricara tribe shall be transacted at such place or places as may be designated and pointed out by the President of the United States, through his agents; and none but American citizens, duly authorized by the United States, shall be admitted to trade or hold intercourse with said tribe of Indians.

ART. 5. That the Ricara tribe may be accommodated with such articles of merchandise, &c. as their necessities may demand, the United States agree to admit and license traders to hold intercourse with said tribe, under mild and equitable regulations: in consideration of which, the Ricara tribe bind themselves to extend protection to the persons and the property of the traders, and the persons legally employed under them, while they remain within the limits of their district of country. And the said Ricara tribe further agree, that, if any foreigner, or other person not legally authorized by the United States, shall come into their district of country for the purposes of trade, or other views, they will apprehend such person or persons, and deliver him or them to some United States superintendent or agent of Indian affairs, or to the commandant of the nearest military post, to be dealt with according to law. And they further agree to give safe-conduct to all persons who may be legally authorized by the United States to pass through their country, and to protect, in their persons and property, all agents or other persons sent by the United States to reside temporarily among them.

ART. 6. That the friendship which is now established between the United States and the Ricara tribe shall not be interrupted by the misconduct of individuals, it is hereby agreed, that, for injuries done by individuals, no private revenge or retaliation shall take place; but, instead thereof, complaints shall be made by the party injured

to the superintendent or agent of Indian affairs, or other person appointed by the President. And it shall be the duty of the said chiefs, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States: and, in like manner, if any robbery, violence, or murder shall be committed on any Indian or Indians belonging to said tribe, the person or persons so offending shall be tried, and, if found guilty, shall be punished in like manner as if the injury had been done to a white man. And it is agreed that the chiefs of the said Ricara tribe shall, to the utmost of their power, exert themselves to recover horses or other property which may be stolen or taken from any citizen or citizens of the United States by any individual or individuals of said tribe; and the property so recovered shall be forthwith delivered to the agents, or other person authorized to receive it, that it may be restored to the proper owner. And the United States hereby guaranty to any Indian or Indians of said tribe a full indemnification for any horses or other property which may be stolen from them by any of their citizens: *Provided*, That the property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said Ricara tribe engage, on the requisition or demand of the President of the United States, or of the agents, to deliver up any white man resident among them.

ART. 7. And the chiefs and warriors as aforesaid promise and engage that their tribe will never, by sale, exchange, or as presents, supply any nation, tribe, or bands of Indians, not in amity with the United States, with guns, ammunition, or other implements of war.

Done at the Ricara village, this eighteenth day of July, A. D. eighteen hundred and twenty-five, and of the independence of the United States the fiftieth. In testimony whereof, the said commissioners, Henry Atkinson and Benjamin O'Fallon, and the chiefs, headmen, and warriors of the Ricara tribe of Indians, have hereunto set their hands and affixed their seals.

H. ATKINSON, *Brig. Gen. U. S. Army.*

BENJ. O'FALLON, *U. S. Agent Indian Affairs.*

[Signed, also, by the chiefs and headmen of the Ricara tribe of Indians.]

TREATY WITH THE MANDANS.

Whereas acts of hostility have been committed by some restless men of the Mandan tribe of Indians upon some of the citizens of the United States; therefore, to put a stop to any further outrages of the sort, and to establish a more friendly understanding between the United States and the said Mandan tribe, the President of the United States, by Henry Atkinson, brigadier general of the United States army, and Major Benjamin O'Fallon, Indian agent, commissioners duly appointed and commissioned to treat with the Indian tribes beyond the Mississippi river, forgive the offences which have been committed; the chiefs and warriors having first made satisfactory explanations touching the same. And for the purpose of removing all future cause of misunderstanding, as respects trade and friendly intercourse between the parties, the abovenamed commissioners, on the part of the United States, and the undersigned chiefs and warriors of the Mandan tribe of Indians, on the part of said tribe, have made and entered into the following articles and conditions, which, when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding on both parties, to wit:

ARTICLE 1. Henceforth there shall be a firm and lasting peace between the United States and the Mandan tribe of Indians, and a friendly intercourse shall immediately take place between the parties.

ART. 2. It is admitted by the Mandan tribe of Indians that they reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection. The said tribe also admit the right of the United States to regulate all trade and intercourse with them.

ART. 3. The United States agree to receive the Mandan tribe of Indians into their friendship and under their protection, and to extend to them, from time to time, such benefits and acts of kindness as may be convenient, and seem just and proper to the President of the United States.

ART. 4. All trade and intercourse with the Mandan tribe shall be transacted at such place or places as may be designated and pointed out by the President of the United States, through his agents; and none but American citizens, duly authorized by the United States, shall be admitted to trade or hold intercourse with said tribe of Indians.

ART. 5. That the Mandan tribe may be accommodated with such articles of merchandise, &c. as their necessities may demand, the United States agree to admit and license traders to hold intercourse with said tribe, under mild and equitable regulations: in consideration of which, the Mandan tribe bind themselves to extend protection to the persons and the property of the traders, and the persons legally employed under them, whilst they remain within the limits of their particular district of country. And the said Mandan tribe further agree, that, if any foreigner, or other person not legally authorized by the United States, shall come into their district of country for the purposes of trade, or other views, they will apprehend such person or persons, and deliver him or them to some United States superintendent or agent of Indian affairs, or to the commandant of the nearest military post, to be dealt with according to law. And they further agree to give safe-conduct to all persons who may be legally authorized by the United States to pass through their country, and to protect, in their persons and property, all agents or other persons sent by the United States to reside temporarily among them.

ART. 6. That the friendship which is now established between the United States and the said Mandan tribe should not be interrupted by the misconduct of individuals, it is hereby agreed, that, for injuries done by individuals, no private revenge or retaliation shall take place; but, instead thereof, complaints shall be made by the party injured to the superintendent or agent of Indian affairs, or other person appointed by the President. And it shall be the duty of the said chiefs, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States: and, in like manner, if any robbery, violence, or murder shall be committed on any Indian or Indians belonging to said tribe, the person or persons so offending shall be tried, and, if found guilty, shall be punished in like manner as if the injury had been done to a white man. And it is agreed that the chiefs of the said Mandan tribe shall, to the utmost of their power, exert themselves to recover horses or other property which may be stolen or taken from any citizen or citizens of the United States by any individual or individuals of said tribe; and the property so recovered shall be forthwith delivered to the agents, or other person authorized to receive it, that it may be restored to the proper owner. And the United States hereby guaranty to any Indian or Indians of said tribe a full indemnification for any horses or other property which may be stolen from them by any of their citizens: *Provided*, That the property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said Mandan tribe engage, on the requisition or demand of the President of the United States, or of the agents, to deliver up any white man resident among them.

ART. 7. And the chiefs and warriors as aforesaid promise and engage that their tribe will never, by sale, exchange, or as presents, supply any nation, tribe, or band of Indians, not in amity with the United States, with guns, ammunition, or other implements of war.

Done at the Mandan village, this thirtieth day of July, A. D. one thousand eight hundred and twenty-five, and of the independence of the United States the fiftieth. In testimony whereof, the commissioners, Henry Atkinson and Benjamin O'Fallon, and the chiefs and warriors of the Mandan tribe of Indians, have hereunto set their hands and affixed their seals.

H. ATKINSON, *Brig. Gen. U. S. Army.*

BENJ. O'FALLON, *U. S. Agent Indian Affairs.*

[Signed, also, by the chiefs and warriors of the Mandan tribe.]

TREATY WITH THE BELANTSE-ETOA, OR MINNETAREE TRIBE.

Whereas acts of hostility have been committed by some restless men of the Belantse-etoa or Minnetaree tribe of Indians upon some of the citizens of the United States: therefore, to put a stop to any further outrages of the sort, and to establish a more friendly understanding between the United States and the said Belantse-etoa or Minnetaree tribe of Indians, the President of the United States, by Henry Atkinson, brigadier general of the United States army, and Major Benjamin O'Fallon, Indian agent, commissioners duly appointed and commissioned to treat with the Indian tribes beyond the Mississippi river, forgive the offences which have been committed; the chiefs and warriors having first made satisfactory explanations touching the same. And for the purpose of removing all future cause of misunderstanding, as respects trade and friendly intercourse, between the parties, the abovenamed commissioners, on the part of the United States, and the undersigned chiefs and warriors of the Belantse-etoa or Minnetaree tribe of Indians, on the part of said tribe, have made and entered into the following articles and conditions, which, when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding on both parties, to wit:

ARTICLE 1. Henceforth there shall be a firm and lasting peace between the United States and the Belantse-etoa or Minnetaree tribe of Indians, and a friendly intercourse shall immediately take place between the parties.

ART. 2. It is admitted by the Belantse-etoa or Minnetaree tribe of Indians that they reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection. The said tribe also admit the right of the United States to regulate all trade and intercourse with them.

ART. 3. The United States agree to receive the Belantse-etoa or Minnetaree tribe of Indians into their friendship and under their protection, and to extend to them, from time to time, such benefits and acts of kindness as may be convenient, and seem just and proper to the President of the United States.

ART. 4. All trade and intercourse with the Belantse-etoa or Minnetaree tribe shall be transacted at such place or places as may be designated and pointed out by the President of the United States, through his agents; and none but American citizens, duly authorized by the United States, shall be admitted to trade or hold intercourse with said tribe of Indians.

ART. 5. That the Belantse-etoa or Minnetaree tribe may be accommodated with such articles of merchandise, &c. as their necessities may demand, the United States agree to admit and license traders to hold intercourse with said tribe, under mild and equitable regulations: in consideration of which, the Belantse-etoa or Minnetaree tribe bind themselves to extend protection to the persons and the property of the traders, and the persons legally employed under them, whilst they remain within the limits of their district of country. And the said Belantse-etoa or Minnetaree tribe further agree, that if any foreigner, or other person not legally authorized by the United States, shall come into their district of country for the purposes of trade, or other views, they will apprehend such person or persons, and deliver him or them to some United States superintendent or agent of Indian affairs, or to the commandant of the nearest military post, to be dealt with according to law. And they further agree to give safe-conduct to all persons who may be legally authorized by the United States to reside temporarily among them.

ART. 6. That the friendship which is now established between the United States and the Belantse-etoa or Minnetaree tribe shall not be interrupted by the misconduct of individuals, it is hereby agreed, that, for injuries done by individuals, no private revenge or retaliation shall take place; but, instead thereof, complaint shall be made by the party injured to the superintendent or agent of Indian affairs, or other person appointed by the President. And it shall be the duty of the said chiefs, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States: and, in like manner, if any robbery, violence, or murder shall be committed on any Indian or Indians belonging to said tribe, the person or persons so offending shall be tried, and, if found guilty, shall be punished in like manner as if the injury had been done to a white man. And it is agreed that the chiefs of the said Belantse-etoa or Minnetaree tribe shall, to the utmost of their power, exert themselves to recover horses or other property which may be stolen or taken from any citizen or citizens of the United States by any individual or individuals of said tribe; and the property so recovered shall be forthwith delivered to the agents, or other person authorized to receive it, that it may be restored to the proper owner. And the United States hereby guaranty to any Indian or Indians of said tribe a full indemnification for any horses or other property which may be stolen from them by any of their citizens: *Provided*, That the property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said Belantse-etoa or Minnetaree tribe engage, on the requisition or demand of the President of the United States, or of the agents, to deliver up any white man resident among them.

ART. 7. And the chiefs and warriors as aforesaid promise and engage that their tribe will never, by sale, exchange, or as presents, supply any nation, tribe, or band of Indians not in amity with the United States, with guns, ammunition, or other implements of war.

Done at the Lower Mandan village, this thirtieth day of July, A. D. one thousand eight hundred and twenty-five, and of the independence of the United States the fiftieth. In testimony whereof, the commissioners, Henry Atkinson and Benjamin O'Fallon, and the chiefs and warriors of the said Belantse-etoa or Minnetaree tribe of Indians, have hereunto set their hands and affixed their seals.

H. ATKINSON, *Brig. Gen. U. S. Army.*

BENJ. O'FALLON, *U. S. Agent Indian Affairs.*

[Signed, also, by the chiefs and warriors of the Belantse-etoa or Minnetaree tribe.]

TREATY WITH THE CROW TRIBE OF INDIANS.

For the purpose of perpetuating the friendship which has heretofore existed, as also to remove all future cause of discussion or dissension, as it respects trade and friendship, between the United States and their citizens and the Crow tribe of Indians, the President of the United States of America, by Brigadier General Henry Atkinson, of the United States army, and Major Benjamin O'Fallon, Indian agent, with full powers and authority specially appointed and commissioned for that purpose, of the one part, and the undersigned chiefs, headmen, and warriors of the said Crow tribe of Indians, on behalf of their tribe, of the other part, have made and entered into the following articles and conditions, which, when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding on both parties, to wit:

ARTICLE 1. It is admitted by the Crow tribe of Indians that they reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection. The said tribe also admit the right of the United States to regulate all trade and intercourse with them.

ART. 2. The United States agree to receive the Crow tribe of Indians into their friendship and under their protection, and to extend to them, from time to time, such benefits and acts of kindness as may be convenient, and seem just and proper to the President of the United States.

ART. 3. All trade and intercourse with the Crow tribe shall be transacted at such place or places as may be designated and pointed out by the President of the United States, through his agents; and none, but American citizens, duly authorized by the United States, shall be admitted to trade or hold intercourse with said tribe of Indians.

ART. 4. That the Crow tribe may be accommodated with such articles of merchandise, &c. as their necessities may demand, the United States agree to admit and license traders to hold intercourse with said tribe, under mild and equitable regulations: in consideration of which, the Crow tribe bind themselves to extend protection to the persons and the property of the traders, and the persons legally employed under them, whilst they remain within the limits of their district of country. And the said Crow tribe further agree, that, if any foreigner, or other person not legally authorized by the United States, shall come into their district of country for the purposes of trade, or other views, they will apprehend such person or persons, and deliver him or them to some United States superintendent or agent of Indian affairs, or to the commandant of the nearest military post, to be dealt with according to law. And they further agree to give safe-conduct to all persons who may be legally authorized by the United States to pass through their country; and to protect, in their persons and property, all agents or other persons sent by the United States to reside temporarily among them; and that they will not, whilst on their distant excursions, molest or interrupt any American citizen or citizens who may be passing from the United States to New Mexico, or returning from thence to the United States.

ART. 5. That the friendship which is now established between the United States and the Crow tribe should not be interrupted by the misconduct of individuals, it is hereby agreed, that, for injuries done by individuals, no private revenge or retaliation shall take place; but, instead thereof, complaints shall be made by the party injured to the superintendent or agent of Indian affairs, or other person appointed by the President. And it shall be the duty of said chiefs, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States: and, in like manner, if any robbery, violence, or murder shall be committed on any Indian or Indians belonging to said tribe, the person or persons so offending shall be tried, and, if found guilty, shall be punished in like manner as if the injury had been done to a white man. And it is agreed that the chiefs of said Crow tribe shall, to the utmost of their power, exert themselves to recover horses or other property which may be stolen or taken from any citizen or citizens of the United States by any individual or individuals of said tribe; and the property so recovered shall be forthwith delivered to the agents or other person authorized to receive it, that it may be restored to the proper owner. And the United States hereby guaranty to any Indian or Indians of said tribe a full indemnification for any horses or other property which may be stolen from them by any of their citizens: *Provided*, That the property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said tribe engage, on the requisition or demand of the President of the United States, or of the agents, to deliver up any white man resident among them.

ART. 6. And the chiefs and warriors as aforesaid promise and engage that their tribe will never, by sale, exchange, or as presents, supply any nation, tribe, or band of Indians, not in amity with the United States, with guns, ammunition, or other implements of war.

Done at the Mandan village, this fourth day of August, A. D. one thousand eight hundred and twenty-five, and of the independence of the United States the fiftieth. In testimony whereof, the commissioners, Henry Atkinson and Benjamin O'Fallon, and the chiefs and warriors of the Crow tribe of Indians, have hereunto set their hands and affixed their seals.

HENRY ATKINSON, *Brig. Gen. U. S. Army.*

BENJ. O'FALLON, *U. S. Agent Indian Affairs.*

[Signed, also, by the chiefs and warriors of the Crow tribe.]

TREATY WITH THE OTTOE AND MISSOURI TRIBE.

For the purpose of perpetuating the friendship which has heretofore existed, as also to remove all future cause of discussion or dissension, as it respects trade and friendship, between the United States and their citizens and the Ottoe and Missouri tribe of Indians, the President of the United States of America, by Brigadier General Henry Atkinson, of the United States army, and Major Benjamin O'Fallon, Indian agent, with full powers and authority specially appointed and commissioned for that purpose, of the one part, and the undersigned chiefs, headmen, and warriors of the said Ottoe and Missouri tribe of Indians, on behalf of their tribe, of the other part, have made and entered into the following articles and conditions, which, when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding on both parties, to wit:

ARTICLE 1. It is admitted by the Ottoe and Missouri tribe of Indians that they reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection. The said tribe also admit the right of the United States to regulate all trade and intercourse with them.

ART. 2. The United States agree to receive the Ottoe and Missouri tribe of Indians into their friendship and under their protection, and to extend to them, from time to time, such benefits and acts of kindness as may be convenient, and seem just and proper to the President of the United States.

ART. 3. All trade and intercourse with the Ottoe and Missouri tribe shall be transacted at such place or places as may be designated and pointed out by the President of the United States, through his agents; and none but American citizens, duly authorized by the United States, shall be admitted to trade or hold intercourse with said tribe of Indians.

ART. 4. That the Ottoe and Missouri tribe may be accommodated with such articles of merchandise, &c. as their necessities may demand, the United States agree to admit and license traders to hold intercourse with said tribe, under mild and equitable regulations: in consideration of which, the said Ottoe and Missouri tribe bind themselves to extend protection to the persons and the property of the traders, and the persons legally employed under them, whilst they remain within the limits of their particular district of country. And the said Ottoe and Missouri tribe further agree, that, if any foreigner, or other person not legally authorized by the United States, shall come into their district of country, for the purposes of trade, or other views, they will apprehend such person or persons, and deliver him or them to some United States superintendent or agent of Indian affairs, or to the commandant of the nearest military post, to be dealt with according to law. And they further agree to give safe-conduct to all persons who may be legally authorized by the United States to pass through their country; and to protect, in their persons and property, all agents or other persons sent by the United States to reside temporarily among them; nor will they, whilst on their distant excursions, molest or interrupt any American citizen or citizens who may be passing from the United States to New Mexico, or returning from thence to the United States.

ART. 5. That the friendship which is now established between the United States and the Ottoe and Missouri tribe shall not be interrupted by the misconduct of individuals, it is hereby agreed, that, for injuries done by individuals, no private revenge or retaliation shall take place; but, instead thereof, complaints shall be made by the party injured to the superintendent or agent of Indian affairs, or other person appointed by the President. And it shall be the duty of the said chiefs, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States: and, in like manner, if any robbery, violence, or murder shall be committed on any Indian or Indians belonging to said tribe, the person or persons so offending shall be tried, and, if found guilty, shall be punished in like manner as if the injury had been done to a white man. And it is agreed that the chiefs of said Ottoe and Missouri tribe shall, to the utmost of their power, exert themselves to recover horses or other property which may be stolen or taken from any citizen or citizens of the United States by any individual or individuals of said tribe; and the property so recovered shall be forthwith delivered to the agents or other person authorized to receive it, that it may be restored to the proper owner. And the United States hereby guaranty to any Indian or Indians of said tribe a full indemnification for any horses or other property which may be stolen from them by any of their citizens: *Provided*, That the property stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said Ottoe and Missouri tribe engage, on the requisition or demand of the President of the United States, or of the agents, to deliver up any white man resident among them.

ART. 6. And the chiefs and warriors as aforesaid promise and engage that their tribe will never, by sale, exchange, or as presents, supply any nation, tribe, or band of Indians, not in amity with the United States, with guns, ammunition, or other implements of war.

Done at Fort Atkinson, Council Bluffs, this twenty-sixth day of September, A. D. one thousand eight hundred and twenty-five, and of the independence of the United States the fiftieth. In testimony whereof, the said commissioners, Henry Atkinson and Benjamin O'Fallon, and the chiefs, headmen, and warriors of the Ottoe and Missouri tribe, have hereunto set their hands and affixed their seals.

HENRY ATKINSON, *Brig. Gen. U. S. Army.*

BENJ. O'FALLON, *U. S. Agent Indian Affairs.*

[Signed, also, by the chiefs, headmen, and warriors of the Ottoe and Missouri tribe.]

TREATY WITH THE PAWNEE TRIBE.

For the purpose of perpetuating the friendship which has heretofore existed, as also to remove all future cause of discussion or dissension, as it respects trade and friendship, between the United States and their citizens and the Pawnee tribe of Indians, the President of the United States of America, by Brigadier General Henry Atkinson, of the United States army, and Major Benjamin O'Fallon, Indian agent, with full powers and authority specially appointed and commissioned for that purpose, of the one part, and the undersigned chiefs, headmen, and warriors of said Pawnee tribe of Indians, on behalf of their tribe, of the other part, have made and entered into the following articles and conditions, which, when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding on both parties, to wit:

ARTICLE 1. It is admitted by the Pawnee tribe of Indians that they reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection. The said tribe also admit the right of the United States to regulate all trade and intercourse with them.

ART. 2. The United States agree to receive the Pawnee tribe of Indians into their friendship and under their protection, and to extend to them, from time to time, such benefits and acts of kindness as may be convenient, and seem just and proper to the President of the United States.

ART. 3. All trade and intercourse with the Pawnee tribe shall be transacted at such place or places as may be designated and pointed out by the President of the United States, through his agents; and none but American citizens, duly authorized by the United States, shall be admitted to trade or hold intercourse with said tribe of Indians.

ART. 4. That the Pawnee tribe may be accommodated with such articles of merchandise, &c. as their necessities may demand, the United States agree to admit and license traders to hold intercourse with said tribe, under mild and equitable regulations: in consideration of which, the said Pawnee tribe bind themselves to extend protection to the persons and the property of the traders, and the persons legally employed under them, whilst they remain within the limits of their particular district of country. And the said Pawnee tribe further agree, that, if any foreigner, or other person not legally authorized by the United States, shall come into their district of country for the purposes of trade, or other views, they will apprehend such person or persons, and deliver him or them to some United States superintendent or agent of Indian affairs, or to the commandant of the nearest military post, to be dealt with according to law. And they further agree to give safe-conduct to all persons who may be legally authorized by the United States to pass through their country, and to protect, in their persons and property, all agents or other persons sent by the United States to reside temporarily among them; nor will they, whilst on their distant excursions, molest or interrupt any American citizen or citizens who may be passing from the United States to New Mexico, or returning from thence to the United States.

ART. 5. That the friendship which is now established between the United States and the Pawnee tribe shall not be interrupted by the misconduct of individuals, it is hereby agreed, that, for injuries done by individuals, no private revenge or retaliation shall take place; but, instead thereof, complaints shall be made by the party injured to the superintendent or agent of Indian affairs, or other person appointed by the President. And it shall be the duty of said chiefs, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States: and, in like manner, if any robbery, violence, or murder shall be committed on any Indian or Indians belonging to said tribe, the person or persons so offending shall be tried, and, if found guilty, shall be punished in like manner as if the injury had been done to a white man. And it is agreed that the chiefs of the said Pawnee tribe shall, to the utmost of their power, exert themselves to recover horses or other property which may be stolen or taken from any citizen or citizens of the United States by any individual or individuals of said tribe; and the property so recovered shall be forthwith delivered to the agents, or other person authorized to receive it, that it may be restored to the proper owner. And the United States hereby guaranty to any Indian or Indians of said tribe a full indemnification for any horses or other property which may be stolen from them by any of their citizens: *Provided*, That the property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said Pawnee tribe engage, on the requisition or demand of the President of the United States, or of the agents, to deliver up any white man resident among them.

ART. 6. And the chiefs and warriors as aforesaid promise and engage that their tribe will never, by sale, exchange, or as presents, supply any nation, tribe, or band of Indians, not in amity with the United States, with guns, ammunition, or other implements of war.

Done at Fort Atkinson, Council Bluffs, this thirtieth day of September, A. D. one thousand eight hundred and twenty-five, and of the independence of the United States the fiftieth. In testimony whereof, the said commissioners, Henry Atkinson and Benjamin O'Fallon, and the chiefs, headmen, and warriors of the Pawnee tribe, have hereunto set their hands and affixed their seals.

H. ATKINSON, *Brig. Gen. U. S. Army.*

BENJ. O'FALLON, *U. S. Agent Indian Affairs.*

[Signed, also, by the chiefs, headmen, and warriors of the Pawnee tribe.]

TREATY WITH THE MAHAS.

For the purpose of perpetuating the friendship which has heretofore existed, as also to remove all future cause of discussion or dissension, as it respects trade and friendship, between the United States and their citizens and the Maha tribe of Indians, the President of the United States of America, by Brigadier General Henry Atkinson, of the United States army, and Major Benjamin O'Fallon, Indian agent, with full powers and authority specially appointed and commissioned for that purpose, of the one part, and the undersigned chiefs, headmen, and warriors of the said Maha tribe of Indians, on behalf of their tribe, of the other part, have made and entered into the following articles and conditions, which, when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding on both parties, to wit:

ARTICLE 1. It is admitted by the Maha tribe of Indians that they reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection. The said tribe also admit the right of the United States to regulate all trade and intercourse with them.

ART. 2. The United States agree to receive the Maha tribe of Indians into their friendship, and under their protection, and to extend to them, from time to time, such benefits and acts of kindness as may be convenient, and seem just and proper to the President of the United States.

ART. 3. All trade and intercourse with the Maha tribe shall be transacted at such place or places as may be designated and pointed out by the President of the United States, through his agents; and none but American citizens, duly authorized by the United States, shall be admitted to trade or hold intercourse with said tribe of Indians.

ART. 4. That the Maha tribe may be accommodated with such articles of merchandise, &c. as their necessities may demand, the United States agree to admit and license traders to hold intercourse with said tribe, under mild and equitable regulations: in consideration of which, the Maha tribe bind themselves to extend protection to the persons and the property of the traders, and the persons legally employed under them, whilst they remain within the limits of their particular district of country. And the said Maha tribe further agree, that, if any foreigner, or other person not legally authorized by the United States, shall come into their district of country for the purposes of trade, or other views, they will apprehend such person or persons, and deliver him or them to some United States superintendent or agent of Indian affairs, or to the commandant of the nearest military post, to be dealt with according to law. And they further agree to give safe-conduct to all persons who may be legally authorized by the United States to pass through their country, and to protect, in their persons and property, all agents or other persons sent by the United States to reside temporarily among them; nor will they, whilst on their distant excursions, molest or interrupt any American citizen or citizens who may be passing from the United States to New Mexico, or returning from thence to the United States.

ART. 5. That the friendship which is now established between the United States and the Maha tribe should not be interrupted by the misconduct of individuals, it is hereby agreed, that, for injuries done by individuals, no private revenge or retaliation shall take place; but, instead thereof, complaints shall be made by the party injured to the superintendent or agent of Indian affairs, or other person appointed by the President. And it shall be the duty of said chiefs, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States: and, in like manner, if any robbery, violence, or murder shall be committed on any Indian or Indians belonging to said tribe, the person or persons so offending shall be tried, and, if found guilty, shall be punished in like manner as if the injury had been done to a white man. And it is agreed that the chiefs of said Maha tribe shall, to the utmost of their power, exert themselves to recover horses or other property which may be stolen or taken from any citizen or citizens of the United States by any individual or individuals of said tribe; and the property so recovered shall be forthwith delivered to the agents or other person authorized to receive it, that it may be restored to the proper owner. And the United States hereby guaranty to any Indian or Indians of said tribe a full indemnification for any horses or other property which may be stolen from them by any of their citizens: *Provided*, That the property stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said Maha tribe engage, on the requisition or demand of the President of the United States, or of the agents, to deliver up any white man resident among them.

ART. 6. And the chiefs and warriors as aforesaid promise and engage that their tribe will never, by sale, exchange, or as presents, supply any nation, tribe, or band of Indians, not in amity with the United States, with guns, ammunition, or other implements of war.

Done at Fort Atkinson, Council Bluffs, this sixth day of October, A. D. one thousand eight hundred and twenty-five, and of the independence of the United States the fiftieth. In testimony whereof, the said commissioners, Henry Atkinson and Benjamin O'Fallon, and the chiefs, headmen, and warriors of the Maha tribe of Indians, have hereunto set their hands and affixed their seals.

H. ATKINSON, *Brig. Gen. U. S. Army.*

BENJ. O'FALLON, *U. S. Agent Indian Affairs.*

[Signed, also, by the chiefs and warriors of the Maha tribe.]

SIR:

ST. LOUIS, November 7, 1825.

The undersigned, appointed to hold treaties of trade and friendship with the Indian tribes "beyond the Mississippi," have the honor to report to you their proceedings in the execution of that duty, with such remarks as appear to them necessary to give a just view of the locality, numbers, character, and habits of the respective bands with whom they concluded treaties.

On the 1st of March, the commissioners applied themselves, at this place, in obtaining and transmitting the various articles for presents and supplies necessary to their operations. On the 17th, these preparations were completed and expedited; and a few days after, the commissioners took their departure for Council Bluffs, where they arrived on the 19th April; and on the 13th May, a boat with the last of their supplies reached the same point.

On the 16th May, the transport boats being in readiness, the full commission, with a military escort of four hundred and seventy-six men, commenced their ascent of the Missouri, from Fort Atkinson, Council Bluffs, and arrived at the Poncar village, at the mouth of White Paint creek, a distance of three hundred miles, on the 8th June; and on the succeeding day a council was held and a treaty concluded with the Poncar tribe of Indians.

On the 10th June, the commission and escort left the Poncar village, and arrived at Fort Lookout, a position occupied by the American Fur Company, twenty miles below the Grand Bend, on the right bank of the river, on the 17th. On the 21st, the Teetons, Yanctons, and Yanctonies, three distinct bands of the Sioux nation, having arrived, a council was opened; and on the 22d a treaty was concluded with them.

On the 23d June, the commission and escort left Fort Lookout, and arrived at the mouth of Teeton river on the 30th, where there is an establishment of the American Fur Company on the right bank of the river. Here the commission remained until the 5th July for the Chayennes and Siouones to come in, who were at a distance in the plains. They having arrived, a council was opened on the 6th with the Ogallala and Sioune bands of Sioux, and with the Chayennes, and treaties with each of them concluded.

On the 7th July, the commission and escort left Teeton river, and arrived at the mouth of Hidden creek on the 11th, where the Fire Hearts band of Siouones were met; and on the 12th they came into council, and signed the treaty made with the other part of that band on the 6th. On the same day, the commission and escort left Hidden creek, and arrived at the Arickara villages on the 15th. On the 16th, the commission here counselled with, and concluded a treaty with the Hunkapas, a band of the Sioux nation.

On the 18th, the Arickaras came into council, with whom a treaty was concluded. On the same day the commission and escort recommenced their ascent of the river, and reached the lower Mandan village on the 26th July; and on the 30th, a council was held and treaties concluded with the Mandans and Minatares, or Gros Ventres.

On the 3d August, the Crow tribe came in; and on the 4th, they were met in council, and a treaty concluded with them.

On the 6th August, the commission and escort left the Mandans for the mouth of the Yellow Stone, (with a view, if possible, of falling in with the Assinaboins and Blackfeet Indians,) and reached that point on the 17th August, where they remained till the 19th, when General Ashley arrived from across the Rocky Mountains, by the way of the head waters of the Yellow Stone, which he descended in skin canoes. Learning from him that the Blackfeet, from the best information he could get, were above the falls of the Missouri, and upon the heads of its branches in the mountains, the commission gave up all hope of seeing them at all; but, there being a possibility of yet finding the Assinaboins, the commission, with an escort of five transports and three hundred and fifty men, left the Yellow Stone on the morning of the 20th August, and proceeded up the Missouri one hundred and twenty miles further; but, finding no signs of Indians which were made during the present season, it was thought advisable to progress no further, as there was scarcely any probability of meeting with the Assinaboins by going higher up the river, and also for the reason that the water was becoming low, and the heavy class of our transports rendered it doubtful whether it would be practicable to return, if we continued to ascend many days longer; therefore, a retrograde movement was made on the 24th, and on the 26th we fell back to the Yellow Stone.

On the 27th of August, General Ashley and his party of twenty-five men, with one hundred packs of beaver, being taken on board of the transports, the commission and escort recommenced their descent of the river, and reached the Mandans on the 31st August; from whence they proceeded on the 1st September to descend the river, touching at the Arickara villages on the 4th, Fort Lookout on the 9th, Poncar village on the 12th, and arrived at Council Bluffs on the 19th September; and it is worthy of remark, that, during the whole expedition, although the annual rise of the Missouri was encountered, not a boat or man was lost, nor did any accident occur of any sort of consequence.

On getting back to Council Bluffs, persons were sent off to bring in the Ottos, Pawnees, and Mahas; and on the 20th of September, the Ottos were met in council at Fort Atkinson, and a treaty concluded with them. On the 30th September a treaty was made with the three bands of Pawnees; and, on the 6th October, the Mahas were counselled and treated with.

All which treaties are herewith transmitted.

On the 7th October, the commission embarked in the barge Antelope, and arrived at this place on the 20th.

The undersigned, believing that it would be acceptable to you to receive from them such information as they have been able to collect in relation to the various tribes they have treated with, proceed to give it, commencing with those residing lowest down the Missouri.

The Ottos reside on the Platte, twenty-five miles south of the Missouri, in a dirt village; consist of about one thousand four hundred souls, of whom two hundred and seventy-five are warriors; cultivate corn, pumpkins, squashes, &c. They leave their village twice a year, and go in pursuit of game—sometimes to the south, to kill buffalo; but most commonly, of latter years, hunt on the Missouri, below the Platte, for elk, deer, &c., as the Pawnees make objections to their killing buffalo on their lands. They also trap for beaver on the streams north of the Missouri, and succeed in making a few packs of the fur of that animal yearly. They are now at peace with all the tribes around them. Their nearest enemies are the Sioux. They are decidedly friendly to the whites.

The Grand Pawnees and Pawnee Loups reside on the Platte, one hundred and thirty miles south of the Missouri; and the Pawnee Republics on the Republican fork of the Kansas river, one hundred and fifty miles south of the Missouri. These bands also live in dirt villages. The Grand Pawnees consist of about five thousand five hundred souls, of which one thousand one hundred are warriors; the Pawnee Loups are estimated at three thousand five hundred souls, of which seven hundred are warriors; and the Pawnee Republics at one thousand two hundred and fifty souls, of which two hundred and fifty are warriors. These bands are well armed with fuseses, abundantly supplied with mules and horses, and hold a prominent stand among their neighbors as a warlike and brave nation. They are at peace with the surrounding tribes; enemies to the Sioux, Osages, and other distant tribes. They cultivate corn, pumpkins, squashes, &c. They leave their villages in the spring and fall, and go far into the plains to the south, west, and northwest, in pursuit of buffalo, and succeed in supplying themselves with an abundance of the flesh of that animal for food, and their skins for robes—the principal article of their comfort in dress, and almost the only article they obtain for traffic with the traders. They deport themselves in a friendly manner towards the whites; a conduct, it is believed, they will continue to observe.

The Mahas also live in a dirt village, situated on the Horn, a branch of the Platte, eighty miles southwest from Council Bluffs. They are estimated at two thousand seven hundred and fifty souls, of which five hundred and fifty are warriors; and are partially supplied with fuseses; possess horses and mules sufficient for their own purposes; cultivate corn, pumpkins, squashes, melons, &c. In the spring and fall, they leave their village for the chase, and go northwest for buffalo, and occasionally on the south of the Missouri for elk, deer, &c. They dress in buffalo robes, generally, but also use blankets and strouds, which they get in exchange from the traders for buffalo robes and deer skins: they take but little beaver. They are very friendly to the whites, and are pacific in their general character; are at peace with their immediate neighbors, but at war with the Sioux.

The Poncars are a small tribe of not more than nine hundred or one thousand souls, of which one hundred and eighty are warriors. They also live in a dirt village, at the mouth of White Paint creek, on the Missouri, three hundred miles (by the river) above Council Bluffs; are pretty well armed with fuseses, and well supplied with horses and mules. Like the tribes before mentioned, they cultivate corn, pumpkins, &c., and leave their villages in the spring and fall for the chase. They hunt in the neighboring country, to the west and northwest, for buffalo, of which they get an abundant supply both of flesh for food, and robes for clothing and traffic. They are a branch of the Mahas, speak the same language, and, like them, are very friendly to the whites. They are brave and warlike, and have for many years sustained themselves in their present position against the Sioux, their nearest neighbors to the north, and, till lately, their bitter enemies. They are now at peace with the Yanctons and all the tribes above named.

The Yanctons are a band of the Sioux, and rove in the plains north of the Missouri, from near the Great Bend, down as far as the Sioux river. They do not cultivate, but live by the chase alone, subsisting principally on buffalo. They cover themselves with leather tents or lodges, which they move about from place to place, as the buffalo may chance to range. They are pretty well supplied with fuseses, and with horses and a few mules. They are estimated at three thousand souls, of which six hundred are warriors. They are comfortably habited in frocks or shirts of dressed skins, and leggins, reaching to the waist, of the same; they use, besides, robes of buffalo skins, which are frequently beautifully wrought with porcupine quills, or painted tastefully. They take some beaver, but buffalo robes are their chief article of trade; are friendly to the whites, but make war upon almost all other tribes except those of their own nation. Their trading ground is on the river Jacques.

The Yanctonies are also a roving band of the Sioux, and range in the intermediate country between the Missouri and the river St. Peter's, embracing the head waters of the river Jacques. They also hunt the buffalo, whose flesh is their principal means of subsistence, and their skins, with those of the elk and deer, their chief raiment. They live in leather lodges, which they move at pleasure; are well armed with fuseses, and supplied with horses and a few mules. They are estimated at four thousand souls, of which eight hundred are warriors; friendly to the whites, and enemies to all Indians but the tribes of their own nation. Their trading ground is also on the river Jacques.

The Teetons are a band of the Sioux, who rove in a district of country south of the Grand Bend, and upon the waters of White river, and as far back as the Black Hills; their general rendezvous is near Fort Lookout. They depend on the chase alone for subsistence, and, like the Yanctons and Yanctonies, pursue the buffalo for meat and raiment, and have garments of similar construction; live in leather lodges; principally armed with fuseses, but use the bow and quiver, and are well supplied with horses and some mules. They are estimated at three thousand souls, of which six hundred are warriors. They take but little beaver, and their principal traffic is in buffalo robes. They are friendly to the whites, and, like the two bands above mentioned, look upon all Indians who do not speak their own language as enemies, except the Chayennes, with whom they are at peace.

The Ogallalas are a band of the Sioux, inhabiting a district of country on the Teeton river, stretching back from the Missouri to the Black Hills. Their habits and pursuits, and means of subsistence, and manner of apparel, are similar to those of the Sioux already mentioned; are armed after the same manner; have horses and mules in abundance, and are warlike in character. They are friendly to the whites, and at peace with the Chayennes, but enemies to all other tribes but those of their own nation. They are estimated at one thousand five hundred souls, of which three hundred are warriors. Their general rendezvous is at the mouth of Teeton river, where there is a trading establishment for their accommodation. They trade buffalo robes principally, taking but little beaver.

The Siounes are also Sioux, and are commonly separated into two bands. They inhabit the country on both sides of the Missouri, from the Teeton river as high up as some fifty miles above Chayenne river, but range furthest from the Missouri on the north side. Their habits, pursuits, means of subsistence, mode of apparel, &c., are similar to those of the Sioux bands already noticed. Besides the bow and quiver, they are well armed with fuseses, and are well supplied with horses and some mules. They are estimated at four thousand souls, of which eight hundred are warriors; are friendly to the whites, and at peace with the Chayennes, Arickaras, and Mandans. Their principal rendezvous is at or near the mouth of the Chayenne river, where their trading ground is pointed out. They traffic principally in robes, taking but little beaver.

The Chayennes are a tribe of Indians driven by the Sioux some years since from the Red river country across the Missouri, and now inhabit the country on the Chayenne river, from near its mouth back to the Black Hills. Their habits, pursuits, and means of subsistence, and manner of dress, are similar to those of the Sioux. Like them, they live in leather lodges, and rove at pleasure, according to the direction in which buffalo are to be found; use the bow and quiver, but are very well armed with fuseses, and have an abundance of horses and mules. They are very friendly to the whites, and at peace with the Ogallalas, Siounes, and Arickaras. They are estimated at three thousand souls, of which from five hundred and fifty to six hundred are warriors. Their principal rendezvous is towards the Black Hills, and their trading ground at the mouth of Cherry river, a branch of the Chayenne, forty miles above its mouth. They have had but little intercourse, heretofore, with traders. Their articles of traffic are robes and some beaver.

The Hunkapas are a band of the Sioux that rove in the intermediate country between the Missouri and the head waters of the St. Peter's river, and are similar in their habits and pursuits, in every respect, to the bands of Sioux already mentioned; armed with bows and quivers and fuseses, and supplied with horses. They are estimated at one thousand five hundred souls, of which three hundred are warriors. They are friendly to the whites, and are at peace with the Arickaras and Mandans. Their trading ground is also on the river Jacques, and their articles of traffic are buffalo robes and a few other skins of fur.

The Arickaras, a branch of the Pawnee nation, reside at their old dirt villages, occupied by them for the last thirty years. They cultivate corn and squashes, and a peculiar sort of indigenous tobacco, with a narrow small leaf. They hunt in the surrounding country, on the south of the Missouri, for buffalo, which are generally found in ten or twenty miles from their villages. On the flesh of this animal, and their abundant crops of corn and vegetables, they live in great plenty. They dress like the Sioux, and have leather lodges, which they use in the winter season, when they leave their dirt lodges, to occupy some convenient point for fuel, and pasturage or browsing for their horses, with which animal they are well supplied. They are armed after the manner of the Sioux, with bow and quiver and fuseses; are estimated at 2,500 souls, of which 500 are warriors.

Their late outrages committed on the whites are well known to you; and it should be remarked, that they have for many years before been treacherous and insolent to strangers. It is believed, however, that the offensive operations against them by our troops, conducted by Colonel Leavenworth, have brought them to a just sense of their misconduct, and that they feel humbled and chastened. This, with our late visit to them, on which occasion a good understanding has been established, and all former difficulties removed, we have no doubt will operate on them to remain firmly attached to the Americans. Traders are located at their villages, and they traffic in robes and beaver.

The Mandans and Minatares, who are identified as one tribe, reside in their old dirt villages, (five in number,) near the mouth of Knife river. They cultivate corn and squashes; and, like the Arickaras, kill buffalo in their immediate neighborhood, on the south side of the Missouri. They do not cross to the north side of the river to hunt, being in continual fear of the Assinaboins. They live in great ease and plenty, as the buffalo range most of the year near them; and they raise large quantities of corn and vegetables; also, the indigenous tobacco. They are apparelled like the Sioux, and are armed after the same manner; their numbers are estimated at 3,000 souls, of which 500 are warriors. Formerly they were very friendly to the whites, but for some few years past their young men have occasionally robbed some trading parties of the whites, and have committed some murders. These acts, however, it is believed, have never been sanctioned by the nation. At present, they are very friendly disposed towards Americans, and every part of their conduct justifies a belief that they will continue so. Trading-houses are established among them, and they barter robes and some beaver. They are at peace with the Arickaras, Crows, and the Hunkapas and Sioune bands of Sioux.

The Crows are a roving tribe of Indians, inhabiting an extensive district of country, stretching from the Black Hills, west, to the Rocky Mountains, embracing the Big Horn, and other southern branches of the Yellow Stone river. They, like the tribes last mentioned, have garments of dressed skins, and robes of dressed buffalo skins. They are very well armed with fuseses, and use the bow and quiver: have a great number of horses, and some mules. They live in leather lodges, and pursue the buffalo as a principal means of subsistence. They were, until within a year or two, very friendly to the whites; but, since then, have appeared restless and dissatisfied, and have committed some robberies. It is hoped that they will in future conduct themselves in a peaceable manner. It is understood that they are not at peace with any tribes but the Mandans and Minatares, and the Kioways and Arrepahas, who reside on the head waters of the Arkansas and Platte. The mouth of the Little Horn, a branch of the Big Horn, is pointed out as their trading ground.

The Blackfeet Indians (whom, as before mentioned, we did not see,) inhabit, it is believed, all the district of country from the falls of the Missouri, back into the Rocky Mountains, and around, northwardly, to the head of Maria's river. They carry their war excursions to the south, as far as the Big Horn. The intermediate country between the upper part of the Yellow Stone and the three forks of the Missouri is considered as neutral ground; both the Crows and themselves being afraid to visit it, only with war parties, owing to the deadly hostility existing between them. The Blackfeet hunting ground is, therefore, confined to the country embracing the three forks of the Missouri, west into the mountains; and below, northeastwardly, to the head of Maria's river; and, more northwardly, on the head waters of the Kaskatchewan, beyond our boundary. It is understood, of latter years they rarely come below the falls of Missouri. This tribe is broken into several bands, and wander promiscuously over the country above described. They often carry their wars across the mountains, against the Flatheads and Snakes, as well as to the east, upon the Assinaboins, and to the south, against the Crows. It is a numerous tribe, estimated (by those who have visited their neighbors lately) at 5,000 warriors.

In consequence of the hostile attitude they maintain towards both Indians and Americans, it will be a difficult matter to communicate with them. It is thought, however, that a commission, with a protecting military escort, might ascend to the falls of Missouri in one season, and, by remaining there during the winter, a friendly intercourse might be opened with them. British traders sometimes go among them, and trade, we understand, with safety; but, notwithstanding, they rob and kill those traders whenever they find them beyond the limits of their own country, or when they find them attempting to pass through on a visit to any other tribe. The Blackfeet, also, we understand, depend on the chase alone for subsistence; live in leather lodges, and dress in skins and robes. They hold the best country for beaver east of the mountains; it being, as yet, but little trapped in, either by themselves or the British traders.

The Assinaboins are a tribe of Sioux, and are broken into several bands; inhabit the country from the head of Milk river, east, on both sides of the parallel of latitude 49, back towards Lake Traverse. They frequently visit the Missouri, and push war parties across against the Mandans and Minatares. Their numbers are estimated at 2,000 warriors. They rove like the other bands of Sioux, and depend on the chase for subsistence and raiment; use the bow and quiver, and are well armed with fuseses; and their long intercourse with the Hudson Bay traders has rendered them formidable in war. Until within a few years, they have been employed by those traders to procure buffalo for their subsistence; latterly, those traders have been supplied in meat by the half-breed Cree Indians, and the Assinaboins are left without the means of trade, as the northwest traders do not barter for buffalo robes, they being too bulky an article to bear transportation by the route they carry their furs and light peltries; and those Indians take but little beaver: hence exists a great desire on their part to trade with the Americans on the Missouri; and it is believed such a trade will shortly be opened, as the sub-agent stationed at the Mandans has been instructed by the principal agent to bring about a reconciliation between them and the Mandans, for which purpose they had been sent for, and were expected at the Mandans by the middle of September. They are friendly to the Americans; and if the proposed reconciliation takes place, a valuable trade to our own countrymen will no doubt ensue.

Notwithstanding the many rumors that the northwest traders were holding intercourse and exercising an injurious influence over the Indians on the Missouri, no such fact appears to exist; nor is it believed that any of their

traders have been across to the Missouri, below Milk river, for several years. Mr. McKenzie (then a British trader) visited the Mandans in 1820. If the British have traded and trapped within our limits east of the Rocky Mountains latterly, it has been above the falls of Missouri, among the Blackfeet Indians; which we understand has been, and probably is now, the case. They can have no possible interest in coming to the Missouri, lower than Milk river, to trade, as the Indians below that point have little or nothing to barter but buffalo robes—an article not trafficked in by them, for the reasons above mentioned. It is moreover believed (and the fact is not doubted) that none of the Indians residing on the Missouri ever visit the northwest establishments on Red river.

We have the honor to be, sir, your obedient servants,

H. ATKINSON,
Brigadier General United States Army.
BENJ. O'FALLON,
United States Agent Indian Affairs.

A. L. LANGHAM, Secretary.

To the Hon. JAMES BARBOUR, Secretary of War.

To the Senate of the United States:

WASHINGTON, January 10, 1826.

I transmit to the Senate a treaty, signed at Prairie du Chien, in the Territory of Michigan, on the 19th of August, 1825, by William Clark and Lewis Cass, commissioners on the part of the United States, and certain chiefs and warriors of the Sioux, Chippewa, Sac, Fox, Winnebago, Menominee, Ottawa, Pattawatamie, and Ioway tribes of Indians, on the part of said tribes; and I request the advice of the Senate with regard to its ratification.

JOHN QUINCY ADAMS.

The United States of America have seen, with much regret, that wars have, for many years, been carried on between the Sioux and the Chippewas, and, more recently, between the confederated tribes of Sacs and Foxes and the Sioux, and also between the Ioways and Sioux; which, if not terminated, may extend to the other tribes, and involve the Indians upon the Missouri, the Mississippi, and the lakes, in general hostilities: In order, therefore, to promote peace among these tribes, and to establish boundaries among them and the other tribes who live in their vicinity, and thereby to remove all causes of future difficulty, the United States have invited the Chippewa, Sac and Fox, Menominee, Ioway, Sioux, Winnebago, and a portion of the Ottawa, Chippewa, and Pattawatamie tribes of Indians, living upon the Illinois, to assemble together, and, in a spirit of mutual conciliation, to accomplish these objects; and, to aid therein, have appointed William Clark and Lewis Cass commissioners on their part, who have met the chiefs, warriors, and representatives of the said tribes, and portion of tribes, at Prairie du Chien, in the Territory of Michigan; and, after full deliberation, the said tribes and portion of tribes have agreed with the United States, and with one another, upon the following articles:

ARTICLE 1. There shall be a firm and perpetual peace between the Sioux and Chippewas; between the Sioux and the confederated tribes of Sacs and Foxes; and between the Ioways and the Sioux.

ART. 2. It is agreed between the confederated tribes of the Sacs and Foxes and the Sioux, that the line between their respective countries shall be as follows: Commencing at the mouth of the upper Ioway river, on the west bank of the Mississippi, and ascending the said Ioway river to its left fork; thence, up that fork, to its source; thence, crossing the fork of Red Cedar river, in a direct line, to the second or upper fork of the Des Moines river; and thence, in a direct line, to the lower fork of the Calumet river, and down that river to its juncture with the Missouri river. But the Yancton band of the Sioux tribe, being principally interested in the establishment of the line from the forks of the Des Moines to the Missouri, and not being sufficiently represented to render the definitive establishment of that line proper, it is expressly declared, that the line from the forks of the Des Moines to the forks of the Calumet river, and down that river to the Missouri, is not to be considered as settled until the assent of the Yancton band shall be given thereto. And, if the said band should refuse their assent, the arrangement of that portion of the boundary line shall be void; and the rights of the parties to the country bounded thereby shall be the same as if no provision had been made for the extension of the line west of the forks of the Des Moines. And the Sacs and Foxes relinquish to the tribes interested therein all their claim to land on the east side of the Mississippi river.

ART. 3. The Ioways accede to the arrangement between the Sacs and Foxes and the Sioux; but it is agreed between the Ioways and the confederated tribes of the Sacs and Foxes, that the Ioways have a just claim to a portion of the country between the boundary line described in the next preceding article, and the Missouri and Mississippi; and that the said Ioways and Sacs and Foxes shall peaceably occupy the same until some satisfactory arrangement can be made between them for a division of their respective claims to country.

ART. 4. The Ottoes not being represented at this council, and the commissioners for the United States being anxious that justice should be done to all parties, and having reason to believe that the Ottoes have a just claim to a portion of the country upon the Missouri, east and south of the boundary line dividing the Sacs and Foxes and the Ioways from the Sioux, it is agreed between the parties interested therein and the United States, that the claim of the Ottoes shall not be affected by any thing herein contained, but the same shall remain as valid as if this treaty had not been formed.

ART. 5. It is agreed between the Sioux and the Chippewas that the line dividing their respective countries shall commence at the Chippewa river, half a day's march below the falls; and from thence it shall run to Red Cedar river, immediately below the falls; from thence to the St. Croix river, which it strikes at a place called the Standing Cedar, about a day's paddle in a canoe above the lake at the mouth of that river; thence, passing between two lakes, called by the Chippewas "Green Lakes," and by the Sioux "the lakes they bury the eagles in;" and from thence to the Standing Cedar that "the Sioux split;" thence to Rum river, crossing it at the mouth of a small creek, called Choking creek, a long day's march from the Mississippi; thence to a point of woods that projects into the prairie, half a day's march from the Mississippi; thence, in a straight line, to the mouth of the first river which enters the Mississippi on its west side, above the mouth of Sac river; thence, ascending the said river, (above the mouth of Sac river,) to a small lake at its source; thence, in a direct line, to a lake at the head of Prairie river, which is supposed to enter the Crow Wing river on its south side; thence to Otter Tail lake portage; thence to said Otter Tail lake, and down, through the middle thereof, to its outlet; thence, in a direct line, so as to strike Buffalo river half-way from its source to its mouth, and down the said river to Red river; thence, descending Red river, to the mouth of Outard or Goose creek. The eastern boundary of the Sioux commences opposite the mouth of Ioway river, on the Mississippi; runs back two or three miles to the bluffs; follows the bluffs, crossing Bad Axe river, to the mouth of Black river; and from Black river to half a day's march below the falls of the Chippewa river.

ART. 6. It is agreed between the Chippewas and Winnebagoes, so far as they are mutually interested therein, that the southern boundary line of the Chippewa country shall commence on the Chippewa river aforesaid, half a day's march below the falls of that river; and run thence to the source of Clear Water river, a branch of the Chippewa river; thence, south, to Black river; thence to a point where the woods project into the meadows; and thence to the Plover portage of the Ouisconsin.

ART. 7. It is agreed between the Winnebagoes and the Sioux, Sacs and Foxes, Chippewas and Ottawas, Chippewas and Pattawatamies of the Illinois, that the Winnebago country shall be bounded as follows: southeasterly, by Rock river, from its source near the Winnebago lake, to the Winnebago village, about forty miles above its mouth; westerly, by the east line of the tract lying upon the Mississippi, herein secured to the Ottawa, Chippewa, and Pattawatamie Indians of the Illinois; and also by the high bluff described in the Sioux boundary, and running north to Black river. From this point, the Winnebagoes claim up Black river to a point due west from the source of the left fork of the Ouisconsin; thence to the source of the said fork, and down the same to the Ouisconsin; thence, down the Ouisconsin, to the portage, and across the portage to Fox river; thence, down Fox river, to the Winnebago lake and to the Grand Kankanlin, including, in their claim, the whole of Winnebago lake; but, for the causes stated in the next article, this line from Black river must, for the present, be left indeterminate.

ART. 8. The representatives of the Menominees, not being sufficiently acquainted with their proper boundaries to settle the same definitively, and some uncertainty existing in consequence of the cession made by that tribe upon Fox river and Green Bay to the New York Indians, it is agreed between the said Menominee tribe and the Sioux, Chippewa, Winnebago, Ottawa, Chippewa, and Pattawatamie Indians of the Illinois, that the claim of the Menominees to any portion of the land within the boundaries allotted to either of the said tribes shall not be barred by any stipulation herein, but the same shall remain as valid as if this treaty had not been concluded. It is, however, understood that the general claim of the Menominees is bounded on the north by the Chippewa country, on the east by Green Bay and Lake Michigan, extending as far south as Millewaukee river, and on the west they claim to Black river.

ART. 9. The country secured to the Ottawa, Chippewa, and Pattawatamie tribes of the Illinois, is bounded as follows: Beginning at the Winnebago village, on Rock river, forty miles from its mouth; and running thence, down the Rock river, to a line which runs from Lake Michigan to the Mississippi, and with that line to the Mississippi, opposite to Rock island; thence, up that river, to the United States reservation at the mouth of the Ouisconsin; thence, with the south and east lines of the said reservation, to the Ouisconsin; thence, southerly, passing the heads of the small streams emptying into the Mississippi, to the Rock river, at the Winnebago village. The Illinois Indians have also a just claim to a portion of the country bounded south by the Indian boundary line aforesaid, running, from the southern extreme of Lake Michigan, east by Lake Michigan, north by the Menominee country, and northwest by Rock river. This claim is recognised in the treaty concluded with the said Illinois tribes at St. Louis, on the twenty-fourth of August, one thousand eight hundred and sixteen; but, as the Millewaukee and Manteoalk bands are not represented at this council, it cannot be now definitively adjusted.

ART. 10. All the tribes aforesaid acknowledge the general controlling power of the United States, and disclaim all dependance upon, and connexion with, any other Power. And the United States agree to and recognise the preceding boundaries, subject to the limitations and restrictions before provided. It being, however, well understood, that the reservations at Fever river, at the Ouisconsin, at St. Peter's, and the ancient settlements at Prairie du Chien and Green Bay, and the land properly thereto belonging, and the reservations made upon the Mississippi for the use of the half-breeds, in the treaty concluded with the Sacs and Foxes on the twenty-fourth of August, one thousand eight hundred and twenty-four, are not claimed by either of the said tribes.

ART. 11. The United States agree, whenever the President may think it necessary and proper, to convene such of the tribes, either separately or together, as are interested in the lines left unsettled herein, and to recommend to them an amicable and final adjustment of their respective claims, so that the work, now happily begun, may be consummated. It is agreed, however, that a council shall be held with the Yancton band of the Sioux during the year one thousand eight hundred and twenty-six, to explain to them the stipulations of this treaty, and to procure their assent thereto, should they be disposed to give it; and also with the Otooes, to settle and adjust their title to any of the country claimed by the Sacs, Foxes, and Ioways.

ART. 12. The Chippewa tribe being dispersed over a great extent of country, and the chiefs of that tribe having requested that such portion of them as may be thought proper by the Government of the United States may be assembled in the year one thousand eight hundred and twenty-six upon some part of Lake Superior, that the objects and advantages of this treaty may be fully explained to them, so that the stipulations thereof may be observed by the warriors, the commissioners of the United States assent thereto, and it is therefore agreed that a council shall accordingly be held for these purposes.

ART. 13. It is understood by all the tribes, parties hereto, that no tribe shall hunt within the acknowledged limits of any other, without their assent; but it being the sole object of this arrangement to perpetuate a peace among them, and amicable relations being now restored, the chiefs of all the tribes have expressed a determination cheerfully to allow a reciprocal right of hunting on the lands of one another, permission being first asked and obtained, as before provided for.

ART. 14. Should any causes of difficulty hereafter unhappily arise between any of the tribes, parties hereunto, it is agreed that the other tribes shall interpose their good offices to remove such difficulties; and, also, that the Government of the United States may take such measures as they may deem proper to effect the same object.

ART. 15. This treaty shall be obligatory on the tribes, parties hereto, from and after the date hereof; and on the United States, from and after its ratification by the Government thereof.

Done, and signed, and sealed at Prairie du Chien, in the Territory of Michigan, this nineteenth day of August, one thousand eight hundred and twenty-five, and of the independence of the United States the fiftieth.

WM. CLARK,
LEW. CASS.

[Signed, also, by the chiefs and warriors of the Sioux, Winnebagoes, Menominees, Chippewas, Ottawas, Pattawatamies, Sacs, Foxes, and Ioways.]

19th CONGRESS.]

No. 227.

[1st Session.]

TREATIES WITH THE GREAT AND LITTLE OSAGE AND THE KANZAS TRIBES.

COMMUNICATED TO THE SENATE, JANUARY 30, 1826.

To the Senate of the United States:

WASHINGTON, January 30, 1826.

I transmit, herewith, to the Senate, for their consideration and advice with regard to their ratification—

1. A treaty concluded on the 10th day of August, 1825, at Council Grove, by Benjamin H. Reeves, George C. Sibley, and Thomas Mather, commissioners on the part of the United States, and certain chiefs and headmen of the Great and Little Osage tribes of Indians, on the part of the said tribes.

2. A treaty concluded on the 16th day of August, 1825, at the Sora Kansas creek, by the same commissioners on the part of the United States, and certain chiefs and headmen of the Kansas tribe or nation of Indians, on the part of the said tribe.

JOHN QUINCY ADAMS.

TREATY WITH THE KANZAS.

Whereas the Congress of the United States of America, being anxious to promote a direct, commercial, and friendly intercourse between the citizens of the United States and those of the Mexican republic, and to afford protection to the same, did, at their last session, pass an act, which was approved the 3d of March, 1825, "to authorize the President of the United States to cause a road to be marked out from the western frontier of Missouri to the confines of New Mexico," and which authorizes the President of the United States to appoint commissioners to carry said act of Congress into effect, and enjoins on the commissioners so to be appointed that they first obtain the consent of the intervening tribes of Indians, by treaty, to the marking of said road, and to the unmolested use thereof to the citizens of the United States and of the Mexican republic; and Benjamin H. Reeves, George C. Sibley, and Thomas Mather, being duly appointed commissioners as aforesaid, and being duly and fully authorized, have this day met the chiefs and headmen of the Kansas tribe of Indians, who, being all duly authorized, by the invitation of said commissioners, on the Sora Kansas creek, two hundred and thirty miles southwestwardly from Fort Osage, have, after due deliberation and consultation, agreed to the following treaty, which is to be considered binding on the said Kansas Indians from and after this day.

ARTICLE 1. The chiefs and headmen of the Kansas nation or tribe of Indians, for themselves and their nation, do consent and agree that the commissioners of the United States shall and may survey and mark out a road, in such manner as they may think proper, through any of the territory owned or claimed by the said Kansas tribe or nation of Indians.

ART. 2. The chiefs and headmen as aforesaid do further agree that the road authorized in article first shall, when marked, be forever free for the use of the citizens of the United States and of the Mexican republic, who shall at all times pass and repass thereon, without any hindrance or molestation on the part of the said Kansas Indians.

ART. 3. The chiefs and headmen as aforesaid, in consideration of the friendly relations existing between them and the United States, do further promise, for themselves and their people, that they will, on all fit occasions, render such friendly aid and assistance as may be in their power to any of the citizens of the United States or of the Mexican republic, as they may at any time happen to meet or fall in with on the road aforesaid.

ART. 4. The chiefs and headmen as aforesaid do further consent and agree that the road aforesaid shall be considered as extending to a reasonable distance on either side, so that travellers thereon may, at any time, leave the marked track for the purpose of finding subsistence and proper camping places.

ART. 5. In consideration of the privileges granted by the chiefs of the Kansas tribe in the three preceding articles, the said commissioners on the part of the United States have agreed to pay to them, (the said chiefs,) for themselves and their people, the sum of five hundred dollars; which sum is to be paid them, as soon as may be, in money or merchandise, at their option, at such place as they may desire.

ART. 6. And the said chiefs and headmen, as aforesaid, acknowledge to have received from the commissioners aforesaid, at and before the signing of this treaty, articles of merchandise to the value of three hundred dollars; which sum of three hundred dollars, and the payment stipulated to be made to the said Kansas in article five, shall be considered, and are so considered by said chiefs, as full and complete compensation for every privilege herein granted by said chiefs.

In testimony whereof, the said Benjamin H. Reeves, George C. Sibley, and Thomas Mather, commissioners as aforesaid, and the chiefs and headmen of the Kansas tribe or nation of Indians, have hereunto set their hands and seals, on the Sora Kansas creek aforesaid, this sixteenth day of August, in the year of our Lord one thousand eight hundred and twenty-five.

B. H. REEVES,
G. C. SIBLEY,
THOMAS MATHER.

[Signed, also, by the chiefs and headmen of the Kansas tribe.]

TREATY WITH THE GREAT AND LITTLE OSAGES.

Whereas the Congress of the United States of America, being anxious to promote a direct, commercial, and friendly intercourse between the citizens of the United States and those of the Mexican republic, and to afford protection to the same, did, at their last session, pass an act, which was approved the 3d of March, 1825, "to authorize the President of the United States to cause a road to be marked out from the western frontier of Missouri to the confines of New Mexico," and which authorizes the President of the United States to appoint commissioners to carry said act of Congress into effect, and enjoins on the commissioners so to be appointed that they first obtain the consent of the intervening tribes of Indians, by treaty, to the marking of said road, and to the unmolested use thereof to the citizens of the United States and of the Mexican republic; and Benjamin H. Reeves, George C. Sibley, and Thomas Mather, commissioners duly appointed as aforesaid, being duly and fully authorized, have this day met the chiefs and headmen of the Great and Little Osage nations, who, being all duly authorized to meet and negotiate with the said commissioners upon the premises, and being specially met for that purpose by the invitation

of said commissioners, at the place called the Council Grove, on the river Nee-o-zho, one hundred and sixty miles southwest from Fort Osage, have, after due deliberation and consultation, agreed to the following treaty, which is to be considered binding on the said Great and Little Osages from and after this day.

ARTICLE 1. The chiefs and headmen of the Great and Little Osages, for themselves and their nations, respectively, do consent and agree that the commissioners of the United States shall and may survey and mark out a road, in such manner as they may think proper, through any of the territory owned or claimed by the said Great and Little Osage nations.

ART. 2. The chiefs and headmen as aforesaid do further agree that the road authorized in article first shall, when marked, be forever free for the use of the citizens of the United States and of the Mexican republic, who shall at all times pass and repass thereon without any hindrance or molestation on the part of the said Great and Little Osages.

ART. 3. The chiefs and headmen as aforesaid, in consideration of the friendly relations existing between them and the United States, do further promise, for themselves and their people, that they will, on all fit occasions, render such friendly aid and assistance as may be in their power to any of the citizens of the United States or of the Mexican republic, as they may at any time happen to meet or fall in with on the road aforesaid.

ART. 4. The chiefs and headmen as aforesaid do further consent and agree that the road aforesaid shall be considered as extending to a reasonable distance on either side, so that travellers thereon may at any time leave the marked track for the purpose of finding subsistence and proper camping places.

ART. 5. In consideration of the privileges granted by the chiefs of the Great and Little Osages in the three preceding articles, the said commissioners on the part of the United States have agreed to pay to them, (the said chiefs,) for themselves and their people, the sum of five hundred dollars; which sum is to be paid them, as soon as may be, in money or merchandise, at their option, at such place as they may desire.

ART. 6. And the said chiefs and headmen as aforesaid acknowledge to have received from the commissioners aforesaid, at and before the signing of this treaty, articles of merchandise to the value of three hundred dollars; which sum of three hundred dollars, and the payment stipulated to be made to the said Osages in article five, shall be considered, and are so considered by said chiefs, as full and complete compensation for every privilege herein granted by said chiefs.

In testimony whereof, the said Benjamin H. Reeves, George C. Sibley, and Thomas Mather, commissioners as aforesaid, and the chiefs and headmen of the Great and Little Osage tribes of Indians, have hereunto set their hands and seals, at Council Grove, this tenth day of August, in the year of our Lord one thousand eight hundred and twenty-five.

B. H. REEVES,
G. C. SIBLEY,
THOMAS MATHER.

[Signed, also, by the chiefs and headmen of the Great and Little Osage tribes.]

19th CONGRESS.]

No. 228.

[1st Session.]

TREATY WITH THE CREEKS.

COMMUNICATED TO THE SENATE, ON THE 31ST JANUARY, 1826.

To the Senate of the United States:

WASHINGTON, January 31, 1826.

I transmit herewith to the Senate, for their consideration and advice with regard to its ratification, a treaty concluded by the Secretary of War, duly authorized thereto, with the chiefs and headmen of the Creek nation, deputed by them, and now in this city.

It has been agreed upon, and is presented to the consideration of the Senate as a substitute for the treaty signed at the Indian Springs on the 12th of February last. The circumstances under which this received, on the 3d of March last, your advice and consent to its ratification, are known to you. It was transmitted to me from the Senate on the 5th of March, and ratified in full confidence, yielded to the advice and consent of the Senate, under a firm belief, founded on the journal of the commissioners of the United States, and on the express statements in the letter of one of them (of the 16th of February) to the then Secretary of War that it had been concluded with a large majority of the chiefs of the Creek nation, and with a reasonable prospect of immediate acquiescence by the remainder. This expectation has not merely been disappointed. The first measures for carrying the treaty into execution had scarcely been taken, when the two principal chiefs who had signed it fell victims to the exasperation of the great mass of the nation; and their families and dependants, far from being able to execute the engagements on their part, fled for life, safety, and subsistence, from the territories which they had assumed to cede to our own. Yet, in this fugitive condition, and while subsisting on the bounty of the United States, they have been found advancing pretensions to receive exclusively to themselves the whole of the sums stipulated by the commissioners of the United States in payment for all the lands of the Creek nation which were ceded by the terms of the treaty. And they have claimed the stipulation of the eighth article, that the United States would "protect the emigrating party against the encroachments, hostility, and impositions of the whites and of all others," as an engagement by which the United States were bound to become the instruments of their vengeance, and to inflict upon the majority of the Creek nation the punishment of Indian retribution, to gratify the vindictive fury of an impotent and helpless minority of their own tribe.

In this state of things, the question is not whether the treaty of the 12th of February last shall or shall not be executed. So far as the United States were or could be bound by it, I have been anxiously desirous of carrying it into execution; but, like other treaties, its fulfilment depends upon the will not of one, but of both the parties to it. The parties on the face of the treaty are the United States and the Creek nation; and, however desirous one of them may be to give it effect, this wish must prove abortive while the other party refuses to perform its stipulations, and disavows its obligations. By the refusal of the Creek nation to perform their part of the treaty, the United

States are absolved from all its engagements on their part; and the alternative left them is, either to resort to measures of war, to secure by force the advantages stipulated to them in the treaty, or to attempt the adjustment of the interest by a new compact. In the preference dictated by the nature of our institutions, and by the sentiments of justice and humanity which the occasion requires for measures of peace, the treaty herewith transmitted has been concluded, and is submitted to the decision of the Senate. After exhausting every effort in our power to obtain the acquiescence of the Creek nation to the treaty of the 12th of February, I entertained for some time the hope that their assent might at least have been given to a new treaty, by which all their lands within the State of Georgia should have been ceded. This has also proved impracticable; and, although the excepted portion is of comparatively small amount and importance, I have assented to its exception, so far as to place it before the Senate, only from a conviction that between it and a resort to the forcible expulsion of the Creeks from their habitations and lands within the State of Georgia there was no middle term.

The deputation with which the treaty has been concluded consists of the principal chiefs of the nation, able not only to negotiate, but to carry into effect the stipulations to which they have agreed. There is a deputation also here from the small party which undertook to contract for the whole nation at the treaty of the 12th February, but the number of which, according to the information collected by General Gaines, does not exceed four hundred. They represent themselves, indeed, to be far more numerous; but, whatever their number may be, their interests have been provided for in the treaty now submitted. Their subscriptions to it would also have been received, but for unreasonable pretensions raised by them after all the arrangements of the treaty had been agreed upon, and it was actually signed. Whatever their merits may have been, in the facility with which they ceded all the lands of their nation within the State of Georgia, their utter inability to perform the engagements which they so readily contracted, and the exorbitancy of their demands, when compared with the inefficacy of their own means of performance, leave them with no claims upon the United States other than impartial and rigorous justice.

In referring to the impressions under which I ratified the treaty of the 12th February last, I do not deem it necessary to decide upon the propriety of the manner in which it was negotiated. Deeply regretting the criminations and recriminations to which these events have given rise, I believe the public interest will best be consulted by discarding them altogether from the discussion of the subject. The great body of the Creek nation inflexibly refuse to acknowledge or to execute that treaty. Upon this ground it will be set aside, should the Senate advise and consent to the ratification of that now communicated, without looking back to the means by which the other was effected. And in the adjustment of the terms of the present treaty, I have been particularly anxious to dispense a measure of great liberality to both parties of the Creek nation, rather than to extort from them a bargain of which the advantages on our part could only be purchased by hardship on theirs.

JOHN QUINCY ADAMS.

SIR:

DEPARTMENT OF WAR, *January 25, 1826.*

In execution of the power which you conferred upon me to negotiate with the Creek tribe of Indians, represented in this city by their principal chiefs, clothed with full powers by the nation fully assembled in council, and, if possible, to obtain such an arrangement as would put an end to the serious difficulties growing out of the treaty of the Indian Springs of February last, I proceeded, immediately on receiving your instructions to that effect, to convene the delegation in this office, believing that a less restrained intercourse of views would thereby be effected than in a written correspondence, and the result be more propitious to your wishes. From information previously received from General Gaines, it was believed that their acquiescence in the treaty negotiated at the Indian Springs was utterly unattainable; but that their consent to the relinquishment of their lands within the State of Georgia might be effected on reasonable terms. To that end, after perceiving the entire inutility of pressing them to an acquiescence in the treaty of the Indian Springs, I directed my efforts; confidently anticipating, from the information above referred to, immediate success. To my surprise, (and certainly very much to my regret,) feeling, as I did, the utmost anxiety that such an arrangement should be made, and knowing that nothing could be more acceptable to yourself, I found them determined to surrender their lands only to the east of the Chattahoochie. Every effort was made which propriety would permit to induce them to meet your wishes. Lest, from any ignorance of their character, I should fail in approaching them in some way accessible to one familiar with their motives of action, I availed myself of the aid of a distinguished citizen, whose intercourse with the inhabitants of the forests gave him the desired qualifications; and, if success had been attainable, he must have succeeded. He entered into my views with alacrity, and pursued the object with a patience and assiduity which has entitled him to my thanks. Every effort, however, was fruitless. The Chattahoochie, as forming a natural boundary, was a *sine qua non*. Indeed, such a boundary seemed, with them, of more consequence than the land which was involved in the contest. They continually urged that an artificial line was no security with the untutored Indian against those trespasses which the conterminous whites perpetrated upon them; and candor has forced the acknowledgment from those experienced in the subject, that there is much of weight in their solicitude for a natural boundary. Finding them pertinacious in adhering to this line, which, if established, would still leave a small portion of land within the limits of Georgia, (to gratify whose wishes, if practicable, had been a leading motive with you, in whatever connected itself with this subject,) I had determined to put an end to the negotiation. In reflecting, however, on the posture of things in that event, and the consequences which might ensue, and believing that an amicable arrangement of this controversy was alike called for by the wishes of the American people and the interests of those unfortunate people, I proposed to them, after having obtained your consent, a line of compromise, and finally agreed to that which is inserted in the treaty which I herewith enclose; and which, according to the map on which I treated, will have acquired for Georgia some four or five hundred thousand acres of land west of the Chattahoochie, and, with the lands on the east side of the Chattahoochie, making, it is believed, nearly three millions of acres which Georgia acquires by the treaty; and leaving, within the limits of Georgia, a small fraction of land belonging to the Creeks, not equal, perhaps, to one-tenth of the part ceded. In arranging the details, great difficulty occurred. I found the delegation invincibly opposed to taking any land to the west of the Mississippi; in consequence, the pecuniary consideration was obliged to be increased; to an amount, however, comparatively small, in respect to the land which must have been given, according to the scale heretofore adopted, of acre for acre. To the intrinsic difficulty arising from the negotiation, others, of no small magnitude, were added. The delegation of the major part of the Creek nation peremptorily refused to enter into a treaty in common with the delegation of the minor or McIntosh party. To provide for the latter, on liberal principles, was an indispensable condition, from which nothing would have justified me in departing. To obviate this difficulty, I ascertained from each party what would be satisfactory, and incorporated the whole in the treaty, which was to be signed exclusively by the delegation of the majority. The treaty was prepared on these data, and signed by the delegation of the major party. Out of abundant caution, I designed to obtain the signature of the delegation of the minor party to a paper to accompany the treaty, expressing their entire satisfaction with the arrangement. After the treaty had been executed, and an intimation made to the minor party of the above

wish, they declined complying therewith, unless a new provision should be made in their favor, namely, that of the value of their improvements within the territory retained by the Indians; which, being unreasonable, was refused. This, however, has no bearing on the validity of the treaty. Their number, according to a census taken by General Gaines, is very small—not above one-fortieth of the nation; they themselves stated the number at sixteen hundred, at the opening of the conference with them. They suppose, now, that three thousand may be induced to emigrate. Whatever the number may be, there is no difficulty in saying that the treaty has been made with the representatives of a vast majority of the nation; and I think, on reference to the conditions of the treaty, it will be found that ample justice has been done the smaller party.

Respectfully submitted:

The PRESIDENT OF THE UNITED STATES.

JAMES BARBOUR.

TREATY WITH THE CREEKS.

Articles of a treaty, made at the city of Washington, this twenty-fourth day of January, one thousand eight hundred and twenty-six, between James Barbour, Secretary of War, thereto specially authorized by the President of the United States, and the undersigned chiefs and headmen of the Creek nation of Indians, who have received full power from the said nation to conclude and arrange all matters herein provided for.

Whereas a treaty was concluded at the Indian Springs, on the twelfth day of February last, between commissioners on the part of the United States, and a portion of the Creek nation, by which an extensive district of country was ceded to the United States:

And whereas a great majority of the chiefs and warriors of the said nation have protested against the execution of the said treaty, and have represented that the same was signed on their part by persons having no sufficient authority to form treaties or to make cessions, and that the stipulations in said treaty are therefore wholly void:

And whereas the United States are unwilling that difficulties should exist in the said nation which may eventually lead to an intestine war, and are still more unwilling that any cessions of land should be made to them, unless with the fair understanding and full assent of the tribe making such cession, and for a just and adequate consideration; it being the policy of the United States, in all their intercourse with the Indians, to treat them justly and liberally, as becomes the relative situation of the parties:

Now, therefore, in order to remove the difficulties which have thus arisen, to satisfy the great body of the Creek nation, and to reconcile the contending parties into which it is unhappily divided, the following articles have been agreed upon and concluded, between James Barbour, Secretary of War, specially authorized as aforesaid, and the said chiefs and headmen, representing the Creek nation of Indians:

ARTICLE 1. The treaty concluded at the Indian Springs, on the twelfth day of February, one thousand eight hundred and twenty-five, between commissioners on the part of the United States and the said Creek nation of Indians, and ratified by the United States on the seventh day of March, one thousand eight hundred and twenty-five, is hereby declared to be null and void, to every intent and purpose whatsoever; and every right and claim arising from the same is hereby cancelled and surrendered.

ART. 2. The Creek nation of Indians cede to the United States all the lands belonging to the said nation in the State of Georgia, and lying on the east side of the middle of the Chattahoochie river; and, also, another tract of land lying within the said State, and bounded as follows: Beginning at a point on the western bank of the said river, forty-seven miles below the point where the boundary line between the Creeks and the Cherokees strikes the Chattahoochie river, near the Buzzard's Roost, measuring the said distance in a direct line, and not following the meanders of the said river; and from the point of beginning, running in a direct line, to a point in the boundary line between the said Creeks and the Cherokees, thirty miles west of the said Buzzard's Roost; thence to the Buzzard's Roost; and thence, with the middle of the said river, to the place of beginning.

ART. 3. Immediately after the ratification of this treaty, the United States agree to pay to the chiefs of the said nation the sum of two hundred and seventeen thousand six hundred dollars, to be divided among the chiefs and warriors of the said nation.

ART. 4. The United States agree to pay to the said nation an additional perpetual annuity of twenty thousand dollars.

ART. 5. The difficulties which have arisen in the said nation, in consequence of the treaty of the Indian Springs, shall be amicably adjusted; and that portion of the Creek nation who signed that treaty shall be admitted to all their privileges as members of the Creek nation; it being the earnest wish of the United States, without undertaking to decide upon the complaints of the respective parties, that all causes of dissatisfaction should be removed.

ART. 6. That portion of the Creek nation known as the friends and followers of the late General William McIntosh, having intimated to the Government of the United States their wish to remove west of the Mississippi, it is hereby agreed, with their assent, that a deputation of five persons shall be sent by them, at the expense of the United States, immediately after the ratification of this treaty, to examine the Indian country west of the Mississippi, not within either of the States or Territories, and not possessed by the Choctaws or Cherokees. And the United States agree to purchase for them, if the same can be conveniently done upon reasonable terms, wherever they may select, a country, whose extent shall, in the opinion of the President, be proportioned to their numbers; and if such purchase cannot be thus made, it is then agreed that the selection shall be made where the President may think proper, just reference being had to the wishes of the emigrating party.

ART. 7. The emigrating party shall remove within twenty-four months, and the expense of their removal shall be defrayed by the United States; and such subsistence shall also be furnished them, for a term not exceeding twelve months after their arrival at their new residence, as, in the opinion of the President, their numbers and circumstances may require.

ART. 8. An agent or sub-agent and interpreter shall be appointed to accompany and reside with them; and a blacksmith and wheelwright shall be furnished by the United States. Such assistance shall also be rendered to them, in their agricultural operations, as the President may think proper.

ART. 9. In consideration of the exertions used by the friends and followers of General McIntosh to procure a cession at the Indian Springs, and of their past difficulties and contemplated removal, the United States agree to present to the chiefs of the party, to be divided among the chiefs and warriors, the sum of one hundred thousand dollars, if such party shall amount to three thousand persons; and in that proportion for any smaller number. Fifteen thousand dollars of this sum to be paid immediately after the ratification of this treaty, and the residue upon their arrival in the country west of the Mississippi.

ART. 10. It is agreed by the Creek nation that an agent shall be appointed by the President to ascertain the damages sustained by the friends and followers of the late General McIntosh, in consequence of the difficulties

growing out of the treaty of the Indian Springs, as set forth in an agreement entered into with General Gaines at the Broken Arrow, and which have been done contrary to the laws of the Creek nation; and such damages shall be repaired by the said nation, or the amount paid out of the annuity due to them.

ART. 11. All the improvements which add real value to any part of the land herein ceded shall be appraised by commissioners to be appointed by the President; and the amount, thus ascertained, shall be paid to the parties owning such improvements.

ART. 12. Possession of the country herein ceded shall be yielded by the Creeks on or before the first day of January next.

ART. 13. The United States agree to guaranty to the Creeks all the country not herein ceded, to which they have a just claim, and to make good to them any losses they may incur, in consequence of the illegal conduct of any citizen of the United States within the Creek country.

ART. 14. The President of the United States shall have authority to select, in some part of the Creek country, a tract of land, not exceeding two sections, where the necessary public buildings may be erected, and the persons attached to the agency may reside.

ART. 15. Whenever any stream, over which it may be necessary to establish ferries, forms the boundary of the Creek country, the Creek Indians shall have the right of ferriage from their own land, and the citizens of the United States from the land to which the Indian title is extinguished.

ART. 16. The Creek chiefs may appoint three commissioners from their own people, who shall be allowed to attend the running of the lines west of the Chattahoochie river, and whose expenses, while engaged in this duty, shall be defrayed by the United States.

ART. 17. This treaty, after the same has been ratified by the President and Senate, shall be obligatory on the United States and on the Creek nation.

In testimony whereof, the said James Barbour, Secretary of War, authorized as aforesaid, and the chiefs of the said Creek nation of Indians, have hereunto set their hands, at the city of Washington, the day and year aforesaid.

JAMES BARBOUR.

[Signed, also, by the chiefs and headmen of the Creek nation of Indians.]

19th CONGRESS.]

No. 229.

[1st Session.]

TREATY WITH THE FLORIDA INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 6, 1826.

SIR:

DEPARTMENT OF WAR, *February 1, 1826.*

Pursuant to a resolution of the House of Representatives of the 5th ultimo, directing the Secretary of War "to communicate to that House the instructions to the commissioners for negotiating the treaty with the Florida Indians; the extent of the reserves made to certain chiefs; the amount of money paid under the treaty; the objects for which it was paid; the present situation of the Indians; and the complaints, if any, against the said treaty; with any other information or correspondence touching the condition of the Florida Indians at this time;" I have the honor to report, herewith, documents numbered from 1 to 48,* inclusive, which furnish all the information required, except as to the extent of the reservations, and the amount of money paid under the treaty, and the objects for which it was paid.

The reservations are four in number, and are those which are provided for by the treaty; and the amount paid under the treaty is \$87,068 21. The objects for which this sum was paid are those for which the treaty stipulates, viz: for farming utensils, cattle, hogs, &c., \$6,000; for annuity, \$5,000; for rations, \$65,700; for improvements, \$4,500; for transportation, \$2,000; for blacksmith and school, \$2,000; and, of the sum of \$5,000, appropriated for running the lines, (this work not being yet completed,) \$1,868 21.

By reference to the correspondence communicated, it will be seen that a further provision, in two sums, (one of \$2,000, and the other of \$5,000,) has been authorized, to save these Indians from starving; but no part of this provision has been yet drawn for. When it shall be, (if at all,) the payments will be made from the contingent fund of the Indian Department.

I have the honor to be your obedient servant,

JAMES BARBOUR.

The SPEAKER of the House of Representatives.

No. 3.

Extract of a letter from Colonel James Gadsden to the Secretary of War, dated

CHARLESTON, SOUTH CAROLINA, *November 14, 1823.*

In reply to your communication of the 29th of October, I have to state it as my impression that the rations of bread, meat, and salt, provided for in the fifth article of the treaty with the Florida Indians, were agreeably to the intentions of the commissioners, to be limited in *quantity* to the bare subsistence of those individuals embraced within its provisions; and to be confined in the issues to those who might be compelled to *remove*, and not extending to those already residing within the limits of the country allotted. The terms *bread*, *meat*, and *salt*, were left indefinite, so that the issues might be controlled at the discretion of the agents, by such circumstances as could not be anticipated by the commissioners, or such instructions as might emanate from the Department of War. It was

* The papers under Nos. 1 and 2, here referred to, were published in No. 198, page 429; which see.

believed that this provision was not only equitable to those Indians who, by abandoning fields already cultivated for a wilderness, might be distressed the first year for the subsistence of life, but would present a strong motive for immediate concentration, and, at the same time, produce impressions on the savage favorable to American humanity. It will be distinctly recollected that the Florida tribes had been but recently embraced within our territorial boundaries; that they consisted of the most discordant materials that were to be brought into harmonious union; that a majority were refugees from the southern tribes, still hostile in their feelings, which had been irritated by repeated chastisements, and kept alive by foreign or individual instigations. To embody these materials together, to obtain a control over the savages, and conciliate their friendship, seemed to require the application (however expensive) of all such means as would produce immediate and most permanent effects. The subsisting those who would be embarrassed by the removal necessary, until they could be made as comfortable in the country to which they were assigned, appeared one of the most equitable and salutary provisions. The commissioners, in endeavoring to effect the objects the Government had in view, did not attempt to balance between necessary expenditures of money and probable Indian aggressions.

The estimate of the Indian population in Florida, accompanying the treaty and other documents, was furnished by the Indians themselves, but was always believed by me to be imperfect and exaggerated. It must ever be difficult, under any circumstances, to ascertain with minute accuracy the probable population of wandering tribes; but more so, when the information must be derived solely from the Indians themselves, having a positive interest in exaggerating their numbers. From the data, therefore, within my possession, modified in some degree by conjecture, I am able to afford you, agreeably to your request, the following imperfect estimate of the probable number of Indians for which rations may be required.

Aggregate population, agreeably to Indian statements,	-	-	-	4,800
Of this number, about 1,000 will remain on the reservations set apart on the Appalachicola, and who are entitled to no other provisions than those specified in the aforesaid article,	-	-	-	1,000
Over estimate of population, including Creeks who will prefer returning to their nation to being concentrated south,	-	-	-	1,000
Deduct for probable amount of population already within the limits allotted,	-	-	-	1,000
				3,000

Probable number, including women and children, to be provided with rations of meat and bread, - 1,800

Fresh beef may be contracted for in Florida and Georgia, deliverable at the agency, at a moderate price; and the bread stuff (corn being preferred by the Indians) can be obtained in Orleans, and shipped to the Bay of Tampa, at a very inconsiderable expense, so soon as the Mississippi begins to discharge its waters.

No. 4.

The Secretary of War to Governor Duval.

SIR:

DEPARTMENT OF WAR, December 24, 1823.

I enclose for your information a copy of a letter to Colonel Humphreys, who is now in Washington.

As there may be some little delay in his arrival in Florida, you will, in the mean time, take such steps as you may deem proper to prepare the Indians for a speedy execution of the treaty. It is impossible to give specific instructions here on the subject, and the agent is therefore directed to consult with Colonel Gadsden and yourself in the measures to be taken. You will, accordingly, afford him your advice, and take the course which may in your judgment be necessary and proper, having the most rigid regard to economy.

I have the honor, &c.

His Excellency WM. P. DUVAL, *St. Augustine.*

J. C. CALHOUN.

[Accompaniment to No. 4.]

The Secretary of War to Colonel Humphreys.

SIR:

DEPARTMENT OF WAR, December 24, 1823.

The treaty with the Florida Indians, as I understand, being ratified by the Senate, you will immediately repair to your post, to attend to its execution. It is impossible to give you full instructions on the subject, until the appropriation to carry into effect the treaty is made by Congress. In the mean time, you will make such preliminary arrangements as may be necessary for concentrating the Indians on the lands assigned to them, with as little delay as possible; and to defray the expense of which, you are authorized to draw on this Department for a sum not exceeding \$6,000. But you will not draw until it is absolutely necessary, and then will accompany your bills with a statement of the expenses to which the money is to be applied. In all the measures to be taken for the execution of the treaty, you will consult with Governor Duval and Colonel Gadsden; the former of whom is advised of the ratification of the treaty, and requested to take, during your absence, such steps as he may deem proper to prepare the Indians for a speedy execution of the treaty agreeably to its provisions.

I have the honor, &c.

J. C. CALHOUN.

To Colonel HUMPHREYS, *now in Washington.*

No. 5.

From Governor Duval to the Secretary of War, dated

SIR:

PENSACOLA, January 12, 1824.

I have the honor to inform you that, since my departure from St. Augustine, I have carefully examined the interior of Florida, which is, in my opinion, the most desirable and valuable region in all the southern country. Captain Burch, no doubt, has made his report to you of his route to St. Augustine from this place, and, of course, has given in his report a description of the country, soil, &c.

I visited all the Indian towns on my route to this city, and endeavored to impress on the minds of the chiefs the importance of restraining their warriors, and preserving the friendship of the United States. I am sorry to say that the Indians under the immediate command of Neamathla have been concerned in killing the cattle, in two days after the troops at St. Mark's were removed. I have taken great pains to ascertain the real feeling of the Indians

towards us, and can rely with some confidence on the friendship of all the chiefs except Neamathla. He is a man of uncommon capacity; bold, violent, and restless. He cannot submit to a superior, nor endure an equal. No reliance can be placed on him, and his men are the most lawless and vile of the Indians in Florida. I feel confident that *they will not remove into the boundary given to them by the late treaty, unless there is a military force in the vicinity to overawe them.* I do not believe that these Indians will dare to commence hostilities; but they steal from, and kill the cattle of, the white settlers, whenever they have an opportunity. A few men kept at St. Mark's, until the Indians are removed, I deem necessary.

I am, respectfully, &c.

WILLIAM P. DUVAL.

Hon. J. C. CALHOUN, *Secretary of War.*

No. 6.

Extract of a letter from His Excellency W. P. Duval, to the Honorable J. C. Calhoun, Secretary of War, dated

PENSACOLA, April 11, 1824.

Your letter of the 24th last December, relating to the removal of the Indians, and also a copy of your letter of the same date, on the same subject, to Colonel Humphreys, did not come to hand until three days since. It is now too late to remove the Indians until September. Time will be important, if any regard is paid to economy. Contracts must be made for the supply of the Indians, and some time must elapse before they can be executed; besides, there are other arrangements for tools, stock, &c. required by the treaty, which the Indians expect will be faithfully and punctually provided. To attempt a hasty removal of these people, before we are ready on the part of the Government to execute what we are bound by treaty to perform, would not only increase the dissatisfaction of the Indians, but greatly enhance the expense. The Indians would also lose their present crops, which are now planted, and no positive disadvantage can result from this delay. In addition to what is stated, I will add, that the boundary of the country intended for their occupation has not yet been finally settled.

Colonel Gadsden wrote to me from Charlotte Harbor that the lands in the peninsula are by no means equal to his expectation. The northern line of the Indian boundary will, I presume, be extended according to the treaty.

Colonel Humphreys met with Colonel Gadsden on his way from St. Augustine to Pensacola, and conversed with him on these subjects. I am happy to say, his opinions are decidedly with me in the views I have expressed on these subjects.

It will be less expensive to furnish the Indians with beef than pork. The beef can be driven to the several points required, for even less than the pork could be purchased for in New Orleans.

Corn and salt (or flour, if corn cannot be obtained,) will be had cheapest in New Orleans. I am satisfied that many of the Indians will leave the Seminoles, and settle among the Creeks, before the next fall. It is my opinion that not more than fifteen hundred will remove into the boundary; this opinion has been formed on my own observation, and intelligence derived from the Indians while I was with them during last winter. Whatever order you may deem proper to give, either as to the removal or manner of supplying the Indians, shall be promptly executed, should you entertain any views different from my own.

If the arrangements are left to my discretion, the most rigid economy, consistent with the fair and just execution of the treaty, will govern me in the expenditure of the funds which may be transmitted for this object.

No. 7.

From Governor Duval to the Secretary of War.

PENSACOLA, April 11, 1824.

At the moment the mail was about to be closed, I received from Colonel Humphreys a copy of a letter, the original of which he handed me at the same time, and which I transmit for your information.

Neamathla and his chiefs are fully apprized of their situation, and say they will remove whenever ordered, but beg time to gather their present crop. Under all the circumstances, I have determined to permit them to remain, (subject, however, to your order, which they perfectly understand.) I enclose to you the advertisement for supplying the Indians, which Colonel Humphreys, with my approbation, has issued; it will be immediately sent to St. Augustine for publication. Before any contracts will be made, you will have time to countermand the measure, if it should be deemed by you inexpedient; so an early answer from you will be expected.

Neamathla is a most uncommon man; he ought to be induced to remove with his people. This chief you will find, perhaps, the greatest man you have ever seen among the Indians. He can, if he chooses to do so, control his warriors with as much ease as a colonel could a regiment of regular soldiers: they love and fear him. If this man can be made (as I have no doubt he can) the firm friend of our Government, no means should be spared to induce him to go with his people, and to continue as the chief of his nation. The hospitality and manly feelings of this chief have always kept him in poverty. If Congress should allow him to sell his reservation of land, and direct the money to be laid out in cattle for him, it will awaken his gratitude to the Government, and render him of essential service in commanding the nation.

This chief should be seen by you, and then you can judge of the force and energy of his mind and character. Neamathla, and the chiefs who will go with him to the city, have never seen the interior of the United States, and have no precise knowledge of the strength and power of our country.

I am, &c.

WILLIAM P. DUVAL.

Hon. JOHN C. CALHOUN, *Secretary of War.*

[Accompaniment of No. 7.]

From Colonel Humphreys to Governor Duval.

SIR:

PENSACOLA, April 7, 1824.

In compliance with the requisition made by you in our last conversation, I have the honor to submit my views in relation to the removal of the Indians of this Territory to the new limits assigned them under the late treaty. In the examination of this subject, the following points obviously present themselves for consideration: First, whether, under existing circumstances, is it practicable to effect a removal now; and, if so, it is advisable, or would it be more proper to defer it to a future period? In answer to this, I would remark, that the measure does not appear

practicable at this time, without infinite difficulty and expense, both of which might in a good degree be avoided by a few months occupied in preparation. An earlier removal than the ensuing fall does not appear essentially important to the interest of the Government or the prosperity of the Territory. The increase of its population (the grand desideratum) cannot, it is conceived, be affected by the proposed delay. The season is already so far advanced, that persons intending to become settlers, who have been deterred by the presence of the Indians, and are awaiting their departure, have ere this commenced making crops elsewhere, and will not, it is presumable, abandon them. The Indians have, also, at most of the towns, planted their corn, &c.; and, if they are allowed to remain for the harvest, it will, it is fair to calculate, in no inconsiderable degree diminish the expenses incident to the stipulated supply of provisions.

In addition to these considerations, another of great weight is suggested, which, in equity at least, appears conclusive against a hurried and unprepared removal. It has not been practicable to make sufficient arrangements for furnishing the supplies alluded to, the promise of which forms to the Indians an indispensable and important item in the treaty, and one without which they must inevitably severely suffer, and, in many instances, it is feared, perish. However eagerly some of their unfeeling white neighbors may urge a hasty expulsion of these unhappy people, humanity loudly exclaims against the idea of driving them from their present habitations before the means of subsistence are provided to carry them to, and sustain them at, their new positions. Nor would such a step well accord with the promises of friendship and protection made by the Government, or sustain its wonted character for justice; besides which, it cannot be expected that the Indians, however amicably disposed they may be, will readily, or without complaint, enter upon the performance of the contract they have made with the United States, (at the best disagreeable to them,) should they not discover a disposition on the part of the Government to comply with the terms of the treaty with promptitude and fidelity. Another reason to be offered why the removal should not take place at this time, may be found in the fact that the commissioner appointed to run the boundaries has not been able, notwithstanding his laborious and extraordinary exertions, to declare that duty executed; and it will be recollected that, by the treaty, the establishment of one of those boundaries depends, in some measure, upon the opinion of that officer as to whether there is a sufficiency of good land for the purposes of cultivation within the limits defined in that instrument. A removal, before a report is made upon this subject, would be premature and injudicious, inasmuch as it might involve the necessity of a second change of ground, and, consequently, produce embarrassment and extra expense. With respect to the mode to be adopted for the procurement of the promised supplies of provisions, in that way which shall best effect the object, having a due regard to economy, and, at the same time, insure a punctual delivery, I can only say that, so far as my experience and knowledge extend upon the subject, the plan of obtaining proposals for contracts by advertisement in the public prints has been found the most advisable, for the reason that it encourages competition, and thus affords a security against extortion. I will add, that I feel authorized to say, the opinions expressed in the foregoing, relative to the suitable period for removing the Indians, as well as to the mode proper to be adopted for furnishing their supply of provisions, are in perfect coincidence with the opinions entertained upon the same subjects by Colonel Gadsden, commissioner, whom I met at Okihumky, in my route to this place. I cannot close this communication without repeating the sentiments I gave you on a former occasion in regard to *Neamathla*, the principal chief of the Florida Indians. By the terms of the treaty, he is located upon a reservation very remote from the main body of the nation. The offer of this arrangement, designed to gratify and sooth the feelings of this aged and respectable man, was wise and judicious, as calculated to have a beneficial effect upon the pending negotiations; but I cannot consider the consummation of it less than unfortunate, inasmuch as it removes from the immediate government of the nation the only individual in it who possesses a perfect and undisputed authority over a people, some of whom are often troublesome to manage. The promptitude with which *Neamathla* has uniformly, since the war, punished the offences of his people, particularly those against the white inhabitants of the country, has excited in the Indians an awe and respect for his character, and given him unbounded influence over them, and, at the same time, furnishes the surest proof of the strength of his desire to be on terms of amity with the United States.

The immediate presence of such a man among the Indians, it is evident, would be most salutary, and afford an ample barrier against the evils which might otherwise be produced by the machinations of white men without the nation, or the turbulent spirits among the red within. I have reason to believe that, were *Neamathla* permitted to sell his reservation, by means of which he might procure a valuable stock, and place himself on an eligible footing in point of property, he might be induced to take up his residence within the limits assigned to the Indians in the south; an event, let me repeat, I must look upon as promising great benefit to the United States, as well as to the Indians themselves.

I have the honor, &c.

His Excellency WILLIAM P. DUVAL.

G. HUMPHREYS,
Agent for Indian Affairs, Florida.

No. 8.

From the Secretary of War to Governor Duval.

SIR:

DEPARTMENT OF WAR, June 2, 1824.

I had the honor of writing to you on the 3d ultimo, and in that letter (the season for removing the Indians being deferred) requested you to furnish me with an estimate of the cost which is likely to attend upon the emigration, upon the best data which you might be able to command. Since then, the act of Congress has passed containing the appropriation to carry into effect that object, and fixes it at sixty-five thousand seven hundred dollars.

The same act appropriates the sum of six thousand dollars for implements of husbandry, stock of cattle, and hogs; five thousand dollars annually, for twenty years, for the annuity; four thousand five hundred dollars for compensation for improvements that the Indians may abandon; two thousand dollars for transportation of the different tribes to the land assigned them; two thousand dollars annually, for twenty years, for the establishment of a school and the support of a gunsmith; and five thousand dollars for running the line of the land assigned to the Indians.

In making your estimates under the appropriation of sixty-five thousand seven hundred dollars for the expense of rations to be furnished to the Indians, agreeably to the fifth article of the treaty, you will be guided by a strict regard to economy; taking care that the sum does not go beyond the appropriation, but bringing it as much within it as may be practicable, consistent with the objects contemplated by the act. On submitting your estimates, you will notify the Department of the time when you will require the remittances to be made, and where; which will be attended to.

You will appoint a disinterested and suitable person to ascertain the value of the improvements that may be abandoned by the Indians, and will instruct him to adjudge each case separately, and accompany it with a description of it, and the reasons for its allowance. On receiving the whole of which, you will transmit them to this Department for its approval; when the amount will be remitted to carry into effect the provisions of the treaty in relation thereto.

It will be important that immediate measures be taken to secure to the Indians a gunsmith, provided for by the sixth article of the treaty. The further provision for a school will be the subject of future arrangement, under propositions which, it is presumed, will be made to the Department by some of the missionary establishments acting under regulations which have been adopted by the Government for the improvement of other tribes. Colonel Gadsden will be informed of the appropriation of five thousand dollars for running the line of the land assigned to the Indians.

You will be careful to direct the agent, in making up his accounts, to place every item of disbursement under its appropriate head; so that corresponding charges may be made on the books of the Treasury. In all letters of advice, you will, in naming the sum, add *for and on account of* the particular branch of the expenditure which the draft is designed to cover.

You will be careful to send in the estimates under the various heads of appropriation, in time for the remittances, respectively, to be made.

I have the honor, &c.

J. C. CALHOUN.

To His Excellency WILLIAM P. DUVAL, *Pensacola.*

No. 9.

Extract of a letter from His Excellency William P. Duval, Governor of Florida, to the Hon. J. C. Calhoun, Secretary of War, dated

PENSACOLA, June 18, 1824.

I have this day received letters, by an express from St. Mark's and Tallahassee, from the Indian agent and other respectable gentlemen in that quarter; by which I am informed that the Indians seem very unfriendly to the settlers, and have commenced killing their cattle, and are daily becoming more and more insolent. Neamathla, who has been for more than a year past soliciting permission to visit Washington city, now refuses to go. The Indians in that neighborhood have lately procured a considerable quantity of powder and lead. Judge Robinson, who resides on the waters of the Ochlochne, and who has heretofore had great confidence in the Indians, now advises strongly that a military force should be sent there. I have, therefore, applied to the commanding officer at this post for a company to be sent to St. Mark's, where the expense of supplying them will not be greater than at this place, as the sloop Florida, which belongs to the quartermaster's department, can, without any inconvenience to the service, transport whatever may be required. I go to Tallahassee immediately; and nothing but bad health would have prevented me from being there in April last. I deem it proper to request that the officer who may command the detachment should be directed to act under my orders; otherwise, much difficulty might occur, as the captain in command might act contrary to my views and knowledge. I regret that my ill health did not permit me to meet Colonel Gadsden at Tallahassee, as I intended to have done. I have written to him, and requested that he will come to Tallahassee as soon as possible. A personal conference with him is of much importance in making the future arrangements for the removal of the Indians. I do not believe that more than fifteen hundred Indians will be entitled to rations, though the advertisement is for a much larger number. I shall contract only for the necessary supplies, with the privilege to increase or diminish the amount at pleasure, upon suitable notice. I am convinced that a respectable military force should be at Tallahassee by the 1st of October next, at which time I shall order the Indians to remove: they will not go willingly, and will refuse, unless a respectable force is present. This is the opinion of Colonel Gadsden and the agent, and has long been mine.

I shall personally attend the execution of the treaty. Economy and despatch shall govern me. I do not expect to leave Tallahassee until the Indians are removed; and my personal attention, I flatter myself, will save considerable expense to the Government.

No. 10.

From Governor Duval to the Secretary of War.

SIR:

PENSACOLA, June 21, 1824.

I have been waiting for two days past for a change of wind to sail to St. Mark's. I am determined to remain in that quarter for the next four months, and see and personally make all the contracts for the fulfilment of the treaty with the Indians.

Several propositions for supplying the rations for the Indians have been received. The most favorable for the whole is eighteen cents.

I am determined not to submit to any such imposition on the Government; and I request you (should you deem it advisable to do so) to allow me to act according to my discretion, if more favorable terms are not offered by contract. I shall be enabled to purchase beef, salt, corn, or flour, with the funds of the Government, so as to insure a saving of thousands of dollars. I can employ a man to make the purchase of the beef, and to drive them to any point; and I can send the sub-agent to New Orleans for the other articles required by the treaty. Near the head of St. John's river there must be one place of deposite; and the other will be at Tampa Bay, or some other convenient point.

To allow eighteen cents for the ration (only allowing fifteen hundred rations per day) will cost the Government, for one year, ninety-eight thousand dollars. I am ready to perform any duty or service that will diminish the expense attending on this treaty.

Let some funds be deposited as early as possible at New Orleans; for, should I have to superintend the purchase of the rations, I wish to be about it in due time. Any directions you may think proper to transmit shall be strictly attended to. The six thousand dollars given by the treaty for the purchase of agricultural instruments and stocks of hogs and cattle, as well as the one thousand dollars given for the services of a black and gunsmith, and for tools, iron, steel, &c., should be placed at an early period under my control, so that these supplies might be procured; for the smiths' tools, ploughs, hoes, iron, axes, &c., by sending to the north, can be had on much better terms than in this southern country.

I have the honor, &c.

WILLIAM P. DUVAL.

Hon. J. C. CALHOUN, *Secretary of War.*

No. 11.

Extract of a letter from His Excellency William P. Duval, Governor of Florida, to the Hon. J. C. Calhoun, Secretary of War, dated

ST. MARK'S, July 12, 1824.

Last night a company of the 4th infantry, under the command of Captain Lear, arrived here. The temper of the Indians in this quarter demands the presence of some troops; and I now assure you that, unless a respectable military force is sent here by the 1st of October, the Indians will not move. They are now as busy in clearing land and building their habitations as if they were never to remove. Neamathla is assuming and insolent; he has threatened to drive off the white settlers. I must take some decided step with this chief: he is the only turbulent man in the nation. He is creating daily more and more dissatisfaction among the Indians. He has avoided me since my arrival here, although he was to meet me on a day appointed, which he promised, but failed to do. I have understood from Captain Lear that he has received orders not to move out of St. Mark's, or to send any detachment out, under any pretence. I consider these orders may prove very injurious to the public service; for, surely, as I am on the spot, something should be left to my discretion and judgment. The troops should act under my orders, or they are worse than useless at this point. Whatever step I take will be such as the soundest discretion and coolest and most mature reflection would require. But if a single chief should be fractious, or should, in a fit of rage or drunkenness, do mischief, I should certainly like to send a detachment and immediately arrest him. As to using any improper severity, that shall not be permitted. If a chief deserves punishment, I will call the other chiefs to try him. I regret that no sub-agent has yet been appointed: I shall want his services very much, and his presence will be required either at the deposite on St. John's river, or at Tampa Bay, to superintend the issues to the Indians. I am inclined to believe that many of the Indians in this region will go back to the Creeks, where they properly belong, sooner than go south.

I am, &c.

WILLIAM P. DUVAL.

No. 12.

Extract of a letter from Governor William P. Duval to the Secretary of War, dated

ST. MARK'S, July 12, 1824.

The estimate you require I herewith transmit to you. It is impossible to say whether there will be more or less than fifteen hundred Indians to feed daily. I am inclined to the opinion that there are not more and not many under that number. Many of the Indians in this section of Florida are from the Creek nation, and have removed into this country in the last three or four years. As they of right belong to the Creek nation, I shall encourage as many of them as I can persuade to return to their own country. I have drawn on you in favor of F. H. Nesbit for one thousand dollars, which you will of course deduct from the estimate. I shall contract for the cattle and hogs to be delivered at Tampa Bay in October, and I have ordered the tools of husbandry, to be brought from the north, to be distributed at the same time. I was anxious to pay Neamathla his five hundred dollars, which, by the last article of the treaty, you will see was to be paid to him. I have the money in silver for him. I should be much pleased if Colonel Gadsden would value the improvements under the treaty. He could do better than any one I can obtain, and would give more satisfaction to the Indians than any person known to them. All the chiefs have the highest respect for him, and unbounded confidence in his justice and impartiality. I shall write to the colonel immediately on the subject, and request you will aid me by your influence in this matter.

The Indians on the Appalachicola river behave very well; they seem anxious to follow all my directions, and are rapidly improving in their building fences and mode of cultivation. I have great expectations that they will improve in civilization even faster than was expected by those the most sanguine in their calculations on this subject. I cannot, before closing this letter, forbear to urge the appointment of a sub-agent, and that he be directed to report himself directly and without delay to me at Tallahassee. You may rest assured that all possible attention will be given by me to the execution of the Indian treaty, and that economy shall govern all my movements.

Extract of so much of the estimate of Governor Duval, referred to in his letter to the Secretary of War of July 12, 1824, as relates to rations.

To 500 rations, furnished daily at some point near Lake George, on the St. John's river, East Florida, at 12½ cents per ration, as the lowest estimate, commencing the 1st of October next,	-	-	\$22,817 50
To 1,000 rations, furnished daily at Tampa Bay, for the period of ten months, at the same price,	-	-	38,030 00
To 1,000 rations, to be furnished for two months, at St. Mark's, preparatory to the removal of the Indians from their lands, at the same price,	-	-	<u>7,605 50</u>

I shall be compelled to feed many Indians at this point [St. Mark's] until they start, and then all will draw provisions here for their journey.

No. 13.

The Secretary of War to Governor Duval.

SIR:

DEPARTMENT OF WAR, July 17, 1824.

Your letter of the 21st ultimo has been received. The proposals for furnishing rations to the Indians at eighteen cents, which you state are the most favorable that have been offered, are considered entirely too high, and should by no means be accepted.

The removal of the Indians having been deferred, at your suggestion, until the fall, sufficient time is afforded to obtain the supplies on better terms; and I would, therefore, advise you to publish the advertisement for them in the New Orleans, Milledgeville, and Charleston newspapers. Should there be no proposals made, after allowing a reasonable time for them to be sent in, offering more advantageous terms than those you have received, you will then adopt the plan which you propose, exercising your discretion as to the arrangements necessary to carry them into effect; which should, however, be so made as to keep the whole expense for provisions within the sum of \$65,000, the amount of the appropriation for that object.

On examining your printed proposals, I find they are not sufficiently explicit on some points, and enclose you a form. The time of the first and subsequent deliveries is left blank, which, of course, you will fill up as may be re-

quired. I fix upon Tampa Bay as the place of delivery, from the belief that provisions will be required only at that point. If they should, in your opinion, be required elsewhere, you will add such places specifically, so as to avoid the possibility of dispute with the contractor, by leaving the place of delivery at large. Three months' supplies have been required at the first delivery, so that there may be one month's supply on hand to meet contingencies. At the subsequent deliveries, (except the last,) two months' provisions will be required, which will always leave one month's supply on hand when such subsequent delivery is made. It is believed that the daily rations cannot possibly exceed two thousand five hundred, particularly as you will issue only half rations to children. It is thought they will fall far below it; consequently, I have fixed one thousand two hundred and fifty as a minimum. Should you see cause to vary their numbers, you may alter either extreme. By advertising in New Orleans, Mobile, Milledgeville, and Charleston, as suggested, ample competition for the contract will be secured.

It is necessary to be very particular, in issuing the rations to the Indians, and taking an account of them, so as to procure the necessary vouchers for settlement with the proper accounting officer of the Government. A descriptive roll should be kept of the number of Indians who may receive rations, distinguishing them by tribes, and the number of men, women, and children in each tribe, to whom rations may issue. None will be entitled to rations who do not remove. This roll should be duly certified by the agent to be correct. There being no sub-agent, you are authorized to employ a person to assist the agent in making issues, whose salary will be at the rate of \$500 per annum. In making the daily issues, the same forms in issuing and certifying should be observed by the agent as are used in the army. Any of the assistant commissaries will, if applied to, give you the necessary information for your guidance on this subject. The amount daily issued will be certified by the agent, and approved of by you, in consolidated quarterly returns.

It will not be necessary to purchase the implements of husbandry until the Indians have moved on the lands assigned them. As soon as this is done, the means for carrying into effect the treaty, in this respect, and for payment of the annuity for which it stipulates, will be placed at your disposal. Funds will also be placed at your disposal for the purchase of rations, as soon as you shall have transmitted to this Department an estimate of the probable amount that will be required for that purpose.

I have the honor to be, &c.

J. C. CALHOUN.

To His Excellency Wm. P. DUVAL, *St. Mark's, Florida.*

No. 14.

Extract of a letter from Governor Duval to the Secretary of War, dated

TALLAHASSEE, July 22, 1824.

I have the honor to inform you that I have this day made a contract with Benjamin Chaires, Esq., of St. Augustine, to furnish one thousand rations to the Indians under the late treaty—six hundred rations daily at Tampa Bay, and four hundred daily on St. John's river, at or near the mouth of the Okelawaha; the ration to be furnished at eleven and a half cents. Governor Clarke was present, and several other gentlemen, who offered proposals, but none so favorable to the United States were offered as those proposed by Mr. Chaires. I know the securities that he offers to be ample. As to the few rations which must be furnished at St. Mark's for the Indians who will quit their present possessions, and go to their reserves which are now unimproved, (to wit: Neamathla and his connexions, and the chief Emathlochee, who is to remove to the Appalachicola,) I have contracted for these rations at ten and a half cents. Captain M. Crupper has taken the contract, and offers good security. I have no doubt that the utmost reliance may be placed on the gentlemen who have taken the contracts. As soon as the securities shall sign the bonds, copies shall be transmitted to you. I beg, sir, you will direct the sub-agent to report to me as early as possible. The agent and sub-agent must attend at Tampa Bay, to receive the rations from the contractors, and to give them vouchers. Unless they do attend at the several points of delivery, it will be impossible for me to know how much is furnished daily to the Indians. If one thousand rations are not sufficient, daily, by the contract, on giving thirty days' notice, I can demand one thousand five hundred rations daily, if I find they should be required. Neamathla has conducted himself very strangely for some time past; he has threatened strongly to take up arms. He will not come near; he has ordered off some of the settlers, and certainly has created no small alarm among the people. I have ordered a meeting of all the chiefs at St. Mark's on the 25th instant, and will, in addition to the troops at St. Mark's, have sixty or seventy of the militia at the talk. I must take some decisive step with this chief immediately, or he will become, perhaps, troublesome, if not dangerous. I shall act with prudence, but I shall do whatever may be necessary to give security to our inhabitants quickly.

I again assure you that I am fully convinced, unless a respectable force is ordered here by the last of September, or first of October next, that the Indians will not leave this country. As the troops are to work on the road in this region, it would be good policy to have them at Tallahassee by the last day of September next.

No. 15.

Extract of a letter from Governor William P. Duval to the Secretary of War, dated

POST ST. MARK'S, July 29, 1824.

I have had some difficulty with the Indians in this quarter. They did not make an attack on our citizens, but they were extremely insolent, and made many threats. Their chiefs had, in some instances, killed our cattle and hogs. They also had gone with their men to several of our settlers, and ordered them off; they threatened to drive the people out of the country, and to make war on me. In short, the whole of their conduct was such, that I saw immediate hostilities must ensue, if they did not receive a timely check. The military sent to this post, not being under my command, (as I think they should have been,) were of no use to me in stopping the Indians in their course. I determined at once to call out the few men that reside in this quarter. They came as volunteers to the new seat of Government, well armed. In the mean time, I called the chiefs and warriors of the Appalachicola, to meet me at Judge Robinson's, about thirty miles from their towns. They all promptly attended, and were ready to act as I might order. This sudden movement so surprised the Tallahassee and Mickasuky Indians, that they hurried to meet me, and promised to obey my orders and to respect my authority. The chiefs were greatly alarmed, and I think they will be more circumspect in future; but I have but little confidence in them. The next day I took the interpreter with me, and went to Neamathla's town. I found there about three hundred warriors, and I saw many of them armed. I immediately went into their square yard, (which is their forum,) and gave them a talk, and or-

dered them all to meet me on the 26th instant at St. Mark's; and assured them that their ruin and destruction was certain unless they obeyed my orders. On the day appointed, about six hundred Indians attended at this place, and I delivered to them a talk that made considerable impression on them. I then appointed John Hicks, their head chief, to lead them south, to their land; and I selected the eldest son of King Hijah as his chief counsellor: these appointments the warriors confirmed. These chiefs are men of sense, and will execute my orders. I hope now no further difficulty will shortly occur with these people.

I have directed the Indians to prepare to move, and to be on their land by the first day of October next; at which time they will receive their rations.

The want of funds has impeded my operations; but, from your last letter, I trust soon to be relieved from that difficulty. I cannot omit to impress on you the importance of having a respectable force in this quarter by the 15th of September next. The Indians are restless, and much dissatisfied with the treaty. If the Big Swamp, near the north line, were given up to them, it would completely satisfy them. The chiefs insist that they have sent men to examine the country, and that their report is, the good land within their present boundary is insufficient. This is, in fact, the *only obstacle* on the part of the Indians; and as there are Spanish grants (newly made, I have no doubt) that cover this swamp, perhaps it would be best to let them have it.

I can now venture to say that the expense of carrying the treaty into effect will not exceed my estimate transmitted to you, and I hope to make it even less. I have not heard a word from the agent since May last, or about the first of June. The whole trouble of attending to the Indians in this quarter, and of issuing their rations, has been performed by me; the agent is, no doubt, engaged in discharging his duties about Tampa Bay. I will repeat to you that it is important for the public interests that the sub-agent should report to me as early as possible. He will have to repair either to St. John's river or to Tampa Bay, to attend to the rations to be issued to the Indians.

No. 16.

DEPARTMENT OF WAR, August 17, 1824.

SIR:

I have received your letters of the 12th ultimo, accompanied by an estimate of the expense of the rations to be furnished to the emigrant Indians in Florida, according to the late treaty. The estimate for the rations exceeds the appropriation; but the expense on that account must, by no means, be permitted to exceed the sum appropriated by Congress. I am decidedly of the impression that that sum will be found sufficient, as I cannot doubt, from all I can learn, that the estimate of the number of Indians in Florida is greatly exaggerated; and must believe that the meat and bread part of the ration will not cost twelve and a half cents, as you have estimated: a price exceeding the average rate of the complete ration throughout the United States. With those impressions, and the fact that children will receive but half rations, I cannot doubt but that the sum appropriated will be ample. I have, however, entire confidence in your judgment and zeal to serve the public, and that you will take such measures so to conduct the concentration of the Indians in Florida as will be most effectual and economical.

A requisition will issue, as requested by you, for (\$13,500) thirteen thousand five hundred dollars; that is to say, six thousand dollars, as provided for by the third article of the treaty; five thousand dollars, as provided for by the third article; two thousand dollars, as provided for by the fifth article; and five hundred dollars, being a balance due under the sixth article. This sum will be placed to your credit in the Bank of New Orleans.

You state that you have paid to Neamathla five hundred dollars under the treaty. On inquiring of the agent, I understood from him, verbally, that the same amount had been expended by his direction to purchase cattle, at the request of this chief. I directed the agent to make a report of this case; which, however, he has neglected. I fear there will be some embarrassment in the disbursement, as the appropriation provides only for five hundred dollars, and it will be impossible that both of you can receive a credit. This subject ought to be immediately attended to.

I cannot believe that the Indians can be so infatuated as to make any decided objection to the removal, and that the hostile disposition which they now show is intended to produce some relaxation in the terms of the treaty; but, when they find the Government is resolved to carry its provisions into effect, they will acquiesce without trouble, particularly as they are eminently beneficial to the Indians. It will be impossible to augment the number of troops now in Florida, unless it should become necessary to apply force to a much greater extent than I now anticipate. The officer commanding at St. Mark's has received instructions to consult with you, and to act under your directions.

Your draft in favor of Colonel Nesbit, for one thousand dollars, has been paid. The accounts and estimates of the agent will be rendered through you, and will be specifically approved by you. Punctuality in their rendition will be required. You are authorized to appoint a sub-agent for one year, at five hundred dollars per annum, payable quarter-yearly; you will report his appointment to the Department for confirmation. It is believed the services of a sub-agent will not be required after the Indians shall have been concentrated on their reservation. The agent has rendered a statement of his accounts, by which it appears he has advanced, under your orders, on a contract made by you with Mr. Chaires, the sum of three thousand dollars. It is proper you should be apprized that, under existing laws, no advances should be made; and that neither yourself nor the agent can obtain payment for the sum advanced, till the cattle are delivered under the contract and received for.

I have the honor, &c.

J. C. CALHOUN.

To His Excellency Wm. P. DUVAL, *St. Mark's*.No. 17.—*Extract*.

TALLAHASSEE, August 31, 1824.

SIR:

I had the honor, on the 29th day of July last, to inform you of the difficulties which had arisen with the Indians in this Territory, and the measures I had taken to enforce their submission. I received your letter of the 17th ultimo, by express, last evening, from Pensacola; and you will find by my former letters, which must have reached you before this time, that I have closed the contracts for supplying the Indians on terms highly advantageous to the United States. I enclose to you a copy of the contract entered into with Benjamin Chaires, Esq., a gentleman of high standing and character, who has the means of certainly complying, and will, I am confident, fulfil his contract. Some disagreement existed between Mr. Chaires and myself at the time the contract was made; but I determined to make the contract as you see it, and to submit to you the circumstances fairly, so that you might, if you deem it just, make the change in his favor which he believes he is entitled to expect. The person who made the lowest proposals was General Clarke, of Georgia, who offered to furnish the ration at Tampa Bay and the St. John's river at fourteen cents. A Mr. Parham offered the following proposals, (see the enclosed copy.) These last proposals only extended to St. Mark's and Tampa Bay; the security was not sufficient, even if the terms had been lower. I also enclose you a copy of Mr. Chaires's proposal, so you may at once judge of his claim.

Mr. Chaires admits that, at Tampa Bay, he is bound to furnish the ration at eleven and a half cents, which was offered by Mr. Parham; but as his (Parham's) offer did not extend to St. John's river, Mr. Chaires contends he should be allowed fourteen cents for the ration at that point—that being the offer made by General Clarke, and the lowest of all the proposals for the whole nation. I told Mr. Chaires I could not, nor would not, enter into any but the contract as it is written, but would submit the point in dispute to you. To this he at length agreed. Mr. Chaires returned to St. Augustine the day after the contract was signed by him, in order to get the securities to sign also. I know them personally; they are ample. I learn that Mr. Chaires will be here in a few days. Since, I have reflected more on this subject; perhaps, in strict justice, he should be allowed fourteen cents for the rations issued on St. John's river; certain I am he would not have made a contract for less than fifteen cents per ration, but for the reasons he has assigned in his letter of proposals on this subject. I can do nothing, however, but submit the matter to you; and by your determination Mr. Chaires will abide. Captain M. Crupper contracted to deliver the rations at ten and a half cents which I might want at St. Mark's, until the removal of that portion of the Indians who will go south. There are two chiefs and their followers (Emathlochee and Neamathla) who will have to remove from their present residence to their reserves of lands: these chiefs and their followers will be justly entitled to rations, as they will have to commence new settlements entirely. I do not believe that there will be more than one hundred and twenty in this section of the Territory who will be entitled to draw rations, and they will be furnished at St. Mark's. The whole number of rations daily to be issued, I now believe, will not much exceed one thousand one hundred. The Indians in this quarter have some violent quarrels among themselves; and, lately, two towns fought with clubs and knives, and several of them are maimed and severely beaten. I have interposed my authority to prevent open and deadly war among them, and expect to make them settle their dispute, and abide by the opinion of their steady old chiefs. Between the settlers and the Indians I have been constantly engaged in preserving order, whenever my health would permit. The duties which I have performed, and the exposure to the hot sun and rain in a wilderness such as this, have seriously injured my constitution. I have, for several weeks, been wholly unable to quit my cabin, and much of the time confined to my bed. I mention this as my apology for not writing more fully to you on the subject of the contracts I have made.

Since my arrival at St. Mark's, I have continued to issue rations partially to the Indians. I purchased pork, flour, and salt, and had their rations issued under my own eye; but, finding that the little pork, flour, and salt which I had purchased for this purpose cost too much, I made an agreement with Captain M. Crupper to furnish, from time to time, the rations which I might want at twelve and a half cents, until the 1st day of August, when I expected to issue rations regularly to the Indians entitled to draw until their removal. This was done, also, under my own view, until the 1st of the present month, when the ration, by contract, was to be furnished at ten and a half cents; and they have been regularly issued at that price, under my inspection. The want of the services of the agent, or any one to assist me, has imposed heavy duties on me, and engrossed the whole of my time. The \$6,000 which, by the treaty, was to be laid out in purchase of stock, cattle, &c., as well as the \$1,000 for a gunsmith and his tools, \$2,000 for transportation, and the \$4,500 to be given for compensation for Indian improvements, will be wanted as early as possible; the \$6,000 for the purchase of stock cattle is not a part of the annuity, as I understand the treaty. It will be time enough to remit the annuity some time hence.

I have the honor, &c.

WM. P. DUVAL.

The Hon. JOHN C. CALHOUN, *Secretary of War.*

[Accompaniments of No. 17.]

SIR:

JULY 20, 1824.

In pursuance to your notification to receive proposals for furnishing the Florida Indians with rations for one year, I beg leave again to offer to contract for supplying them. I will furnish the entire rations, as required, of beef, corn or flour, and salt, for fifteen cents per ration; or, under the peculiar situation in which I am placed, (having, as I believed, obtained the contract from the Indian agent, and having, with his advice, made extensive purchases of provisions for the fulfilment of said supposed contract, which must inevitably perish on my hands, and considerable loss and injury be sustained by me,) should the contract now be refused me, under all these circumstances, I will further offer to furnish said rations as low, or for the same price which may be offered by any other person or persons, for each and all the component parts of said rations; or, should your excellency be of opinion that my situation entitles me to no preference, I will further offer to furnish the said rations for one-twentieth part of a cent less than any other person or persons who may offer, and who may offer good and sufficient security for the fulfilment of the contract.

From the observation which you made, of your intention to divide or sever the contract, permit me to say, that my proposal is intended only for Indians who are to be located in East Florida, or on the eastern side of the Suwanee river.

I heretofore offered as my securities John Bellamy, Edward R. Gibson, John Y. Garey, and Francis I. Ross, who were by the agent considered sufficient, and who are again offered; but should your excellency be of opinion that the abovenamed persons are not sufficient, you may rest assured that any other or further security will be given which may be by you required.

I am, very respectfully, your most obedient servant,

BENJAMIN CHAIRES.

His Excellency WM. P. DUVAL,

Governor of Florida and Superintendent of Indian Affairs.

Know all men by these presents, that we, Benjamin Chaires, John Bellamy, Edward R. Gibson, John Y. Garey, and Francis I. Ross, all of St. John's and Duval counties, in the Territory of Florida, are held and firmly bound unto the United States of America in the penal sum of one hundred thousand dollars, which, well and truly to be paid to the United States of America, we bind ourselves, our heirs, executors, and administrators, jointly and severally; as witness our hands and seals, this 22d day of July, 1824.

The condition of the above obligation is such, that the said Benjamin Chaires has contracted to deliver to the Indian agent or sub-agent of the Florida Indians, or such other person as the Governor of Florida may appoint, six hundred rations, for the use of the Florida Indians, daily, at or near the military post at Tampa Bay, in the said Territory; each ration to be one pound and a quarter of fresh beef, or three-quarters of a pound of good salt pork, one quart of corn, or one pound of good flour, and one quart of salt for every hundred rations. And the said Chaires is also to select the most convenient high ground which can be travelled to from the interior of the country above, at, or near the mouth of Okelawaha river, a branch of the St. John's river, as the point where he will issue

four hundred rations daily, or in such manner as the agent or person acting may consent to, under the direction of the Governor of Florida, (a ration to be composed of the proportions as before mentioned,) for the use of the emigrant Florida Indians in that quarter. The said Chaires, at either of the aforesaid points, is never to have less than thirty days' provisions on hand, nor more corn or flour than sixty days' rations, (except at his own risk.) The said Chaires is bound to put up such buildings as will secure the said provisions from the weather and depreciations, at each of the aforesaid points. The issues of the said rations may be increased in number to fifteen hundred per day, at the option of the superintendent, or on the order of the Secretary of War, by giving to the said Chaires thirty days' notice. The United States, on their part, by their agent, William P. Duval, bind themselves to pay to the said Chaires eleven and a half cents for each ration as aforesaid issued and delivered to the agent authorized to receive the same, provided no more rations are issued per day than are agreed for by this contract. And the agent is authorized to give to the said Chaires vouchers for all such rations.

The said Chaires shall commence the issue of the rations at Tampa Bay, and on the St. John's river, at the point aforesaid, from the 10th day of next October; the issues on the St. John's to continue one year, and those at Tampa Bay ten months, from the 10th day of next October, and no longer. William P. Duval, as the superintendent of Indian affairs, will, at the end of every sixty days, as the rations are issued, upon proper vouchers, pay to the said Chaires the amount that may be due to him for rations up to that time. But in the event of a failure on the part of the said Chaires to comply with this contract, either in the whole or in part, then, and in that case, the said Duval shall procure the rations on the best terms he can obtain them.

When these conditions are complied with, then this obligation is to be void; otherwise, it shall remain in full force and virtue.

BENJAMIN CHAIRES.

SIR:

FORT ST. MARK'S, July 18, 1824.

I will furnish and deliver, at this place and Tampa Bay, as many rations as you may require for the use of the Indians, at eleven and a half cents per ration. The ration to consist of fresh beef or salt pork, corn or flour, and salt.

I offer Jesse Bird and Martin Hardin for my security.

R. PARHAM.

To WM. P. DUVAL, Governor of Florida.

No. 18.

From the Secretary of War to Governor Duval.

SIR:

DEPARTMENT OF WAR, September 11, 1824.

You have been informed, by my letter of the 17th ultimo, that a requisition for \$13,500 had issued in your favor for the objects specified in your letter of the 12th July preceding. On examining your estimate for rations, of the same date, it was found to exceed the sum appropriated by Congress, \$3,453. It was not possible, therefore, to make the remittances as requested by you, under that estimate. Moreover, if the estimates had not exceeded the appropriation, the regulations of the Department requiring that the remittances should be upon quarterly estimates, and no such estimates having been received, no remittances, for the want of the proper information, have been, because they could not (consistently with those regulations) be made. I have been waiting till now, in the expectation of receiving such estimates; which having not yet come to hand, and apprehending that inconvenience might result from any further delay, I have this day issued a requisition in your favor for \$12,650 50; \$5,000 payable at Charleston, and \$7,650 50 at New Orleans.

No further remittances can be made but upon quarterly estimates furnished by you, agreeably to the regulations; and these it will be essential to keep within the sum appropriated by Congress.

Colonel Gadsden is appointed commissioner to value the property which may be abandoned by the Indians, under the fifth article of the treaty. His commission and letter of instructions are herewith enclosed.

I have the honor, &c.

J. C. CALHOUN.

To His Excellency WM. P. DUVAL, Pensacola.

No. 19.

TALLAHASSEE, October 1, 1824.

SIR:

On yesterday I had the honor to receive your letter of the 17th of last August, and confess that some remarks in it surprised me greatly. In the first place, I assure you the agent did not pay one cent, either in money or cattle, to the chief Neamatla, although he informed me he had funds in his hands. (I believe he said you had authorized him to draw for \$6,000.)

I did order the agent to pay this chief, and was much disappointed when I found, on my arrival here, that it had been neglected. You state, "The agent has rendered a statement of his accounts; by which it appears he has advanced, under your orders, on a contract made by you with Mr. Chaires, the sum of \$3,000." There must be, surely, some great mistake in this matter; for I never made a contract with Mr. Chaires, (except for the rations, which was long since the agent left this part of the country, and on which I did not advance him a cent, or agree to do so;) nor have I ever heard from the agent that he paid the sum of \$3,000 to Mr. Chaires, or that he had made any contract with him or any other person for the purchase of stock cattle. Long since the agent left this part of the country, I was informed, by a letter from Mr. Chaires, that he had made a contract with the agent (Colonel Humphreys) for stock cattle; but he never informed me that the agent had paid him one dollar in advance. Nothing more is known to me of the contract, nor has the agent made any report to me of the fact, although he wrote to me on the 26th July from St. Augustine. A copy of his letter I enclose to you. The agent has never, as I now recollect, presented any of his accounts to me for examination or approval. I have been always ready to attend to my duty in this respect. The agent received from me written instructions on the subject of receiving proposals, on the 23d of May last, for furnishing of the rations to the Indians, as well as on the subject of contracting for stock cattle. My instructions directed him only to receive proposals, and to transmit them to me; and if any of the proposals should be approved of by the proper authorities, the party would be duly informed, &c.

Enclosed is a copy of a letter from the agent, dated St. Mark's, 1st June, 1824; and, also, a copy of a letter dated Tallahassee, 31st May, 1824, from Mr. Chaires to the agent. Mr. Chaires's proposals I would not accept

at eighteen and one-quarter cents, as I informed you. I also enclose to you an extract of that part of my instructions to the agent on the subject of purchasing stock cattle. My reason for allowing the agent, at his discretion, (if it was necessary to do so,) to advance \$3,000 for the stock cattle, was, that few men could purchase and incur the expense of driving a large herd of cattle so far into the interior; and those who had the means to make, would not, perhaps, engage in the contract. It is very important to act promptly with the Indians, in paying up what they claim under the treaty, without delay. The very circumstance of the Indians learning that their agent was purchasing stock cattle for them, to be driven within their boundary, would induce many of them to remove cheerfully, who at the time were much dissatisfied. Besides, I was confident, if the contract was made for cows and calves in the spring, to be delivered this fall, that a very considerable advantage would accrue to the Indians, as the cattle would be growing for six or seven months at the risk and expense of the contractor. Under this view, I gave the instruction just in the words written, which is all that was given on this part of the subject. If the five chiefs had gone with the agent to Washington, and which I desired, it would have answered a good purpose. You well know that, during the absence of the chiefs, the Indians would not have acted the least improper; the chiefs would be, by the nation, considered as hostages in our hands for their good behavior—until their return, at least. Hence I wished the leading chiefs to visit you. It would have allowed me time to make, in peace and quietness, all my contracts for their removal, and at the same time you would have made an impression on the chiefs that would have confirmed them forever as our decided friends; but as the chiefs failed to go, and as the Indians were ready to take up arms, the agent should never have left the Territory without permission, under such circumstances.

I believe you will be perfectly satisfied with my arrangement and economy in executing the treaty; and whatever I do shall be performed with a single eye to the public interest.

I am, respectfully, &c.

WM. P. DUVAL.

Hon. J. C. CALHOUN, *Secretary of War.*

[Accompaniment to No. 19.]

An extract from the written instructions delivered by the Governor of Florida, on the 16th of May, 1824, to Colonel G. Humphreys, Indian Agent of the Territory of Florida.

If you find it necessary, to enable the person whom you may contract with to furnish the stock cattle to the Indians, according to the late treaty, you may advance to him such sum as you may have at your disposal, (not exceeding \$3,000,) on his giving bond and ample security for the faithful performance of his contract.

[Accompaniment to No. 19.]

Colonel G. Humphreys to His Excellency William P. Duval, Governor of Florida, &c. dated

DEAR SIR:

ST. AUGUSTINE, *July 26, 1824.*

After waiting at Tampa Bay until the 17th instant for an answer to my application to you for a short leave of absence, without receiving one, I was led to the conclusion that your messenger had failed on the way; and believing your letter, if received, would favor my wishes; and believing, also, that the indulgence (although, in some degree, conditional) contained in your letter of instructions of the 16th of May, might, in the exigency of my case, be embraced without impropriety or injury to the public service, I am induced to proceed, without further delay, to the north; where, by recent letters, I learn that my presence is much required in a business matter of considerable importance to me. I shall, however, go by the way of Washington city, and be governed by such information or instructions as I may there receive from the Secretary of War. I have not now time to make a detailed report of my tour into the Indian country from the bay. I can only say, that the land, throughout where I visited, is wretchedly bad; and, in my opinion, cannot long sustain the Indians, should any considerable number come from the west.

I am truly sorry to differ so widely in opinion from Colonel Gadsden, for whom I have the highest respect; but I conceive, to withhold the expression of my sentiments on this subject (although they are unasked) would be to fail in my official obligations, and might possibly hereafter subject me to unmerited censure. I am further urged to the avowal from an interview I had a few days since with Miconopy, Jumper, and other chiefs, near Okihumky. It seems evident that that article in the treaty providing for an extension of the northern boundary will be insisted upon by the Indians; and I feel 't a duty to state, a failure in this particular on the part of the Government will produce much dissatisfaction among them, and may lead to serious difficulty. It is due to the Indians, however, to say, that, as far as can be ascertained, they are perfectly pacific in disposition, and appear to place great reliance on the justice and fidelity of the United States.*

I cannot close this letter without doing an act of justice to Colonel Gadsden, in declaring my belief that the story told me by Neamathla, of the colonel having advised him against the journey to Washington, is destitute of foundation in truth, and that it is a tale fabricated by the old man to justify his own discrepancy; this I judge, from discovering on the subject a sort of concert between him and the chiefs south. This is evident, though each avows ignorance of the other's sentiments, and says he cannot act in the case without a meeting; thus clearly manifesting a wish to avoid the measure. But whether this proceeds from aversion to extend their acquaintance with the whites, or a fear of being entrapped, (as has been intimated to me,) I am unable to say; the latter is very possible, as they have still fresh in recollection the treachery practised on their nation, on a somewhat similar occasion, by the Spanish Government, at St. Augustine; and they are not thoroughly capable of making a proper distinction between that Government and the one under which they now live. I will write again from Washington.

I am, with the highest respect and esteem, your obedient servant,

G. HUMPHREYS, *Indian Agent.*

His Excellency WILLIAM P. DUVAL, *Governor, &c. of Florida.*

[Accompaniment to No. 19.]

From G. Humphreys to Governor Duval.

SIR:

ST. MARK'S, *June 1, 1824.*

Enclosed, herewith, I have the honor to transmit to you all the proposals made for supplying the Indians, according to the treaty, with beef, flour, corn, and salt.

Those of Major B. Chaires, of St. Augustine, taking into view the amplexness of his security, in connexion with the lowness of the price at which he offers to furnish the supplies, I could not hesitate to consider "the best," and

have, therefore, under your instructions of the 16th ultimo, advised him that his proposal for the entire ration will be accepted, should this mode of supplying be approved by the proper authority. Accompanying this, you will receive a copy of his letter in reply. The proposal of Mr. Robert Mitchell, of Pensacola, for the salt and flour part of the ration, would have been accepted as the lowest, had it not been saddled with provisos and conditions foreign to my advertisement, and had the requisites of that advertisement, in relation to security, (which Mr. Mitchell was well aware of,) been complied with. As it is, however, whatever confidence I might have in his declaration of ability to guaranty the performance of an engagement of such magnitude, I could not feel myself authorized or warranted to jeopardize the interests of the country, or the comfort of the Indians, by leaving the supplying of provisions to depend upon a contingency so precarious and unpromising, particularly as an opportunity presented to place the contract for the whole ration upon terms which appear highly advantageous to the Government, in the hands of an individual whose responsibility and qualifications are unquestionable and without exception.

With respect, &c.

G. HUMPHREYS, *Agent for Indian Affairs.*

His Excellency W. P. DUVAL, *Governor of Florida.*

I have never had an opportunity of writing or communicating with Colonel Humphreys since the date of this letter.

WILLIAM P. DUVAL.

[Accompanying No. 19.]

SIR:

TALLAHASSEE, *May 31, 1824.*

I have just received your note, informing me that my proposal for furnishing the entire ration for the Indians was the lowest, and accepted.

I presume neither the Governor nor yourself will doubt that my best exertions will be used to comply fully with the contract. Permit me to remark, however, that this contract, in the way which it has to be filled, is unwieldy, and no time ought to be lost. I hope the Governor will say, as soon as convenient, to whom the bond shall be given for the fulfilment of it; until that is done, and the contract formally entered into, it will be hazardous for me to purchase cattle, which must be brought from Georgia, or to make the necessary arrangement for the purchase and shipping of corn and salt. I shall, nevertheless, risk the consequences, and commence making the arrangements necessary to be made, and continue so doing until advised to the contrary.

Houses for the reception of the corn and salt must be prepared, which, I presume, will be done under your direction, at the expense of the United States. You will oblige me by stating whether my impressions are correct or not on that point. Should that be considered my duty, please let me know where they must be fixed.

Very respectfully, your most obedient servant,

BENJAMIN CHAIRES.

Col. GAD HUMPHREYS, *Agent Florida Indians.*

No. 20.

Extract of a letter from His Excellency W. P. Duval, Governor of Florida, to the Honorable J. C. Calhoun, Secretary of War, dated

TALLAHASSEE, *October 2, 1824.*

The object of this letter is to explain to you my objects and views in relation to the removal of the Indians, as well as the reasons for their immediate payment, under the treaty, of such sums as can be paid with justice and propriety before their removal. You have long since been apprized that the Seminoles were very much dissatisfied with the treaty. I therefore deem it prudent, before their removal, to pay them for their improvements according to the treaty, valued as you have directed. I intend to call the Indians to St. Mark's, and to pay them, and furnish as many rations at that point as will serve them on their march to the country assigned them. I have held out, as an inducement for the Indians to go in canoes by water, and thus provide for their own transportation, a certain sum of from five to ten dollars for each canoe they should make for this purpose, which should be paid by me to the individuals who made them, after the acting sub-agent should see these canoes, and report the size and number of them to me. I expect perhaps forty or fifty canoes will be ready in three weeks. I find it very difficult to purchase a horse of any kind here; and, as some must be had, I shall send a man to procure a few in Georgia. The stock cattle intended for the Indians south, will be driven there as soon as I can ascertain any contract has been made for them. The gunsmith (who should also be a blacksmith) I will procure, if the agent does not. The ploughs, hoes, axes, &c. will be sent to Tampa Bay, as soon after the removal of the Indians as a vessel can be had to transport them from Pensacola, where these articles have just arrived according to my order. The Appalachian Indians, being stationary, ought to have their part of the \$6,000 paid to them immediately, and, also, their share of the annuity. I have, therefore, made engagements to have them furnished with cattle and some sheep, as many of them now spin, and several of them weave; and also ploughs, &c., amounting to \$800, which was the sum allowed to them out of the \$6,000, and was much less than it should have been. Of the annuity, the Appalachian Indians should be allowed \$1,500 per year; for, on the reserves, there are 249 men, besides their women and children, and they are at least one-fourth of the whole population. Besides, these people will receive no benefit from the school, or the gun and blacksmith. I hope, therefore, as the power is with the President to say what proportion of annuity shall be given to them, that the facts above stated will have their due weight.

You will see by the contract which I made with Mr. Chaires for the delivery of the rations, that he was to issue only for ten months at Tampa Bay: my reason for this was, that, by furnishing the Indians in this quarter with rations, it would induce them to sell out their crops, and add to the inducements for them to remove; besides, the ration is furnished by Captain Crupper one cent cheaper than those furnished by Mr. Chaires.

This step, I feel confident, was as judicious as prudent, and I daily see the effects anticipated. I have not, as yet, paid Captain Crupper, who has furnished all the rations at St. Mark's up to this time, one cent. On referring to your letter of the 20th of last April, you acknowledge the receipt of my letter of the 25th March, enclosing the estimate of expenses on account of Indian affairs under my superintendency, for the first two quarters of the present year, which you say is admitted.

I have sent to New Orleans for the money mentioned in your last letter, intended for the objects mentioned therein, and amounting altogether to \$13,500. This was absolutely necessary, as paper money will not be received by the Indians, and the silver could not be had short of New Orleans. The moment I receive the specie, it shall be paid over to the Indians, and they forthwith shall march to their future residence. This will be about the last of this month. You may rest perfectly satisfied that the *appropriation*, under no state of things, shall be exceeded; but every attention shall be given to the reduction of the expenses, consistent with justice and good faith to the Indians.

No. 21.

From the Secretary of War to Governor Duval.

SIR:

DEPARTMENT OF WAR, *October 8, 1824.*

I have received your letter from Tallahassee of the 31st of August last.

It would have been better if Mr. Chaires, the contractor, and yourself, had agreed definitively upon the price of the ration, instead of referring it to the decision of the Department. You have, however, so unequivocally expressed your recommendation that an increase upon the delivery at St. John's river, to fourteen cents, be allowed; and the offer by General Clarke being for that price, and no person having offered for less, I have concluded to approve of your recommendation to allow fourteen cents the ration, for the number which may be delivered under the contract at St. John's, deducting the one-twentieth part of a cent, according to Mr. Chaires's own offer. The delivery at Tampa Bay and St. Mark's will be at the contract price, to wit, eleven and a half cents per ration. You will forward to the Department the original contract, certifying to the solvency of the securities, and retaining for yourself a copy.

I received two letters from you, each dated the 12th July. In one, you say "you will appoint a disinterested and suitable person to ascertain the value of the improvements that may be abandoned by the Indians, &c.;" in the other, you "should be much pleased if Colonel Gadsden would value the improvements under the treaty. He could do better than any one I can obtain, and would give more satisfaction to the Indians, &c." On this recommendation, I accordingly appointed Colonel Gadsden, as per letter of instructions and commission forwarded to him through you, as per my letter bearing date the 11th ultimo.

I have no objection, however, to your appointment of Mr. Bellamy, provided you can make the proper arrangements with Colonel Gadsden; in which case, the allowance to Mr. Bellamy will be the same as that proposed to be made to Colonel Gadsden. Your instructions under your letter of appointment are approved.

I have issued requisitions in your favor, under the several heads of appropriation to carry into effect the treaty with the Florida Indians, for \$26,105 50; \$12,604 50 of which being on account of the expense of rations. On the receipt of your quarterly estimates, further remittance will be made, according to the information conveyed in my letter of the 11th ultimo. The remittance for Indian improvements will be made when the report of the commissioner is received and approved.

All remittances on account of the Indian Department are required to be made on estimates of the superintendent. You will attend to this in future.

I have issued my requisition in your favor, on account of expenses of your superintendency, for \$2,000, to be accounted for in your returns.

I have the honor, &c.

To His Excellency WILLIAM P. DUVAL, *Tallahassee.*

J. C. CALHOUN.

No. 22.

Extract of a letter from Governor William P. Duval to the Secretary of War, dated at

TALLAHASSEE, *October 26, 1824.*

The requisition for \$13,500, mentioned in your letter of [11th ultimo,] and the draft for the same on the Branch Bank of the United States at New Orleans, were received, and duly acknowledged.

I had long since applied to Colonel James Gadsden to value the Indian improvements; but the death of his venerable father, and his private affairs, induced him to decline acting. I therefore appointed John Bellamy, Esq., a gentleman of known reputation and standing, who has performed this disagreeable duty. The difficulty of reconciling the Indians to the late treaty, and to restrain them from outrage, has not been inconsiderable; but to persuade and threaten them into a peaceable removal from this truly delightful country required the exercise of uncommon patience, time, and prudence. I now believe, confidently, they will go without force, but evidently with reluctance. I hesitate not to aver that, even now, were I to leave this country, not one would move. When it is recollected that the Florida Indians never were controlled until the United States took possession of this country, and that, even since, they have not, for the greater part of the time, had either an agent or sub-agent with them to inform and reduce them to order, it must be obvious that my duties have been as arduous as they are unpleasant. Many of the Indians speak of joining the Creek nation; and my opinion is, that several hundred will go north. I have not dissuaded them from this step, or encouraged them to leave the Territory. That portion of the annuity which is to be distributed among the Indians who are to remove south, to the lands allotted to them under the treaty, will not be given to them until their removal. This will be an inducement to hasten their march, as they are informed by me that, until they are located, no such distribution will be made.

I consider it would, however, be just and proper to pay them for their improvements on the eve of their departure. These people are extremely poor—more so than any Indians in all the southern country. The money distributed to them for their improvements will furnish them with blankets, and such things as will render them comfortable, in some degree, on their march, and will give them a stronger desire to share the annuity. I have, therefore, sent to New Orleans for the specie, to meet this object, and to provide them transportation, (for they will not receive any paper money,) and it is expected in eight or ten days.

In my letter of the 2d day of October last, the reasons were assigned for my not contracting for the delivery of rations at Tampa Bay for a longer period than ten months. The Indians, by receiving rations at St. Mark's, have been induced to sell their crops, and, whenever the issues are stopped, they will be compelled to remove.

The commission and instructions to Colonel Gadsden are received, as well as the drafts for \$12,650 50; \$5,000 payable at Charleston, and \$7,650 50 at New Orleans.

The certified returns of the rations that have been, and will be, delivered at St. Mark's, will, as soon as the final meeting with the Indians is over, be transmitted to you.

I have, according to the power given to me by your letter of the 17th day of August last, appointed Owen Marsh, Esq. acting sub-agent for one year, from the 1st day of September last; and he immediately entered on the duties of his office, and has continued to act much to my satisfaction.

I have but lately returned from the Appalachicola river, where I was compelled to attend to receive some stock, cattle, and sheep, for the Indians residing there; and on the 10th of November next the residue of the stock will be delivered to them: for all that I contracted for were not delivered on the 15th of this month, as I had expected.

These Indians are more civilized than any others in Florida. The sheep were purchased at their own solicitation, in lieu of hogs, of which they have large stocks. The houses and fields of these people are equal to the best of the improvements among the white people in this section of Florida.

While writing this letter, I received one from Colonel Gadsden, in which he informs me that he has resigned his seat in our council, and would not be in this quarter shortly, as he intended to complete the survey of the land allotted south to the Indians. I therefore took the liberty of opening your letters of instruction to him, relating to the valuation of the Indian improvements, and find that my instructions to Mr. Bellamy differed from yours so far only as the naming of the individuals that are to receive compensation. I directed the valuation to be made of each town. I was influenced in giving this direction, by knowing that many of the southern Indians *have no name*. The chiefs are named, but common men, generally, must perform some serviceable act before they receive any name. It is, with them, a mark of honor: hence it will be impossible, in many instances, to obtain the name of the Indians.

I intend to pay them off by towns, and will require each chief of a town to sign the receipt for the money paid to the Indians of his town for improvements: this is the only way that this business can be satisfactorily performed. After the number of houses and the improvements are ascertained and valued, the chiefs can then point out the men who are entitled to compensation, so that he cannot impose on me more than the number I have had valued; and it will be to his interest to give satisfaction to those men who are alone entitled to compensation, by personally calling them up before all the town to receive payment.

No. 23.

From Governor Duval to the Secretary of War.

TALLAHASSEE, November 2, 1824.

I have been obliged to hire an express to carry some instructions to St. Augustine and Hamley's old store relative to the issue of rations on the St. John's river to the Indians, and send by the same conveyance my several communications herewith enclosed. Not having received any report from the agent of his return to Florida, and understanding that he is confined in New York by ill health, I have appointed Samuel Garey, Esq., of St. Augustine, to attend at Hamley's old store, on St. John's river, to the issue of rations to the emigrant Indians who may be most convenient to that point. I send you a copy of my letter and instructions to Mr. Garey. I hope in a few days to have all the Indians on their march south, who intend to go in that quarter.

I am, most respectfully, your obedient servant,

WILLIAM P. DUVAL.

Hon. JOHN C. CALHOUN, *Secretary of War.*

[Accompanying No. 23.]

From Governor Duval to Samuel Garey.

SIR:

TALLAHASSEE, November 2, 1824.

Having understood that the agent of Indian affairs for the Territory of Florida is confined by sickness in the State of New York, and it being uncertain when the state of his health will permit him to return, I have therefore determined to obtain your services to superintend the issue of rations at Hamley's old store, on the St. John's river. I enclose to you an extract of a copy of a letter from the Secretary of War, to which I beg leave to call your particular attention.

You will be able to procure the forms mentioned in his letter by application to the proper officer now stationed at St. Augustine, and the utmost exactness and attention in making out your returns will be required. In addition, I also transmit you instructions intended for your government in the discharge of your duties, as also for the acting sub-agent at Tampa Bay; and it will be proper for you to communicate with him frequently, which you may, no doubt, readily do through Mr. Chaires, who will be often passing between the two places.

Your compensation is not fixed; and all I can say at present on the subject is, that no doubt is entertained but that the Secretary of War will allow you what is reasonable. He will be immediately made acquainted with your appointment. I hope that nothing on your part will be wanting to give satisfaction to the War Department and to the Indians concerned.

I am, respectfully, &c.

WILLIAM P. DUVAL.

SAMUEL GAREY, Esq.

If you accept, and will discharge the duties required, you must not lose a day in repairing to your station on the St. John's river, at Hamley's old store.

W. P. D.

[Accompanying No. 23.]

Instructions to regulate the issues of rations at Tampa Bay and Hamley's old store, on the St. John's river.

1st. You are to issue no rations to any but to emigrant Indians, and those only who have removed and continue to reside within their boundary. Children are to have only *half rations*.

2d. According to the instructions herewith enclosed to you from the Secretary of War, you will keep a regular roll of all the emigrant Indians, according to the form used in the army, which you will certify once in two months, and deliver them over to Mr. Chaires, taking care to keep duplicate copies, (at least two,) which at different times you will transmit to me, or the acting Governor in my absence. The utmost care must be taken to prevent any Indian from drawing more than his rations, and never issue but to those who are present, unless the chief of the town himself attends; in that case, you will then issue for the number of his town. But, in all cases, you must first ascertain the number of each town or tribe; and you will direct them all to attend at once, so that you may *count them yourself, and prevent fraud* or imposition. You are, under no pretence whatever, to issue more than four hundred rations daily at Hamley's old store, on the St. John's river, and six hundred rations daily at Tampa Bay. At the first place, the rations will issue for twelve months from the 10th day of October last. At Tampa Bay, the rations will issue on the same day, but continue only ten months.

3d. If less rations should daily issue at either place than are contracted for, and more should be required at the other, the supernumerary Indians at one point should be sent to draw rations at the other. After understanding what number draw rations, if in the whole they exceed 1,000, I must be informed as early as practicable of the number who are justly entitled to draw.

4th. As the rations have been due at both points since the 10th of October, 1824, the back rations will *supply all the Indians who may be entitled to draw* for a considerable time, even if there should be 1,500.

It will be prudent not to issue all the back rations until you can ascertain the whole number who claim rations at each point of deposite; and, according to circumstances, you will act as may seem best in the distribution of these back rations.

5th. Whenever you ascertain the whole number of any town or tribe entitled to draw rations, you will issue to the town so much beef, on foot, as they will receive of their rations, not exceeding sixty days, if they will take it; and as much salt, and corn, or flour; but the Indians must not be forced to receive more of either at one time than they are willing to take, and never more than sixty days' rations must be issued at any one time, and no more should then be issued until the expiration of the sixty days.

These people are so careless and improvident, that it will be improper to make any issues for more than sixty days, and none must be allowed for a longer period.

In order to ascertain the weight of the beef, you will kill one of the smallest and one of the largest, and take the average weight.

It will not answer to keep the Indians on the ground to draw their rations daily; for they would, in that event, make no fields, and their idle habits would be too much encouraged and confirmed.

With the contractor, Mr. Chaires, you may make any arrangement as to the issues, not inconsistent with these instructions or his contract; and if, by experience, any change for the mutual benefit of all parties can be made, you will, from time to time, inform me or the agent, Colonel Humphreys, so that he may in his discretion act as he may think prudent.

You are not to permit any spirituous liquors to be sold at the place where the rations are issued; and it will be considered as a part of your duty strictly to guard against the sale of liquors to the Indians in your vicinity, and, where the law is violated, to inform the agent of the facts.

WILLIAM P. DUVAL.

No. 24.

From the Secretary of War to Governor Duval.

SIR:

DEPARTMENT OF WAR, *December 3, 1824.*

Your two letters of the 1st and 2d of October last, together with an extract from yours of the 16th May to Colonel Humphreys, the agent, authorizing him, in his discretion, to contract for stock cattle, and to advance, if necessary, on account thereof, a sum not exceeding \$3,000, together with copies of correspondence between you and Colonel Humphreys and Major Chaires, are received.

I am satisfied that, in authorizing Colonel Humphreys to make the advance above referred to, you consulted the public interests; and I would have no hesitation in approving it, were it not that the act of Congress, approved 31st January, 1823, provides that "no advance of public money shall be made in any case whatever," which puts it wholly out of my power to sanction it. The adjustment of this advance, therefore, will be an affair between yourself and the agent, in which I take for granted there will be no difficulty. You will receive a credit for it when your accounts show that the cattle for which this sum was paid have been delivered. I have directed the agent to report himself forthwith to you.

Confiding in your discretion, and in compliance with your request, I have issued a requisition in your favor for \$4,500, the amount appropriated to pay for the improvements which the Indians may abandon. You will be particular in its application, upon the returns of the commissioner appointed to value the improvements.

Your plan of providing canoes for the transportation of the Indians appears judicious. It is, no doubt, more convenient than would be the cost of horses. It is approved.

You will apportion the annuity among the Indians according to their numbers, giving to the Appalachicolas whatever may, upon this basis, fall to their share.

Since the remittance of the 17th August of \$13,500, I have issued a requisition, on the 11th September, for \$12,605 50, of which you were informed, and which has, I presume, been transmitted by the Treasurer: thus anticipating your demand for funds for the expenses of the Indian Department, and for other purposes.

I have this moment received your letters of 26th October and 2d of November, together with the estimates for rations for the first and second quarters. Your appointment of Mr. Bellamy to value the property, and that of Mr. Garey to issue the rations in the absence of the agent, are approved; and you will pay Mr. Garey at the rate of \$500 per annum (the salary of a sub-agent) during the time for which he may be employed, and enter it as an item in the expense of issuing the rations.

Your report of your proceedings, so far, is satisfactory.

I am, &c.

JOHN C. CALHOUN.

His Excellency WM. P. DUVAL, *Pensacola.*

No. 25.

From Thomas L. McKenney to Governor Duval.

SIR:

DEPARTMENT OF WAR, OFFICE INDIAN AFFAIRS, *January 28, 1825.*

I have the honor to inform you that a requisition was issued in your favor on the 3d instant for \$7,000, which, it is presumed, has been remitted to you from the Treasury.

Of this sum, \$5,000 is to be applied to the payment of the annuity to the Florida Indians, and \$2,000 to carry into effect the provision of the treaty relative to a school and a gunsmith for the present year.

The press of business in the office has prevented you from being earlier apprized of the remittance.

I have the honor, &c.

THOMAS L. MCKENNEY.

To His Excellency WILLIAM P. DUVAL, *Tallahassee.*

No. 26.

From Governor Duval to the Secretary of War.

SIR:

WASHINGTON CITY, *February 11, 1825.*

I have the honor to lay before you a letter from Benjamin Chaires, Esq., a gentleman of reputation and intelligence, residing in Florida, describing the country laid off for the concentration of the Florida Indians. I feel

considerable interest for these unfortunate people; and, from the best information that I can obtain, I do believe they have not good land sufficient to support them. I hope the President will alter the northern line of the Indian boundary, so far as to give them the Big Swamp, near which the present line passes. This alteration will give entire satisfaction to the Indians, and justice and humanity require they should possess it.

I have informed the chiefs that they might repose with confidence on the justice of the Government. It was this assurance that reconciled them to the treaty.

I have the honor, &c.

WM. P. DUVAL.

Hon. J. C. CALHOUN, *Secretary of War.*

[Accompanying No. 26.]

Benjamin Chaires to Governor Duval.

SIR:

TALLAHASSEE, *January 13, 1825.*

Having been called on to state my views of the country laid out for the future residence of the Florida Indians, I can only say that my knowledge of the country from observation is limited, having only travelled through it two or three times; but, sir, so far as I have seen it, it is the poorest part of Florida, and a large portion of it generally inundated. There are interspersed through the country small light sandy hammocks, which will bear cultivation a few years; but I know of no one spot of good land sufficiently large for one of the several tribes or towns of Indians. My opinion is therefore clear that the said Indians cannot possibly subsist on their present location, and that an extension of the line so far as to include the Big Swamp, (which is a hammock, containing about five or six thousand acres of pretty good land,) ought to be granted to them, which is all that is asked by them, so far as I have heard.

I am, very respectfully, &c.

BEN. CHAIRES.

His Excellency WM. P. DUVAL.

No. 27.

From T. L. McKenney to Governor Duval.

SIR:

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, *February 25, 1825.*

I have the honor of enclosing, herewith, a copy of the President's approval of the extension of the northern boundary line, as defined in the Florida treaty, and as recommended by you. You can now direct Colonel Humphreys, the agent, in regard to a selection of a location for his agency, about which it appears (owing to a want of a salubrious spot within the hitherto ceded limits) he found some difficulty.

I have the honor, &c.

THOMAS L. MCKENNEY.

To His Excellency WM. P. DUVAL.

No. 28.

SIR:

EXECUTIVE OFFICE, TERRITORY OF FLORIDA, TALLAHASSEE, *May 26, 1825.*

I regret to be compelled to report that a murder has been committed by a Seminole Indian on the person of a Mr. Swearingen, and that, owing to causes beyond my control as superintendent, some depredations have been committed by the Indians on the property of the whites residing in their immediate vicinity. No time was lost in calling the attention of the agent to the subject, and requiring the aid of the military force at Tampa Bay; which measures, I trust, will put a speedy end to these irregularities, and restore tranquillity to the settlements on the Indian boundary. I am by no means of the opinion that these depredations, or even the murder, have been committed with the remotest idea of settled hostilities, but that they have arisen from causes inseparable from the difficulty which must always be met with in transferring a nation of Indians from one location to another, especially when such change is more one of necessity than of choice, and that, too, leaving a country highly desirable, from its situation, for lands where they have ever declared they could not live. There are no people more attached to their native soil than Indians, or who are more averse to emigration, even under the most favorable and advantageous circumstances for them. These causes have operated so forcibly, that one hundred and twenty Indians are yet reported to be west of the Suwanee river.

It has now become indispensably necessary to request your attention to the subject of subsisting these Indians; for, unless some provision be speedily made for that object, they must inevitably be plunged into the most deplorable condition, both from their new location and their well known improvident character. In a state of starvation, they will be driven to commit acts of depredation highly injurious to the interests of the Territory, which ought to be provided against by all means in our power; besides, humanity, as well as a sense of justice, dictates that their women and children should not be left to perish. The issues on the St. John's, in Tampa Bay, and on the Appalachicola, (including the Indians not yet within their boundaries,) have been, hitherto, 1,800 rations per day. Having positive instructions not to exceed the appropriation, on any account whatever, I have been compelled to restrict the issues in future at St. John's and Tampa Bay to 1,000 rations, and on the Appalachicola to 150 rations per day, affording to the emigrant Indians, for the rest of the year specified in the treaty and the contract, not quite half rations; which, however, will be somewhat augmented in quantity by the distribution of the back rations on hand at the St. John's, for October and November, agreeably to my orders. I have, however, directed that no more back rations be given to Indians coming within the limits, but that they shall receive rations from the time they arrive, up to the date the contract terminates; although I believe that they are justly entitled to their year's subsistence, let them apply when they may. I am perfectly aware of the difficulties and distress which must ensue upon this order; but I am constrained to this course from the knowledge that even these issues will exhaust the appropriation. The issues on the St. John's cease on the 10th October; at Tampa Bay, on the 10th August; and on the Appalachicola river, on the 30th June: after which dates the emigrant Indians have no possible means of obtaining subsistence but through the bounty of the United States, until the crops come in. But even that resource must fail these Indians, as they cannot have, as yet, cleared and planted new land; consequently, they will be equally dependant for the next year's support as they are during the present. I request that you will be pleased to take this subject into consideration, in all its bearings, and instruct me as to the course proper to be adopted. I will, however, take the liberty to suggest (if it can be done) that funds be placed in my hands, with authority to cause to be furnished, from time to time, at convenient places, such supplies of provisions as are found to be necessary, after the contract now in existence shall have been completed. I suggest this mode, because the contractor or agent will be more immediately under my control, and the issues will be confined to the quantity absolutely neces-

sary. I have found, by experience, that the contract system for issuing regular rations to Indians cannot be relied on, and is productive of great inconvenience to them. It has been thus far attended with continual causes of dissatisfaction and complaint.

The orders in relation to runaway negro slaves residing in the nation, the order for the extension of the Indian boundary line, and the order in relation to persons selling spirituous liquors to Indians, have been attended to. Receipts for the funds transmitted to me have been regularly forwarded. My accounts and vouchers for disbursements in the Indian Department will be duly forwarded on the 30th June, by which date there will be a balance on hand equal to the payment of the debts which will then be due.

I enclose, herewith, documents numbered from 1 to 11, to which I beg leave to refer you, as being connected with the discharge of my duty as superintendent, and the subjects spoken of in this communication.

I have the honor to be, &c.

GEORGE WALTON.

Hon. JAMES BARBOUR, *Secretary of War.*

(No. 1.)

[Accompaniment to No. 28.]

OFFICE OF THE SUPERINTENDENT OF INDIAN AFFAIRS FOR FLORIDA,

SIR:

TALLAHASSEE, *February 24, 1825.*

It has been reported to me that the emigrating Indians are still in Alachua, and at the Natural Bridge of St. Fe, committing depredations upon the property of the citizens. There are some of them located upon the east side of the Ansilha. You will forthwith send out runners, and take other measures to have them assembled within their proper territorial limits, from whence they must not be allowed to roam through the country at pleasure, giving constant cause of dissatisfaction and complaint. It is expected that every party of Indians leaving their towns to enter the territory of the white inhabitants will have a written pass or order from you or the sub-agent.

The Indians themselves complain that they are put to great inconvenience by reason of the distance they are compelled to go after their rations on the St. John's river, inasmuch that it is almost impossible for them to obtain them. When the contract was entered into, it was believed that a proper point had been designated for the delivery of these rations. You are required to give immediate attention, *personally*, to this subject; and, if the rations be not delivered according to the contract, notify the contractor forthwith that none will be received, excepting at the proper places, for which he will be held strictly responsible on his bond. Touching these matters, you will make special reports to me in writing as soon as possible, addressed to me at this place.

I am, respectfully, your obedient servant,

GEORGE WALTON.

Colonel G. HUMPHREYS,
Agent of Indian Affairs for Florida.

(No. 2.)

[Accompaniment to No. 28.]

SIR:

FLORIDA AGENCY, *April 6, 1825.*

I regret to be obliged to report that a murder in the neighborhood of Hamley's old store, on St. John's, has recently been committed upon a white man by an Indian living near the Okelawaha river. The cause which led to the outrage, or whether there was any provocation, I have not yet learned, though there is much reason to believe that the deed was wanton and unprovoked. On being informed of the offence, I sent for some of the principal chiefs, who promptly attended, and declared their unqualified disapprobation of the act. Indeed, so exasperated were they by it, particularly the emigrants who have settled on the Big Swamp, that much difficulty was experienced in restraining them, and preventing the infliction of summary justice, according to the Indian mode. But as the murderer is of the Seminole tribe, between which and the tribes from the west there unfortunately does not appear to exist a perfect cordiality, I deemed it advisable, in order to harmonize, and check, if possible, an increase of unkindly feelings, to stop proceedings in the matter, until measures could be entered into to bring the different tribes to act in concert. The occasion (though a melancholy one) seemed favorable for commencing a union among them, so essential to their welfare and the interest of the United States; and I accordingly detained some of the headmen from the west, and sent for Miconopy and Jumper, who were understood to be absent in the first instance, but who, it was said, had now returned from the hunting grounds. Jumper was still out, and Miconopy confined to his lodge by severe sickness; of course, neither attended. Under these circumstances, I concluded to send Tuskehenaha (whom you know) to Miconopy, to ascertain his sentiments in relation to the murder, and whether he was disposed to join in bringing the perpetrator to justice. His conduct upon the occasion (as reported to me by Tuskehenaha) was correct, and such as I had a right to expect. He said the murderer deserved death by their own laws; and, although he was unable to go himself to aid in carrying the law into execution, he should give his voice in favor of immediate punishment, and would sanction whatever the other chiefs thought it right to do. And it was resolved by the chiefs that the offender should expiate his offence by death; and a party, headed by Tuskehenaha, proceeded to enforce the sentence. At the request of the Indians, I sent a young man named Breeton (who has been some time employed by me to herd the public cattle) as a witness; they desired this, (they said,) in order to satisfy the whites, some of whom might otherwise doubt them. I strongly urged that the murderer should be given up, to be tried by the laws of the white people; but to this the Indians as strongly objected, as being contrary to their custom: they never attempted to take a murderer alive; it would be attended with danger, and might cause the death of one or more of their party; and, on the whole, although I should have been willing to see them pursue a course more in consonance with the received notions of civilization, yet I could not believe it to be a point of sufficient importance to authorize me to press it, at the risk of a total failure of justice. I therefore told them to pursue their own method. The party went, but did not entirely succeed, though there is reason to believe the object in view was in part effected; the fugitive was seen and fired on, but succeeded in reaching a deep swamp, wounded, as was evident from the blood found where he ran. I was yesterday informed, likewise, that all search of the friends of the fugitive (which has been constant since the day he was fired on) has proved unavailing; and the conjecture is, that, in attempting to swim the Okelawaha, (which is now very full,) in his wounded condition, he has been drowned; and such is probably the fact. I have conceived it a duty to be thus explicit in stating what I know of this unpleasant affair, in order to correct the erroneous impression which unwarranted and unauthenticated statements that may be made in relation

to it might otherwise produce; and that the fact may be known that there does not exist any thing like a national feeling, on the part of the Indians, justifying this outrage, but that a general sentiment of a decidedly opposite character prevails.

I am, very respectfully, your obedient servant, &c.

GEORGE WALTON, Esq.,
Acting Governor of Florida.

G. HUMPHREYS, *Agent for Florida Indians.*

P. S. I have this moment received information that the body of Mr. Swearingen's murderer has been found in the swamp to which he fled when fired upon; and, from circumstances detailed to me, I can entertain no doubt of his death.

G. H.

(No. 3.)

[Accompaniment to No. 28.]

OFFICE OF THE SUPERINTENDENT OF INDIAN AFFAIRS FOR FLORIDA,

SIR:

TALLAHASSEE, *April 14, 1825.*

I had occasion to address you on the 24th of February last on the subject of having immediately removed within their limits the Indians in Alachua and west of the Suwanee, who were committing depredations on the property of the inhabitants. I have just received information, to be relied on, that the Indians have committed a murder in Alachua, and are destroying the property of the inhabitants and threatening their lives; preventing the surveyors of the United States from the execution of their duty, and destroying their landmarks. I had hoped you would have taken efficient measures, on the receipt of my letter above alluded to, and have had the Indians concentrated and regularly supplied with rations; but I am informed they are literally starving, and say that there are no rations to furnish them.

That such a state of things exists, is painful in the extreme, and requires measures on your part of the most prompt and efficient character, to effect their concentration, and relieve the inhabitants of this Territory from such painful apprehensions. I have written to Colonel Brooke on the subject of furnishing you with such aid as may, under any circumstances, secure the accomplishment of this desirable object. The inhabitants must be protected; and your situation as agent, with the means which Colonel Brooke will furnish, if necessary, renders it imperious on your part to secure them that protection from the Indians. I expect that you will not lose one moment in restoring order, and having the guilty apprehended, who have committed this murder and otherwise depredated on the inhabitants.

The preservation of the lives of these people will only be effected by teaching them a proper obedience and submission to the authorities placed over them; and, unless this is done, they will continue to outrage the settlements, until their doom will be sealed by extermination.

Enclosed you have a copy of the President's approval of the extension of the Indian limits, which will be satisfactory to them, and enable you to select a spot for the location of the agency the most desirable.

You will acknowledge the receipt of this communication on its reaching you, and accompany a report of all and every circumstance relating to these subjects, that have come to your knowledge, together with such measures as you may have adopted, or contemplate adopting, to relieve the Territory from such embarrassing and much-to-be-lamented circumstances.

I am, with the highest respect, your obedient servant,

GEORGE WALTON.

To Colonel G. HUMPHREYS, *Indian Agent.*

(No. 4.)

[Accompaniment to No. 28.]

EXECUTIVE OFFICE, TERRITORY OF FLORIDA,

SIR:

TALLAHASSEE, *April 14, 1825.*

Information of a painful nature has been received from Alachua, purporting that the Seminole Indians have murdered a man by the name of Swearingen, and threatened the lives of other citizens, and are daily committing depredations on the stock of the inhabitants, and preventing the United States' surveyors from executing their duties, and destroying their landmarks. I had contemplated that a concentration of this tribe within the limits assigned them would have been effected long since; but it seems that many are still west of the Suwanee, and others in Alachua.

The Department of War authorized the Executive of this Territory to use the troops stationed at St. Mark's for the effectual removal of the Indians to their limits under the treaty; but it was believed it could be effected without their aid. They have subsequently been removed; and, were they here, the distance is too great to where the Indians are, to have them employed in this duty. I have this day communicated to Colonel Humphreys, Indian agent, requiring the immediate and effectual concentration of these Indians within their limits, and informed him that I should request you to furnish, if necessary, a force sufficient to accomplish that object, and relieve the inhabitants of this Territory from the painful apprehensions under which they at present labor. The citizens of the Territory must be efficiently protected; and I therefore call on you, in the exercise of your military command, to aid the agent to bring to punishment the perpetrators of the murder of Mr. Swearingen, together with others who have threatened the lives and destroyed the property of our citizens, by a detachment of United States troops competent to that end, and to effect their immediate removal within the boundary assigned them, which has been enlarged recently by the President of the United States.

I have the honor to be, &c.

To Colonel G. M. BROOKE,
Commanding United States troops at Cantonment Clinch.

GEORGE WALTON.

(No. 5.)

[Accompaniment to No. 28.]

SIR:

AGENCY, *May 1, 1825.*

At your request, I give a statement of what I know with regard to the suffering condition of the Indians, as stated in the report of the United States surveyor, which you have recently received from the superintendent at

Tallahassee. About the 1st of March, I issued to the Indians, at Hamley's old store, on the St. John's river, between six and seven hundred bushels, [of corn,] which, in conjunction with former issues, amounted to upwards of forty thousand rations that had been issued to the emigrant Indians after their arrival to that period; and there never has been a period, since November last, (at which time I arrived at Hamley's, to superintend the issues,) that there has not been a sufficiency of corn of good quality on hand, and which has been as regularly issued, when applied for by those entitled to draw, (with the exception of three or four weeks in March and April, which was occasioned by the loss of two cargoes at sea destined for supplies;) but even those losses very slightly affected the issues I was instructed to make. The sickness and mortality adverted to by the above report is not attributed to the right cause; but, from a conversation I had with Hicks, one of the principal chiefs of the Mickasuky town, in February, I am induced to believe it was owing to the irregularity of their young women previous to their emigrating, as Hicks and Tuskehenaha both told me several of them had died on their journey to the Big Swamp.

Respectfully, your humble servant,

SAMUEL Y. GAREY.

Colonel HUMPHREYS.

(No. 6.)

[Accompaniment to No. 28.]

SIR:

TALLAHASSEE, May 13, 1825.

I have the honor to enclose, herewith, my account of disbursements during the quarter ending the 31st of March, and also the abstracts of Mr. Marsh and Mr. Garey, of the issues of provisions made at their respective posts. Descriptive rolls are likewise sent, by which it will be seen that the number of Indians who have received and are entitled to rations greatly exceeds the calculation heretofore made upon that subject. I was aware that there would be an excess, but was unable to determine how great, until I received the descriptive roll above mentioned; for which reason, an earlier report has not been made. Independently of the number borne on the rolls, there is one entire town (Chefirsico's) to be included, for which, probably, about one hundred and twenty daily rations will be required. I take the liberty of suggesting the propriety of having all the surplus rations delivered at the issuing store on St. John's, as being much the most convenient point for those who are to receive them; and I am informed that the contractor is willing to deliver them there at the same price which he is allowed at Tampa Bay, reserving to himself, however, the right to make a question of equity whether he is not entitled to receive, for a fair proportion of the extra rations, the St. John's price.

I am, &c.

G. HUMPHREYS, Agent Florida Indians.

GEORGE WALTON, Esq.

Acting Governor of Florida, Tallahassee.

(No. 7.)

[Accompaniment to No. 28.]

SIR:

TALLAHASSEE, May 14, 1825.

Your letters of the 14th and 17th of April, by the hands of Tennelle, I had the honor to receive about the 1st instant, as I was on the point of commencing my journey hither to see you, partly in relation to the matters of which your letters treat, and also in regard to others connected with my agency; and, as there appeared no necessity for postponing the journey, but, on the contrary, additional reasons for prosecuting it, I concluded to defer answering your communications until my arrival here.

You state in your letter of the 14th April that you had occasion to address me on the 24th of February last, on the subject of having immediately removed the Indians in Alachua and west of the Suwanee, who were committing depredations on the property of the inhabitants. Your letter, from causes to me unknown, did not reach me; its failure, however, if I am fully apprized of its contents, has not been the cause of public injury. I was sufficiently aware of my duty, as respects the removal and concentration of the Indians within the limits of the territory reserved by them, to know that it was obligatory on me to make use of all the means placed within my reach to effect this desirable object with the utmost practicable despatch; and, under this conviction, my efforts have been steady and unceasing. That they have fallen short of entire success, is true, and to be regretted; but I venture to aver, that there cannot, in consequence, be any censure fairly applicable to me; nor does it, indeed, appear to me that blame can be attached to any one. The inconveniences (greatly exaggerated by reports, various and extravagant, according to the fears or dispositions of the reporters,) that the inhabitants of the country through which the Indians had to pass have been subjected to, were, in a great degree, unavoidable, and inseparable from the removal of the Indians; with them, as with all other people, the vicious and unprincipled amongst them are only restrained in their evil propensities by the law, and the fear of a summary and prompt enforcement of its penalties; a restraint which must necessarily, in a measure, cease to operate during their march, detached as they were, for convenience, in small parties, sometimes without a chief to govern or control them. These considerations, it is true, do not present a justification of the Indians for any depredations they have committed; neither do they furnish to the inhabitants any remuneration for the losses they have sustained; but they would seem to offer a reason why unnecessary clamor upon the subject should not be raised, and unwarrantable aspersions thrown upon the Government and its officers. That the inhabitants of Alachua have, in some instances, suffered by the Indians in their property, particularly their cattle, there is little reason to doubt; and, in one or two cases, it is said, that menace has been offered, but evidently to create alarm, without intention to injure; and it is a fact, to be lamented, but cannot be denied, that, in the latter procedure, they have the authority of example from the whites. But one instance of outrage was ever reported to me by the injured party, (and that by R. Charles, Esq.) until my arrival at Alachua, about the first of the present month, which place I visited for the settlement of his difficulty with the Indians, which was easily effected. On this occasion, I heard that depredations had been committed upon the stock of several of the settlers, but heard no complaint from the inhabitants themselves, who were said to be the losers; and I venture to predict that, upon investigation, the loudest complaints will be found to have come from those who have either not suffered at all, or but slightly. Of the motive of the authors, I have nothing to say.

Of the murder of Mr. Swearingen I was not informed by any white person, until long after it had been communicated to me by Hicks, and the murderer pursued. For a report of the steps adopted in relation to that affair, I refer you to my letter of the 6th of April, herewith sent, prepared at the time of its date, but withheld, in consequence of my determination to see you in person, which, on many accounts, appeared absolutely necessary.

With regard to the failure of the supplies for the Indians, I take the liberty to refer you to a communication from Mr. Garey, the issuing officer on St. John's, as containing the information on that subject most entitled to be

relied upon. From his letter, it appears that a deficiency of rations existed during a part of the months of March and April; but this deficiency was occasioned, in part, as he stated to me verbally, by his having been compelled to issue at his post more than double the number of rations provided for and contemplated in his first instructions: this became indispensable. The Indians wholly declined going to Tampa Bay, at which place, it is proper to state, there was an adequate supply of flour, which they were repeatedly told would be issued to them, on application to Mr. Marsh, the sub-agent. Their objections to that point of delivery were strong and reasonable; the distance is so great for those residing upon the Big Swamp, and the road so excessively bad, that the small loads which they would only be able to start with, would be nearly, if not entirely consumed, before they could reach home; and thus their whole time would be taken up in transporting rations for present use, and no provision made for future subsistence. Under the present arrangement, by which they get their corn in two or three days' journey, they have leisure for other purposes, and have made considerable progress in opening fields at their positions, where they will this year make crops; though so small, that there is reason to fear the yield will fall short of furnishing a sufficiency for their support. The importance, however, of their diligent exertions in planting, and providing for future wants, has been repeatedly and fully urged upon their consideration. That a portion of the emigrants have not, at one time since their removal, been fully supplied with provisions, Mr. Garey's letter evidences; but had they been in that extreme distress, that state of want which is represented, it is fair to presume they would not have neglected the certain and entire relief which they knew awaited them at Tampa. The truth is, that, as it relates to provisions, the condition of the emigrants is infinitely preferable to that of the old settlers; amongst the latter, there is not, at this time, in one family in ten, a kernel of corn to be found; and it is a fact well known to those who have been much with them, that, from about the first of April of each year, until the coming in of green corn, almost their sole dependence for the vegetable or bread portion of subsistence is upon centee and briar root, with which their swamps and thick woods greatly abound. Had Mr. May (a copy of whose report you forwarded me) penetrated into the nation, he would have found that the Mickasuky people, distressed as he viewed them, were much better off than their neighbors, the old inhabitants. The truth is, that his imagination, aided by his sympathies, has largely magnified their distresses; and, taking it for granted, because he did not see profusion, that famine raged, where, in truth, disease preyed, he reports that a large number had actually died of starvation. Had he taken much pains to arrive at the facts, he would have found that not a single death had occurred, which could, in any degree, be attributed to the cause he alleges; and that, on the contrary, the true cause of the mortality which prevailed was a *venercal*, said by the Indians to have been contracted at St. Mark's, previous to their emigration. Upon the subject of the interruption which Mr. May reports he met with from the Indians, I can only say that his statement is, in its material points, positively contradicted by those of Hicks and other Indians who were examined after the receipt of your letter. Hicks asserts that he did not, at any time, refuse to give the letters which Mr. May had conveyed to me, but that he repeatedly offered to send a guide to conduct Mr. May to the agency, provided he would leave his party behind; and even Mr. May's own letter admits that such an offer was made to him, but, as he says, when he was about to leave the country; and on this account (as it is presumed) he declined it.

It may with propriety be suggested that, had Mr. May felt any strong desire to prosecute his undertaking, he would have availed himself of Hicks's tender (late as he states it was made) to have visited me, (which he could have done in a twenty miles' ride,) sooner than abandon his job, however arduous and profitless he may have found it, upon slight or doubtful grounds. Had he delivered his letters, his difficulties would have been either wholly removed, or more fully confirmed: in the first case, he would have been enabled to proceed with his labors; and in the latter event, would have been furnished with a well-established reason for the abandonment of his enterprise. I take occasion here to state, that, if Mr. May wishes to resume his surveys, he can do it with perfect safety, as it regards danger from the Indians; and if he deems it necessary for his more perfect security, he can be furnished with an Indian escort.

Aside from the obstacles Mr. May says he has met with, I am apprized of no interruptions experienced by the surveyors from the Indians. Captain Stone, who is spoken of by Mr. May, I saw at Suwanee, on my way here; he mentioned having seen, recently, several small parties of Indians in his route, but said nothing of their having disturbed him; from which I am led to conclude Mr. May has not rightly understood him. I am of opinion that a speedy and entire removal within the lines of Chefixico, and the few straggling parties who yet neglect to remove, cannot be effected without the employment of force, as they have hitherto disregarded the repeated orders sent them upon the subject. It would have been very easy for the militia of the Alachua, (without bloodshed,) long ere this, to have driven in those east of Suwanee, had their colonel been disposed to undertake it. If I am correctly informed, the services of some of the inhabitants have been proffered to him for this duty. I sent out two chiefs the day before I left the agency: the one to Chefixico, who is reported to have halted at Suwanee Old Fields, and the other to scour the country about the Alachua settlements, with orders to say to all parties or individuals found without the boundaries, that, unless they forthwith proceeded within the lines, a military force would be sent to drive them in at the point of the bayonet, or destroy them. What effect this message will have, I cannot say; but, unless it produces the desired one, I conceive the employment of force will be unavoidable. You have now before you, sir, as far as I am able to furnish it, a compliance with your instructions of the 14th ultimo. The report adverted to in your letter of the 17th of the same month came to hand; but the duplicate of your former communication, spoken of as accompanying it, did not reach me; and I am still without possessing a letter which I find I am injuriously supposed to have treated with neglect.

Before closing, I take the liberty to suggest that a copy of Mr. Chaires's contract, which I have not yet been furnished with, and instructions as to the course I am to pursue in the event of his non-performance and the failure of his supplies, might be useful guides to me in my future proceedings. It may not be out of place to state here, that the beef which has thus far been furnished has been averaged and received on foot, and issued in the same way: this course was adopted in relation to the first gang of cattle delivered by the contractor, inasmuch as no emigrants had arrived; so that, had I resorted to the method of killing and weighing, to ascertain the average, the Government must have sustained the loss of such as were killed, as they must have been thrown away. I therefore thought it better to pursue the other course, and accordingly appointed Mr. Garey, on the part of the United States, to make the average; the same course was subsequently pursued in relation to another drove, because it was found that the Indians decidedly preferred receiving the beef on the foot to having it killed. I should be glad to know if the arrangement meets your approbation, and whether it should be continued in future.

I have the honor to be, very respectfully, your obedient servant,

G. HUMPHREYS, *Agent Florida Indians.*

GEO. WALTON, Esq., *Acting Governor, &c. of Florida.*

(No. 8.)

[Accompaniment to No. 28.]

OFFICE OF THE SUPERINTENDENT OF INDIAN AFFAIRS,

SIR:

TALLAHASSEE, *May 19, 1825.*

Your letters of the 13th and 14th instant are received. No rations can be issued on the St. John's river at a price exceeding the minimum rate fixed by the contract with Major Chaires, excepting the four hundred daily rations; but if he is willing to furnish them at that price, no objection can arise to receive them there, provided it is equally convenient with Tampa Bay for the Indians to receive them. No back rations will, in future, be allowed to emigrant Indians now out of the boundaries; and no more than one thousand rations per day are to be issued hereafter, on any account whatever, until further advised.

In your future issues, however, you can distribute the back rations on hand for the first two months returned for, apportioning them properly among the Indians.

You will return to the agency forthwith, as the present situation of the Indians and of the settlements in the vicinity requires immediate attention.

Your accounts are returned approved.

I am, respectfully, your obedient servant,

GEO. WALTON.

Col. G. HUMPHREYS, *Acting Indian Agent for Florida.*

(No. 9.)

[Accompaniment to No. 28.]

OFFICE OF THE SUPERINTENDENT OF INDIAN AFFAIRS, *May 20, 1825.*

SIR:

The enclosed acts of Congress will govern you in suppressing the sale of spirituous liquors to Indians, and you are more particularly referred to the second article thereof.

It is expected that your presence in the country will enable you to dispense with the services of Mr. Garey; he will, therefore, be discharged immediately after the issuing of provisions terminates, or sooner, if you find it to be practicable.

I am, very respectfully, &c.

GEO. WALTON.

Colonel G. HUMPHREYS, *Agent for Florida Indians, Tallahassee.*

(No. 10.)

[Accompaniment to No. 28.]

OFFICE OF THE SUPERINTENDENT OF INDIAN AFFAIRS,

SIR:

TALLAHASSEE, *May 22, 1825.*

I enclose, herewith, for your information and government, an order from the War Department on the subject of runaway negro slaves residing among the Florida Indians, claimed by citizens of the United States; also, letters from individual claimants.

You will take all measures within your power to enable these claimants, as well as all others who may apply, to identify their property; and in all cases where the validity of the claim is clearly established, and no other obstacle arises to prevent it, the restoration of such slave or slaves to their proper owner or owners must immediately follow. Let the chiefs distinctly understand that they are not to harbor runaway negroes, and that they will be required to give up such negroes as are now residing within their limits.

I am, very respectfully, &c.

GEO. WALTON.

Colonel G. HUMPHREYS, *Agent for Florida Indians, at Tallahassee.*

(No. 11.)

[Accompaniment to No. 28.]

TALLAHASSEE, *May 25, 1825.*

SIR:

I have the honor to acknowledge the receipt of your several letters of the 19th, 20th, and 22d instant, and deem it an imperious duty to state, in reply to that of the 19th, which directs a limitation of the number of rations hereafter to be issued to one thousand daily, that the effect of such an abridgment of the stipulated supply of provisions will be, at the least, loud murmuring and discontent; and that suffering among the Indians from hunger, which has hitherto scarcely existed, except in imagination, will shortly become a distressing reality. That these people can have but scanty, and, indeed, no certain means of subsistence, independent of the sustenance promised by the United States, until the opening of the fields and growing of corn at their new locations, will be readily supposed; and the entire inadequacy of one thousand rations to the support of something more than one thousand six hundred people, is too obvious to require comment. And I feel constrained to add my belief, that the emigrant Indians, conceiving themselves entitled by the treaty of the 18th of September, 1823, to punctual allowance of provisions for the specified time, at the rate of one ration per day to each individual, will not quietly submit to a non-performance (on the part of Government) of this stipulation of the compact.

I am, very respectfully, your obedient servant,

G. HUMPHREYS.

GEO. WALTON, Esq., *Acting Governor, &c. of Florida.*

No. 29.

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, *June 20, 1825.*

SIR:

Your letter of the 26th ultimo, accompanied by your correspondence with the agent, marked from No. 1 to No. 11, to the Secretary of War, is received. The subjects presented by you, to wit: the murder of Mr. Swear-

ingen; the alleged depredations of the Indians upon the property of the citizens whose settlements lay in the route of their emigration; and the distress which you apprehend will be felt by the emigrant Indians, by the obligation you are under (to bring the disbursements within the appropriation) to lessen the number of rations, have been (in the absence of the Secretary of War, on a tour of inspection to the North) submitted to, and duly considered by, the President, who directs the following reply to be made.

It appears from the statement of the agent, Colonel Humphreys, that the death of Mr. Swearingen was an act of a personal nature, and that it indicates no hostility on the part of the Indians against the whites; of which sufficient proof is furnished in their having pursued the murderer and executed upon him their own punishment, and made him atone, with his life, for his outrage. No steps, under such circumstances, are deemed to be necessary in regard to that act.

The spoliations committed on the inhabitants by the emigrant Indians (if those who may have suffered conceive such a step to be necessary) can be provided for only by an act of Congress for their relief. Every attention will, no doubt, be paid by that body to any representation of their losses which they may think proper to make. The President very much regrets that they should have suffered the slightest inconvenience.

The appropriation by the act of Congress to carry into effect the treaty with the Florida Indians, it was hoped, would be sufficient to sustain the expenses of the emigrants. It is a subject of regret that appearances indicate its inadequacy, and especially as the means for that object (expense of rations) are limited to \$65,700, and beyond which the Executive has no power to afford relief, except by a resort to the Indian Department fund; which is, itself, so adapted annually to the necessary demands upon it, as to admit of but a slight diversion of its means to other objects than such as are estimated for. It is still hoped the distress will not be so great as you apprehend it will; and especially as the agent, who is personally present, and has the means, it may be presumed, of judging with greater accuracy, thinks it will not. The President, however, with the view of guarding against the contingency apprehended by you, directs that the sum of \$2,000 be placed at your disposal to meet it; but, as it is believed it can be ill spared from the Indian Department, he directs that no part of it be called for until it is clearly ascertained that the sum appropriated will have fallen short of the object; and not then, except to save these people from the suffering to which you apprehend they will be subject without it. The back rations may come in timely aid of the emergency; and it will be but just to pay the contractor an equitable additional allowance for transporting the provisions to any other point than the one which he contracted for, and in proportion to the additional expense which he may incur by the change. There is no objection, in the event of your having to resort to the extra allowance of \$2,000, to your purchasing the provisions in the manner you suggest. You will take care, however, to provide, in all cases, the necessary vouchers for the expenditures, and exercise the utmost economy in the disbursement.

To meet the contingency of any excitement which the agent may not be able to quiet, the commanding officer at Cantonment Brooke is directed to aid, on your requisition upon him for that purpose, in putting it down.

I have the honor, &c.

THOS. L. MCKENNEY.

To GEORGE WALTON, Esq., *Secretary and Acting Governor of Florida.*

No. 30.

PENSACOLA, July 14, 1825.

SIR:

I left Tallahassee on the 2d ultimo to visit my family here, and on business, intending to return immediately, fearful that difficulties might arise on account of the Indians; but have been detained by a severe attack of bilious fever, occasioned by exposure in travelling, from which I am slowly recovering.

I have thought proper to cause purchases to be made, at once, of Indian presents, for the whole amount estimated for the present year. These articles are always necessary, and looked for by the Indians; and, in their present dissatisfied state, are more than usually so.

The contract for issues to the emigrant Indians at the Appalachianicola river ceased on the 30th of June, and they are now thrown upon their own resources for subsistence, without the means of supplying their wants. For the condition of the emigrant Indians on their southern location, I refer you for information to the enclosed copy of a letter from the agent, and to the letter which I had the honor to address to you lately from Tallahassee.

So soon as my health will permit, I shall cause my accounts to the 30th of June to be forwarded to the Department, and shall then return to Tallahassee.

I have the honor, &c.

GEORGE WALTON.

Hon. JAMES BARBOUR, *Secretary of War.*

[Accompaniment to No. 30.]

CAMP NEAR TAMPA, June 13, 1825.

SIR:

I reached this place on the 12th instant, after a passage of fourteen days. I learn with regret, since my arrival, that the drought in this section of country, and, indeed, through to the Big Swamp, has been so severe that the crops of the Indians are, in some instances, almost wholly destroyed. The emigrants particularly, it is to be feared, will make little or no corn, owing to their having had new fields to open, and the consequent lateness of their planting. I am greatly apprehensive that the failure of crops will produce extreme distress among these people, unless arrangements are adopted to continue to them the issues of rations beyond the period stipulated in the treaty. It may not, and, I trust, it will not, be necessary to make extensive, regular, and stated issues; but humanity seems to require that some provision should be made to meet cases of actual want.

I avail myself of the opportunity afforded by the Logan to give you the earliest possible information upon this subject.

Very respectfully, &c.

GEORGE WALTON, Esq., *Acting Governor of Florida.*

G. HUMPHREYS.

No. 31.

Extract of a letter from George Walton, Esq., Acting Governor of Florida, to Colonel Thomas L. McKenney dated

JULY 27, 1825.

I have the honor to acknowledge the receipt of your letter of the 20th ultimo. I regret extremely that circumstances have occurred, since the date of the letter to which yours replied, which tend to strengthen the opinion advanced by me, that much suffering, and consequently serious disturbances, may be apprehended among the Indians upon the discontinuance of the issues of rations to them. Copies of letters have been shown to me from

Colonel Humphreys to the commanding officer at Cantonment Brooke, and from him to the commanding officer here, by which it appears that a detachment of one hundred troops have marched, upon the requisition of the agent, into the Indian country; and that he deems their presence necessary to insure tranquillity. The agent has always expressed to me the opinions that were communicated by my letter of the 26th May to the Department; that letter was founded, in some degree, upon his personal communications to me at Tallahassee, where he was present at the date of that letter, and was perfectly aware of its tenor; it is, therefore, inconceivable to me how a different impression could have been received from his communications.

If it should be necessary to transport provisions for the Indians to any other place than the one contracted for, the superintendent would certainly be inclined to compensate the contractor for any loss he might sustain by the change. But no such necessity has yet happened, nor is any apprehended; the changes having been, hitherto, highly favorable to the contractor, and, of course, adopted by him willingly.

I am extremely anxious to return to Tallahassee, but am not yet sufficiently recovered to endure the fatigue of the journey; but hope in a few days to be able to set out, when I shall ascertain the nature and cause of the recent disturbances, by a visit to the Indian country, if it shall be necessary.

No. 32.

From Thomas L. McKenney to Colonel Walton, Secretary, &c.

SIR: DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, August 10, 1825.

Your two letters of the 14th ultimo, (one directed to the Secretary of War, and the other to me,) together with a copy of Colonel Humphreys's letter to you of the 13th June, are received.

No doubt, the policy of purchasing the presents for the whole year, to the amount estimated for that period, was correct, especially in the present dissatisfied state of feeling among the emigrant Indians, whose condition, it is hoped, will be rendered at least tolerable by the permission granted in my letter of the 20th June, to expend two thousand dollars for the relief of those who may actually need help, since the 30th June last, when their supplies, as stipulated for by the treaty, ceased. It might be well to husband these resources, and only apply them at such points as necessity requires: as the Indians, should they learn that additional provision was made in a general way, might relax their exertions, and by that means render the aid which is contemplated to be extended to them of but little practical value.

The steps you have taken to cut off the intercourse which the Indians are stated to hold with Cuba are judicious. If the reports in relation to that intercourse be correct, it ought to be stopped, as it can only be fruitful in evil consequences.

I have the honor, &c.

THOMAS L. MCKENNEY.

To GEORGE WALTON, Esq., *Secretary and Acting Governor of Florida.*

No. 33.

Extract of a letter from Thomas L. McKenney to George Walton, Esq., Secretary and Acting Governor of Florida, dated

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, August 19, 1825.

I have the honor to acknowledge the receipt of your letter of the 27th ultimo.

The excitement among the emigrant Indians, as indicated by the employment of the military, it is hoped will subside, should it have been occasioned by their wants, when you contribute to their relief, by means of the allowance of \$2,000 over and above the amount of the appropriation to carry the treaty into effect, as authorized by the President; information of which I had the honor to convey to you on the 20th June last.

As early as you can do so, you will inform the Department of the causes and extent of the dissatisfaction among the Indians, and any information connected therewith which you may esteem it important to communicate.

No. 34.

SIR: DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, September 15, 1825.

The Secretary of War directs that the extension of the northern line of the Indian territory in Florida be made, by running and marking the same with as little delay as possible; it being represented by the agent, Colonel Humphreys, that settlers are already appropriating lands near to, if not south of, where the line will run, which, if not checked by some visible demarcation, may involve difficulties in their removal.

The extension of the north line will be made so as that a line, when drawn from its extreme western point, will strike somewhere about that point on Gadsden's survey which is denominated "flat lands filled with ponds;" the object being to take in the Big Hammock.

You will communicate with Colonel Gadsden, to whom the Secretary directs me to refer the execution of this survey; and, in the event of his being unable, from any causes, to undertake it, you will employ Major Joshua A. Coffee, who is recommended by Colonel Humphreys. In the event of your employing Major Coffee, it is understood that his compensation will be at the same rates as those allowed to Colonel Gadsden, and in all respects.

I have the honor, &c.

His Excellency WILLIAM P. DUVAL.

THOMAS L. MCKENNEY.

No. 35.

OFFICE OF THE SUPERINTENDENT OF INDIAN AFFAIRS FOR FLORIDA,

SIR: TALLAHASSEE, October 6, 1825.

I have the honor to acknowledge the receipt of your letter of the 10th of August last, by the way of Pensacola.

I have not as yet made any extra provision for the emigrant Indians of this Territory out of the \$2,000 allotted for that purpose, intending to husband it with the utmost economy, as a dernier resort, to be used in cases of absolute necessity; the sum is in itself so small, as to be of no utility if expended in a general manner.

Many of these Indians, resident in the reserve east of the Suwanee river, have recently abandoned their country; and I have received information, upon which reliance is to be placed, that most, if not all, of those

who formerly resided between the rivers Suwanee and Appalachicola are on their return hither. They state to me, as a reason for their return, that they have always been furnished with a scanty supply of provisions only, and which has some time since ceased altogether; that they have no means of subsistence within themselves; that there is no game in their country; that it is, moreover, exceedingly unhealthy, exposing them to sickness and inevitable death; and, in fine, that no part of the country allotted to them for a residence is of such a description as to afford them comfortable settlements, or of such a quality as will enable them to have stocks or to raise corn. I have, myself, never been in that part of Florida; but, from information that I can rely upon, I am inclined to believe that all that the Indians represent respecting its unhealthiness and want of fertility of soil is strictly correct, and requires, in justice to them, to be thoroughly investigated. Many complaints from the Indians, respecting their rations, had reached me early in the spring; and when the agent was here, in May last, I informed him of the reports and complaints that had been made to me; all of which, he assured me, were utterly false and without foundation. I then pressed earnestly upon him the absolute necessity of his paying an immediate and particular attention to tranquillizing the Indians; of endeavoring to dispose them to form permanent settlements on the best lands within their reserve, and of seeing that they were supplied with provisions, according to the means at his disposal; and ended by directing him to return to the agency forthwith, to carry these objects into effect, trusting that his personal presence and efforts with the Indians would operate favorably in disposing them to acquiesce in the views of the Government, and relieve their distresses. I regret, however, that I am compelled to state that these complaints and reports still continue in an increased degree, and are urged by the Indians in justification of their abandoning their new country, and returning to the vicinity of their late settlements.

This district of country (formerly in the occupancy of the Indians) has been surveyed, in part sold, and is rapidly populating; and if the Indians cannot be restrained within their limits, occurrences of an unpleasant nature between them and the white inhabitants must infallibly ensue; complaints against them having already been made for depredations committed upon the stocks of cattle and fields of corn belonging to the whites. But as Governor Duval is daily expected to arrive in the Territory, to resume the government thereof, I do not think it either proper or decorous for me to enter at length upon the present situation of the Indians and their causes of dissatisfaction and complaint, which are both of a local and permanent character, and will, in my opinion, to be thoroughly removed, require a total change in the measures hitherto pursued towards them. So soon as the Governor arrives, I shall make him fully acquainted with their actual situation, and with my views in relation thereto, leaving it to his experience and better judgment to decide what measures it will be most proper to pursue towards them; and you may therefore confidently calculate upon being early addressed by him on this subject. I shall, however, in the meanwhile, do all in my power to restrain their mischievous propensities, and compel them to return to their lands.

I am, sir, &c.

GEORGE WALTON.

To Colonel THOMAS L. MCKENNEY.

No. 36.

OFFICE OF SUPERINTENDENT INDIAN AFFAIRS FOR FLORIDA,

TALLAHASSEE, *October 18, 1825.*

SIR:

Your letter of the 15th ultimo, directing the extension of the Indian boundary lines of their southern reserve in this Territory, was received yesterday.

In regard to the extension of these lines, I have to state, that the agent is under a misapprehension as to the place granted to the Indians; in consequence of which, some of the Indians have, as I understand, been improperly located; and which has given rise to his report, alluded to in your letter, that settlements of whites were forming within the Indian limits. In the Alachua (a district of country so denominated) there are two places which, from a partial similarity of names, have been frequently confounded with each other: the one is called the Big Swamp, and lies north of, but near to, the Indian northern boundary line; the other is called the Big Hammock, and lies near to and west of the Indian lands. The agent contends for the occupation of the former, under the President's order; but an extension of the lines according to that order cannot be made so as to embrace it, and will, when made, include only the latter. This was fully explained to the agent while at this place in May last; and Colonel Gadsden, who was then also present, demonstrated, beyond the possibility of a doubt, that it was so intended by the President, who, it is evident, by comparing his order with the map of Colonel Gadsden's survey, thoroughly understood the subject; and yet it seems, from your letter, that the agent (for he has never thought proper to address me on the subject, nor to inform me of intrusions by white settlers on the Indian lands) still persists in his erroneous construction of the order in question; the only ground that can be assumed for which is, that in the President's order the term Big Hammock, or Swamp, is used; (in your letter of the 15th ult. it is more definite, being called the Big Hammock only;) but then the slightest reference to the manner in which the lines are ordered to be extended leaves not the shadow of doubt as to which of the two is meant. It is, however, proper at the same time to state, that the Indians themselves have always contended for the grant of the Big Swamp; and this fact, no doubt, has measurably contributed to continue the agent in his error as to the place actually designated for the occupancy of the Indians; and until I had conversed with Colonel Gadsden, and examined his map, I was myself under an impression that the Big Swamp was the place intended to have been granted.

As the matter now stands, the inhabitants of Alachua (some of whom are settled near to the Indian northern boundary line) complain loudly that the Indians are suffered to locate on lands without the limits of the reserve; which is, and must continue to be the fact, unless the President shall be pleased to extend the Indian boundaries so as to include the Big Swamp.

Colonel Gadsden is expected to arrive by the first proximo; and, from his having run out these lines, added to his perfect knowledge of the topography of the country, I deem it important that he should now be appointed to extend them, and shall accordingly endeavor to prevail upon him to accept the appointment under the order of the Secretary of War.

I have the honor, &c.

Colonel THOMAS L. MCKENNEY.

GEORGE WALTON.

No. 37.

OFFICE OF SUPERINTENDENT INDIAN AFFAIRS FOR FLORIDA,

TALLAHASSEE, *October 21, 1825.*

SIR:

I have the honor to enclose for your information a report made to me by Mr. Doyle, respecting the Indians in Florida. This gentleman has resided for many years previous to and since the cession of Florida to the United States amongst the Indians recently inhabiting this section of the Territory, and is, therefore, not only acquainted

with the Indian character and disposition in general, but is known personally to these Indians and their chiefs. It had become necessary for me to employ a confidential person to endeavor to collect the fugitive Indians at some point where my message and orders could be communicated to them, and also to ascertain, as far as practicable, directly from themselves, their immediate causes of complaint, and their own views in regard to the future. From his personal good character, added to these reasons, I deemed Mr. Doyle to be the most suitable agent I could engage in this business; and he was accordingly employed by me, and will be continued in employment, if necessary, until I am relieved in the exercise of the government of the Territory by Governor Duval, or am instructed by the Department as to the measures proper to be pursued, which I shall anxiously expect. In the mean time, I have determined, as the only course left to save these Indians from starvation, and the settlements from exposure to depredations from them, caused only by their necessitous condition, to place Mr. Doyle at or near the Suwanee river, with the double object of preventing the Indians from entering the settlements of the whites, and to furnish them with some supplies of corn for their wives and children.

I am convinced they cannot be concentrated within their limits without the aid of military force, unless some means of subsistence be there provided for them; in which case, I believe they would comply with whatever might be required of them. From representations made to me, on which I can rely, the situation of these unfortunate human beings is miserable in the extreme, and requires prompt and effectual relief from the humanity, if not the justice of the Government, and which, I trust, will be extended to them.

If the President shall deem it expedient, I consider the present moment as one favorable for holding a treaty with the Florida Indians, having for its object their immediate removal to lands west of the Mississippi river, either in a body, as a nation by themselves, or to be incorporated with the Creek nation in their contemplated removal. So far as it regards obtaining the consent of the Indians, (not only those in the southern reserve, but of those on the Appalachian river,) I believe either of the proposed plans to be feasible. Such a measure would be productive of the most important advantages to themselves, by fixing their location permanently in a healthy and productive district of country, and by ameliorating their present distressed and dissatisfied condition, and likewise be of incalculable advantage to the interests of the Territory itself. In suggesting and recommending this measure to the Government, I am confident in the expression of the opinion that I speak the views and sentiments of Governor Duval; and not only his, but those of the most enlightened and intelligent men in the Territory.

Believing that this measure, if properly pursued, will arrive at the happiest results in effecting a more favorable location for these Indians than their present one, I deem it important that, in the event of a treaty being held, it should be conducted by persons having no private interests or feelings to consult, and who are acquainted with the Indian character, and known personally to the chiefs.

I have the honor to be, &c.

GEORGE WALTON.

To Colonel T. L. McKENNEY, *Washington, D. C.*

[Accompanying No. 37.]

TALLAHASSEE, *October 20, 1825.*

SIR:

In compliance with your excellency's instructions, I have to inform you that, on Monday last, I had all the scattering Indians in this vicinity collected at the Ansilla creek, at a point thirty miles distant from this place, about thirty in number, men, women, and children. Some days previous to this meeting, I despatched runners to other parties of Indians, on or near the Suwanee, desiring them to hold themselves in readiness to march with this party to their own lands in Florida. As these Indians had not presented themselves at the agency, I told them they would be furnished with rations here, to enable them to go there, and that, on their arrival, their maintenance would be allowed them for some time; under this assurance, all the Indians I saw were willing to go.

On the day of receiving your instructions to collect those Indians, I had an opportunity, by a trusty fellow, to inform Chefixico Hadjo, the chief of Tallahassee, who has been encamped at the Suwanee river since his departure from this place, last fall, that it was your positive orders to move immediately into his own land. He made the movement accordingly, and proceeded with his party, consisting of one hundred persons, men, women, and children, within a day and a half's journey of Tampa Bay. From this place he sent for a supply of provisions, in order to enable him to pursue his route to the agency. His messengers were furnished by Hicks, the principal chief of the Seminoles, with one beef and a small quantity of corn, (about two days' rations,) with a message that that supply was all he could expect there; in consequence of which, one-half of his party instantly quit him, and recrossed the Suwanee to their old camping ground. A few days previous to this event, about sixty others returned from the neighborhood of Tampa, and also crossed this river. Those Indians are scattered in different directions, from sixty to seventy miles east of this place, and, no doubt, many of them will shortly make their appearance in this vicinity.

I have, agreeably to your instructions, particularly examined several Indians, to ascertain the cause of the universal discontent that seems to prevail amongst them, and their reasons for not occupying the lands allotted them by Government. From the uniform reports of those people, and from many white men, I think it my duty to state fully their objections, for your excellency's government:

- 1st. That the land allotted to them by the treaty is too poor to make their bread on.
- 2d. That there is no running water in the country; and, from their knowledge of pond water, in hunting excursions, disease and sickness must ensue.
- 3d. That a sufficient maintenance has not been issued at the agency for those Indians that did present themselves there, many of whom have returned from thence.
- 4th. That a fair distribution of the funds allowed them by Government has not been attended to by either their own chiefs or the white men.
- 5th. That many, who have for several years resided within the vicinity of the reserve, have not as yet moved into it, and still object to do so.
- 6th. That the land allowed them by the treaty was partly forced on the chiefs, and that the Indians never agreed to give up the land.

I now very much fear it will be difficult to induce them to go on this reserve; nothing will do it but a supply of provisions; and, in their present distressed state, it would have a good effect. The Indians now collected at the Ansilla wish to go on to the Chattahoochie; and they say all the others that have lately crossed the Suwanee river intend to go there.

I found all those Indians humble, and I believe would be willing to go to any place where they could find good land and water. It would be a most favorable moment to press on them the idea of crossing the Mississippi.

I have the honor to be, &c.

His Excellency GEORGE WALTON,
Acting Governor of the Floridas.

EDM. DOYLE.

No. 38.

SIR:

DEPARTMENT OF WAR, OFFICE INDIAN AFFAIRS, *October 31, 1825.*

I am directed by the Secretary of War to call your attention to the subject-matter of a letter addressed to me by acting Governor Walton, on the subject of the complaints made to him by the Florida Indians, in regard to their rations, and their return upon the borders of the territory ceded by them, and from which it was expected they had finally emigrated.

The Secretary directs that you take measures, also, to ascertain the capacity of the territory allotted to them for their support, and report, as early as possible, the result of your investigations upon all those points to the Department.

I have, &c.

To His Excellency WILLIAM P. DUVAL.

THO. L. MCKENNEY.

No. 39.

OFFICE OF SUPERINTENDENT OF INDIAN AFFAIRS FOR FLORIDA,

SIR:

TALLAHASSEE, *November 18, 1825.*

I have lately received from the issuing officers at Tampa Bay and the St. John's river the abstracts of issues of rations to the emigrant Florida Indians; by which it appears that the amount of issues during the last six months at the St. John's, and four months at Tampa Bay, has amounted to \$25,212 57; and Mr. Chaires, the contractor, has produced to me the receipt of the agent, specifying the delivery of a further quantity, which remains on hand, making the whole sum amount to \$31,025 82.

It will be perceived, by the instructions to the agent and the issuing officers, (copies of which have been transmitted to the Department, and a duplicate of the latter of which is herewith enclosed,) that the issue of rations has greatly exceeded the number which, in the extremest case, was calculated upon by the Department or the superintendent; the average amounting to one thousand four hundred and eighty per diem, instead of one thousand. At the former settlement with the contractor, the excess above a thousand per diem was paid for; but, at the same time, the instructions of the 19th May were shown to him, as an assurance that at no future settlement would such an indulgence be granted. It further appears to me very extraordinary, under the circumstances, that there should have been permitted (as is the fact) a large amount of rations to accumulate and remain on hand at Tampa Bay, while, at the same time, there were daily issues at the St. John's of nearly six hundred rations beyond the number stipulated in the contract.

I have also lately received a letter from Mr. Charles Pindar, a gentleman now residing in Tallahassee, (a copy of which, together with its enclosure, is also herewith enclosed,) which seems to charge unfairness in the manner of procuring the contract, and to promise further disclosures, if demanded. This communication being addressed to me officially, I have considered it my duty at least to communicate it to the Department, suspending, in the mean time, the settlement with the contractor, in order that the Department, being possessed of all the circumstances, may instruct me particularly as to my future conduct, as well as to put me in funds to complete such settlement as may be directed to be made.

I enclose copies of letters from the agent to the superintendent and to the contractor, on the subject of the issues of rations.

I have the honor to be, with perfect respect, your very obedient servant,

GEO. WALTON.

Hon. JAMES BARBOUR, *Secretary of War.*

[Accompanying No. 39.]

SIR:

ST. AUGUSTINE, *August 10, 1825.*

In answer to your letter inquiring what amount of provisions is necessary to complete the issues to the emigrant Indians, I have to state that there are still due as follows: (to wit)

Of bread stuffs and salt,	-	-	-	-	37,080 rations.
And beef,	-	-	-	-	105,066 "

This amount does not appear to be required to complete the one thousand rations per day specifically called for in your contract; but owing to the great excess of provisions necessarily issued, and sanctioned by the superintendent, over and above what was originally contemplated, there exists the deficiency above stated to carry the issues to the end of the year, which, although I am not instructed on the subject, I presume it is expected by the Government you will furnish.

Your humble servant,

G. HUMPHREYS, *Agent Florida Indians.*BENJAMIN CHAIRES, Esq., *Indian Contractor.*

[Accompaniment to No. 39.]

SIR:

FLORIDA AGENCY, *October, 1825.*

I have the honor to enclose, herewith, the abstracts of issues of provisions to the emigrant Florida Indians up to the 10th of the present month; completing the period specified in the treaty, as well as that limited by the orders of the superintendent. You will perceive, by the abstracts of Mr. Marsh, that his issues for the last two months have exceeded the per diem number (six hundred) directed to be given out at his station at Tampa Bay. This was essentially necessary, owing, as he states, to the increased number of applicants who were entitled to draw; and as his previous issues have fallen far short of the number authorized by the Governor's instructions, this small excess does not, as I conceive, amount to what appears a departure from the spirit of those instructions.

There is still at that post a surplus of provisions on hand, which must await your directions. Chefixico Hadjo has not yet arrived; I have, however, received a message from him, saying that he will be here in the course of four or five days; he is on the way, but is obliged to travel slow, on account of his stock. He will expect provisions when he arrives; but, according to your instructions of the 19th May last, they cannot be given to him, as the period for making the last issue will have passed.

This exclusion of his town from the benefit (which other emigrants have enjoyed) of rations, however just it may be, will nevertheless, I am constrained to believe, produce dissatisfaction, particularly as it is known to the Indians that provisions sent for their use, as they understand it, remain unissued at Tampa. I take the liberty to suggest, as a means of preserving that contentment which now pretty generally prevails in the nation, and as a measure of humanity, that the provisions on hand at Tampa may be given out to Chefixico's people, and to such

others as appear to stand most in need. It can be no object to the Government to retain them, and they may be of considerable service to the Indians; besides which, if they are kept much longer in store, they will become damaged and of no value to any one.

It was too late when I reached here from Tallahassee for me to be able to apprise Mr. Garey of your instructions limiting the number of rations in season for him to confine his issues for the two months, commencing June 10, within the limit; the excess, however, is not very great, and his aggregate for that period falls greatly below his former issues. His subsequent issues are conformable to instructions.

Since writing the above, Chefixico Hadjo and his people have arrived, and in so destitute a condition, as it regards provisions, that I have deemed it a duty to direct an issue to them for the two months commencing the 10th instant, without waiting your answer to my foregoing suggestions on the subject, not doubting that the steps, under the circumstances, must be fully approbated.

I am, very respectfully, your obedient servant,

G. HUMPHREYS, *Agent.*

GEORGE WALTON, Esq., *Acting Governor of Florida, Tallahassee.*

[Accompaniment to No. 39.]

Charles Pindar to Colonel Walton.

SIR:

TALLAHASSEE, *November 12, 1825.*

I have the honor to enclose to you a document, in return for which I gave a receipt for five thousand dollars, and which I offer to you as an entering wedge into an investigation of peculiar importance to the interests of the United States in your Department, and which, after having taken a copy, I beg you will do me the favor to return to me by the bearer.

I have the honor to be, sir, your very obedient, humble servant,

CHARLES PINDAR.

Colonel GEORGE WALTON, *Superintendent of Indian Affairs.*

[Accompaniment to No. 39.]

TALLAHASSEE, *May 30, 1824.*

I promise to pay to Mr. Charles Pindar, or order, the sum of five hundred dollars, on my obtaining and completing the contract for furnishing the Indians with beef, &c., as per proposals requested by Colonel Gad Humphreys, Indian agent, published in the Pensacola Gazette under date of 22d May, 1824, in consideration of the said Charles Pindar withdrawing his proposal.

BENJAMIN CHAIRES.

No. 40.

T. L. McKenney to Colonel Walton, Secretary, &c.

SIR:

DEPARTMENT OF WAR, OFFICE INDIAN AFFAIRS, *November 28, 1825.*

I have had the honor to receive your letter of the 18th ultimo, on the subject of the limits which are assigned to the emigrant Florida Indians, and the doubts in relation to them. To remove all difficulty on this subject, I have the honor to enclose a copy from the map. The first extension of the northern line northwardly from the survey by Colonel Gadsden limits, I presume, your views and his of the case; but you will see that this extension of the northern line north has been subsequently ordered to be run in a westerly direction, to a point as indicated in the black lines, far enough west as that, when an angle made from a line to run from thence to the "flat lands filled with ponds," it will embrace the Big Hammock.

Will not this extension furnish lands fit to be inhabited, and of sufficient productiveness and salubrity to support the Indians? It was Governor Duval's opinion that it would.

I have submitted your letter of the 21st ultimo to the Secretary of War, with the enclosed copy of one to you from Mr. Doyle. You will be replied to soon.

I have the honor, &c.

THOMAS L. MCKENNEY.

To GEORGE WALTON, Esq., *Acting Governor of Florida.*

No. 41.

Extract of a letter from His Excellency William P. Duval, Governor of Florida, to Colonel Thomas L. McKenney, dated

TALLAHASSEE, *December 2, 1825.*

Your letter of October 31 was received by the last mail. The situation of the Indians on my return from Kentucky (where I have been for my family) has produced much surprise and painful regret.

The Indians had removed and were satisfied when I left Florida; no complaint existed on their part against the Government, and none on the part of the white inhabitants against the Indians.

The arrangements which I had made for supplying the emigrant Indians with rations were ample. Near three months back, rations were due to them before they reached the country assigned to them by treaty. With the back rations, and one thousand daily rations to be issued, (four hundred at Hamley's old store, on the St. John's river, and six hundred at Tampa Bay,) I was impressed, strongly and confidently, that no want of provisions would be felt by the Indians entitled under the treaty to draw rations.

Long before their removal, under my own direction, rations had been furnished abundantly to the emigrant Indians. No complaint was heard from any quarter; and if you will examine the amount of rations returned personally by me last winter at Washington, you may easily make the fair estimate of what amount of rations ought to issue, taking into your calculation the back rations due daily on the contract with Mr. Chaires.

My instructions to the agent have not been attended to. I directed him, in my instructions, not to exceed four hundred rations daily at Hamley's old store, on the St. John's river, because the price of the ration was greater at that point than at Tampa Bay.

Under no pretence was the agent to issue more rations than had been specifically contracted for, unless by the order of the superintendent. By referring to Colonel Walton's letter of the 18th November to the Secretary of War, you will see how greatly the agent has exceeded my instructions as to the issues at that point.

You will recollect, last winter, when we were about to have the Indian boundary extended, which I considered necessary for their support, that the map of their land assigned to them by the late treaty, as surveyed by Colonel Gadsden and transmitted to the War Department, could not be found; hence arose some doubt as to the name of the place intended to be given to the Indians by extending their northern line. Enclosed is a sketch of the Indian boundary as surveyed by Colonel Gadsden. The black dotted lines, from the western extremity of Colonel Gadsden's northern line to A, (see sketch,) and from thence south, will include the Big Hammock, as contemplated by my recommendation. The red dotted line, from the western extremity of Colonel Gadsden's northern line, running north, and from thence east to the Okelawaha river, will embrace the Big Swamp, should the Executive decide to leave the Indians in possession of it. The line to be surveyed, as lately ordered by the Department of War, will embrace the Big Hammock, the country intended and designed for the Indians, and lying west of their present boundaries. The Big Hammock has, however, by the agent been confounded with the Big Swamp, lying north of the Indian limits; and as an agent of Government, known to the Indians as such, he has placed them in possession of that country. Here the agency has been established; here the Indians have constructed their new habitations, and commenced their permanent improvements. The difficulty, therefore, of a removal must be apparent, and, it is apprehended, cannot be done without the exercise of authority. Distrust will be excited on the part of the Indians, impressing strongly on their minds something like double dealing and deception on the part of the General Government. The location, however, is extremely objectionable, and never contemplated by me in any of my recommendations; on the contrary, I have uniformly endeavored to prevent it. The Big Swamp borders on the Alachua, a fine district of country rapidly populating; and its vicinity to a white population will engender, as it has already, difficulties between the citizens and Indians. To prevent this, their removal as far south as possible was always contemplated by the General Government; and it was deemed important by the commissioners at the treaty, as well as myself, that the northern line should not extend to the Big Swamp.

The Indians have been placed, however, in the possession of it, and it is now left with the President to decide whether they shall be permitted to remain, and a new line run accordingly, so as to embrace it; or whether the line contemplated by your last letter, (conformable to my recommendation,) so as to embrace the Big Hammock *only*, shall be surveyed, and the Indians ordered within their limits; the Government being prepared, at the same time, to enforce obedience. As a preparatory measure in execution of this, or as a prudential one, under any determination of the General Government, I cannot too strongly recommend the establishment, immediately, of a military post on the south frontier of Alachua: such an arrangement would give confidence to the emigrant inhabitants of Alachua, and prevent any disturbances between the citizens and the Indians, if they should be permitted to remain in possession of the Big Swamp; but, should the Government order the Indians within the limits designated by the late treaty, and recommended by me, the troops will be on the spot to enforce obedience if resistance is made by the Indians. I trust my views on this subject will meet the approbation of the Secretary of War; for the peace and essential interests of this Territory strongly require the adoption of this measure, and that quickly. The investigation that I am directed to make on the complaints of the Indians, in regard to their rations, will be commenced and conducted in conformity to the instructions I shall receive from the Department, although I would prefer that some other person should make the examination. At present, the Legislative Council is in session, and it will be some weeks before I can leave Tallahassee. Whatever the Department may direct, my presence will have great influence with the Indians in effecting its execution. The two companies of artillery stationed at St. Augustine might be ordered to Alachua, for there can be no reason for continuing them at St. Augustine, and perhaps there is not a point in all the southern country where they would not be more useful. I am directed by your letter of the 31st of October last to ascertain the capacity of the territory allotted to the Indians for their support, and report as early as possible to the War Department. The measure directed by the Secretary was attended to particularly by me before I visited Washington last winter. From the reports of several agents whom I sent to examine the Indian territory, as originally surveyed, to ascertain whether there were sufficient good lands for cultivation within their limits, (for I had doubts on this subject,) I recommended the extension of the northern line, as you will see by the sketch, to A; thence running south, so as to embrace the Big Hammock. I was then, as I am now, completely satisfied that this addition will afford good land sufficient for the support of the whole of the Seminole nation. If this is not satisfactory to the Department, and if it should be requested, I will go myself and make the examination, and report as directed. My feelings towards the Indians are kind and liberal, and my conduct towards them has always procured me their confidence and respect. I would not withhold from them that justice and humanity which their unfortunate situation demands, and which the policy and honor of my Government have so liberally extended to this suffering people. If ample powers are given to me, and such means provided as I have recommended in this letter, I feel persuaded that, in a short time, all difficulties with the Indians will be settled to the satisfaction of the War Department. Energy, promptly called into action, tempered by prudence, and a knowledge of the Indian character, will almost invariably prevent bloodshed, and produce order and obedience.

No. 42.

SIR:

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, *December 7, 1825.*

Your letters of the 18th and 21st of October last, enclosing one from Mr. Edmund Doyle to you, were duly received. The President, to whom the Secretary referred the subject presented by them, has, under the impulse of humanity, ordered that these unfortunate people (the Florida Indian emigrants) be supplied in their emergency with necessary food, but upon a scale of the strictest economy, and to be accounted for by ration abstracts in your returns. For expenditures thus made, not to exceed \$5,000, you are authorized to draw bills, from time to time, on the Secretary of War; which, there being no appropriation for such an object, will have to be paid out of the contingencies of the Indian Department.

It is hoped, however, that my letter of the 28th of November, written by direction of the Secretary of War, and conveying the information that the Big Hammock, as well as the Big Swamp, is included in the limits assigned to those Indians, will make any further expenditure unnecessary. But should you ascertain, beyond doubt, that it will not, and that these people will yet keep falling back upon the settlements, you will inform the Department without delay, that such measures as may appear to be necessary may be taken to meet such an exigency.

I have the honor, &c.

THOS. L. MCKENNEY.

To GEO. WALTON, Esq., *Secretary and Acting Governor of Florida.*

No. 43.

SIR:

MIDDLE FLORIDA, TALLAHASSEE, *December 12, 1825.*

To Colonel McKenney, who is charged with the Indian affairs in your Department, I have written a particular account of the Indian affairs in this Territory.

The responsibility which the agent, Colonel Humphreys, has thrown upon me, by not conforming to my instructions, (copies of which have been transmitted to Colonel McKenney,) has not only surprised me, but has seriously deranged my whole plan for the government of the Indians in this quarter. I am not informed by the agent why my instructions were not pursued, or why the Indians were not brought within their limits, although they went to the borders. I am convinced a military force is necessary to bring these people to order and obedience, and I have recommended the establishment of a post on the south frontier of Alachua. My personal influence will very much contribute to effect any order which your Department may require to be executed.

Permit me to suggest that, if Congress should make any arrangements with the Creek nation, so as to remove them entirely, the Seminole Indians would be willing to go with them, and that a treaty might be made with the Florida Indians highly advantageous to the United States. Should such a measure be authorized by the Government, I cannot too strongly urge the appointment of Colonel James Gadsden as one of the commissioners; he is not only personally acquainted with all the chiefs, but understands the Indian character perfectly. The Indians on the Appalachicola, whose lands were reserved to them by the late treaty, would, no doubt, be willing also to emigrate.

I have the honor, &c.

WILLIAM P. DUVAL.

Hon. JAMES BARBOUR, *Secretary of War.*

No. 44.

GENTLEMEN:

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, *December 15, 1825.*

I have the honor, by direction of the Secretary of War, to state to you, that information has been received at the Department, implicating the methods resorted to by you to procure the consent of the Florida Indians to the treaty of 18th of September, 1823; and that those methods were of a description calculated to terrify the Indians into a compliance; without which, owing to their settled objection to give up their lands and emigrate, the treaty would not, in all probability, have been concluded.

The Secretary directs that you will, with as little delay as possible, report to him the facts in this case, and state, explicitly, whether any resort was had to means, and of any kind, tending to force upon those Indians a compliance with the terms of said treaty.

I have the honor to be, with great respect, your obedient servant,

THOMAS L. MCKENNEY.

To His Excellency WM. P. DUVAL,
Colonel JAMES GADSDEN, and
BERNARDO SEGUI, Esq., *Late Commissioners, &c.*

No. 45.

*From Governor Duval to the Secretary of War.*TALLAHASSEE, *December 16, 1825.*

I regret to state that about three hundred Indians have returned from the country assigned to them, and have crossed the Suwanee river. Complaints are daily made to me by the citizens against the Indians. They continue to kill cattle and steal corn from the settlers, who are now ready to take up arms, and repel the intrusion and outrages of these unfortunate people. I have sent orders to Alachua, to the commanding officer of the militia, not to permit any attack to be made on the Indians for killing cattle; and I hope you will recommend to Congress to make some provision to indemnify the citizens for their losses. I have every reason to believe that many of the Indians are in a starving condition. I have not heard from the agent on the subject of the withdrawal of the Indians from his agency. I fear he has lost all influence over them, and now nothing short of force can restrain them.

If I had the command of two hundred regulars, and were permitted to employ two of the Appalachicola chiefs, who were once under General Jackson, with a few of their men, I feel confident I could, without the danger of bloodshed, make all the Indians return to their boundary. These people have great confidence in me, yet they fear me as they should; with this force, I pledge myself that the treaty should be carried into complete execution, in peace, and to your satisfaction.

The Indians who have recrossed the Suwanee I have ordered to be furnished with twenty days' rations, and directed them immediately to return back to their lands.

If the Indians are removed from the Big Swamp, Congress must make some provision to feed them until some time in July next, or they will certainly starve.

I must again urge the necessity of establishing a military post on the south frontier of Alachua.

I wait for such orders and directions as you may please to forward.

I am, &c.

WILLIAM P. DUVAL.

Hon. JAMES BARBOUR, *Secretary of War.*

No. 46.

From Thomas L. McKenney to Governor Duval.

SIR:

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, *December 26, 1825.*

I have the honor to acknowledge the receipt of your several communications of the 2d and 12th instant, accompanied by an explanatory map of the country ceded to the Florida Indians, and a letter to you from J. Beloure, complaining of depredations upon his property by a party of the emigrant Indians; also, certain copies of letters and instructions to the agent, Colonel Humphreys: all which have been submitted to the Secretary of War.

I am directed by the Secretary, in reply, to state, that he had received from the late acting Governor Walton certain communications relating to the issuing of rations, &c., and a copy of one from Charles Pindar to Colonel Walton; the complexion of which, taken altogether, was not satisfactory. No reply has been made to Colonel

Walton. It was delayed in the expectation that something further might happen in regard to these communications; or at least that the aid extended to the Indians, on the representations which had been made of their starving condition, might produce quiet and a state of permanent harmony, when the instructions conveyed in that correspondence, implicating some of the parties, would have formed the subject of a special inquiry.

The points of difficulty appear to be two:

1st. The location of the Indians by the agent upon lands (called the Big Swamp) not included in the extension of the northern boundary.

2d. The overissue of rations by the agent, in violation of positive instructions.

In regard to the first, the Secretary of War directs, however exceptionable he esteems the location, under all the circumstances of the case, to be, that the Indians be permitted to occupy both the Big Swamp and the Big Hammock: the Big Hammock of right, and by virtue of a formal and legal extension of the northern and western line; the other by courtesy, and for the time being, subject to the future directions of the President. You will explain this to them fully; and give them the option to accept of this right of temporary occupancy, or go at once and locate permanently within the limits assigned to them; or, if they would prefer it, to lands which the Government is willing to assign them west of the Mississippi.

The subject of your recommendation for the establishment of a military post on the south frontier of Alachua will be considered by the Secretary.

The Secretary directs that you proceed with the examination of the complaints in regard to the rations. This subject having been intrusted to you, under instructions from the Department, no one, it is presumed, can so well determine upon the abuse which is implied in the several communications before me, or a violation of your instructions by the agents.

The Secretary of War directs that you make a thorough examination into every branch of the subject connected with the procuring and issuing of the rations, and especially into that referred to by Colonel Walton, on Mr. Pindar's letter to him; and report the same, with your own opinions, to the Department.

You will order the sub-agent to such point on the Appalachianicola as you may esteem to be best.

The answers to your queries are these:

1st. If, in the examination now ordered, you shall find the delivery of rations by Mr. Chaires was *indispensable* to the Indians, and that they could not have been sustained without them, you will pay for them.

2d. The excess is to be allowed on the same principle.

3d. All the accounts of the agent are to be submitted to your examination; on which you will make such decisions, as well in regard to numbers as other things, as you may esteem it proper to make, to be submitted to the Department for its final determination.

It will be proper to ascertain the loss complained of by Mr. Belloure, and report it to the Department, with your own opinion of its fairness. The Indians, under the act of 1802, will be held responsible for such acts; and so you will inform them.

Your views in regard to the mode of paying the Indians their annuities are in strict accordance with my own. There can be no doubt of the evils which result to these unfortunate people from the application, by themselves, of their annuities; nor that the amount goes directly to the venders of spirituous liquors, who beset the annuity grounds. Annuities are a curse to the Indians rather than a blessing, unless their application be made for them. Humanity requires that you take measures to obtain their consent to allow the annuity to be paid to them in goods suited to their wants; but, if they insist on having the money, we have no right to refuse it.

Very respectfully, &c.

THOMAS L. MCKENNEY.

To His Excellency Wm. P. DUVAL, *Governor of Florida.*

No. 47.

SIR: DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, *December 27, 1825.*

Your letter to the Secretary of War of the 12th instant is received. You will receive, with this, his reply to your several communications; also, to those previously forwarded by Colonel Walton.

The subject of a further emigration of the Florida Indians you were authorized to propose to them in the letter of yesterday. As a preliminary, you will ascertain their dispositions in regard to this step, and report them, together with an estimate of the cost of emigration. It is not necessary to make their removal turn on the contingency of that of the Creeks.

I have the honor to be, very respectfully, your obedient servant,

THOS. L. MCKENNEY.

To His Excellency Wm. P. DUVAL, *Governor of Florida.*

No. 48.

SIR: TALLAHASSEE, *January 2, 1826.*

I have the honor to transmit to you the petition of the Seminole chiefs, drawn up at their special request, and delivered in General Council. This contains strong evidence that the agent must have discharged his duty, as far as he had the power and means, as a faithful guardian of these unfortunate children of the wilderness.

Understanding that some remonstrance or petition has been forwarded to your Department, calculated to injure the character of the agent, Colonel Humphreys, which certain individuals have secretly promoted by art and intrigue, and who are frequently advising the Indians contrary to talks of the agent; these clandestine attempts will, I feel assured, have no influence in your Department. I flatter myself that, when the causes of complaint shall be strictly examined, it will be found that the agent has incurred the enmity of many who abuse him for discharging only his duty.

Much of dissatisfaction has arisen from the Indians leaving their location, and roaming over the country; but the Seminole nation is composed of many lawless Indians from the Creeks and other tribes, and they cannot be restrained within the limits assigned them by treaty, unless a post is established on the south frontier of Alachua. You may rest assured that the Indians must, in many instances, actually starve, or steal from the white people, unless the Government shall make some provision for their support until the next crop can be gathered.

The Appalachianicola Indians, who are industrious, and have excellent lands, are also in the most deplorable condition: this is owing to the river overflowing its banks late last summer, by which their entire crops were destroyed. Gentlemen of high respectability, who saw their fields before the inundation, have assured me the crops were in fine

order, and as promising as any in Florida. The Appalichicola Indians have good houses and fences, and bid fair to advance in civilization. They have had less assistance from the Government than any other Indians, for they did not need it. I earnestly recommend them to the Government for some relief in their present distress; and I will, during the present year, often attend at their towns, and see that they cultivate their fields well. I hope the humanity of Mr. Barbour will be exerted in behalf of these suffering people, and that he will apply to the President to recommend to Congress to make such provision as they may consider adequate to their actual existence.

I am, &c.

WILLIAM P. DUVAL.

Colonel THOMAS L. MCKENNEY, *Office of Indian Affairs.*

[Accompanying No. 48.]

We, the undersigned chiefs and headmen of the Florida or Seminole nation of Indians, in behalf of ourselves and people, all of whom are now present, wishing to evince our satisfaction with the manner in which the kindness of the Government of the United States has been manifested towards our nation since we placed ourselves under its protection, by the treaty concluded at Moultrie creek, September 18, 1823; and being desirous, at the same time, to acknowledge the fidelity and punctuality with which that treaty has been fulfilled on the part of the United States, embrace the opportunity of this first general meeting in council since the treaty aforesaid to declare freely, voluntarily, and in perfect sincerity, that we feel *bound* by every principle of right and justice to observe and perform, with exactness and integrity, the obligations assumed by us in the treaty.

The first year's annuity promised us by that treaty we have received; the rations promised have been regularly furnished, plentifully, and to our entire satisfaction; the stock cattle have also been received; the smith's shop, and other conveniences guaranteed, have been duly provided; and, in fact, every thing we had a right to expect from the Government of the United States we have enjoyed. Under these circumstances, did not a desire which we ardently entertain to continue on terms of perfect friendship with the white inhabitants of the Territory prompt us to such a course of conduct as will conduce to preserve the good understanding which we now have with those inhabitants, we are urged to it by a regard for good faith and a proper sense of the obligations we owe.

Induced by the foregoing considerations, as well as by the conviction that it will tend to sustain and promote the prosperity of our nation, we hereby pledge ourselves to use our utmost and constant exertions to discountenance and check any thing on the part of our people calculated to cause a breach of the amicable relations at this time existing between ourselves and our white brethren, or to withdraw from us the protection and friendship, which we fully appreciate, of the Government of the United States.

Much, however, as we have reason to be, and are, satisfied with the justness and kindness thus far practised towards us, we cannot, nevertheless, witness without extreme pain and apprehension the prospect before us, that our people must necessarily, owing to the almost entire failure of our present year's crops, greatly suffer from hunger, unless the hand of relief is extended by our great father the President of the United States, on whose benevolence and parental regard we place the most assured reliance. We hereby solicit our father the Governor of the Territory, whose kindness we have always experienced, to procure for us that relief which our case requires; without which we must inevitably feel from want.

We are aware that we may not claim, as a right under the treaty, that issues of provisions should be continued to us beyond the period therein specified, and, therefore, as such, we do not ask it; we only hope, as by a severe drought which generally prevailed the past season throughout our own territory, and by other circumstances, we are deprived of the usual products of our labor, that provision to supply the deficiency thus created (until another summer) may be made by the munificence of the Government of the United States. Should it be thought too much to continue to us the whole ration as given by the treaty, we shall be entirely contented and eminently benefited by the corn part of the ration alone; the expense of which, we are certain, will be considered trifling, when compared with its importance to us.

In making this petition to our great father, we feel a perfect confidence that we are addressing one whose ears are never closed against the appeals of distress or the calls of humanity.

[Signed by eighteen chiefs and headmen.]

19th CONGRESS.]

No. 230.

[1st SESSION.]

CLAIM OF THE STATE OF ALABAMA UNDER THE TREATY MADE WITH THE CREEKS AT THE INDIAN SPRINGS.

COMMUNICATED TO THE SENATE, FEBRUARY 7, 1826.

Resolutions instructing our Senators and requesting our Representatives in Congress to use their best efforts to procure for this State the immediate right to the lands acquired by the recent treaty at the Indian Springs.

The select committee, to whom was referred his excellency's communication concerning the interest which this State has in the lands acquired by the recent treaty with the Creek Indians at the Indian Springs, and concerning the provision that ought to be made for, and the disposition that ought to be made of, the Indians residing thereon, beg leave to report:

That they fully accord in the views of his excellency, as expressed in the enlightened and humane communication aforesaid, believing, as this committee does, that a due and proper attention to our interest in relation to that subject is not inconsistent with a humane and liberal policy towards the native Indians; and that they recommend to Congress an adoption of such measures in providing for said Indians, not adverse to the interests of this State,

as may most conduce to their comfort, and their moral and social condition. In relation to the other object referred to in said communication, the committee recommend the adoption of the following resolution:

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in Congress be instructed, and our Representatives requested, to use their best efforts to procure for this State the immediate right to that part of the land acquired by said treaty lying within the chartered limits of this State.

Resolved further, That his excellency be requested to transmit to our Senators and Representatives in Congress one copy of the executive communication and the foregoing resolution.

WM. KELLY, *Speaker of the House of Representatives.*
NICH'S DAVIS, *President of the Senate.*

Approved, January 14, 1826.

JOHN MURPHY.

SECRETARY'S OFFICE, CAHAWBA, January 16, 1826.

I certify the foregoing to be a correct copy of the original roll deposited in my office.

JAMES I. THORNTON, *Secretary of State.*

To the honorable the Speaker and Members of the House of Representatives.

GENTLEMEN:

The present communication I make reluctantly, but from a sense of duty. I have, for some time past, during your present session, revolved in my mind the propriety of bringing to your view the concern which we have in the proceedings on the late Indian treaty, by which the State of Georgia and this State acquired territory from the Creek nation of Indians: the State of Georgia, the property and jurisdiction of the soil; this State, the jurisdiction only. I have been fully sensible that it would require peculiar moderation, magnanimity, and reflection, either to assert or prosecute our rights, so as to avoid any unjust animadversions on the one hand, or charges of undue regard to self-interest on the other. The excitement which has elsewhere been felt, and which gave so much concern to the friends of the peace and harmony of the Union, and an unwillingness to appear upon the same troubled scene, gave monitions, not lightly to be disregarded, that the subject should not be touched without very justifiable necessity. The treaty, however, has been, and still is, before the public; and should we prosecute the concern which we have in it with moderation and liberality, becoming an enlightened and generous people, we shall acquit ourselves to the satisfaction of those in whose service we are, and stand justified and respected in the opinion of the other members of the confederation. This treaty is alleged not to have been negotiated in good faith, and, although duly ratified by the competent authorities, to be avoidable, on account of fraud in the means by which it was obtained. With this question, we have, of course, very little to do; we were not parties in the transaction, and are not constituted the judges of it. This is left to other powers, in which our high confidence may remain unimpaired; but should the treaty have been negotiated in such a manner as to entitle it to the ordinary force and obligation of such compacts, this State has acquired rights under it, which neither the people of this State nor our brethren of the United States would expect or wish us to abandon. Should this treaty have been entered into in such manner as other Indian treaties which have been sanctioned and continued of force, no refinements, hitherto unpractised, ought to operate to our prejudice, and deprive us of the right of our chartered limits, guaranteed by the confederation; a right which, in fact, involves population, revenue, strength, and respectability in the scale of the Union. We have every reason to confide that nothing will be done derogatory to the justice and magnanimity of the United States, or injurious to the interests of this or any other State, which can be avoided by much careful deliberation, or which lies beyond the reach of urgent necessity. There are, however, a combination of circumstances, a calculation of policy, an adjustment of beneficent purposes, a reconciliation of principles which may seem to conflict, which give to this question a novel character, and present it in an aspect altogether peculiar. It involves the rights and interests of States, the justice due to the aboriginal population, and the measures by which the munificence of the General Government may be most effectually and beneficially extended to them. We are rapidly approaching to a crisis in our affairs with a portion of the natives of the country, and it is high time to devise and to reduce to system a just and well-judging humanity, by which the future conduct of the United States towards them will be regulated.

When chartered limits were assigned to the several States having Indian population, it does not seem to have entered into the contemplation of any one that they would remain there fixed and permanent. Such had not been the constant experience; they had continually retired from our settlements, or had wasted away in the midst of us, without any valuable improvement in mind or morals. The Indians of the North and South (many nations of renown in their time) either became extinct, or wandered in scattered remnants, to take shelter with tribes which we had not yet approached, losing their name and the tradition of their former pride and power. Under this experience, the States have been led to expect the speedy possession of their limits, and have gone on to make their local arrangements with reference to this desired consummation. What, then, can be done to justify the aspiring expectation of the States, and deliver the Indians from the consequences (hitherto fatal) which have resulted from a proximity to our population? Or, are we to suppose that the results in future will be different from the past? Or, is it established that any beneficent purpose, which does honor to the General Government, may be carried into effect, in such a situation, to a greater extent, or with more facility, than in others which it is convenient to provide? These questions deserve a careful solution; and, with this view, it will be necessary to ascertain from what cause it has always been that their numbers rapidly decrease in the vicinity of civilized society. It is, no doubt, by the introduction of our vices, which are soon embraced, and have a strong and irresistible attraction, because the slow progress of morals and civilization among them is unable to oppose any effectual restraint. To civilize a people from a rude and barbarous condition, they should be removed from the influence of the vices and luxuries which prevail in civilized life, and subjected to that discipline and instruction by which a change of life, manners, and mental improvement, is gradually produced. The virtues must first be cultivated, and the mind strengthened against the seductions of vicious gratification. Such is the natural order of things; and experience only confirms what theory might justly predicate on a correct knowledge of human nature. Such has been the evidence of history; for the provinces farther removed from the vices, refinements, and luxuries of Rome, but subjected to its laws, and instructed by its arts, made the most solid, if not the most immediate, progress in civilization. This necessary course cannot be pursued with the Indians whilst they remain within our limits; they have continual access to whatever tends to corrupt them; they have constant testimony that their condition is regarded as inferior to others, than which nothing is more destructive to virtuous pride and generous emulation; and the abandoned part of our people (who alone can mingle

freely with the nation, as a body, without losing their standing in society,) will introduce our vices, and prevent the introduction of our virtues, by which alone the deleterious effects of vice might be mitigated. We may therefore expect (as has been the case in all other instances) to see the rapid progress of the nation to extinction; destroyed by our bad example, (which they will soonest imitate,) and preyed upon by those among themselves who attain to greater improvement of mind, and, especially, learn to better effect the arts and the cunning by which self-interest, unrestrained by the correct influences of a higher order of society, appropriates to itself the rights and benefits to which others are entitled. What, then, is to be done for this people, who had priority of us in the occupation of this favored land? Must, then, the increase of our population, and the progress of improvement among us, continue to blot out their names from the catalogue of nations, and leave only faint traces of history that they ever had an existence? We should provide living monuments to show the liberality of our institutions towards the natives, and proudly boast of nations rescued from barbarism by our means, and exalted from so low an estate to the high standing and happiness of enlightened communities. This, it would seem, can only be done, subdivided and circumscribed as the Indian nations among us now are, by establishing them within limits of their own, guaranteed by the General Government; and by extending to them the protection of our arms, the patronage of our power, the benefits of learning, the knowledge of agriculture and the arts, and the humane influences of religion. In such a situation, they might become gradually subject to our laws; and, indeed, a change of their civil institutions may be absolutely necessary to their speedy civilization, or, at least, to facilitate its progress. In limits of their own, they would be freed from the restlessness, agitation, and uncertainty which attend their present condition. They must suppose they are at the mercy of superior power; that they oppose obstacles to the wishes of their neighbors; and that their situation is quite different, in point of right and stability, from that of the white population around them. It would be well to remove these impressions, (which must operate to their prejudice,) and place them on a footing, in that respect, with the people of the United States. I agree entirely with the just and liberal views of my predecessor in office on this subject, that the United States should assume a parental guardianship over them, and thus extend their beneficence in such manner as best to promote the welfare of the Indians. The United States can lose nothing by the exercise of this care and humanity towards them; they themselves will furnish the means, according to the liberal policy which recognises their right to the lands they occupy. The lands which they will relinquish within the chartered limits of the States will sell for an amount which will reimburse the treasury, and afford an excess which ought to satisfy any reasonable expectation from the national domain. To continue them where they are, to the great detriment of the several States, until they become extinguished, and thus surrender the whole of their lands, (which, in effect, it is believed would be the final result of such a measure,) would neither comport with the justice, generosity, nor humanity of a liberal and Christian people. The vast unoccupied regions within the limits of the United States afford every desirable facility for the present accomplishment of this purpose. The Indians should not be located within the limits of any State or Territory, if it can be avoided; so that the recurrence of similar difficulty may be prevented in future. Let the Indians (a wandering and hitherto unsettled portion of our species) acquire, under the auspices of the United States, a fixed and permanent habitation. This obvious policy has not been overlooked in our national councils; and it would seem that the present moment is very propitious for the commencement of the systems which may hereafter be predicated upon it. The United States can lose nothing by us, even should we ask that a just provision, if practicable, be made for the Indians, which will lead to the extinguishment of their title within our limits, at least to the extent of the treaty; and, if the Indians received too little consideration under it for the lands which they relinquished, that the consideration be made ample and sufficient; and that the treaty be sustained, if this be the ground of complaint. We ask no violation of justice or humanity due to the Indians; we sincerely wish, and would be glad to contribute to, their improvement and happiness. But we have interests too; and if there may be, by a well-matured system, a due attention to our interests and theirs, we have a claim which will not be denied. I have only hastily touched upon the outlines of this subject, being engaged in other duties, and especially waiting for more precise information; and yet must claim your indulgence for the length as well as imperfection of the present communication. My main object, however, will be easily seen; which is, to invite your attention to make such representation to the Government of the United States as this subject, in all its various bearings, may seem to your wisdom to require. The temperate expression of our opinions and views will be kindly received by the national authorities, of whose justice and liberality we have had constant experience.

I have the honor to be, very respectfully, your most obedient, &c.

JOHN MURPHY.

[19th CONGRESS.]

No. 231.

[1st SESSION.]

PRESERVATION AND CIVILIZATION OF THE INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 21, 1826.

SIR:

DEPARTMENT OF WAR, *February 3, 1826.*

The duty assigned me by your letter of —, enclosing “a bill for the preservation and civilization of the Indian tribes within the United States,” is one both delicate and important. I have discharged it to the best of my judgment, by preparing, and herewith sending you, the projet of a bill for your consideration, and a report in elucidation of its purposes. I seek shelter from what otherwise would be a painful responsibility, under the superior wisdom of those to whose judgment it is committed.

I have the honor to be your obedient servant,

JAMES BARBOUR.

Hon. JOHN COCKE, *Chairman of the Committee on Indian Affairs.*

DEPARTMENT OF WAR, *February 3, 1826.*

The condition of the aborigines of this country, and their future destiny, have long engaged the attention of the philosopher and statesman, inspiring an interest correspondent to the high importance of the subject. The history of the past presents but little on which the recollection lingers with satisfaction. The future is not more cheering, unless resort be speedily had to other counsels than those by which we have heretofore been governed. From the first discovery of America to the present time, one master passion, common to all mankind—that of acquiring land—has driven, in ceaseless succession, the white man on the Indian. The latter, reluctantly yielding to a force he could not resist, has retired from the ocean to the mountains, and from the mountains to more inhospitable recesses, wasting away by sufferings and by wars, foreign and intestine, till a wretched fragment only survives of the numerous hordes once inhabiting this country, whose portion is to brood in grief over their past misfortunes, or to look in despair on the approaching catastrophe of their impending doom.*

It were now an unprofitable task to inquire on what principle the nations of Europe were justified in disposing the original proprietor of his birthright. They brought with them their own maxims, which recognised power as the only standard of right, and fraud and force as perfectly legitimate in the acquisition of territory. It has been done, and time has confirmed the act.

In the contest for dominion, the milder qualities of justice and clemency were disregarded. But that contest has long since ceased, especially in the United States; where, on the one side, are seen a great people, familiar with arts and arms, whose energies are increased by union, and directed by an efficient Government; on the other, a few ignorant and divided tribes of barbarians. It is necessary only for the former to express its will, to receive or enforce immediate submission from the latter. The suggestions of policy or necessity should no longer stifle the claims of justice and humanity. It is now, therefore, that a most solemn question addresses itself to the American people, and whose answer is full of responsibility. Shall we go on quietly in a course, which, judging from the past, threatens their extinction, while their past sufferings and future prospects so pathetically appeal to our compassion? The responsibility to which I refer is what a nation owes to itself, to its future character in all time to come; for, next to the means of self-defence and the blessings of free government, stands, in point of importance, the character of a nation. Its distinguishing characteristics should be justice and moderation. To spare the weak is its brightest ornament. It is, therefore, a source of the highest gratification that an opportunity is now offered the United States to practise these maxims, and to give an example of the triumph of liberal principles over that sordid selfishness which has been the fruitful spring of human calamity.

It is the province of history to commit to its pages the transactions of nations. Posterity look to this depository with the most intense interest. The fair fame of their ancestors, a most precious inheritance, is to them equally a source of pride and a motive of continued good actions. But she performs her province with impartiality. The authority she exercises in the absence of others is a check on bad rule. The tyrant and the oppressor see, in the character of their prototypes, the sentence posterity is preparing for them. Which side of the picture shall we elect? for the decision is left to ourselves. Shall her record transmit the present race to future generations as standing by, insensible to the progress of the desolation which threatens the remnant of this people? or shall these unfriendly characters give place to a generous effort which shall have been made to save them from destruction? While deliberating on this solemn question, I would appeal to that high Providence, whose delight is justice and mercy, and take counsel from the oracles of his will, revealed to man, in his terrible denunciations against the oppressor.

In reviewing the past, justice requires that the humane attempts of the Federal Government, coeval with its origin, should receive an honorable notice. That they have essentially failed, the sad experience of every day but too strongly testifies. If the original plan, conceived in the spirit of benevolence, had not been fated to encounter that as yet unabated desire to bereave them of their lands, it would, perhaps, have realized much of the hopes of its friends. So long, however, as that desire continues to direct our councils, every attempt must fail. A cursory review is all that is necessary to show the incongruity of the measures we have pursued, and the cause of their failure.

Missionaries are sent among them to enlighten their minds, by imbuing them with religious impressions. Schools have been established, by the aid of private as well as public donations, for the instruction of their youths. They have been persuaded to abandon the chase, to locate themselves, and become cultivators of the soil; implements of husbandry and domestic animals have been presented them; and all these things have been done, accompanied with professions of a disinterested solicitude for their happiness. Yielding to these temptations, some of them have reclaimed the forest, planted their orchards, and erected houses, not only for their abode, but for the administration of justice and for religious worship; and when they have so done, you send your agent to tell them they must surrender their country to the white man, and recommit themselves to some new desert, and substitute, as the means of their subsistence, the precarious chase for the certainty of cultivation. The love of our native land is implanted in every human bosom, whether he roams the wilderness, or is found in the highest state of civilization. This attachment increases with the comforts of our country, and is strongest when these comforts are the fruits of our own exertions. We have imparted this feeling to many of the tribes by our own measures. Can it be matter of surprise that they hear, with unmixed indignation, of what seems to them our ruthless purpose of expelling them from their country, thus endeared? They see that our professions are insincere; that our promises have been broken; that the happiness of the Indian is a cheap sacrifice to the acquisition of new lands; and when attempted to be soothed by an assurance that the country to which we propose to send them is desirable, they emphatically ask us, What new pledges can you give us that we shall not again be exiled when it is your wish to possess these lands? It is easier to state than to answer this question. A regard to consistency, apart from every other consideration, requires a change of measures. Either let him retain and enjoy his home; or, if he is to be driven from it, abstain from cherishing illusions we mean to disappoint, and thereby make him to feel more sensibly the extent of his loss.

Having pointed out the incongruities of this system, so unhappily organized that it contains within itself the causes of its own abortion, I proceed to review the more modern plans of removing the different tribes from the east to the west of the Mississippi. That this plan originated in that benevolence for which its author is so distinguished, is cheerfully admitted; but that it, too, is obnoxious to many objections, I fear is no less true. The first objection is the impracticability of its execution, if that is to depend on treaties alone. Some of the tribes in whose removal we are most deeply concerned have peremptorily refused to abandon their native land. Those who may be persuaded to emigrate will carry with them the same internal feuds which are so destructive to their kind, and for which no remedy is proposed. Different tribes are to be placed in juxtaposition, without a controlling power, between which hereditary and implacable hostilities have raged, and which are not likely to be appeased till the one or the

* The whole number of Indians within the United States is estimated, in round numbers, at 300,000; of which 120,000 reside in the States and Territories.

other is exterminated. But, these difficulties surmounted, in what relation are they to stand to the United States? The history of every age teaches us how difficult it has been to maintain tranquillity between continuous and independent States, though civilized. How must that difficulty be increased, when one of the parties is savage? Thefts, and murders, and numberless causes of discord, must inevitably precipitate collisions, which cannot but prove fatal to the weaker party; and the same propensity which has conducted the white population to the remote regions they now occupy, will continue to propel the tide, till it is arrested only by the distant shores of the Pacific. Before this resistless current the Indian must retire, till his name will be no more. It would be, however, worse than useless to waste your time in multiplying objections to existing plans; I have, therefore, supposing it to be within the duty assigned me by the committee, submitted the project of a bill, with such provisions as I think, under all the circumstances, are best calculated to effect the desired object.

In performing the service assigned by the committee, whose wishes alone would have been a sufficient inducement on my part to render a cheerful compliance, I have a further reason—a desire to comply with the requests of the people of the United States residing in the neighborhood of Indian settlements. The Department is continually pressed with applications, from New York to Arkansas, to adopt measures to extinguish the Indian titles to their lands, and to remove the Indians. An unavailing attempt to obtain a cession of their lands is sometimes ascribed by the disappointed to ignorance, or a want of zeal, or some worse motive, on the part of agents employed; and new attempts to negotiate are solicited with unabated importunity. The obstinacy of the Indians, arising from their partial civilization, whose removal we most wish, fully equals the zeal of those who wish to procure their lands; and hence an insuperable difficulty presents itself to effect, by treaties, the object which is so desirable—of putting an end to this fruitful source of collision.

I am not arrogant enough to suppose that it is free from all objections; for I am aware that no plan which human ingenuity could suggest would be altogether exempt, as the subject is encompassed on every side with difficulties. The utmost reach of my hopes is limited to a diminution of these difficulties, both in number and extent. It is only by comparison, I am satisfied, that my scheme can solicit a preference. I submit the outlines of the bill, the principles of which are the following:

1st. The country west of the Mississippi, and beyond the States and Territories, and so much on the east of the Mississippi as lies west of Lakes Huron and Michigan, is to be set apart for their exclusive abode.

2dly. Their removal by individuals, in contradistinction to tribes.

3dly. A Territorial Government to be maintained by the United States.

4thly. If circumstances shall eventually justify it, the extinction of tribes, and their amalgamation into one mass, and a distribution of property among the individuals.

5thly. It leaves the condition of those that remain unaltered.

In offering a few remarks upon these different heads, I beg to call the attention of the committee to the leading principle of the bill, namely: that nothing is proposed to be done, in reference to the Indians, *without their own consent*. In making this a preliminary to our acting, I have been influenced rather by a desire to relieve the proposed plan from objections, than from any settled conviction of its necessity. The relations between the United States and the Indians are so entirely peculiar, that it is extremely difficult to refer to any well settled principles by which to ascertain the extent of our authority over them. Our ancestors, as well as every European nation that seized upon their country, denounced them as heathens, utterly out of the pale of civil society, and, as a consequence, disposed of them according to their will and pleasure. From the adoption of the Federal Government, however, they were regarded, to some extent, as an independent people. Hence, treaties were made with them for a surrender of the usufruct of their lands. On the other hand, they were denied the exercise of this right as it respects other nations, and were even restrained from selling their lands to our own citizens. And, besides regulating their trade, Congress went so far as to punish, by the decisions of our own courts, for offences committed within or without their own territories. In forbearing to go further, it is left to conjecture whether it arose from a want of authority, or the expediency of exercising it. To avoid, therefore, any difficulty which different opinions might produce on this point, their consent has been made necessary by the bill, as a requisite, to its operation.

The first provision looks to the procurement of a country for their future residence beyond the settlements of the whites. Fortunately, that object can be easily effected. In adopting the limits prescribed in the bill, I have pursued the plan heretofore proposed. In including the lands as a part lying between Lakes Michigan and Huron, and the river Mississippi, I have been governed as well by the above consideration, as the fact that it is now in the occupancy of the Indians, and, from its natural features, is not desirable at present for the habitation of our citizens.

The principal recommendation of this plan, next to the advantages to be gained by ourselves, is, that the future residence of these people will be forever undisturbed; that there, at least, they will find a home and a resting-place; and being exclusively under the control of the United States, and, consequently, free from the rival claims of any of the States, the former may plight its most solemn faith that it shall be theirs forever: and this guaranty is therefore given.

The second provision referred to is that of effecting their removal by portions less than whole tribes, when the latter is impracticable. Some of the tribes, in whose immediate removal we are particularly interested, have expressed a fixed determination against an exchange of their lands. This difficulty is said to arise from the influence of their chiefs, who have appropriated the most fertile lands to themselves, and have become wealthy. Their consent to remove cannot be obtained; but the majority, or large portions of the tribe who have no such inducement to remain, it is asserted by those who know, or pretend to know their wishes, may be persuaded to emigrate. By the proposed plan, the fact can be ascertained; and whatever portion may be willing to go, will, under this provision, be removed.

The third object of the bill is the establishment of a Territorial Government by the United States for their protection and their civilization. The bill proposes a governor, three judges, and a secretary, to be appointed by the President, with the advice and consent of the Senate, and such modifications in detail as the President shall ordain, subject to the approbation of Congress.

I have already intimated, in a former part of this report, the consequences of sending the Indians to the country destined for their final abode, without some controlling authority. Without this, they will be exposed to endless mischiefs. It is not necessary to prescribe particularly in the bill their government. Its organization may safely be deposited in the hands of the President, subject to the control of Congress. I will, nevertheless, suggest that, as soon as the civilization of the Indians would admit of it, I would give them a legislative body, composed of Indians, (to be selected in the early stages by the President, and eventually to be elected by themselves,) as well for the purpose of enacting such laws as would be agreeable to themselves, as for the purpose of exciting their ambition. Distinction being the object of universal pursuit with man, whether barbarous or civilized, it is presented to the Indians in this scheme. They will be taught that there is another road to it than through blood and slaughter. The objection, on the part of the most intelligent, to an amalgamation with the whites, is, that they can never rise to offices

of trust and profit. Here, this difficulty will be removed. Let us indulge the hope that, in time, they will be competent to self-government, when they may be left entirely to themselves, and when, in consequence, their ambition will find its proper theatre, and be gratified; then, none will have any adequate motive to remain among the whites.

A fourth object of the bill is, the division of their lands in such manner, and at such times, as the President may think proper. The object of this provision is to give the power to the President (when, in his judgment, circumstances will justify it) to distribute the land among the individuals by metes and bounds, in contradistinction to its being held in common by a tribe. Nothing, it is believed, has had a more injurious influence on our efforts to improve the condition of the Indians, than holding their land in common. Whether such a system may succeed on a very limited scale, when under a beneficent patriarchal authority, is yet to be ascertained. Past experience has left the strongest evidence against its practicability under less favorable auspices. The attempt of that kind in the first settlement of Virginia, and, I believe, in the early settlements elsewhere, conducted the colonists to the very brink of ruin, from which they were rescued only by abandoning it. The distribution of the soil, and the individuality imparted to the avails of its cultivation, history informs us, instantly gave a new and favorable aspect to their condition. How far the strong motives of human action may be modified by education and habit, may be left in the hands of speculative philanthropists. The only safe rule for Government is, to act on human nature as it is, and conform its changes of policy to new but well-ascertained developments. If, therefore, the position be a just one, that every attempt at a community of property has eventuated unsuccessfully, even with civilized man, it is no matter of wonder that it should have been equally so with the savage. To the lands thus granted, add liberally all that is necessary to enable them effectually to succeed in their new condition—implements of husbandry, mechanics for repairing them, domestic animals, and supplies of food. By directing a part of the funds at present paid for annuities, judiciously, under proper agents to be appointed by the United States, and as long as necessity required it, the Indian might be brought, by degrees, to a love of civilized life, and be reconciled to the performance of its duties. And although the difficulty of inducing him to labor is duly appreciated, yet, when its benefits are once realized in the individuality of its productions, and by increasing his comforts, the hope can scarcely be deemed desperate which places him under the same influences as the white man. I refer to the document B, as disclosing interesting information on this branch of the subject. The principle fixed, the time of its application to different tribes might be left to the discretion of the President, who, in its exercise, would conform to circumstances, commencing with those most convenient and most civilized, and cautiously extending its application till the whole be embraced. The money we annually expend on our Indian relations, and frequently not very profitably to them, from the manner of their appropriating it, would furnish an ample fund to meet any probable expense arising from the execution of this plan. By reference to document A, it will be seen that this year we have had to pay for this object \$781,827 14.

To those advantages may be added the consideration, that, after an individual distribution, the effort of the whites to dispossess them of their lands thus held must cease. The individual appropriation of land gives a sanctity to the title which inspires respect in nations the most barbarous. It would repress, with us, any thought of disturbing it. When this is effected, their distinction of tribes may easily be abolished, and the whole consolidated into one great family. And, lastly, the bill leaves those that remain to the wisdom and justice of posterity. If, as is believed, the number disposed to emigrate is comparatively great, those that remain will be so few that their condition may be regulated without committing violence on their wishes or their interests, and yet reconciling their residence with the prosperity of the whites. It is obvious, from causes that need not be enumerated, that they must soon surrender their distinction of race for the resemblance of the white man, and accept, as an equivalent, the blessings which that resemblance cannot fail to bring with it—a peaceful but sure remedy, which may be safely left to time alone to produce.

I will add, that the end proposed is the happiness of the Indians; the instrument of its accomplishment, their progressive, and, finally, their complete civilization. The obstacles to success are their ignorance, their prejudices, their repugnance to labor, their wandering propensities, and the uncertainty of the future. I would endeavor to overcome these by schools; by a distribution of land in individual right; by a permanent social establishment, which should require the performance of social duties, by assigning them a country of which they are never to be bereaved, and cherishing them with parental kindness.

In looking to the possible results of this plan, I am cheered with the hope that much good may be effected with comparatively little injury. Our difficulties, in their present form, will be diminished, or entirely removed. The desire to acquire Indian lands will cease, and no longer produce collisions. The Indians will at last know their lot with certainty. That many will avail themselves of this arrangement, so as to arrive at the blessings of civilization, I think there can be no reasonable doubt; that all will not, I readily admit. The imprudent of our own people are equally beyond the reach of legislative protection.

To this may be added the consolation furnished by the recollection that, in the efforts we had made, we had acquitted ourselves of a debt of justice and humanity; and if they should even fail, by the overruling influence of an inscrutable destiny whose fulfilment requires their extinction, however it may fill us with sorrow, we shall be relieved from remorse.

Respectfully submitted.

JAMES BARBOUR.

A.

Extract from the Second Auditor's statement, showing the amount of requisitions drawn by the Secretary of War on the treasury of the United States, in the first, second, and third quarters of 1825; the amount which has been accounted for on the settlement of accounts; and the balance which remains to be accounted for, as appears from the books of the Second Auditor of the Treasury.

Hheads of expenditure.	Amount drawn from the treasury.	Amount accounted for on the settlement of accounts.	Balance to be accounted for.
Indian department, - - - -	\$143,014 59	\$131,138 30	\$11,876 29
Pay of Indian agents, - - - -	43,318 19	42,506 69	811 50
Pay of Indian sub-agents, - - - -	19,461 65	18,893 78	567 87
Civilization of Indians, - - - -	11,032 91	4,246 05	6,786 86
Presents to Indians, - - - -	18,728 23	15,158 97	3,569 26
Annuities to Indian tribes, - - - -	221,518 98	200,518 98	21,000 00
Claims against the Osages, - - - -	2,748 00	2,628 92	119 08
Carrying into effect the treaty with the Creeks, - - - -	23,000 00	23,000 00	
Do. do. Choctaws, - - - -	3,748 72	3,748 72	
Extinguishment of Indian title to Quapaw lands, - - - -	373 91	373 91	
Running the line of the land assigned to Florida Indians, - - - -	362 44	362 44	
Expenses of rations to be furnished to Florida Indians, - - - -	31,854 25	26,430 25	5,424 00
To defray the expenses of treating with Choctaws for a modification of the treaty of 18th October, 1820, - - - -	9,723 44	7,937 94	1,785 50
To defray the expenses of making treaties with the Indians beyond the Mississippi, - - - -	3,716 21	216 21	3,500 00
To defray the expenses of holding treaties with the Sioux, Chippewas, &c. - - - -	6,400 00	6,400 00	
Claims of Choctaws for services in the Pensacola campaign, - - - -	16,972 50	16,972 50	
Towards the execution of any treaty with the Creeks that may be ratified prior to the next session of Congress, - - - -	225,853 12	34,484 21	191,368 91
	\$781,827 14	\$535,017 87	\$246,809 27

NOTE.—See report accompanying the President's message, explaining the balance which appears to be unaccounted for.

B.

SIR:

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, December 13, 1825.

I now proceed to report upon the remaining parts of your directions of the 3d October last, to wit: "The effects, as already developed, of the present system for civilizing the Indians, and its probable and ulterior consequences upon them as a race, viewed both in relation to their present situation, and that which contemplates their future and permanent residence upon lands west of the Mississippi."

The effects of the present system for civilizing the Indians are everywhere, within the limits of its operation, salutary. The reports from the schools all testify to its excellence. Its superiority over all other plans for their improvement, and its exact adaptation to the end for which it was devised, will appear by comparing it with other efforts heretofore made for the accomplishment of the same benevolent object, and by a more detailed exposition of the consequences which are flowing from those now making.

The wise and good have never ceased, from the earliest periods of our intercourse with the aborigines of this country, to attempt, in one form or other, their rescue from barbarism, and to introduce among them the conveniences and the blessings of civilized life. But those kind designs were limited in their operations, and partial in their effects; so much so, indeed, as to confirm in many, and even in some who were reluctant to admit a conclusion involving such distressing consequences, the belief that the aborigines of America were incapable of receiving and of practising the lessons of civilization! But this problem has since been solved; and these failures are now known to have been occasioned by existing and long established habits, (and which are no less difficult to subdue, where they strike deep, in the white man than in the Indian;) to the game which everywhere abounded in their native forests; to the interminable war which avarice has waged against them; and to the defects in the plans which were resorted to for their enlightening and reformation. The most that was accomplished by the missionaries of those earlier and interesting periods was to reform, comparatively, a few Indians, and control, in some degree, the savage ferocity of others; to maintain and keep alive the spirit of kindness towards them; and to secure to themselves, as laborers in a cause so holy, an enviable immortality.

It is now easy to see at least some of the causes of their want of more abundant success. I will notice but one: that, however, next to the want of means and of teachers, is a principal one, and upon which all the rest, in a great degree, depended. Instead of instructing the Indians in a knowledge of the language of the country, and, by means of that mighty instrument, making avenues for their direct approach to, and intercourse with, the whites, and for their immediate acquaintance with the arts and conveniences of cultivated life, the missionaries adopted the plan of first learning the Indian language, and, by means of it, conveyed their instructions to them. They, moreover, confined themselves chiefly to lessons of morality and virtue. It is true that, without the practice of these, no people, whether civilized or savage, can attain to the excellencies of which our nature is capable; yet it is equally true that the savage man must be instructed also in the arts and conveniences of cultivated life, and made to feel the superior benefits which are to be derived from an ownership in and cultivation of the soil, and from the social virtues, over the uncertain and isolated and homeless condition of the mere hunter state. It was reserved for later times, if not to discover, at least to practise, this more practical and certain method of civilizing the Indians: hence the present system, whilst it maintains the dignity and purity of moral and religious instruction, keeps also in constant operation the means which are now leading so many Indians to an acquaintance with the domestic arts, with mechanics, and with agriculture. It has been by the union of these, aided, it is true, by the absence of game, that the present system for civilizing the Indians has, in the course of a very few years, produced such a striking change in the habits and practices of several of the tribes among whom it has been put in operation. Upwards of eleven hundred

children, as has been shown in my report of the 30th ultimo, are now having imparted to them, and successfully too, the blessings of civilized and Christian life; whilst the older Indians, struck with its transforming effects, are themselves practising, to a very great extent, the lessons which they receive from their more fortunate offspring; and, in proof of their admiration of it, have, in many instances, contributed from their own scanty resources to its support. Several tribes have placed at the disposal of the superintendents of the schools, under the direction of the General Government, large annuities. The Choctaws have allotted twelve thousand dollars of their means per annum, for nearly twenty years, towards the support of this system; and the Chickasaws have given one year's annuity, amounting to upwards of thirty thousand dollars, as a fund for the same object.

The Cherokees on this side of the Mississippi are in advance of all other tribes. They may be considered as a civilized people. Their march has been rapid. Less than thirty years ago they were so insensible to the conveniences of roads, as to have grown jealous of the missionary who had entitled himself to their confidence, (and justly too), for recommending them to open a wagon road from one of their villages, for the advantage of an easier intercourse with another. Something, it is true, had been accomplished in the instruction of a few Cherokees in letters, and in the domestic arts, by the aged and venerable Moravian missionary who yet resides in the Cherokee nation; but the first school established there, under the present system, was in 1817. I cannot better illustrate the results of this system than by introducing here a statement of the present condition of the Cherokees, from the pen of a young man, a native Cherokee, who is indebted to this system for his improvement, and who was eight years ago, as he told me himself, "a savage," without any knowledge of our language, or the principles of that sublime religion, to the cause of which he has devoted himself for the benefit of his countrymen. I shall not only be excused, but justified, I am sure, in introducing the following extracts from his letter, addressed to the editor of the Family Visitor, at Richmond, in September last. It is truth we are in quest of, and facts are the best instruments for its development. Theory, and all previously conceived opinions, which are adverse to Indian capacity and Indian improvement, must give way to the stubborn demonstration of such facts as David Brown discloses, even if there were no others; but there are many such.

"WILLSTOWN, (CHEROKEE NATION,) September 2, 1825.

"In my last letter from Creek Path to you, I stated that there was some probability of my returning to Arkansas, &c.; and referred to the improved condition of the Cherokees on this side of the Mississippi, in a moral, intellectual, and religious point of view, &c.; to the slow progress I make in translating the New Testament, in consequence of the non-existence of a dictionary or complete grammar in Cherokee; and to the philological researches of one in the nation, whose system of education had met with universal approbation, &c.

"Allow me, dear sir, now the pleasure to fulfil the promise I made you, that I would pick up and send you what I had omitted. Recently I have been travelling a good deal in the nation, in order to regain my impaired health. My heavenly Sovereign permitting, I expect to return to Arkansas in the month of October next. I have made a hasty translation of the four gospels, which will require a close criticism. On my arrival at Dwight, I shall pursue the delightful work; and I hope the day is not far distant when the Cherokees, my brethren and kindred according to the flesh, shall read the words of eternal life in their own tongue. I will here give you a faint picture of the Cherokee nation and its inhabitants; in the mean time, however, it must be borne in mind that it is the mass and common people that form the character of a nation, and not officers of government, nor the lowest grade of peasantry.

"The Cherokee nation, you know, is in about thirty-five degrees north latitude; bounded on the north and west by the State of Tennessee, on the south by Alabama, and on the east by Georgia and North Carolina. This country is well watered; abundant springs of pure water are found in every part; a range of majestic and lofty mountains stretch themselves across the nation. The northern part of the nation is hilly and mountainous; in the southern and western parts there are extensive and fertile plains, covered partly with tall trees, through which beautiful streams of water glide. These plains furnish immense pasturage, and numberless herds of cattle are dispersed over them; horses are plenty, and are used for servile purposes; numerous flocks of sheep, goats, and swine cover the valleys and hills. On Tennessee, Ustanala, and Canasagi rivers, Cherokee commerce floats. The climate is delicious and healthy; the winters are mild; the spring clothes the ground with its richest scenery; Cherokee flowers, of exquisite beauty and variegated hues, meet and fascinate the eye in every direction. In the plains and valleys the soil is generally rich, producing Indian corn, cotton, tobacco, wheat, oats, indigo, and sweet and Irish potatoes. The natives carry on considerable trade with the adjoining States; and some of them export cotton, in boats, down the Tennessee to the Mississippi, and down that river to New Orleans. Apple and peach orchards are quite common, and gardens are cultivated, and much attention paid to them; butter and cheese are seen on Cherokee tables. There are many public roads in the nation, and houses of entertainment kept by natives. Numerous and flourishing villages are seen in every section of the country. Cotton and woollen cloths are manufactured here; blankets, of various dimensions, manufactured by Cherokee hands, are very common; almost every family in the nation grows cotton for its own consumption. Industry and commercial enterprise are extending themselves in every part; nearly all the merchants in the nation are native Cherokees; agricultural pursuits (the most solid foundation of our nationa prosperity) engage the chief attention of the people. Different branches in mechanics are pursued. The population is rapidly increasing; in the year 1819, an estimate was made of all the Cherokees: those on the west were estimated at five thousand, and those on the east of the Mississippi at ten thousand souls. The census of this division of the Cherokees has again been taken within the current year, and the returns are thus made: native citizens, thirteen thousand five hundred and sixty-three; white men, married in the nation, one hundred and forty-seven; white women, married in the nation, seventy-three; African slaves, one thousand two hundred and seventy-seven. If this summary of Cherokee population from the census is correct, to say nothing of those of foreign extract, we find that, in six years, the increase has been three thousand five hundred and sixty-three souls. If we judge the future by the past, to what number will the Cherokee population swell in 1856?

"White men in the nation enjoy all the immunities and privileges of the Cherokee people, except that they are not eligible to public offices. In the above computation of the present year, you perceive that there are some African slaves among us; they have been, from time to time, brought in and sold by white men; they are, however, generally well treated, and they much prefer living in the nation to a residence in the United States. There is hardly any intermixture of Cherokee and African blood. The presumption is, that the Cherokees will, at no distant day, co-operate with the humane efforts of those who are liberating and sending this proscribed race to the land of their fathers. National pride, patriotism, and a spirit of independence mark the Cherokee character.

"The Christian religion is the religion of the nation; Presbyterians, Methodists, Baptists, and Moravians are the most numerous sects. Some of the most influential characters are members of the church, and live consistently with their professions. The whole nation is penetrated with gratitude for the aid it has received from the United States Government and from different religious societies. Schools are increasing every year; learning is encouraged and rewarded; the young class acquire the English, and those of mature age the Cherokee system of learning. The female character is elevated and duly respected. Indolence is discountenanced. Our native language, in its

philosophy, genius, and symphony, is inferior to few, if any, in the world. Our relations with all nations, savage or civilized, are of the most friendly character. We are out of debt, and our public revenue is in a flourishing condition; besides the amount arising from imposts, a perpetual annuity is due from the United States, in consideration of lands ceded in former periods. Our system of government, founded on republican principles, by which justice is equally distributed, secures the respect of the people. New Town, pleasantly situated in the centre of the nation, and at the junction of Canasagi and Gusuwati, two beautiful streams, is the seat of Government. The legislative power is vested in what is denominated, in native dialect, *Tsalagi Tiniawige*, consisting of a national committee and council. Members of both branches are chosen by and from the people, for a limited period. In New Town a printing press is soon to be established; also, a national library and a museum. An immense concourse of people frequent the seat of Government when the *Tsalagi Tiniawige* is in session, which takes place once a year."

The success which has attended the philological researches of "one in the nation," and whose system of education has met, among the Cherokees, with universal approbation, certainly entitles him to great consideration, and to rank with the benefactors of man. His name is Guess, and he is a native and unlettered Cherokee. Like Cadmus, he has given to his people the alphabet of their language. It is composed of eighty-six characters, by which, in a few days, the older Indians, who had despaired of deriving an education by means of the schools, and who are not included in the existing school system as participators of its benefits, may read and correspond! I have the honor to accompany herewith, in paper marked C, this alphabet, together with an example in the word "*friend*," and also the sound of each character, numbered from 1 to 86.

The probable and ulterior consequences upon the Indians, as a race, of the system for their civilization, whether viewed in relation to their present situation, or that which contemplates their future and permanent residence upon lands west of the Mississippi, will partake, it is reasonable to presume, more or less, and according as circumstances may be favorable or otherwise, of those which have already been developed. This is the necessary conclusion, if any regard be had to the effects which have already been produced. But the system, to be universally operative, and speedy in accomplishing the objects designed by it, should be so enlarged as to embrace the entire body of Indian children to whose tribes it may be extended. Without this, they will have to contend with opposing influences, and their progress will be less rapid. The examples of those not embraced by it will be necessarily felt. It is in the nature of man to imitate; and it being easier to imitate bad habits than good, the former will predominate, and especially among a people where the checks arising out of public opinion, and which apply to social and moral actions, are less regarded than are those which demand the exercise of self-denial and the sterner virtues. Whether, therefore, the Indians maintain their present location, or emigrate west of the Mississippi, and there settle under some congenial and paternal Government, as was proposed by our late venerable Chief Magistrate, it cannot be otherwise, if the present system for their civilization be sustained, than that they will continue to derive from it effects similar to those which have been disclosed. It is, however, in my opinion, very certain that, should they retain their present location, they will, in the course of a few years, be lost as a race. The very improvement which is now making, the refinements which it creates, and the conceptions which it inspires, cannot, whilst they retain their present relation to us, but produce in them feelings of deep humiliation. It is true the Cherokees have a government of their own; and they aspire, among themselves, to places of honor and trust. But the more enlightened of them feel that these honors, when attained, suffer in the comparison with those which are bestowed in the States; or, however gratifying their attainment may be, that they are never free from the terrible apprehensions which arise out of the uncertainty of their continuing where they are. Indeed, those of them who have thought most upon this subject, and who feel, with the return of every year, the swell of the same ocean that has swept off so many of their tribes breaking at their feet, have no objection to pass at once under the laws of the States, and into permanent repose, except that which arises out of their apprehension that a portion of their people are not yet prepared for it. But this portion are receiving, in their turn, the enlightening influences of the system of education; and a little time only will be required (so far, at least, as it regards the Cherokees,) to destroy this fear, when the whole tribe will, no doubt, seek to place themselves under the laws of the States, and, by that act, prepare the process for their extinction as a race. The same may be said of the other tribes, as they shall, in succession, advance to the same state of improvement. But a different result may be anticipated in regard to the question of their extinction or preservation as a race, were the entire Indian population now within the limits of our States and Territories (and which does not exceed one hundred and thirty thousand) collected and placed under the kind of government which has been referred to, and upon lands west of the Mississippi. They would be thus embodied as a separate people. The humiliating feelings arising out of their present relation to the whites and to our Government would be changed and elevated by the connexion which would be formed between them; and they would be secured, as well by their separate state as by the power of the Government under which they would live, and of which they would form part, from all further encroachments and insults, and freed from the apprehension, which is so paralyzing to them, of any future removal. Under such circumstances, it is reasonable to suppose that they would give full scope to those feelings which characterize them as a people, and which lead them to struggle so for their preservation as a race. To this day, the fragments of tribes within the States in the north and east cling to the exterior characteristics in their leggins and belts of wampum; thus demonstrating their devotion to their race. They are not ashamed of their origin nor of their complexion. They glory in both. Remove the existing causes that operate to humiliate them in their own eyes, and to depress their energies; give them, under our laws, an assurance of protection in that western home, and a share in the Government and in the public honors; make them, in a word, part of ourselves; and their improvement, in such a state, under the existing system for their civilization, so far from producing their extinction as a people, would tend to their preservation as a race.

The question of policy, as to which of those measures would conduce most to the public welfare and the happiness and prosperity of the Indians, and which now presents itself, is left for discussion to those who are more competent to it. But the age, I may be permitted to add, in which it is our happiness to live, has, by its enlightening and humanizing influences, decided that mercy shall rule, and liberality and kindness minister to these unfortunate people, in whatever relation it may be determined they are to stand to us.

I have the honor to be, with great respect, your obedient servant,

THOS. L. MCKENNEY.

To the Hon. JAMES BARBOUR, *Secretary of War.*

C.

R D W H G J W P A J S B P M P O U &
 W B A A O U H G I A J S A F G O W U A L
 O G R H S A H J E O T O B W P J K N A Q
 G G V A G S A G I O T O S P F H L X
 G A L T P O I E

1 A, short	19 Woh.	36 Quegh.	53 Un (French.)	70 —.
2 A, broad.	20 Cloh.	37 Sah.	54 Tun.	71 Tsooh.
3 Lah.	21 Tah.	38 Quah.	55 Kooh.	72 Mah.
4 Tsee.	22 Yahn.	39 Gnaugh (nasal.)	56 Tsoh.	73 Clooh.
5 Nah.	23 Lanh.	40 Kaah.	57 Quooh.	74 Haah.
6 Weeh.	24 Hee.	41 Tsahn.	58 Noo.	75 Hah.
7 Weh.	25 Ss (sibilant.)	42 Sahn.	59 Na.	76 Meeh.
8 Leeh.	26 Yoh.	43 Neeh.	60 Loh.	77 Clah.
9 Neh.	27 Un (French.)	44 Kah.	61 Yu.	78 Yah.
10 Mooh.	28 Hoo.	45 Taugh.	62 Tseh.	79 Wah.
11 Keeh.	29 Goh.	46 Keh.	63 Tee.	80 Teeh.
12 Yeeh.	30 Tsoo.	47 Taah.	64 Wahn.	81 Clegh.
13 Seeh.	31 Maugh.	48 Kahn.	65 Tooh.	82 Naa.
14 Clanh.	32 Seh.	49 Weeh.	66 Teh.	83 Quh.
15 Ah.	33 Saugh.	50 Eeh.	67 Tsah.	84 Clah.
16 Luh.	34 Cleegh.	51 Ooh.	68 Un (French.)	85 Maah.
17 Leh.	35 Queegh.	52 Yeh.	69 Neh.	86 Quhn.
18 Hah.				

The following characters, when put together, spell "Friend"—**J A S T** and are sounded thus—*Keeh-naa-leh-eeh*. "Keeh" is sounded short; "naa," broad; "leh," short; and "eeh," short.

SIR:

WASHINGTON CITY, March 1, 1826.

I have just read the printed copy of a letter from you to the chairman of the Committee on Indian Affairs, and have also seen and examined the bill reported by that committee for the preservation and civilization of the Indian tribes within the limits of the United States; and, in obedience to your request, will now submit to you my ideas with respect to the interesting subject to which they relate.

The view which is taken in the letter, of the relative condition of the United States on the one side, and the Indian tribes on the other, is, in my opinion, perfectly correct; and the obligation which is imposed upon this Government to save them from extinction, as the letter suggests, and to make persevering exertions to improve their condition, is equally the dictate of magnanimity and justice. The events of the last two or three wars, from General Wayne's campaign, in 1794, to the end of the operations against the southern tribes, in 1818, have entirely changed our position with regard to the Indians. Before those events, the tribes nearest our settlements were a formidable and terrible enemy; since then, their power has been broken, their warlike spirit subdued, and themselves sunk into objects of pity and commiseration. While strong and hostile, it has been our obvious policy to weaken them; now that they are weak and harmless, and most of their lands fallen into our hands, justice and humanity require us to cherish and befriend them. To teach them to live in houses, to raise grain and stock, to plant orchards, to set up landmarks, to divide their possessions, to establish laws for their government, to get the rudiments of common learning, such as reading, writing, and ciphering, are the first steps towards improving their condition. But, to take these steps with effect, it is necessary that previous measures of great magnitude should be accomplished; that is, that the tribes now within the limits of the States and Territories should be removed to a country beyond those limits, where they could rest in peace, and enjoy in reality the perpetuity of the lands on which their buildings and improvements would be made.

This great measure is proposed in the bill to which I have referred; and the country west of Missouri and Arkansas, and west of the Mississippi river, north of Missouri, is the one destined to receive them. From all accounts, this country will be well adapted to their residence; it is well watered with numerous small streams and some large rivers; abounds with grass, which will make it easy to raise stock; has many salt springs, from which a supply of the necessary article of salt can be obtained; contains much prairie land, which will make the opening of farms easy; and affords a temporary supply of game.

I would recommend the following measures to be pursued:

1st. Employ commissioners, who are acquainted with the Indians themselves, and who are zealous in the business, to negotiate for their removal, and to impress upon their minds the conviction of the truth, that it is impossible for them to remain as independent nations within the limits of these States and Territories.

2d. Lay off suitable portions of country for the different tribes to remove to, and facilitate their removal by placing agents at suitable points where they will cross the Mississippi, and at other points on the line of march, to supply them with provisions, ammunition, &c. Nor should they be required to move in a body, but singly, or in families, as they pleased. In this way, a constant tide of Indian emigration is now going on from the States of Ohio, Indiana, and Illinois, to the west of the Mississippi. They cross at St. Louis and St. Genevieve, under my superintendency; and my annual accounts with the Government show the aid which is given to them. Many leading chiefs are zealous in this work, and are laboring hard to collect their dispersed and broken tribes at their new and permanent homes.

3d. To assist them in commencing an agricultural life, by enclosing with fences an adequate portion of ground near to each village, and have it broken up with the plough, and divided into parcels for each family, and have it planted with all the common and most useful fruit-trees; also, furnish them with stock animals, and the different kinds of fowls, and assist them in the erection of permanent houses.

The condition of many tribes west of the Mississippi is the most pitiable that can be imagined. During several seasons in every year they are distressed by famine, in which many die for want of food, and during which the living child is often buried with the dead mother, because no one can spare it as much food as would sustain it through its helpless infancy. This description applies to the Sioux, Osages, and many others; but I mention those because they are powerful tribes, and live near our borders, and my official station enables me to know the exact truth. It is in vain to talk to people in this condition about learning and religion. They want a regular supply of food, and, until that is obtained, the operations of the mind must take the instinct of mere animals, and be confined to warding off hunger and cold. The nations which I have mentioned, and many others west of the Mississippi, have neither hogs nor cows, and do not want them, because they would eat up their little patches of corn, which are without fences, and because, as the whole nation have to go out to hunt twice a year, and at that period have nothing to eat at home, hogs and cows could neither go with them, nor be left at home in safety. They want nothing but horses and dogs, which accompany them in their hunts; and in these expeditions the aged and infirm, when unable to keep up, are frequently left to die. To stop all these evils, fences, stock, and grain are the first things to be given them.

4th. Establish common schools in the villages, to teach all the children to read, write, and cipher, &c. A college education for a few, while the body of the nation is left in ignorance, has been proved, by the experience of more than two hundred years, to be a most unprofitable experiment; and besides, (because there is no other way of dividing equally the large fund for education which is now accumulating in many tribes, except by establishing common schools in every village,) the fund for this purpose is too great to be given up to a few who choose to administer upon it. I presume that it is equal, at present, to more than two hundred thousand dollars, and is constantly increasing. Charities, among white people, are liable to be abused; and, among ignorant and careless Indians, much more so. A plan of education and accountability should be established by law. The superintendents and agents should be charged with its execution. Frequent rigorous and personal examinations should be had over the scholars and teachers, regular reports made to the Government, liberal pay given to the teachers at the end of each quarter, and after each examination; but large sums ought not to be put in their hands, to be used at discretion.

5th. Give to the tribes the idea of submission to the authority of a civil government. For this purpose, as many of the tribes or of the scattering bands as possible, understanding one language, should be collected near each other, over which a competent agent should be placed, with full power of conducting the executive part of a government, to be submitted to and adopted by the Indians, subject to such changes as may be recommended and approved by the President. It is believed that the executive agent, by his authority, will prevent the Indians from killing one another for the chief place, and keep the inferior officers (who should be Indians) within the bounds of their duty, and decide those differences by his influence or authority which are now decided by the rifle and tomahawk.

Some of the chiefs who wish to be headmen themselves might object to this, but the body of the tribes would approve it when they understood it; and there would be stations enough under the agent to try the abilities and satisfy the ambition of the different contending chiefs. A general government over the whole might be necessary and proper.

6th. The presence of agents, clothed with the authority of the United States, would probably be sufficient to prevent the chiefs from killing one another, and to prevent different tribes from attacking each other, or committing depredations upon the white people; but, to make sure of this, a show of troops is necessary, and some military posts ought to be established along the frontier of white settlements; and all the nation should be made responsible, out of their annuities, for the depredations which any one of its people should commit either on the whites or on Indians of other tribes.

7th. The permanent annuities ought to be commuted for limited ones; such a change would be beneficial to both the United States and the Indians. It would free the Treasury from what would otherwise remain an everlasting charge upon it, and which, in the lapse of a century, would amount to an enormous sum, as might readily be shown by looking to the annually increasing amount for the Indian Department, which exceeds seven hundred thousand dollars for the present year, of which about one-fourth is paid in annuities. In a century, the aggregate paid in annuities may be equal to one-fourth of the present national debt, without counting the probable increase. It would be better for the Indians to receive a large sum in a short time, than to be receiving a small one forever. The largest annuity which we pay affords but a few dollars per head, when divided among a tribe, and contributes nothing of much importance to the amount of their property; and it is property alone that can keep up the pride of an Indian, and make him ashamed of drunkenness, begging, lying, and stealing. It is property which has raised the character of the southern tribes. Roads and travellers through their country, large annuities, and large sums for land from the United States, and large presents to chiefs, have enabled them to acquire slaves, cattle, hogs, and horses; and these have enabled them to live independently, and to cultivate their minds and keep up their pride; while those even of the southern Indians who have no property, as I am informed, are in the lowest state of moral and mental degradation. An Indian will not work while in his uncultivated state; that is considered a disgrace. The period of danger to him is that in which he ceases to be a hunter, from the extinction of game, and before he gets the means of living from the produce of flocks and agriculture. In this transit from the hunter to the farming state, he degenerates from a proud and independent savage to the condition of a beggar, drunkard, and thief; neglecting his family, suffering for food and clothes, and living the life of a mere animal. To counteract the dangers of this transit, property in cattle, hogs, and horses is indispensable; and, to furnish these, the permanent annuities should be commuted into a gross sum, payable in equal annual parts, for a moderate term of years; and the women and children, upon whom the labor of cultivating the ground devolves, should be assisted in making fences, to which their own means and strength are inadequate; also, in planting orchards, and instructed in raising cotton, and in spinning and weaving it into cloth, and making it up into garments. Small mills should be built, and a miller provided, to save the women from the labor of pounding the corn; useful mechanics employed to make their ploughs, carts, wheels, hoes, axes, &c., and for the purpose of teaching the young Indians how to use and make them.

Most of these provisions I have found incorporated in your letter to the committee; and the adoption of others, herein suggested, I now recommend; and, if enacted into a law, I anticipate the commencement of a new era of prosperity in the condition of a people who have strong claims upon the justice and generosity of this Government.

I have the honor to be your obedient servant,

WILLIAM CLARK, *Superintendent Indian Affairs.*

HON. JAMES BARBOUR, *Secretary of War.*

19th CONGRESS.]

No. 232.

[1st SESSION.

CONDITION OF THE FLORIDA INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, ON THE 1ST MARCH, 1826.

To the Senate and House of Representatives of the United States: WASHINGTON, March 1, 1826.

I communicate to Congress a letter from the Secretary of War, together with a representation from Colonel Brooke, relating to the present condition of the Indians in Florida, and which I recommend to the favorable consideration of Congress.

JOHN QUINCY ADAMS.

SIR:

DEPARTMENT OF WAR, February 14, 1826.

I have the honor to enclose herewith an extract of a letter from Colonel Brooke, of Florida, to Colonel Gibson, of this city, on the present suffering condition of the Florida Indians. The correspondence with the Department for some time past confirms the truth of Colonel Brooke's statement; and it was in consequence of those representations that partial relief was authorized by you from the contingencies of the Indian Department. Being convinced that the country to which those Indians have emigrated is not suited, either in soil or salubrity, to their preservation, instructions were, some weeks ago, forwarded to Governor Duval to ascertain their dispositions in regard to a removal to lands west of the Mississippi. It is hoped they may accede to the proposition. Meanwhile, however, humanity demands that they should be kept from starving. They are where they are by our seeking, and their country was exchanged, as is usually the case, by treaty; doubtless, with an ignorance on their part of the nature of that to which they consented to emigrate, and erroneous information on ours as to its fitness.

I respectfully recommend that the subject of the sufferings of these people be referred to the Congress, that such relief may be afforded as in the wisdom of that body may seem proper.

Connecting the object of the removal of those Indians with that of their immediate relief, I would suggest that the sum of fifty thousand dollars be appropriated, with a view to both.

I have the honor to be your most obedient servant,

JAMES BARBOUR.

To the PRESIDENT OF THE UNITED STATES.

Extract of a letter from Colonel George M. Brooke to Colonel George Gibson, dated

CANTONMENT BROOKE, December 20, 1825.

You will perceive by the ration returns for this month that more rations have been issued to the Indians than usual. This has been occasioned by a number of Indians (say from six to seven hundred) who were obliged to come to the sub-agency, near the cantonment, for the purpose of receiving their presents from the Government, agreeably to the treaty; most of them had travelled from eighty to one hundred miles, and were entirely without subsistence. The issuing of rations to the Indians under the treaty expired on the 10th of October. The major part of the nation are, and have been, suffering for some time in extreme want. Some have died from starvation, and many have lived upon the roots of the sweet-briar, as a substitute for bread. This is owing to several causes: 1st. The continued droughts, for two months, whilst their corn was tasseling. 2d. Those who removed within the new boundary line had to cultivate new lands, which will not produce the first year of planting; and, 3d. Many did not come in till it was too late to plant.

I can assure you they are in the most miserable situation; and, unless the Government assists them, many of them must starve, and others will deplete on the property of the whites in the Alachua and St. John's settlements. It is impossible for me, or any other officer who possesses the smallest feelings of humanity, to resist affording some relief to men, women, and children, who are actually dying from the want of something to eat.

I therefore wish that an additional allowance of rations may be made for the post; and I trust that, on your representation to the Secretary of War, partial rations may be given generally, through the Indian agent.

G. M. BROOKE, *Lieut. Colonel.*

19th CONGRESS.]

No. 233.

[1st SESSION.

DESCRIPTION OF THE INDIANS RESIDING ON THE MISSOURI RIVER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MARCH 6, 1826.

SIR:

DEPARTMENT OF WAR, March 4, 1826.

Pursuant to a resolution of the House of Representatives of the 1st instant, directing the Secretary of War to lay before the House "such information as he may have received respecting the movements of the expedition which lately ascended the Missouri river, under the command of General Henry Atkinson; and, also, such account as may have been communicated to him of the situation, number, and strength of the different Indian tribes inhabiting that part of the territory of the United States," I have the honor to transmit, herewith, a report of Major General Brown, with the accompanying documents, which furnishes the information required.

I have the honor to be your obedient servant,

JAMES BARBOUR.

The Hon. JOHN W. TAYLOR, *Speaker of the House of Representatives.*

SIR:

HEAD-QUARTERS, WASHINGTON, *February 3, 1826.*

Agreeably to your instructions, attached to a copy of a resolution of the House of Representatives, calling for such information as may have been received respecting the movements of the expedition which lately ascended the Missouri river, under the command of General Henry Atkinson, I have the honor to enclose, herewith, the general's report, comprehending, in full, the information required.

With the highest respect, I have the honor to be, sir, your obedient servant,

JAC. BROWN.

Hon. JAMES BARBOUR, *Secretary of War.*

ADJUTANT GENERAL'S OFFICE, WESTERN DEPARTMENT,

SIR:

HEAD-QUARTERS, LOUISVILLE, KENTUCKY, *November 23, 1825.*

I have the honor to submit to you a copy of the report of Major O'Fallon and myself to the honorable Secretary of War, giving a detail of our operations as commissioners appointed to treat with the Indian tribes "beyond the Mississippi." It comprises both the movements of the military escort, and a description of the localities, habits, pursuits, and numbers of the several Indian tribes with which we have made treaties, including the Blackfeet and Assinaboin tribes, whom we did not see. As the detail is full, and contains the best information I can give upon these points, I beg leave to offer it as a part of my official report; adding, in conclusion, other remarks applicable to subjects that did not fall under our notice as commissioners. [For this report, see No. 226, p. 605.]

With respect to the river and bordering country, from Council Bluffs to the extreme point the expedition reached in its ascent, both may be compared to that below the Bluffs, until we arrive at the mouth of Poncar river, a distance of three hundred miles by water; the river thus high being as difficult of navigation as it is below, and the bottom lands equally fertile and productive.

The timber, however, which is chiefly cotton-wood, interspersed with ash, elm, and some oak and hickory, decreases somewhat in quantity and size in the bottoms, and of which there is an entire absence on the uplands. Immediately on reaching Poncar river, the face of the country materially changes. The bottom lands become narrow and less fertile, with but little timber; and the bluffs are more elevated, and approach nearer the river. The navigation is easier, the current being more gentle, and the banks affording better grounds for cordelling. The country maintains this character as far up as the Arickara villages, a distance of four hundred miles. Here the country has a much more favorable aspect: the bottoms resume their usual width, of from three to five or six miles, with a considerable quantity of cotton-wood, interspersed with ash and elm, skirting the river. The soil is fertile, but less so than it is below Poncar river; and the plains are clothed with a short and nutritive grass. The face of the country changes but little from hence to the mouth of Yellow Stone river, and above, on the Missouri, for one hundred and twenty miles, (the point from whence the expedition retrograded,) except that the soil becomes more thin and less fertile, and the Missouri being but little more than half the width above the Yellow Stone that it maintains below its junction with that river. It is understood, however, to be navigable for large keel-boats to the falls, a distance of seven hundred and fifty miles above the confluence of these rivers.

With regard to the propriety of establishing a military post near the Mandans, as suggested by your communication of the 21st July, it will be seen, by reference to the report of the commissioners, that no circumstances, either relating to the conduct of the British traders in a supposed intercourse with our Indians in that quarter, or as relates to the Indians themselves, would call for such a measure. The British traders, as stated in the report, never, of latter years, visit the Indians residing on the Missouri below the falls of that river, nor do those Indians visit the British establishments on Red river; and as all the tribes east of the mountains, except the Blackfeet, are friendly disposed towards Americans, our traders can go among them in great safety, without the protection of a military force. If, however, it should be thought advisable by Government to establish a military post in the upper country, as a point of rest to our traders, I would recommend the mouth of Yellow Stone river as the most eligible position; for here is the diverging point whence our traders must approach the mountains to the west and northwest. But, to give a practical protection to our people who seek for furs, (as this article is only to be profitably found upon the head waters of our rivers in the mountains,) a military force should be located near the three forks of the Missouri. Still, this is a point so remote, that a garrison could not be sustained there without vast expense; for it would be highly imprudent to depend on the game of the country for subsistence, as it is well known that buffalo quit any neighborhood occupied by white men; and, besides the expense, it would be difficult to send up supplies from the interior. From these considerations, I am of opinion that it is inexpedient, at this time, to extend our military post above Council Bluffs. I should rather recommend that, once in three or four years, a military force of from three to four hundred men should ascend the Missouri, as high as the falls of that river. By leaving Council Bluffs as early as the 1st of April, in a suitable class of transports, that point might be reached by the 1st of July; this would allow the detachment July, August, and part of September to open a communication with the Blackfeet Indians, which would result, I have no doubt, in a friendly understanding with that nation, and open a profitable intercourse for our traders. An occasional show of an imposing military force in an Indian country produces, in my opinion, a better effect than a permanent location of troops among them.

A Mr. Smith, an intelligent young man, who was employed by General Ashley beyond the Rocky Mountains for two years, and who visited a British trading-house on the north fork of Lewis's river last winter, informs me that British traders often visit the Blackfeet Indians, on the head waters of the Missouri, within our limits; trade with them, and trap for beaver; that on Lewis's river the British traders have three trading-houses—two occupied permanently, and the other during the winter. A fourth establishment, their principal depot, is called Fort George, (formerly Astoria,) a strongly fortified position on Columbia river, near its mouth, where they receive their goods, by ships navigating the Pacific, and whence they distribute supplies to their upper establishments and to their moving parties. The number of trappers and hunters employed by the British Trading Company beyond the mountains is estimated at six hundred men, chiefly half-breed Cree and Iriquoï Indians. The furs, which they take in great quantity, are carried down to Fort George, and thence shipped on the Pacific.

I learn from General Ashley that there is an easy passage across the Rocky Mountains, by approaching them due west from the head waters of the river Platte; indeed, so gentle in ascent, as to admit of wagons being taken over. This point is in about latitude forty-two—perhaps a little more south. In going west from this pass, you come to the head waters of a river which is believed to empty itself into the Pacific, some distance south of the mouth of Columbia river. The general is now preparing for me a topographical sketch of this section of country, which shall be forwarded to you as soon as received.

In answer to your inquiries respecting the propriety of establishing a military post on the Arkansas river, where the caravans usually cross in going to New Mexico from Missouri, I have to observe, that, being unacquainted

with the country myself, I have made inquiry of those best informed on the subject, and refer you to the accompanying letter of Captain Gamble, an intelligent gentleman, who accompanied, as secretary, the commission appointed to mark out a road from Missouri to New Mexico. From this information, the contemplated road to Santa Fé (which seems to be the route already taken by the caravans) will strike the Arkansas at the north bend of that river, distant upwards of three hundred miles from our frontier, and an equal or greater distance from Cantonment Gibson, by land. If a military post is to be established for the protection of the caravans, this point would seem to be the most proper one, as it is about mid-way of the route to Santa Fé, and the only place where water and a scanty supply of fuel can be obtained. The benefits to be derived by the caravans from the protection of a military force, thus located, could only be limited and circumscribed, unless horses were provided and kept in readiness to mount eighty or one hundred men, to escort the caravans, and make fresh pursuit of depredating parties of Indians. Sustaining a garrison at this position must, of course, be expensive, as the means of subsistence, clothing, munitions, and other supplies, must be carried over land; the Arkansas river not being navigable, for even small craft, so high up. If the post should be contemplated as only a point to rest the caravans, I presume one company would be sufficient for that object; but if it should be intended that the caravans shall be protected on their journey, a garrison of four or five companies will be necessary, with horses to mount one hundred men. It would seem, however, from Captain Gamble's statement, that the caravans, when amounting to thirty or forty men, feel themselves free from insult by the Indians; and when we take into view the limited number of troops scattered along our extensive frontier, and which appear necessary for the protection of our frontier settlements, I could hardly recommend that any of them should be withdrawn from that service to establish the contemplated post. I nevertheless feel sensibly the claim which that enterprising class of our citizens who trade to Santa Fé have upon our Government for protection; but the means of affording it is a subject for higher authority to determine.

If, as it is contemplated by Government, the Indian tribes residing in the interior of the country are to be removed, and located on the borders of Missouri and Arkansas, it will require a cordon of posts along that whole extent of country to preserve peace among the multiplied number of tribes, and to give protection to our frontier.

With very great respect, sir, I have the honor to be your most obedient servant,

H. ATKINSON,

Brigadier General United States Army.

Major General BROWN,

Commander-in-Chief, Washington City.

19th CONGRESS.]

No. 234.

[1st SESSION.]

FUR TRADE.

COMMUNICATED TO THE SENATE, MARCH 8, 1826.

Mr. BENTON, from the Committee on Indian Affairs, reported a bill "for the better regulation of the fur trade," and laid on the table the following documents in relation thereto:

SIR: DEPARTMENT OF WAR, *February 15, 1826.*

I have the honor to enclose, herewith, copies of a letter and report to the chairman of the Committee on Indian Affairs of the House of Representatives, which embrace the reference of the same subject made by you to me in yours of the 7th instant.

I have the honor to be, very respectfully, your obedient servant,

JAMES BARBOUR.

The Hon. THOMAS H. BENTON,

Chairman Committee on Indian Affairs, United States Senate.

SIR: DEPARTMENT OF WAR, *February 15, 1826.*

In reply to your letter of the 10th February, I have the honor to state, that as my attention had been previously called to the subject referred to, (viz: the operations of the fourth section,) by Messrs. Stuart and Pratte, engaged in the Indian trade, with a view to collect all the information within my reach, I referred the communication of these gentlemen to Governor Cass and the officer in charge of the Indian Bureau, connected with this Department. Their reports I herewith enclose, and to which I respectfully refer the committee. I beg leave to invite the attention of the committee to the other amendments suggested by Governor Cass, as being necessary to the successful operation of the policy of the United States in respect to the Indians.

I have not the bill before me, and therefore am less able to say precisely what the additional provision should be, whose necessity is suggested, in reference to the protection of the emigrants; yet, I venture to submit one which can be modified by the committee, who will give it its place in the bill.

I have the honor to be, very respectfully, &c.

JAMES BARBOUR.

To the Hon. JOHN COCKE,

Chairman of the Committee on Indian Affairs.

And, upon a declaration being made by any Indian or Indians to a United States commissioner or commissioners, or to the Indian agent residing near or with the tribe or nation to which such Indian or Indians may belong, of a willingness to remove, he, she, or they, upon enrolling their names for that object, shall be considered by that act to be under the protection of the United States; and any injury done, thereafter, to the person or property of

such Indian or Indians, shall subject the offender or offenders committing the same to be prosecuted and punished in the same manner, and to the same extent, as though the offence had been perpetrated on the person or property of a citizen within the territory of the United States.

SIR:

WASHINGTON CITY, *January 28, 1826.*

We are extensively engaged in the Indian trade, and our experience has shown us some prominent and practicable defects in the present system.

The fourth section of the act of Congress, approved 25th May, 1824, makes it the duty of "Indian agents, from time to time, to designate certain convenient and suitable places for carrying on trade with the different tribes; and to require all traders to transact their business at the places thus designated, and at no other place or places."

The evils resulting, both to the traders and Indians, from the operation under this section, are apparent to all those who are practically informed on the subject; and we will take the liberty to point out some of them.

1st. The traders being bound to hold no intercourse with the Indians but at the designated houses of trade, causes a very considerable portion of the furs of the Upper Missouri, and those along our northern boundary line, to fall into the hands of the British traders, who, being aware of our circumscribed locations, will make all possible diligence to find out our Indian debtors, and secure the whole advantage of the result of their hunt; and thereby take from us a commercial resource, which was contemplated by our Government to be secured to its citizens.

2d. When the Indians are supplied with necessaries by their traders, they go off to a great distance from the trading stand, to make their hunt; and when it is completed, they have not the means, if they had the inclination, to transport the proceeds to the trading establishment: the consequence generally is, that the hunt is prosecuted with little energy; but, should it prove abundant, the first lawless itinerant who roams the country, regardless of the laws and regulations, will profit by the opportunity thus afforded, and obtain for little consideration a part, if not all the furs, to the great injury of the Indians, as well as the honest trader, who furnished the means of making the hunt.

3d. The Indians usually divide their country into different districts; they will hunt in one this season, and in another the next; and the location made this year will not suit the trader the year following. Nor can he be informed sufficiently soon each season in what quarter the Indians will pursue the next fall hunt, to enable him to apply for a change of his trading location, and obtain the sanction of the proper authorities in time to meet the trade.

4th. By this system, the trader can seldom know what supply of goods, clerks, and boatmen to take into the Indian country, not knowing the exact number of locations; and if to each tribe a location is assigned, the number of clerks and men must be adequate, and, consequently, the profit of the trader becomes extremely doubtful. But were he permitted, as formerly, to locate himself in the vicinity of the hunting ground, so as to be enabled to supply the casual wants of the Indians, and receive and carry home their peltries, it would enable him to make an accurate calculation of what men and other means should be required.

5th. Different establishments must, at present, be made, to secure the whole trade of any one band, who, for hunting purposes, are divided into small parties; and it is impossible to say what means may be necessary at any one point, either for protection or the purposes of trade. A large supply may be sent to one location, and but few Indians may hunt in that quarter, while additional men and means are required at another point.

6th. By the present system, it is rendered very unsafe for the trader to accord to the Indians the usual credits; without which, their sufferings must be great, and their wants will press them to commit deceptions to obtain those necessaries, without which they are miserable.

We are firmly of opinion that no evil can possibly result by permitting free intercourse between the traders and the Indians, and that it would tend greatly to their mutual benefit and accommodation; because the Indians would then be securely trusted with the necessary articles for the winter, which is very important for the happiness of themselves and families; and the trader would be enabled to make the most judicious disposition of his men and goods, and have an opportunity of receiving his payment in furs and peltries, and of carrying them to watercourses; thereby saving the Indians the excessive labor of transportation.

Should you, sir, concur with us in this belief, we respectfully solicit the influence of your judgment in procuring a repeal of the fourth section above alluded to, and thereby give to this valuable branch of trade an additional and much desired facility for promoting its prosperity.

Sir, we are, most respectfully, your most obedient servants,

BERN. PRATTE,
ROBERT STUART.

HON. JAMES BARBOUR.

SIR:

WASHINGTON, *February 2, 1826.*

I have examined the letter addressed by Messrs. Stuart and Pratte to the War Department; and although in some of the details I may dissent from them in opinion, yet I agree in the general conclusion at which they arrive. I believe the system of establishing stationary posts for the traders in the Indian country has produced little advantage, while it has been attended with serious inconvenience to the traders and the Indians. I think it may be abolished with safety.

There are some defects in the existing laws regulating trade and intercourse with the Indian tribes, which I will take the liberty of suggesting to you, in the hope that the subject may be brought before the proper committee.

The act of Congress of March 30th, 1802, to regulate trade and intercourse among the Indian tribes, and to preserve peace on the frontiers, contains several general provisions, prohibiting all white persons from going into the Indian country, for certain objects enumerated in the act. These provisions will be found in the second, fourth, fifth, sixth, and seventh sections. They are, generally, to hunt or destroy game, to commit certain specific offences, to make settlements and surveys, and to trade.

In the third section, however, there is a provision wholly general in its operation, which renders it penal for any citizen to go into any part of the Indian country south of the Ohio, without a passport from some officer or agent authorized to grant it. Why this provision was limited to the Indian country south of the Ohio, it is difficult to discover. It is certainly as necessary elsewhere as there. It is frequently impossible to ascertain with what intention a person enters the Indian country. As the law now stands, he is not liable to any penalty north of the Ohio, unless his intentions are disclosed by some other act; consequently, he has full time to mature and execute his plans, before the proper agent can take measures to prevent or secure him. Foreign emissaries may likewise enter any part of our Indian territories, and acquire and exercise an influence equally injurious to the Government and the Indians.

The ninth section of the same act prohibits any citizen from purchasing or receiving of an Indian a gun, or any other article commonly used in hunting, any instrument of husbandry or cooking utensil, or any article of clothing.

In the efforts now making to civilize and improve the Indians, it is important that they should learn the value of cattle, and direct their attention to raising them. Oxen have frequently been given to them, at their own request, to promote their agricultural operations; but, the first time they become intoxicated, it is easy to prevail upon them to exchange their cattle for whiskey. It is, therefore, important that this prohibition should be extended to cattle.

In the second section of the act of May 6, 1822, Indian agents are authorized to cause the stores and packages of all traders to be searched, upon suspicion or information that ardent spirits are carried into the Indian country by said traders. The expression "Indian traders," used in this act, is not sufficiently definite. It may be doubted whether it means the country to which the Indian title has not been extinguished, or the country where they live, and which they occupy. The objects of the law would require the latter construction; and such has been the decision of the district court of Indiana. But the question has already occasioned much doubt and difficulty, and it is important that it should be settled. The section is also defective in another particular: it contains no directions respecting the disposition which shall be made of the property between the time of seizure and the time of trial. The agent is consequently exposed, in the performance of this duty, to much pecuniary responsibility.

It is very desirable that a law should be passed prohibiting the giving or selling whiskey to Indians, in any place, or under any circumstances. There are, generally, local laws upon this subject, but they are not enforced. There is reason to believe that an act of Congress would be carried more fully into effect, and would produce a beneficial operation.

In granting licenses, a discretionary authority should be vested in the agent. Many persons obtain licenses who are utterly unfit to enter the Indian country. While there, they violate the laws, and produce the worst effects upon the morals of the Indians. From the nature of the trade, and the residence of the persons engaged in it, it is difficult and almost impossible to detect breaches of the laws committed in the Indian country. Offenders too often escape with impunity; and, although some restraint is imposed by the abundant security which is given by all the traders, still an irreproachable character in life is a better guaranty for the correct conduct of the applicant than any previous security or eventual fear of punishment. The traders exercise a paramount influence over the Indians, and little can be done towards meliorating the condition of the latter, without the co-operation of the former. By vesting in the agent discretionary power to withhold a license from a person of unworthy character, a very wholesome restraint would be exercised upon the conduct of the traders. The abuse of this authority may be prevented, by allowing an appeal from the agent to the superintendent, and from the latter to the War Department. It is also important that, when a person has been once detected in a breach of the laws regulating trade and intercourse with the Indians, he should be forever excluded from the Indian country. In the existing state of things, a trader may go on sinning against the law, year after year, paying the penalty if the misdemeanor be discovered, and still be entitled to a license as often as he applies for it. The practical operation of this course of measures upon a frontier is, that the agent is enabled to exercise little efficient control over the important subjects in our Indian relations. The provisions I have mentioned would guard the Indians against the improper conduct of the traders, and would strengthen the authority of the officers of the Government.

I have the honor, &c.

HON. JAMES BARBOUR, *Secretary of War.*

LEWIS CASS.

SIR:

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, *February 14, 1826.*

I have had the honor to receive your directions of this date, (accompanied by a letter from the chairman of the Committee on Indian Affairs of the House of Representatives, of the 10th instant, to you,) to "furnish my views of the expediency or in expediency of repealing the fourth section of the act of Congress of the 25th of May, 1824; also, such information as I may possess in regard to General Ashley's location, and why he has not been located, as the committee suppose, in obedience to the aforesaid section; also, what provision is necessary to guard emigrant Indians against any violence that may be offered to prevent their separation from their respective tribes, under the contemplated provision for their location upon lands west of the Mississippi."

The fourth section of the aforesaid act is in the words following, to wit: "*And be it further enacted, That it shall be the duty of Indian agents to designate, from time to time, certain convenient and suitable places for carrying on trade with the different Indian tribes, and to require all traders to trade at the places thus designated, and at no other place or places.*"

The expediency or in expediency of repealing this section may be considered, first, as a measure affecting the Indians; and, secondly, those who hold intercourse with them.

The chief object of the Congress in adopting this provision was, doubtless, the protection of the Indians. In this point of view, the provision is as just as it is humane. Just, because the Indians have claims upon the Government for protection; and humane, because, without its interference, all experience testifies that they must be injured.

But the question is, does the provision in the section under consideration answer those great ends? An answer, to be conclusive, could be given only by a comparison of the state of excitements in the Indian country, and along our borders, prior to the operations of this act, and since it has been in force. But the act is of too recent origin to have disclosed any very striking effects in correcting the evils which it was intended to remedy. It is believed, however, that a comparative quiet has been produced by it already; that fewer murders have been committed among the Indians themselves, and by them upon the whites, since the trade has been restricted, than before. In my opinion, its operations have been salutary; and, if every thing which it was hoped to gain by it has not been realized, it is owing more to the short period in which the act has been in operation than to any defect in its provisions.

But the adaptation of the provision to the objects contemplated by it may be reasoned upon; and, perhaps, without waiting for the tests of experience, it may be shown that the Congress was not mistaken in its policy, but acted with both wisdom and humanity in determining that the trade with our Indians should be carried on at "convenient and suitable places, to be designated, from time to time, by the Indian agents, and at no other place or places."

It is not necessary that I should enter into a minute detail of the nature of the trade with our Indians, or stop to illustrate the principles which, it is admitted on all hands, but too universally govern it. The legislative enactments of Congress demonstrate that, in the opinion of that body, checks are essential for its control, and severe penalties required to guard it from abuse. I need do no more, in this place, than refer to the twenty-second section of the act of 30th March, 1802, and to the second section of that of the 6th May, 1822—both striking at the very root of the evil; or, I should rather say, *aiming* to do so; and which the fourth section of the act of 25th May, 1824, was so wisely and mercifully intended to second and sustain. These acts may be taken as conveying the views of the Congress on the necessity of protecting the Indians; and, that the correctness of these views may appear, I have the honor to accompany this with an extract from a letter from Colonel Snelling, dated "Detroit, August 23, 1825." This letter sheds, it must be confessed, a very painful light upon the evils which the Congress has been so long and so humanely essaying to correct! And yet it is but one of many from which similar extracts could be made. The source of all the difficulty is to be found in the necessity which the traders esteem them-

selves to be under to carry spirituous liquors into the Indian country; and it is from this source that so much wretchedness and so many evils proceed. There are many persons engaged in this trade whose feelings, no doubt, revolt at the calamities which a traffic of this sort occasions; but the forbidden and destructive article is considered so essential to a lucrative commerce, as not only to still those feelings, but to lead the traders to brave the most imminent hazards, and evade, by various methods, the threatened penalties of the law. It was but recently that General Tipton, Indian agent at Fort Wayne, seized an outfit on its way to the Indian country, to a considerable amount, owned by the American Fur Company, and in possession of one of its agents, in which was a parcel of whiskey. The tribunal before which the case was tried confirmed the act of the agent, and confiscated the property; but an appeal has been made to a higher tribunal, and the case remains to be rejudged.

If the experience of the country, the legislative enactments of the Congress, and the report of Colonel Snelling, have any claims upon our confidence, then the evidence is conclusive that evils of the most mischievous and degrading kind do attend upon the trade with our Indians, and call loudly upon the Government for a remedy. If former laws, and printed regulations under them, have proved inoperative, and have fallen short of their object, shall we, for that reason, permit the avenues to remain wide open as heretofore, and take away all our guards; or seek to narrow the one, and multiply the other? Does not policy unite with justice and humanity in demanding the adoption of the latter course? If the Indians are to remain subject to the excitements of an intoxicated and brutified state, where is the security against acts of violence upon our settlements, or against the rupturing of the peace of our borders, or for travellers who may be passing in unsuspecting security within their reach? Or, who can tell, while acting under such excitements, and committing such violence, when the wars that may be kindled by such doings will cease, or estimate the cost to the United States which these may occasion?

It is believed that sound policy, no less than justice and humanity, requires that it should be made a capital offence for any person to furnish spirituous liquors to Indians, *under any circumstances*. But, in the absence of such a provision, it does appear to me that the next best measure, viewed in connexion with existing prohibitory laws, is, to oblige those who may carry on trade with them to do so from certain designated places. These, however, ought to be made "suitable and convenient;" and so the law provides. In such immeasurable and undefined regions as make up our western world, who would ever think of detecting in the passes to it, much less of overtaking and convicting, those who might once get through, as violators of the laws, by introducing whiskey into them. Once through the passes, and fairly by the points where the sentinels of the laws are placed, (and it would take an army of these to guard all the points,) there can be no efforts resorted to vigorous enough to authorize any reasonable expectation of success in overtaking and arresting the evil. As well might the agents attempt to catch a distant and flying cloud, or to stop the descent of a mountain torrent. They might oppose the progress of both in the directions in which they were tending; but the movements of neither could be stopped until the one should evaporate, and the other become dry at its source.

The existing obligation to locate and carry on trade at places which are known, and no others, and which are *previously designated*, does appear to me to bring the evils, which it is esteemed on all hands to be so important to remedy, more immediately within the eye of the officers of the Government and the grasp of the law, than any that has been heretofore devised. It is apparent, from the very statement of the case, that the chances of detection are greatly multiplied by the existing provision; and just in proportion as this point is gained will the evil diminish. The agents have a power over the vending of spirituous liquors in the one case, which they could never attain in the other. There needs no argument to prove this, as nobody, it is presumed, will dispute it. But the penalty is heavier in the one case than in the other; and this will operate as an additional check. Wherever the trader may be located, there is the whole amount of his property, in one confined and tangible place; whereas, when he roams the country at will, it is separated into smaller parcels, and borne about upon pack-horses. In the latter case, even if he is detected, (experience has proven, however, that, once in the forests, there is very little risk,) the levy might fall upon no more than the amount of what a single pack-horse would carry; and that, if forfeited, would be matter of small concern, and scarcely worth guarding.

These are some of the considerations which make it, in my opinion, inexpedient to repeal the fourth section of the act of the 25th of May, 1824. I have assumed the position that the Government owes protection to our Indians; this, it is presumed, is admitted. I have shown, by reference to acts of Congress, and the report of Colonel Snelling, the nature and character of the trade which is carried on with them, and its demoralizing and afflictive consequences; and offered some reasons to show that the provisions of the fourth section of the aforesaid act are well adapted to correct, if not all, yet some of those evils; from which the inference is drawn, that it would be inexpedient to repeal the section.

Apart from considerations relating to the protection of the Indians, (and, I may add, affecting the honor of the country,) is one which I will beg leave to introduce here: it relates to the fur trade, and to the importance, for statistical purposes, of having more exact returns than have ever yet been furnished. It is a branch of commerce highly important and interesting to the country; and yet no means exist by which the country can arrive at any satisfactory knowledge of its amount or value. A simple regulation, requiring of the licensed and located traders to make annual reports, and in detail, of their outfits and returns to the agents within whose jurisdiction they might carry on their trade, would secure this information. These returns could be more systematically made, and be received more promptly and regularly from local places of trade, than from a trade which would be shifting over the vast regions of the north and west, with no settled spot from which a trader could so regularly make them.

The question of expediency or inexpediency of repealing the section remains to be considered in regard to the traders.

There can be no question, nor has it ever been doubted, but that the value of the trade is considerably enhanced by an unrestrained intercourse with the Indians; and that more profits would be realized by those who conduct it by a free intercourse than under the present system. Competition is known to be the soul of trade; and this, to be equal, implies that the parties must have equal privileges. The great inequality of privilege consists in one trader having whiskey and another none. The trader with the whiskey, it must be admitted, is certain of getting most furs; if none had whiskey, the chances would be the same as if all had. It is upon this point the whole controversy turns. There are many honorable and high-minded citizens, as I have already stated, engaged in this trade, who would greatly prefer it were this "mad water," as the Indians term it, entirely excluded. But expediency overcomes their objections, and reconciles them, for the sake of the profits of the trade, to enter as competitors with this same agent of human misery. If it could be shown that the evils which we have seen following in the track of this trade are counterbalanced by the profits which it secures, without involving other principles, then, of course, the system of restriction ought to be dispensed with; for our citizens in the fur trade ought to enjoy all the benefits which (in consistence with other rights) it is capable of conferring upon them. But has this been shown? Can it be? It is, after all, a question of high and imposing moral obligation upon the one hand, and of pecuniary consideration upon the other. The question settles at this point; and none can so well decide which ought to prevail as the Congress itself.

The reference in the letter of the chairman of the committee to the British trade points to this same issue. If it is pernicious to the Indians, and makes them miserable and wretched, and tends to stir them up to war upon one another and upon the whites, for the British to seduce them across the lines by the influence of whiskey, it can be no justification to multiply this wretchedness by cutting loose the restrictions which now exist, and leaving the American traders the more free to compete with their British neighbors by the use of this same article, although they should derive additional pecuniary benefits from it. Upon this point, the British traders being denied the privilege, by law, of trading within our limits, there is no way in which they can carry on trade with our Indians (except by risking the penalties to which all unlicensed traders are liable) but for the Indians to go over to them. This, truly, is an evil of which our citizens have a right to complain. But it is respectfully suggested whether it should not be made a question between the American and British Governments, and not one with this Government alone; and which, if yielded to, would add to the afflictions of the unfortunate race for whose helplessness both Governments should feel a sympathy, and to whom both Governments should unite in extending protection.

To conclude: under any views which may be taken of the suitability or unsuitability of the provision in the fourth section of the aforesaid act, is it not desirable, on many accounts, that, before the question of repeal is taken, time enough should be allowed to test its merits? If it be a shield, intended to protect our Indians, and secure the peace of our borders, and shall, after a fair trial, answer those great ends, even in part, it is presumed the Congress would not feel willing to repeal it. But the object being protection, and this measure turning out to realize only in part this design, the next step that would be taken effectually to cure the evil might be to make it a capital crime for spirituous liquors to be furnished to the Indians, under any circumstances. With such a provision now, the fourth section of the act aforesaid might be dispensed with.

The committee are mistaken in regard to General Ashley; he is within the superintendency of General Clark, of St. Louis. The report from that officer of the 14th of September, 1825, states that William H. Ashley bonded, on the 24th of September, 1824, in the sum of \$4,000, and that his term was for three years. His location is among a band of the Snake Indians, west of the Rocky Mountains, at the junction of two large rivers, (names unknown, but supposed to be the branches of the Bonaventura and the Colorado of the West.) His capital employed is stated to be \$8,000.

All that would be necessary, as a provision to protect such Indians as may incline to emigrate from the penalties which their respective tribes might be led to inflict, to stop their emigration, would be a line in one of the sections of the bill securing to such as might enrol their names for emigration the protection of the United States.

All which is respectfully submitted.

THOS. L. MCKENNEY.

To the Hon. JAMES BARBOUR, *Secretary of War.*

Extracts of a letter from Colonel J. Snelling to the Secretary of War, dated

DETROIT, August 23, 1825.

In former letters addressed to the Department of War, I have adverted to the mischievous consequences resulting from the introduction of whiskey and other distilled spirits into the Indian country. The pretext is, that our traders cannot enter into successful competition with the British traders without it.

If the sale of whiskey could be restricted to the vicinity of the British line, the mischief would be comparatively trivial; but, if permitted at all, no limits can be set to it. A series of petty wars and murders, and the introduction of every species of vice and debauchery by the traders and their *engagés*, will be the consequences. It becomes, also, a fruitful source of complaint with those engaged in the same trade from the west. The traders who obtain supplies from St. Louis pass Fort Snelling, at the mouth of the river St. Peter's, where, in obedience to the orders I have received from the President, their boats are searched, and no spirituous liquors are permitted to be taken further. The traders who are licensed for the lakes, spread themselves over the whole country between Lake Superior and the Upper Mississippi; their whiskey attracts a large proportion of the Indians to their trading-houses; and the western traders not only have to complain of the loss of custom, but, in many instances, the Indians, who have obtained their goods of them, are seduced by whiskey to carry the produce of their winter's hunt to others. This has long been one of the tricks of the trade. The traders, who are not generally restrained by any moral rules, after they pass the boundary, practise it without scruple whenever opportunities occur; and he who has the most whiskey generally carries off the furs. They are so far from being ashamed of the practice, that it affords them subjects for conversation by their winter fires. I have myself frequently heard them boast of their exploits in that way. The neighborhood of the trading-houses where whiskey is sold presents a disgusting scene of drunkenness, debauchery, and misery; it is the fruitful source of all our difficulties, and of nearly all the murders committed in the Indian country. In my route from St. Peter's to this place, I passed Prairie du Chien, Green Bay, and Mackinac; no language can describe the scenes of vice which there present themselves: herds of Indians are drawn together by the fascinations of whiskey, and they exhibit the most degraded picture of human nature I ever witnessed. I happened to be at this place in July, when the Indians within the territory of the United States visited Malden. The presents they received there were infinitely greater in quantity, and superior in quality, to those received of our agents; these were immediately brought to our shore, and exchanged for whiskey. For the accommodation of my family, I have taken a house about three miles from town; and, in passing to and from it, I had daily opportunities of seeing the road literally strewn with the bodies of men, women, and children, in the last stages of brutal intoxication. It is true there are laws in this Territory to restrain the sale of whiskey, but they are not regarded; too many are interested in what is here considered a profitable trade. I was informed by a person of veracity, that one man (a Mr. ——) had purchased this season above three hundred blankets for whiskey; they cost him, on an average, about seventy-five cents each. I passed this man's door daily; it was always surrounded by Indians, and many were passing in and out with kegs on their backs.

If the evil could be confined to the places I have mentioned, it would be of little importance; but the facilities afforded to traders on the upper lakes are spreading it through all those extensive regions within the American boundaries.

The present year there has been delivered to the agent of the North American Fur Company at Mackinac (by contract) three thousand three hundred gallons of whiskey and two thousand five hundred of high wines. The practice of using high wines is a favorite one with the traders, as it saves transportation, and the quantity of liquor can be increased at pleasure.

I have been inadvertently led further into this subject than I intended; but I will venture to add, that an inquiry into the manner in which the Indian trade is conducted, and especially by the North American Fur Company, is a matter of no small importance to the tranquillity of the borders.

[19th CONGRESS.]

No. 235.

[1st SESSION.]

TREATY WITH THE CREEKS.

COMMUNICATED TO THE SENATE, ON THE 17TH MARCH, 1826.

Mr. BENTON, from the Committee on Indian Affairs, to whom was referred the President's message of January 31, 1826, accompanied by the treaty made at the city of Washington on the 24th of the same month, between the Secretary of War, on the part of the United States, and the chiefs and headmen of the Creek nation, on the part of said nation, reported:

That they have had the said message and treaty under consideration; also, the memorial and resolution of the Legislature of Georgia, which was referred to the committee, by the order of the Senate, on the 8th day of February last; also, the message of the Governor of the State of Alabama, and the resolutions of the Legislature of said State, which were in like manner referred to the committee on the 7th day of the same last mentioned month; and recommend the adoption of the following resolution:

Resolved, That the Senate do not advise and consent to the ratification of the treaty made at Washington the 24th of January, 1826, between the Secretary of War, on the part of the United States, and the chiefs and headmen of the Creek nation, on the part of said nation.

[19th CONGRESS.]

No. 236.

[1st SESSION.]

SUPPLEMENTAL ARTICLE TO THE TREATY WITH THE CREEKS.

COMMUNICATED TO THE SENATE, MARCH 31, 1826.

To the Senate of the United States:

WASHINGTON, March 31, 1826.

I communicate to the Senate, herewith, a supplementary article to the treaty with the chiefs and headmen of the Creek nation, in behalf of that nation, which was transmitted to the Senate on the 31st of January last; and which I submit, together with, and as a part of, that treaty, for the constitutional advice of the Senate with regard to its ratification. A report from the Secretary of War accompanies the article, setting forth the reasons for which it has been concluded.

JOHN QUINCY ADAMS.

Whereas a stipulation, in the second article of the treaty of the twenty-fourth day of January, one thousand eight hundred and twenty-six, between the undersigned, parties to said treaty, provides for the running of a line "beginning at a point on the western bank of the Chattahoochie river, forty-seven miles below the point where the boundary line between the Creeks and the Cherokees strikes the said river, near the Buzzard's Roost, measuring the said distance in a direct line, and not following the meanders of the said river; and from the point of beginning, running in a direct line, to a point in the boundary line between the said Creeks and the Cherokees, thirty miles west of the said Buzzard's Roost; thence to the Buzzard's Roost; and thence, with the middle of the said river, to the place of beginning;" and whereas, it having been represented to the party to the said treaty in behalf of the Creek nation, that a certain extension of said lines might embrace in the cession all the lands which will be found to lie within the chartered limits of Georgia, and which are owned by the Creeks: The undersigned do hereby agree to the following extension of said lines, viz: In the place of "forty-seven miles," as stipulated in the second article of the treaty aforesaid as the point of beginning, the undersigned agree that it shall be *fifty* miles, in a direct line below the point designated in the second article of said treaty; thence, running in a direct line, to a point in the boundary line between the Creeks and Cherokees, *forty-five miles* west of said Buzzard's Roost, in the place of "thirty miles," as stipulated in said treaty; thence to the Buzzard's Roost; and thence to the place of beginning: it being understood that these lines are to stop at their intersection with the boundary line between Georgia and Alabama, (wherever that may be,) if that line shall cross them, in the direction of Buzzard's Roost, at a shorter distance than it is provided they shall run: and provided, also, that if the said dividing line between Georgia and Alabama shall not be reached by the extension of the two lines aforesaid, (the one three, and the other fifteen miles,) they are to run and terminate as defined in this supplemental article to the treaty aforesaid.

It is hereby agreed, in consideration of the extension of said lines, on the part of the other party to the treaty aforesaid, in behalf of the United States, to pay to the Creek nation, immediately upon the ratification of said treaty, the sum of thirty thousand dollars.

In witness whereof, the parties aforesaid have hereunto set their hands and seals, this thirty-first day of March, in the year of our Lord one thousand eight hundred and twenty-six.

OPOTHE YOHOLO, his × mark.
JOHN STEDHAM, his × mark.
MAD WOLF, his × mark.
TUSKEEKEE TUSTENUGGEE, his × mark.
YOHOLO MICCO, his × mark.
MENAWEE, his × mark.
CHARLES CORNELLS, his × mark.

JAMES BARBOUR, [L. s.]
APPAULI TUSTENUGGEE, his × mark.
COOSA TUSTENUGGEE, his × mark.
NAHETLUC HOPIE, his × mark.
SELOCTA, his × mark.
TIMPOOCHY BARNET, his × mark.
LEDAGEE, his × mark.

In presence of

THOMAS L. MCKENNEY.
JNO. CROWELL, *Agent for Indian Affairs.*
JOHN RIDGE, *Secretary.*
DAVID VANN.
WM. HAMBLBY.

SIR:

DEPARTMENT OF WAR, *March 31, 1826.*

The Senators of Georgia having communicated to me that the late treaty negotiated with the Creeks, and now pending before the Senate, might, by a small extension of two lines on the west of Chattahoochie, in certain contingencies, (depending on the direction of the river Chattahoochie, and the line between Georgia and Alabama,) embrace all the Creek lands in the State of Georgia, I, after having obtained your approbation, proceeded to negotiate anew with the delegation here for the purpose of obtaining an additional cession, conforming to the views above suggested. The utmost that could be effected is the additional or supplemental article enclosed. The price agreed to be paid is large, for the additional extent of country acquired. It was given, however, without regret, in the belief that it would place this unpleasant subject on a footing that would be acceptable to Georgia, and thereby terminate a state of things whose continuance could be contemplated only with regret.

I have the honor to be your obedient servant,

JAMES BARBOUR.

The PRESIDENT OF THE UNITED STATES.

19th CONGRESS.]

No. 237.

[1st SESSION.]

LOCATION OF THE FLORIDA INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, ON THE 18TH OF APRIL, 1826.

SIR:

DEPARTMENT OF WAR, *April 17, 1826.*

I have the honor, in compliance with the resolution of the House of Representatives of the 15th instant, relating to the present location of the Florida Indians, and their country, its soil, and its water, to submit the accompanying papers, marked Nos. 1, 2, 3, which contain all the information in this Department required by the aforesaid resolution.

I have the honor to be, very respectfully, your obedient servant,

JAMES BARBOUR.

To the Hon. the SPEAKER of the *House of Representatives.*

No. 1.

SIR:

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, *April 17, 1826.*

I have the honor, in compliance with your directions, to "furnish the information called for by the resolution of the House of Representatives of the 15th instant," directing the Secretary of War to lay before it all the information in the possession of the Department touching the present location of the Florida Indians, with such description of the country, as to soil and water, as is in the power of the Department, to submit, herewith, papers marked Nos. 2 and 3; and respectfully to refer to the printed document (House of Representatives) No. 74, of the 6th of February last; which, together with the above papers, contains all the information touching the subject of the resolution of the 15th instant on file in this office.

I have the honor to be, very respectfully, your obedient servant,

THOS. L. MCKENNEY.

To the Hon. JAMES BARBOUR, *Secretary of War.*

No. 2.

SIR:

FLORIDA AGENCY, *February 22, 1826.*

Finding, on my arrival at the agency, that the chiefs of the Seminole nation were extremely importunate that I should examine the country assigned them by the late treaty, urging strongly that it had not been fairly represented to the President of the United States, and that great injustice had been done to them, I determined to act on the order from your Department, to explore the Indian country, and to report, on my own examination, exactly as I should find it to be.

I have now the honor, after a faithful and laborious examination of their lands for thirteen days, to make the following report: The Long Swamp, which is on the right of the military road leading from this place to Tampa Bay, is the first land near the present northern line deserving any attention. This swamp is near six miles long, very narrow, and entirely too wet for cultivation, except thirty or forty acres at its southern extremity, which is inhabited by a family of Indians. I consider it of little value. Okihumky signifies in our language *one pond*; it is an Indian town; the land is too poor for cultivation, and there is very little good land in its neighborhood. Pelack-lakaha is a town occupied by the Indian negroes; its name signifies *scattered hammock*; there is but little land fit for cultivation about it, and in the rainy season the best of it is under water. Checuchatty, or *Red House*, is an Indian town on the margin of a large pond: it appears to be an ancient settlement; all the good lands have been exhausted by cultivation, and it is now poor, unhealthy, and has no water near that is fit to drink. The Big Hammock is situated near this town. I spent some days in examining it, and was greatly disappointed in its fertility, extent, and supposed advantages. The Big Hammock is much lower than the adjoining land, which is poor pine sandy hills, wholly unfit for cultivation. There is a large pond in the centre of this hammock, with several drains: in the wet season, it is the greater part under water; in the dry season, there is no water except in this large pond. The soil, from its growth of timber, would induce a passing observer to believe it very fertile; but I found, on examining the land in many places, that it is a light mould, two or three inches deep, based on white sand, and would, if cultivated, in three years become a bed of sand. The whole extent of this hammock would not make more than a township. There is but one small Indian settlement in it; and, take it altogether, I feel confident it has been vastly

overrated. I think that a man who is a judge of land would not give more than one dollar per acre for the best of it above high-water mark, which would be but a small part of the whole hammock. I travelled but a short distance, in going south, on the military road: I left it near Okihumky, and examined the whole country to the right of the road as far as Tampa Bay. I visited every spot where any lands were spoken of as being good; and I can say, with truth, I have not seen three hundred acres of good land in my whole route, after leaving the agency. The lands on the Big and Little Withlecoucha are poor, and the lands on Hillsborough river, within the Indian boundary, are of so little value that there is not one Indian settlement on any of them. I did not visit Peas creek. I had suffered so much from drinking water alive with insects, from mosquitoes, and intolerable hot weather, and my horses were so much reduced by the journey and the swarms of horseflies, that I determined to leave that point unexplored, having received satisfactory information that there is but a small tract of good land in that quarter. I never have seen a more wretched tract of country than that which I entered five or six miles south of Chucuchatty: the sand hills rise very high, and the Indian trail winds over an extensive sand ridge for eight or nine miles. The whole of the timber for this distance, as far as the eye can survey, has been killed by fire. The burnt and blackened pines, without a leaf, added to the dreary poverty of the land, presents the most miserable and gloomy prospect I ever beheld. After descending the southern extremity of this ridge, I entered a low, wet, piney country, spotted with numerous ponds. I had much difficulty to pass through them, although the season has been uncommonly dry. Had much rain fallen, I never could have reached Tampa Bay in that direction. So low was the whole country, as far as the Indian boundary extended towards Tampa Bay, that, after riding all day, and until eleven o'clock at night, in the hope that I would find a dry spot to sleep upon, I was compelled to take up my lodgings on a low wet place for the night. No settlement can ever be made in this region, and there is no land in it worth cultivation. The best of the Indian lands are worth but little: nineteen-twentieths of their whole country, within the present boundary, is by far the poorest and the most miserable region I ever beheld. I have therefore to advise, as my duty demands, and the honor and humanity of my country requires, that the *Big Swamp* be also given to the Indians, and that the northern line be fixed five miles north of the *Big Swamp*, and extended to the Okelawaha river east, and so far west as to include the *Big Hammock*. This line will take in no good land but the *Big Swamp*, of any consequence; but, by extending it into the pine barren five miles, it will keep off settlers from the Indian boundary who would otherwise crowd near the line, and sell whiskey to the Indians. The pine barren between the south end of Alachua and the *Big Swamp* is poor, and never can be cultivated. The distance is about twenty-five miles. The *Big Swamp* is six miles long, and is about two miles wide, and is healthy, high, rich land.

I have the honor to remain, your obedient servant,

WILLIAM P. DUVAL.

To Colonel THOMAS L. MCKENNEY,
General Superintendent of Indian Affairs.

No. 3.

TALLAHASSEE, *January 13, 1825.*

SIR:

Having been called on to state my views of the country laid out for the future residence of the Florida Indians, I can only say that my knowledge of the country from observation is limited, having only travelled through it two or three times; but, sir, so far as I have seen it, it is the poorest part of Florida, and a large portion of it generally inundated. There are interspersed through the country small light sandy hammocks, which will bear cultivation a few years; but I know of no one spot of good land sufficiently large for one of the several tribes or towns of Indians. My opinion is therefore clear that the said Indians cannot possibly subsist on their present location, and that an extension of the line, so far as to include the *Big Swamp*, (which is a hammock, containing about five or six thousand acres of pretty good land,) ought to be granted to them; which is all that is asked by them, so far as I have heard.

I am, very respectfully, your excellency's most obedient servant,

BENJAMIN CHAIRES.

To His Excellency WILLIAM P. DUVAL.

19th CONGRESS.]

No. 238.

[1st SESSION.]

TREATY WITH THE CREEKS.

COMMUNICATED TO CONGRESS, ON THE 26TH DAY OF APRIL, 1826.

To the Senate and House of Representatives of the United States:

WASHINGTON, *April 25, 1826.*

I now transmit to both Houses of Congress copies of a treaty with the Creek nation of Indians, concluded on the 24th day of January last, with a supplementary article signed on the 31st of last month, which have been, with the advice and consent of the Senate, duly ratified. [See No. 228, p. 611, and No. 236, p. 662.] I send at the same time, copies of the treaty superseded by them, signed at the Indian Springs on the 12th February, 1825. [See No. 222, p. 563.] The treaty and supplementary article now ratified will require the aid of the Legislature for carrying them into effect. And I subjoin a letter from the Secretary of War, proposing an additional appropriation for the purpose of facilitating the removal of that portion of the Creek nation which may be disposed to remove west of the Mississippi; recommending the whole subject to the favorable consideration of Congress.

JOHN QUINCY ADAMS.

SIR:

DEPARTMENT OF WAR, *April 24, 1826.*

I have the honor to represent that, from information lately received, a further sum of twenty thousand dollars, over and above that provided for in the ninth article of the late treaty with the Creeks, judiciously applied in indemnifying emigrants for their improvements in the unceded part of their territory, as well within the limits of Alabama as of Georgia, (should, indeed, any portion of their land be found within the latter State in this predicament,) will tend to increase the number of emigrants, and thereby, to the extent of its influence, to promote the general policy of the United States; and I submit to you the propriety of communicating this subject to the consideration of Congress.

I have the honor to be your obedient servant,

JAMES BARBOUR.

The PRESIDENT OF THE UNITED STATES.

19th CONGRESS.]

No. 239.

[1st SESSION

PROVISION FOR CARRYING INTO EFFECT THE TREATY WITH THE CREEKS.

COMMUNICATED TO THE SENATE, MAY 17, 1826.

Mr. BENTON, from the committee of conference, appointed by the Senate, on the disagreeing vote between the Senate and House of Representatives, on the amendment adopted by the Senate to the bill appropriating money to carry into effect the treaty lately concluded with the Creek Indians, reported:

That, in pursuance of the instructions given to them by the Senate, they proposed to the conferees on the part of the House of Representatives to unite with them in an application to the Secretary of War for information concerning the subject-matter of the resolution of the Senate; which invitation was accepted by them, and the letters from the Secretary, with the report of T. L. McKenney, accompanying the same, and herewith submitted, show the result of the application.

The paper marked A is a copy of the statement furnished to the Secretary by the conferees, and, as appears by his last letter, corresponds with that spoken of by Mr. McKenney in his report as having been furnished to him by the Cherokees Ridge and Vann, and by him shown to the Secretary.

From the facts stated in the documents submitted, it is manifest that it is the design of the delegation, by whom the treaty was negotiated, to make a distribution of the greater part of the money to be paid by the United States, under the treaty, among themselves, (three Cherokee Indians, who had no interest in the lands, and, consequently, were not entitled to any portion of the money,) and a few selected individuals, in gross fraud of the rights of the nation. The particulars of the contemplated distribution are stated in the paper marked A.

The conferees of both Houses are unanimously of opinion that it is the duty of the Government to protect the nation against this unwarrantable design of the delegation, as far as that can be done consistently with the stipulations of the treaty, and the rightful powers of legislation which are possessed by Congress over the interest of the Indian nations within the United States. They differ, however, as to the extent to which that protection can be afforded.

The conferees of the House believe that the amendment of the Senate, so far as it provides for the proportions and manner in which the money shall be distributed, conflicts with the treaty, which stipulates that the money shall be paid to the chiefs of the nation, to be divided among the chiefs and warriors thereof; and proposed to your conferees a substitute in the following words, viz: "Both of which sums shall be paid to the chiefs of the Creek nation, to be divided among the chiefs and warriors of the said nation; and that the same be done by a special agent, under the direction of the Secretary of War, in a full council of the nation, convened upon notice for that purpose."

Your conferees, believing that the amendment of the Senate is within their rightful power of legislation upon the subject, and sensible that there can be no doubt of its superior efficacy to effect the object in view, have not felt that they would be justified in agreeing to the substitute, without the express instructions of the Senate.

GENTLEMEN:

DEPARTMENT OF WAR, *May 15, 1826.*

To avoid delay, I hasten to acknowledge the receipt of your communication of to-day, and enclose the report of the officer to whose superintendence is committed the Bureau of Indian affairs, as disclosing the information requested. It may be necessary to add, that the Department has adopted no measure whatever, in reference to the paper referred to in your communication. Whatever has been done, or is proposed to be done, is contained in the treaty; for, although I was advised, as Colonel Benton is aware, to approach the influential chiefs with secret gratuities, justified, as it was urged, by the usages of the Government, I peremptorily refused to do so; and determined that whatever was given as the price of the land should appear on the face of the treaty. Its distribution at their own instance is considered no affair of this Government, except so far as humanity was concerned in preventing disturbance. To my advice they replied, their authority as representing their tribe had not been questioned as to the sale of their lands, and they could not see the propriety of its being doubted as to the receipt of the purchase money, and that they were willing to be responsible for all consequences.

Your obedient servant,

JAMES BARBOUR.

The Hon. THOMAS H. BENTON, and
The Hon. LOUIS McLANE.

SIR:

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, *May 15, 1826.*

I have the honor, in compliance with your directions, to "state what I know of the progressive steps taken by you in regard to the late Creek treaty, and immediately preceding the opening of the negotiation, and which

led to its execution; and particularly as it respects a list of the money, which the chiefs prepared, containing the sums which they requested should be paid over to them individually, and in this city," to state, that the first step immediately preceding the opening of the negotiation was, to impress the delegation with your own apprehensions in regard to the difficulties which would accompany the execution of *any* treaty, the provisions of which might fall short of those contained in that concluded at the Indian Springs on the 12th February last; and that, to reconcile them to the provisions of that treaty, you were prepared to consult their happiness in a location upon lands west of the Mississippi which they themselves might select; and to add to the moneyed stipulations of that treaty, so as to make them comfortable in their new homes. This, the delegation promptly rejected; nor would they listen to any proposition short of one which should have for its basis the *absolute annulment of that treaty*, as a preliminary to the formation of any treaty, and of any kind. The basis was then submitted, and embraced a cession of all the lands owned by the Creek nation within the chartered limits of Georgia. This was also rejected, and the Chattahoochie was proposed by the delegation as the boundary, accompanied by an explicit declaration that they had no power to go further. Here a discussion took place, in which you urged them to consider the extreme peril of their present situation, and recurred again to your fears that, should they persist in refusing to accept the basis which you had submitted, the negotiations might end, and the treaty of the Indian Springs be sustained and enforced; in which event, their situation would be truly deplorable. You assured them that you were consulting their happiness, and that no other object was cherished but to secure to them future security and repose. You illustrated the relation in which the United States stand to Georgia, and the difficulties which they had in their power to remove, by prompt acquiescence in the views of their great father the President. Frequent interviews were had, besides a resort to the agency of Governor Cass, to produce in them a decision favorable to the basis you had proposed, and which had been urged from the beginning.

In this stage of the discussion, and when, at last, the Chattahoochie was agreed to as the basis, with a fragment of land north of it, as defined in the treaty, and before the treaty was put in form, Ridge and Vann made known the intentions of the chiefs to require reservations for them. This was promptly rejected. They were told by you that no locations of the sort would be allowed, but that a fair equivalent in money might be added. They replied, money was no object. They finally agreed to \$10,000, meaning, on their part, as they afterwards explained, \$10,000 each; but were put right by the assurance that no such sum was intended, nor could be thought of; and that \$5,000 each was the extent that could be allowed. They assented. The treaty was then drawn, (as it appears in its present form, without its supplemental article,) and submitted to them, and agreed to.

At this period, and after the signing, Ridge and Vann brought a paper to me, saying the chiefs had agreed to the payments to the persons whose names were upon it, and in the sums opposite each, respectively. I told them it was their own affair; the treaty provided for a payment of the whole \$217,000 "to the chiefs of the nation," immediately after its ratification, and it would be for them to make whatever disposition of the money they might esteem proper; but suggested that it might not be the best mode, as the nation was interested in the distribution, and might except to it. I then took the paper to you, and explained these views. You were much engaged at the time, and answered that you presumed it was their own affair, and, however proper it might be to see a more general equalization of it through the nation, yet you supposed it must rest with them.

I returned, and asked Ridge and Vann their *object* for having the apportionments made here? They answered, they wanted it counted here,* and sealed up, and given to each person, as preferable to having it done in the nation. I told them it could not be done here, but the cashier of the branch bank would, no doubt, oblige them by seeing it so counted and sealed.

This afterwards became a subject of consideration with you. You spoke to me in regard to it; and it having been intimated that probably the inferior and less intelligent of the chiefs might not know what arrangement was made as to the sums, and the manner of applying them, I sent for Ridge and Vann, and asked them to state distinctly whether every member of the delegation knew as well as they did the mode which they had adopted for the distribution of the money? Ridge frankly answered "No; but that Opothle-Yoholo and Charles Cornelis knew, and that was enough." I reported this to you, when you directed me to send for the delegation. This was after the supplemental article of the treaty was agreed to, and sent to the Senate. They came. You then represented to them the danger that might arise from so partial a distribution of their money, as their people at home might not submit to it. You were answered, they knew what they were doing. You then directed the interpreter to say that you had no desire to control that over which the treaty had given them the power; but that, as the paper had been handed to you, you wished to read it, and know whether they had all agreed to have the disposition made of the money which was therein indicated. They answered, each and individually, "Yes;" repeating that it was their own arrangement, and the fears you had expressed in regard to the probable effects of such a course upon their people at home need not be indulged, for that they would see that their people ratified the arrangement, as, in the event of any dissatisfaction, they had their annuity and this very money, and would so apply it as to satisfy *all*; and that that very paper and all that had been written would be read, and fully explained, in council, to their people on their return home. You told them you still had your fears, but could only advise.

I have thus hastily complied with your direction, omitting, of course, many of the details of a tedious and doubtful, and, I may add, *anxious* negotiation; but preserving the outlines, (except the interviews with the McIntosh party, and which related to the provisions in the treaty, and to which they assented,) and, where I esteemed it important, *the facts in detail*.

Respectfully submitted.

THOMAS L. MCKENNEY.

Hon. JAMES BARBOUR, *Secretary of War*.

Letter from the Chairmen of the Conference to the Secretary of War.

SIR:

WASHINGTON, *May 16, 1826.*

In the report of Thomas L. McKenney, accompanying your communication of yesterday, it is stated that, after the signing of the treaty, Ridge and Vann brought a paper to him, "saying the chiefs had agreed to the payments to the persons whose names were upon it, and in the sums opposite each, respectively." It is desirable to the committee to ascertain if that paper corresponded with the one transmitted in our communication; or, if it differed, in what particulars.

We have to ask you, also, to send to us a copy of our letter of yesterday.

We have the honor to be, very respectfully, your obedient servants,

JAMES BARBOUR, Esq., *Secretary of War*.

* In the Department.

GENTLEMEN:

WAR DEPARTMENT, *May 16, 1826.*

I am sorry to say that Mr. McKenney's indisposition is such that he is confined in bed, and hence an answer from him to the inquiry you make, as to the identity of the papers, cannot be furnished to-day; though I understood him, at the time of making the report, that they corresponded. If more certainty is desirable, I hope Mr. McKenney will be able to furnish it by to-morrow.

As my letter to you has been misplaced by some means, (having been written yesterday at my own house,) I have directed Major Vandeventer, if you will be good enough to furnish him with the original, to prepare a copy, in conformity with your request.

I have the honor to be your obedient servant,

JAMES BARBOUR.

Hon. Mr. BENTON and Mr. McLANE,
Chairmen of the Committee of Conference.

A.

Statement referred to in the letter of James Barbour, Esq., Secretary of War, and communicated to him by the Committee of Conference, showing the terms of the agreement for the proposed distribution of the money to be received under the Creek treaty.

John Ridge,	-	-	-	-	-	\$15,000
Joseph Vann,	-	-	-	-	-	15,000
Opothleyoholo,	-	-	-	-	-	10,000
John Stedham,	-	-	-	-	-	10,000
Menawee,	-	-	-	-	-	10,000
Charles Cornells,	-	-	-	-	-	10,000
Mad Wolf,	-	-	-	-	-	6,000
Paddy Car,	-	-	-	-	-	500
Tippee, (a young man,)	-	-	-	-	-	200
To the remaining members of the delegation, each, (seven in number,)						
\$5,000,	-	-	-	-	-	35,000
Little Prince,	-	-	-	-	-	10,000
Tookenehaw, of Tuckabatchie,	-	-	-	-	-	10,000
Tuskenuggee Mallow,	-	-	-	-	-	10,000
Major Ridge, of the Cherokees,	-	-	-	-	-	10,000
Tuckabatchie Tuskenuggee,	-	-	-	-	-	1,000
Tuskenehaw Cusseta,	-	-	-	-	-	2,000
Hubi Hujo,	-	-	-	-	-	1,000
McGillivray,	-	-	-	-	-	4,000
						<u>\$159,700</u>

19th CONGRESS.]

No. 240.

[1st SESSION.

CONDITION OF THE INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, MAY 20, 1826.

Mr. COCKE, from the Committee on Indian Affairs, to whom the subject had been referred, made the following report:

That, in discharge of the duties assigned them by the House of Representatives, they turned their attention to the vast intercourse between the United States and the several Indian tribes within and contiguous to the States and Territories of this Union. They see with regret the rapid decrease of the aborigines of America, which will, ere long, in the opinion of the committee, result in their total annihilation. To retard, if not completely prevent that occurrence, the committee, at an early period after their appointment, addressed a letter to the Secretary of War, requesting the views of the Government on this important and interesting subject. The answer to this request has been heretofore reported to the House, accompanied by a bill to carry into effect the objects recommended by that Department. The committee addressed a second letter to the Secretary of War, requesting a concise statement, under appropriate heads, of the whole expenditures of the United States to support their present relations and intercourse with the Indian tribes, and to ascertain, with as much accuracy as possible, the annual expense of the education of Indian youths by the missionary system. The documents received in reply to these inquiries the committee present to the House, and make them a part of this report; they exhibit the expenditures of the last two years, and an estimate for the year 1826; that for 1824 amounted to \$424,978 60; for the year 1825, \$671,470 59. Of the above sums, \$12,708 48 appears to be expended for civilization and education in 1824, and \$13,620 41 in 1825. The committee are not advised of any law authorizing the expenditure of a greater amount annually than \$10,000 for the objects of civilization and education. A statement, showing the number of Indian schools, where established, and the amount paid to each for the year 1825, has been laid before the House at its present session, (to which the committee refer, and make a part of their report;) by which it appears a greater sum than the annual appropriation has been expended the last year, and also a greater amount for the year 1824, as above stated.

The estimate showing the probable amount of disbursements in the Indian Department in the year 1826 amounts to \$1,082,474 68, as will be seen by statement C. The committee, anxious to afford the House every information in their power in regard to the costs of Indian relations, applied to the Clerk of the House of Representatives, and

received statement D, which shows that bills have been reported at the present session of Congress to appropriate the sum of \$1,247,716 17; a part of them, however, it is believed, will not pass into laws at this time.

The committee are informed by the Indian Department that \$1,280 is given to the Cherokee nation annually, under a supposition that the United States ought to distribute the annuities, and which sum is paid as an equivalent to the nation for performing that duty. The committee can find no treaty or act of Congress to justify such disbursement, and have no hesitation in saying it ought to be abandoned.

In the prosecution of their inquiries, the committee have turned their attention not only to the trade and intercourse with the Indian tribes, but to their civilization and education. It appears by statement B, accompanying this report, that the amount received from Government and all other resources by the missionaries in the year 1824, is \$191,606; in 1825, \$202,070 85; and it is presumed the amount will be somewhat increased in the present year.

The committee have not such information as would enable them to say with certainty what progress is making in the accomplishment of this desirable object, but have reason to believe that much good has been done.

All which is respectfully submitted.

SIR:

DEPARTMENT OF WAR, *April 22, 1826.*

I have the honor to enclose, herewith, papers marked O, and A, B, C, which contain the information called for by your letter of the 14th instant, except as to the cost in detail of the expenses of Indians visiting the seat of Government for the period which forms the basis of the other items. This the Auditor is directed to prepare, and, so soon as it is ready, it will be furnished.

I have the honor to be, very respectfully, your obedient servant,

JAMES BARBOUR.

To the Hon. JOHN COCKE,

Chairman of Committee on Indian Affairs, House of Reps.

O.

SIR:

DEPARTMENT OF WAR, OFFICE INDIAN AFFAIRS, *April 21, 1826.*

I have the honor to accompany this with three statements, prepared by your directions, marked A, B, C, which contain the information called for by the honorable the chairman of the Committee on Indian Affairs of the House of Representatives of the 14th instant. The whole amount paid on account of the relations and intercourse between the United States and the Indian tribes was, for 1824, \$424,978 60; and for 1825, \$671,470 59. This will appear on reference to statement A, which distinguishes also the several heads of appropriation, on account of which these sums were expended.

Statement B exhibits the amount employed in the system of Indian civilization, and distinguishes between the amount paid by the Government and that collected by the missionaries from individuals and societies formed for the promotion of this object. The amount paid in 1824 by the Government was \$12,708 48, and in 1825, \$13,620 41; and that which has been furnished from private contributions for the first of these years, as it would appear from the statement, amounted to \$170,147 52, and in the last to \$176,700 44. It may be proper to remark, however, that the first sum (for 1824) was the accumulated amount of at least seven years, (that is, from 1817, when the system went into operation, to 1824;) and which was expended in buildings, and in stock, and labor in clearing the grounds, &c.; and that the difference between these two sums, which is \$6,552 92, is that which was collected between the termination of the first and the last of these years.

Statement C exhibits the probable amount which may be expended in the present year, which is \$1,082,474 68½; which does not include the amount that may be appropriated for settling the Indians on lands west of the Mississippi, should the bill for that object pass; nor for the difference paid to citizens of Georgia, under the fourth article of the treaty of the 8th January, 1821, and the sum originally appropriated, and for which provision is proposed by a bill reported the 18th ultimo by the Committee on Indian Affairs of the House of Representatives. Should both those bills pass, it is presumed but a small portion of the sums which may be appropriated to carry them into effect would be expended in the present year.

In reply to the inquiry of the committee in regard to rations issued to Indians, it may be proper to state, that the amount paid for this object constitutes one of the charges upon the contingent fund. The particular amount would be furnished, but the agents' accounts are not in this office, but with the proper accounting officers of the Treasury; to the annual returns from whom to Congress reference is respectfully made for this information, as also for a detail of every charge to which that fund is liable. In 1819 an arrangement was made with the Cherokees, on the recommendation of their then agent, Colonel Meigs, by which it was agreed to make them an annual and specific payment of \$1,280 in lieu of rations.

The accounts of expenses attending the visits of Indians to the seat of Government are with the Auditor. The cost per day for each Indian is from one dollar and twenty-five cents to one dollar and fifty cents for board. This, together with clothing, which is sometimes given to them, is paid for, generally, from the contingencies of the Department. But the cost of the visit of the Choctaws in 1825 was paid out of a specific appropriation of \$10,000, of which \$9,723 44 was expended, as is shown in abstract A. With these Indians an important treaty was concluded.

Respectfully submitted.

THOMAS L. MCKENNEY.

To the Hon. JAMES BARBOUR, *Secretary of War.*

A.

Statement showing the amount of disbursements in the Indian Department for the years 1824 and 1825, under the several heads of appropriation for expenditures in that department.

Heads of appropriation.	Year 1824.	Year 1825.
Pay of Indian agents, - - - - -	\$21,884 24	\$50,744 23
Pay of sub-agents, - - - - -	10,048 32	22,389 40
Presents to Indians, - - - - -	14,412 04	18,738 65
Contingencies of Indian department: pay of blacksmiths and strikers, and interpreters; hire of expresses; expense of coal, iron, and steel for blacksmith shops; of rations issued to Indians under the act of 13th May, 1800; of rations at the distribution of annuities; of transportation of annuities; of medical attendance, &c. on sick and distressed Indians; of visits of deputations of Indians to the seat of Government, under the act of 13th May, 1800, before referred to; of prosecuting murderers and others violating the laws regulating intercourse with Indian tribes; of building and repairing agency houses; of tools and implements of husbandry and manufacture for Indians; payments of claims of citizens and Indians adjusted at the Department of War, where the amount cannot be recovered agreeably to the intercourse law, or there is no annuity to pay it from, and for which, in such cases, the Government is liable, &c. &c. &c.	95,059 46	168,764 14
Civilization of Indians, (education of Indian children,) - - - - -	12,708 48	13,620 41
Purchase of Indian reservations in Georgia, (act of 3d March, 1823,) - - - - -	5,500 00	-
Carrying into effect treaty with Choctaws, (acts of 3d March, 1821, and 26th May, 1824,) - - - - -	480 00	8,748 72
Annuities to Indians, - - - - -	182,600 00	227,098 98
Extinguishment of Quapaw title, (act of 25th May, 1824,) - - - - -	7,000 00	373 91
Claims of citizens of Georgia against Creek nation, under the treaty of 1821, - - - - -	23,000 00	23,000 00
Carrying into effect the treaty with the Florida Indians: rations to the Indians; surveying boundary lines; transportation of Indians; pay for improvements, &c. (act of 26th May, 1824,) - - - - -	28,157 00	32,216 69
Holding treaties with the Indians beyond the Mississippi, (act of 25th May, 1824,) - - - - -	3,094 99	7,400 43
Holding a treaty with the Choctaws, (act of 25th May, 1824,) - - - - -	458 37	9,723 44
Holding treaties with the Creeks, - - - - -	20,575 70	-
Holding treaties with the Sioux, Chippewas, &c. at Prairie du Chien, - - - - -	-	10,400 00
Claims of Choctaws for services in Pensacola campaign, - - - - -	-	16,972 50
Claims against Osages, (act of 3d March, 1825,) - - - - -	-	2,748 00
Towards the execution of any treaty with the Creeks, (act of 3d March, 1825,) - - - - -	-	58,631 09
	\$424,978 60	\$671,470 59

NOTE.—The amount drawn from the treasury in 1825 is \$859,629 38. The above sum of \$671,470 59 is the amount actually disbursed in that year.

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, April 20, 1826.

THOS. L. MCKENNEY.

B.

Statement showing the amount paid by the Government to missionaries, and the amount received by them in money, property, stock, &c., from other sources, for the support of schools in the Indian country, in the years 1824 and 1825.

Sources from which paid or received.	Year 1824.	Year 1825.
From the Government, - - - - -	\$12,708 48	\$13,620 41
From Indian annuities, and under provisions of Indian treaties, - - - - -	8,750 00	11,750 00
From private contributions, in money, property, stock, &c., and including the value of the houses and other improvements on the sites of the respective institutions, - - - - -	170,147 52	176,700 44
	\$191,606 00	\$202,070 85

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, April 20, 1826.

THOS. L. MCKENNEY.

C.

Statement showing the probable amount of disbursements in the Indian Department in the year 1826, and distinguishing the objects of expenditure.

Objects of expenditure.	1826.
Indian department—Contingencies, - - - - -	\$95,000 00
Pay of Indian agents, - - - - -	23,500 00
Pay of sub-agents, - - - - -	13,500 00
Presents to Indians, - - - - -	15,000 00
Civilization of Indians, - - - - -	10,000 00
Annuities to Indians, under existing appropriations, - - - - -	170,450 00
Carrying into effect stipulations for annuities, and other provisions of certain Indian treaties, agreeably to an estimate of the Department now before the Committee of Ways and Means, - - - - -	229,100 00
Carrying into effect treaty with the Quapaws—(existing appropriation,) - - - - -	5,000 00
Carrying into effect treaty with the Choctaws—(existing appropriation,) - - - - -	15,000 00
Holding treaties with the Indians, for which there are several bills depending in Congress, - - - - -	70,000 00
Relieving Florida Indians, for which a bill has passed the House of Representatives, and is now before the Senate, - - - - -	30,000 00
Claims of sundry citizens for depredations upon their property by certain Indians, and for which a bill is reported in the Senate, - - - - -	32,324 68½
Carrying into effect the treaty concluded, during the present session of Congress, with the Creek deputation, and which is now before the Senate for ratification, - - - - -	367,600 00
Probable amount of disbursements in 1826, - - - - -	\$1,082,474 68½

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, April 21, 1826.

THOS. L. MCKENNEY.

SIR:

WAR DEPARTMENT, April 27, 1826.

In reply to your letter of the 25th instant, respecting the sums paid to superintendents and agents of Indian affairs, the clerks in the Indian Bureau of this office, &c., I transmit, herewith, a report of the clerk having charge of the Indian business of this Department, which furnishes the information required.

I have the honor to be your most obedient servant,

JAMES BARBOUR.

Hon. J. Cocke,

Chairman of the Committee on Indian Affairs, House of Representatives.

SIR:

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, April 26, 1826.

I have the honor to state, in compliance with your directions, that the sum paid to the superintendent of Indian affairs at St. Louis \$1,500, and that it is provided for by act of Congress, and is included in the statement of the 20th instant under the head of pay of superintendents and agents of Indian affairs; that the three Governors of the three Territories are paid, for their services in the Indian Department, including office rent, fuel, and clerk hire, &c., from the contingencies of the Indian Department; and that the Governor of Michigan Territory receives \$1,500, and the Governors of Arkansas and Florida receive \$750 each; and that those items are also included in same statement, under the head of contingencies; and that the three clerks in this office are paid from the annual appropriation for clerks in the Department of War: one receives \$1,600, one \$1,400, and the other \$1,000. These are not included in either of the statements.

The present accounting arrangements of this office do not furnish the means of more detailed statements than those furnished under the date of 20th and 21st instant, and which accompanied your letter of 22d instant to the chairman of the Committee on Indian Affairs of the House of Representatives; but, on reference to the annual report of the Second Auditor, not only the total amount of disbursements on account of our Indian relations is shown, but every item of which they are composed.

I have the honor to be your most obedient servant,

THOMAS L. MCKENNEY.

To the Hon. JAMES BARBOUR, Secretary of War.

D.

SIR:

MAY 16, 1826.

The appropriations contemplated for the Indians generally this year, including grants, purchases, and annuities, amount, as reported in the several bills of this House, (including one bill of the Senate,) to the sum of \$1,247,716 17.

Your obedient servant,

M. ST. CLAIR CLARKE,
Clerk House of Representatives U. S.

Hon. JOHN COCKE.

19th CONGRESS.]

No. 241.

[2d Session.

EXPENDITURES OF THE INDIAN DEPARTMENT, AND THE STATE OF OUR RELATIONS WITH THE SEVERAL TRIBES.

COMMUNICATED TO CONGRESS, ON THE 5TH OF DECEMBER, 1826.

SIR:

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, *November 20, 1826.*

I had the honor, on the 4th instant, of furnishing the estimate (in two papers, Nos. 1 and 2,) of the amount which will be required to be appropriated for the current expenses of the Indian Department for the year 1827; to wit, \$181,224. The demand for the increase over the amount appropriated for the last year, to wit, \$25,124, arises out of new obligations incurred by treaty, and by an extension of our Indian relations; a reference to which I had the honor more fully to make in my letter of the 4th instant.

The amount of money disbursed in the Indian Department for the last three quarters of the present year (that is, to the 30th of September) is \$820,080; and the amount for the settlement of which returns have been received within the same period is \$573,732; leaving to be accounted for \$246,348. This deficiency (if it can be so called) is, however, only apparent. In arises, in great part, out of remittances which have been made to superintendents and commissioners for certain objects which have not yet been fully accomplished, and out of the difference between the period in which, by the act of Congress amendatory of the act of 1802, approved May 6th, 1822, the agents are required to make their returns, (which is to the 1st day of September in each year,) and the period, to wit, the 30th of September, embraced by the call for a statement of the disbursements and receipts. The agents making their returns up to the 1st of September, in conformity to the act of Congress, they show only their disbursements up to that date; whilst they are charged with whatever they may have had remitted to them for application to the 30th of the month. The result is, an apparent balance against the agent, and for just the amount which he may have on hand on the 1st of September, and which may be applicable to the objects for which it was remitted to the close of the third quarter of the year.

It is believed that, of the entire amount disbursed, not a cent will be lost; and that, as soon as the application of the money is made on account of the objects for which it has been remitted to the several agents charged with its application, returns will be received for every dollar.

The amount of demands for this year against the provision of \$10,000, on account of education of Indian children, as per act of 3d March, 1819, appropriating that sum for the civilization of the Indians, is \$13,783 33½. This act went into operation before those to whom it was deemed best to intrust its humane provisions were fully prepared to engage in their application. The sum consequently increased, and a surplus arose out of this state of things. This surplus, in the first years after the passage of the act, was considerable; but it had become reduced in the last year to \$3,550; and now the whole of it is absorbed, and every dollar of the appropriation is disposed of in the apportionments which have been made towards the support of the schools that are in operation under the regulations of the Department. It is to be regretted that the sum at the disposal of the Department for an object so beneficent, and which is in such exact conformity to the principles of our Government, should be so limited; and especially now, when experience has demonstrated the utility of the plan, and that success is attending it wherever it has been put in operation. It is a lamentable fact, that hundreds of Indian children are turned away, annually, from those nurseries of kindness, for want of ability on the part of the superintendents to receive them. Numerous applications for assistance, and from the most respectable societies, are now on file in this office, to which it has not been possible to return any other answer than that the fund appropriated by Congress is exhausted.

It is respectfully but earnestly recommended that the sum be increased. The personal inspection which I have been able to make during the last summer of some of the schools, (that, for example, at Michilimackinac, and that near Buffalo, in the State of New York, on the Seneca reserve,) has confirmed all my previous convictions of the vast benefits which the Indian children are deriving from these establishments; and which go further, in my opinion, towards securing our borders from bloodshed, and keeping the peace among the Indians themselves, and attaching them to us, than would the physical force of our army, if employed exclusively towards the accomplishment of those objects.

It is respectfully suggested, whether, after the Indian children shall have passed through a course of instruction, and made capable thereby of taking care of themselves, some suitable provision of another kind ought not to be made for them? If, after they shall have acquired a knowledge of letters and of the arts, they are thrown back into uneducated Indian settlements, is it not to be apprehended that the labor of instructing them, and the expense attending it, will be lost? To make the plan effective, therefore, and to follow out its humane designs, it is respectfully recommended that, as these youths are qualified to enter upon a course of civilized life, sections of land be given to them, and a suitable present to commence with, of agricultural or other implements, suited to the occupations in which they may be disposed, respectively, to engage. They will then have become an "intermediate link between our own citizens and our wandering neighbors, softening the shades of each, and enjoying the confidence of both." For a further illustration of this subject, I beg leave respectfully to refer to the report of the commissioners which accompanies the treaty recently concluded at the Fond du Lac Superior.

The number of schools, their location, and number of teachers to each, and the number of pupils, are all shown in the accompanying paper marked A. The reports from all of the schools are flattering—indeed, some of them remarkable, as indicating the extraordinary advances making by the children in all the branches of practical, and moral, and religious improvement.

In addition to the schools enumerated, there is one at Great Crossings, in Kentucky, at which are fifty-four children. This school was established by the Choctaws, and is supported out of their own resources, under the direction of the President of the United States. The Creeks, impressed with the important benefits of education, appropriated part of their means arising out of the treaty of 22d April, 1826, for the education of some of their children at the same school. Thirty-five children have been added to the schools during the present year, and fifty-four received into the Choctaw academy. Last year, the number was one thousand one hundred and fifty-nine; and this year, one thousand two hundred and forty-eight; making an increase of eighty-nine.

Provision was made at the last session of Congress for holding treaties with certain Indian tribes on Lake Superior and at Green Bay, in Indiana and Mississippi. Commissioners were duly appointed for holding these treaties; and treaties have been entered into, accordingly, with the Chippewas of Lake Superior, and with the Miamies and Pattawatamies of Indiana. For reasons which will appear in the report of the commissioners who negotiated the treaty on Lake Superior, no council was held at Green Bay. A treaty was held by the commis-

sioners appointed for that object in Indiana, which, together with the treaty of Fond du Lac Superior, and the proceedings under both, I have the honor to enclose herewith. No returns have yet been received from the commissioners appointed to negotiate with the Choctaws and Chickasaws of the State of Mississippi.

Measures have been duly taken to carry into effect the act of Congress of 20th May, 1826, making appropriations for defraying the expense of negotiating and carrying into effect certain Indian treaties; the act of the same date, to aid certain Indians of the Creek nation in their removal west of the Mississippi; the act making appropriation to carry into effect a treaty concluded between the United States and the Creek nation, and ratified 22d April, 1826; and an act for the relief of the Florida Indians. The treaty with the Creeks has been carried into effect; the condition money paid, and in the mode prescribed by the Congress; and the returns made by the agent to the Department.

Information having been received by the Department of the hostile dispositions of the Osages and Delawares towards each other, and that a war of extermination was likely to be waged between those tribes and their allies, your instructions were complied with in addressing letters to the agents of the Department to interfere, and by their counsels put a stop, if possible, to the threatened tragedy. Letters received from General Clark, of the 12th ultimo, accompanied by a treaty of peace between those tribes, and which I have the honor to submit herewith, show that a war, so fatal in its effects as that promised to be, has been, by the interference of that officer, happily avoided.

The commissioners appointed under the act of 3d March, 1825, to mark out a road from the western frontier of Missouri to the confines of New Mexico, having been, by the first article of that act, authorized to hold treaties with the intervening tribes of Indians to obtain their consent to the making of said road, and the undisturbed use thereof to the citizens of the United States and of the Mexican republic, have reported no treaties subsequent to those made with the Osages and Kansas, and which were ratified the 3d of May last.

An informal treaty was entered into between the late Peter Wilson, sub-agent on the Missouri, and the Assinaboins; informal, only because he had no power to make it. The provisions are proper; and as these Indians are sometimes troublesome, it is respectfully suggested whether due powers should not be conferred on the successor of Mr. Wilson, with instructions to make a treaty upon the same basis. I have the honor to enclose the treaty, together with the letter from General Clark, which accompanied it, to the Department.

To that part of your order (which forms the basis of this report) which directs me to add such remarks as I may think proper in relation to the administration of the Indian Department, I beg leave respectfully to refer to an act which was reported by the Committee on Indian Affairs of the House of Representatives at the last session, as embracing, in my opinion, all that will be required to give promptitude and efficiency to this branch of our Government relations.

All which is respectfully submitted.

THOMAS L. MCKENNEY.

Hon. JAMES BARBOUR, *Secretary of War.*

SIR:

SUPERINTENDENCY OF INDIAN AFFAIRS, ST. LOUIS, *May 20, 1826.*

The enclosed are articles in form of a treaty entered into by Mr. Wilson (sub-agent at the Mandans) with the Assinaboins. Mr. Wilson, it appears, has not been authorized to enter into treaties with the Indian tribes; yet, as that tribe is distant, have had but little intercourse with the citizens or traders of the United States, and are numerous and more vicious than those nearer to us, I am of opinion that some regulations are necessary to a further intercourse with them.

I have the honor to be, sir, very respectfully, your obedient servant,

WILLIAM CLARK.

Colonel MCKENNEY, *Washington.*

Informal Treaty made by Peter Wilson, Sub-agent, with the Assinaboins.

For the purpose of holding a treaty, and in order that a friendly understanding may hereafter exist between the United States and the Assinaboin tribe of Indians, the President of the United States, in pursuance of an act of Congress, passed the twenty-fifth day of May, A. D. one thousand eight hundred and twenty-four, entitled "An act to enable the President of the United States to hold treaties with certain Indian tribes, and for other purposes," has, by virtue thereof, appointed two sub-agents for the purposes expressed in the said act, with all the powers and privileges thereunto legally appertaining: therefore, I, Peter Wilson, duly appointed one of the said sub-agents, on the part of the United States, have made and entered into the following articles and conditions with the undersigned chiefs and warriors of the Assinaboin tribe of Indians, on the part of said tribe, which, when ratified by the President of the United States, by and with the advice and consent of the Senate thereof, shall be binding on both parties.

ARTICLE 1. Henceforth there shall be a firm and lasting peace between the United States and the Assinaboin tribe of Indians, and a friendly intercourse shall immediately take place between the parties.

ART. 2. It is admitted by the Assinaboin tribe of Indians that they reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection. The said tribe also admit the right of the United States to regulate all trade and intercourse with them.

ART. 3. The United States agree to receive the Assinaboin tribe of Indians into their friendship and under their protection, and to extend to them, from time to time, such benefits and acts of kindness as may be convenient, and seem just and proper to the President of the United States.

ART. 4. All trade and intercourse with the Assinaboin tribe shall be transacted at such place or places as may be designated and pointed out by the President of the United States, through his agents; and none but American citizens, duly authorized by the United States, shall be admitted to trade or hold intercourse with said tribe of Indians.

ART. 5. That the Assinaboin tribe may be accommodated with such articles of merchandise, &c. as their necessities may demand, the United States agree to admit and license traders to hold intercourse with said tribe, under mild and equitable regulations: in consideration of which, the Assinaboin tribe bind themselves to extend protection to the persons and the property of the traders, and the persons legally employed under them, whilst they remain within the limits of their district of country. And the said Assinaboin tribe further agree, from this time, to relinquish all trade and intercourse with the British, their factories, and their agents; and should any foreigner, or other person not legally authorized by the United States, come into their district of country for the purposes of trade, or other views, they will apprehend such person or persons, and deliver him or them to some United States

superintendent or agent of Indian affairs, or to the commandant of the nearest military post, to be dealt with according to law. And they further agree to give safe-conduct to all persons who may be legally authorized by the United States to pass through their country; and to protect, in their persons and property, all agents or other persons sent by the United States to reside temporarily among them.

ART. 6. That the friendship which is now established between the United States and the Assinaboin tribe shall not be interrupted by the misconduct of individuals, it is hereby agreed, that, for injuries done by individuals, no private revenge or retaliation shall take place; but, instead thereof, complaints shall be made by the party injured to the superintendent or agent of Indian affairs, or other person appointed by the President. And it shall be the duty of the said chiefs, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States: and, in like manner, if any robbery, violence, or murder shall be committed on any Indian or Indians belonging to said tribe, the person or persons so offending shall be tried, and, if found guilty, shall be punished in like manner as if the injury had been done to a white man. And it is agreed that the chiefs of the said Assinaboin tribe shall, to the utmost of their power, exert themselves to recover horses or other property which may be stolen from any citizen or citizens of the United States by any individual or individuals of said tribe; and the property so recovered shall be forthwith delivered to the agents, or other person authorized to receive it, that it may be restored to the proper owner. And the United States hereby guaranty to any Indian or Indians of said tribe a full indemnification for any horses or other property which may be stolen from them by any of their citizens: *Provided*, That the property so stolen cannot be recovered, and sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said Assinaboin tribe engage, on the requisition or demand of the President of the United States, or of the agents, to deliver up any white man resident among them.

ART. 7. And the chiefs and warriors as aforesaid promise and engage that their tribe will never, by sale, exchange, or as presents, supply any nation, tribe, or band of Indians, not in amity with the United States, with guns, ammunition, or other implements of war.

Done at the Mandan village, this twenty-ninth day of September, A. D. one thousand eight hundred and twenty-five, and of the independence of the United States the fiftieth. In testimony whereof, the said Peter Wilson, United States agent, and the chiefs and warriors of the Assinaboin tribe of Indians, have hereunto set their hands and affixed their seals.

P. WILSON, *U. S. Indian Sub-agent.*

[Signed, also, by the chiefs and warriors of the Assinaboin tribe.]

SIR:

ST. LOUIS, *October 12, 1826.*

I have the honor to state to you, that a deputation from the Great and Little Osage nation met one from the Delawares, Shawanees, Piankeshaws, Peorias, Weas, Senecas, and Kickapoos, at this place, on the 25th day of September, and, after recommending that they should make an attempt to effect a permanent peace without the interference of the Government, they met in council, and, after six days of warm debate and recriminations, I was forced to take my seat among them, and with much difficulty obtained their entire approbation to the treaty, a copy of which is herewith enclosed. I am in great hopes that a strict regard to its provisions will be manifested by all the parties concerned. They appeared to be all well pleased before they left me. I however found it absolutely necessary to make some presents to the relations of the dead, and advances to settle and quiet the differences between them.

To avoid any collision from their hunting on the same grounds, I would recommend that the Delawares and other nations who have emigrated from the east side of the Mississippi should be collected together, and located on that strip of country which has been purchased from the Osages and Kansas, lying between the Missouri river and Marais des Cygnes, (on or near the Kansas river,) and immediately west of the boundary line of this State. I have consulted with the chiefs and considerate men of these nations, in respect to the exchange of land they hold within the bounds of this State, for the above-described lands; they seem to be pleased at the idea of being placed upon lands which will be a permanent home to them, and where they will be protected from any further pressure of the white population. They have told me they would make an examination of these lands, and report their decision. Should they be inclined to remove thither, (of which I have no doubt,) I would recommend that a treaty should be entered into with them for the exchange of lands, and to embrace within its provisions the following assistance: to enclose with fences an adequate quantity of ground near to each village, and have it broken up with a plough, and divided into parcels for each family; to have it planted with all the common and most useful fruit-trees; to furnish them with some provisions, stock animals, and the different kinds of domestic fowls; and to assist them in the erection of permanent houses. For a more full development of my views, I refer you to a letter I had the honor to address you on the 1st of March, 1826.

I would recommend that Government should aid these Indians in their removal; the most efficient and advisable course for which would be, to send special agents to collect scattered bands and families, and to pay their expenses to the lands assigned them. An estimate of the probable expenses of which is herewith forwarded.

I have the honor to be your most obedient, humble servant,

WM. CLARK.

The Hon. JAMES BARBOUR, *Secretary of War.*

Treaty of peace and friendship between the Osage nation and the Delawares, Shawanees, Kickapoos, Weas, Piankeshaws, and Peorias, entered into at St. Louis, the 7th of October, 1826.

A treaty of peace, amity, and friendship, made and concluded at the city of St. Louis, in the State of Missouri, this seventh day of October, one thousand eight hundred and twenty-six, in the presence of General William Clark, superintendent of Indian affairs, and General Henry Atkinson, commanding the United States troops within the right wing, western department, between the Delaware nation and their allies the Shawanees, Kickapoos, Piankeshaws, Weas, Peorias, and Senecas, residing in the State of Missouri and Territory of Arkansas, of the one part, and the several bands of the Big and Little Osage nation of Indians, of the other part.

Whereas the parties above named are anxious that the unhappy differences which have existed between them within the last fifteen months should cease and terminate, and that the most perfect peace, harmony, and friendship should exist, [they] do agree to the following articles; that is to say:

ARTICLE 1. There shall be perpetual peace and friendship between the Delaware nation, their allies, the Shawanees, Kickapoos, Piankeshaws, Weas, Peorias, and Senecas, residing within the State of Missouri and Territory of Arkansas, and the several bands of the Big and Little Osage nation.

ART. 2. The Delawares, on their part, and for their allies, do agree to pay to the chiefs of the Great Osage nation the sum of one thousand dollars, (the receipt whereof of the said Osages do hereby acknowledge,) in full of all demands the said Great Osages may have against them for any depredations or murders they may have committed; and, if the Delawares should discover, within twelve months from this date, that the Osages have committed the murders alleged against them by the Delawares in the present council, and denied by the Osages, the said Osages do hereby authorize the superintendent of Indian affairs at St. Louis to deduct the same amount from their annuity, and repay to the Delaware nation the same.

ART. 3. It is further understood that the Delawares and their allies shall not hunt on the land reserved to the Osages, under the penalty of any injury they may receive on said reservation; nor shall the Osages hunt on the land reserved to the Delawares or their allies, under the same penalty; but each party may or can hunt in any other direction or country in which either of the parties is authorized to hunt. And if any person or persons of either of the contracting parties shall be convicted, to the satisfaction of the President of the United States, of having killed any person or persons of the other party, the nation to whom the murderer or murderers belong shall deliver him or them to the Government of the United States, or pay to the offended party one thousand dollars for each person so proven to have been killed; and, if a principal chief, an additional sum shall be paid, at the discretion of the superintendent.

ART. 4. It is agreed by the parties aforesaid that no private revenge shall be taken for any property stolen or destroyed, or murders thought to have been committed by either of the contracting parties; but that complaint shall be made, in future, by the aggrieved party, or by their agent, to the offending party, or their agent, for redress; and the agent of the offending party is hereby authorized to compel the offenders to make a full and fair compensation to the injured party, as stipulated in the third article.

ART. 5. It is further understood by the contracting parties, that when either party may receive an injury from the other, and have made due complaint thereof, as provided by the fourth article of this treaty, that the United States will interfere, and cause justice to be rendered, as far as practicable, should justice be delayed beyond six months.

ART. 6. It is agreed by all the tribes, parties to this treaty, that messengers shall be sent by them to their bands residing or hunting in different parts of the country, to notify them of this treaty.

In testimony of our good-will and friendship towards each other, we, the representatives of our nations, specially deputed, and the chiefs, braves, and considerate men, have hereunto affixed our hands and seals, this seventh day of October, one thousand eight hundred and twenty-six, as before written.

[Signed by the representatives of the respective tribes mentioned in the caption.]

An estimate of the expenses of collecting, removing, and settling all the Indian tribes now in the State of Missouri and Territory of Arkansas to the west of the Missouri State line, being, in all, about fifteen thousand souls, viz: Delawares, Shawanees, Piankeshaws, Weas, Miamies, Peorias, Kickapoos, and Senecas.

Expenses of treaties for exchange,	-	-	-	-	-	\$8,000
To collect the scattered bands and families, &c., and to remove them to the land west of the State of Missouri,	-	-	-	-	-	20,000
Expenses for special agents,	-	-	-	-	-	4,000
Provisions for one year, on the land assigned to each tribe,	-	-	-	-	-	35,000
Fencing 7,000 acres of ground in small fields,	-	-	-	-	-	13,000
Breaking up the ground with ploughs, and planting fruit-trees,	-	-	-	-	-	8,500
Stock: 300 milch cows, 300 sows, and domestic fowls,	-	-	-	-	-	4,000
Agricultural implements, carts, and 15 yoke of oxen,	-	-	-	-	-	2,700
A small mill,	-	-	-	-	-	1,000
Useful mechanics, to mend their implements of husbandry, for one year,	-	-	-	-	-	2,500
						<u>\$98,700</u>

NOTE.—It cannot be expected that the contemplated measure of removing the Indians above named can be effected within a less period than one or two years after the treaties with them shall have been entered into.

WM. CLARK,
Superintendent of Indian Affairs.

ST. LOUIS, October 14, 1826.

A.—Statement showing the number of Indian schools, where established, by whom, the number of teachers, &c., the number of pupils, and the amount annually allowed and paid to each by the Government, with remarks as to their condition, &c.

No.	Names of stations and sites.	By whom established.	Numb. of teachers.	Number of pupils.	Amount annually paid by Govern't.	Remarks.
1	Spring Place, Cherokee nation, Alabama,	United Brethren,	1	11	\$300	These schools are all prosperous.
2	Ochgeelooee, do.	Do.	1	8		
3	Elliot, Choctaw nation, -	Amer. Board of Commissioners for Foreign Missions,	6	20		
4	Mayhew, do.	Do. do. do.	6	54		
5	Bethel, do.	Do. do. do.	4	16		
6	Emman's, do.	Do. do. do.	4	25		
7	Goshen, do.	Do. do. do.	6	14	1,500	
8	Capt. Harrison's, do.	Do. do. do.	1	13		
9	Mr. Juzon's, do.	Do. do. do.	1	15		
10	Ai-ik-hun-bah, do.	Do. do. do.	3	22		
11	Col. Folsom's, do.	Do. do. do.	1	7		
12	Carey, on St. Joseph's river, among the Pattawatamies,	Baptist General Convention,	13	70	600	Flourishing.
13	Thomas, on Grand river, among the Ottawas,	Do. do. -	-	-	-	Appendage to Carey, establ'd last year; no funds to aid it.
14	Withington, Creek nation, Georgia,	Do. do. -	9	27	600	Flourishing.
15	Oneida Castle, New York,	Protestant Episcopal Church, New York,	3	30	500	Do.
16	Senecas, near Buffalo, do. -	U. For. Mis. So. transferred to Am. B. Com. &c. 1826,	8	45	450	Do. Visited; a pattern of order and prosperity.
17	Oneida, New York,	Hamilton Baptist Missionary Society, -	2	40	400	Do.
18	Wyandots, near Upper Sandusky, Ohio,	Methodist Society, -	2	69	800	Do.
19	Asbury Mission, Creek nation, Georgia,	Do. -	2	40	-	No allowance has yet been made to this school for want of means. It is flourishing in all things, except in means. Recently established, and reported this year for first time. These schools have been established during the last year from funds appropriated by the Chickasaws for that purpose. The permanent annuity of \$3,000, per act of 25th February, 1799, has been assigned by them for the education of their children.
20	Monroe, Chickasaw nation,	Synod of South Carolina and Georgia, [flourishing,]	12	27	800	
21	Tockshish, do.	Do. do. [flourishing,]	2	17	-	
22	Cane Creek, do.	Do. do. -	6	-	-	
23	Martyn, do.	Do. do. -	2	16	-	
24	Florissant, Missouri,	Society of Jesuits, [flourishing,]	9	25	800	
25	Cataraugus, Senecas, New York,	United Foreign Missionary Society, -	9	39	500	
26	Charity Hall, Chickasaw nation,	Cumberland Missionary Board,	14	31	400	
27	Pleasant Point, Passamaquoddy Indians, Maine,	Society for propagating the Gospel, &c.	1	60	250	
28	Brainard, Cherokee nation east of Mississippi,	Amer. Board of Commissioners for Foreign Missions,	-	-	1,000	
29	Carmel, do. do.	Do. do. do.	-	-	100	
30	Creek Path, do. do.	Do. do. do.	-	-	100	
31	High Tower, do. do.	Do. do. do.	42	-	-	
32	Dwight, do. west of Mississippi,	Do. do. do.	16	65	800	The reports due from these schools on 30th September last, for the present year, have not yet been received. This part of the statement is, therefore, made out from the reports of last year.
33	Valley Towns, do. east of Mississippi,	Baptist General Convention,	7	60	500	
34	Tensawatee, do. do.	Do. do. -	9	38	250	
35	Tonawanda, Senecas, New York,	Do. do. -	-	30	300	
36	Union, Osages, Arkansas,	United Foreign Missionary Society,	6	31	250	
37	Harmony, Osages, Missouri,	Do. do. -	38	40	250	
38	Tuscaroras, New York,	Do. do. -	-	45	450	
39	Michilimackinac,*	Do. do. -	-	50	500	
40	Ottawas, Miami of the Lake,	Western Missionary Society,	21	10	300	
Total amount of children,			-	1,194†	12,800		†1,194 in the schools in the Indian country, and which derive assistance from the appropriation. 54 in the Choctaw academy in Kentucky.
To which add amount allowed to Bishop Chase for education of six Indian youths in Ohio,			-	-	600	
And also this amount allowed to Bap. Gen. Conv. for education of seven Indian youths of promise in N. York for this year,			-	-	383 33½	
Total amount of annual allowances for 1826,			-	-	13,783 33½	1,248 total.

NOTE.—Under the head of "No. of teachers" is included all the mission family, including mechanics and laborers. The number of teachers in the schools is from 1 to 3. The reports include the whole. DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, November 20, 1826. THOMAS L. MCKENNEY.

19th CONGRESS.]

No. 242.

[2d SESSION.]

GRANTS MADE BY THE INDIANS TO AGENTS OR COMMISSIONERS OF THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 8, 1826.

To the House of Representatives of the United States:

WASHINGTON, December 8, 1826.

I transmit to the House of Representatives a report from the Secretary of War, with several documents, containing information requested by a resolution of the House of 19th May last, respecting certain proposed donations of land by Indian tribes to any agent or commissioner of the United States.

JOHN QUINCY ADAMS.

DEPARTMENT OF WAR, December 6, 1826.

The Secretary of War, to whom was referred the resolution of the House of Representatives of the 19th of May last, requesting the President of the United States "to communicate to the House all the information that may be in possession of the Executive Government respecting any treaty, or supplement to a treaty, or any special agreement entered into by any agent or commissioner of the United States with any tribe or tribes of Indians, by which any grant of land was made, or proposed to be made, by any such agent or commissioner employed to negotiate a treaty, for his own private use and emolument; the nature and extent of such grant; also, the purport of the instructions to such agent or commissioner, and his communications to the Executive on the subject of such grant; and whether such agent or commissioner agreed to accept such grant so proposed or made; and whether any such grant has, at any time, been submitted, by such agent or commissioner, for the ratification of the Government; and, if so, whether the same has been ratified," has the honor to transmit papers numbered from 1 to 6, in conformity to the above resolution.

I have the honor to be your obedient servant,

JAMES BARBOUR.

The PRESIDENT OF THE UNITED STATES.

[Documents Nos. 1, 2, and 3 relate to the grants made in 1814 by the Creeks to General Jackson and others, and have been printed in volume 1 of Indian Affairs, pages 836, 837, and 838; which see.]

No. 4.

DEPARTMENT OF WAR, August 29, 1815.

SIR:

The Secretary of War having gone on a visit to the President, with the intention of going from thence to Georgia, has instructed me to inform you that it is the wish of the President that you should proceed in the liquidation of the claims of the friendly Indians to indemnity upon the principles of General Pinckney's and your letter to them. The result you will transmit to this Department, to be laid before the President for his ultimate decision and approbation.

You will inform the Indians that the President, with a view to conciliate, and to give them a special mark of his disposition to gratify all their reasonable desires, will recommend to the particular attention of Congress the grant of land they have made to General Jackson, Mr. Cornell, and yourself.

You will continue to assure the Indians that every attention will be paid to their wishes and wants, so long as they conduct themselves peaceably and in good faith; and that the President will always receive with benevolence, and with a desire to do them complete justice, any representations which they may make through you.

I have the honor, &c.

GEO. GRAHAM.

Colonel BENJAMIN HAWKINS, *Indian Agent, Creek Agency.*

No. 6.

Extract from the treaty concluded by Wm. P. Duval, James Gadsden, and Bernardo Segui, commissioners on the part of the United States, with the Florida Indians, the 18th of September, 1823; and which was ratified, with the exception of the tenth article, on the 2d of January, 1824.

ART. 10. The undersigned chiefs and warriors, for themselves and tribes, have expressed to the commissioners their unlimited confidence in their agent, Colonel Gad Humphreys, and their interpreter, Stephen Richards; and, as an evidence of their gratitude for their services and humane treatment, and brotherly attentions to their wants, request that one mile square, embracing the improvements of Neamathla, at Tallahassee, (said improvements to be considered as the centre,) be conveyed in fee-simple, as a present, to Colonel Gad Humphreys. And they further request that one mile square at the Ochesee Bluffs, embracing Stephen Richards's field on said bluffs, be conveyed in fee-simple, as a present, to said Stephen Richards. The commissioners accord in sentiment with the undersigned chiefs and warriors, and recommend a compliance with their wishes to the President and Senate of the United States; but the disapproval, on the part of the said authorities, of this article, shall in no wise affect the other articles and stipulations concluded on in this treaty.

[NOTE.—For No. 5, being the instructions to the commissioners who negotiated the above treaty, see No. 198, page 431.]

19th CONGRESS.]

No. 243.

[2d Session.

TREATIES WITH THE CHIPPEWAS, PATTAWATAMIES, AND MIAMIES.

COMMUNICATED TO THE SENATE, DECEMBER 12, 1826.

To the Senate of the United States:

WASHINGTON, December, 1826.

I transmit, herewith, to the Senate, for their advice with regard to their ratification, the following treaties with Indian tribes:

1. A treaty made and concluded at the Fond du Lac of Lake Superior, between Lewis Cass and Thomas L. McKenney, commissioners on the part of the United States, and the Chippewa tribe of Indians, on the 5th of August, 1826.

2. A treaty made and concluded near the mouth of the Mississinewa, upon the Wabash, in the State of Indiana, between Lewis Cass, James B. Ray, and John Tipton, commissioners on the part of the United States, and the chiefs and warriors of the Pattawatamie tribe of Indians, on the 16th of October, 1826.

3. A treaty made and concluded near the mouth of the Mississinewa, upon the Wabash, in the State of Indiana, between Lewis Cass, James B. Ray, and John Tipton, commissioners on the part of the United States, and the chiefs and warriors of the Miami tribe of Indians, on the 23d of October, 1826.

JOHN QUINCY ADAMS.

TREATY WITH THE CHIPPEWAS.

Articles of a treaty made and concluded at the Fond du Lac of Lake Superior, this fifth day of August, in the year of our Lord one thousand eight hundred and twenty-six, between Lewis Cass and Thomas L. McKenney, commissioners on the part of the United States, and the Chippewa tribe of Indians.

Whereas a treaty was concluded at Prairie du Chien, in August last, by which the war which has been so long carried on to their mutual distress between the Chippewas and Sioux was happily terminated by the intervention of the United States: and whereas, owing to the remote and dispersed situation of the Chippewas, full deputations of their different bands did not attend at Prairie du Chien; which circumstance, from the loose nature of the Indian government, would render the treaty of doubtful obligation with respect to the bands not represented: and whereas, at the request of the Chippewa chiefs, a stipulation was inserted in the treaty of Prairie du Chien, by which the United States agreed to assemble the Chippewa tribe upon Lake Superior during the present year, in order to give full effect to the said treaty, to explain its stipulations, and to call upon the whole Chippewa tribe assembled at their general council fire to give their formal assent thereto, that the peace which has been concluded may be rendered permanent; therefore,

ARTICLE 1. The chiefs and warriors of the Chippewa tribe of Indians hereby fully assent to the treaty concluded in August last at Prairie du Chien, and engage to observe and fulfil the stipulations thereof.

ART. 2. A deputation shall be sent by the Chippewas to the treaty to be held in eighteen hundred and twenty-seven at Green Bay, with full power to arrange and fix the boundary line between the Chippewas and the Winnebagoes and Menomonies, which was left incomplete by the treaty of Prairie du Chien, in consequence of the non-attendance of some of the principal Menomomie chiefs.

ART. 3. The Chippewa tribe grant to the Government of the United States the right to search for and carry away any metals or minerals from any part of their country; but this grant is not to affect the title of the land, or the existing jurisdiction over it.

ART. 4. It being deemed important that the half-breeds scattered through this extensive country should be stimulated to exertion and improvement by the possession of permanent property and fixed residences, the Chippewa tribe, in consideration of the affection they bear to those persons, and of the interest which they feel in their welfare, grant to each of the persons described in the schedule hereunto annexed, being half-breeds and Chippewas by descent, (and it being understood that the schedule includes all of this description who are attached to the Government of the United States,) six hundred and forty acres of land, to be located, under the direction of the President of the United States, upon the islands and shore of the St. Mary's river, wherever good land enough for this purpose can be found; and, as soon as such locations are made, the jurisdiction and soil thereof are hereby ceded. It is the intention of the parties that, where circumstances will permit, the grants be surveyed in the ancient French manner, bounding not less than six arpents nor more than ten upon the river, and running back for quantity; and that, where this cannot be done, such grants be surveyed in any manner the President may direct. The locations for Oshauguscodaywayqua and her descendants shall be adjoining the lower part of the military reservation, and upon the head of Sugar island. The persons to whom grants are made shall not have the privilege of conveying the same without the permission of the President.

ART. 5. In consideration of the poverty of the Chippewas, and of the sterile nature of the country they inhabit, unfit for cultivation, and almost destitute of game, and as a proof of regard on the part of the United States, it is agreed that an annuity of two thousand dollars, in money or goods, as the President may direct, shall be paid to the tribe at the Sault de St. Marie; but this annuity shall continue only during the pleasure of the Congress of the United States.

ART. 6. With a view to the improvement of the Indian youths, it is also agreed that an annual sum of one thousand dollars shall be appropriated to the support of an establishment for their education, to be located upon some part of the St. Mary's river, and the money to be expended under the direction of the President; and, for the accommodation of such school, a section of land is hereby granted. But the payment of the one thousand dollars stipulated for in this article is subject to the same limitation as described in the preceding article.

ART. 7. The necessity for the stipulations in the fourth, fifth, and sixth articles of this treaty could be fully apparent only from personal observation of the condition, prospects, and wishes of the Chippewas, and the commissioners were, therefore, not specifically instructed upon the subjects therein referred to; but, seeing the extreme poverty of these wretched people, finding them almost naked and starving, and ascertaining that many perished during the last winter from hunger and cold, they were induced to insert these articles. But it is expressly understood and agreed that the fourth, fifth, and sixth articles, or either of them, may be rejected by the President and Senate without affecting the validity of the other articles of the treaty.

ART. 8. The Chippewa tribe of Indians fully acknowledge the authority and jurisdiction of the United States, and disclaim all connexion with any foreign Power; solemnly promising to reject any messages, speeches, or counsels incompatible with the interest of the United States; and to communicate information thereof to the proper agent, should any such be delivered or sent to them.

ART. 9. This treaty, after the same shall be ratified by the President and Senate of the United States, shall be obligatory on the contracting parties.

Done at the Fond du Lac of Lake Superior, in the Territory of Michigan, the day and year above written, and of the independence of the United States the fifty-first.

LEWIS CASS,
THOS. L. McKENNEY.

[Signed, also, by the chiefs and warriors of the Chippewa tribe.]

Supplementary article.

As the Chippewas who committed the murder upon four American citizens in June, eighteen hundred and twenty-four, upon the shores of Lake Pepin, are not present at this council, but are far in the interior of the country, so that they cannot be apprehended and delivered to the proper authority before the commencement of the next summer; and as the commissioners have been specially instructed to demand the surrender of these persons, and to state to the Chippewa tribe the consequence of suffering such a flagitious outrage to go unpunished, it is agreed that the persons guilty of the beforementioned murder shall be brought in, either to the Sault de St. Marie or Green Bay, as early next summer as practicable, and surrendered to the proper authority; and that, in the mean time, all further measures on the part of the United States, in relation to this subject, shall be suspended.

LEWIS CASS,
THOMAS L. McKENNEY.

[Signed, also, by the chiefs representing the bands to whom the persons guilty of the murder belong, for themselves and the Chippewa tribe.]

Schedule referred to in the preceding treaty.

To Oshauguscodaywayqua, wife of John Johnston, Esq., to each of her children, and to each of her grandchildren, one section.

To Saugemaqua, widow of the late John Baptiste Cadotte, and to her children Louison, Sophia, Archangel, Edward, and Polly, one section each.

To Keneesqua, wife of Samuel Ashman, and to each of her children, one section.

To Teegaushau, wife of Charles H. Oakes, and to each of her children, one section.

To Thomas Shaw, son of Obimetunoqua, and to his wife Mary, being also of Indian descent, each one section.

To Fanny Levake, daughter of Meeshmaqua, and to each of her children, one section.

To Obayshaunquotoqua, wife of Francis Goolay, jun., one section.

To Omuckackneence, wife of John Holiday, and to each of her children, one section.

To Obimegeezhigoqua, wife of Joseph Du Chene, jun., and to each of her children, one section.

To Monedoqua, wife of Charles Cloutier, one section.

To Susan Yarns, daughter of Odaubitogeezhigoqua, one section.

To Henry Sayer and John Sayer, sons of Obemanunoqua, each one section.

To each of the children of John Tanner, being of Chippewa descent, one section.

To Wassidjeewunoqua, and to each of her children by George Johnston, one section.

To Michael Cadotte, sen., son of Equawaice, one section.

To Equaysayway, wife of Michael Cadotte, sen., and to each of her children living within the United States one section.

To each of the children of Charlotte Warren, widow of the late Truman A. Warren, one section.

To Mary Chapman, daughter of Equameeg, and wife of Bela Chapman, and to each of her children, one section.

To Saganoshequa, wife of John H. Fairbanks, and to each of her children, one section.

To Shaughnomonee, wife of William Morrison, and to each of her children, one section.

To each of the children of the late Ingwaysuh, wife of Joseph Coté, one section.

To each of the children of Angelique Coté, late wife of Pierre Coté, one section.

To Pazhikwutoqua, wife of William Aitken, and to each of her children, one section.

To Susan Davenport, granddaughter of Misquabunoqua, and wife of Ambrose Davenport, and to each of her children, one section.

To Waubunega, wife of Augustine Belanger, and to each of her children, one section.

To Charlotte Louisa Morrison, wife of Allan Morrison, and daughter of Manitowidjewung, and to each of her children, one section.

To each of the children of Eustace Broussain, by Shawunaubunoqua, Wauwaussunoqua, and Payshaubunoqua, one section.

To Isabella Dingley, wife of Daniel Dingley, and daughter of Pimegeezhigoqua, and to each of her children, one section.

To George Birkhead, being a Chippewa by descent, one section.

To Susan Conner, wife of Thomas Conner, and daughter of Pimegeezhigoqua, and to each of her children, one section.

To the children of George Ermatinger, being of Shawanee extraction, two sections collectively.

To Assinahjeewunoqua, wife of Michael Cadotte, jun., and to each of her children, one section.

To Minedemoeyah, wife of Pierre Duvernay, one section.

To Ogeemaugeezhigoqua, wife of Basil Boileau, one section.

To Wauneaussequa, wife of Paul Boileau, one section.

To Kaukaubesheshequa, wife of John Baptiste Corbeau, one section.

To John Baptiste Du Chene, son of Pimegeezhigoqua, one section.

To each of the children of Ugwndaushee, by the late Truman A. Warren, one section.

To William Warren, son of Lyman M. Warren and Mary Cadotte, one section.

To Antoine, Joseph, Louis, Chalot, and Margaret Charette, children of Equameeg, one section.

To the children of François Boucher, by Waussequa, each one section.

To Angelique Brabent, daughter of Waussegundum, and wife of Alexis Brabent, one section.

To Odishqua, of Sault de St. Marie, a Chippewa of unmixed blood, one section.

To Pamidjeewung, of Sault de St. Marie, a Chippewa of unmixed blood, one section.

To Waybossinoqua and John J. Wayishkee, children of Wayishkee, each one section.

LEWIS CASS,
THOMAS L. McKENNEY.

TREATY WITH THE PATAWATAMIES.

Articles of a treaty made and concluded near the mouth of the Mississinewa, upon the Wabash, in the State of Indiana, this sixteenth day of October, in the year of our Lord one thousand eight hundred and twenty-six, between Lewis Cass, James B. Ray, and John Tipton, commissioners on the part of the United States, and the chiefs and warriors of the Pattawatamie tribe of Indians.

ARTICLE 1. The Pattawatamie tribe of Indians cede to the United States their right to all the land within the following limits: Beginning on the Tippecanoe river, where the northern boundary of the tract ceded by the Pattawatamies to the United States by the treaty of St. Mary's, in the year of our Lord one thousand eight hundred and eighteen, intersects the same; thence, in a direct line, to a point on Eel river, half-way between the mouth of the said river and Pierish's village; thence, up Eel river, to Seek's village, near the head thereof; thence, in a direct line, to the mouth of a creek emptying into the St. Joseph's of the Miami, near Metea's village; thence, up the St. Joseph's, to the boundary line between the States of Indiana and Ohio; thence, south, to the Miami; thence, up the same, to the reservation at Fort Wayne; thence, with the lines of the said reservation, to the boundary established by the treaty with the Miamies in one thousand eight hundred and eighteen; thence, with the said line, to the Wabash river; thence, with the same river, to the mouth of the Tippecanoe river; and thence, with the said Tippecanoe river, to the place of beginning. And the said tribe also cede to the United States all their right to land within the following limits: Beginning at a point upon Lake Michigan, ten miles due north of the southern extreme thereof; running thence, due east, to the land ceded by the Indians to the United States by the treaty of Chicago; thence, south, with the boundary thereof, ten miles; thence, west, to the southern extreme of Lake Michigan; thence, with the shore thereof, to the place of beginning.

ART. 2. As an evidence of the attachment which the Pattawatamie tribe feel towards the American people, and particularly to the soil of Indiana, and with a view to demonstrate their liberality, and benefit themselves by creating facilities for travelling and increasing the value of their remaining country, the said tribe do hereby cede to the United States a strip of land, commencing at Lake Michigan, and running thence on the Wabash river, one hundred feet wide, for a road; and, also, one section of good land contiguous to the said road, for each mile of the same, and also for each mile of a road from the termination thereof, through Indianapolis, to the Ohio river, for the purpose of making the road aforesaid from Lake Michigan, by the way of Indianapolis, to some convenient point on the Ohio river. And the General Assembly of the State of Indiana shall have a right to locate the said road, and to apply the said sections, or the proceeds thereof, to the making of the same, or any part thereof; and the said grant shall be at their sole disposal.

ART. 3. In consideration of the cessions in the first article, the United States agree to pay to the Pattawatamie tribe an annuity of two thousand dollars in silver, for the term of twenty-two years, and also to provide and support a blacksmith for them at some convenient point; to appropriate, for the purposes of education, the annual sum of two thousand dollars, as long as the Congress of the United States may think proper, to be expended as the President may direct; and, also, to build for them a mill, sufficient to grind corn, on the Tippecanoe river, and to provide and support a miller, and to pay them annually one hundred and sixty bushels of salt: all of which annuities, herein specified, shall be paid by the Indian agent at Fort Wayne.

ART. 4. The commissioners of the United States have caused to be delivered to the Pattawatamie tribe goods to the value of thirty thousand five hundred and forty-seven dollars and seventy-one cents, in goods, in consideration of the cessions in the first article of this treaty. Now, therefore, it is agreed, that, if this treaty should be ratified by the President and Senate of the United States, the United States shall pay to the persons named in the schedule this day transmitted to the War Department, and signed by the commissioners, the sums affixed to their names, respectively, for goods furnished by them, and amounting to the said sum of thirty thousand five hundred and forty-seven dollars and seventy-one cents; and, also, to the persons who may furnish the said further sum, the amount of nine hundred dollars thus furnished. And it is also agreed, that payment for all these goods shall be made by the Pattawatamie tribe out of their annuity, if this treaty should not be ratified by the United States.

ART. 5. The Pattawatamie tribe being anxious to pay certain claims existing against them, it is agreed, as a part of the consideration for the cessions in the first article, that these claims, which are stated in a schedule this day signed by the commissioners, and transmitted to the War Department, and amounting to the sum of nine thousand five hundred and seventy-three dollars [shall be paid by the United States.]

ART. 6. The United States agree to grant to each of the persons named in the schedule hereunto annexed the quantity of land therein stipulated to be granted; but the land so granted shall never be conveyed by either of the said persons, or their heirs, without the consent of the President of the United States; and it is also understood that any of these grants may be expunged from the schedule by the President or Senate of the United States, without affecting any other part of the treaty.

ART. 7. The Pattawatamie Indians shall enjoy the right of hunting upon any part of the land hereby ceded, as long as the same shall remain the property of the United States.

ART. 8. The President and Senate of the United States may reject any article of this treaty, except those which relate to the consideration to be paid for the cessions of the land; and such rejection shall not affect any other part of the treaty.

ART. 9. This treaty, after the same shall be ratified by the President and Senate, shall be binding upon the United States.

In testimony whereof, the said Lewis Cass, James B. Ray, and John Tipton, commissioners as aforesaid, and the chiefs and warriors of the said Pattawatamie tribe, have hereunto set their hands, at the Wabash, on the sixteenth day of October, in the year of our Lord one thousand eight hundred and twenty-six, and of the independence of the United States the fifty-first.

LEWIS CASS,
J. B. RAY,
JOHN TIPTON.

[Signed, also, by the chiefs and warriors of the Pattawatamie tribe.]

Schedule of grants referred to in the foregoing treaty.

To Abraham Burnett, three sections of land; one to be located at and to include Wynemac's village, the centre of the line on the Wabash to be opposite that village, and running up and down the river one mile in a direct line, and back for quantity; the two other sections, commencing at the upper end of the prairie, opposite the mouth of the Passeanoing creek, and running down two miles in a direct line, and back, for quantity.

To Nancy Burnett, Rebecca Burnett, James Burnett, and William Burnett, each, one section of land, to be located under the direction of the President of the United States; which said Abraham, Nancy, Rebecca, and James,

are the children, and the said William is the grandchild of Kaukeama, the sister of Topenibe, the principal chief of the Pattawatamie tribe of Indians.

To Eliza C. Kercheval, one section on the Miami river, commencing at the first place where the road from Fort Wayne to Defiance strikes the Miami, on the north side thereof, about five miles below Fort Wayne, and from that point running half a mile down the river, and half a mile up the river, and back, for quantity.

To James Knaggs, son of the sister of Okeos, chief of the river Huron Pattawatamies, one half-section of land upon the Miami, where the boundary line between Indiana and Ohio crosses the same.

To the children of Joseph Barrow, a relation of Richardville, principal chief of the Miamies, three sections of land, beginning at the mouth of Eel river, running three miles down the Wabash in a direct line, and thence back, for quantity.

To Zachariah Cicott, who is married to an Indian woman, one section of land, below and adjoining Abraham Burnett's land, and to be located in the same way.

To Baptiste Cicott, Sophia Cicott, and Amelia Cicott, children of Zachariah Cicott and an Indian woman, one half-section each, adjoining and below the section granted to Zachariah Cicott.

To St. Luke Bertrand and Julia Ann Bertrand, children of Madeline Bertrand, a Pattawatamie woman, one section of land, to be located under the direction of the President of the United States.

To the children of Stephen Johnson, killed by the Pattawatamie Indians, one half-section of land, to be located under the direction of the President of the United States.

To each of the following persons, Indians by birth, and who are now, or have been, scholars in the Carey Mission School, on the St. Joseph's, under the direction of the Rev. Isaac McCoy, one quarter-section of land, to be located under the direction of the President of the United States, that is to say: Joseph Bourissa, Noaquett, John Jones, Nuko, Soswa, Manotuk, Betsey Ash, Charles Dic, Susannah Isaacs, Harriet Isaacs, Betsey Plummer, Angelina Isaacs, Jemima Isaacs, Jacob Corbly Konkapot, Celia Nimham, Mark Bourissa, Jude Bourissa, Annowussau, Topenibe, Terrez, Sheshko, Louis Wilmett, Mitchel Wilmett, Lezett Wilmett, Esther Bailey, Roseann Bailey, Eleanor Bailey, Quehkna, William Turner, Chaukenozwoh, Lazarus Bourissa, Achan Bourissa, Achemukquee, Wesauwau, Peter Moose, Ann Sharp, Joseph Wolf, Misnoqua, Pomoqua, Wymego, Cheekch, Wauwossemoqua, Meeksumau, Kakautmo, Richard Clements, Louis McNeff, Shoshqua, Nocotenoma, Chikawketeh, Musheewoh, Saugana, Msonkqua, Mnitouqua, Okutcheek, Naomi G. Browning, Antoine St. Antoine, Mary; being, in all, fifty-eight.

To Jane Martin and Betsey Martin, of Indian descent, each one section of land, to be located under the direction of the President of the United States.

To Mary St. Come, of Indian descent, one quarter-section of land, to be located under the direction of the President of the United States.

To François Dequindre, of Indian descent, one section of land, to be located under the direction of the President of the United States.

To Baptiste Jutrace, of Indian descent, one half-section of land, to be located under the direction of the President of the United States.

To John B. Bourie, of Indian descent, one section of land, to be located on the Miami river, adjoining the old boundary line below Fort Wayne.

To Joseph Parks, an Indian, one section of land, to be located at the point where the boundary line strikes the St. Joseph's, near Metea's village.

To George Cicott, a chief of the Pattawatamies, three sections and a half of land; two sections and a half of which to be located on the Wabash, above the mouth of Crooked creek, running two miles and a half up the river, and back, for quantity; and the remaining section at the falls of Eel river, on both sides thereof.

To James Conner, one section of land; to Henry Conner, one section; and to William Conner, one section; beginning opposite the upper end of the Big Island, and running three miles in a direct line down the Wabash, and back, for quantity.

To Hyacinth Lassell, two sections of land, to be located under the direction of the President of the United States.

To Louison, a half Pattawatamie, two sections of land, to be located under the direction of the President of the United States.

LEWIS CASS,
J. BROWN RAY.
JOHN TIPTON.

TREATY WITH THE MIAMIES.

Articles of a treaty made and concluded near the mouth of the Mississinewa, upon the Wabash, in the State of Indiana, this twenty-third day of October, in the year of our Lord one thousand eight hundred and twenty-six, between Lewis Cass, James B. Ray, and John Tipton, commissioners on the part of the United States, and the chiefs and warriors of the Miami tribe of Indians.

ARTICLE 1. The Miami tribe of Indians cede to the United States all their claim to land in the State of Indiana, north and west of the Wabash and Miami rivers, and of the cession made by the said tribe to the United States by the treaty concluded at St. Mary's, October the sixth, one thousand eight hundred and eighteen.

ART. 2. From the cession aforesaid, the following reservations, for the use of the said tribe, shall be made:

Fourteen sections of land at Seek's village.

Five sections for the Beaver, below and adjoining the preceding reservation.

Thirty-six sections at Flat Belly's village.

Five sections for Little Charley, above the old village, on the north side of Eel river.

One section for Laventure's daughter, opposite the islands, about fifteen miles below Fort Wayne.

One section for Chapine, above and adjoining Seek's village.

Ten sections at the White Raccoon's village.

Ten sections at the mouth of Mud creek, on Eel river, at the old village.

Ten sections at the forks of the Wabash.

One reservation, commencing two miles and a half below the mouth of the Mississinewa, and running up the Wabash five miles, with the bank thereof; and from these points, running due north, to Eel river.

And it is agreed, that the State of Indiana may lay out a canal or a road through any of these reservations; and for the use of a canal, six chains along the same are hereby appropriated.

ART. 3. There shall be granted to each of the persons named in the schedule hereunto annexed, and to their heirs, the tracts of land therein designated; but the land so granted shall never be conveyed without the consent of the President of the United States.

ART. 4. The commissioners of the United States have caused to be delivered to the Miami tribe goods to the value of thirty-one thousand and forty dollars and fifty-three cents, in part consideration for the cession herein made; and it is agreed that, if this treaty shall be ratified by the President and Senate of the United States, the United States shall pay to the persons named in the schedule this day signed by the commissioners, and transmitted to the War Department, the sums affixed to their names, respectively, for goods furnished by them, and amounting to the sum of thirty-one thousand and forty dollars and fifty-three cents. And it is further agreed, that payment for these goods shall be made by the Miami tribe out of their annuity, if this treaty be not ratified by the United States.

And the United States further engage to deliver to the said tribe, in the course of the next summer, the additional sum of twenty-six thousand two hundred and fifty-nine dollars and forty-seven cents, in goods.

And it is also agreed that an annuity of thirty-five thousand dollars, ten thousand of which shall be in goods, shall be paid to the said tribe in the year one thousand eight hundred and twenty-seven; and thirty thousand dollars, five thousand of which shall be in goods, in the year one thousand eight hundred and twenty-eight; after which time, a permanent annuity of twenty-five thousand dollars shall be paid to them, as long as they exist together as a tribe: which several sums are to include the annuities due by preceding treaties to the said tribe.

And the United States further engage to furnish a wagon and one yoke of oxen for each of the following persons, namely: Joseph Richardville, Black Rackoon, Flat Belly, White Rackoon, François Godfroy, Little Beaver, Mattosanea, Seek, and Little Huron; and one wagon and one yoke of oxen for the band living at the forks of the Wabash.

And also to cause to be built a house, not exceeding the value of six hundred dollars, for each of the following persons, namely: Joseph Richardville, François Godfroy, Louison Godfroy, Francis Lafontaine, White Rackoon, La Gros, Jean B. Richardville, Flat Belly, and Wauweassee.

And also to furnish the said tribe with two hundred head of cattle, from four to six years old, and two hundred head of hogs; and to cause to be annually delivered to them two thousand pounds of iron, one thousand pounds of steel, and one thousand pounds of tobacco.

And to provide five laborers, to work three months in the year, for the small villages; and three laborers, to work three months in the year, for the Mississinewa band.

ART. 5. The Miami tribe being anxious to pay certain claims existing against them, it is agreed, as a part of the consideration for the cession in the first article, that these claims, amounting to seven thousand seven hundred and twenty-seven dollars and forty-seven cents, and which are stated in a schedule this day signed by the commissioners and transmitted to the War Department, shall be paid by the United States.

ART. 6. The United States agree to appropriate the sum of two thousand dollars annually, as long as Congress may think proper, for the support of poor infirm persons of the Miami tribe, and for the education of the youth of the said tribe; which sum shall be expended under the direction of the President of the United States.

ART. 7. It is agreed that the United States shall purchase of the persons named in the schedule hereunto annexed the land therein mentioned, which was granted to them by the treaty of St. Mary's, and shall pay the price affixed to their names, respectively; the payments to be made when the title to the land is conveyed to the United States.

ART. 8. The Miami tribe shall enjoy the right of hunting upon the land therein conveyed, so long as the same shall be the property of the United States.

ART. 9. This treaty, after the same shall be ratified by the President and Senate, shall be binding upon the United States.

In testimony whereof, the said Lewis Cass, James B. Ray, and John Tipton, commissioners as aforesaid, and the chiefs and warriors of the said Miami tribe, have hereunto set their hands, at the Wabash, on the twenty-third day of October, in the year of our Lord one thousand eight hundred and twenty-six, and of the independence of the United States the fifty-first.

LEWIS CASS,
J. BROWN RAY,
JOHN TIPTON.

[Signed, also, by the chiefs and warriors of the Miami tribe.]

Schedule of grants referred to in the third article of the above treaty.

To John B. Richardville, one section of land between the mouth of Pipe creek and the mouth of Eel river, on the north side of the Wabash; and one section on the northwest side of the St. Joseph's, adjoining the old boundary line; also, one half-section on the east side of the St. Joseph's, below Chappotee's village.

To John B. Boure, one section on the north side of the St. Joseph's, including Chappotee's village.

To the wife and children of Charley, a Miami chief, one section where they live.

To Ann Hackley and Jack Hackley, one section each, between the Maumee and the St. Joseph's rivers.

To the children of Maria Christiana De Rome, a half-blood Miami, one section between the Maumee and the St. Joseph's.

To Ann Turner, alias Hackley, Rebecca Hackley, and Jane S. Wells, each, one half-section of land, to be located under the direction of the President of the United States.

To John B. Richardville, one section of land upon the north side of the Wabash, to include a large spring nearly opposite the mouth of Pipe creek.

To François Godfroy, one section above and adjoining said last grant to John B. Richardville.

To Louison Godfroy, one section above and adjoining the grant to François Godfroy.

To Francis Lafontaine, one section above and adjoining the grant to Louison Godfroy.

To John B. Richardville, junior, one section on the Wabash, below and adjoining the reservation running from the Wabash to Eel river.

To Joseph Richardville, one section above and adjoining the reservation running from the Wabash to Eel river.

To La Gros, three sections where he now lives, and one section adjoining the Cranberry, in the Portage prairie.

A quarter-section of land to each of the following persons, namely: Charles Gouin, Pierre Gouin, and Therese Gouin, to be located under the direction of the President of the United States.

Two sections of land at the old town on Eel river, to be reserved for the use of Metchinequea.

LEWIS CASS,
JOHN TIPTON,
J. BROWN RAY.

OCTOBER 23, 1826.

SIR:

DETROIT, September 11, 1826.

We have the honor to transmit, herewith, a treaty concluded on the 5th ultimo with the Chippewa tribe of Indians, at the Fond du Lac of Lake Superior.

It being one of the principal objects of the treaty to procure the formal and renewed assent of the Chippewas to the pacification entered into between them and the Sioux at Prairie du Chien, in August, 1825, and the first two articles relating wholly to this subject, they require no particular observations.

For many years the opinion has been prevalent that there is a rich metalliferous region upon the southern coast of Lake Superior, and recent inquiries have placed this matter beyond doubt. Abundant specimens of native copper have been found, of the purest quality; and it is easy to foresee that a state of things may exist, which may render it important that the United States should possess the right of procuring this copper. It, of course, may be exercised or not, as the Government may think proper.

It was an important part of our mission to procure the surrender of the persons guilty of the atrocious murder perpetrated upon Lake Pepin, in 1824, and who escaped from the jail at Michilimackinac in the autumn of 1825. A formal demand was made upon the assembled tribe for their surrender, and no representations or arguments were spared to impress upon them as well the atrocity of the act, as the consequences of a similar course of conduct, and the ultimate determination of the Government. One of the persons attending the council was present at the murder. The opportunity was thus afforded us of taking the most prompt and efficient measures, without the intervention of the slow and powerless deliberation of an Indian council. This person we caused to be brought before us, in the presence of the assembled multitude, with the avowed determination of transporting him to Michilimackinac if we believed him guilty. The facts were investigated, as well as the nature of the testimony permitted, and we were satisfied that he was innocent. But the examination was highly useful, and left impressions upon the Indians which we think will check their continued disposition to commit outrages upon our citizens—a disposition which results from no settled feelings of hostility, but is caused by the operation of their own arbitrary customs; the necessity of taking scalps, either to revenge murdered relatives, or to render the young men respectable in the opinion of their countrymen.

The residue of the party who committed the murder were far in the interior of the country, and it was therefore impossible to procure their immediate apprehension, and would have been futile to urge it. No physical force could accomplish such a measure. All we could expect was, an assurance that they should be surrendered as soon as they could be taken, and carried to our nearest post. This pledge was accordingly given, and under such circumstances as induced a belief that every exertion will be used to redeem it.

There are three stipulations inserted in the treaty, concerning matters not specifically embraced in our instructions, and we are therefore the more anxious fully to explain the motives which led to their adoption. Lest they should not be satisfactory, they are accompanied with a provision, which will enable the Government to annul or confirm them, without affecting any other portion of the treaty. But we indulge the hope that, on a full examination of the subject, the course we have adopted will be approved.

The whole country upon the southern coast of Lake Superior is a sterile region. No vegetable productions are raised, and the game, which was always sparingly scattered over it, is almost exterminated. The Indians are consequently in a very destitute condition, and are, in fact, reduced to the extremity of human suffering. Their furs are not sufficient to procure them powder and ball, blankets, and the few other articles which are essential not to their comfort merely, but to their very existence. Many of them are in a state of actual starvation every winter. A small amount, invested in the most necessary articles, would be of incalculable advantage. Besides, we are at length, after many years' exertions, acquiring a proper control over them. This has not been done without great difficulty, nor without the most strenuous counteracting efforts on the part of the British authorities. Nothing would sooner or more happily terminate this contest than the timely distribution of a small quantity of goods.

The lavish expenditure of the British Government is contrasted with the practice of our own; and this obvious view, and this alone, secured for them the attachment and services of these remote Indians during the last war.

The successful experiments which are making at Michilimackinac, and at other points in this quarter, on the subject of Indian education and improvement, evince that it is to this effort we must look for any rational prospect of meliorating the moral and physical condition of this hapless people. They begin to appreciate their importance, and many of them are solicitous that their children should be educated. The institution at Michilimackinac is already full; and the Sault de St. Marie, at the outlet of Lake Superior, and commanding the entrance into the Indian country, is the best position, now unoccupied, for the establishment of such an institution. It is not supposed that the amount stipulated will support the school, but there is every reason to believe that the residue will be supplied by the voluntary contributions of benevolent associations and individuals, who, with noble ardor, are devoting themselves to this great work.

The duration of the annuity, as well as the sum for the support of the school, depending wholly on the pleasure of the Government, the grants may be resumed whenever they are found to be useless.

It is important that some permanent provision should be made for the half-breeds who are scattered through that country. They are principally the descendants of the French *voyageurs*, who have for many years been engaged in the laborious duties of the Indian trade. It would be equally politic and humane to collect these people into one neighborhood, and induce them to become agriculturists. Situated as they now are, they have neither fixed residence, certain employments, nor such habits as regular business would give them. They form no considerable portion of the physical force of the country, and the moral force they could exert upon the Indians is still stronger. To secure their permanent attachment to our Government is an important object; and, by locating them upon the St. Mary's river, they would occupy a position most favorable for any operations, offensive or defensive, which future circumstances may render necessary; while the grants they receive, unalienable as they are, would insure their fidelity.

And to these considerations is to be added another, little less important. It seems worse than useless to provide the means of education for this class of people, without also making provision for the practical application of the knowledge and habits they may acquire. If, after passing through the missionary school, they are to be thrown back into the society of their Indian relatives, there to seek the means of support, hopeless indeed will be their condition; but if they are placed upon land of their own, on the confines of civilization, they will have stimulus for exertion, and means of employment, and they will become an intermediate link between our own citizens and our wandering neighbors, softening the shades of each, and enjoying the confidence of both. Their example will produce a most salutary and permanent effect. Many of the grantees are now at the school at Michilimackinac, of different ages; some having just entered, and some being about to leave the establishment. It is our firm conviction that upon the immediate fate of these persons depends the issue of all the experiments upon this subject which we are making in this quarter.

The principle of making grants to the half-breeds is fully recognised in all the treaties which have been recently formed in this quarter—at Fort Meigs, in 1817; at St. Mary's, in 1818; at Saginaw, in 1819; and at Chicago, in 1824; and, more recently, in that concluded with the Sacs and Foxes in 1824, at Washington, by which two hundred thousand acres were appropriated for this object.

It was thought best to make the grants narrow upon the river, and extending a considerable distance back, because such has been the form of the confirmed claims in that quarter, and this mode of location is familiar to the French inhabitants of the country. It has also the advantage of bringing the population together, and enabling it more easily to defend itself in its distant and exposed regions. It will not here interfere with the mode adopted by the United States in selling their lands, because no land in the rear of this tract can ever be sold. Nature herself has interdicted it, by the sterility of the soil and the inclemency of the climate.

It was impracticable to carry into effect that part of our instructions which relates to the treaty at Green Bay. The appropriation did not pass till the 22d May, and the Indians could not be convened at both points, (distant from each other, by any practicable route, at least eight hundred miles,) so as to perform the duty this season.

The stipulation in the treaty of Prairie du Chien is, that councils shall be held upon Lake Superior and at Green Bay; but it also provides that the council upon Lake Superior shall be held in 1826; of course, we were compelled to attend at that place rather than at Green Bay. The latter duty cannot be executed till the summer of 1827, and we have already caused the necessary previous arrangements to be made for this purpose.

It may well be supposed that the expenditures for such an expedition cannot be immediately brought to a close. The intelligent agent at the Sault de St. Marie has been charged with the duty of making all the payments, and the whole of the appropriation has been placed in his hands. The accounts, together with the journal of our proceedings, will be prepared and transmitted to the Department as speedily as practicable.

We have the honor to be, sir, your obedient servants,

LEWIS CASS,
THOS. L. MCKENNEY.

Hon. JAMES BARBOUR, *Secretary of War, Washington.*

CAMP, NEAR THE MOUTH OF THE MISSISSINEWA, ON THE WABASH,

October 23, 1826.

SIR:

Accompanying this, we have the honor to transmit to you the treaty which was concluded with the Pattawatamies on the 16th instant, and that which was concluded with the Miamies on this day.

These treaties have been the result of a long, tedious negotiation, in which every exertion was used to procure a cession upon the most reasonable terms for the United States; and we are confident in the opinion that the object could not be obtained without assenting to the stipulations which are found in these instruments.

It is difficult to ascertain the precise boundary of Indian claims. The lines of demarcation between the different tribes are not distinctly established, and, in fact, their title rests more upon possession than prescription. The tribes are frequently intermingled, and each has sometimes a common interest in the same district of country. North of the Wabash, the Miamies and Pattawatamies are in this condition. At the treaty of Grouseland, in August, 1805, the right of the former tribe to the country upon the Wabash and its tributaries was recognised, but time and subsequent circumstances have materially affected this arrangement. At the treaty of St. Mary's, in 1818, it was considered important to procure a cession from the Pattawatamies of the country south of the Wabash, and the entire cession from the Vermilion to the Tippecanoe was made by that tribe; and it seemed to be generally admitted by both of these tribes that there was a common and undefined interest in the country north of the Wabash. These circumstances rendered it proper to treat with the Miamies and Pattawatamies for the whole tract to be purchased, in order as well to do justice by them, as to prevent a resort to hostilities, the usual arbiter of Indian disputes.

In treating, however, with the Pattawatamies, we were sensible that their title to the most valuable section of the country was not as valid as that of the Miamies, and therefore the consideration paid to them is much less than that paid to the others. The annuity is comparatively small and limited, and the sum appropriated for the purpose of education is determinable at the pleasure of Congress. The amount of the other stipulations (for blacksmith, &c.) is inconsiderable, and the objects themselves are such as are important to the Indians, and cannot be indifferent to the Government.

Goods have been distributed to them (as will appear by the fourth article of the treaty) to the amount of \$30,547 71, and an additional quantity to the amount of \$900 has been promised them. Without this provision, no treaty could have been formed. The Indians always arrive at our treaty grounds poor and naked. They expect to receive some part of the consideration at the moment of signing the treaty. This expectation, in fact, furnishes the only motive for their attendance, and much the most powerful motive for their assent to the measures proposed to them. A reduction in the annuity is effected by these payments, much greater in value than the amount distributed. The sum appropriated for these treaties (\$15,000) was certainly intended to defray the necessary expenses attending the convocation of the Indians and the general business of the negotiation. It could not have been expected that any part of the consideration given for the land should be met from this fund. It was barely sufficient, with the most rigid economy, to pay the actual claims for services and supplies essential to the subsistence of the multitude assembled here, to the preservation of the necessary police, and to the successful result to which we have ultimately attained.

Under these circumstances, no resource was left us but to purchase goods upon the credit of the negotiation, providing for their payment by the United States, if the treaty should be ratified; and by the Indians, if the ratification should be withheld. Proper invoices and certificates of these purchases have been prepared, and contingent drafts have been drawn on the Department, payable after an appropriation shall be made for that purpose. A schedule of these drafts, dated the 18th instant, accompanies this letter. To them are annexed the invoices, which will fully explain the nature of the supplies which have been furnished.

Provision has been made for the payment of certain claims against the Pattawatamies, amounting to \$9,573. These claims have been agreed to at the particular request of the tribe; and the claimants are exclusively Indian traders, whose property and services have been scattered through the whole Indian country. Considerable deductions have been made from all of them; and the Pattawatamies are anxious for their payment, as well to be relieved from the pressure of these debts, as to procure such credits hereafter as their necessities may require.

Lands have been granted to various individuals, as will appear by the subjoined schedule, which exhibits the extent and situation of these tracts. Almost all these persons are of Indian descent; and the few who are not so, are connected with them by early associations, by trade, or by other circumstances. And all these grants have been inserted at the particular request of the Indians; and most of the grantees have materially aided us during the

negotiation. In order to guard against any imputations, we have inserted a provision that any of these names may be expunged from the treaty; but we trust that it will not be found necessary for the Senate to exercise this power. Confident expectations are indulged by the Indians and the persons interested that these grants will be confirmed, and they, in fact, constitute an integral part of the consideration for the cession.

It was impossible to procure the assent of the Pattawatamies or Miamies to a removal west of the Mississippi. They are not yet prepared for this important change in their situation. Time, the destruction of the game, and the approximation of our settlements, are necessary before this measure can be successfully proposed to them. It was urged as far as prudence permitted, and, in fact, until it became apparent that further persuasion would defeat every object we had in view. It was then important that the Indians should be separated into bands, by the intervention of our settlements. As long as they can roam unmolested through the country, we may in vain expect either to reclaim them from the savage life they lead, or to induce them to seek a residence where their habits and pursuits will be less injurious to us. We could not purchase any particular district near the centre of the Pattawatamie country; but that tribe freely consented to give us land for the road described in the treaty, and for the settlement along it. Such a road may at times be useful to them in travelling, and it will readily furnish them with a market for their game, and the means of procuring their accustomed supplies; but, what is much more important to us, it will sever their possessions, and lead them at no distant day to place their dependance upon agricultural pursuits, or to abandon the country. The eventual importance of this communication to the United States, either in a pecuniary or political view, it is no part of our duty to explain. Such a provision was made for the construction of a road from the rapids of the Miami to the western line of the Connecticut Reserve in Ohio; but, as it has not been frequent in Indian treaties, we thought it proper that the Senate should be enabled to act upon this, as well as other matters in the treaty, without affecting the validity of the cession; and therefore a stipulation has been inserted which will give to that body the entire control of the subject.

But our principal difficulty has been with the Miamies. The country which they occupy is much more valuable than that occupied by the Pattawatamies. It is immediately upon the Wabash, and commands the great avenue of communication between the Ohio and the lakes. Eel river, the northern boundary of the Pattawatamie cession, is incorrectly represented upon the maps. In its general course, it is much further from the Wabash than it appears to be upon them; and, from the best calculation we can make, the whole extent of the cession is not less than 2,000,000 of acres, and perhaps amounts to 3,000,000. The tract upon Lake Michigan is essential to the interests of Indiana; for, without it, her citizens can have no access to that important outlet. The district embraced in the Miami cession is probably equal in value to any other tract of similar extent in the western country; and its acquisition was highly important to the State of Indiana, as it interrupts the continuity of her settlements, and prevents her from entering upon that system of internal improvements to which she is invited by nature, policy, and interest. The right conveyed by the Miamies is also more extensive than that conveyed by the Pattawatamies. The latter have ceded their right to the country within specific bounds. To the largest and much the most important of the three cessions made by them, the Miami claim is the most valid. But the Miamies have also ceded their whole right to the country north of the Wabash, with the exception of a few small reservations. The United States, by this cession, have acquired a joint interest with the Pattawatamies to an extensive district of country; and although a just regard to public opinion, as well as to the situation of the Indians, will probably prevent them from taking possession of any part of it without the formal consent of the Pattawatamies, still the extinguishment of the Miami claim will enable us to negotiate with more efficiency, when the proper time arrives for the purchase of the Pattawatamie country, or for the establishment of another boundary between them and the United States. The extent of this Miami claim we do not know, and it must be left to the Government hereafter to ascertain it, when such a measure becomes necessary. The Miamies are also better organized in their government than the Pattawatamies, and their reduced numbers enable them to act with more unanimity. The preceding annuities due to them were considerable, and they were aware that the possession of the country was highly important to us. Under these circumstances, it was necessary to give them much more for the relinquishment they made, than was given to the Pattawatamies; and, without troubling you with the details of a semi-barbarous negotiation, which occupied us many days, it is enough to say that the treaty exhibits the most advantageous arrangement which could be made.

The annuities due by former treaties to the Miamies amount to \$18,400; consequently, the permanent annuity given by this treaty will be \$6,600: but we have procured the insertion of a provision, applicable to preceding annuities, as well as to this, by which their duration will depend on the existence of the tribe. The Miamies are greatly reduced in numbers, and, like all the tribes in this quarter, they are in a state of rapid declension. A perpetual annuity would be payable as long as an individual of the tribe might remain; but, by the present arrangement, this heavy debt will cease when they become incorporated with some more powerful and kindred tribe, and this event cannot be very remote. The appropriation for the support of their poor, and for the education of their youth, being limited, like that to the Pattawatamies, we do not consider as presenting any difficulty in the way of the ratification of the treaty. The temporary annuity of \$10,000, payable in 1827, and of \$5,000, payable in 1828, and the provision for the immediate supply of goods, and for the delivery of the remainder in the course of the next summer, and the stipulations for building houses and furnishing various articles to them, constituted an important portion of the consideration for the cession. Without acceding to them, we should have concluded no treaty. The observations made in the preceding part of this letter, respecting the immediate purchase of goods, will apply to the purchase made to the Miamies. This amounts to \$31,040 53, as exhibited in the accompanying schedule; and similar vouchers have been prepared and delivered to the parties interested. The amount yet due, and for which provision must be made, is \$26,259 47.

A few reservations have been made, which require no particular explanation; and lands have been granted to certain individuals, under similar circumstances to those already stated. Pecuniary claims have, in like manner, been liquidated and allowed. The necessary schedules, exhibiting a full view of these subjects, are herein enclosed. It is only necessary to add, in relation to them, that, without consenting to this arrangement, all our efforts would have been useless.

We have also agreed (as the accompanying exhibit will show) to purchase from a number of individuals the tracts granted to them by the treaty of St. Mary's. The land amounts to 6,720 acres, and \$25,780 are to be paid for it. These are the principal circumstances connected with this negotiation, and with the treaties which have resulted from it, that we deem it important to submit to you. We have never lost sight of the interests of the United States, nor have we forgotten that we were treating with a poor miserable people, the feeble remnant of the former owners of the country—a people who have sustained many injuries from us, and who have many claims upon our justice and humanity. We deemed it no part of our duty to press them to the ground—to procure their country for the least possible price. We have allowed them a consideration more valuable than the cession they have made. The game is nearly exhausted, and there is little else which they derive from it. In doing this, we believed we were consulting the views of our Government, and the feelings and opinions of our country. We shall be happy

to find that our conduct has been approved, and that the treaty has been ratified. Certain we are that another or a better one will not be procured, without pursuing a system which we trust will find few advocates.

The sum appropriated for holding these treaties, and which we have drawn for, has been placed in the hands of Major R. A. Forsyth, sub-agent in the Indian Department, and appointed by us special commissary for that purpose. The whole has been properly expended, and the vouchers have been examined and approved by us. He will immediately transmit his accounts to the Treasury for settlement.

Very respectfully, we are, sir, your obedient servants,

Hon. JAMES BARBOUR, *Secretary of War.*

LEWIS CASS,
J. B. RAY,
JOHN TIPTON.

19th CONGRESS.]

No. 244.

[2d SESSION.]

FLORIDA INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 18, 1826.

SIR:

DEPARTMENT OF WAR, *December 16, 1826.*

In compliance with a resolution of the House of Representatives of the 16th May last, directing the Secretary of War "to communicate to this House the correspondence with the War Department, not before called for by resolutions of the House, subsequent to the 2d of January, 1826, in relation to the Florida Indians," I transmit, herewith, papers numbered from 1 to 14, which furnish the information required by the resolution.

I have the honor to be your obedient servant,

JAMES BARBOUR.

Hon. JOHN W. TAYLOR, *Speaker of the House of Representatives.*

No. 1.

SIR:

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, *January 4, 1826.*

I enclose, by direction of the Secretary of War, a copy of the memorial of sundry citizens of Florida. You will examine into the causes of complaint, report upon them, and take measures to prevent their recurrence.

I have the honor, &c.

THOMAS L. MCKENNEY.

' To His Excellency WM. P. DUVAL, *Governor of Florida.*

[Accompanying No. 1.]

TERRITORY OF FLORIDA, *Alachua County.*

To the honorable the President and Senate of the United States in Congress assembled: The memorial of the undersigned, citizens of this county, respectfully sheweth:

That your memorialists having, after the most mature deliberation, determined to bring before your honorable body grievances under which they have for some time labored—grievances of which we should not have troubled your honorable body, did we not foresee the ill consequences that will eventually follow, if not speedily remedied—in the hope that the remedy would be applied, beg leave to state, that the Indian agent for the Florida Indians gives permits to, and admits, the Seminole Indians to be strolling and hunting through this country, in large parties, contrary to the treaty made and entered into between the United States commissioner and the Seminole Indians, in September, 1823. Your memorialists further beg leave to state, that, in March past, a party of those Indians fell in with an innocent and unoffending man in this county, shot, and scalped him; for which outrage your memorialists verily believe no redress has been made, (if demanded by the Indian agent;) and are daily committing depredations on the stock of cattle and hogs, and robbing the plantations of the undersigned; and have further to state, that in very many instances they are extremely impudent to the citizens of this county, (it being frontier;) all of which the agent is fully aware of, notwithstanding the causes of complaint are not removed.

Your memorialists, as in duty bound, will ever pray.

MARSEY DELL,
WILEY BROOKS,
ELIAS KNIGHT,
[And sixty others.]

No. 2.

SIR:

TALLAHASSEE, *January 10, 1826.*

Colonel George Walton, late the acting Governor of the Territory of Florida, has given to me all the information he possessed on the subject of Indian affairs. I have inquired of him if he knew any fact that could impeach the conduct of the agent, Colonel Humphreys; he has assured me that the conduct of the agent, as far as he is acquainted with it, has met his approbation. I therefore trust that no communication from Colonel Walton, which you may have received, and which may have the appearance of censuring the conduct of the agent, will be considered as intended to reflect on his conduct. There is such a restless disposition in all new countries to interfere and direct the conduct of the officers of Government, and so strong a temper to complain because many are restrained from trading with the Indians, that every report, however strong it may appear, should be most cautiously received.

I am, respectfully, your obedient servant,

WM. P. DUVAL.

Colonel THOMAS L. MCKENNEY, *General Superintendent of Indian Affairs.*

No. 3.

SIR:

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, *January 11, 1826.*

I have had the honor to receive your letter of the 13th ult., and of conveying to the Secretary of War its contents. I am directed to state, in reply, that the decision in regard to your salary, by the late Secretary, as conveyed to you in his letter of 20th April, 1824, cannot be at this time reversed; but such aid as the Secretary feels himself justified in granting to you, he will cheerfully extend. He has directed me to prepare a commission for Major John Phagan, as sub-agent, and to direct him to report himself to you. You will consider him as attached to your superintendency, and his services as being at your command in whatever branch of it you may have need of them to aid you in the execution of your duties. You will be allowed, also, at the rate of one hundred dollars per annum for office rent and stationary: this sum you will add, in your returns, as a contingent item, which will be acted on with your quarterly accounts.

You will be held accountable for all moneys which you may receive on account of your superintendency, as a matter of course. No special compensation can be allowed for either the "risk or trouble." This is understood to be embraced in your pay as superintendent.

It is hoped the relief which the services of the sub-agent will afford you, and the allowance for office rent and stationary, may make the duties of your superintendency lighter and more acceptable. You will pay Major Phagan at the rate of five hundred dollars per annum.

I have the honor, &c.

THOS. L. MCKENNEY.

His Excellency WM. P. DUVAL, *Governor of Florida.*

No. 4.

SIR:

TALLAHASSEE, *January 23, 1826.*

Your letters, one of 12th November last, directed to me, and one of 7th December, 1825, directed to George Walton, Esq., Secretary and acting Governor of Florida, I have now the honor to answer. Your first is in answer to a letter of Colonel Humphreys, the agent, accompanied with a plan of the ground, and an estimate for a building and council-house at the agency. I have instructed the agent, for these purposes, not to exceed *two thousand* dollars.

Your letter of the 7th, which authorizes Colonel Walton to draw bills, from time to time, on the Secretary of War, for a sum not to exceed five thousand dollars, will be attended to.

I assure you that no extension of the Indian boundary will keep them from starving until their next crops come in. The Appalachian Indians are in a deplorable state. Three times last year were their corn-fields and fences swept away by the uncommon rise of the river. All these Indians live on the river, and, until now, they have never solicited the aid of the Government for provisions.

The old chiefs Blunt and Tuski Haijo have just left me; they have given me a gloomy picture of the distress now prevailing for want of food. These chiefs and their warriors served with General Jackson during the Seminole war.

In order to prevent the Indians from starving, the strictest economy must be pursued; and, to do this, corn and salt only will be purchased for them, unless the Department should authorize some pork and beef now and then to be distributed. Small portions of either would be a blessing to these poor improvident people.

The Indians have continued to fall back on the settlements, and have lately acted violently in Alachua, by driving a family from their farm, and taking all the provisions, and destroying part of their houses.

I must still say that a military post ought to be established on the south frontier of Alachua.

I hope, by my presence among the Indians, to settle, for the present, the causes of difference that exist between them and the citizens of Alachua.

I consider a military post in that quarter as essential to the protection of the Indians as of the citizens. It would check in the bud any improper design formed by either party.

The rations which were received by the agent at Tampa Bay were not all issued to the Indians; but, as they have been received, and must be lost to the Government unless they are disposed of, I have directed Colonel Humphreys to issue them to the emigrant Indians, in the most economical manner, to subsist them.

These rations are the same that Colonel Walton mentioned in his letter of the 18th November last to you, as having accumulated at Tampa Bay, &c.

I am not informed whether Colonel Walton drew on your Department for the two thousand dollars which he was authorized to expend in supplying the Indians with provisions; and if he did not draw for that sum, whether I am to consider the two thousand dollars as forming any part of the five thousand dollars specified in your letter of the 7th of December last.

A very small amount of *actual cash* has been turned over to me by the late acting Governor. I am, therefore, without funds to meet many accounts that have been presented.

Colonel Walton will, in the course of six or eight weeks, be in Washington to settle his accounts. He has started from this place to Key West, on business of the Territory, and will proceed from thence to the city.

The complaints that have been made to me by the citizens of this Territory, on account of alleged losses in cattle and other property taken and destroyed by the Indians, have determined me to attend and take legal proof of these losses, and submit them to the War Department.

I do believe that many who complain loudly have sustained no loss, and that the actual loss will be trifling. By taking this step, all clamor against the Indians will be silenced; and I hope the Secretary of War will approve of the measure. No evil, and much good, may result from this proceeding. Those who have just claims for indemnity will be heard in a formal manner, and all who complain will have a fair opportunity of proving the injury they have sustained. If the Secretary should, however, think differently on this subject, I hope you will advise me as early as possible.

Until I hear from you, I shall so proceed in this matter as not to commit the Department by any act of mine.

I am, &c.

WILLIAM P. DUVAL.

Colonel THOMAS L. MCKENNEY.

No. 5.

SIR:

TALLAHASSEE, *January 24, 1826.*

I have the honor, in reply to your letter of the 26th of December, 1825, to state, that I regret the communication from the late acting Governor Walton has given some uneasiness to the Department, relating to the issuing of rations, &c. connected with a letter from Mr. Charles Pindar.

That Colonel Walton did not take time to understand this complaint or communication before he ventured to give any consequence to a subject that has no connexion with the contract made by the United States with Major Chaires, will, I am sure, be a subject of lasting regret to himself.

By order of the late Secretary of War, an advertisement was published by the agent, Colonel Humphreys, calling for proposals to supply the emigrant Florida Indians with rations; and, at the time fixed, the agent attended at this place to receive the proposals, none of which were to be considered *as binding* unless approved by me.

I was at the time in Pensacola; and the lowest offer the agent received was made by Major Chaires, for eighteen cents and one-quarter of a cent for the ration entire.

When this proposal was transmitted to me for my approval, it was instantly rejected as too high; and I immediately advertised that other proposals would be received by me at Tallahassee, up to the 20th of July, 1824.

This advertisement, by the advice of the late Secretary of War, was published in the Charleston, New Orleans, Florida, and other papers.

The contract was ultimately made with Major Chaires about the 20th of July following; (his bond is filed in the proper office in Washington.) Mr. Pindar neither sent his proposals, nor attended at that time. Major Chaires's offer was the most favorable to the United States of any that was made.

Governor Clark, of Georgia, attended in person; and his offer was fourteen cents, for the rations to be delivered at Tampa Bay and St. John's river.

Major Chaires was not favored in the contract on account of his having made former proposals. His was the lowest bid, and therefore was accepted.

I send you a copy of the proposals made by Major Chaires the 29th May, 1824, and which were rejected; also, a copy of a note addressed by Mr. Pindar to Major Chaires the morning he made his communication to the acting Governor Walton; together with copies of my letter to Mr. Pindar on this subject, dated the 22d instant, and of his letter in reply, with a copy of the private agreement between Mr. Chaires and Mr. Pindar.

Mr. Pindar states he was informed by the acting Governor that Mr. Chaires had been favored in the contract, and that he was advised by him and others to take the course he had pursued. I have only to remark, that, so far as I had any agency in making the contract, no man was favored; and I hazard nothing when I say that the Government, by my attention in making the contract, has saved many thousand dollars in the rations; nor could the Government, at any time since, or now, under the same circumstances, obtain a contract so favorable. I believe the fact to be, that the troops stationed at Tampa Bay have never been furnished with the beef part of the ration for less than twelve cents.

I state that Mr. Pindar is mistaken when he supposes Major Chaires has set up a claim against the United States, on account of his disappointment in not having his proposals of the 29th of May, 1824, accepted. I never heard of such a claim; and if Major Chaires has made any such demand, it must have been to the Secretary of War.

It is my opinion that the difficulty in this matter has arisen from a private dispute between Mr. Pindar and Mr. Chaires about the first proposals offered by Mr. Chaires, dated 29th May, 1824, and which I rejected. The papers herewith transmitted will prove that Major Chaires has been misrepresented and injured; and that the object of Mr. Pindar was to delay the payment due by the Government to Mr. Chaires on the contract, unless the five hundred dollars, claimed from him by Mr. Pindar, was paid.

All which is respectfully submitted to the Department of War.

I am, respectfully, your obedient servant,

WILLIAM P. DUVAL.

Colonel THOMAS L. MCKENNEY,
General Superintendent of Indian Affairs.

[Accompaniment No. 1.]

Sir:

TALLAHASSEE, *May 29, 1824.*

I will furnish, for the term of one year, the rations for the Indians in Florida, agreeably to your notification, for eighteen cents and one-quarter of a cent per ration entire, or beef for eight cents per ration, or as much lower as any other person will, provided the price is not less than six cents and seven-eighths of a cent per ration; and the corn and salt for eleven cents and three-eighths of a cent per ration.

Edward R. Gibson, John Y. Garey, Francis J. Ross, and John Bellamy, are offered as securities for the fulfilment of the contract. Should those not be by you considered sufficient, as many other names will be added as you may require.

Yours, respectfully,

BENJAMIN CHAIRES.

Colonel GAD HUMPHREYS, *Agent Florida Indians.*

Endorsed—"Accepted, the security being satisfactory, and terms offered more advantageous than any other with sufficient security."

The foregoing endorsement is in the handwriting of Colonel Humphreys, Indian agent.

Rejected:

WILLIAM P. DUVAL.

TALLAHASSEE, *January 23, 1826.*

The above and foregoing is a true copy from the original in my Office of Indian Affairs.

WILLIAM P. DUVAL.

[Accompaniment No. 2.]

SATURDAY.

Charles Pindar presents his compliments to Major Chaires, and begs leave to suggest to him, as a matter of importance to Major Chaires's interest, that he shall this morning wait upon the superintendent of Indian affairs, and communicate to him the nature of the transaction, the result of which is unsettled between them, and other disclosures, which will have the effect at least to retard the settlement of Major Chaires's accounts, if transmitted to Washington by the superintendent, and probably to occasion a greater loss to him than the amount at present withheld from Mr. P., unless Major C., by doing him justice, shall prevent the necessity of his so doing.

Major B. CHAIRES.

A copy from the original examined by me:

WILLIAM P. DUVAL.

[Accompaniment No. 3.]

SIR:

TALLAHASSEE, EXECUTIVE OFFICE, *January 22, 1826.*

A letter which you addressed to the late acting Governor, Colonel Walton, on the subject of the contract for rations which were to be furnished to the emigrant Florida Indians by Benjamin Chaires, Esq., has been submitted to the War Department. I am directed to ascertain what relation or bearing your communication has to the contract entered into by Major Chaires with the United States, and how they are interested in the disclosure you have made, and propose to make. I request you will favor me with such a statement of facts as will elucidate this subject; and, also, that you will state whether your letter to Colonel Walton was intended to apply to any other time or proposals for supplying the Florida Indians with rations than those received by the agent, Colonel Humphreys, at Tallahassee, the 30th of May, 1824.

I am, with great respect, your obedient servant,

WILLIAM P. DUVAL.

Colonel CHARLES PINDAR.

[Accompaniment No. 4.]

SIR:

TALLAHASSEE, *January 23, 1826.*

I had the honor yesterday to receive your communication in regard to a letter addressed by me to the late acting Governor, Colonel Walton, on the subject of Mr. Chaires's contract to furnish the emigrant Florida Indians with rations, and requesting from me such statement as will elucidate the subject, and show what relation or bearing my communication has to the contract entered into by Major Chaires with the United States, and how they are interested in the disclosure I have made, or propose to make.

I proceed, in compliance with your request, to state, that when proposals were called for, by the advertisement of the Indian agent, Colonel Humphreys, on the 30th of May, 1824, for the purpose of offering to furnish the supplies required, I visited Tallahassee, where I met Mr. Chaires, who I ascertained was led to the place by the same views as myself. After some conference with this gentleman, I concluded to withhold the proposals I had previously intended to make, and entered into an arrangement with Mr. Chaires to that effect; in consideration of which, he agreed, by his written obligation, (which accompanied my letter to Colonel Walton,) to pay me the sum of five hundred dollars; which payment he has since refused, upon the ground that the contract proposed for at the time of our understanding above named was never concluded or closed.

Having been told, however, by the acting Governor, Colonel Walton, that the contract finally entered into with Mr. Chaires was made more favorable to him in consequence of the encouragement given to his first proposals, and that, for the same reason, he was allowed a higher price for rations than he would have otherwise been allowed, I deemed myself fully entitled to the sum which I claimed from him; there being, under the view of the subject given me by Colonel Walton, a manifest connexion between the two transactions of the United States and Mr. Chaires, in relation to the contract—the one dependant upon the other.

With regard to disclosures supposed to be intimated in my communication to Colonel Walton, I have only to say, that I have it in my power to make none further on the subject in question, than to state, as my opinion, that Mr. Chaires can have no just demand against the United States on the ground of his disappointment in relation to his first proposals for the contract, as he evidently, by refusing to pay me, considers the first contract void; and, consequently, he can have no claim upon the United States for extra compensation on account of it.

This was likewise the opinion of the acting Governor, Colonel Walton, and other gentlemen whom I consulted, and by whose advice I instituted the proceedings I did towards Mr. Chaires.

It is, perhaps, but just to say here, that the rate at which Mr. Chaires proposed to furnish the rations at the period in question was much lower than I should have offered.

My letter to Colonel Walton was not intended to apply to any other time or to any other proposals than those received on the 30th May, 1824, by Colonel Humphreys.

I am, with great respect, your excellency's most obedient servant,

CHARLES PINDAR.

His Excellency WILLIAM P. DUVAL, *Governor of Florida.*TALLAHASSEE, *January 23, 1826.*

I certify this letter is a true copy from the original in my Office of Indian Affairs.

WILLIAM P. DUVAL.

[Accompaniment No. 5.]

TALLAHASSEE, *May 30, 1824.*

I promise to pay to Mr. Charles Pindar, or order, the sum of five hundred dollars, on my obtaining [& completing] the contract for furnishing the Indians with beef, &c., as per proposals requested by Colonel Gad Humphreys, Indian agent, published in the Pensacola Gazette under date of 22d May, 1824, in consideration of the said Charles Pindar withdrawing his proposal.

BENJAMIN CHAIRES.

The words “& completing” interlined.

JANUARY 23, 1826.

I certify the above is a true copy from the original, now before me.

WILLIAM P. DUVAL.

No. 6.

SIR:

FLORIDA AGENCY, *February 22, 1826.*

Finding, on my arrival at the agency, that the chiefs of the Seminole nation were extremely importunate that I should examine the country assigned them by the late treaty, urging strongly that it had not been fairly represented to the President of the United States, and that great injustice had been done to them, I determined to act on the order from your Department, to explore the Indian country, and to report, on my own examination, exactly as I should find it to be.

I have now the honor, after a faithful and laborious examination of their lands for thirteen days, to make the following report: The Long Swamp, which is on the right of the military road leading from this place to Tampa Bay, is the first land near the present northern line deserving any attention. This swamp is near six miles long,

very narrow, and entirely too wet for cultivation, except thirty or forty acres at its southern extremity, which is inhabited by a family of Indians; I consider it of little value. Okihumky, signifying in our language *one pond*, is an Indian town; the land is too poor for cultivation, and there is very little good land in its neighborhood. Pelacklakaha is a town occupied by the Indian negroes; its name signifies *Scattered Hammock*; there is but little land fit for cultivation about it, and in the rainy season the best of it is under water. Chucuchatty, or *Red House*, is an Indian town, on the margin of a large pond; it appears to be an ancient settlement. All the good lands have been exhausted by cultivation, and it is now poor, unhealthy, and has no water near that is fit to drink. The Big Hammock is situated near this town. I spent some days in examining it, and was greatly disappointed in its fertility, extent, and supposed advantages. The Big Hammock is much lower than the adjoining land, which is poor, pine, sandy hills, wholly unfit for cultivation. There is a large pond in the centre of this hammock, with several drains; in the wet season, it is the greater part under water; in the dry season, there is no water except in this large pond. The soil, from its growth of timber, would induce a passing observer to believe it very fertile; but I found, on examining the land in many places, that it is a light mould two or three inches deep, based on white sand, and would, if cultivated, in three years become a bed of sand. The whole extent of this hammock would not make more than a township; there is but one small Indian settlement in it, and, take it altogether, I feel confident it has been vastly overrated. I think that a man who is a judge of land would not give more than one dollar per acre for the best of it above high-water mark, which would be but a small part of the whole hammock. I travelled but a short distance, in going south, on the military road. I left it near Okihumky, and examined the whole country to the right of the road as far as Tampa Bay. I visited every spot where any lands were spoken of as being good, and I can say, with truth, I have not seen three hundred acres of good land in my whole route, after leaving the agency. The lands on the Big and Little Withlecoucha are poor, and the lands on Hillsborough river, within the Indian boundary, are of so little value that there is not one Indian settlement on any of them. I did not visit Peas creek; I had suffered so much from drinking water alive with insects, from mosquitoes, and intolerable hot weather, and my horses were so much reduced by the journey and the swarms of horseflies, that I determined to leave that point unexplored, having received satisfactory information that there is but a small tract of good land in that quarter. I never have seen a more wretched tract of country than that which I entered five or six miles south of Chucuchatty; the sand hills rise very high, and the Indian trail winds over an extensive sand ridge for eight or nine miles; the whole of the timber for this distance, as far as the eye can survey, has been killed by fire; the burnt and blackened pines, without a leaf, added to the dreary poverty of the land, present the most miserable and gloomy prospect I ever beheld. After descending the southern extremity of this ridge, I entered a low, wet, piney country, spotted with numerous ponds. I had much difficulty to pass through them, although the season has been uncommonly dry; had much rain fallen, I never could have reached Tampa Bay in that direction. So low was the whole country as far as the Indian boundary extended towards Tampa Bay, that, after riding all day and until eleven o'clock at night, in the hope that I would find a dry spot to sleep upon, I was compelled to take up my lodging on a low wet place for the night. No settlement can ever be made in this region, and there is no land in it worth cultivation. The best of the Indian lands are worth but little; nineteen-twentieths of their whole country within the present boundary is by far the poorest and most miserable region I ever beheld. I have therefore to advise, as my duty demands, and the honor and humanity of my country require, that the Big Swamp be also given to the Indians, and that the northern line be fixed five miles north of the Big Swamp, and extended to the Okelawaha river east, and so far west as to include the Big Hammock: this line will take in no good land but the Big Swamp, of any consequence; but, by extending it into the pine barren five miles, it will keep off settlers from the Indian boundary, who would otherwise crowd near the line, and sell whiskey to the Indians. The pine barren between the south end of Alachua and the Big Swamp is poor, and never can be cultivated: the distance is about twenty-five miles. The Big Swamp is six miles long and is about two miles wide, and is healthy, high, rich land.

I have the honor, &c.

Colonel THOMAS L. MCKENNEY.

WILLIAM P. DUVAL.

No. 7.

SIR:

FLORIDA AGENCY, *March 2, 1826.*

I have the honor to state, that, during the last month, I was engaged in collecting and ordering the Indians who were west of the Suwanee river into their boundaries. For several days past I have been engaged in holding talks with the chiefs of the nation at this place, copies of which the agent will present to you.

The warriors of the nation and the most influential headmen having earnestly importuned me that their head chief, Hicks, and six other distinguished chiefs, be permitted, with their agent and interpreter, to visit the President of the United States, and also to visit such other cities as you may think proper, I have, on reflection, consented to their wishes.

This I would by no means have agreed to, but, under the late administration, I had permission of the Secretary of War to send on a deputation; but, owing to the removal of the Indians at the time, and the necessity of the chiefs being with their men, I did not urge or desire them to go. I had good reasons, also, to believe that Neamathla, who was at that time head chief of the nation, was determined to prevent the other chiefs from visiting the city, and, if possible, to raise some serious difficulties with the white people. This he was near doing during the summer of 1824, but my presence prevented it. I broke the head chief, and he removed to the Creek nation, where he belonged.

I consider it highly important that these chiefs should visit Washington, as they never have been in the United States, and have no idea of the power or numbers of the country.

These chiefs are disposed to do their duty, but are afraid to exert their authority for fear of a part of the nation called the Mickasuky tribe, who are a very bad set of men.

It would not be amiss for you and the President to give the title of "governor of the red men" to Hicks, as he has been elected its chief by the unanimous voice of the nation.

I have not hinted to these people, as I was advised to do by your Department, that they might remove to lands west of the Mississippi, because I felt certain it would alarm them; nor would they be willing to remove, unless the Creek nation should also emigrate. You can much better, while they are at the city, ascertain their views on this subject than I could at this moment. The agent (Colonel Humphreys) will give you all the information you may desire, as to the temper and feelings of these people. I would, however, most strongly advise the establishment of a military post near the agency; this measure will be attended with many benefits to the inhabitants as well as the Indians.

If the chiefs had a force convenient to support them in their authority, they would at once be able to keep their people within their boundary, and to punish those who are refractory.

Many white men will crowd near the Indian boundary, who are worse than the Indians, and do constantly cheat them, and steal their horses and cattle. This force near the agency would control all such men, and give security and peace to the honest white settlers and the Indians.

I do most sincerely hope that you will view this subject as I have done, under all the circumstances, which have convinced me that this step is necessary.

HON. JAMES BARBOUR.

I am, &c.

WM. P. DUVAL.

[Accompaniment No. 1.]

Copy of a talk delivered to the Indians of the Seminole nation by His Excellency William P. Duval, Governor of Florida, and Superintendent of Indian Affairs in the same.

Chiefs, warriors, and brothers of the Seminole nation: Listen to the talk sent to me by your great father the President of the United States, with his orders to deliver the same to you in the words which he writes on this paper.

How is it, my red children, that many of you act wrong and very bad, that you kill the hogs and cattle of the white people, and that you take their potatoes and corn, and burn their houses? Do you not expect such bad actions will occasion war? Beware, in time, of your danger; for if you sit still, and let your bad people continue such conduct, mighty evils will soon fall on the whole of your nation.

I have sent your Governor to give you this talk, and to finish running your boundary line. Your Governor told me you had not good land enough to raise corn. I have ordered him to run your northern line so as to take in the Big Hammock, which shall be your land; no white people shall settle on it; you may remain at the Big Swamp this year, or you may move in the fall to the Big Hammock, as you may think proper; but you are to stay at the Big Swamp no longer than I choose to permit you to remain; when my orders come to you to move, then you must go into your boundary.

Listen to your great father, my red children; you have good hunting grounds south, towards the point; the deer, it is true, are smaller there than they are north, but there you find them more numerous. You must not go into the white settlements to hunt without a paper from your big agent, or, in his absence, your little agent. My red children, I wish you to do good, and then you will be happy; but some of your people are bad men, and do not listen to my words. When I hear that cows and hogs are killed, and other mischief is done to the white people, and I ask who did it, my people all say it is the Mickasuky tribe. Chiefs and warriors, how is this? What has become of your laws? What has become of the brave and good chiefs and warriors of the Seminole nation? Have they all died? Is there no authority existing in your nation? Will you suffer a part of a tribe to oppose the will of the nation? Rise up, chiefs and warriors, and enforce your authority; for, if you have so many bad men in the nation that you are afraid to do your duty, then, indeed, you are disgraced, and the spirit of your fathers will frown upon you; in a few years your race will be no more, and the traveller, passing through the land, shall inquire in vain for the once brave and mighty Seminole nation. Chiefs and warriors, rise up; save your nation from this disgrace; follow those who refuse to submit to your laws; and, as you have found that your kind and friendly advice will not answer, you must chastise severely that set of men who set your laws and government at defiance.

This is the law of all nations, white and red; and if you do not enforce it, your nation must soon pass away. Children, listen to my words. If the red men shall go into the white settlements without a paper from the big agent, or, in his absence, the little agent, (for no other persons can give you a paper,) your nation will suffer for it. I will be a good father to a good nation; but a bad nation will I crush in the hollow of my hand. Your great father is very angry with the bad men of your nation, and requires you to punish them; he will support and protect the chiefs from all harm who do their duty; so do not be afraid, for his arm is strong. Your great father says it is your duty, and not his, to keep your bad men in order. I have been patient with you for a long time, and you have injured my white children. I have waited for you to turn from your evil ways. Your chiefs have promised to control your people, and I have sent my soldiers away from the agency last summer; but you have not done so, and I am disappointed. And now comes the end of all bad doings; you will lose all your land unless you hearken to my words, and I shall strike with a mighty arm if you do not compel your bad men to submit to law; for remember, when it rains it falls upon all, the good and bad alike.

Chiefs, headmen, and warriors, hear my words: I order you to give the law to bad men. Now let your future conduct speak, and show whether you are worthy of my friendship, or whether you will have my wrath.

Children, make fields and raise corn and provisions. I have, for a long time, given you much to eat; now I will give you corn and salt at Tampa Bay, until your next crop is fit to eat; I will give no more after that time. Those who are lazy, and will not raise corn, may starve. Forget not my words; in time plant your corn, work your fields well.

Chiefs, headmen, and warriors: If your bad men are not kept under, your annuity will be taken from you to pay the white people for the damage they have done.

I give no corn to my white children; they are obliged to raise their own provisions; you see I have been kinder to you than to them.

Look to your agent, and mind his talks; he has always given you good advice, and if his words had sunk deep in your hearts, you would not now be in this difficulty; your people have stopped their ears and will not listen to your agent, and now you see the consequence. I sent your Governor to look at your lands. If you have not good land enough to raise corn, your great father, if you mind his words, will give you more land; but, if you do not control your bad men, you will lose all. My children, you have some good sense; and you showed it when you elected my good chief, Colonel Hicks, the governor of your nation.

I hear some of the red men are trying to raise up a party of bad men to injure him: mind my words; I charge you to support your head chief, and to defend him against bad men; for, as certain as the sun shall rise in the east and go down in the west, will death be the lot of those who raise their arms against their head chief. So execute your law on the men who have threatened to take his life.

My children, I have ordered your agent to come to me at Washington city, and to tell me, with his own tongue, whether you will be good, or what you have done with his talk. So send by him your talk, and let the Governor write it down, so that I may read it and know your hearts; do your duty, and I am your friend; refuse, and I am your enemy.

Chiefs and warriors: You hold negroes in your nation that belong to the white people. By the treaty, you are bound to deliver all the negroes that do not belong to the Indians to the agent; this you have not done, although you have promised in your talk to do so; you are now called upon to fulfil the treaty. You are not to mind what the negroes say; they will lie, and lead you astray, in the hope to escape from their right owners, and that you will give them refuge and hide them; do your duty, and give them up. They care nothing for you, further than to make use of you to keep out of the hands of their masters.

Thus far the negroes have made you their tools, and gained a protection, contrary to both justice and the treaty, and, at the same time, laugh at you for being deceived by them. Your conduct in this matter is cause of loud, constant, and just complaint on the part of the white people, who are thus deprived of their slaves. Deliver them up, rid your nation of a serious pest, and do what, as honest men, you should not hesitate to do; then your white brothers will say you have done them justice like honest, good men.

Should you, however, refuse to do this act of justice. I shall order my soldiers to go over your whole country, to search every part of it, from time to time, and to seize on all runaway slaves by force; and, in this confusion, many of you may lose your own slaves. If this happens, the fault will be your own, in trying to keep that which does not belong to you, and you will have no right to complain. There must be no longer delay in this business; but you must proceed immediately to deliver to the agent all slaves and other property now in your nation belonging to the white people, or expect immediate chastisement will follow your neglect; for I will order my soldiers from Tampa Bay to scour the country, and drag the runaways from their hiding-places, and make your nation suffer for its neglects and violations of the treaty.

WM. P. DUVAL.

[Accompaniment No. 2.]

Reply of Colonel Hicks, head chief of the Seminole nation, to His Excellency William P. Duval, Governor of Florida.

February 24, 1826.—I have listened to your talk, and your words have sunk deep in my heart; I met you first at the treaty at St. Augustine; the talk you gave me then I did not forget, but have acted by it. Your words I have always kept by me: you told me that, when our people moved from our old towns to where we now live, we should not suffer, and that we should receive provisions to live upon for one year, until we could make a crop; the promise gave us comfort and encouragement, and it has been fulfilled. We have had the provisions; but, as we made no corn the last year, owing to the dry weather, we have been very hungry since you stopped giving us provisions; and we were afraid that we must suffer much, even before our next crop could come in; and our minds are now easy, since you tell us that you intend to give us corn a little longer. I have nothing more to say now, but wish to talk again to-morrow.

February 25.—We have thought upon what you told us yesterday; your talk is right, and we will keep it in mind. We know that some of our people have acted bad, and done mischief to the white people's property; we have talked to them about it, from our agent, who has told us that they would bring trouble upon us, if we did not give them the law and keep them from doing mischief. I have given his talks to them, but they shut their ears and would not believe me. We are now determined to enforce our laws; and these bad men, who will not hearken to reason, shall be made to feel our law; and then, we think, we shall live like friends and brothers with our white neighbors. There are bad men among all people, the white as well as the red. Some of our people have had cattle and hogs killed by the whites; we hope justice will be done to us, and that you will keep the bad white men from doing us any more mischief.

You tell us you have come to run the line; we wish you to wait until some of our headmen can go to Washington, with our agent, to see our great father, who, we think, will give us more land, and then we shall be satisfied.

It is not my fault that my nation is poor and has lost its land. We think it was the Spaniards who have wronged us, and sold our lands. All of our old men are gone; there are none left; I am left young, but still I must go to see my great father and attend to the affairs of my nation.

I do not wish or intend to have a long talk; I shall soon finish. We rely on our great father; we think he will be kind to us if you write to him for us, and our agent will be there to talk for us. Our people who have behaved bad we intend to correct, and have appointed officers this day to give them the law, and make them know their place; so that I hope they will give the white people no more trouble.

We heard what you said about the runaway negroes in our country; we will not keep them, but bring them to the agent, that they may be given to their owners. In fifteen days from to-day, we will bring in all that we can find.

The white people have got some of our negroes, which we expect they will be made to give up. We are all the children of one great father, and he will treat his children all alike.

Answer by his excellency.—Whenever property belonging to the Indians can be found with the white people, they shall be made to give it up; for the white and red men must be treated with the same justice; this shall be attended to. As you wish to go and see your great father, with your agent, you shall; and I will delay running the line until you come back, as, perhaps, he may give you more land. I am going with your agent to look at your country; and, if I find that you have not enough good land, I will request your great father to give you more; and, when I come back from examining your country, I will appoint a day for you to start on your journey to Washington to see him.

The white people have, some of them, made complaints, and said many bad things about your agent: they say that he does not try to keep the Indians in order, and from doing them mischief. I wish to know the truth of the matter; and your agent wishes me to ask you whether he has urged the red people away from the white settlements, and to stay within their own limits. I want you to tell me what his talks have been on this subject.

Reply by Hicks.—I have heard before that the whites were talking evil of our friends; but it is not all of them that do it; it is only a few of the bad ones among them that do not like him, and wish him evil, because he is our friend and wishes to see justice done to us. We have some bad men among us, who speak crooked words of me, because I try to make them obey the talks of the agent, which I know to be straight; they are like the talks we have had from you: your talks and his are alike, and my people should listen to them and mind them.

By Governor Duval.—I am glad to hear what you say about the talks which your agent has given you. I know that he has given you straight talks; and I am pleased to hear that you are determined to follow them. He has been always your friend, and he has done much for you; and, if you wish him to stay with you, you must mind what he says to you. Should you neglect or disregard his advice, I am afraid he will be displeased and discouraged with you, and you will lose him.

Hicks's reply. We know our agent has been our great friend: you told us he would be so. We cannot wish him to leave us. I think that, should we lose him, it would be to me the same as to lose myself. We will mind his talks, and the talks you gave us, and try to make him stay with us. We hope that, when we come back from seeing our great father, every thing will be settled, and then all will go straight in our nation.

I have done.

I certify the foregoing talks are recorded truly as delivered by the interpreter to me.

WM. P. DUVAL.

No. 8.

FLORIDA AGENCY, *March 15, 1826.*

SIR:

Under the directions of your Department to inquire into the subject of the excessive issue of rations to the emigrant Florida Indians, by the orders of the agent, Colonel Humphreys, I have the honor to submit the following report: The whole number of emigrant Indians, who were entitled to draw rations under the treaty, as will appear from the depositions of Samuel Y. Garey, issuing agent at Hamley's old store, on the St. John's river, and also from the deposition of the sub-agent, Owen Marsh, Esq., was eighteen hundred and forty-four: in this estimate, children are rated two for one grown person. As they received only half rations, you will see, from the returns made by the issuing agents, that the whole amount of rations claimed by the emigrant Indians at no time was ever issued to them, and that the actual issues fell considerably short of their number, even after the issues were increased by the order of the agent. It was owing to this deficit that the Indians complained and became turbulent. I am perfectly satisfied that the agent has acted properly in this matter, as he apprized the acting Governor that large issues had become necessary, after the back rations had become exhausted. My instructions to the agent were, not to issue more than one thousand rations daily, as called for by the contract with Major Chaires, until the acting Governor could be apprized that greater issues were necessary. These instructions were given, first, to prevent any loss by the accumulation of rations; as the Indians would move slowly from the west, there would, of course, be many back rations due to them when they arrived. But by the contract made with Major Chaires, a right was secured to the Government, (by giving him reasonable notice,) to require of him to issue any number of rations which might be required over and above one thousand daily. I was convinced that one thousand rations would not meet the wants of the Indians after they had all assembled in their boundary; hence my instructions to the agent, to take the exact number of all the emigrant Indians, and to report what additional issues would be required.

So far from censuring the agent for the issues over and above the one thousand rations, which were expressly authorized, under all the circumstances, I feel assured that he has only discharged his duty; I will go farther, and state he would have been perfectly justifiable had he authorized the issue daily of one thousand eight hundred and forty-four rations, for this was the number of emigrant Indians entitled to rations. In making my estimate, which was forwarded to your Department long previous to the issue of rations to the Indians, it could not be supposed, as they were scattered all over the Territory, that I could do more than conjecture the number who would be entitled to rations. The Government has not been imposed upon in the issues actually made to the Indians, but, on the contrary, has saved several hundred rations daily, which these people were justly entitled to receive. The issues over and above four hundred rations daily, which were made at St. John's, by Mr. Garey, were at the same price as if they had been delivered at Tampa Bay by an arrangement between the agent and Major Chaires, so that the contractor has gained not a cent by the surplus issued at Hamley's old store. The contractor has honestly performed his engagements with the Government, and I am well satisfied that the agent has faithfully discharged his duties, as far as he was permitted to act. I approve of his conduct, and regret that injustice should, for a moment, have detracted from his services and merit.

I called on Colonel Brooke, commanding officer at Tampa Bay, who assured me that it was absolutely necessary to increase the issues at that point, and that when the same was extended as far as the sub-agent had means to do so, he, as commanding officer, deemed it his duty to order further issues from the military stores, to prevent a portion of the Indians from starving. There was not a magistrate at Tampa Bay, otherwise Colonel Brooke's deposition would have been also taken; but his word to the Government in this matter will, no doubt, be satisfactory.

All of which is respectfully submitted.

I have the honor, &c.

Col. THOS. L. MCKENNEY.

WM. P. DUVAL.

[Accompaniment No. 1.]

The deposition of Owen Marsh, sub-agent for the Florida Indians, taken at the Florida Agency, on the 13th day of March, 1826.

This deponent, being of lawful age, and first duly sworn, deposeth and saith: That he made the issues of rations to that part of the emigrant Florida Indians that were entitled to draw rations at Tampa Bay under the late treaty with the United States. That the whole number of emigrant Indians who were entitled to rations at that point was six hundred and sixty, as well as this deponent can now recollect; that his returns and abstracts will show that a much less number received rations at that point. The reason why so small a number of rations, for the greater part of the year, were issued at Tampa Bay, was, because several towns from the west did not come into the boundary until about two months before the expiration of the time when the issues were to cease. That these people were all well supplied with rations until the time expired which had been fixed by the contract; that this deponent's returns and abstracts will show that a considerable amount of rations was yet on hand, and which the acting Governor forbade this deponent to issue to the Indians, by an order through the agent; that, since the return of Governor Duval to this Territory, I have received orders, through the agent, to issue the rations on hand to the Indians who had emigrated to this country; and I have issued since, and continue to issue, these rations. There are now about five thousand rations on hand, which will soon be exhausted.

Question by Colonel Humphreys. Are you informed as to the whole number of emigrant Indians who have removed within the boundary, and also apprized of the average amount of rations which were daily issued to them during the period which, by the treaty, they were entitled to draw rations from the United States?

Answer. Yes, I am informed on both points.

Question by the same. Do you or do you not believe that the issues, as made, were necessary to the subsistence of the Indians, and that they could not have been comfortable with a more limited amount of rations?

Answer. I do not believe they would have been well sustained with a smaller amount of provisions, and I am convinced that more extensive issues would have added to their comfort and contentment.

Question by the same. Have you thought me governed by a disposition to economize, and study the interests of the Government, in issuing rations to the Indians; or have you, on the contrary, discovered in me a disposition to be prodigal in this respect?

Answer. I have sometimes thought you too much influenced by a desire to serve the interests of the Government, but never believed you unmindful of the true interests of the United States. And further this deponent saith not.

OWEN MARSH.

FLORIDA AGENCY, *March 13, 1826.*

This day personally appeared before me, a judge of the county court of Alachua county, East Florida, Owen Marsh, sub-agent for the Indians, who made oath that the facts and statements in the foregoing deposition are correct and true.

Given under my hand.

FRANCIS R. LANCHEZ,

Judge of the County Court of Alachua.

[Accompaniment No. 2.]

The deposition of Samuel Y. Garey, taken at the Florida Agency, on the 12th day of March, 1826.

This deponent, being of lawful age, and being duly sworn, deposeth and saith: That he acted as agent for the United States, and issued the rations to the emigrant Florida Indians, at Hamley's old store, on the St. John's river, under the late treaty made with the Florida Indians; and that the whole number of emigrant Indians that were entitled to daily rations at his post, rating the children at half rations, amounted to eleven hundred and eighty-four; that rations were not issued to the whole number of Indians who were entitled to rations, because he had not sufficient to meet their demands. This deponent further states, that, as well as he now recollects, during the time the aforesaid emigrant Indians were entitled to draw rations, for about one hundred and eighty days they could only be supplied with half rations; and that, if the Indians had received the whole number of rations that they were entitled to, the issues at his post on the St. John's river would have been much greater. This deponent does not hesitate to state, that, so far from the agent, Colonel Humphreys, ordering him to issue more rations than were absolutely necessary, less were issued than the Indians had a right to demand. This deponent, for greater certainty, begs leave to refer to his returns and abstracts, made by him to the superintendent of the Florida Indians. And further this deponent saith not.

Question by Colonel Humphreys. Was not much complaint and dissatisfaction occasioned among the Indians for want of their rations, and on account of the limited issues?

Answer. Yes, I had considerable difficulty on that subject; the Indians contending that they were entitled to receive more than I was authorized, by my instructions, to issue.

Question by the same. Do you not believe that the increased issues I ordered you to make prevented serious difficulties with the Indians?

Answer. I do: for there were frequent manifestations of violence on their part previous to the order for further issues.

On no further questions being put to the witness, this deposition is closed.

SAML. Y. GAREY.

This day appeared before me, judge of the county court of Alachua county, East Florida, the above Samuel Y. Garey, and made oath that the facts contained in the foregoing deposition he believes to be correct and true. Given under my hand, this 12th day of March, 1826.

FRANCIS R. LANCHEZ,
Judge of the County Court of Alachua.

No. 9.

Extract of a letter from Governor Duval to Colonel McKenney, dated

MARCH 20, 1826.

I have given the agent permission to visit his family, and he will return in December next. I do [not] believe that his absence will be prejudicial to the interests of the Indians or the Department. I shall give myself all necessary attention to any business that the agent would have been required to perform. I hope the appointment of Major Phagan is not to supersede Mr. Marsh, who had been regularly appointed the sub-agent, and with whose conduct I am well pleased; he is an active, enterprising, and correct man, and one well qualified for the office he now holds. The other gentleman (Mr. Phagan) will find ample employment in attending to the Appalachiecola Indians.

Colonel Humphreys is a man of fine information, and every way worthy of confidence. I hope you will become well acquainted with him, and learn, as you may, the precise situation of the Indians of Florida. The agent has exercised his patience with these people, but is uniformly kind, and even affectionate, to the chiefs and warriors who behave properly. I can aver, that no man I ever knew takes an interest more lively and deep in the welfare of these people than Colonel Humphreys. I recommend particularly that his advice in relation to the government and improvement of the Indians be attended to in your Department.

No. 10.

FLORIDA AGENCY, *March 20, 1826.*

SIR:

I have had the honor to receive, at this place, your letters of the 4th and 11th of January last; the first with a copy of a memorial from the citizens of Alachua county. The investigations shall be made into the charges set forth against the agent, and I have given notice that, on the 23d instant, I will attend in Alachua, at the house of Colonel Piles, to receive any evidence which the citizens can offer against the agent; and inviting those who signed the memorial, and all persons concerned, to come forward on that day. I will, in due time, report the facts and evidence to your Department. You will see by my report on the quality of the lands within the present Indian boundary, that I have declined running their line until my report shall be acted on; and as a deputation of the chiefs are about to visit the President on this subject, it would be very impolitic, if not unjust, to take any steps in this business until they hear from the Secretary of War the result of my report. I have seen the letter you addressed to Major Coffee; his name is not John, but Joshua A. Coffee. It is my wish to superintend the running and marking of the lines in person; this I had promised to the chiefs to do, and I had engaged Major Coffee to act as surveyor. The running of the boundary line is a matter of great moment with these people, and if I were not present, they would be dissatisfied, and suspicious of its validity. During the fall, or the early part of the winter, the line can be run; but it is now too late in the season to attempt it. I wish to have Major Coffee as surveyor, and an order for a detachment under some officer, with the necessary transportation, provisions, &c. when they shall be required. I would prefer to be allowed to run the northern line as I may deem proper, so as to embrace the Big Swamp. I am informed that to run the line straight, in a northerly direction, would embrace a body of good land owned by individuals, whose title to the same has been confirmed by the board of commissioners. It would, therefore, be best to frame the order for including the Big Swamp in such a manner as will enable me to run the line so as not to include any other body of good land, (if your Department should determine to give up the Big Swamp to the Indians.) They should have it, in my opinion, if humanity or justice is to govern. Permit me to advise that the agent be furnished with so much of the funds to be applied to the buildings of the agency as will enable him to purchase all the locks, hinges, nails, glass, screws, paints, &c. at the North. This would be a considerable saving, as they can be had at least forty per cent. cheaper there than in Florida.

The Indians, since my talk on the 23d February last, have, within a few days past, delivered up many runaway slaves. I think there are yet remaining about twenty slaves in the nation, which they have yesterday promised to find

and deliver at the agency in eight days from this time. I believe that my presence has done much to effect this, and bring the nation into order; the circumstance of my viewing their lands has had a happy influence on them, and my report, if sanctioned by the President, will give to myself and the agent great influence over these people. I beg that the chiefs who visit the city may be treated with much attention, and that their presents may be liberal; such a course will forever bind the chiefs to the Government. I wish you would converse at large with Colonel Humphreys as to the manner these people have been cheated and imposed upon by some of the inhabitants of Florida. The persons who have been most clamorous about their claims on the Indians for property are those who have cheated them, under false reports, of their slaves, who have since gone back to the Indians. I have been adjudicating on these claims for some time, almost daily, since my arrival here. The justice which the Indians are entitled to, they cannot obtain; while they surrender to our citizens the slaves claimed by them, their own negroes, that have been taken from them, are held by white people who refuse to deliver them up. I have felt ashamed, while urging the Indians to surrender the property they hold, that I had not power to obtain for them their own rights and property held by our citizens. The Government should have their property restored to them, or pay to the Indians the value of it.

To tell one of these people that he must go to law for his property, in our courts, with a white man, is only adding insult to injury. I pray, sir, you will hear the agent on this subject, who is possessed of many facts highly deserving the attention of your Department.

I have taken the most unwearied pains to have justice done to all parties; but, I confess, the Indians, under the laws of the United States, at present have but little share in its advantages.

I am, respectfully, your obedient servant,

Colonel THOMAS L. MCKENNEY,

General Superintendent of Indian Affairs.

WM. P. DUVAL.

No. 11.

TALLAHASSEE, *April 5, 1826.*

SIR:

Your letter of 4th January last, with a copy of the memorial of sundry citizens of Florida, was received by me lately at the Florida agency, and the causes of complaint have been promptly inquired into. I gave notice to the citizens of Alachua, and had the same posted up in six places, the most public in the county; and on the day appointed, a great number of the citizens, many of whom signed the memorial, attended. I read to them a copy of the memorial, and informed the citizens that I had been directed to inquire into the causes of complaint, and I was then ready to receive any testimony that would be offered in support of the charges contained in the memorial. I have now the honor to transmit to you a copy of the notice, with the several depositions taken in pursuance of the same; together with the depositions of John T. Warfield and James Hardage, which were previously taken at the agency.

From all that I have been able to understand, it is clear to me that the inhabitants of Alachua were strongly impressed with the belief that the agent had the right to call out military force to execute his orders at any time, and that it was owing entirely to his neglect that this was not done. I am convinced that the agent exerted all his influence and power to control the Indians, and did perform as much as any other man, unbacked by a competent force, could have accomplished. I do not hesitate a moment in stating that the whole Indian nation is under more complete control and order than any other nation of Indians that can be found in the limits of the United States, who have so recently come under our management.

The Mickasuky tribe I must except from this general remark. They are, and ever have been, the most violent and lawless Indians in all the South. They have set their own chiefs at defiance, and have abandoned their limits, roving among the white inhabitants, killing their hogs and cattle, and pillaging their plantations. There are about two hundred of these Indians that never can be managed but by force. Three times have they attempted to put to death their head chief, because he has endeavored to restrain their excesses.

All the chiefs, in open council, have denounced them; and have assured me that, if the Government will afford them assistance, they will punish these outlaws of their nation, and bring them into their boundary. I have seen many of them on the Suwanee and Ocala rivers; they are actually raising crops in the neighborhood of the whites, although I furnished them with provisions two months since, when they all promised immediately to go into the boundary. Not one has gone, nor will they move unless compelled. I have been upwards of two months in the woods, regulating and bringing the Indians to order; and have completely succeeded, except with the Mickasuky tribe. The inhabitants are greatly exasperated at the injuries they have sustained from this tribe, and the worst consequences may be expected. I acknowledge I can do nothing more without force. No confidence can be placed in this tribe, and the orderly Indians complain as much of them as the whites. They have most wantonly killed up the cattle and hogs of the nation, and will continue to do so. In fact, their own people have suffered as much from their depredations as our citizens. If the Department is satisfied that the agent has discharged his duties faithfully, (as I believe he has,) it will be only rendering him justice to make his acquittal as public as the charges which have been preferred against him.

I am, respectfully, your obedient servant,

Colonel THOMAS L. MCKENNEY,

General Superintendent of Indian Affairs.

WM. P. DUVAL.

[Accompaniment No. 1.]

Notice to the citizens of Alachua county who signed a memorial, addressed to the President and Senate in Congress assembled, complaining of the conduct of the Indian agent, Colonel Humphreys, in the management of the Florida Indians, &c.

A copy of this memorial has been transmitted to me from the Department of War; and I will attend at the house of Colonel Samuel Piles, in Alachua, on the 23d of March, 1826, to investigate the charges preferred against the agent in the aforesaid memorial; where all persons concerned are invited to attend and give testimony.

WM. P. DUVAL.

FLORIDA AGENCY, *March 13, 1826.*

[Accompaniment No. 2.]

ALACHUA COUNTY, *March 17, 1826.*

I certify that I was present at the agency of the Florida Indians some time in the spring of the last year, when the agent, Colonel Humphreys, was despatching a party of Indians, headed by their chief, Tuskeneha, and accom-

panied by a white man named Brouton, in pursuit of an Indian who lived on the Okelawaha river, and who, it was ascertained, had killed a Mr. Swearingen, in the neighborhood of Palatka.

The order given by the agent to the Indians was, that they should, if possible, take the murderer alive, that he might be given up to be tried by the law of the whites. They were told, however, that if they found it impracticable to secure him in this way, they must put him to death; and, in short, that he must be taken dead or alive.

I conversed with Mr. Brouton after the return of the party, and was told by him that he had no doubt the Indian they had been in pursuit of was killed, as he saw a considerable quantity of blood where he ran, after he was fired upon by the party. I heard him frequently talk upon the subject of the pursuit, but never heard him express any doubt of the death of the Indian in question.

JOHN T. WARFIELD.

TERRITORY OF FLORIDA, *Alachua County*, ss.

Personally appeared before me, a justice of the peace for the county of Alachua, John T. Warfield, the subscribing witness, who, being of lawful age, and duly sworn, deposes that the above statement subscribed to by him is just and true, to the best of his knowledge.

Given under my hand, this 20th day of March, 1826.

OWEN MARSH,
Justice of the Peace Alachua County.

[Accompaniment No. 3.]

The deposition of Mr. David Brouton, taken at the house of Colonel Samuel Piles, in Alachua county, the 23d day of March, 1826.

The deponent, being of lawful age, and first duly sworn, deposeth and saith: That he was sent by the agent with the party of Indians commanded by Tuskeneha and Corharjo, to see the murderer of a Mr. Swearingen either taken or killed, if he would not surrender. The party with me travelled till near night; when we were near the Indian's house whom we were endeavoring to take, the Indians then halted, with a determination to go up in the night, and surround the house. About two or three hours after night, the Indians moved on until they were within one or two hundred yards of the house; they then sent up one man (I believed unarmed) to see if the murderer was in his house; he returned, and stated he was not, and that he had inquired of the murderer's mother where he was; she said her son had gone to the Okelawaha river. The party all moved on, passing the house, going in pursuit of the Indian to the river. That, about one hour before day, we stopped two or three miles from the river; just after we had left our last stopping place, we saw the mother of the Indian we were seeking; she was trying to pass us, by turning out of the path, but a chief called to her, and she came up; they had some talk together, and, after going along for a while, she endeavored to get ahead of the party; the chief ordered her to stop, but she did not, when the chief ordered the Indians to take her; then she drew a hatchet, and attempted to fight the Indians, but some of them stepped up behind her and took it from her. The Indians stopped, and prevented the woman from going on, and kept a watch on her so that she did not go on; then we went off in search of the murderer, for by this time we were near the river. After the Indians had made some search on the side we were, the party divided, and one part passed over to the east side of the river; I did not go with that party, but remained; I lay down, and was in a doze when the Indians with me said that two guns had fired. I heard only the third shot, the first two I did not hear.

The Indians who had shot raised the whoop, and those with me said we must also cross the river, which we did. When we crossed, the Indians called at some Indian houses, where they were informed the murderer was down on the river fishing. They all went down to the edge of the hammock, and sent in one Indian, while the others remained concealed, to get the murderer to come out of the hammock, as the object was to take him alive, if possible. The murderer, as stated to me by the chief, did come out to the edge of the hammock, when the Indians who were concealed rose to take him. The murderer turned, as the chief stated, and attempted to run; that, fearful he would escape if he got back into the hammock, they fired on him, as they stated, three guns, and showed me a sapling behind which he endeavored to shelter himself; the sapling was marked with a ball slightly on one side, and the Indians stated that the man must be shot through the body; that he dashed off, but fell as he entered the hammock, recovered his feet again, and they lost him in the hammock. The chief showed me the tracks of a man that had run into the swamp, but I never saw the Indian; some, who pursued him into the swamp, brought to me a bush that was spattered with blood, which they said was the blood of the Indian who had killed Swearingen. The Indians stated that when they fired, the Indian staggered considerably.

Question by the agent. Did you not tell me, when the party returned, that it was your opinion the man you had been in pursuit of was shot?

Answer. I told him, from every circumstance, I believed the man was shot.

Question by the same. Did you ever express to me a different opinion upon this subject?

Answer. Not as I recollect.

DAVID BROUTON.

The foregoing deposition was sworn to and subscribed before me, the day and date above written.

REUBEN CHARLES, *J. P. Alachua County.*

[Accompaniment No. 4.]

The deposition of James Hardage, of full age, and being sworn, taken at the Florida Agency, by direction of his excellency William P. Duval, Governor of Florida, and Superintendent of Indian Affairs, upon the 17th day of March, 1826.

The said James Hardage states that he is, and has been, interpreter for this agency, and residing here constantly ever since some time in July, 1825; and has had continual opportunity of knowing and understanding the intercourse between Colonel Gad Humphreys, the agent, and the Indians belonging to said agency. That he has frequently known the Indians to apply to said agent for permission to go without the boundary to hunt, but leave has been uniformly, and without exception, refused to every application of that nature; and he always told them their hunting ground was in the other direction, (pointing within their own boundary.) Deponent says that he has known the agent to permit some of the Indians who had lost hogs or other stock, while removing from their former abode within the present boundary, to go in search of such lost property, back upon the way which such persons had travelled in removing hither, but has never known him to permit them to go out of their boundary for any other purpose; and thinks, if the contrary had been the fact, within the time aforesaid, he (deponent) would and must have known it, he being the only interpreter during the time aforesaid.

Question by G. Humphreys. Have you not heard me repeatedly urge and impress upon the Indians the necessity of staying within their own boundary, and keeping away from the white people, as necessary to the preservation of a good understanding between them?

Answer. Yes.

Question by the same. State what you have heard David Brouton say of the steps which I ordered to be taken against the murderer of Swearingen.

Answer. I heard him say that Colonel Humphreys sent out a party of Indians, and also sent *him* (Brouton) with them to witness the execution of the murderer of Mr. Swearingen, with which execution that party of Indians was charged; that he (Brouton) did go with said party, for the purpose expressed, and heard the report of the guns which were fired at him; saw where he had run, and there was much blood on the palmetto bushes, and along the way he ran, so that Brouton fainted at the sight, as he said, and was laughed at by the Indians for it; the murderer escaped into a big swamp, and it was believed he was dead, but Brouton did not see him. Brouton stated to me, he believed the murderer was killed; and since that time deponent has not heard any thing said about it in the nation. These things deponent understood to have taken place some time before he came to reside at the agency, but does not know how long. And further this deponent saith not.

JAMES HARDAGE, his + mark.

TERRITORY OF FLORIDA, *Florida Agency, ss.*

Personally appeared James Hardage, before me, the subscriber, a justice of the peace in and for the county of St. John's, in the aforesaid Territory, and made oath that the above and foregoing deposition is just and true, to the best of his knowledge.

Given under my hand, March 17, 1826.

JOS. B. LANCASTER, J. P.

[Accompaniment No. 5.]

The deposition of Thomas Colding, taken at the house of Colonel Samuel Piles, in the county of Alachua, on 23d day of March, 1826.

This deponent, being of lawful age, and first duly sworn, deposeth and saith: I have seen the Indians with permits, purporting to be signed by the Indian agent, allowing them to go out of their boundary. I have not seen Indians committing any depredations, but I have missed corn out of my field, and seen their tracks.

Question by the agent. Did you judge they were Indian tracks from their being moccasin tracks?

Answer. Yes, sir; and from their breaking watermelons about in the field, I saw a good deal of sign of them.

Question by the agent. Is it not a frequent thing for the white inhabitants of this country to wear moccasins?

Answer. I have seen some few of them, at times, wear moccasins.

Question by the agent. Can you distinguish between the moccasin tracks made by a white man and an Indian?

Answer. I do not think I could.

Question by the agent. Did the written permissions you saw with the Indians, purporting to be signed by me, express the object for which they were given?

Answer. Those I saw were for hunting hogs, principally, or stock.

Question by same. Do you know of my giving permission to Indians to hunt through the white settlements for any thing else but their stock?

Answer. I do not know that I do.

Question by same. Do you not know, or believe, that some of the white inhabitants of the settlements in this county have been in the habit of trading with Indians, and thus encouraging them to come into the settlements?

Answer. I have known of their purchasing a little venison, or a turkey, but no other trading to my knowledge.

Question by the agent. Did you see any names signed to the memorial of which this (offering a copy) is a counterpart?

Answer. I signed the memorial, but I have no recollection of others who signed it.

Question by the Governor, William P. Duval. From what you have seen and known of the Indians, do you believe they can be kept within their boundary without a military force?

Answer. I do not feel prepared to answer the question. And further this deponent saith not.

THOS. COLDING.

This foregoing deposition was this day sworn to and subscribed by the witness, Thomas Colding, before me, the day and year aforesaid.

REUBEN CHARLES, J. P. of Alachua County.

[Accompaniment No. 6.]

The deposition of Colton Rawls, taken at the house of Colonel Samuel Piles, in the county of Alachua, the 23d day of March, 1826.

This deponent, being of lawful age, and first duly sworn, deposeth and saith: That witness has seen, in the hands of the Indians, permits purporting to be signed by the Indian agent, allowing the Indians to hunt for their hogs. I never saw any to hunt cattle, or to hunt in the white settlements for game. I was last summer riding round Mr. Colding's corn-field; I saw something break and run; I put off in a gallop to the edge of a hammock, and saw an Indian jump out of the field. I had a gun and dogs with me, and I told him if he did not stop, I would set the dogs on him; he did stop, and I found he had a watermelon. And further this deponent saith not.

COLTON RAWLS.

The foregoing deposition was sworn to and subscribed by the witness, in my presence, the day and year before written.

REUBEN CHARLES, J. P. of Alachua County.

[Accompaniment No. 7.]

The deposition of Jonas Ellis, taken at the house of Mr. Samuel Piles, in the county of Alachua, the 23d day of March, 1826.

The deponent, being of lawful age, and first duly sworn, deposeth and saith: I have seen Indians hunting and strolling over the settlements. I have seen some of them with permissions; but whether to look for hogs or cattle, or to hunt for game, I cannot now recollect.

Question by the Governor. Did you, in hunting, fall in at an Indian camp, and discover the ears of a cow or an ox at the camp; and, if you did, in whose mark were the ears?

Answer. I did; they were in my mark; the Indians had just left the camp; their fire was yet burning, and I followed their trail a piece, but returned, as I was alone.

Question by same. Have you reason to believe you have ever seen signs where other stock have been killed by the Indians?

Answer. Yes, I was at an Indian camp last summer, and saw a hog they had killed; the Indians said they had bought it of a white man, named Jesse Long, who denied having seen the Indians. I suspected an Indian of shooting another hog that belonged to me. I charged him with it, and he promised to pay for it; but I have never seen him since. And further this deponent saith not.

Question by the agent. Do you know of any body in Alachua trading with the Indians?

Answer. Yes, for venison or turkeys. I know of no other trading.

JONAS ELLIS.

The foregoing deposition was sworn to and subscribed by the witness, in my presence, the day and year before written.

REUBEN CHARLES, *J. P. of Alachua County.*

Accompaniment No. 8.

The deposition of Wiley Brooks, Esq., taken at the house of Colonel Samuel Piles, in the county of Alachua, the 23d March, 1826.

The deponent, being of lawful age, and first duly sworn, deposes and saith: I have frequently seen Indians going through the settlements, but, to my knowledge, I never saw any with a permission from the agent.

Question by the agent. Who presented the memorial, that was to be sent to the President and the Senate, for you to sign?

Answer. I do not know.

Question by the same. Were you not told by the person who urged you to sign the memorial, that the object was, and the effect would be, to bring into the neighborhood a body of troops, and thereby afford to the inhabitants who had cattle to sell a ready market and good price for the beef?

Answer. I heard no person speak of such an object. And further this deponent saith not.

Question by the agent. Do you know of the Indians having destroyed any property belonging to the white inhabitants?

Answer. I do not.

WILEY BROOKS.

The foregoing deposition was sworn to and subscribed by the witness, in my presence, the day and year before written.

REUBEN CHARLES, *J. P. Alachua County.*

No. 12.

Copy of a letter from Governor William P. Duval to Colonel Thomas L. McKenney.

SIR:

TALLAHASSEE, April 7, 1826.

I found it would be unavailing to urge the Seminole Indians to emigrate west of the Mississippi, and, unless the Creek Indians are removed, they will not consent to go west.

The deputation of chiefs who will accompany Colonel Humphreys, the agent, to Washington, will, no doubt, be more inclined to listen to the Secretary of War than to any other person. I would consider it an important point gained, could the chiefs be induced to send out a party to explore the country under some proper person. The great number of deer, elk, and buffalo would be a strong temptation to them to settle west of the Mississippi. These people are in dread of the western Indians; and the Secretary, to succeed, must satisfy the chiefs that the United States can and will protect them from the western Indians.

I do most sincerely hope that Mr. Barbour may be able to carry into effect his plan for colonizing the Indians, and every good and humane man must ardently desire to see the experiment fairly tested.

I am, respectfully, your obedient servant,

WILLIAM P. DUVAL.

Colonel THOMAS L. MCKENNEY, *Gen. Sup. Indian Affairs.*

No. 13.

SIR:

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, May 8, 1826.

I have received your several letters by Colonel Humphreys, as has the Secretary of War that addressed to him. I am directed by the Secretary to state that no deputation of Indians can be allowed to visit Washington, except on the express permission of the Department. The expense is too great, unless a corresponding object exists to justify it; but no such object is perceived to authorize the present visit. When the authority to which you refer was extended, there was an object; but that passed away with the occasion with which it was connected. Nor could it be revived short of an occasion equal at least in importance to that. A reference to the letter of permission will show you that it was even then reluctantly given. The Secretary hopes, nevertheless, that the visit may prove favorable, by impressing upon these people some proper idea of both our strength and kindness. They will be treated well. The title of Governor is unusual, and the Secretary declines conferring it on Hicks. He will be distinguished by a great medal, and acknowledged the chief of his people. It is well not to multiply titles. There is safety in observing old and tried precedents. The headmen among Indians are called chiefs.

The Indians must be protected, on the one hand, from the press of white people of which you speak; and the white people from the depredation of Indians, on the other. The provisions of the intercourse law must form the basis of this mutual protection, and its enforcement is with you, subject to the approval of the Department. This must be taken as the answer to some other parts of your correspondence in regard to spoiliations, and indeed to all except that which relates to *old claims* both ways, the whites against the Indians and the Indians against the whites, whether it regards negroes or any other kind of property. Upon the subject of those more ancient wrongs, it would be just, and may be considered your duty, especially if the parties request it, for you to collect all the information in regard to the subjects presented by you, within your reach, and report it to the Department for its information and government. I would respectfully suggest, should you engage in collecting and arranging those cases, that you

class them, and be as concise as possible, not only in this business of classification of complaints and claims, but in your general correspondence. This suggestion is made necessary by the very hard press of duties which require that all details of agencies be settled on the responsibility of the agents, (I mean, of course, within their legitimate sphere of operations,) and that reports and references be studiously brief.

The Secretary approves of your talk to the Indians in the main, but thinks it proper to guard you, as the official organ of the General Government, against committing yourself in matters pertaining to the internal affairs of the Indians. You pledge yourself, for example, to see to the security of their chief. The making and unmaking of chiefs must be left to the Indians themselves, as also all that relates to their own regulations for their own government. You can and ought to counsel and advise them for their good in these matters, but no more.

In your letter of the 2d March you speak of the smithshop and of a list of tools, which, you say, the agent will show me. These are details that cannot be looked into here; they must be left with the agent to settle. The provision for the shop is made, and you have been directed to apply it. You know the amount, (one thousand dollars,) and will keep the expenses within it. The appropriation for this object provides not only for the support of a gunsmith, but the "expenses incident to the shop," according to the terms of the treaty. No addition can be allowed to the two thousand dollars authorized to be expended in building an agency house. Nor can any diversion be made of the money appropriated for schools; and as no school has gone into operation, and none in prospect, you will refund what has been remitted on that account. Whatever the feelings of the Indians may be in regard to the schools for the present, these will change with time and proper instruction and explanation, and the fund will be meanwhile accumulating. The appropriation cannot be directed to other objects. The arts, which you esteem (and justly) to be so important, are taught in the schools under the Government system; it is part of this system. There is no mistake in the plan of civilizing the red men. Proofs are numerous in the flourishing condition of many of the tribes.

No buying or selling of slaves will be permitted by the agent or for the agency. If the Indians own slaves, they are their property; if they secrete runaway slaves, they must give them up to their rightful owners. If the whites take theirs, the law of intercourse must be resorted to. You will explain to the Department the necessity for the use of six horses and a wagon, and by what authority they have been purchased.

I am directed by the Secretary of War, explicitly, to require prompt quarterly returns. The regulations demand it, and, unless these are received, the remittances for the agency cannot be made in future.

I find you are altogether deficient in forms for your returns. These I will supply.

It is absolutely indispensable that you keep your contingent apportionment, which is now fixed at three thousand dollars per annum, and five hundred dollars for presents, within these sums. You will not, of course, exceed the specific appropriations.

I have the honor to be, very respectfully, your obedient servant,

THOMAS L. MCKENNEY.

To His Excellency WILLIAM P. DUVAL, *Governor of Florida.*

No. 14.

FRIENDS AND BROTHERS:

DEPARTMENT OF WAR, *May 10, 1826.*

I have considered your request to have your boundary line extended, and made it known to your great father the President. I am directed to answer, that he gives his consent for you to occupy the Big Swamp until he may have a call for it, when he will expect you to move within the limits of the survey. He sent you this message by Governor Duval.

Your great father does not wish to oppress his red children. He has heard of your sufferings, and sent you some help. But he wishes me to inform you that you have had time to plant and gather your crops; that you must rely for the future on yourselves, and by your industry provide for your own support.

Brothers: Your great father has heard that you have runaway slaves in your country, and that many of your people hide them from their owners. The treaty provides that you should give them up. It is expected that you will do this, and that you will hereafter, so soon as a slave runs into your country, take him up and deliver him to the agent for his rightful owner. It is said that the whites have some of your slaves. The agent is directed to see justice done you, and whenever he finds your slaves in possession of the whites to demand their surrender.

Brothers: Now that you are settled in your new homes, I have to call your attention to a few things. Your young men are not always good. They go into the settlements, and steal and kill stock, and alarm the whites and the women and children. This must not be. You will therefore give orders to your young men to keep within your limits, and, if they will not obey you, you must punish them. If you do not, your great father will order his agent to let a heavy hand fall upon you. If the whites trespass upon you, do not strike, but go to the agent; he is directed to protect you. You must listen to these directions. Your great father will be kind to you if you obey his counsel; but if you do not, you will be punished.

Brothers: Your great father expects you to live in peace with one another; to be industrious and sober. Drunkenness is a curse, and no Indian ought ever to get drunk. It makes him a beast, and brings him into trouble. Let alone the mad water, and be sober.

Brothers: The treaty provides a thousand dollars for the support of a school at the agency. This is intended to benefit your children. It is time it was in operation. It is there your children will learn to read and write and keep accounts, and how to make ploughs, and wheels, and looms, and how to use them, and all other things useful to you. Your great father expects you to encourage these improvements in your children. The agent is directed to seek for a teacher, and when one goes out he will go under the protection of your great father.

Brothers: I explained to you that I did not expect you could live so well where you are as on lands where the game is plenty, and water good and abundant. Your great father owns a great country over the Mississippi, and is willing to give you a large portion of it whenever you may incline to go. And if a few of your chiefs think proper to visit it, and bring you back word what sort of country it is, they can go, and the agent will be directed to send them, and pay their expenses. It is expected that some of your friends of the Muscogee tribe will go and look at that country. Your chiefs might go at the same time.

This advice is for your good, and is given to you in friendship. I hope you will follow it.

Brothers: I once more tell you your great father will protect you, through the agent, from the bad conduct of the whites, and he will severely punish you if you do not prevent your bad men from going into the settlements and doing harm to the whites. This you must not forget. If you will take the property of the whites, the value of it will be taken from your annuity. The agent is ordered to do so.

Brothers: I shake hands with you, and wish you prosperity and happiness.

JAMES BARBOUR.

To the DELEGATION of *Florida Indians.*

19th Congress.]

No. 245.

[2d Session.]

EMIGRATION OF THE INDIANS WEST OF THE MISSISSIPPI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 3, 1827.

SIR:

DEPARTMENT OF WAR, *January 2, 1827.*

With a view to a compliance with the resolution of the House of Representatives of the 20th ultimo, in relation to the Indian tribes, I directed the clerk particularly charged with the Indian business to prepare a report, answering, as far as practicable, the various inquiries embraced in the resolution. With that order he has complied, and I enclose his report.

The difficulty of presenting more satisfactory answers to many of the inquiries will be duly appreciated. My anxiety to present, at the earliest period, the information called for, leaves me less time than its importance and difficulty require to superadd any additional remarks; but I will take the liberty of suggesting that, if the plan recommended in my report to the Committee on Indian Affairs, at the last session, should receive the sanction of the Legislature, and the bill accompanying it be enacted into a law, it could not fail essentially to promote the object of removal.

The time when the act, or any parts of the act, should be carried into effect, might, by a proviso, be made to depend on future events, either detailed in the act, or left to the discretion of the President. With the will of the nation thus expressed, the agents of the Government might be enabled to assure, with confidence, the Indians of their future fortune. So long as that will is not expressed, the uncertainty of the future must necessarily paralyze any effort which may be made to impress on these people the vast advantages which, I have no doubt, they would enjoy by their removal.

I have the honor to be your obedient servant,

JAMES BARBOUR.

Hon. JOHN W. TAYLOR, *Speaker of the House of Representatives.*

SIR:

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, *December 27, 1826.*

I have the honor, in compliance with your directions, to make to you the following report on the several points embraced in the resolution of the House of Representatives of the 20th instant, relating to "the disposition of the several tribes of Indians within the United States to emigrate west of the Mississippi," &c.

Of the disposition of those tribes to emigrate, no certain information can be given. It is true that, of the four principal tribes, two of them, the Choctaws and Chickasaws, have recently, and to the commissioners appointed to negotiate with them in reference to this subject, given a decided negative; and from the other two, the Creeks and Cherokees, we have the most decided indications of a like determination. But these answers have been given under the same mode of application, and which it is respectfully suggested is not only the most exceptionable, in their view of the subject, but will continue to be, as it has been, in regard to those tribes, unsuccessful. I mean the mode of treating with them.

The exceptions on the part of those Indians to this mode arise out of preconceived prejudices, and out of the circumstance of making the proposition direct to the enlightened among them, who, if they happen not to be chiefs, have an influence over those who are, which they exert, and which has been, and in my opinion will continue to be, effectual in defeating such propositions made in this form for the future. Those prejudices, it must be conceded, are natural. They arise out of a review of the past. Those enlightened half-breeds, from whom the opposition to emigration generally comes, read in the history of the past the effect of this mode of acquiring lands. They see the entire country of the east has been swept of their brethren who once inhabited there; and that, as the chiefs in the middle and northern States have listened to proposals to treat with them, they also have disappeared, until only a remnant of their once mighty race is left. They moreover enjoy the preciousness of domestic life; and, in the absence of game, have, to a very great extent at least, turned their attention to the soil and to manufacturing. They dread a rupture of those ties; and, from the moment a proposition is made in the Congress to appropriate the means to treat with either of those tribes, those intelligent and lettered Indians exert an influence over the headmen, and over as many of the body of their people as they can reach, which has resulted, as we have seen, in their refusal to acquiesce in the terms proposed to them. "The obstacles to their removal" are, in my opinion, in great part, those which arise out of *the mode* of approaching them.

In support of this opinion, I beg leave respectfully to add an extract from a letter addressed to the Department by the honorable John McKee, of the 13th of September last—a period, it will be remarked, but little anterior to that in which the commissioners met the Choctaws in council.

"I have recently," writes this correspondent, "been in the Choctaw nation, and at a council of the chiefs, where the subjects of their migration to the west and of the approaching treaty were much spoken of. Considerable opposition to both was publicly expressed: though I found some of the old and best informed were of opinion that they could not long subsist where they now are, and that an early march to the west would be most favorable to a judicious selection of a new residence, and the formation of friendly associations with the Indians in that quarter."

Colonel McKee, having been once the agent to the Choctaws, and having enjoyed their confidence in an eminent degree, may be considered as having given a correct view of their dispositions. Their opposition was to both—to the treaty, as well as to a removal. To their dislike of the former may be attributed, in great part, their objection to the latter.

"The methods best calculated to overcome this obstacle," and which I esteem to be, in regard to the great body of at least three of the tribes enumerated, the only one of consequence, would be to assemble at some suitable and central place the enlightened and influential half-breeds of those tribes, for the purpose of explaining to them, by persons to be appointed for that object, and who should carry with them, not only the full instructions of the Government, and its pledges, but also an influence arising out of their known friendship to the Indians, what are the real views of the Government in relation to them, and especially those which have been indicated in the plans that have been proposed for their location on lands west of the Mississippi. It is not my opinion that all those who might assemble at such a council would return from it with sentiments and purposes favorable to a removal them-

selves, but I do believe the most of them would perceive that, if their own interests would be promoted by remaining on the lands they now occupy, and suitable and liberal portions of them should be given to them individually, the interests of the great body of their people would be promoted by emigration. The effect of such convictions would disembarass the question of removal of its chief difficulty; when the simultaneous appointment of suitable persons to go among the Indians, to advise them, men of character and fidelity, and who should be known to the Indians as such, and suitable provisions in presents being made, in rifles, kettles, blankets, and the establishment of depots at suitable points, and of ferries; in a word, all the facilities of transportation established, the obstacles which are now in the way of emigration, in so far as it regards the great body of the Indians, might be considered as being removed.

There will remain one other obstacle to be removed, and which I will remark upon when I come to the query in the resolution which is connected with it.

"The teachers of schools now in operation among the Indians" are, it is believed, with but one exception,* favorable to the removal of the Indians; and it is believed that on the previous arrangements, which it is essential to adopt, being made, (to some of which I have referred, and to the remainder reference will be made in the proper place,) these teachers, who have, and so deservedly, the confidence of the Indians, would exercise the most efficient agency in carrying the plan of removal into effect.

It is proper to state, that when the general removal of the Indians was first discussed as a measure of policy and humanity, some of those who had made large investments in buildings, and in other branches of the necessary provision for schools, apprehended not only a probable loss of those investments, but that the Indians would be so circumstanced in their new home as to put it out of their power to follow them, with any prospect of success, in their benevolent aim to enlighten and instruct them, and to introduce them into the benefits and blessings of the civilized and Christian state. But when these objections were answered in the further development of the plan for the collocation of the Indians, and these humane teachers were informed that their labors would be required under it, and that the money they had laid out where they now are would doubtless be reimbursed in the erection, by the Government, of schools west of the Mississippi, upon suitable plans, they were satisfied with the measure; and, in one instance, a proposition has been made by a teacher to go and explore the country, and open the way for the removal of the Indians who are particularly within his charge. There are "reasons, therefore, to authorize the belief that the teachers will co-operate in the measure," should "an appropriation be made to defray the expense of such removal and settlement."

Some estimate may be formed of "the progress which has been made in civilization," from the fact that, within the last eight years, when there were not, it is believed, in the United States or Territories, fifty Indian children deriving instruction of any sort, there are now upwards of twelve hundred enjoying the benefits of a system of education, which combines, with the customary methods of teaching, a knowledge of farming and the mechanic arts, and the various branches of domestic economy, in weaving, spinning, knitting, &c. But the best illustration of the state of improvement may be had by a reference to the volume of Indian Treaties, pages 479, 480, 481, and part of 482. The paper referred to contains a detailed account of the employments, improvements, and population and laws of the Cherokees, the most improved of the four southern tribes.

"In the plains and valleys," says the writer, who is himself a native, "the soil is generally rich, producing Indian corn, cotton, tobacco, wheat, oats, indigo, and sweet and Irish potatoes. The natives carry on considerable trade with the adjoining States, and some of them export cotton in boats down the Tennessee to the Mississippi, and down that river to New Orleans. Apple and peach orchards are quite common, and gardens are cultivated, and much attention is paid to them. Butter and cheese are seen on Cherokee tables. There are many public roads in the nation, and houses of entertainment are kept by natives. Numerous and flourishing villages are seen in every section of the country. Cotton and woollen cloths are manufactured here. Blankets, of various dimensions, are manufactured by Cherokee hands. Almost every family in the nation grows cotton for its own consumption. Industry and commercial enterprise are extending themselves in every part. Nearly all the merchants in the nation are native Cherokees. Agricultural pursuits (the most solid foundation of our national prosperity) engage the chief attention of the people," &c. The population is about 14,000.

Of the other three tribes, the Creeks, Choctaws, and Chickasaws, it may be said, they are following in the steps of the Cherokees, but are not so far advanced. The precise state of advancement of which, and of other tribes, is not known; but all of them, where the game has grown scarce, are more or less cultivators of the ground.

Of the tribes that have "manifested a disposition to emigrate," may be named the Cherokees and Choctaws, in part; the Shawanees; and, in part, the Creeks.

Of the Cherokees, there have gone over from Tennessee and Georgia, and now occupy lands in Arkansas, some six thousand; and part of the Choctaws are also there, and upon lands (as are the Cherokees) which have been ceded to them by treaty. Of the Choctaws, Colonel McKee writes, in his letter of the 13th of September last: "Many of the Indians [Choctaws] are disposed to emigrate, but are ignorant of the route, or the means by which they can reach the contemplated settlement, and they are deterred from making an effort; but, with an active, intelligent conductor, who could inform them where and how they could obtain such aids as the Government will furnish them on the route, many would, in my opinion, soon set out for a country so much better adapted to their wants and habits than where they now are."

I know no way of reconciling the late decided rejection of the proposals made by the commissioners to the Choctaws, with these statements of Colonel McKee, except upon the grounds assumed, viz: their settled antipathy to the mode of negotiating with them. That Colonel McKee is correct in his report of the dispositions of the Choctaws, there can be no doubt, as every year, even with the uncertainty of the ways and means to subsist upon, adds more or less to the number of those who have settled in Arkansas. It is reasonable to suppose that, with the facilities of removal, and the inducements which have been suggested, the number would be greatly augmented.

The Shawanees are pressing to the west. The agent, falling in with what he esteems to be the policy of the Government, has, to provide the emigrants with the necessary outfits, (there being no specific provision for such expenditures,) actually incurred a personal responsibility to the amount of some \$4,000. How far it may be proper for the agents to encourage emigration, will depend on the provision which the Congress may make to defray the cost of it. Should it be decided proper to withhold the means, there will remain no alternative but to inform the agents that there are no means applicable to the object, except the very limited amount which has generally been furnished towards it from the contingent fund.

Of the Creeks, the last accounts received from the agent state that upwards of eight hundred had enrolled for emigration. For the cost of their removal, provision has been made by the Congress.

I have confined my remarks chiefly to the four southern tribes. They are those to whom, as to policy, the greater portion of the remaining tribes in our States and Territories look; and, whatever measures the body of those tribes may adopt, it is believed would be followed by the others. The whole number of Indians in the several States

* Mr. Findley, of Ohio.

and Territories, exclusive of that portion of the Michigan Territory which lies west of Lake Michigan and north of the State of Illinois, is about ninety-seven thousand. Of this number, about fifty-three thousand reside in North Carolina, Georgia, Tennessee, Alabama, and Mississippi: these are Cherokees, Creeks, Choctaws, and Chickasaws. Any movement of these that should indicate that of a portion of those tribes, even if that should not exceed one-half, it is believed would operate upon the three thousand Wyandots, Shawanees, Senecas, Delawares, Kaskaskias, Miamies, and Eel Rivers, who reside in Ohio, and the five thousand Seminoles, and fragments of other tribes, in Florida.

But such a movement in these four principal tribes is not esteemed to be indispensable to the removal of the rest, if the proper measures are adopted to secure it, and these are in addition to what has been suggested; and this will have a direct bearing, also, on the four great tribes, the selection and location of a suitable country, and which I esteem to be no less necessary as a *first step* to secure the object of removal, than a just and humane one to those Indians who are now emigrating. They go—they know not whither. Their object is a greater range of country and subsistence. They follow, as well as they are able, in the tracks of others who have preceded them; and, crossing the Mississippi, get involved in difficulties with the stronger bands, or settle upon or roam over lands from which, in a short time afterwards, they will be, as some have been, compelled again to remove.

Those tribes who are “unwilling” to emigrate, so far as these are known to the Government, and judging of their dispositions from the result of the negotiations which have been attempted, are, the Creeks, in part; the Cherokees, in part; the Choctaws and Chickasaws, in part; and, indeed, nearly all the tribes, as such, in Georgia, Tennessee, Alabama, Mississippi, and Ohio, although a gradual emigration is making from all of them. But this expressed “unwillingness,” as has been stated, is believed to be the result more of hostility to the mode of ascertaining their dispositions than to any fixed purpose on their part not to emigrate. The greatest exception to removal, it is believed, applies to the Cherokees; and of this tribe, a larger portion, under any arrangements that may be adopted for their removal, will remain, than of all the other tribes together; and for the reason that they are more enlightened, and have more comforts, and are more prosperous, than are any others. And just in proportion as these advances may be made by the other tribes, will be the difficulties of obtaining their consent to remove. One of the principal inducements that could be offered to the Cherokees, in addition to that of compensation for their land, would be that arising out of a disposition to impart to their brethren, in their new homes, the benefits of the civilized state, and to enjoy, under the form of government which it has been proposed to adopt for them, some of its rewards and honors.

“The objections” to removal are, first, those which arise out of attachment to their soil and its improvements, and the uncertainty as to the nature of the country to which they are invited to emigrate. Could this be examined, and should it prove suitable, and should it be so esteemed by a deputation of their own people, (and they should be permitted to judge and report for themselves,) it is not unreasonable to believe, pressed as they are on all sides, and feeling, as they advance in improvement, the galling effects of the division which separates them from the emoluments and honors of the civilized state, that they would gladly escape from such a condition to one more free and independent.

The Indians are not “acquainted” with either “the nature or situation of the country to which it is proposed to remove them.”

The “particular district of country” which has been looked to, for the permanent home of the Indians who should emigrate west of the Mississippi, is that which lies north of the river Arkansas, and west of the State of Missouri; but, as no examination of it has been made, with a view to its occupancy by the tribes now in the States east of the Mississippi, it cannot be known “what particular district or districts of country west of the Mississippi they ought to occupy.”

It is not known how far the Indians are “willing to abandon the chase, and depend for their subsistence upon the pursuits of agriculture and the arts of civilized life;” but it is presumed that, under the form of government which it has been proposed to establish for them, some would pursue the game, should the country possess it, and others agriculture; and that their dependance upon the latter would supersede their reliance on the former in proportion as they might become enlightened, and made to feel, by an interest in the soil, and the right of property, the superior benefits which a cultivation of the soil confers over those which are to be derived from the mere hunter state. And in regard to their present views on this subject, they would emigrate, should they emigrate at all, carrying with them, and in the same proportions, the habits which they now indulge in their present locations; and which may be estimated as two to five, the larger number even yet depending, and preferring to depend, upon the precarious subsistence which they derive from hunting. It is also true that this proportion applies to the older, and, in general, uninstructed Indians. And, however the greater facilities of taking game might operate to draw some aside from the cultivation of the soil, their places would be filled, and the ratio assumed diminished, by the force of education, which is now felt by so many hundreds of the rising generation, and by an interest in the soil, and the influence of a government suited to their state of improvement.

It is believed the Indians have not been made clearly to understand the nature and form of government proposed to be instituted over them. It is believed, also, that just in proportion as they shall be made to comprehend it, will their objections to it be lessened. I derive this belief, in part, from my own intercourse with some of these people. I found in the few with whom I conversed on this subject the most decided objections to the plan; which, however, on its being fully explained, were given up, with the acknowledgment that it had not been understood by them.

For like reasons, it is not known “whether the chiefs, headmen, and people of the tribes are willing to dissolve their existing political relations; or whether they are willing the United States should create a government over, and make laws for them; or whether they are willing to change the tenure of their lands, and hold them in severalty; or whether the tribes west of the Mississippi are willing the Indians in the States and Territories should be concentrated in their country.” These are points of information that can be had only on a satisfactory account being given of the soil and salubrity of the country to which they may be invited to go; and this cannot be known until it shall be examined, nor until a form of government be established, and clearly and fully explained, and submitted to them. It is believed, however, that, these two preliminaries being attended to, there is enough of the love of property in the most of the Indians in the States to induce them to prefer a government suited to their condition, as to the simple elements of which it would be composed; and to hold lands in severalty, in preference to the present, and, as many of them believe, very uncertain tenure by which they hold them at all.

The disposition of the tribes west of the Mississippi, so far as this has been ascertained, is favorable to receive their brethren on this side. A deputation came over in 1825, to invite the Ohio Indians to go and join them; and it is doubtless in consequence of that union of feeling which these people cherish, and which distance, it appears, cannot separate, that the Shawanees are now going over.

“The intentions and objects of the Government” have not been made known, except in a general way, to any of the tribes, although the intelligent among them appear in some instances to understand them, so far at least as these relate to removal. No expression of a “willingness to come into the measures has been made;” because, perhaps, no measures have been taken, in regard to this particular question, which could lead to an answer either way.

Whether "the Indians now in the States and Territories will, upon removal, be able to provide for themselves the means of subsistence, without the aid of the Government, cannot be known until the quality of the soil to which they may be transferred is known, or how far they may be induced to seek a subsistence out of it. It is highly probable, however, that aid will be required to be extended to them by the Government; but to what extent it is not possible to know until their numbers shall be ascertained, as well as their dispositions for agricultural pursuits, and the quality of the soil upon which they may settle.

Assuming, however, that the country is examined, and shall turn out to be well suited to the condition, and abundant in resources to supply the wants of the emigrants; and that an extinction of the Osage and Kansas titles may be necessary to secure a suitable country, (and this has been in part accomplished,) it is believed that \$10,000 may be required to purchase the right to the country, for the purposes contemplated, and to cover the expenses attending the negotiation. To this may be added the cost of removing the Piankeshaws, Weas, Shawanees, Kickapoos, and Delawares; also, the Wyandots, Senecas, Miamies and Eel Rivers and the Kaskaskias; which may be estimated at \$20 for each Indian. Suppose that each one receives a rifle and blanket, and kettle, and some powder and lead, and, in addition, an average cost of supplies from the depots of \$10 more, making \$30 a head; it will make (there being about two thousand five hundred Indians of those tribes) \$75,000. Upon the supposition that the entire body of Indians in the States and Territories consent to emigrate, (there being of these about ninety-seven thousand,) the cost may be estimated for removing them at \$30 a head, which, including the tribes above named, will amount to \$291,000.

It is not possible to estimate, with any certainty, the price which they would require for these lands, of which they own nearly seventy-seven millions of acres; but it is believed that the proceeds of these lands will not only cover all the cost of providing a new country for them, and transporting them to it, but supply all their wants in the incipient periods of their settlement, and also all the implements of agriculture, and the preliminary expenses attending a division of lands and providing stock, and leave a surplus afterwards for the support of the kind of government which it may be esteemed best to adopt and place them under, and as long as that government may require to be assisted by that of the Union.

The present "annual expense" to the Government in educating upwards of one thousand two hundred children is \$10,000. It is presumed an additional sum of \$10,000 more would sustain the system under the proposed plan of removal.

"The annual expense of the government proposed to be instituted over them," it is difficult to estimate, but it may be assumed at nearly the same which it costs the United States to support the government of one of the Territories; of Michigan, for example, which is something short of \$10,000.

It is believed that a proper attention to the location of congenial tribes may not only avert the calamities of war, to which these people are liable, but strengthen and perpetuate the peace under the auspices of which they would doubtless assemble. One of the chief causes of war among them will have been removed by the fixing of limits and settlement of boundaries, and by the change in their habits which a cultivation of the soil, a multiplication of schools, and a consequent increase of intelligence, will not fail to produce.

It is believed that one hundred United States troops, seconded, as it is presumed they would be, by corps of educated young men, would be sufficient to maintain the peace, and insure the execution of the laws, and protect the colony from any outrage from without; and that in a few years, as the emigrants should become still more enlightened, (and the term of a generation only *need* be required to civilize them all,) no aid will be required from the military of the United States, any more than is now required to keep the peace between the Choctaws and Chickasaws. They would soon become one people, and combine as such for the general safety. What the cost of one hundred United States troops would be, I have no certain means of ascertaining; nor for how many years their services would be required.

To commence this work of removal, I would respectfully suggest that, for the first year, \$30,000 would be sufficient, exclusive of the cost of assembling the council of educated and influential chiefs, and for the pay of agents who might be appointed to go among the Indians, to explain to them the views and objects of the Government, and to point out the ways that might be opened, and to name the depots and the crossing places, and for others to accompany them.

But I am of opinion that the first step, and without which it would be fruitless to attempt a removal, is to ascertain, by actual examination, whether a suitable country can be had; and, if so, where located, and within what limits, and which should be clearly defined in all that relates to its extent and fitness for a last home for the most unfortunate of human beings. And have they not a right to expect of the Government of the United States that they will not be asked to abandon the homes they now occupy, without the certainty of having others provided for them?

All which is respectfully submitted.

THOMAS L. MCKENNEY.

The Hon. JAMES BARBOUR, *Secretary of War.*

19th Congress.]

No. 246.

[2d Session.]

ENCROACHMENTS OF THE WHITES ON THE LANDS OF THE CHOCTAWS IN ARKANSAS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 8, 1827.

SIR:

DEPARTMENT OF WAR, *January 5, 1827.*

I have the honor, in compliance with the resolution of the House of Representatives of the 20th ultimo, directing me to communicate to the House "any information in my possession as to the number of white persons who have encroached upon lands granted to the Choctaw nation of Indians in Arkansas, in lieu of a part of their lands ceded to the United States on this side of the Mississippi," &c., to furnish the accompanying report, made, by my directions, by the officer in charge of the Office of Indian Affairs; and which contains the information called for by said resolution, as far as the same can be furnished from the documents in said office.

I have the honor to be, very respectfully, your obedient servant,

JAMES BARBOUR.

To the Hon. the SPEAKER of the *House of Representatives.*

SIR:

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, *January 4, 1827.*

In compliance with your directions, I have the honor to make to you the following report, on the resolution of the House of Representatives of the 20th ultimo, and in the order in which the several queries embraced in it occur.

First. "As to the number of white persons who have encroached upon the lands granted to the Choctaw nation of Indians in Arkansas, in lieu of a part of their lands ceded to the United States on this side of the Mississippi?"

The limits transferring a certain tract of country to the Choctaws, in Arkansas, as defined in the treaty of Doake's Stand, and which treaty was ratified on the 8th January, 1821, were reported to have embraced about three thousand white settlers. In negotiating with the delegation of Choctaws in this city, in 1825, efforts were made for the extension of the western boundary, as defined in the treaty of Doake's Stand, with the view of relieving those settlers. They were earnestly pressed to extend it to the western boundary of Arkansas. Every argument and inducement was exhausted to accomplish that object, but in vain. They resisted; but finally agreed on a line that should begin on the Arkansas river, one hundred paces east of Fort Smith, and run thence due south to Red river. How many settlers remain on the west of this line, is not known; but it has been stated by Henry D. Downes, commissioner, &c., that, if a direct line should run from the junction of the Canadian with the Arkansas to the mouth of Jack's Fork of the Kiamichie, and down the Kiamichie to Red river, there would still be included about 375 families, averaging about seven persons to a family.

Second. "Whether the Indians have remonstrated against the encroachment to the Department of War?"

They have. It formed part of the first communication of the Choctaws, on opening the negotiation which resulted in the treaty of 1825. They represented their surprise at the information that had been made to them by Colonel Ward, the agent, in which he stated the wish of the Government to procure a modification of the treaty of 1820; and that their surprise was especially excited when they understood the object to be a re-purchase of some of the lands which had been ceded to them beyond the Mississippi previous to the treaty of 1820, and knew that white settlers were on the land proposed to be ceded. General Jackson, they proceeded to state, was informed of the fact, who stated that the arm of the Government was strong, and that *the settlers should be removed*. They complained that they had not been removed, and that they had not heard that any efforts had been made to effect their removal. (See, also, a copy of a communication from the Choctaw council, marked A.)

Therefore it was that the first article of the treaty of 20th January, 1825, provides for the removal of such settlers as might be found on the west to the east side of the line agreed upon, and prevent such settlements from being made on the west thereof in future.

Third. "And whether the Indians consider their lands west of the river Mississippi as guaranteed to them forever?"

The terms in the first article of the treaty are, after the direction of the line is stated, "*it being understood that this line shall constitute and remain the permanent boundary between the United States and the Choctaws.*" From this phraseology, and which I remember the delegation urged should be put in the *strongest possible terms*, may be inferred their views in relation to the permanency of the line; and which are further illustrated in the paper marked A.

To that part of the resolution which follows, and which calls for information of the number of white persons living on the Choctaw lands in Arkansas, I have the honor to state, that, no census having been taken, their number is not known; neither is the period at which said persons settled on said lands known; but it is believed to have been, in regard to some of them at least, prior to the treaty of Doake's Stand. This information is derived from a letter from the Choctaw delegation of 22d November, 1824, in which they say, in justification of the price they were demanding for their land, "We will advert to another consideration. A part of the country is in the highest degree fertile, especially that bordering on Red river, and in a fine state of cultivation. We have made no improvements ourselves, we admit; but they have been made for us. It is a well known fact, that there are fine farms, dwelling-houses, cotton-gins, and mills of various descriptions, on the land which was ceded to us by the treaty of 18th October, 1820; and are these not, in strict justice, our property? These improvements, which were made previous to the treaty of 1820, were sold to us by the commissioners of the United States. They were apprized of the fact of there being white settlers on that land," &c.

In this same letter *reference* is made to the number of settlers, and it is stated at five or six thousand.

The above extract from the letter of the Choctaw delegation furnishes the best and only estimate of "the extent of the improvements made by said settlers;" but there is nothing in this office to show to what extent these were made "prior to said treaty of 1820."

"The quantity of land claimed by the Choctaws west of the Mississippi," under the treaty of 1820, is estimated at 8,858,560 acres; about one-fourth of which, it is believed, was re-ceded by the treaty of 1825; assuming which estimate to be correct, there will remain 6,643,920 acres.

"The number of Choctaws living on said land" is not known.

Fourth. "Whether the Choctaws in the State of Mississippi have at any time manifested a desire to emigrate to their western lands, and, if so, what has prevented their removal; and whether they are at this time willing to emigrate."

In regard to the first, I had the honor, on the 27th ultimo, to report what appears to me to be the true state of the question in regard to the disposition of the Choctaws to emigrate west of the Mississippi. In addition to the opinions and facts which I had then the honor to submit, I now add the following extract of a letter from Colonel Ward, the agent, of the 16th March last. After stating that he had had several interviews with the mingoes and Major Pitchlynn, and others, which led him to conclude there would be "no possible chance to effect a treaty or cession of land;" and after reporting that the chiefs expressed "great surprise that the President of the United States should again ask them for a further grant of land in the Arkansas Territory," he adds, "there appears to be something like a spirit (with many of the half-breeds as well as Indians) to move this fall beyond the Mississippi, if this proposition [to treat] does not discourage them."

What, in my opinion, has prevented the Choctaws and others from removing, I have already had the honor, in my report of the 27th ultimo, to state; and to those reasons may be superadded, in regard to the Choctaws especially, the uncertainty in which the proposition to which Colonel Ward refers has left them, in regard to those very possessions in Arkansas to which they have been invited to remove. These Indians have been met by propositions for a cession of their lands on both sides of the Mississippi. They are filled with uncertainty; but do no more than express their "*surprise*," and resolve not to sell. And is it not natural for them, on witnessing propositions for the purchase of their country both east and west of the Mississippi, that they should remain stationary until they can be satisfied that one is prepared for them which they will not be asked to sell?

All the information of the willingness of the Choctaws to emigrate which I have, I have had the honor to submit in my report of the 27th ultimo, and in the extract of the letter (given in this) from Colonel Ward.

I have the honor to accompany this report with "a copy of an order issued by the Secretary of War on the 15th December, 1818, in relation to settlers on the lands now claimed by the Choctaws west of the Mississippi," (marked B.)

All which is respectfully submitted.

THO. L. MCKENNEY.

To the Hon. JAMES BARBOUR, *Secretary of War.*

A. CHOCTAW AGENCY, *March 18, 1826.*

SIR: We, the undersigned mingoes, or chiefs and warriors of the Choctaw nation, having heard a proposition for a further cession of our land beyond the river Mississippi, have come to a resolution *that we will sell no more land, on any terms.* We also request that you may see to the diligent execution of the provisions of the treaty of 1825, wherein it is stipulated that the white people living on the west side shall be removed to the east side of a line to be run according to agreement between us. It has been represented to us by some of our red brothers, that said line has been run by a surveyor, and it is found that many white people are on our side of said line. Now we, in behalf of this nation, request that you will have all white people removed off the Choctaw lands in the Arkansas Territory, as soon as practicable. It is our wish that all our brothers, both here and in the Arkansas country, may live in peace and harmony with our white neighbors, and take the advice of good white people. As witness our [hands] this day above mentioned.

MINGO MUSHULETUBEE, his × mark.
 MINGO ROBERT,
 MINGO TAPPENAHHOMAH, his × mark.
 ASTONOEHOHAJO, his × mark.
 HOSHESHAHOMAH, his × mark.
 AHACATUBBEE, his × mark.
 COLEMAN COLE.

Faithfully interpreted and witnessed by me,

M. MACKEY, *U. S. Interpreter.*

To Hon. JAMES BARBOUR, *Secretary of War.*

B. DEPARTMENT OF WAR, *December 15, 1818.*

SIR: Under the late treaty with the Quapaws and Osages, very extensive tracts of land have been acquired, (a considerable portion of which is not intended to be brought immediately into market, and which may hereafter become the means of exchange for lands on this side of the Mississippi,) above the mouth of the Kiamichie, and on the Arkansas, above the mouth of the Poteau, and to the west of the main branches of the Kiamichie and Poteau, and a line drawn between their sources.

The President has directed me to issue orders to prevent, for the present, the extension of the settlements on Red river. Those persons settled to the west of the line specified, or at points higher up the Red river and the Arkansas than those mentioned, will be removed.

You will give the necessary orders to carry the views of the President into effect. It will be advisable to take the necessary measures at an early period, so as to give to such families as may be removed an opportunity to make arrangements for planting the next spring.

I have, &c.

JOHN C. CALHOUN.

Major General ANDREW JACKSON, *Nashville, Tennessee.*

19th CONGRESS.]

No. 247.

[2d SESSION.]

CONDITION OF THE QUAPAW INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 10, 1827.

SIR: DEPARTMENT OF WAR, *January 9, 1827.*

I have the honor to accompany this with a report from the officer in charge of the Office of Indian Affairs, and the documents referred to in it; and which contain all the information in the Department called for by a resolution of the House of Representatives of the 18th ultimo, directing the Secretary of War "to communicate to the House any correspondence, or other information in the possession of the War Department, touching the present condition of the Quapaw nation of Indians; and the measures, if any, that have been taken to alleviate their distresses."

I have the honor to be, very respectfully, your obedient servant,

JAMES BARBOUR.

To the Hon. the SPEAKER of the *House of Representatives U. S.*

SIR: DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, *January 8, 1827.*

In compliance with your directions, accompanied by a copy of the resolution of the House of Representatives of the 18th ultimo, directing the Secretary of War "to communicate to the House any correspondence, or other information in the possession of the War Department, touching the present condition of the Quapaw nation of Indians, and the measures, if any, that have been taken to alleviate their distresses," I have the honor to lay before you the accompanying copies of papers, numbered 1 to 19, inclusive, which embrace all the information in the possession of this office required by said resolution.

It may be proper to add, that the distress which it appears existed among the Quapaws during their removal from Arkansas to their new residence, and immediately after their arrival there, may be attributed, it is believed, to circumstances detailed in paper No. 17; and that this distress, as may be inferred from paper No. 19, was of but short duration, and has some time since ceased. In this paper Captain Gray, the agent, writes, "I am glad to be able to state, that the Quapaws are perfectly satisfied with their situation, and that they are on very friendly terms with the Caddoes, as well as all other Indians belonging to the agency."

I have the honor to be your most obedient servant,

THOMAS L. MCKENNEY.

To the Hon. JAMES BARBOUR, *Secretary of War.*

No. 1.

Extract of a letter from Governor Izard to the Secretary of War, of

JULY 1, 1825.

On the 20th of last month the principal chief of the Quapaw tribe, attended by a small suite, visited me at this place, and in a formal conference requested that I would communicate the wish of his people to their great father, that they may remain a few years longer on the land ceded to the United States by the treaty of November, 1824. I expressed to Hecketon (the hereditary chief) my conviction that such permission could not be granted; but that I would nevertheless comply with his request, and would inform him of the President's decision. The deputies were satisfied with their reception; and I have no doubt that the removal of the tribe to the Caddo country will be effected without difficulty, even before the term stipulated. They asked permission to send a few of their chiefs to investigate the lands which they are to settle on, previously to the migration of the whole nation: to this I consented. They will be attended by an acting Indian sub-agent, Mr. Barraqué, an intelligent Frenchman, who has lived much among them, and who was particularly designated as the person they wished to accompany them.

No. 2.

Secretary of War to Governor Izard.—[Extract.]

SIR:

DEPARTMENT OF WAR, July 8, 1825.

I have the honor to enclose herewith a copy of the Quapaw treaty of the 15th day of November last, by which all the claims of the Quapaws to lands in Arkansas are extinguished, except the reservations therein specified. So much of the consideration which is agreed upon, and as is set forth in the second article, and which provides for the payment of \$500 to each of the four head chiefs, and \$1,000 for the first annuity, has been carried into effect by a remittance of \$3,000 for those objects; as has been, also, that part of the same article which provided for the payment of \$4,000, in merchandise, at the signing of the treaty. The remaining obligation in this article, to pay, in addition to their present annuity, the sum of \$1,000 for the term of eleven years, will be duly attended to. You will accompany this item in your estimates for your superintendency, annually, and at the proper time.

The following sums have been also appropriated by act of Congress of 3d March last, to carry into effect the other provisions of the treaty:

\$15,372 for the purchase of provisions for six months, as provided for by the fifth article of said treaty.

\$1,000 for furnishing facilities for the transportation of the Indians, as provided for by the fifth article of said treaty.

\$500 for the pay of a sub-agent or interpreter, as provided for by the same article of said treaty.

At the proper time, which is referred to your discretion, you will issue in the public papers proposals for the supply of the provisions for the emigrants. As to the kinds which will be best, their selection is left to your discretion. I will thank you, meanwhile, and as soon as you can, to furnish me with an estimate of the cost which is likely to attend on the emigration, upon the best data you may be able to command. You will exercise a strict economy, and bring the disbursements as much within the appropriation as you can consistently with the objects contemplated by it; but in no case must the expenses exceed the appropriation. On submitting your estimates, you will notify the Department of the time when you will require the remittances to be made, which will be duly attended to.

It will be proper to have the places of delivery from time to time designated, and their designation is left to your discretion. You will be careful to take bond, with sufficient security, for the faithful execution of the contracts which you may enter into.

It is necessary to be very particular in issuing the rations to the Indians, and taking an account of them, so as to procure the necessary vouchers for settlement with the proper accounting officers of the Treasury. A descriptive roll should be kept of the number of Indians who may receive rations, distinguishing the number of men, women, and children to whom rations may issue. This roll should be duly certified by the agent, Mr. Duval, or his sub-agent.

In making the daily issues, the same forms in issuing and certifying should be observed by the agent as are used in the army. The amount daily issued will be certified by the agent or sub-agent, and approved of by you, in consolidated quarterly returns. To children, half-rations will be issued.

The following is intended as the outline of an advertisement, leaving the component parts of the ration, and periods for delivery, &c. in blank, to be filled by you:

"Proposals will be received, until the 1st day of _____ next, to furnish the Quapaw Indians with provisions for six months, commencing on the _____ day of _____ next ensuing.

"The supplies required are _____.

"The ration to consist of _____.

"The amount will be [from so many to so many] rations per day, varying from the largest to the smallest amount, at the option of the agent, upon a notice of thirty days, to be delivered at _____. The first delivery will be on the _____ day of [the month] thereafter, and so on the _____ day of each alternate month thereafter, till the last month is included.

"The articles will be required to be of good merchantable quality, to be approved by the agent; and in case of the opinion of the agent being contested, it will be decided by [some fit person to be specified—the commissary, if there is one at hand] to be called upon by the agent to decide.

"Provisions to be delivered in the bulk, at the periods designated, and payment made on delivery, and on being approved by the agent. No advances will be made."

You will notify the Department at what time you will require the \$1,000, to furnish the facilities for the transportation of the Indians. You are authorized to appoint a sub-agent or interpreter, to accompany those Indians; an interpreter, if a judicious man can be had, to unite the additional qualifications for sub-agent, would, it is presumed, be best. You will confer, if you can find such a person, the appointment upon him, and report his name to the Department; he will accompany the Quapaws, and reside among them; he will be allowed a sufficient sum, in your discretion, to build him a house; three or four hundred dollars, it is presumed, will be sufficient.

I have, &c.

JAMES BARBOUR.

No. 3.

Extract of a letter from Thomas L. McKenney to Captain George Gray, Indian Agent on Red river, dated

JULY 9, 1825.

It becomes specially important at this time to disencumber the Caddo lands from squatters, as the Quapaws are next winter to unite with the Caddoes, and occupy part of their territory.

No. 4.

Extract of a letter from T. L. McKenney to Governor Izard, dated

AUGUST 5, 1825.

Your letter to the Secretary of War of the 1st ultimo is received. I have the honor, by the direction of the Secretary, to state that he approves of your reply to Hecketon, the hereditary chief of the Quapaws, to his proposition to have the execution of the treaty deferred to a period beyond that which is limited by its provisions. The President, as the father of these people, would be very happy to extend to them any indulgence in his power, and so you will say to them; but, the treaty having been duly ratified, he has no power to vary its provisions, and therefore expects its stipulations to be duly observed. The permission granted them to visit the country of the Caddoes, and the appointment of Mr. Barraqué as acting sub-agent, are approved.

No. 5.

Extract of a letter from Governor Izard to the Secretary of War, dated

SEPTEMBER 3, 1825.

I informed you, on the [1st] of July, that a small party of Quapaw (more properly Gappa) chiefs were to visit the country of the Caddoes, to examine the lands on which they are to settle themselves next winter. They returned ten days ago, and I was gratified to hear from themselves that they were pleased with their destined residence, and with their reception by the Caddo tribe. In this transaction, the characteristic improvidence of the Indians is strongly exhibited; they had concluded their treaty with us, and had remained since last November in their own country, without informing the tribe to whom they have stipulated to aggregate themselves of their intentions. The Caddoes and Gappas have a tradition of having been allied in some wars, many years ago; but they have had no intercourse with each other for a long time, and their languages are totally different. The accidental circumstance of a Gappa hunter having resided some months with the former tribe furnished them with an interpreter; they would otherwise have been obliged to employ two of ours to translate their speeches into French and English, and thence again into their respective tongues.

From a humane regard for the weak and infirm part of their population, the emigrants are desirous of commencing their removal early in the autumn. I am in daily expectation of learning the time of their departure, which was to be fixed upon at one of their councils. The last visit of the chiefs to me was made previously to seeing their own people on their return from the South. As soon as I shall have due notice, the advertisement for their supplies shall be published, in conformity with the instructions in your despatch of the 8th of July, received by the last week's mail.

No. 6.

Extract of a letter from Governor Izard to Colonel Thomas L. McKenney, dated

SEPTEMBER 16, 1825.

The dilatory habits of Indians are strongly manifested in the circumstance of the intended removal of the Quapaws. They expressed an earnest wish that they might be enabled to commence their migration to the Red river earlier than is stipulated in their treaty, to which I see no objection; but no decision has been had among themselves about the epoch of their departure; and I am, consequently, prevented from publishing proposals for their supplies on the march, and after their arrival at their destined residence. Should I not hear satisfactorily from them before the 1st of October, I shall advertise for a contract to commence on the 1st of January.

No. 7.

Extract of a letter from Governor Izard to the Secretary of War, dated

SEPTEMBER 24, 1825.

I have the honor to inform you that the Quapaw Indians will be ready to commence their removal to the Caddo country on the 12th of December. Their population is ascertained to be four hundred and fifty-five individuals; of whom one hundred and fifty-eight are men, one hundred and twenty-three women, and one hundred and seventy-four children under fourteen years of age. The proposals for their supplies will be published in the next Arkansas Gazette.

No. 8.

Extract of a letter from George Gray, Indian Agent on Red river, to the Secretary of War, dated

SEPTEMBER 30, 1825.

Some short time since the Quapaw chiefs visited the Caddoes, and selected a situation to settle on, in about half a mile of my agency, by consent of the Caddo chief. I furnished the Quapaw chiefs with a small quantity of rations, as they were entirely out of provisions. I must acknowledge I was much at a loss whether to furnish the Quapaws with rations or not, as I had never received any instructions respecting them; but, on examining the treaty, I found they were to form a part of the Caddo tribe, and, of course, I should become their agent; which induced me to give them rations.

No. 9.

SIR:

SULPHUR FORK, RED RIVER, INDIAN AGENCY, October 1, 1825.

After closing my letters, the Caddo chief arrived at the agency. I stated to him the wish of the Government as respects those small bands of Indians residing in Louisiana settling on his lands. He observed, he had no objection to their settling on his lands, as it was the wish of the Government; and that he would send a runner down amongst them, giving them permission to remove on his lands.

The chief observed that he had never sold lands to the Government, but had permitted the Quapaws, and other Indians that had sold their lands, to reside amongst his people; and he thinks the Government should give him a small annuity, for which he would be very thankful.

I am of the opinion that a small annuity to the old chief would have a good effect; his influence amongst those small bands of Indians, both in Louisiana and the Spanish provinces, is very great.

I have, &c.

HON. JAMES BARBOUR, *Secretary of War.*

G. GRAY, *Indian Agent.*

No. 10.

Extract of a letter from T. L. McKenney to Governor Izard, dated

OCTOBER 8, 1825.

The Secretary [of War] directs me to say, that he hopes the emigration of the Quapaws, notwithstanding the improvidence which has marked their first steps towards it, may eventuate in an harmonious getting off, and in their contented and happy settlement among their friends the Caddoes. The treaty gives them until the 20th January; but an earlier start will doubtless subserve the convenience of their old and infirm people and their children.

No. 11.

Extract of a letter from T. L. McKenney to Governor Izard, dated

OCTOBER 20, 1825.

The Secretary of War approves of your plan of being prepared by the 1st of January with the rations for the emigrant Indians. It is hoped, for their sakes, they may get off before the season becomes so far advanced.

No. 12.

Extract of a letter from T. L. McKenney to Governor Izard, dated

OCTOBER 27, 1825.

Your letter to the Secretary of War of the 24th ultimo is received. You inform the Secretary that the emigration [of the Quapaws] will commence on the 12th of December, and state the number of Indians; but you have omitted to accompany the letter with the estimates. These you will transmit as early as possible; but, to obviate any inconvenience which may arise meanwhile, the Secretary directs that, of the \$15,372 appropriated for the purchase of provisions, \$10,000 be sent; also, \$1,000 for furnishing facilities for the transportation, and \$500 for the pay of a sub-agent or interpreter.

No. 13.

Extract of a letter from Thomas L. McKenney to Captain Gray, dated

NOVEMBER 16, 1825.

The Secretary approves of the assistance furnished the Quapaws in the way of rations; but he directs that you be very particular in the exercise of your discretion, especially in the disbursements of your agency, as the contingent fund is limited, and might become embarrassed without this care.

You will, for the present, defer assembling the small bands of Indians in Louisiana, as you propose, in order to secure their assent to a removal upon the Caddo lands; but, if the invitation which the chief has sent them by a runner (to join him) shall lead to their removal, you will receive them as a part of the charge of your agency. Meanwhile, you will submit an estimate of the cost which it may require for rations, while assembled to consult and determine upon the measure of removal, should it be necessary to assemble them.

The Secretary authorizes you to give to the Caddo chief an annuity, for the time being, of \$50, (the first payment you can make him on the 1st of January next,) and tell him it is intended as a token of the good-will of his great father the President of the United States, and as a small return for his kind feelings towards his brothers the Quapaws, in giving them a home upon his lands, and for the offer he has made the bands now in Louisiana to come and join them.

No. 14.

Extract of a letter from Thomas L. McKenney to Captain George Gray, Indian Agent, &c., dated

JANUARY 16, 1826.

Your letters to the Secretary of War of the 29th and 30th November, and 4th December, are received. The Secretary directs that the condition of building the mill for the Caddoes and the Quapaws, (the latter of whom, on their arrival, you will consider in your charge,) to cost not more than \$400, will be, that they bury the hatchet, and make peace in regard to the late murder of one of their people. Tell them their great father hears with surprise that they believe in wizards and witches; that there are no such things; and that he is angry with them for killing the man under such a foolish belief. You will exert your influence to keep them quiet in regard to that transaction.

No. 15.

SIR:

CADDO PRAIRIE, RED RIVER, INDIAN AGENCY, April 7, 1826.

Permit me to recommend Mitchell Bone as interpreter for the Quapaw languages. Bone is a half-blood Quapaw, and is well qualified to fill the appointment, having a perfect knowledge of every individual belonging to the tribe. I have appointed Bone temporarily, from the 1st April, 1826; and, if you think proper to confirm the appointment, I will thank you to state what salary Bone shall receive, and in what manner paid. Their former interpreter has remained on the Arkansas.

I have the honor, &c.

The Hon. JAMES BARBOUR, *Secretary of War.*

G. GRAY, *Indian Agent.*

No. 16.

Extract of a letter from Governor Izard to the Secretary of War, of

APRIL 29, 1826.

The sub-agent, (Mr. Barraqué,) who conducted the Quapaw tribe to the Red river country, has returned from that duty, which he has performed with zeal, firmness, and ability. The expenses of this removal have been considerably less than had been anticipated. The Indians, on their part, have performed their engagements; they were, however, very reluctant to go, and it was necessary to be peremptory in directing their departure.

No. 17.

Extracts of a letter from Captain George Gray, Indian Agent on Red river, to the Secretary of War, dated

APRIL 30, 1826.

I feel it my duty to report to you the situation of the Quapaws. They arrived on the opposite side of Red river some time about the 1st of March last, under the charge of a Frenchman by the name of Antoine Barraqué, who was appointed by Governor Izard to pilot the Quapaw Indians to their new situation, and to see that justice was done them in getting their rations. I find, from an examination of the treaty, that the Quapaws are entitled to draw rations from the Government until the last of June next. I a few days since examined into the situation of their rations, and find them entirely destitute of rations, with the exception of three small beeves only; the balance of their beeves (twenty-five in number) was delivered to them on the opposite side of Red river, and have since all run off. Barraqué (the sub-agent appointed by Governor Izard) has thought proper to receive, in part, for rations, money; but I do not know to what amount, nor do I know what number of rations in kind has been issued to them, although I applied to Barraqué for a statement of the rations that had been issued for the months of April, May, and June, which he refused to give, saying that he was only accountable to the Governor. The Quapaws have been entirely destitute of rations, with the exception of three small beeves, since the 1st April; at which time I took charge of them.

I am fearful that the Quapaws will be very troublesome to the white settlements this summer, owing to their being destitute of provisions, (and, of course, must be in a starving situation shortly,) and being in a strange country where game is very scarce. Corn is now selling on Red river at one dollar and twenty-five cents per bushel, and scarce.

No. 18.

SIR:

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, August 3, 1826.

In the absence of the Secretary of War and of Colonel McKenney, I have the honor to acknowledge the receipt of your letters of the 4th, 6th, and 7th April last.

You will continue the services of Mitchell Bone as Quapaw interpreter, if necessary, until you hear further from the Department. In the mean time, it is proper that you do every thing in your power to conciliate the Quapaws, and render them satisfied with their new residence among the Caddoes. In doing this, much may depend on the selection of a suitable person for interpreter, as the situation affords the best opportunities, with judicious management, of acquiring an influence over the Indians.

There is no fixed salary for an interpreter; and the services of Mr. Bone, in that capacity, should be engaged on the most reasonable terms, not exceeding \$400 per annum, which is the amount of salary most commonly allowed to interpreters. The sum necessary to pay his salary for the time he may be employed will be included in your quarterly estimates, on which remittances will be made as usual.

Since commencing this letter, yours of the 30th June, enclosing your accounts to that date, has been received.

I am, &c.

Captain GEORGE GRAY, *Indian Agent, &c.*

S. S. HAMILTON.

No. 19.

Extract of a letter from Captain George Gray, Indian Agent on Red river, to the Secretary of War, dated

OCTOBER 7, 1826.

I received, a few days since, a letter from Mr. Samuel S. Hamilton, directing me to continue Mitchell Bone as Quapaw interpreter, if necessary. It is absolutely necessary that I should have a Quapaw interpreter, as, without one, I could do no kind of business with the Quapaw nation of Indians. Bone has been selected by the Quapaw chief as interpreter.

I am glad to be able to state that the Quapaws are perfectly satisfied with their situation, and that they are on very friendly terms with the Caddoes, as well as all other Indians belonging to the agency.

19th CONGRESS.]

No. 243.

[2d SESSION.]

REFUSAL OF THE CHICKASAWS AND CHOCTAWS TO CEDE THEIR LANDS IN MISSISSIPPI.

COMMUNICATED TO THE SENATE, JANUARY 15, 1827.

SIR:

DEPARTMENT OF WAR, January 15, 1827.

Conformably to a resolution of the Senate of the 27th ultimo, directing the Secretary of War to "communicate to the Senate the report of the commissioners appointed, in pursuance of an act of the last session of Congress, to hold treaties with the Chickasaw and Choctaw tribes of Indians, for the purpose of extinguishing their claim to lands within the State of Mississippi," I transmit, herewith, the enclosed copies of the papers required by the resolution.

I have the honor to be your obedient servant,

JAMES BARBOUR.

The PRESIDENT of the Senate.

SIR:

FLORENCE, ALABAMA, November 27, 1826.

When the commissioners appointed to treat with the Chickasaw and Choctaw nations had closed all communications with both nations, by an entire failure to succeed with either, they were impressed with the belief that

it was important to our Government that every thing appertaining to the correspondence with those nations, as well as their feelings towards the United States, should be communicated to you in person, by one of our body, in a more clear and pointed manner than it could be done in a written communication; and, to this end, General Coffee was selected as the person to perform that service, which he has consented to.

It was the intention of General Hinds and myself to have made a joint communication to you, to this effect; but, in the hurry of business, we separated at the treaty ground, without having done so. I now take the liberty to say to you, that it was our opinion that you should be more fully advised on the subjects relative to our conferences with those nations than we could make in a written communication; and, therefore, we obtained General Coffee's consent that he would go on to Washington in a few weeks, when he will give every information necessary touching that business.

I have the honor to be your most obedient, humble servant,

WM. CLARK.

Hon. JAMES BARBOUR, *Secretary of War.*

SIR:

TREATY GROUND, NEAR WILSON'S, IN THE CHOCTAW NATION, *November 19, 1826.*

Agreeably to previous notice given to the Choctaw nation, we, the undersigned commissioners on the part of the United States, met the nation here in council on the 6th of the present month. After the mingoes, chiefs, and warriors had convened in council, and notified us that they were in readiness to commence business, we proceeded to inform them of the views of the United States in wishing to obtain a cession of their country here, and to remove them to their lands on the west of the Mississippi; in which communication we endeavored, as far as we were informed on the subject, to explain to them the wishes of our Government, and the advantages that would result to the Choctaw nation by their removal to the west. After which, we offered them the terms on which the United States would pay the nation for the country they claim on the east side of the Mississippi, if they would consent to cede the same. The commissioners were aware of the friendly disposition the United States feel towards the Choctaws, and the earnest desire to do them justice in all transactions had with that nation. It was therefore determined to offer them, in the first instance, the full extent that would be given them for their country; and which offer was so liberal, on the part of the United States, that the nation certainly would have accepted it, had they not determined previously that they would not accede to any terms offered them. After the council, in behalf of the nation, had given a pointed refusal to the offer, with a declaration, on their part, that they would not sell their country upon any terms that might be offered them, it was then proposed by the commissioners of the United States that the nation should cede a small tract of country on the Tombigbee river, and to adjoin Monroe county, in the State of Mississippi, so as to enable that State to form a judicial district, for the convenience and benefit of that part of the State which is so unhappily cut off from the other settlements by an extensive Indian country; and, to obtain this small cession, it had been determined to pay the nation the most liberal price. Much pains was taken to impress on their minds this very desirable object, as well as to assure them that, if they would agree to make the cession, they should receive for it a consideration to their entire satisfaction. To this proposal they also returned a flat denial, in which they vainly boasted of the many favors they have done for the United States heretofore, and ended with a determination to hold fast to all the country they now claim. Thus it will be seen that we have failed in every proposition that has been made them for the whole or any part of their country. But, for your better information, we herewith enclose you a copy of the journal of our proceedings, which shows the precise terms offered this nation, and their pointed and positive rejection of them.

George S. Gains, Esq., the special agent appointed to prepare the minds of the chiefs and leading men of the nation with an understanding of the views of the Government, had been among them, and, no doubt, had used his best endeavors to effect the objects of his appointment; but to no purpose. It is stated, and believed, that some short time after the appropriation had been made to meet the expense of this treaty, a plan was adopted to defeat the objects of the Government by a few individuals, who have of late grown up into influence and importance in the nation. Meetings were called in the northeast and northwest districts, in which Mushulatubbe and Robert Cole were the presiding medal chiefs, who were known to have been always friendly to the United States; and, if they had been continued in office, they would probably have agreed to a cession of lands to meet the views of our Government. It was therefore resolved to remove them from office, and put David Folsom and Greenwood Leflore in their places—two mixed-blood young men, who were known to be unfriendly to a cession, and who, it is said, and believed, pledged themselves to oppose the treaty before they were appointed to office. On inquiry, it appears that the course of procedure was unprecedented, and, it would seem, was adopted for the special purpose before mentioned. Indeed, it appears that they have no fixed government; it has lately passed out of the hands of the old acknowledged chiefs, and is now placed in the hands of young men, without years and experience to justify the measure. The three great ruling chiefs at present are young men; and a majority of the thirteen young men, who were selected and sent forward by the nation in council to transact the business with the commissioners, were young men who could not have experience or weight of character to justify it. The government seems to be in the hands principally of half-breeds and white men, who dictate to some of them, without regard to the interest of the poor Indians. It is also stated, and believed, that at one of the meetings of the Choctaws some of the most intelligent and best informed Chickasaws were invited and attended their council; at which time it is believed that cross-resolutions were entered into by both nations, each pledging to the other a fixed determination not to cede any part of their country. From the best information that we can collect, and by the best informed men here, no doubt can exist but that the nation is fast declining in wealth and comforts generally, excepting a few half-breeds, who have been enlightened by education and otherwise, and who have settled on the road that leads through the nation, are gathering a harvest on that road, and who reap the greater part of the profits arising from the road and the annuities. It is, therefore, their interest to continue things as they now are.

We have the honor to be, with great respect, sir, your obedient servants,

WILLIAM CLARK,
THOMAS HINDS,
JOHN COFFEE.

The Hon. JAMES BARBOUR, *Secretary of War.*

A journal of the proceedings of the United States commissioners appointed to negotiate with the Choctaw nation for a cession of the whole or a part of their country east of the Mississippi river.

The commissioners, having concluded their negotiations with the Chickasaw nation, proceeded on to the Choctaw nation. They arrived at Wilson's, near to the treaty ground, on the 5th and 6th of November, 1826. Generals

Hinds and Coffee, and the secretary, William S. Fulton, travelled on horseback; and Governor William Clark travelled in his carriage. The nation was not ready to commence the negotiation until the 10th day of November, 1826.

FRIDAY MORNING, *November 10, 1826.*

This day, at 12 o'clock, the Choctaw nation met in council. The United States commissioners, being notified that the council was ready to receive them, went into council. Upon their arrival, the medal chief, Tapeau Homa, who is the successor to General Pushmataha, addressed the commissioners. He stated to them that the Choctaw nation received the commissioners of their father the President as brothers; that he was glad to see them, and take them by the hand. It was then stated, that, as the commissioners wished all the communications which pass between them and the representatives of the nation to be in writing, the nation had selected thirteen individuals (who were pointed out to the commissioners) to act on the part of the Choctaw nation, and to carry on the correspondence with the commissioners. This was agreed to, provided all the communications of this committee be made agreeably to the fairly ascertained instructions of the people.

Governor Clark then addressed the council. He stated the objects of the mission, and informed the Choctaws that his brother commissioners and himself had prepared a short address preparatory to the proposed talk of their father the President, which would be the only talk that would be delivered to the council this day.

General Coffee then read the following talk, which was interpreted to the nation in council by Major John Pitchlynn, the interpreter appointed by the commissioners for this service.

FRIENDS AND BROTHERS:

TREATY GROUND, CHOCTAW NATION, *November 10, 1826.*

We, the commissioners of the United States, have met you here, by order of our great father the President. We come to make you proposals, on the most liberal terms, for the cession of your lands; such terms as your father the President believes to be calculated to promote your best interests, both now and hereafter. But since we came into the nation, we have been told that resolutions have been entered into, either in council or by sundry individuals, that if any man in this nation would propose the sale of any land to the commissioners of the United States at this time, such person should suffer death.

Now, if such threats have been made, to prevent individuals from speaking freely, as well in your private as your public councils, it may become the duty of the commissioners to adopt and pursue a different course from the one they now propose to follow; for, under these threats, there certainly is not a man among you who would risk his life for the privilege of speaking his mind candidly.

The commissioners of the United States are in hopes that this report is not true. They have been taught to believe that the Choctaw nation had become more civilized than to suffer such an outrage to be committed upon their national character, now considered to be much enlightened. At this day, such a course of conduct would be despotic, cruel, and savage. It would carry you back to the state of barbarity you were in fifty years ago, and would prove to the world that all was lost which had been done towards civilizing your people and preparing them for social life. It would prove that all the labors and sacrifices of your missionaries have been in vain, and that further exertions need not be made for your benefit.

Your brothers the commissioners take this early opportunity to call on you for a denial of the fact, if this report is untrue, which they sincerely hope will prove to be the case; but if this report is true, they likewise hope that you will frankly state to them that it is a fact that you have entered into such a resolution as we have mentioned.

In order to give you the necessary time to inquire if such threats have been made, and, if so, to enable you to apply the corrective, by giving such assurances to your people as are necessary to remove all doubts and fears from their minds, the commissioners will decline saying any thing to you to-day of the terms they intend offering you, in compliance with their instructions from the President of the United States. They will present them to you tomorrow, if you are then ready to receive them. In the mean time, we will expect your answer to this talk.

WILLIAM CLARK,
THOMAS HINDS,
JOHN COFFEE.

To the Mingoes, Chiefs, Captains, and Warriors of the Choctaw nation.

After some explanatory remarks, in answer to an interrogatory on the part of the nation, the council adjourned.

SATURDAY, *November 11, 1826.*

This evening the commissioners, at four o'clock, attended the council; when the following talk was read, on the part of the nation, by James L. McDonald, and interpreted by Mackey, United States interpreter:

FRIENDS AND BROTHERS:

TREATY GROUND, CHOCTAW NATION, *November 11, 1826.*

The communication which was yesterday delivered to the Choctaws assembled in council has received their attentive consideration. In reply to that part in which you state that, since your arrival in the nation, you have heard that it had been determined, in some of our public or private councils, that if any one should pretend to sell land to the commissioners of the United States he should suffer death, we have only to say that you have been grossly misinformed. It is true that several councils have been held among us since the last spring, for the purpose of adopting certain laws and regulations for the benefit of our country, in which the intended treaty has occasionally become the subject of discussion; but in no one of them has the resolution or law referred to been adopted. The privilege of speaking freely and candidly our sentiments on any subject is highly prized by us, and we have been far indeed from wishing to restrict it. The contrary has been the fact. At every council which has been held, the liberty of speech has not only not been denied, but every captain and counsellor, and, indeed, individuals of every degree, have been invited and urged to deliver their opinions freely and boldly. On so important a question as a treaty, by which there was a possibility that their country might be ceded away, either in whole or in part, the privilege was considered still more important; and our brothers the commissioners may rest assured that our chiefs and leading men have had no wish to deprive any man of its free exercise. We regret that such reports should have been circulated, and that our brothers the commissioners should have so readily given credence to them; for they are not only untrue, but would detract from the national character which you have ascribed to us. In one instance, at a council held in the northwest district of the nation, a resolution, it is true, was entered into, that if any man should so far forget his duty as to accept money as a *bribe* to sell his country, he should suffer a severe penalty. But this measure, whether necessary or not, was not unjustifiable; nor was it intended to check any man in the free and unbiassed expression of his sentiments. The circumstances of the times, perhaps, called for it; and we are persuaded that you cannot consider such a law unjust or impolitic among any people, either savage or civilized.

Having thus given you the assurance that some, at least, of our proceedings in council have been misrepresented, we do not consider it necessary to trace out and disprove any threats which may have been made by private individuals. They have not been made by any of the chiefs or leading men. We, as a council, are answerable for such acts or resolutions only as we ourselves have passed, and not for the acts or threats of individuals. Of the justice of this remark, our brothers the commissioners cannot but be fully sensible.

Having made this explanation, we have only to add, that we are pleased once more to take you by the hand, and that we are now prepared to give our respectful attention to the talk which you have in charge to deliver from our father the President of the United States.

Respectfully, your friends and brothers,

General Humming Bird, his × mark.	Nettuckachee, his × mark.
Ah-che-la-tah, his × mark.	E-a-ho-ka-tubbee, his × mark.
Red Dog, his × mark.	John Garland, his × mark.
Lewis Perry, his × mark.	Jesse Brashears, his × mark.
P. P. Pitchlynn,	Joel H. Nail,
M. Foster, jun.	Israel Folsom,
J. L. McDonald,	

Selectmen, acting as commissioners on the part of the Choctaw Council.

To Generals WILLIAM CLARK, THOMAS HINDS, and JOHN COFFEE, *Commissioners of the United States.*

After this communication had been interpreted, General Coffee rose, and said that the commissioners were highly pleased to learn that the report which they had heard was untrue; that it was not the belief of the commissioners that such barbarous laws had been adopted in their councils, but that they had originated with bad, evil-disposed persons. But, as the object which the commissioners had in view (which was to have a public disavowal of such a law being in existence) had been now fully accomplished by what had been said, this subject would not be further considered; and the commissioners would now proceed to give their talk, as they had proposed.

FRIENDS AND BROTHERS:

TREATY GROUND, CHOCTAW NATION, *November 11, 1826.*

As we informed you yesterday, we will now deliver to you the talk of our great father the President of the United States. We shall explain his views and reasons for wishing to remove his red children to the west of the Mississippi, and also the terms upon which he is willing to purchase the land you now live on. From long experience, the Choctaws know that their father the President has been to them a kind and indulgent parent. They have seen and felt that his fatherly kindness has been extended alike to his red children and his white children, and that he is equally desirous to promote the interest and happiness of both. After many years spent in reflection, he has determined upon a plan that will best promote the true interest and real happiness of the Choctaws, and all the other tribes of red people who are under the protection of the strong arm of our Government. As his plan has been the result of many years of observation, your father the President expects you to receive his talk, which he sends you by your brothers the commissioners, as coming from your father and best friend; from one who has always been desirous of seeing his red children flourish and prosper, even to the end of time. He expects that you will, like dutiful children, receive his talk, and take all his proposals into serious consideration.

After they have been interpreted to you by your beloved interpreter, Major Pitchlynn, who has so truly and faithfully served you through a long life, you will take this written talk with you to your camps, and there have it read over and explained to all your people. He expects that you will have it explained in full council, and to small parties, until every chief, captain, and warrior shall fully understand all the talk which is given to you by your kind father the President. After it is all explained and understood, then, like brothers who love one another, let each one give his opinion of his father the President's talk. Let no one be prevented from speaking his mind freely. Invite all to give their candid opinions, without the fear of any one incurring the displeasure of his red brothers; and let the true and unbiased voice of the nation be obtained. When the real will of your people has been properly known, then put it into writing, and give it to your brothers the commissioners, who are ready to receive the talks of their red brothers, and to answer them in a spirit of friendship.

The United States have a large unsettled and unappropriated country on the west side of the great river Mississippi, into which they do not intend that their white settlements shall extend. This is the country in which our father the President intends to settle all his red children. When he gets them there, he proposes to introduce among them such wholesome rules and regulations for their government as will be best suited to their various conditions, and such as may be approved by each nation separately. He calculates that then, under one general superintendence, and an agent to each tribe, he will be enabled to carry on the work of civilization, promote education and agriculture, introduce among them all the mechanic arts which their necessities may require, and do all things for the general good of all the Indian tribes. In this way only can the future growth and prosperity of our red brothers be easily promoted by our Government.

The operation of this great plan has already commenced. Many of the Indian tribes were originally settled in that country. Many of the tribes who lived north of the Ohio river, and east of the Mississippi, are now preparing to remove to the west, and are making frequent applications to their father the President for lands, and for assistance to remove to this new and promising country. The Cherokees and Muscogees have procured lands, and are removing over the river; and, what is still more interesting, the Choctaws have already procured to themselves and their posterity more than five times as much land in that fine country as they are now living on in this. Already have a large portion of your nation removed, and no doubts are entertained that, in a few years, the principal part of them will remove. Your people will go over the river slowly for a few years, and more rapidly afterwards, until all are removed, excepting a few of your old men, who may not be willing to break up and seek a new home. These may remain among the white people, and take reservations for themselves and their families. For all such, a liberal provision will be made.

We shall now proceed to state the views which the General Government of the United States has at present in contemplation. It is the policy and interest of the Government to extinguish the Indian title to all the lands on this side of the Mississippi. We must have a dense and strong population throughout all the country on the east of this great river. The security of our southern frontiers requires this, and, without it, we cannot defend the country nor protect its citizens. The experience of the late war with Great Britain shows the necessity of having supplies of both men and provisions near at hand, whenever an invading foe shall again assail us.

Wars have prevailed among all the nations of the earth. Our nation has suffered from two wars, and it is but natural to expect that at some future day we will again be called upon to defend our country. It is, therefore, all-im-

portant that the whole of the country east of the Mississippi shall be thickly settled. When this is accomplished, the United States can, at a very short notice, call out troops and feed them for the defence of our southern coast. Your father the President believes that his Choctaw children will not oppose his reasonable views as herein expressed, more particularly as he wishes both parties to be mutually benefited. His proposals are designed for the benefit of the Choctaws and their posterity, as well as for the protection and preservation of our common country.

WILLIAM CLARK,
THOMAS HINDS,
JOHN COFFEE.

General Coffee observed that the foregoing was only half of the talk which the commissioners intended to offer the council, before they required of the nation a reply; that the commissioners wished part of the subject to be well understood by all the people, before the terms which the commissioners intended to offer them were submitted for consideration; that, whenever the commissioners were informed that the council was prepared to hear the remainder of the talk, the commissioners would deliver it to the council. All that the commissioners desired was, a full and candid examination of the subject now submitted to the Choctaw nation. The council then adjourned.

SUNDAY MORNING, *November 12, 1826.*

This day the council did not meet, and no public business was done by the commissioners.

MONDAY MORNING, *November 13, 1826.*

This morning the council met, and the commissioners, being notified, attended.

General Clark said that the commissioners had waited some time for the purpose of giving every opportunity for as many of the nation as possible to assemble; and that, agreeably to the promise made, the remaining part of the talk of their father the President would now be read to the council.

The following talk was then read by the commissioners, and interpreted to the nation by Major Pitchlynn, the interpreter:

FRIENDS AND BROTHERS:

TREATY GROUND, CHOCTAW NATION, *November 13, 1826.*

We, the commissioners of the United States, delivered you, on Saturday last, a part of the talk of your father the President. As we then promised, we will now proceed to lay before you the terms upon which he proposes to purchase your lands on this side of the Mississippi.

1. In the first place, it is proposed that reservations, to the amount of three hundred thousand acres of land, shall be granted, with good title, to such of the nation as may wish to remain here, and become citizens subject to the laws of the United States; to be divided out and allotted to individuals, as the Choctaw nation may agree on among themselves.

2. In addition to the supplies provided by the treaty made at Doake's Stand, consisting of one blanket, one kettle, one rifle gun, one pair of bullet moulds and wipers, and ammunition for hunting and defence, for one year, to each warrior, and also corn for himself and family for the same time, the commissioners will make further provision for the women who shall remove, by giving to each one blanket, one hoe, one axe, and one cow and calf; and to such as have families, one wheel, and one pair of cards, in addition, and a supply of provisions for the whole number of women for one year.

3. Provision is proposed also to be made for the transportation of every man, woman, and child, who shall remove, and for all losses sustained by the removal of stock. It is also proposed to pay the full value of all good improvements which are left by those who remove over the river.

4. And, in addition to the foregoing, they propose to give to the Choctaw nation, as a compensation for their lands on the east side of the Mississippi, the sum of one million of dollars, to be paid in such manner as shall hereafter be agreed upon between the United States commissioners and the Choctaw nation.

5. The foregoing sum of one million of dollars the commissioners propose shall be appropriated in the following manner, provided it shall meet with the approbation of the Choctaw nation, viz: That a suitable sum shall be set apart, and paid by annuity or otherwise, for the education of the Choctaw nation; that a sufficient sum shall be set aside to provide the nation with a suitable number of blacksmiths, wheelwrights, and plough-makers, for twenty years; that the remaining part of the before-mentioned sum of one million of dollars shall be paid to the nation, in equal annuities, for twenty years.

6. It is further proposed that two years shall be allowed for the purpose of enabling the nation to remove with ease to themselves; and that they shall not be molested in their possessions in this country until after that time.

WILLIAM CLARK,
THOMAS HINDS,
JOHN COFFEE.

General Clark then addressed the nation as follows:

FRIENDS AND BROTHERS OF THE CHOCTAW NATION:

I wish to speak a few words as a friend to the red people. I have spent half the period of an accustomed life among them. I am a stranger among you, but I will speak freely what I think. Thirty-six years ago, I passed through your country, and then saw your distressed condition. Now I see part of your nation much improved in prosperity and civilization. This improvement affords me much happiness. But I fear I only see those whom good fortune has made prosperous and wealthy, who, I am informed, constitute a very small proportion of your nation. I have been informed that a very large majority of the Choctaw nation are in a very destitute and miserable situation, and are now seeking food and clothing among the swamps, and by picking cotton on the lands of the white planters. If this be the fact, cannot provision be made to better the situation of those of your nation whose poverty and wretchedness render them unable to attend this council?

I hope, my friends and brothers, that, in your deliberations upon the propositions now before you, you will take into consideration not only the interest and claims of those present, but at least equally much the interest and claims of the great body of the Choctaw nation who are absent.

Should the Choctaw nation conclude to cede their lands, agreeably to the proposition before them, and the more wealthy and civilized prefer to remain on reservations, let me recommend that the poorer and less enlightened move without delay, in a body, to their lands west of the Mississippi and Arkansas Territory. There, they will be within my superintendency, and under the protecting wing of one who will see that justice is extended to them, and

will take pleasure in advancing their interest in every respect. In my declining years, it would be a great consolation to me to see them prosper in agriculture, and advance in rapid progression in that state of civil government best calculated for their permanent happiness as a nation. Recollect that no body of people can exist long as a nation, without such regulations and governments as are suited to their situation, and calculated to protect their lives and property; and that such a system of government cannot exist in the centre of a larger Government surrounding them on every side.

My friends and brothers: I have noticed in the course of my life the decline; more or less, of all the nations of the red skins. Some of them, who were numerous and powerful when I was a boy, became quite or nearly extinct in consequence of remaining in a country surrounded by white settlements. The remnant of two of those tribes I took under my care twelve years ago; since which time, they have nearly doubled.

I will observe that I have no personal interest in the sale of your lands, as I live a great way from your country, and never expect that myself or any of my children will ever reside in this country. As the mutual friend of both parties, I earnestly advise you not to hesitate accepting the proposals now before you, as best for yourselves and your posterity.

The more indigent of the Choctaw nation can promise themselves nothing by remaining in this country, but much by a removal. Here, it is evident, they cannot advance, but, with the usual progress of decline of the red skins thus situated, must at last be lost as a nation.

Governor Clark further remarked, that, although he had come amongst the Choctaws a stranger, he was happy in becoming acquainted with them; that he had come among them for the purpose of giving them satisfactory information in relation to the country belonging to the nation on the west side of the Mississippi, and what would be their situation there, in case of their removal. It was with the most pleasing expectations that he had come amongst them, as he entertained strong hopes that they would consent to remove to the west of the Mississippi, hoping to have it in his power to act for them as a father and friend. He said that, as the best proof he could offer them that they would be protected, peaceful, and happy, and possessed of every thing calculated to improve their condition, he would inform them that all the tribes now under his care were at peace, excepting some wild tribes that were out of reach; that the greatest harmony prevailed among them; and that their situation was gradually improving.

TUESDAY EVENING, *November 14, 1826.*

This evening the council met, and the commissioners, being notified, attended; when Governor Clark remarked that the commissioners were now ready to hear the reply of the Choctaw nation to the talks of their father the President.

Mr. McDonald then read to the council the following reply:

FRIENDS AND BROTHERS:

TREATY GROUND, CHOCTAW NATION, *November 14, 1826.*

Your talks of the 11th and 13th instant, giving the views of our father the President of the United States, and stating the terms upon which it is proposed that we shall cede away all our lands east of the Mississippi, have been fully interpreted and explained to the chiefs, captains, and warriors here assembled, and it now becomes our duty to give their decision; which is, that they cannot accede to your propositions. Regarding the welfare of their wives and children, and that of those of the Choctaw nation who are absent from this council, they have determined not to part with their country. This determination is made with great unanimity on the part of those here present, and we are satisfied that we speak the sentiments of nine-tenths of the nation.

It would be needless to enter into the various reasons which have determined us to decline the acceptance of your proposals. It is sufficient that this is the land of our birth, and that when once sold it could never be recovered. It is a sure asylum for our infirm and aged countrymen, where, surrounded by their offspring, and among the plains, and the hills, and the streams of their youth, they might pass the remnant of their days in peace; and where, if undisturbed, we may all remain as prosperous and happy as in any other country. Here our forefathers have lived; here we wish to live; and when we die, let our bones be laid by the side of those of our kindred. Why should we sell? Why seek new homes, when we are living here in peace, and, to such as are reasonably industrious, in plenty? But it is urged that the game is gone, and that those who live by hunting alone are suffering. For all such, a country is provided. Sixteen years ago we sold a large scope of our country here, for lands west of the Mississippi. Let those who wish to live by hunting go there. Ample provision is made for all such, in the treaty of Doake's Stand, and all are free to go who wish it; but those of us who cultivate the earth will remain here.

It is with real pain that we have heard this proposition urged upon us. Our situation, we fear, has not been properly represented to our father the President; but we rely upon his kindness and justice, and we are satisfied that, when our situation and wishes are fully known, he will press the subject no further.

We do not wish to make a long talk; our people are impatient to return to their homes. Our words are therefore few. To please our father the President, we could do many things—have done many things, and at much sacrifice to our feelings; but we cannot consent to part with our country.

In communicating this our determination to the President of the United States, you will do but justice in assuring him that we entertain for him the highest respect and veneration, and that we shall ever continue to rely upon his paternal protection.

We are, respectfully, your friends and brothers,

General Humming Bird,	James Gardner,
Nettuck-a-chee,	P. P. Pitchlynn,
Ah-che-la-tah,	Joel H. Nail,
E-a-ho-ka-tubbee,	M. Foster, jun.
Red Dog,	Israel Folsom,
John Garland,	J. L. McDonald,
Lewis Perry,	

Selectmen, acting as commissioners on the part of the Choctaw nation.

To Generals WILLIAM CLARK, THOMAS HINDS, and JOHN COFFEE, *Commissioners of the United States.*

General Coffee then remarked, that, from the anxiety indicated in the answer of the Choctaw nation to the talks of the commissioners to return home, he felt it his duty to apprise the nation that the commissioners had another talk to make to the nation; that the President had instructed the commissioners to make other proposals, in case of a refusal on the part of the nation to cede their lands on this side of the Mississippi; the commissioners, therefore, required of the council to detain all of the nation who are now present until after the next talk was made. If the people should now go home, the commissioners would be compelled to inform the President that his

Choctaw children would not listen to his talks; that but few of them had attended the treaty; and that those who did attend had gone home without giving the commissioners an opportunity to be heard. He hoped that all would remain.

General Hinds remarked, that he was much disappointed to find so few of the Choctaw nation assembled on this important occasion; that complaints as to inconveniences under which those who were here labored, came very improperly from men when the dearest interests of themselves and their posterity were involved in the business upon which they had been called together, and upon which so few of the nation were now assembled. Suspicions have fallen upon the conduct of some men, and a belief prevails that your chiefs have exerted an improper influence, as much time has been allowed and much pains taken to collect the Choctaw nation together at this time. The commissioners of the United States have been sent here more for the benefit of the nation than to serve their own Government, and it was these who had a right to complain if any one had. They were far from their homes, and had submitted to many inconveniences in order that the voice of the President might be heard by the Choctaws. He has a right to be heard by his Choctaw children, and he will be heard; and it is foolish for a few leading men, self-created chiefs, to attempt to erect themselves into a barrier between the Government and the Choctaw nation. After so much pains had been taken by the Government to apprise the nation of the importance of this business, how could they call themselves a large nation when there were so few of them now assembled to listen to the proposals that were made? Is not this treatment disrespectful and unjust? It will not be borne with by the President. If the nation is large, and cannot be assembled here, their people must be on the other side of the river; and the commissioners would place your headmen in an unpleasant situation, if they should go over the river and there treat with the Choctaw nation. The President was determined to be heard; and if the nation would not assemble here to receive his talks, he would send somewhere else and obtain a hearing. He said he knew they would not believe him, and that he did not care whether they did or not. The terms which the President has offered you have astonished you. He has never before made such offers to any Indian nation. But it seemed that no terms that could now be offered would be received by the Choctaws. The new-made chiefs stand committed. They have blindly promised that they would not sell their lands. They have bound themselves, hand, foot, body, and mind, and dare not act. They are in an awkward situation; they hold their power by a precarious tenure. No set of men are fit to govern a people, who will voluntarily bind themselves to do nothing, thereby precluding themselves from acting for the benefit of their people. They believed that it was Mississippi alone that wanted their lands. This is not the fact. It is true the State of Mississippi, of which he was a citizen, suffered very much on account of having so much of her territory still covered by the Indian title. She wanted the land, but the United States wanted it more. The United States was much more deeply interested. Her future safety required that this large country should be populated. The United States was a great nation, and the Choctaws had experienced nothing but justice and liberality from the Government. She had fostered and protected this people. She had educated several of her children; and the very men for whom she had done the most are now doing every thing in their power to defeat the views and plans of the Government. The Choctaws deceived themselves, if they supposed this state of things could exist much longer. The Government would not suffer a few men, who are too blind, or bigoted, or self-interested to attend to their nation's interest, to blast the hopes and prospects of all the Choctaws and of their posterity forever. He said he regarded the Choctaws as brothers, but he felt it his duty, as a commissioner of the United States, to say what he thought upon this occasion; and, however disagreeable what he had said might be to some men, he had done his duty, and told them the truth. He said he had now given his sentiments to the nation, and had nothing further to add.

WEDNESDAY, *November 15, 1826.*

This morning the council met, and the commissioners, being notified, attended accordingly; when the following talk was delivered by the commissioners, and interpreted to the nation by Mr. Mackey, United States interpreter:

FRIENDS AND BROTHERS:

TREATY GROUND, CHOCTAW NATION, *November 15, 1826.*

We have received your answer to the proposals of the President to purchase your lands here, and to remove you west of the Mississippi, and we are greatly disappointed to learn that you are not disposed to meet the views and wishes of the President, which are so liberal to your nation.

You say that to please your father the President you have done many things, and would do many things; but you say, in substance, that you are determined to do nothing; that it was needless to give the various reasons that determined you to decline his proposals; and, finally, you assure the President that you entertain for him the highest respect and veneration, and that you continue to rely on his parental protection. There appears to be a strange inconsistency between your words and your actions. We fear that you presume too much upon the goodness of our Government, by supposing that it will indulge you in refusing to receive the terms that have been offered you, and which have been so liberal as to convince you of the desire of the United States to do your nation full justice. Your counsellors may tell you that you have nothing to fear by your opposing the wishes of our Government; they may tell you that our Government is magnanimous, and will never force you to do any thing that you may obstinately oppose; that they will let you go on in your own way, and will still support you and your nation, and supply you with all your wants, and educate your children, without you, on your part, doing any thing in return. But you may be assured that you are badly advised when you are told of all these things. It is true that the United States is your friend; that she has a desire to promote your interest and see your nation prosper; but, in her kindness to you, she will not abuse the interest of the white people, by making them pay a tax to support you. This would be unnatural, and will not be done. Any man who will examine the subject will plainly see that the United States cannot, nor will not, indulge you in the course you are pursuing. You must submit to the wishes of our Government, or it will make such laws for you as to it may seem best suited to your condition, and compel you to abide by them. You may be told that we (the commissioners) will try to scare you by unfair representations; but it is not true. We have no particular interest, more than all other citizens have. We are the agents of our Government, and are speaking its language. The President sent us here to tell you the truth, and we have done so. We are not trying to deceive you. We have offered you all that we are authorized to do, and have not withheld any thing from you. But you do not seem to understand your true interest, as your father the President does. Notwithstanding your refusal to sell us the whole of your country, from a desire to remain in the land of your fathers, it is still hoped you have not set your minds against our Government altogether, by a determination that you will not serve or oblige it in any manner whatsoever. It is therefore proposed that you cede to the United States a small part of your country upon the Tombigbee river, and adjoining Monroe county, of a size sufficient to enable the State of Mississippi to form a judicial district. This is all-important to that State. The peculiar situation of the people in Monroe county requires it. They are so far removed from the other settlements of that State, by the extensive country you hold between them, that they never can have the benefit of the laws until there are counties

enough settled adjoining them to form a judicial district, and have a resident judge settled with them. It is therefore proposed that you cede to the United States a tract of land, to join the Tombigbee river, such as you can spare with great convenience to yourselves, and still have a sufficiency of land to answer all your purposes. There can be no doubt but you would promote civilization and facilitate the education of your children by having your settlements more dense and compact. You could every where in your nation, then, have schools for your children to go to, and return home and sleep every night. If that were the case, all your people would send their children to school and educate them. They could hear from the children every day how they were treated and how they learned; and, in addition to this, when the settlements are more compact, your people can have the benefit of all the mechanics that are sent among you. They will be near to the blacksmiths, the wheelwrights, the plough-makers, and many other trades that would be useful to you.

If you will agree to cede to the United States such a tract as is proposed, any one who may now be settled there shall have reservations to cover his improvements and a good title to the land. And we will pay the nation a liberal price in money, to be paid in such way as the commissioners and the nation may agree upon.

When you shall signify to us your willingness to accommodate your father the President in this small cession, your brothers the commissioners will then offer you terms of both price and payment for the lands. The liberal price we have offered you for the whole of your country induces us to believe that you are convinced that we (the commissioners) are determined to act liberally towards you; and therefore we expect a frank and candid answer from you as soon as the voice of your nation is known.

WILLIAM CLARK,
THOMAS HINDS,
JOHN COFFEE.

General Coffee observed, that, although the nation had refused to cede to the United States the whole of their lands, that determination ought not to influence them in making up their minds upon the proposals which are now made. The proposition now made was entirely different from that upon which the nation had already acted. He hoped that, as it was so reasonable, and as the commissioners were disposed to compensate them so fully, the nation would not hesitate in agreeing to make the cession required. The commissioners were willing, at this time, to recognise the justness of their refusal to part with all their lands here, as it was the country of their birth and the land of their fathers; and, as the present proposal was calculated to benefit them in their continuance here, he hoped that no objections would be made to the cessions required.

Governor Clark remarked, that the commissioners had now done their duty, and had shown the liberality of the Government towards the Choctaws. He then called upon their principal chief, and presented him with an Indian pipe, made by one of the northern tribes. He told the chief that he gave it to him in token of friendship, and requested him to smoke it with his people, and desire them to open their ears and lay to their hearts the good talks which he and his brother commissioners had made them. He said that he hoped that the Choctaws would long remember the advice and counsel which had been given them during the present negotiation; that it was customary amongst the red skins under his charge to send pipes upon important occasions and messages, and that those to whom they were sent were thereby requested to consider well, while they smoked the pipe, the message which was sent. He therefore requested the chief to smoke this pipe, and consider well the talk which he had made to the council on the 13th of this month. And the council adjourned.

THURSDAY MORNING, *November 16, 1826.*

This morning, owing to the inclemency of the weather, the council of the Choctaw nation met at the cabins of the commissioners. The following talk, in answer to the last talk of the commissioners, was read to the council in presence of the commissioners:

FRIENDS AND BROTHERS:

TREATY GROUND, CHOCTAW NATION, *November 16, 1826.*

When the chiefs and leading men of the Choctaw nation were notified that commissioners of the United States had been appointed to meet in council, they determined, as a mark of respect to the President, to attend and listen to the talk which he had sent them. It is to be regretted that, comparatively, but so few of our warriors had attended with us; but it is sufficient for the business which brought us here that all the chiefs, and almost all the leading men, are present. Our council speaks the voice of the nation.

The day before yesterday we gave an answer to the propositions contained in your talk of the 13th instant. We refused, but in respectful terms, to sell our country. You have now varied your proposition, and requested us to cede to the United States a portion of our lands bordering on the Tombigbee river, and adjoining the county of Monroe. The views of our father the President on this point, as expressed by you, have been fully explained to the council; and we are authorized to say that to this proposition, also, we are compelled to give their decided negative. A strong and sufficient reason may be briefly given.

As it is the wish of the great body of our people to remain on their lands east of the Mississippi, and have the arts of civilized life introduced among them here, it is important that the limits of our country should be distinctly marked and defined. The Mississippi bounds us on the west; our brothers, the Chickasaws, bound us on the north; and the Tombigbee river presents an admirable natural boundary on the east. Ten years ago, at a treaty held at the Choctaw trading-house, the advantage of having so distinguished a boundary between us and the white people was strongly urged by the commissioners of the United States. It was stated, in substance, that, by having a broad and deep river for our boundary, we should be less liable to intrusion from the whites, and our people would remain in greater security. The argument was strong; the advice seemed good; and we ceded away all our lands east of the Tombigbee. The argument which seemed strong and good then, is equally so now; and we should indeed be justly chargeable with inconsistency, if we consented to alter a boundary so distinctly marked by nature.

Our resolution has been taken from a firm conviction of its propriety and necessity, and not from mere motives of obstinacy. The reason which we have assigned will speak for itself. We feel perfectly friendly to our white brothers of Monroe county; we are sorry that they should experience any inconveniences from the circumstance of their situation; but, by remaining as they are, they would suffer far less inconvenience than we should, were we to sell that portion of our country which you require.

We were once the proprietors of an extensive tract of country. By the treaty of Poosha-e-puck-na, in 1805, a large portion of it to the south was ceded to the United States; again, in 1816, all our lands east of the Tombigbee were ceded in like manner; again, in 1820, by the treaty of Doake's Stand, another large scope of country was ceded to the United States, for the benefit of Mississippi. By this treaty, lands were given us west of the Mississippi; and here again we were assailed with propositions to purchase back a portion of the country just ceded to us. We listened to our father the President. We sent a delegation of headmen to the city of Washington, who ceded back several millions of acres for the benefit of Arkansas. Again, last winter, another proposition was sent to the nation,

requesting that we should cede back a further portion of our lands west of the Mississippi; and, finally, we are now urged to sell all or a portion of our country here. Where shall we stop? Where shall we find a resting-place? We ought to be permitted at least to breathe awhile and to look around us.

We repeat, that we entertain the highest respect for our father the President. We have proved it by meeting you here, and listening patiently to his talks. And, although his propositions have given us much pain, because we felt we could not comply with them, our confidence in his justice and wisdom is not diminished.

We know full well that the United States are a great and powerful people; but we are persuaded, also, that they are just and magnanimous. Your Government sustains a high character among the nations of the earth, and we cannot believe that her course towards the unhappy aborigines of this country will be such as to leave a blot on her history to detract from the admiration of future times.

We are, respectfully, your friends and brothers,

General Humming Bird,	Lewis Perry,
Nettuck-a-chee,	P. P. Pitchlynn,
Ah-che-la-tah,	Joel H. Nail,
E-a-ho-ka-tubbee,	M. Foster, jun.,
Red Dog,	Israel Folsom,
Hope yi Hornwah,	J. L. McDonald,
John Garland,	

Selectmen, acting as commissioners on the part of the Choctaw Council.

To Generals WILLIAM CLARK, THOMAS HINDS, and JOHN COFFEE,
Commissioners of the United States.

General Coffee then remarked, that some of the statements contained in the answer of the nation were incorrect. He was one of the commissioners who concluded the treaty made at the Choctaw trading-house, and that the intention of the Government in holding that treaty was merely to quiet the Choctaw claim to a tract of country, the title to which the Government had already acquired from the Creeks. That the Government only intended to prevent a difficulty from taking place. As a proof that the Government considered the country then treated for as belonging to it, no reservations were permitted to be made, and the commissioners did not grant a single reserve. The fact that the Tombigbee may have been spoken of as a good natural boundary, is not denied; but as to its being urged as a reason for the cession, it is not the fact. He would only say, in conclusion, that his individual opinion was, that the President would never again attempt to hold another treaty with this nation.

The commissioners, at the request of Major Mitchell and Captain Barney, presented their claims against the Choctaw nation.

Governor Clark having previously demanded of the Choctaws satisfaction for several murders committed by Choctaws upon the Delaware nation, Colonel Daniel Folsom at this time addressed Governor Clark. He told him that, by mistake, some of his warriors had killed some of the Delawares, who were their grandfathers. That he regretted it, and the nation regretted it. That there had been war for a long time between his nation and the Osages; and that the warriors had killed the Delawares for Osages. After they had found their mistake, they threw away their scalps, and returned home without any honors. That, as Governor Clark was the father of all the northern tribes, he wished to send by him to the Delawares a token of regret and friendship; and hoped that he would settle the cause of quarrel between the two nations. He desired Governor Clark to take charge of a roll of tobacco and a strand of beads, and give them to the chief of the Delawares, and trusted that the Delawares would receive them; and that all the paths between them would be made white, and that they may be sufficient to restore peace and friendship. The truth, he said, required but few words, and he had spoken the truth.

Governor Clark replied, that he received the token sent by the Choctaws to the Delawares with pleasure; and he was happy to learn that the deed complained of had been committed by mistake. It was likely to have caused the most distressing consequences; and, but for his interference, much difficulty would have occurred. He had hoped that it was a mistake, and had, therefore, prevented the Delawares from avenging the murders. The Delawares, he said, are my children, and the death of their people gave me much pain and dissatisfaction; but he had hoped that the murders could be explained when he came among the Choctaws, and had therefore restrained his children the Delawares. The Delawares will do whatever I tell them. I will give the nation this token of peace, friendship, and reconciliation; and can now assure the Choctaws that it will be received by them in full satisfaction for the injury they have sustained.

He further observed, that, as war had for so many years raged between the Osages and the Choctaws, he would now require of the Choctaws to send to the Osages the pipe of peace. This was absolutely necessary, on account of the unfortunate occurrence just alluded to. When he first got charge of the Osages, they were a desperate and abandoned tribe. They were now much civilized. The Choctaws are enlightened, and must offer them peace. It would be an act of magnanimity on their part, and it would afford him the highest satisfaction to be instrumental in bringing about a peace. He loved all the red skins, and wished universal peace to be established amongst them. Part of the Choctaw nation were now under his protecting wing; but he felt as anxious for the prosperity of those here, as for that of those over whom he was a father and protector.

The business of our mission, he remarked, is now concluded. You have said *no* to every thing we have offered you. It now only remains for us, as commissioners, to inform your father the President of the result. To him belongs the right to take such further steps as the welfare of the nation requires. He regretted that the Choctaws differed so widely in their views from their intelligent white brothers. They surely did not recollect the situation of their nation at the close of the revolution. The British nation considered the Indian tribes as mere tenants at will. They grant away the lands they live on, without asking it of the natives. All this country was granted to Georgia. The Spanish nation do not consider the Indians as having any title to lands. By the revolution we claim, by right of conquest, all the rights which the British nation had to this country. We have the right. But our people are magnanimous, as you have said; but when our national safety requires it, all other considerations must yield to the force of necessity. This is one of the weakest points, and the preservation of our country does require that this country must be populated. It will be impossible to permit this valuable point to remain much longer undefended, and unprovided with the necessary means of giving protection to the South. He yet hoped that he would have it in his power to promote the welfare of the whole Choctaw nation. He further observed, that he would like to be the bearer of the pipe of peace from the Choctaws to the Osages; or, if this nation would send a delegation with him, he promised to do every thing in his power to aid them in their mission.

General Coffee remarked, that he hoped the Choctaws would take the advice of Governor Clark. He advised them as a friend to send a peace talk to the Osages. Governor Clark had spent a long life in doing good among the red people. He was like a father to them. It was in his power to do whatever was best to promote their

interest. He loved all the red skins, and had now offered a very valuable service to the Choctaws. He could conclude a permanent peace between the two nations, and he hoped that the Choctaws would send by him to the Osages the pipe of peace.

The council having finished all the business, it was broken up; and the United States commissioners and the leading members of the council shook hands with one another in token of friendship.

[NOTE.—The commissioners feel constrained to remark, that there were several respectable and intelligent half-breeds, who attended the treaty, who were in favor of accepting the proposals made to the nation for a cession of the Choctaw lands east of the Mississippi. Mr. Jesse Brashears, who was appointed one of the selectmen who acted as commissioners on the part of the nation, withdrew himself from their committee, on account of the violent hostility which was manifested towards him for having expressed himself friendly to a cession. Mr. John Pitchlynn, Mr. Alexander McKay, and several other well informed half-breeds, used every prudent means to persuade their nation that it was to their interest to accept the proposals made to them by the commissioners. And many others, no doubt, approved highly of the terms, but were deterred from expressing their sentiments by the overbearing conduct of the majority.

At a private council of the nation, held in the night, to ascertain the voice of the people upon the proposals which had been made to them, there were present a number of white men, among whom was the contractor, Mr. William Easton, when Mr. David Mackey, a half-breed, attempted to express his views in favor of a cession. Mr. James L. McDonald then rose, and observed, that Mr. Mackey would not be allowed to speak; and Mr. Mackey was accordingly silenced by the order of the council.]

THURSDAY EVENING, *November 16, 1826.*

This evening the council met, and invited General Clark to attend. The pipe of peace and the tobacco were then handed by the pipe-bearer to the five principal warriors, and by them to the chiefs and to Colonel David Folsom, who made a peace talk to Governor Clark, and presented him with the pipe and tobacco, and requested him to give them to the Osages, and make to them a peace talk for the Choctaws, their uncles. That they now buried the sharp hatchet under the ground, and wished every thing to be made white between the Osages and his people. That his nation never had made an effort to obtain peace with the Osages; but they now took the talk of their white brothers, and hoped that a permanent peace would be concluded. That they relied altogether on Governor Clark, and would trust the mission entirely to him. That when a peace shall be made, their people west of the Mississippi will be able to ramble over their hills and along their streams in safety. They wished to be at peace with all; and it was now truly a happy thing to conclude a peace with their old enemies. The pipe which was now presented was made by a native Choctaw, who would give it to Governor Clark, to make all things white between them and the Osages.

Governor Clark replied, that he received the pipe with pleasure. That he knew he would be able to effect the peace now proposed. That he would take down the talk of Colonel Folsom, and give it to the agent of the Osages, and send with it a peace talk of his own; and, after the peace was made, he would send the result, in writing, to Colonel Ward and Captain McClellan, the agents of the Choctaws. That he hoped the chiefs would compel the warriors to be at peace, and bury the tomahawk. That all the northern tribes were alive and on the watch, from the late murders which the Choctaws had committed. That the Shawanees, Piankeshaws, Weas, and Peorias had said, if these Choctaws will come over and kill the Delawares, who are at peace with them, they may come and kill us also. He would now be able to put all this business at rest. The candid and prompt manner in which the Choctaws had come forward and offered peace and explanations, would enable him to bear testimony to their sincerity and truth; and he knew it would be in his power to make the hearts of all his red children glad, and spread quiet and joy among them.

All the war chiefs then shook hands with Governor Clark, and sent the peace talks to the Osages. Governor Clark took leave of the council, by repeating his wishes for the peace, happiness, and prosperity of all the red skins as well as of the Choctaws.

The foregoing is a correct copy of the proceedings of the commissioners during the negotiations with the Choctaw nation of Indians.

WILLIAM CLARK,
THOMAS HINDS,
JOHN COFFEE.

Attest:

WILLIAM S. FULTON, *Secretary to the Commissioners.*

SIR:

TREATY GROUND, CHICKASAW NATION, *November 2, 1826.*

Pursuant to the instructions contained in the appointment from the War Department, under date of the 24th of May last, directed to General William Clark and the undersigned, as commissioners to hold treaties with the Choctaw and Chickasaw nations for a cession of their lands, a meeting of the Chickasaw nation and the undersigned, as commissioners on the part of the United States, was held at the council-house in said nation, commencing on the 16th of October, and ending this day; during which time, we endeavored to explain to the nation the policy and views of our Government for wishing to remove them west of the river Mississippi, and the many advantages that would result to their nation by such removal.

They were offered lands on the west of the Mississippi, in exchange for their lands here, with great additional compensation; or that the United States would purchase a part of their country here, and pay them a liberal price for it in money, by instalments, with various other valuable considerations. But we failed in every proposition that was made them, or which we felt authorized to make under our instructions. The nation in council most positively determined that they would not sell or exchange their lands, or any part of them. They alleged that they are here on the land of their fathers, and that they love their land, and cannot leave it. They offer various reasons for holding their country here, and never to part with it; all of which are set out and fully stated in the journal of our proceedings; as well, also, as our specific proposals to the nation, a copy of which is herewith enclosed to you. In the course of the correspondence and communications with the nation, it was well ascertained that the Chickasaws had a very imperfect knowledge of the country west of the Mississippi, and which had been offered them in exchange for their lands here. It was therefore thought advisable to send out an exploring party of the Chickasaws, to view and examine the country well, and report to the nation; under a belief that, after having a full knowledge of the country, the nation would be willing to exchange and remove. As an inducement to this course, it was proposed that they should send four Chickasaws, and the Government would send with them an agent, who should accompany them the whole route, and pay all expenses of the whole party; and to pay the four Chickasaws for their time two dollars each per day, for the whole time they should be employed; and, strange as it may appear, after two days' delibe-

ration on this proposal, it was rejected by the nation: thus determining that they would neither now nor hereafter ever cede to the United States any part of their country.

Among the causes that contributed to the issue of the negotiation, we respectfully submit the following as, in our opinion, having had much influence. There exists in this nation a resolution of the chiefs, that no person, except one of their own blood, shall offer for sale any merchandise within the limits of the nation; which has thrown the whole business of the interior into a few hands, thereby creating a monopoly to the few who have means to draw into their coffers a great portion of the surplus moneys that come into this nation. The influence that moneyed capitalists have, in all countries, is visible and great; but, in the midst of superstition and ignorance, such as exist here, it is reasonable to suppose that it is much greater than in more enlightened communities. It is, therefore, believed that a few half-breeds, who enjoy this monopoly, and who have been educated and are more enlightened, have great influence with these people, and that it has been used to keep the nation together, for their own benefit and interest.

The special agent, Colonel John D. Terrell, seems to have been active and zealous in communicating with the chiefs and leading men of the nation, endeavoring to prepare their minds for a cession of their lands. But it seems to have had no other effect than to prepare them for an organized opposition to the views of Government, through the influence before observed. The absence of General Hinds from this State, and the great distance of the residence of General Clark from the scene of operations, prevented a consultation on the proper time for holding a treaty. The agent of the Chickasaw nation reported it impracticable to subsist the Indians embodied, until their crops of corn were matured for bread-stuffs, and that they would not leave them until they were gathered in and secured, lest in their absence they might be destroyed. These were the reasons that delayed the meeting until the time that was appointed.

The knowing and managing ones in the nation seemed to anticipate the Government in offering reservations of land to cover the improvements of such as wished to remain on them and become subject to the laws of the United States. To prevent such from agreeing to the cession, they caused resolutions to be entered into by the nation in council, that no person should be allowed a reservation, in case a cession was made, under a severe penalty. They seemed encouraged in that course of proceeding by the late transactions between the United States Government and the Creek nation, and the murder of General McIntosh, as that transaction was frequently referred to by individuals, and justified. General Clark informs us that he had been detained at St. Louis, engaged in official business, until the 15th day of October, when he embarked on board a steamboat for the Chickasaw Bluffs. The boat grounded, and lay seven days, which detained him on his journey until the 31st October, and too late for him to take part in the negotiations with this nation.

We have the honor to be, sir, with great respect, your obedient servants,

THOMAS HINDS,
JOHN COFFEE.

Hon. JAMES BARBOUR, *Secretary of War.*

A journal of the proceedings of the commissioners appointed to hold treaties, on the part of the United States, with the Chickasaw and Choctaw nations of Indians, at McLish's, in the Chickasaw nation, six miles eastwardly of the Old Agency; this being the place appointed by the Chickasaw Agent to hold the Chickasaw treaty.

SUNDAY EVENING, October 15, 1826.

General Thomas Hinds and General John Coffee arrived at this place, where they met the Chickasaw agent (Major Benjamin F. Smith) and the contractor, (William Easton, Esq.,) who had arrived before them. General Hinds and General Coffee (the commissioners) appointed William S. Fulton secretary to the commissioners, who had been nominated, and came from Florence, in Alabama, for the purpose.

The agent informed the commissioners that he had very lately been advised that the chiefs of the nation had changed the place of meeting from the one they then occupied to the National Council-house, distant about twelve miles; but he (the agent) was unwilling to remove, as the chiefs had first agreed to meet at McLish's; and, in consequence of this agreement, this place had been appointed for the purpose, where the contractor had concentrated all the provisions for the commissioners and rations for the Indians.

MONDAY MORNING, October 16, 1826.

The agent left the commissioners, and went to the council-house, to meet the chiefs, and endeavor to remove them to the place first appointed. In the evening, he sent a messenger to the commissioners, informing them that the chiefs had not arrived at the council-house.

TUESDAY, October 17, 1826.

The old Chickasaw chief (Captain Sealy) came to see the commissioners. They requested him to ride, in company with their secretary, (William S. Fulton,) to the council-house, and see the agent and the chiefs, and determine on the place for holding a treaty. When they returned, in the evening, they informed the commissioners that it had been determined that the treaty would be held at the council-house.

WEDNESDAY MORNING, October 18, 1826.

This morning the commissioners paid their bill at McLish's, amounting to \$45, and ordered the contractor to remove their supplies, and the rations for the Indians, to the council-house, (distant, by the wagon road, about fifteen miles.) The commissioners removed themselves to Levi Kemp's, one and a half mile from the council-house, and lay all night.

THURSDAY MORNING, October 19, 1826.

The commissioners pay their bill at Kemp's, amounting to \$15 50, and go to the council-house, the place fixed for the negotiations with the Chickasaws; but few of the Indians had come in. The chiefs present inform the commissioners that their people will be on the ground in a few days.

FRIDAY MORNING, October 20, 1826.

The Indians come slowly in. Supplies arrived, and rations issued to the Indians, with back rations. (The commissioners are engaged in making preparations for business.)

SATURDAY MORNING, October 21, 1826.

Most of the chiefs have arrived. A prospect of commencing business in a day or two.

SUNDAY MORNING, *October 22, 1826.*

The chiefs Tesh-a-mingo, Pi-si-at-anst-tubia, Captain McGilvery, Captain Sealy, Levi Colbert, and the King, all present; all the secondary chiefs also present. Pi-si-at-anst-tubia in very bad health; confined to his camp. In the evening, the chiefs informed the commissioners that in the morning the chiefs, headmen, and warriors of the Chickasaw nation would convene in council, and would, when convened, receive the first talk of their brothers the commissioners.

MONDAY MORNING, *October 23, 1826.*

At 11 o'clock, the nation met in council: Present, the King, Levi Colbert, Martin Colbert, J. McClish, Em-mubbia, and Ash-ta-ma-tut-ka; commissioners Teshamingo, Captain McGilvery, Captain Sealy, absent. Pisi-at-anst-tubia, the chiefs, headmen, and warriors of the different districts of the nation, also present.

The council then informed the commissioners that they were prepared to receive their talk. The commissioners, accompanied by their secretary, then went into the council, when they delivered the following talk, which was interpreted to the council by Malcolm McGee, the interpreter appointed by the commissioners:

FRIENDS AND BROTHERS:

We have met you here in council, by order of our great father the President of the United States. Like a kind and good parent, he is ever mindful of the best interests and true happiness of all his children. He has the same feelings of friendship for his red children that he has for his white children, and is always desirous of promoting alike the interests and happiness of both. By his long experience and sound judgment, he knows what is best for all of us. When, therefore, he offers his advice and counsel, he expects all his children to receive them as coming from their father, their friend, and protector. He wishes all his children to prosper, increase, and be happy, until the end of time. In the same friendly spirit, he expects them to consider well, and in good faith to receive, the talk he has sent them by their brothers the commissioners. We will now proceed to state to you the talk of our great father the President; after you have taken time to reflect upon his proposals, as explained to you by his commissioners, you will give a candid and respectful answer to them. This he expects as due from affectionate and dutiful children to a kind and indulgent father.

You have been apprized of the object of holding this treaty. It is the policy and interest of our Government to extinguish the Indian title to all lands on this side of the Mississippi. We must have a dense and strong population from the mouth to the head of this father of rivers. The security of our southern frontier requires this; and, until it be accomplished, the Government cannot successfully defend the country, nor protect its citizens. All the southern tribes of Indians must be prepared, sooner or later, to witness this state of things. They are in progress, and have been for many years, and it is useless for them to expect it will be otherwise. If, however, they should be opposed to this policy of our Government, and prolong the time of its consummation by throwing obstacles in the way, they must be prepared to expect the speedy adoption of the only alternative which is left to the Government to protect its citizens. If the different tribes are permitted to hold their lands on this side of the Mississippi, the laws of the United States must be extended to the Indian country, and the Indians, as well as the whites living among them, be subjected to their operation. Which of these alternatives will our red brothers, the Chickasaws, choose? Would it not be wise in them to embrace the present opportunity of placing themselves in a situation more advantageous and desirable than that which they at present occupy?

Your father the President proposes to give his Chickasaw children a fine tract of country on the other side of the Mississippi river, of *equal extent*, in exchange for their present lands. We know that you are attached to the country of your birth, and the lands in which the bones of your fathers are buried; but if the United States offer you one of equal or greater advantages, and are willing to pay you liberally for your improvements, would not the nation best consult its real interest by making the exchange? By removing to that country, you will be freed from the intrusions and interruptions of your white brethren. You will then be enabled to live in peace and quietness; nor will you be ever asked for any portion of the lands which will be given to you. The Government will guaranty to you and your children forever the possession of your country, and will protect and defend you against all your enemies. Your father the President will also, in addition to what has already been promised, defray all expenses of removing you to the country on the west side of the Mississippi, and furnish you with all things necessary for your comfort and convenience, should you think it your interest to accept his liberal offer. We, your brothers, know that many of the Indian tribes have often resolved to sell no more of their lands; but have you not as often noticed that these very tribes have been compelled to relinquish that determination, from the force of surrounding circumstances? They have been obliged, from the rapidly increasing numbers of their white brothers, to yield to the pressing solicitations of their father the President, who was constrained to ask them for more of their lands: in this way their limits have been greatly reduced, and their nations almost annihilated. These things are well known to the most of you; and this will, at some future period, be your own situation, unless you should avoid it by accepting the offer which is now made to you by our father the President. The lands which are offered you are rich, well watered, and abound with game of all descriptions. If you think it will ever be your interest to exchange your country for lands on the other side of the Mississippi, you ought not to let the present opportunity slip. By acceding to the wishes of the United States at this time, you will be able to make a better selection than at any future period. When once our red brethren shall all be settled together on the other side of the Mississippi, it will be more fully in the power of our Government to administer to their wants and necessities, and to protect and defend them against their enemies.

We, the commissioners of our common parent, the President, are particularly anxious that you, his Chickasaw children, shall seriously reflect upon this subject, and give to it that attention which its importance so much merits. Until then, we shall forbear entering into particulars, resting satisfied in again assuring you that the Government of the United States is most liberally disposed towards you, and will pledge to you its faith most rigidly to adhere to all engagements which it may make with you.

THOMAS HINDS,
JOHN COFFEE.

To the principal Headmen, Chiefs, and Warriors of the Chickasaw nation.

A copy of this talk was handed to the headmen of the nation, who requested until the next day to return their answer. The council adjourned.

TUESDAY, *October 24, 1826.*

At eleven o'clock the council again met; the commissioners, being notified, attended accordingly; when Mr. Martin Colbert, on behalf of the Chickasaw nation, returned the following answer to the talk of the commissioners:

To our beloved brothers, the Commissioners of the United States:

We have received the talk of our father the President of the United States, by the hands of our brothers the commissioners on the part of the United States. We find it is the wish of our father to exchange lands with us,

lying on the west side of the Mississippi river; which we are very sorry to hear, as we never had a thought of exchanging our land for any other, as we think that we would not find a country that would suit us as well as this we now occupy, it being the land of our forefathers, if we should exchange our lands for any other, fearing the consequences may be similar to transplanting an old tree, which would wither and die away, and we are fearful we would come to the same. We want you, our brethren, to take our talk. We have no lands to exchange for any other. We wish our father to extend his protection to us here, as he proposes to do on the west of the Mississippi, as we apprehend we would, in a few years, experience the same difficulties in any other section of the country that might be suitable to us west of the Mississippi.

Friends and brothers: we know that our white brothers are crowding upon us daily, which we know is not just. We further consider that there are a number of nations west of the Mississippi that have been enemies to us as well as to our white brothers. It would be as much impossible to unite us with them as it would be to unite oil and water, and we have every reason to believe that those tribes that have left their country are not well satisfied; and, if that should be the case, we are fearful that those tribes will take satisfaction of us for injuries done by us as well as our white brothers. We are a small tribe, and unable to defend our rights in any country.

Our father the President, we know, has sound judgment; is calculated to choose for us, his ignorant children, and has given us our choice; and we, being ignorant children, are likely to choose the worst of the two evils.

Our father the President wishes that we should come under the laws of the United States; we are a people that are not enlightened, and we cannot consent to be under your Government. If we should consent, we should be likened unto young corn growing and met with a drought that would kill it all.

We hope our brothers the commissioners will take our situation into serious consideration; they know we are not qualified to become citizens of the United States, and we are ignorant of the pressure of laws.

LEVI COLBERT,
EMMUBBIA,
ASH-TA-MA-TUT-KA,
J. McCLISH,
M. COLBERT.

The answer was handed to the commissioners; and the council was addressed by General Hinds, who promised to give them another talk on the next day. He expressed the disappointment felt by the commissioners at the manner in which the talk of the President had been received by his red brethren; they had not returned such an answer as their father the President had a right to expect from his Chickasaw children. He informed the council that all communications which are made will be given in writing, and copies forwarded to their father the President for his consideration. It was agreed by the nation to submit their communications in writing. The council then adjourned.

WEDNESDAY, *October 25, 1826.*

The council met, agreeably to adjournment; and the commissioners being notified that the council was ready to receive their communication, they went into council, when the following talk was delivered to them by the commissioners, and interpreted to the council by Malcolm McGee:

Friends and brothers: The commissioners of our father the President have received the answer of his Chickasaw children to their talk of yesterday, and are sorry and disappointed to find it was not such a one as their father the President had expected from his Chickasaw children. The commissioners herewith send you a talk of our late father President Monroe to the Congress of the United States. This talk will prove to you that measures have been for some time in progress, by which all our Indian brethren will ultimately be removed from this to the other side of the Mississippi river. You will also see that this plan of the Government is not new, nor hastily adopted; it is the result of mature deliberation, and will not be relinquished until finally accomplished. The objections of our red brethren to the policy of our Government cannot prevent it. Already have your neighbors and relations, the Creeks, Cherokees, and Choctaws, secured to themselves a country beyond the Mississippi, where their names and their nations may be preserved. Would it not be wise in you to follow their example, whilst it is yet in your power, and before it is too late to do so with advantage? You will be then, as you are now, their neighbors and friends. Having a common interest, you would be able to make a common cause, and mutually defend one another against all your enemies; in addition to this, you will have for your protection the faith of the Government of the United States, pledged to you by the sacred seal of the treaty. We are also bound, by every feeling of brotherhood and a common interest, to secure you against the encroachments of your white brethren, and to defend you against your and our enemies. Are you willing to sit down in delusive security, and see your nation gradually diminish, and your people dwindle away, until the very name and language of a Chickasaw is forever lost? Your father the President is persuaded that this will be your fate, unless you join your red brothers on the west of the Mississippi. His wisdom and foresight, together with his ability and disposition to protect you, will enable you to guard against it, if you will, like dutiful children, receive his talk. Here, you have a country greatly too large for you, if you intend to depend upon the earth for a support, and entirely too small, if you intend to depend upon game for subsistence. If you wish to remain here and be civilized, you must contract your limits, and you must apply to the ground for support. When your people, who are now scattered over a wide surface, and far separated from each other, shall be brought together, and compelled to live near to one another, the march of civilization will then be rapid; industry will spread its blessings over your land; your population will increase, and you will speedily arrive at that state of improvement which your father the President so much desires. So soon as this is accomplished, his red children will be entitled to all the civil and political rights of his white children.

You say that to remove would be similar to transplanting an old tree, which would wither and die. The trees of the forest, and particularly the most useless trees, are most difficult of transplanting; but fruit-trees, which are more particularly designated by the Great Spirit for the nourishment and comfort of man, require not only to be transplanted, but to be nourished, and cultivated, and even pruned, in order to bring forth good fruit.

You say you are attached to the land of your fathers: this is right; it is natural that you should be so. But how seldom does it fall to the lot of your white brothers to leave their bones in the land of their fathers! We may repine at it, and regret it; but, such is the ever-changing condition of our people, that all of them submit to their lot. A wise man will cheerfully submit, when he is convinced that the change, although disagreeable to him, is for the benefit of his country and his children.

You say you are a small nation, and, by removing, you will be more exposed to your enemies. From all dangers from this quarter the United States will be bound to protect you; the strong arm of our Government will protect all the tribes on the west of the Mississippi, and keep them at peace with one another. Our Government has protected all the Indians who have removed, and will feel doubly bound to defend the Chickasaws, who have never shed the blood of a white man. But should you still be opposed to exchange your lands here for a country west

of the Mississippi, your father the President has directed his commissioners to say to you that the interest of his white children makes it his duty to call upon you to sell him a part of your land. His white children never will be satisfied until they have a communication, through their own settlements, between the city of New Orleans and the State of Tennessee. In the late war, when the British invaded Louisiana, our white brothers of New Orleans and of Natchez were compelled to call upon their brothers in Tennessee and Kentucky to defend them. The distance was so great, and the difficulties of the march so numerous, that the country of the Mississippi was, for a long time, left exposed; our towns would have been burnt, our property plundered, and our country lost, but for the timely and miraculous relief by our brothers of Kentucky and Tennessee; they encountered every difficulty to give security to our southern border. This state of things must not again occur. The wide country between Mississippi and Tennessee must be settled; we must have men near at hand, to defend our seaports and our southern white brothers. You have more land than you can use; your white brethren have to protect and defend their own, and the country of their red brothers; they have to defray all the expenses of the Government in peace, and to feed and support their armies in time of war. The only advantage the Government derives from its red children is, to get occasionally some of their lands at a fair and reasonable price. By refusing to sell us lands, you withhold the only means in your power of contributing to the support and prosperity of the Government of the United States. Should you obstinately persist in this, your father the President will be compelled to do that which you ought most willingly, and of your own accord, to do: you must see the necessity of selling a part of your lands, so as to enable us to connect our lower and upper countries. If our Choctaw brothers will act towards the Government with that liberality which we have a right to expect, we shall be enabled, with what we calculate on getting from you, to accomplish this most desirable object. Your father the President says you must sell to your white brothers that part of your land which you can most conveniently spare, and which their necessities compel them to have. It is not proposed by your father the President to take any portion of your country, without giving you ample compensation; he would not defraud you; and your brothers the commissioners would scorn to take advantage either of your weakness or your necessities. They are resolved to deal fairly and honorably with you, and to pay a full and liberal value for your lands, in money, for the benefit of the whole nation; and, in addition to this, will give reservations, with good titles, and of reasonable sized tracts, to such of the natives as live in that portion of the land which may be ceded to the United States. To obtain the objects of your father the President, it is proposed that you sell us a part of your country on the Tombigbee river and its waters, and adjoining Monroe county, of a size sufficient to form a judicial district, and to be bounded by such lines as we your brothers, and your chiefs and headmen, may agree upon.

THOMAS HINDS,
JOHN COFFEE.

General Coffee then addressed the council. He stated to his red brothers that they were now called upon to act on the most important question for their future welfare ever submitted by their father the President to their consideration. It required them to weigh well the consequences, before they acted. He told them he felt most deeply interested in the decision they were called upon to make. Their father the President felt for them all the solicitude and anxiety for their future welfare which he felt for his white children. He said their father the President was willing to treat with them upon the most generous terms, and felt disposed to make as good a bargain for their benefit, as he would for the benefit of his white children. He stated that the commissioners, as well by the instructions of their father the President, as from the strongest feelings of friendship and concern which they themselves felt for them, would give them, in exchange for their lands, the full value in lands and otherwise for the lands which they wished to purchase. He told them that, in addition to giving them a country west of the Mississippi, of equal extent with that which they now hold, which they might choose, after taking as much time as they wanted to make the selection, and paying all the expenses of exploring the country, and furnishing an agent to assist their people in viewing the land, they would also give reservations, with a fee-simple title, to those who had improvements and who wished to remain, and to such as the nation considered entitled to the same, as heads of families or otherwise; which would be secured to them and to their heirs forever. That they might hereafter sell the same, and, if they preferred it, afterwards remove to the country which would be ceded to them west of the Mississippi; that, by complying with the wishes of his Government, it would be in their power to become real masters of the soil, which, being now held in common, was not the property of any of them, and thereby raise their children up to be truly heirs to the lands of their fathers. He told them that they could educate their children so as to make them valuable citizens, when his red brothers would soon be placed in a situation to become entitled to all the privileges of their white brothers. He said that the United States required this country, in order to have it settled by a dense population for the defence of the South; and, as it is the policy of this Government in time of peace to prepare for war, the State of Louisiana could not be properly defended unless a complete communication was obtained between the upper and lower countries. He told them that they well knew that, in the last war, the troops of Tennessee and Kentucky suffered materially in their march through the Choctaw and Chickasaw nations; that this country was necessary for the purpose of raising troops, as well as for contributing a part towards defraying the expenses of the State and National Governments. He told them that the offer which was now made to his red brothers was such a one as was calculated to benefit them to an equal or greater extent than any which would hereafter be offered them; that it was highly important to the Government of the United States to extinguish the Indian title to this section of country; and that, therefore, it felt disposed to give to its red children more than what would be considered a full compensation for their lands. He told them that he felt seriously impressed with the importance of the decision they were now about to make, and urged them not to make up their minds until they had fully investigated all the consequences to which their determination must inevitably lead. He concluded by solemnly assuring them that their anxiety arose from the conviction that the question they were now called upon to determine was not only important to them, but that it became doubly important from the consideration that there were involved in it the dearest interests of their posterity.

The council then adjourned.

THURSDAY, October 26, 1826.

The council was not convoked this day; the answer of the Indians to the first talk of the commissioners not being prepared.

FRIDAY, October 27, 1826.

This day, at eleven o'clock, the nation met in council; the commissioners, being called upon, attended; when the following answer was read in behalf of the nation:

To our beloved brothers, the Commissioners of the United States:

Friends and brothers: We have taken your talk of yesterday into mature consideration. We are sorry to hear that our talk has so much disappointed our father the President, and our brothers the commissioners. As

or the talk of the late President Monroe, we have nothing to reply. The object of the General Government we cannot understand. It appears from what you say, that all the objections which we, his red children, can make, will have no weight with the policy of the General Government. You say that our neighbors and friends, the Creeks, Cherokees, and Choctaws, have secured themselves a country beyond the Mississippi, where their names may be preserved forever. Have not our father the President and our white brothers the same power there as they have here? We would always like to be neighbors to our brothers the Choctaws; but, thinking it would not be to the advantage of the nation to cross the Mississippi, we are resolved to remain in our native country, where we are freed from our red enemies. We have always looked up to our father the President for protection, as dutiful children; we have every feeling of gratitude that children can have to a father; we have always been in readiness to assist our white brothers as well as our own. You say, "Are you willing to sit down in delusive security, and see your nation dwindle away until the name of Chickasaw is forever lost?" No, we are not; but if it be the will of the Great Spirit that we should lose our name and language, we must submit. We know the wisdom, foresight, and abilities of our father the President are great; therefore we look up to him for his protection. You say that the country we have is greatly too large for us. We have always taken the talks of our father the President heretofore, and reduced our lands to very small bounds, not more than what will support us comfortably; we, as well as our white brothers, have a rising generation to provide for. We have abandoned the idea of hunting for a support, finding the game will not do for a support. Our father the President introduced missionaries to come amongst us to advance us to a state of civilization; we accepted them, and are making all the progress that people can; we have also been providing means for the support of missionaries, to enable us to go on with the education of our children, and to have them enlightened. Industry is spreading amongst us; population is increasing; we hope soon to arrive at that state of improvement that is so much desired by our father the President; we consider ourselves as the tree of the forest, but not of the useless kind. We are a fruitful tree, and have provided means, by the assistance of our father the President, to cultivate and improve it, in order that we may bring forth good fruit. You say it is right that we should be attached to the land of our forefathers, but "how seldom do we see our white brothers leave their bones in the land of their fathers!" We can only account for that in this way: that our white brothers appear always to be desirous of changing their condition. It is not the case with your red children; they have no desire of changing an old friend for a new one; we are satisfied to remain here for the support of our children. We know that the United States have always protected us, and that the strong arm of your Government has extended its protection west of the Mississippi for the peace and happiness of our red brethren; we also have every reason to expect that the Government of the United States feel themselves bound, by every tie of gratitude, to defend and protect their brothers the Chickasaws, as we have never shed the blood of any of our white brothers. Therefore, we feel ourselves freed from any danger of our red enemies where we are, and wish not to incur any expense to our father the President. You say that our father the President has directed our brothers the commissioners to ask us for more lands. We are sorry to hear that our white brothers will trouble our father the President so much, and will not be satisfied with the present communication that they enjoy. They already have a free communication through their settlements, except a very small strip of land that crosses them through our brothers the Choctaws. If the city of New Orleans or Mobile should ever be invaded by any foreign Power, you are not situated as you were in the late war with the British. You now have a free communication from Mobile or New Orleans to Tennessee or Kentucky, so that our white brothers never will have to experience the same difficulty that they encountered in the late war. And the Government of the United States has a very strong arm extended to the protection of their southern borders. It is not the wish of your red brothers that this state of things should ever occur again. We know that our father the President is at great expense, either in time of peace or war; and the only advantage, you say, that the Government derives from his red children is, to get occasionally some of their lands. We think that our father the President cannot reflect much upon his children the Chickasaws; we have always dealt very liberally with him; we have reduced ourselves to very small bounds, and have not more than we can reasonably do with. We are sorry that we cannot assist our father; but so it is, that we are so reduced that we cannot. Our father the President must exercise his own judgment; we are his children, and are at the discretion of our parent; we, your Chickasaw children, are weak in our judgments; we cannot see the necessity of selling any more of our lands to our father the President. Our brothers the commissioners say that our father the President has directed them to say that we must sell a part of our country that we can most conveniently spare. We, your Chickasaw children, cannot see any land that we can spare, nor yet do we see the necessity of our white brothers to compel them to have it. We, your Chickasaw children, have no idea that our father the President is disposed to take any advantage of his Chickasaw children, nor our brothers the commissioners; we have every confidence in them, that they will discharge the duty of a father and brothers; we have no doubt that our brothers the commissioners are disposed to deal fairly and honorably with us. It is true we are poor for money, but we love our lands better.

LEVI COLBERT,
EMMUBBIA,
ASH-TA-MA-TUT-KA,
J. McCLISH,
MARTIN COLBERT.

TREATY GROUND, *October 27, 1826.*

After the address was read, General Coffee said a few words expressive of his astonishment at the headstrong obstinacy of his red brothers; he said that he feared that, at some future day, they would bitterly lament the existence of that influence by which he believed them to be at present so much deluded. He said that it only remained for the commissioners to inform their father the President of their unqualified refusal; and in order that every thing might be brought fairly before them, which would be submitted to the approbation of their father the President, the commissioners would offer their red brothers another talk to-morrow.

General Hinds then called the attention of the council to the peculiar situation of the State of which he was a citizen. He mentioned that more than one-half of the country within its chartered limits was still subjected to the Indian title, and was a place of refuge for criminals, as well as other violators of the laws; that the growth and prosperity of his State were greatly retarded by the occupancy of so much of its territory by the Indians; that his State, which, but for this circumstance, would have been at this day one of the most flourishing in the Union, was thereby kept down, its revenue materially injured, its population retarded, and its weak and exposed situation continued. He told his red brothers that ours was a Government of written laws, and that all the power of the Government was in the people; that their father the President was bound to obey the wishes of the people, and that his red brothers might be assured that the people would not permit the present state of things to continue much longer. He told them that the subject of extending the laws of the State of Mississippi over the Indian country within her chartered limits was brought before the Legislature of that State at their last session, and that the investigation of the subject had been deferred partly for the purpose of ascertaining what could be done by the Genera^l.

Government, by negotiations with the Indians. If these negotiations failed, the Legislature of Mississippi would again take up the subject, and, in all probability, the laws of the State would be extended throughout her chartered limits at the next session. He believed that the determination expressed by his red brothers had been hastily formed, and he wished them to reconsider the subject. He desired them to look beyond the present moment. He told them that they ought not rashly to withdraw themselves from under the protection of our Government; that but for it they would have been long since destroyed. If they obstinately persisted, the States interested and the General Government would have to adopt such measures as they deemed necessary for their own advancement and security, and which, he feared, would operate most seriously upon the Chickasaws. He concluded by observing that another talk would be offered them, and another opportunity afforded them to save themselves and their posterity from the dangers by which they were surrounded.

The council then adjourned.

SATURDAY, *October 28, 1826.*

Owing to the inclemency of the weather in the forenoon, the council did not meet until the afternoon. At 3 o'clock the council met; and the commissioners being notified, attended, and submitted the following talk, which was interpreted to the nation by Malcolm McGee:

FRIENDS AND BROTHERS:

TREATY GROUND, CHICKASAW NATION, *October 28, 1826.*

Your brothers the commissioners intended to have given you a short and final talk this morning. But they have been informed that very improper means have been used to defeat the objects of our Government, and to prevent you from making a treaty. It is possible that all the chiefs and people of the nation may not know of the existence of such improper practices. Your brothers have determined to inform you of what they have heard, that you may know that bad men live among you. If you do not love those men who threaten to destroy you for doing your duty, you can drive them from your nation. You ought not to permit men to live among you who give bad advice to your young people. Such men as advise their children to bad acts are your greatest enemies. They encourage your people to commit acts of barbarity, and destroy the growth of civilization among you. That man who can advise his own son, in cold blood, to commit murder, is not only a great enemy to his own people, but he is an enemy to mankind. Your brothers the commissioners herewith transmit to you a copy of a statement made to them by Walter Bunch, of a conversation which took place in his presence a few weeks since in this nation. If it does not surprise you, it ought, at least, greatly to shock you. If your councils have been at all influenced by such threats, we assure you, most solemnly, that nothing but a noble and magnanimous disregard of them can save you from destruction.

TREATY GROUND, CHICKASAW NATION, *October 28, 1826.*

Walter Bunch, who resides at the Chickasaw Bluffs, in the State of Tennessee, informs the commissioners that he was present at the house of old James Allen, a white man, long a resident, and who has a large family of children, half-breeds, (some of whom are grown,) in the Chickasaw nation, when a conversation took place at the house of said Allen, in the nation, about two or three weeks since, and in the presence of several men. The subject of conversation was the prospects of the approaching treaty: some of the company gave an opinion that the Indians would sell their land; when old James Allen remarked, that his son, George Allen, would kill the first chief that proposed to sell any of their lands, and that he (the old man) thought it right that he should do so. George Allen was present and heard the remark, and did not contradict what the old man his father said, but seemed willing that the impression should go out as his father had spoken.

WALTER BUNCH, his \times mark.

Witness: WM. S. FULTON.

General Coffee observed that this matter was submitted to the nation for their investigation; that it behooved them to ascertain the truth of this statement, and, if they found that there was a man among them who had used such means to intimidate the chiefs, he ought to be hurled out of the nation. The principal talk was then submitted to the council, and interpreted as follows:

FRIENDS AND BROTHERS:

TREATY GROUND, CHICKASAW NATION, *October 28, 1826.*

We have received your answer to our talk of Wednesday last, and perceive nothing like sound objections to the just and liberal propositions contained in the talk of your brothers the commissioners, in behalf of our father the President of the United States. Our Chickasaw brethren have long enjoyed the bounty and protection of our Government, and have been styled the most favored of all the Indian tribes. The humane and salutary measures adopted, and many years pursued, for the improvement of their condition, have increased their wealth, advanced their civilization, and greatly promoted their prosperity and happiness.

In every well-organized Government, the people are bound to contribute something for its support and their own protection. Our Chickasaw brothers are protected by the United States; they enjoy all the blessings of a government of laws; and yet they contribute nothing in return to its support. The citizens of the United States are compelled to discharge their obligations even to their red brethren; but they are totally exempt from the operations of our laws. Not only this, but their country affords a shelter to many of our own people, who take refuge in it to avoid their contracts and the penalties of the criminal law. It is neither reasonable nor just that this state of things should continue, and you deceive yourselves greatly if you calculate on a long continuance of them. The indulgence hitherto granted you by this Government was founded more on compassion for your ignorant, helpless, and unprotected condition, than any acknowledged political right upon either its bounty or protection. The condition of your nation has materially changed. You have accumulated much wealth, and considerably advanced in civilization; it becomes necessary, therefore, that the United States should change the policy heretofore pursued, and adopt a course better suited to your improved state, and more consistent with the rights and interests of your white brethren. The tomahawk and scalping knife must be laid aside for the scythe and pruning knife; the bow and arrow, for the plough; the wandering hunter must change his garb and his occupation for one more congenial with the pursuits of civilization. As you are no longer disposed to listen to the voice of your father the President, you must be prepared to receive such laws and regulations as the United States may think proper to introduce among you for the internal regulation of your affairs. What would be your condition if the Government were to withdraw its protection from you? Would not your country be soon filled with your white brethren, from whence it would be impossible for you to remove them? Our people are surrounding you on all sides, and increasing like the waters of some great river which has been dammed up. Beware lest the obstructions which at present restrain them should be

removed before you provide a place of refuge. The mighty torrent would overwhelm you, and your people and your country be lost forever. This is the most important subject ever presented to the consideration of the Chickasaws. Upon their decision hangs the destiny of their people to the latest generations. If they decide correctly, they may at some future day be a great and respectable nation. If it be their misfortune to make a wrong decision, as has been before said, their *name* and their *language* may be forever lost. Would it not be well, in so important a matter, (one that is fraught with great evil and much good,) to take the whole subject again under advisement? We fear you have not sufficiently weighed the subject; that you have not been sufficiently impressed with its importance. To assist in your deliberations, and for the information of the nation, the commissioners have prepared written propositions to accompany this talk, which they wish taken into serious consideration by the Chickasaw nation. We still hope they may be induced, after again reflecting upon the subject, to cede to the United States (if not the whole) a part of their lands, either on the Mississippi or Tombigbee rivers, as may best suit their own convenience. It is all-important to the State of Mississippi that there should be a *direct* communication between the upper settlements of that State and the settlements of the State of Tennessee, either along the Mississippi or Tombigbee. If our Chickasaw brothers will consent to sell to their father the President a slip of their country along either of those rivers, so as to enable the settlements of the two States to be directly connected, we will pay them liberally in money, besides granting reservations to such of the nation as may live on the lands ceded, upon such terms and in such way as may be agreed upon. The reservations will be made to them and their heirs forever, with the privilege of living on them or selling them, as they may prefer.

THOMAS HINDS,
JOHN COFFEE.

The following propositions are submitted to the consideration of the Chickasaw nation:

In the first place, the commissioners propose to give the Chickasaws a country on the other side of the Mississippi, of equal extent with theirs on this side, to be selected out of any of the lands (not given to others) belonging to the United States, lying north and west of the State of Missouri and Territory of Arkansas.

Secondly. They will grant reservations to such of the nation as may prefer to remain here, with good titles, and with the privilege of keeping or selling them, as they may choose.

Thirdly. All those who prefer moving on the other side of the river shall be paid the value of the improvements they may leave behind, to be valued by disinterested persons; and, in addition, will be paid all necessary expenses in moving, and provisions for one year, or an equivalent in money.

Fourthly. In addition to the above-named liberal propositions, the commissioners are willing to pay to the whole nation a large sum in money, by annuities.

Fifthly. To enable the Chickasaws to choose a good country, they promise to defray all necessary expenses which the commissioners of the nation and an agent of the United States may incur in exploring the country.

Lastly. As there will be much difficulty and loss experienced in removing stock from this to the country on the west side of the Mississippi, it is proposed by the commissioners that the United States shall compensate such of the Chickasaws as may be injured in that way.

THOMAS HINDS,
JOHN COFFEE.

General Coffee then addressed the council. He stated that, as the commissioners had been induced to believe that the voice of the nation had not been properly consulted or expressed in the answers which had been returned to the talks of the commissioners, they had been induced to bring the whole subject again before the nation. He wished them again to take the subject into serious consideration. The commissioners had drawn up distinct proposals to accompany this talk, which would enable the nation to see fully the views of the United States Government. The offers made were of the most liberal character; and he yet hoped they would be acceptable to the nation, when properly understood. He stated that the commissioners were here in the discharge of a trust required of them by their father the President. The difference of opinion between them and their red brothers should not destroy the harmony which had prevailed hitherto. The commissioners had met their red brothers as friends, and intended to part with them as such; but it would be highly pleasing to the commissioners if the nation would sell to them a part of their lands. He told them that their little children, who were now beginning to run about, when they shall have grown up, and find their nation declining, the worst habits introduced among them by mixing with the whites, and all the advantages of a wandering life taken away from them, they would exclaim, Oh, that our fathers had consulted our interest and happiness instead of their own! If they had, when it was in their power, provided a home for us, we would not be, as we now are, confined, tied down, and shut up within a narrow range, in no way suited to our nature; and our people would not be dying away like the leaves in autumn. Then, we should have had a country which we could always call our own; now, we are in no better situation than if we had no country at all. In a few years we shall all be gone, and the light of the Chickasaws will be extinguished forever. He concluded by remarking, that himself and General Hinds felt it to be their duty again to call the attention of the nation to the object of their mission. He hoped that the people and headmen of the nation would weigh well the subject before they finally acted upon it.

General Hinds remarked, that the commissioners were much dissatisfied at the determination expressed by the nation not to sell any of their lands. The obstinate refusal of the liberal offers of the United States appeared to him to be so unreasonable, that he was induced to believe that the offers of the commissioners had not been properly represented to the people. It is said that our red brothers are incapable of understanding the views of their father the President, or the nature of the offers he has made them. He stated that he was aware that there are many men in the nation, and particularly those who rule her councils, who do understand the full extent of the views of his Government, and the liberal character of the offers which have been promised to his red brothers. We have waited with patience, and have given those who are informed a long time to explain those things to the people. He believed that those who did understand them had not given the necessary explanations to the nation at large. They had taken upon themselves, by so doing, an awful responsibility; and at some future day, when the people shall become convinced of their error, of the injury which has been done them, and how much they were imposed upon by those to whom they had intrusted the management of this business, then will their bitter imprecations fall upon them, and they will be compelled to bewail the consequences of having obstinately persisted in their blind-sighted and ruinous course. The commissioners have now discharged their duty to their Government and to the Chickasaws. Let the nation beware lest it fail in its duty. If calamity shall hereafter fall upon this people, let the blame also fall upon their own heads.

The council then adjourned.

SUNDAY, October 29, 1826.

This day the nation did not meet in council, and no business was transacted by the commissioners.

MONDAY, *October 30, 1826.*

At 3 o'clock in the afternoon the nation met in council. The commissioners were notified to attend, and attended accordingly; when the following answer to the talk of the commissioners delivered on Saturday last was read by Mr. J. McClish.

TREATY GROUND, CHICKASAW NATION,

MONDAY, *October 30, 1826.*

FRIENDS AND BROTHERS:

We have received your answer to our talks on Saturday; we are sorry to hear that you cannot see any sound objection we have to our father's request. It is true that we long enjoyed the bounty and protection of our father the President, and have been so favored. When a parent has good dutiful children, it is natural to extend his protection for the improvement of their condition, to advance them into a state of civilization, and promote their prosperity and happiness.

You say that in every well-organized Government the people are bound to contribute something for its support. Have we not, your Chickasaw children, always received the talks of our father, and divided our lands with you, until the present? Look back, and see how far you have come! You say that our country affords a shelter to many of your own people—a place of refuge to avoid their contracts. We are sorry to hear that such an impression has gone abroad among our white brethren; if there are any such characters amongst us, it is not known to the nation.

You say that the indulgence hitherto granted us by our father the President was from our ignorant, helpless, and unprotected condition. We know that we are an ignorant people, and unenlightened; therefore, we hope our father the President will extend his protection to his ignorant children, and take them under his care. It is true that our nation are gradually advancing in a state of civilization, but not so much enlightened as our white brethren think. There is a very small portion of our people that have become enlightened; therefore, we cannot see the policy of the Government of the United States in changing the policy heretofore pursued. As for the tomahawk and scalping knife, we never have raised them against our white brethren; the bow and the arrow we are willing to exchange for the plough; and the hunting we have laid aside for the pursuit of agriculture and civilization, and are at all times disposed to listen to the voice of our father the President. You say, what would be our condition if the Government of the United States were to withdraw its protection from us? When children are rejected from their parents, they are generally in a deplorable state; but we hope that this will not be our case. We have to look to our father to still extend his strong arm of protection to us, until we are more enlightened and advanced in civilization. We know that this is a very important subject before the nation. We, the commissioners on the part of the nation, have to act agreeably to the voice of the people. We are desirous of promoting our rising generation into a state of respectability. We cannot act contrary to the will of the nation. They are determined on staying in their native country. Under these considerations, we can only say to our brothers the commissioners that they are still opposed to selling any more of their lands; consequently, we can do no more.

LEVI COLBERT,
EMMUBBIA,
ASH-TA-MA-TUT-KA,
J. McCLISH,
MARTIN COLBERT.

General Coffee said he wished to inquire of the chiefs whether the different talks of the commissioners had been read and explained to the people at their camps by the principal headmen. No satisfactory answer was given to this inquiry; but it was remarked that the people understood all the proposals which had been offered. One of the principal chiefs, Tesh-a-mingo, was then called upon to give to the commissioners his understanding of the proposals, in order to ascertain whether he could explain the terms of purchase or exchange which the commissioners had offered to the nation. He remarked, once or twice, that he understood them, but would not attempt to inform the commissioners what they were. Another principal chief, Pi-si-anst-tubia, was then requested to give a statement of the proposals, as he understood them. He remarked that he had ears to hear, and that he could understand, and that he had heard all the talks of the commissioners explained. He would not undertake to describe his own ideas of what the proposals amounted to.

General Coffee said he did not wish to impute any blame to any one; but as one of their own headmen said it was impossible to make the people understand the business, he was desirous to ascertain whether the chiefs themselves understood it, as he knew it would be impossible that the people could be correctly informed, if the chiefs were themselves ignorant of the nature of the proposals which were offered to the nation by their father the President. The chiefs still refused to give any explanations. General Coffee then proposed to the council, that, if the nation would agree to send four men to explore the country, which the United States proposed to give in exchange for theirs, the commissioners would enter into an agreement with the nation to pay all expenses, allow so much per day for services, and stipulate that the United States should send an agent with them, to show the country offered in exchange. This proposition was submitted to the council by Levi Colbert, and a verbal answer was proposed to be returned to this proposal on to-morrow. The council then adjourned.

TUESDAY, *October 31, 1826.*

This day Levi Colbert, with several other chiefs, called on the commissioners with a verbal answer, rejecting their proposals to send an exploring party over the Mississippi. The commissioners, after urging the propriety of the measure, induced them to take a written article of agreement, stipulating the terms upon which the commissioners propose to send out the exploring party; which was, at last, agreed to be submitted to the nation for approval or rejection, and which was as follows:

Articles of an agreement made and entered into by and between Thomas Hinds and John Coffee, commissioners appointed by the President of the United States to treat with the Choctaw and Chickasaw nations of Indians, for a cession of their lands within the limits of the State of Mississippi, for and in behalf of the United States, of the one part; and the chiefs, headmen, and warriors of the Chickasaw nation, by Levi Colbert, Emmubbia, Ash-ta-ma-tut-ka, J. McClish, and Martin Colbert, commissioners appointed by the said nation, with full power to act for them in the premises, of the other part:

Now, be it known, that the President of the United States hath appointed the said Thomas Hinds and John Coffee to hold a treaty with the Chickasaw nation, for a cession of a part or the whole of their lands, or to make an exchange for their lands, by giving them an equal quantity of land west of the Mississippi, of any unappropriated

land belonging to the United States that lies north and west of the State of Missouri and Territory of Arkansas: and whereas the said nation, having been convened together in full council, have determined that they are not disposed to sell any part of their lands, not having, as they conceive, more land than their nation requires for its own use: and whereas they have also determined that they cannot exchange their lands for lands west of the Mississippi river, and that they have no desire to leave the country that they now live in; and furthermore, that they have not a sufficient knowledge of the United States' lands west of the Mississippi river to justify them in making the exchange, even if they had a wish to do so: Now, therefore, to remove the last objection made to the exchange, and to enlighten the said nation on that subject, by enabling them to view and explore the country offered them in exchange by the United States, it is hereby agreed, on the part of the Chickasaw nation, to send four men, (Chickasaws,) as commissioners, to be well qualified for the purpose, who shall start from said nation early next spring, to examine and explore the country to be given the Chickasaw nation in exchange for their lands here, who shall make themselves well acquainted with the situation and appearance of the country, in all respects, particularly the quality of the soil, the water, and timber, and every other quality calculated to render it either desirable or objectionable to said nation as a residence, in case they should hereafter think of making the exchange offered them by the United States; the exploration to be completed in the course of the ensuing spring and summer, so that the commissioners shall return to the nation some time next fall, provided no accident happens to prevent their returning in that time; and, in that case, to return as soon as practicable. And the commissioners on the part of the United States agree that the United States shall furnish an agent to go with the commissioners of the nation throughout the whole tour, who shall start with them from the nation, and travel with them until their return; that the United States' [agent] shall be furnished with means to pay all travelling expenses of the said exploring party throughout the whole tour, and until their return to the nation. And the United States commissioners further agree, that each of the four Chickasaw commissioners aforesaid shall be paid by the United States for their services, and the use of their horses, during the whole time engaged in this service, the sum of two dollars per day, in money, from the time of their departure until their return to the nation. It is further agreed, on the part of the Chickasaw nation, that the said four Chickasaw commissioners shall, if so required by the President of the United States, as soon as may be after their return home from the exploring tour, go to the city of Washington, with the agent of the United States who accompanied them, and there make report of their observations on the country which they have viewed; after which report shall be made, the United States and the Chickasaw nation may act in the premises as they may think proper.

This agreement to be binding on the parties as soon as it shall be approved by the proper authorities of the United States.

In testimony whereof, we have hereunto set our hands and seals, this _____ day of _____, in the year of our Lord eight hundred and twenty-six.

The chiefs, after some altercation, at last agreed that certain questions might be propounded to the people at the council to-morrow; and the chiefs then took leave of the commissioners.

In the afternoon, General William Clark, one of the commissioners appointed to hold treaties with the Choctaw and Chickasaw nations of Indians, arrived; the proceedings of his brother commissioners were read to him, and a full view afforded him of the present state of the negotiation.

WEDNESDAY, *November 1, 1826.*

At three o'clock this day the council met, and the commissioners, being notified, attended; when, at the request of the council, the articles of agreement which had been submitted to their consideration were interpreted to the people in full council, and an answer in writing promised to be given to-morrow.

General William Clark then addressed the council. He said he came among the Chickasaws a stranger, but, as a commissioner, he felt it his duty to say a few words to the council. He told them that he had been appointed a commissioner, and associated with General Thomas Hinds and General John Coffee to treat with them for their lands; and that he should have met them sooner, had he not been compelled to settle a difficulty between some of his red children, which it was necessary he should do before he left home. He told them it was the wish of their great father the President that he should come among them, and become acquainted with them. He said he had indulged the pleasing hope that, after they had consented to accept the offers of the Government, he would have had it in his power to have made such arrangements with them as to have placed their nation comfortably on lands which he had in view for them, within the bounds of his superintendency. He remarked, that he had seen the talks made to them by his associates, Generals Hinds and Coffee. He assured the nation they would have been approved of by him, had he been present with them. He said, you express fears of difficulties, in case of removal west of the Mississippi, from your former enemies in that quarter; and that future application will be made to purchase your lands there. You would not experience the difficulty you apprehend by a removal west of the Mississippi, as a country has been purchased of the Osages and Kansas expressly for the settlement of such of the southern Indians as may remove to that country. The Osages, who were your former enemies, are now at peace with all the tribes who have removed from this side of the Mississippi; and, by the treaty lately concluded with them, it is made their interest to continue so. The tribes who have moved from the States of Ohio, Indiana, and Illinois, and who are placed under my charge, are all well pleased with the country assigned them west of the Mississippi; and others, yet residing in Ohio, have asked my assistance in procuring them lands west of that river, in exchange for theirs. This he considered a strong proof of the advantages derived from removal by Indians generally. He said he did not believe that any of the tribes with whom the Chickasaws have been at war, beyond the Mississippi, would be disposed to take satisfaction for past injuries done them by their nation. Indeed, they dare not incur the displeasure of the United States. You will not be more under the laws of the United States west of the Mississippi than in your present situation. He said it was his wish that the several Indian nations now within his superintendency, and such as may remove there, should be formed into governments calculated for their mutual security and protection: the laws to be made by the people, and they to be governed by them, either in tribes or a collection of tribes, according as they may agree upon among themselves. He said, the country offered you being outside the limits of the States, such regulations and laws as you may adopt, in case of removal, may be much easier enforced there than here, where you are surrounded by State authorities. The decisions, as communicated to my brother commissioners by your committee, which were made previous to my arrival, appear to be a conclusive expression of your objections to any exchange of country as proposed by the United States commissioners; but as I may not have exactly understood you on the subject of an entire or partial sale of your country, I must request the nation now assembled to say whether they are willing to sell to the United States, upon the terms proposed, the whole or a part of their lands. He stated that he considered the persons appointed by the Chickasaw nation to negotiate with the commissioners of the United States the proper persons to reply to his request. He considered it necessary that he should hear himself, from the authorized agents of the nation, a declaration of their willingness or unwillingness to sell as proposed. A verbal answer was all he wished.

Levi Colbert, on behalf of the agents of the nation, replied, that the different statements made in reply to the talks of the commissioners were true; that there was not a man in the nation who would consent to sell either the whole or a part of their lands.

General Clark then informed the council that it was his wish to be useful to the nation, and, in case they would think proper to enter into the agreement then under their consideration, he would afford to the exploring party every assistance in his power; that he would make them a map of all the country, and describe to them that which he intended for the Chickasaws. He would give them letters to agents and influential men, who would be useful to them in giving counsel and information, and would so prepare the way for them that they would be exposed to neither danger nor difficulty, but would be able to make the fullest and most satisfactory observations, and find the tour to be so agreeable, that they would, no doubt, return home with cheerful hearts.

General Hinds remarked, that, owing to an assertion contained in the answers of his red brothers to the last talk of the commissioners, that it was unknown to the nation if there were any persons among them who were indebted to any of the citizens of the United States, and who would not pay them, the United States commissioners had received petitions from Perry Cobie and William Easton, both citizens of the United States, exhibiting large sums to be now due them from Indians (Chickasaws) and white men, which had been owing to them a long time, and their payment refused; and as the petitioners had no means of coercing payment, they had requested the United States commissioners to submit them to the council. He said he considered the course which would be taken in relation to these claims as a matter entirely among themselves. It afforded proof, however, of the absolute necessity of the laws coming among them, and that they should not wish that wrongs should any longer be permitted to exist, without affording the means of obtaining redress. The nation was in the habit of trading much with white men, and ought to be made liable for their contracts made with white men. It also afforded proof that their assertion was not true, and that their nation did afford a place of refuge for the violators of the law. The petitions were read, and handed to Levi Colbert; and then the council adjourned.

THURSDAY MORNING, *November 2, 1826.*

After having the written articles, proposing to send an exploring party, (as heretofore noted,) two days in their possession, this morning the chiefs returned the following written answer:

TREATY GROUND, CHICKASAW NATION,

WEDNESDAY, *November 1, 1826.*

FRIENDS AND BROTHERS:

We have laid before the council, this evening, the talk of our brothers the commissioners, and have come to the determination as follows:

As we have no wish to exchange our lands here for any other, we think it unnecessary to run our father the President to any further expense; therefore, we have to refuse your propositions. If we were to accede to the offers made to us by our brothers the commissioners, in exploring that section of country west of the Mississippi river, it would incur great expense to our father the President for no effect, as we are entirely opposed to exchanging countries.

We are happy to see our brother, commissioner William Clark, and are thankful for his counsel. If we had any idea of exchanging our lands with the Government, we would be happy in receiving his information of the situation of that country.

As this appears to be the last talk we shall have to swap together at this time, we wish to tell our brothers the commissioners, that, as we met like brothers, we hope to part in the same kind of spirit.

LEVI COLBERT,
EMMUBBIA,
ASH-TA-MA-TUT-KA,
J. McCLISH,
MARTIN COLBERT.

The foregoing is a correct copy of the proceedings of the commissioners during their negotiations with the Chickasaw nation of Indians.

THO. HINDS,
JNO. COFFEE.

Attest:

WILLIAM S. FULTON, *Secretary to the Commissioners.*

19th CONGRESS.]

No. 249.

[2d SESSION.

PROCEEDINGS OF THE LEGISLATURE OF GEORGIA IN RELATION TO THE TREATY
MADE WITH THE CREEKS AT THE INDIAN SPRINGS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 23, 1827.

GENTLEMEN:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *January 8, 1827.*

In the absence of the Governor, I transmit the enclosed report and resolutions of the Legislature of Georgia, passed the 22d ultimo, with the accompanying documents, and, in his name, request that you will be pleased to present them to the House of Representatives of the United States at as early a day as possible, and ask their serious consideration of the same, for the purposes and objects therein expressed.

With great consideration and respect, I have the honor to be, gentlemen, your obedient servant,

E. H. PIERCE, *Secretary.*

The Hon. the REPRESENTATIVES from the State of Georgia in Congress.

EXECUTIVE DEPARTMENT, GEORGIA,

MILLEDGEVILLE, *November 7, 1826.*

FELLOW-CITIZENS:

The political year just terminated has been distinguished by nothing so much as the decease of Thomas Jefferson and John Adams, who, after laying^d the foundation of American independence, and filling the highest offices of state through a long series of time, survived to the fiftieth anniversary of the independence they had declared; and on that day, almost at the same hour, died, full of years and full of honor, deplored by the whole nation, whose grief was testified by a universal mourning, accompanied with every demonstration of love, respect, and veneration. Among the many tokens of the tender mercies of Divine Providence towards our country, none have been more signal than those which accompanied this memorable dispensation; so much so, that our sorrows have found solace and comfort in the admiration and gratitude due to Almighty God for the special interposition which, by its circumstances, made their deaths not less glorious than their lives had been exemplary and illustrious.

It was known to the last Legislature, that, for certain reasons expressed by the President of the United States, he would call the attention of Congress, at their first meeting, to the validity of the treaty negotiated at the Indian Springs in 1825; and in his message to the Congress, at the opening of the session, after announcing that "the treaty had been ratified under the unsuspecting impression that it had been negotiated in good faith," he promised to lay before that body the subsequent transactions in relation to it. The President failed to do so. Towards the close of the session of Congress, he did submit to the Senate a new treaty, in abrogation of the old one, with a general declaration of the falsehood and deception practised by the commissioners, in their official communications with the Government, of the numerical inferiority of the party which signed it, and of their consequent inability to carry it into effect, but unaccompanied by a single document or voucher to support any fact or principle contained in that declaration. The Senate, as you know, ratified the treaty; and the one of the Indian Springs, of prior date, of prior ratification, and passing vested rights to Georgia, was declared null and void. The objections to this proceeding, considered altogether novel and unprecedented, were obvious. Georgia, for whose benefit alone the treaty was negotiated, was deprived, without her consent, of interests already vested. The party with whom the old treaty had been negotiated was not recognised as a party at all in the conclusion of the new; and in the execution of the new treaty, without their consent, and even against their consent, they have not merely been deprived of every right which they could claim under the old or new, but have been, to all intents and purposes, denationalized, and forced either to submit unconditionally to the power of their enemies, or to abandon their country. It was with a knowledge of what was in prospect, from the first announcement of the President to Congress, that the Legislature of Georgia, at the close of its session, again reviewed and again confirmed the validity of the treaty of the Indian Springs. This confirmation was the more imposing, because the Legislature which first acknowledged the authority of that treaty had returned to the people; its conduct had been passed in review; and, of course, a favorable verdict pronounced upon it. The act of the Legislature, founded on the provisions of the old treaty, having been, as it were, re-enacted by a succeeding Legislature, was to be regarded as mandatory and imperative, to be carried into effect by the Executive, under his oath of office, according to its requisitions, unless forbidden by paramount considerations: there could be none paramount but what would be found in the constitution of the United States, and none such were found. The constitution itself, in denouncing an act impairing the obligation of contracts, recognised the sacredness of the treaty of the Indian Springs. The Executive of Georgia, therefore, had no alternative but to carry that treaty into effect, in conformity with the repeatedly expressed will of the Legislature. His intentions were early communicated, in the most frank and ingenuous manner, to the Executive Government at Washington; and from that time to the present moment he has never ceased to remonstrate and protest, on every occasion requiring it, against any act injuriously affecting interests of Georgia derived under it. But there were other reasons for maintaining the inviolability of the treaty of the Indian Springs. By that treaty, Georgia had acquired all her territory within the Creek limits; by the new, she was to acquire less; and the difference between them was, by the stipulations of the new, guaranteed to the Indians forever. The Governor could in no manner recognise the power of the President and Senate, by the abrogation of the old treaty, to violate the constitution of Georgia. The constitution of Georgia, as well as the articles of agreement entered into in conformity with it, had settled her permanent boundaries irrevocably. The new treaty prescribed new boundaries for Georgia, and, by its perpetual guaranty, made them permanent. Lands, the rightful property of Georgia, were taken from her, and ceded to the Indians forever; and the jurisdiction over the river Chattahoochie, which had been secured exclusively to her by the original charter, by her constitution, and by the articles of agreement and cession, was divided by the new treaty between Alabama and Georgia. As no power is given by the constitution of the United States to the Government of the United States to alter or revoke the constitution of a State, it would have been not merely an unpardonable indifference to her rights and honor to have submitted in silence to these palpable infractions of them, but the Chief Magistrate would have believed himself guilty of a criminal desertion of the interests of the State, if his sanction or countenance had been given to such an instrument. If the difference between the provisions of the old and new treaties had been a nominal, not a real difference, the United States and Georgia could have proceeded in good faith, and without collision of interest, to execute either, as the one or the other was believed to be the constitutional law; but as those provisions were variant in several particulars involving essential rights, and as one of them especially (whether so designed or not) would have effectually postponed the settlement of the country for an entire year, it could not be expected that Georgia would surrender rights, interests, and principle too, because the President of the United States considered the new treaty the constitutional law. The Government of either State is to be considered as an independent moral agent, having a conscience of its own, the arbiter within itself of right and wrong, to be influenced or controlled only by Divine authority; and the conscience of this Government has already passed definitively on the validity of the treaty of the Indian Springs. And here permit me to remark, that, with regard to the rights of sovereignty and jurisdiction generally which Georgia claims under her charter to the territory within her limits in the occupancy of the Indians, there is such a radical difference of opinion between the authorities of Georgia and those of the United States, that the harmony and tranquillity of the two Governments, so much to be cherished by all good men, can never be maintained uninterruptedly until those Indians shall have been removed. In illustration of this, it is sufficient to inform you that, on a recent occasion, the right of Georgia to make even a reconnoissance within that territory, with a view to eventual internal improvement, was denied, and that denial accompanied by a formal protest of the President of the United States against it; and, moreover, that when about the same time there were indications of a hostile feeling on the part of the Indians, which threatened interruption to our commissioners engaged in running, with the consent and approbation of the United States, the dividing line between Alabama and this State, and precautionary measures were taken for their safety, Georgia was given to understand that she had no right to extend her protection to her own officers, engaged on her own soil, in carrying into effect an act of her own Legislature, against such hostility. It is vain to look into the constitution of the United States to find what rights of sovereignty and jurisdiction acquired under the charter over the territory within her limits Georgia has surrendered to the Federal Government. No such surrender has been made; and yet Georgia,

in her late intercourse with the United States, has been treated in this respect as if she had no rights of sovereignty or jurisdiction at all; and this, too, whilst the laws of the United States, as well as the articles of agreement and cession, distinctly recognise and proclaim them, and, of course, to the very same extent as they are asserted by the treaty of Hopewell and others.

The forlorn and helpless condition to which the McIntosh or friendly party of the Creeks have been reduced by the continued persecutions to which they have been exposed, is submitted to you as claiming your humane and benevolent consideration. This portion of the Creek tribe having fought the battles of the United States, and vanquished the hostile part of it, who were at once their enemies and the enemies of the United States, it was hoped that they would have been regarded with some degree of favor by that Government and people, in whose defence they had expended their blood, and put to hazard every thing dear to them. For a time, this hope was not disappointed. General Jackson, by his treaty of 1814, had recognised their services and their claims; their chieftain was distinguished by the favor of the Government; and he and his followers were regarded not only as the faithful and devoted friends of the whites, but as the conquerors of the Red Sticks, then numbering two-thirds of the whole nation, whose rights of territory, by the laws of war, passed to the victors. It was the conviction of the justice of their cause, and of the rights acquired by it, which dictated the letter of the Secretary of War of the 17th of March, 1817, recognising, in full, the power of McIntosh and his followers to sell the country. When, in obedience to the expressed wishes of the United States, McIntosh, with others, proceeded (at the treaty of the Indian Springs) to exercise this acknowledged power, the power was denied, and the murder of himself and chiefs which followed looked upon without emotion; whilst the murderers were cherished, caressed, and honored by the Government of the United States; his followers left without home, without protection, without bread, and finally denationalized and put under the ban; so that, at last, they were considered as no part of the nation, having no claim of territory, and, of course, no rightful participation in the consideration for which the territory was sold; and, what is worse than all, the money which should have been given to them under the treaty, not only given to their enemies, but made the instrument of seducing from their allegiance the friends of McIntosh, who had no alternative but to take the bribe or share the calamities of the party. To complete their degradation as an unworthy and ignoble race, the President, in his official message to the Senate, has deigned to stigmatize them as "an impotent and helpless minority," "unable to execute their engagements;" as "fugitives instigated by a vindictive fury," "making extravagant and unwarrantable demands, whilst they were eating the bread and begging the protection of the United States;" and, again, as "a party making unwarrantable pretensions and extravagant demands, and having no claims on the United States other than of impartial and rigorous justice." Is it to be wondered that, under such treatment, the friendly party should be reduced to a mere remnant, *an impotent and helpless minority*? or is it not a subject of wonder that, instead of one thousand which remain, there should be one left, bearing the name or rallying under the standard of McIntosh? We cannot permit ourselves to believe that the Congress of the United States will not itself regard with tenderness and compassion a portion of the human family, reduced by reverses to piteous distress, deserted by the inconstancy of friendship, and abandoned to the sports of fortune.

Whether, in reference to that part of the territory of Georgia yet in the occupancy of the Cherokees, you will think proper, in conformity with the recommendation to that effect contained in a late message, to extend the laws over it as a right resulting from your general sovereignty and jurisdiction, or whether you will abide the result of future negotiations by the United States to extinguish their claims, in virtue of the compact of 1802, will be for you, as the only competent authority, to decide. A state of things so unnatural, and so fruitful of evil, as an independent Government of a semi-barbarous people co-existing within the same limits, cannot long continue; and wise counsels must direct that relations which cannot be maintained in peace should be dissolved before any occasion can occur to break that peace. How ungenerously tantalizing to this unhappy tribe would be a policy inviting them to a local habitation and repose, when the Fates had already decreed their destiny to be fixed and irreversible upon another soil! To perpetuate the remnant of a noble race, we ask of the United States to give them a resting-place within boundaries of their own, fruitful, ample, and salubrious; such as they command, and such as, in humanity, they should bestow; where the arts of civilization and the lights of Christianity can reach them unmixed with the corrupting and contagious vices of the whites, and where their perpetuity and independence can be assured. If the United States hesitate now, a few years will bring them to just reflections, but too late to save from irredeemable waste and decay the numerical strength and moral energies of a people so far preserved by the encouragement and patronage of the United States, with the tolerance of Georgia.

Messrs. Crawford, Blount, and Hamilton were appointed commissioners, James Camak mathematician, assisted by the chief civil engineer, and Edward L. Thomas surveyor, in pursuance of a resolution of the Legislature, to run the dividing line between this State and Alabama. These gentlemen have, in the execution of their several trusts, discharged the duties confided to them to my entire satisfaction. Those assigned to the commissioners were delicate and arduous, and, whilst they respected (as they ought) the rights of others, they have not been unmindful of what was due to the State they represented, its honor, interest, and dignity. The chief civil engineer, having received the appointment from the Executive, was to be considered as under his exclusive direction and control, until the meeting of the Legislature. His power over this officer was, however, from a consideration of fitness and propriety, voluntarily and cheerfully, but informally, surrendered to the board of public works, with a settled purpose not to interfere with the exercise of that power, unless claims to his services of higher interest to the public should, at any time, be interposed. An occasion offered, and he was ordered, without hesitation, from the less to the more important service. It is to be regretted that the commissioners of Alabama could not feel themselves authorized to concur with those of Georgia. The correspondence between the two commissions will exhibit the views of each; and it is not presuming too much to say, that those of Georgia are not the less satisfactory because they have not received the concurrence or approbation of the commissioners of Alabama. If the first bend above Uchee, and Coweta, or Cussetah towns, from which a line to Nickojack did not strike the river, would not satisfy the requisitions of the articles of agreement and cession, it was not to be expected that any other bend above it, and farther removed from the Uchee and the towns, would. It was the less to be expected that the commissioners of Georgia would consent to pass that bend, for no other reason than that Alabama would take more, and Georgia less, of territory by it. And when the commissioners, without the concurrence of those of Alabama, finally adopted the point of Miller's Bend, it was the point which was about midway between that assumed as the true one by the Governor of Alabama, and the one ultimately proposed by her commissioners to ours. As the commissioners of Alabama would not agree to run from the first bend immediately above Uchee, and as a line running from that bend intersecting the river would have made the boundary not a straight one, as contemplated by the articles, but a devious one, straight upon the land and meandering on the water, it is difficult to perceive how the Government of Alabama can withhold its assent from a boundary which, contemplated in all its aspects, would seem, at least to us, to reconcile more differences and present fewer objections than any. The commissioners of Alabama appear to consider Georgia as the principal party to the measure, having the deepest concern and interest in it; and the boundary having been established by the act of Georgia, any participation in the expense

has been declined, and the whole of it suffered to fall on this Government alone. The expense, therefore, unavoidably considerable, is believed to have been incurred with as little of wastefulness and extravagance as could be expected from an operation so tedious, and conducted under so many disadvantages. The report, correspondence, and documents relating to this subject, with the account of the expenditures, will be laid before you.

It is proposed, in concert with the General Government, to commence running the dividing line between this State and Florida on the 1st day of December next. The correspondence in relation to it is submitted; and it will be seen that no difficulties can be expected to arise to embarrass the operation, or to prevent the most desirable conclusion of it.

After a tedious correspondence with several of the most distinguished of the engineers of the United States, from which no satisfactory result could be promised, Hamilton Fulton, Esq., a gentleman of known integrity of character, and recommended by the most eminent of the engineers of England, was appointed to the office of chief civil engineer. It is hoped that Mr. Fulton will not disappoint the just expectations of the public. The proceedings of the board of public works, after their first organization, are submitted to you. A plan of internal improvement having been digested and prescribed by the Legislature, nothing remained for them but to adopt the most prompt and appropriate measures to carry it into effect. The report of the board and of the chief engineer will disclose the first practical operations under them, and will enable you to decide upon the merits of the past, and what, for the future, in furtherance of the plan, the public interest shall require. To open new sources of commerce, and give facilities to those already open, are the great objects of the system: if, by a communication between the waters of Tennessee and those of Georgia, the trade of the Mississippi and Ohio can be diverted to our Atlantic ports, the freight and commissions would more than suffice to replace, with the ordinary interest, the capital which might be employed in effecting that communication; and, if this were true at the beginning, the progressively increasing commerce which an almost unbounded region, with a rapidly augmenting population, would supply, might convert a channel of intercourse into a permanent source of revenue to the State. Whatever can be realized, in this respect, will depend on the facilities given to the projected canal across the peninsula of Florida, which, forming a line of steamboat communication between the western waters and our Atlantic ports, cheap, continuous, and comparatively safe, may have advantages over the short and more direct route, not open to this valuable instrument of conveyance. As connected with such an undertaking, the States of Alabama and Tennessee have been consulted; and their views in relation to it, so far as communicated, are submitted.

With respect to that part of public improvement designed to facilitate the intercourses of trade within our own limits, the obvious rule will be to adapt our measures not only to the actual state of the trade and commerce of the country, but to the means which we can command to give efficacy and success to them; and, whether canals, or railroads, or turnpikes, shall, in different situations, be considered as best adapted to this end, to limit both capital and labor to a single object at a time, until that object is accomplished. It need not excite surprise, if, before a long time, with the exception of the level alluvial country, the rail will universally supersede the canal, having the advantage of cheapness, expedition, healthfulness, safety, and certainty.

You will receive, with other documents on this subject, a communication from the Governor of South Carolina, which looks to the improvement of the navigation of the Savannah river, by a concert of measures and combination of resources of that State and this, depending on the authority of their respective Legislatures, with my answer; which will disclose to you my own views and opinions in relation to the subject, and to which it may be only necessary to add, that those views and opinions remain unchanged.

The honorable William Schley, in compliance with his engagements, has completed his Digest of the English Statutes. The work was approved by the Executive, and, it is believed, merits, and will receive, the approbation of the Legislature. If to this work were added a Digest of the Common and Statute Law, or if the principles of these, the civil law, and of the Napoleon code, as applicable to our condition and circumstances, could be embodied into one general system of jurisprudence, taking the place of all, it would be worthy the refinement of the age, and would confer imperishable honor on the legislators and sages who would devise and execute it. No system of jurisprudence will avail for all the beneficent ends of its institution, without a well-organized judiciary to carry it into effect; and, on this subject, it may be sufficient to remind the Legislature of that defective organization of our own, to which its attention has been so repeatedly, but hitherto unprofitably, called.

Our academic institutions continue to flourish, and Franklin College, at the head of them, sustains its merited reputation. To its other professorships, a chair of moral philosophy, rhetoric, and belles-lettres has been added; and the discipline and subordination maintained by the proper authorities are not known to be surpassed by those which prevail in the best regulated colleges of the country.

It is recommended to you to consolidate the poor school fund, to augment it, to secure by sufficient guards its faithful application, and to diffuse its benefits as extensively as possible among the poor and indigent. These are the classes of the community who, in their means of livelihood, fall below mediocrity; and who, on this account, as well as on account of their numbers, have the strongest claims for that assistance which will enable them, by the instruction of primary schools, to discharge, in peace and in war, with most usefulness to themselves and advantage to the country, all the duties of good citizens.

Of the militia, nothing will be added to the numerous invitations given to the Legislature for the revision and improvement of a system so radically defective, that it is almost impossible to maintain the necessary organization under it. The evil has found a palliative, however, in the encouragement extensively given to the formation of volunteer corps, (cavalry and infantry,) which now present a force highly respectable for number, armament, and discipline, ready to be called into service at a moment's warning, and inspired by the most patriotic sentiments.

The annual reports of the different banks are submitted. The interests of the State, of the stockholders, and of the trading and commercial community, claim your immediate attention to the actual condition of the Bank of Darien. Whether it shall be left to the operation of time, under the direction of the institution as established by the charter, to restore the capital, with a view to ulterior active operations; or whether the Legislature, for the purpose of restoring the capital, with a view either to further operations, or a final settlement of its affairs, shall take the management into their own hands, are alternatives submitted to your discretion. Your decision will be governed by an estimate of the deep stake which the treasury has in the event; of the inconvenience resulting to all the parties concerned from a postponed restoration of the capital; of the proportion which the circulating medium bears to the actual demand for it; and of the powers which you yourselves possess of giving the desired efficacy to any measure, for the accomplishment of either or all of these objects.

The organization of the territory lately acquired by the treaty of the Indian Springs will be a subject of early attention. The public reservations will particularly require a provision, which will not merely place them beyond the probability of trespass or intrusion, but will make them available, with the least possible delay, for all the benefits and advantages expected to be derived from them.

The claims for militia services remain unacted on by Congress. Our citizens interested in them suffer by the delay, whilst the delay results in no advantage to the United States. It is, indeed, a useless procrastination of what

must inevitably come to pass as an irreversible decree of justice. The objection hitherto taken, of the mersion of these claims in the articles of agreement and cession, must be satisfactorily removed by the evidence communicated from this department, and which shows that the commissioners of the United States who negotiated the articles subsequently recognised the claims as in no manner connected with the stipulations of that instrument.

The militia claims and the territorial claims of Georgia, remaining unsatisfied for twenty or thirty years, have given rise to the unhappy differences subsisting between the Federal Government and this. It is sincerely hoped that these differences approach to an amicable termination, and that enlightened counsels, united to better feelings, will restore the harmony which it is so much the interest of both parties to cultivate and cherish. Wrong has been done to Georgia, her views misrepresented, and her character traduced; but wrong will come to right; and what prejudice has misrepresented, history will correct. That history, from infancy to the present moment, falsifies the charges by which malignancy has sought to make her odious. In all her departments, her representatives and magistracy, in peace and in war, have failed in nothing of their duty to the United States. To the constitutional law, a ready and cheerful obedience has been rendered at all times. In seasons of danger, her contributions have been given without stint, and her sword drawn upon the first appeal. If for these she claims no merit, she deserves no reproach. They are the righteous only whom we acknowledge as our peers; and to their judgment we submit our actions, without bespeaking for them any thing but the award due to their intrinsic merits.

I cannot conclude this message without congratulating you on the blessings communicated to society by that universal toleration of religion, (the guaranty of our political constitutions,) by which the intolerant himself, as well as the believing and unbelieving, are exempt from all responsibility but to their Maker; whilst the numerous sectaries of the Christian church, differing in creeds, but united in the faith given to the sermon on the mount, preach and worship securely almost in the same temple, spreading the benign doctrines of that sermon far and wide, impressing their sacredness by precept and example, and laying the prosperity of society in the deep foundations of a pure morality.

It becomes nations and communities, like individuals, from time to time to render homage and adoration to the Supreme Governor of the universe, the Author of every good; to acknowledge his power; to make confession of sins; to ask their forgiveness; to supplicate his mercy, and to deprecate his wrath. It especially becomes us (the most favored of the children of men) to display our gratitude and thankfulness for the continued dispensations of his paternal goodness, by which our independence and liberties are preserved, our industry made fruitful, and its fruits protected; physical evils averted, and moral blessings multiplied; so that the prosperity and happiness we enjoy not only transcend our deserts, but promise a destiny more elevated than any portion of the human family has attained. To set apart a day of thanksgiving and prayer for these past manifestations of a superintending providence may be thought an act of moral and religious duty not inconsistent with the high political ones which you are required to perform, and may propitiate for us, in the time to come, a continuance of the same benignant smiles which our unworthiness may forfeit, but which his loving-kindness is ever ready to dispense to the humble supplications of the good and virtuous of all nations.

Your fellow-citizen,

GEORGE M. TROUP.

Report of the Committee on the state of the Republic, on the differences between the General Government and the State of Georgia.

The Committee on the state of the Republic, to whom was referred that part of the Governor's communication, and the accompanying documents, which relate to the treaties with the Creek nation of Indians, and our differences with the General Government, have had the same under attentive consideration, and ask leave to make the following report:

The unfortunate misunderstanding between the General Government and the State of Georgia has been marked by features of a peculiar character, and plainly indicating a force and power in the former which should have formed the subject of concern, if not alarm, to our sister States; but we regret to say that the very reverse has been the fact, and a cold, if not a reproachful, indifference has taken the place of a much more deserved regard.

We are not unapprized of the influence of power, nor are we unmindful of the forbearance claimed from weakness; but we did believe that the structure of the Federal Government was such, its foundations so laid, as we fondly hoped, in the best and most generous feelings of the heart, as to have protected a sister State, if not from injury and oppression, at least from unnecessary insult and contempt.

Your committee, speaking, as it sincerely believes, the sentiments of the Legislature of Georgia, cannot but imagine that our wrongs are neither known nor felt; or, if either, in so slight a degree as to be entirely misunderstood by our sister States. Entertaining, as we do, the most exalted veneration for the Union, in reference to its Government, and the most unaffected attachment for the States, in relation to the kindred affections, interests, and habits which bind us together, and believing that these bland relations are wholly reciprocal, we are at a loss to conceive how our repeated complaints have fallen upon the ear of such benevolence with so much apathy, and our remonstrances turned aside with so little concern. It cannot be accounted for upon any other rational principle than the one which is just suggested.

It is not now the intention of your committee to betray a clamorous spirit of complaint. The regard which they feel for the dignity and honor of the State they represent would, of itself, sufficiently admonish them to avoid such a course; but when to this is added the fact, which we can in great truth affirm, that we have not a single discontent against the Federal Government, considered in relation to its legitimate powers, there can be no necessity to swell our murmurs beyond the immediate acts which, as we conceive, have the rather sprung from the abuse than the exercise of acknowledged right. In the good feeling and sincerity of the States, we have the most undoubted confidence; in the integrity of purpose, honesty of motive, and fidelity of service of the National Legislature, we cannot feel one distrustful emotion. Before that body we believe we can be respectfully heard; and to that body, we as firmly believe, the crisis has arrived when it becomes necessary to prefer a solemn appeal. And we would premise, in a temper of perfect respect, but of not less decisive earnestness, that it is a sovereign, and not a subject, that sues; it is an equal, and not an inferior, that remonstrates; it is an independent member of the Union, and not the subordinate creature of a family, that complains. It is not for forfeited privileges we supplicate, but we seek the redress of violated rights; and in this we cannot for a moment suppose that the States in Congress assembled could desire to see us approach them in any other manner than that of an open, honest, and confident avowal of our grievances.

The *Executive Department* of the General Government has, in fact and principle, distinctly asserted that the States have not the exclusive jurisdiction of the soil within their chartered limits; that the Indians, and the territory occupied by them within the recognised and admitted boundaries of States originally independent, and so acknow-

ledged by Great Britain, belong to the exclusive management and control of the General Government; and that the States have no right to exercise jurisdiction over the one or interfere with the other. It has not only asserted the right to prevent a State from exercising jurisdiction within its limits, but it has given open proof of the fact that it will become the ally of the Indians against one of its own family, and will actually wage war in the very bosom of a State for what, in its own mere discretion, without regard to the opinion of the opposing State, may be deemed an infraction of the federal constitution: thereby at once establishing this monstrous doctrine, that the General Government can and will connect itself with foreign nations in acts of hostility to the local measures of the States, and consequently turning their own power and resources against themselves. The principle is avowed, nay, confirmed by the fact, that an armed force may be directly employed against a State before recourse is had to the civil authorities of the Government to correct whatever real or imaginary violation of law may be thought to exist: thus using at once the strong arm of power in preference to the milder and more moderate course of legal investigation—a resort that deprives the citizen of the valued right of trial, involves the country in all the horrors of war, and can only terminate in the most unspeakable disasters. It has assumed the prerogative to dispense with the established laws of the land upon its own unconditional pleasure, taking upon itself the sole right to judge when they shall or shall not be executed, prejudging cases without a hearing, and screening offenders without a trial. There is a public law of the land, wisely intended for the harmony of the Union, providing for the protection of the State authorities against the insult and abuse of the military establishment of the General Government—an institution always haughty in its deportment, and often dangerous in its purpose. A just complaint was preferred against a general officer of the Union, under this well known law, for acknowledged insult and contumely offered to the Governor of the State; and, though a trial was formally demanded, it was as formally refused, upon the ground that the first insult was given to the officer; and yet a much more meritorious officer, for resenting an outrage, not upon himself but upon his country, was not only tried, but disgraced, at the instance of a petty Spanish province. So far as relates to the States, the principle is now settled, that, in all future cases, for the protection of his officers the President will be the exclusive judge of the nature, degree, and justification of their crime, before it shall be submitted to the authorized and competent tribunals of the country; thereby making the law a perfect nullity, and its object a still more vexatious mockery. It has asserted the principle, and confirmed it by the authority of practice, that the Federal Government is not founded in public opinion, or the just wishes and interest of either State or people; and that the views and inclinations of public functionaries will be consulted and promoted in preference to the people, whose servants they are; and officers will be kept in power, made to rule over us, and manage and direct our affairs, long after they have become perfectly odious, against our will, against our interest, against our solemn and repeated remonstrances; and, what is more intolerable, when it is well known that their outrages and oppressions come mixed with the most insupportable insult and derision.

An officer of the General Government has been stationed near the limits of Georgia in charge of interests highly important to the State, where she was almost exclusively concerned; and, in the execution of his trust, he has been so studious and unwearied in opposition to the feelings and wishes of Georgia, that he has sought every occasion to thwart her views, defeat her designs, and degrade her character; and this, too, in direct contravention of the avowed (and it was hoped sincere) policy of his own Government. The Executive of this State has respectfully and earnestly remonstrated against the continuance in office of a man so lost to the duties of his station, and so unmindful of what was due to his own Government. This remonstrance has been thrice repeated by successive Legislatures, of all parties and all interests in the State; and yet it has been treated, if not with sheer contempt, at least with the most profound and unmoved indifference: thereby evincing that the public good weighs nothing when it conflicts with the interest of the public servant, or the ambition of his irresponsible master. It has asserted, in principle, (which is also not without the aid of fact,) that it can make and break treaties at pleasure, without regard to the interest and desire of States, notwithstanding such treaties are exclusively confined to the rights of States, not in their federative but individual character; rights intimately connected with their safety, inseparable from their sovereignty, and thoroughly identified with their territory and jurisdiction. The original territorial and jurisdictional rights of Georgia are deeply and obviously founded in her acknowledged independence by Great Britain, and long acquiesced in by the other States upon the most mature and solemn deliberation. Though she has formed a compact with her sister States, yet in every stage of that much debated question, from the unsuccessful experiment of the articles of confederation to the still stronger obligations of a national constitution, she has inflexibly reserved the rights of territory and jurisdiction as received from the hands of conquered Britain, and she has never relinquished one particle of either to the Union, or any other Government whatever. With the exception of the territory now forming the States of Alabama and Mississippi, every instrument between them may in vain be searched for the least concession that will falsify this advisedly made and deliberate declaration.

By the cession just referred to, the rights of Georgia received additional confirmation, if such could have been needed; for it gave the most unanswerable proof that the General Government conceived our title both to soil and jurisdiction perfectly unquestionable. By purchasing a part of our soil, they admitted the remainder to be ours; by promising to extinguish the Indian title to permissive occupancy, they acknowledged that we had that previous right; for it must exist somewhere. Before this cession, they had no such right; consequently, it was a concurrent right derived from us, obviously obtained by our consent; and our consent as obviously implies an original right, the exercise of which conclusively settles the question of jurisdiction. Apart from this view of the subject, if we have ever divested ourselves of this right, we claim an inspection of the instrument by which it was effected. Under this contract, then, (for we affirm it can be found no where else,) it is most wrongfully assumed by the Executive Department of the General Government that the Indians, and their lands within the chartered and conventional limits of Georgia, passed into the exclusive care and superintendence of the National Government; and that we dare not further interfere with either, unless we are prepared to break down the legion of federal power, or have strength enough to overcome its military arm. By virtue of these articles of cession, and, as it now seems, in pretended compliance with their obligations, a treaty was held at the Indian Springs in 1825. It was constitutionally ratified, formally promulgated, and as deliberately notified to Georgia. The State, believing that, under all its rights, both original as well as those recently acquired for her use by the General Government, there could be no difficulty in proceeding to a disposition of the territory, with a view to its final occupation and improvement—an object, though long, and, to her political standing and interests, injuriously delayed, yet not the less urgent and desirable—passed a law in the succeeding June for its distribution among her waiting and patient citizens. Every thing was done that she could rightfully do, (and we regret to say was permitted to be done by the superior, not to say capricious, power of the General Government,) to realize the full enjoyment of this property, the right to which seemed clearly to have lost its expectant, and had assumed an absolute vested, character. Yet, in the face of all right, both sovereign and vested, was another treaty held and concluded at Washington with an entirely different party, though belonging to the same nation; and all the rights acquired by the first became abrogated and annulled, and Georgia was required to withhold her possession of any other land than that which was specially permitted by the last. It is now fully ascertained that all the land of the first treaty is not contained in the second, and it seems to be as fully resolved that what the second embraces is all that the State shall, upon her peril, receive.

Your committee cannot but view this as a most appalling state of things. It believes, and so it is persuaded every ingenuous mind will believe, that right is with, but power against us; and that the former, as all history will mournfully attest, can never successfully contend against the latter. It is a matter of anxious and fearful contemplation what must be the result of this collision, if we fail to enlist the well-known justice and prudence of that part of the General Government to which we have now been compelled so reluctantly to appeal.

In order to place this question in a point entirely within the reach of every capacity, we would make but one remark. Could the General Government have annulled the treaty of the Indian Springs by a treaty in which we were to acquire no lands at all, and by which we were to be placed, as formerly, at their perfect pleasure and convenience, for another acquisition? We presume no one will answer in the affirmative. Indeed, the General Government did not so conceive, for it gave the Indians decidedly to understand that the first treaty would not be revoked without a large cession of lands to Georgia; and we have no doubt that the Senate of the United States, acting under an honest and just sense of our rights, confidently believed that the second treaty conferred upon us all the territory claimed from the Creek nation of Indians. Now, if this proposition be undeniable, can any treaty be either just or constitutional that leaves out one single acre of the former purchase? For it is impossible to conceive of the justness of a rule, in the application of which it would be good or bad as to the whole, and not as to a part.

As another most astonishing result, arising from this power claimed for the General Government, of managing and controlling the Indians and the lands occupied by them within the chartered limits of old States, it is absolutely denied to the State of Georgia to enter the Cherokee nation, either to ascertain the boundary between herself and her sister State, or to take any measures connected with the internal improvement of the State; and this, too, within her well-known and acknowledged limits. Indeed, this doctrine is so very strange, not to say alarming, that it requires no small degree of faith to give credit to an assumption so wild and extravagant; and therefore your committee, for the information of its own citizens, as well as to enlighten our fellow-citizens abroad on the subject of our wrongs, supposed by many to be fancied, would beg leave to embody the evidence of the fact in this report. The Governor, in a letter to the Secretary of War, states "that our chief engineer, engaged in a reconnaissance under orders, and within the unsettled limits of Georgia, has been stopped by the Cherokees, and his further progress threatened to be arrested by force; and further, these infatuated and misguided people threaten to resist by force the execution of the measures concerted by the Governments of Georgia and Alabama, for ascertaining the dividing line between the two States." In answer to this letter, the Secretary of War states, distinctly, that it is the opinion of the President that these measures cannot be effectuated without the *consent* of the Indians; and concludes, "the President is persuaded that this consent may be obtained by amicable and pacific means. If, however, it cannot, he deems a resort to coercive measures as altogether unwarrantable. If, in the justness of this view, the constituted authorities of Georgia should coincide, it will be gratifying to the President; but, to guard against the consequences of different views on their part, he feels himself required to *protest*, in the name of the United States, against the use of forcible and hostile means to effect the purposes referred to in your letter."

These are some of the chief powers assumed by the General Government over the rights of Georgia; but there are very many circumstances of peculiar aggravation attending their exercise, which have given keen and deep-felt mortification to the feelings of Georgia. As a sovereign State, in connexion with others, as we fondly hope, upon terms of the most sincere regard and affection, all looking, and with no common solicitude, to the maintenance of their own rights and dignity, we cannot but believe we shall kindle a sympathy strong enough at least to put down the force of prejudice, too successfully arrayed against us, though we may ultimately fail in challenging a just and returning respect for our much abused and neglected privileges. We have been insulted by petty agents; we have been browbeaten and derided by Indians. Our Chief Magistrate at home, and our representatives in Congress, while in the public service and under the very eye of the General Government, have been compelled to brook the insolence of half-breeds; we have been prevented, nay, ordered to desist, from surveying our own lands, when no possible harm could ensue, and when, too, the General Government, under precisely similar circumstances, was carrying on its own surveys among Indians unremoved from recently acquired lands—a privilege heretofore uninterruptedly enjoyed by every new frontier State, and questioned only for the first time in the case of Georgia, one of the original "thirteen States;" we have had our Indian allies, those who long defended Georgia from the tomahawk of the very Indians who are now so high in favor, murdered in cold blood, their families exiled from home, made wanderers and outcasts from the very country which but nine years ago was declared to be exclusively theirs, under the plighted faith and solemn written guaranty of the General Government; and all these misfortunes, cruelties, and hardships they have been destined to endure from no other cause, as we verily believe, than that of being the unswerving friends of Georgia. These are reflections that cannot fail to inspire the most touching sensibility; there is a point and anguish in their effect which, perhaps, it were better to suppress than to vent; and though, in silencing their upbraidings, a severe reproach is spared to the national character, yet it will be well understood by every candid mind, as it must be certainly felt by every honest bosom.

We cannot but trust that the authority to which we have now referred these unhappy differences will duly appreciate the motive as well as the object of this appeal. Our reliance is upon the wisdom and justice of the nation. We want nothing more than we would be willing to grant; and, if we know our own hearts, there is not a grievance we have enumerated, which, if offered to any of our sister States, we would not promptly resent and redress, and, risking every thing, feel it a bounden duty to make common cause with the injured party. We want nothing that does not fairly belong to the State sovereignties. To whatever our sister States will submit, in that we must acquiesce; if they would be contented with the treatment Georgia has received, and will come out with a public declaration of the fact, from that moment our complaints are hushed. We threaten no consequences; it would be idle and vain to do so. The loss of confidence and affection, by reason of neglect and disappointment, is consequence enough to a reflecting nation; and a high-minded and generous people cannot turn from such a result without emotions of the deepest regret.

Under this view of the subject, your committee beg leave to offer the following resolutions:

Resolved, That Georgia owns exclusively the soil and jurisdiction of all the territory within her present chartered and conventional limits, and, with the exception of the right to regulate commerce among the Indian tribes, claims the right to exercise over any people, white or red, within those limits, the authority of her laws, as she in her wisdom may think proper; and that she has never relinquished said right, either territorial or jurisdictional, to the General Government, in any manner or by any instrument whatever; and the exercise of such right by said last-mentioned Government is illegal, unwarrantable, and unjust.

Resolved, That threatening a State with an armed force, and actually attempting to carry said threats into execution, by stationing the military on its borders, whether the conduct of the State thus sought to be overawed be right or wrong, is contrary to the spirit and genius of our Government; a fundamental principle of which is, that the military is subordinate to the civil authority. The former being the instrument of fatal necessity, makes a resort to the latter always indispensable in the first instance. Any other course is destructive of free government, subversive of State rights, and tending to the complete annihilation of State sovereignty.

Resolved, That the refusal to arrest and punish a military officer of the General Government, who had grossly violated a law of the land, in abusing and insulting the highest authorities of a State, is, as we conceive, an abuse of office, and, if not properly atoned for, will and ought to leave this lasting reproach upon the nation—that, even in republics, the law affords no protection against the views of power or the resentments of ambition.

Resolved, That the retention of a civil officer in power, after earnest and repeated solicitations for his removal from a sovereign State, through its highest authorities, in which there was uncommon unanimity, and after, too, it was known to his Government that he was not only opposed to its own views, but was extremely inimical to the interests of the State in which he was placed, and highly insulting to her public functionaries, is an instance of contempt for the opinion of a State, and a disregard for the welfare of a large portion of the community, highly dangerous to the principles of representative government, where the public servant acts for the people, and not for himself, and where, as soon as he becomes obnoxious to their interests, he ought to be removed.

Resolved, That the attempted abrogation of the treaty of the Indian Springs by the treaty of Washington, in so far as it divested the State of Georgia of any right acquired under the former, is illegal and unconstitutional; and we feel the utmost confidence that, when the General Government comes to be informed that Georgia is deprived of lands to which she had an unquestionable claim by virtue of the first treaty, it will think with us in this regard, and, actuated by its accustomed sense of justice, will take speedy steps to remove all obstructions to the full enjoyment of this (at present) contested right.

Resolved, That the assertion of the President, that we have no right to enter the Indian country within our own limits for the purpose of ascertaining boundary, and effecting measures connected with the peaceable objects of internal improvement, without the consent of the Indians, is a doctrine which this State will not admit, and against which it does most solemnly *protest*. In this she has every confidence of the support of her sister States, especially those who have so long and so uninterruptedly enjoyed a similar right. And his solemn *protest* against any measures contemplated by the State to exert her right over this necessary and essential part of her sovereignty, is an instance of dictation and federal supremacy unwarranted by any grant of power to the General Government, and which we trust and believe the National Legislature will promptly disavow.

Resolved, That a separate copy of this report, with the documents necessary to support the facts therein detailed, be forwarded by his excellency the Governor to our Senators and Representatives in Congress, to be by them respectively presented to each branch of Congress, with a request that they use their best exertions to have redressed the grievances of this State, in the various particulars to which this report has reference; and, for the future harmony of the States, to request of that body to make an explicit declaration of the rights that belong to the National Government, and those which belong to the State of Georgia, (and consequently to the other States,) resulting from the immediate difference of opinion specially enumerated in the foregoing report.

Resolved, That his excellency the Governor be requested to forward also a copy of this report and the documents to the Governor of each State in the Union, with an earnest and respectful request that he lay the same before the Legislature of his State; and they are hereby most affectionately and respectfully solicited to express to this State whether they are prepared to admit the foregoing principles, and the powers growing out of them, as belonging to the General Government, and whether Georgia is bound and must submit to the treatment which she conceives she has most wrongfully sustained at the hands of the Executive Department of the General Government.

Approved, December, 1826.

G. M. TROUP, *Governor*.

CORRESPONDENCE BETWEEN THE GOVERNOR OF GEORGIA AND THE GENERAL GOVERNMENT, ON THE SUBJECT OF A FURTHER ACQUISITION OF TERRITORY.

Secretary of War to Governor Troup.

SIR:

DEPARTMENT OF WAR, *February 17, 1824.*

I am directed by the President of the United States to enclose for your information copies of a communication from the Cherokee delegation now at this place, the answer of this Department to their communication, and the reply; by which you will perceive that the nation is very adverse to making any additional cessions of land to the United States.

I avail myself of the opportunity to assure you that it will afford the President much pleasure to adopt any measure in his power which may tend to the fulfilment of the convention with the State of Georgia, with the least possible delay. With this view, he would be gratified to receive the aid of your opinion on a subject so interesting to the State over which you preside.

I have the honor to be your most obedient servant,

J. C. CALHOUN.

His Excellency GEORGE M. TROUP, *Milledgeville, Georgia.*

Governor Troup to the Secretary of War.

SIR:

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, *February 28, 1824.*

I have received this day your letter of the 17th instant. Be pleased to present to the President my acknowledgments for the attention which he has given to the requisition of Georgia, and especially for the manifestation of his sincere desire to adopt any measure in his power which may tend to the fulfilment of the convention with the State of Georgia, with the least possible delay.

In compliance with his wishes, I hasten to lay before him my views and expectations, as connected with this fulfilment. In your effort to open a negotiation with the Cherokee delegation for extinguishment of claims, you are met by a flat negative to two fair and liberal propositions: the first, to purchase for valuable consideration in money; the second, to accommodate them with equivalent territory in a favorable situation beyond the Mississippi. Unreasonable as the answer has been, my mind was fully prepared for such a one. It had been made known to me some time before that a council had been formed in the nation, for the special purpose of coming to the resolution that the State of Georgia should never acquire, for any consideration, another acre of Cherokee land, either

through the agency of the United States or otherwise; and, in conformity with this resolution, all the measures were preconcerted to enable the chiefs to present themselves before the President, with a boldness bordering on effrontery, and to receive his first advance to negotiation with the emphatic No!—a word easily pronounced, but in this instance most unadvisedly; not the spontaneous offspring of Indian feeling and sentiment, but a word put into his mouth by white men, who are nourished and protected by the power of the United States; who have no common interest or sympathies with those whom they instigate to use it; and who, fixed upon the soil almost without metes or bounds, regard it as a goodly heritage for their descendants, which no power can limit or take away.

From the day of the signature of the articles of agreement and cession, this word ceased to be available to the Indians for any permanent interest of their own. From that day, the power of protestation which they have so recently interposed departed from them, and could never be used but for a little delay, or for a better bargain. On that day, the fee-simple passed from the rightful proprietors to Georgia; and Georgia, after a lapse of twenty years, demands nothing of the competent authority but the amotion of the tenants in possession. The answer is not only no! but never! And is this a fit and proper one to be given to the demand of the people of Georgia, who have endured so long and so patiently? who have parted with an empire for a song? who have waited to see the United States reimbursed all their expenses, and a nett revenue flowing into their coffers from the land which was their birthright? a people who, having made a little reservation for themselves by compact, are now told, in answer to their just and reasonable demand, that this compact is only conditional, depending for its fulfilment on the will and pleasure of the Indians; that the primitive aboriginal rights are such now, as they were before the discovery of the country; and that, if Georgia wants land, the United States have enough in Florida or elsewhere to give her? How is this insult and mockery to be repelled, proceeding as it does from the polluted lips of outcasts and vagabonds, who make the chiefs the instruments of reiterating it at Washington? No, sir; this trick of vulgar cunning is only to be met by the firmness and dignity which become the United States Government, which it has never failed to manifest on every occasion calling for it, and which he who is the special depository of these sacred qualities has always displayed to so much advantage to his high office and to the country. The Indians must be made to understand that no talks will be listened to but such as proceed from councils strictly Indian in character and composition; that the compact with Georgia is a very different instrument from that which has been represented to them; that by it the word of the United States is passed, and that nothing can redeem it but the cession of all their lands within her limits; that the time has come when to postpone this redemption would be essentially a breach of faith, of which the United States will never permit herself to be suspected; that, consulting the comfort and happiness of the Indians alone, the United States have omitted to press this measure upon them until the very last hour; that the United States have made sacrifices for Indian interest, and will expect some small ones from the Indians in return; that, if they desire civilization, nothing is more consistent with it than concentration, and that, without regard to the acquisition of territory, the United States have acted upon this principle from the beginning, as a fundamental one in their system of improvement; that, beyond the limits of Georgia, and within the territory proper of the United States, there are lands enough for the Cherokees and all their generations to come, of which the United States possess the full and absolute dominion, where they may sit down in quiet and peaceful enjoyment, and where none can come to make them afraid; that, on the other hand, if, tired of the arts of civilization, they will betake themselves to their old pursuits, you have made a fair and liberal offer of wilderness enough, abounding in game, where the white man will not speedily come to trespass or to annoy; that, in presenting these honorable overtures, you are actuated by a sincere regard to Indian interest; that, in the rejection of both, you can perceive nothing but an unfriendly spirit; and that, finally, if they persevere in this rejection, the consequences are inevitable—1st, that you must assist the Georgians in occupying the country which is their own, and which is unjustly withheld from them; or, 2dly, in resisting the occupation, to make war upon and shed the blood of your brothers and friends.

Having said so much, it remains only to advert to the other topics contained in your letter to the Indian delegation; and for these a word will suffice: 1st. The reservation of part of our territory for the settlement of the Indians; 2d. Their incorporation into and amalgamation with our society. As to the first, the answer is, the articles of agreement having made no provision for such reservation, none can be made without the consent of Georgia; and that Georgia will never give her assent to any without an equivalent, (if she would with one,) is absolutely certain. With regard to the second proposition, the answer is, that if such a scheme were practicable at all, the utmost of the rights and privileges which public opinion would concede to Indians would be to fix them in a middle station between the negro and the white man; and that, as long as they survived this degradation, without the possibility of attaining the elevation of the latter, they would gradually sink to the condition of the former—a point of degeneracy below which they could not fall. It is likely that, before they reached this, their wretchedness would find relief in broken hearts. Most assuredly, nothing will contribute so essentially to that scanty share of human happiness which is left them as their concentration and insulation, where, having enough for the wants of agriculture, they will, in their seclusion, afford no pretexts for the intrusions or annoyances of the white man.

Thus frankly, in compliance with the request of the President, I submit to him my general views on this interesting subject. Thus frankly I will deem it my duty to submit them to the Legislature of the State. They are such, no doubt, as have already suggested themselves. They seem to me the only ones which the attitude assumed by the Indians will suffer us to entertain. I am sorry I cannot support them by matter-of-fact information of official character. To me, this is impossible. I can only say, generally, that, among men best informed on Cherokee affairs, the minds of a majority of the nation are well prepared to receive your proposition for removal.

In conclusion, I must state not only my hope, but my conviction, that the President will perceive, in every movement on our part in relation to this business, a sincere desire to harmonize with the Union; to maintain peace and tranquillity with the Indians, until longer forbearance will cease to be a virtue; in fact, to lend ourselves, as we have always done, heart and hand, to the support of every wise and virtuous administration of the General Government. But the President will, at the same time, consider that Georgia has a deep stake in the prompt decision of the present question. Of all the old States, Georgia is the only one whose political organization is incomplete; her civil polity is deranged; her military force cannot be reduced to systematic order and subordination; the extent of her actual resources cannot be counted; the great work of internal improvement is suspended; and all because Georgia is not in the possession of her vacant territory—a territory waste and profuse to the Indians; profitless to the United States; but, in the possession of the rightful owner, a source of strength, of revenue, and of union.

Whilst you present to the President my respects, be pleased to accept for yourself the offer of my high consideration for the part you have taken in this transaction.

G. M. TROUP.

HON. JOHN C. CALHOUN, *Secretary of War, Washington City.*

Governor Troup to the Secretary of War.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, GEORGIA, April 24, 1824.

I cannot refrain from the expression of my surprise at the late communication which the President has thought proper to make to Congress, on the subject of the claims of Georgia against the United States under the articles of agreement and cession of the year 1802.

Assuming, as it does, principles which I controvert; asserting facts which I cannot permit myself to admit; it becomes my duty, in the recess of the Legislature of Georgia, to enter my protest, in behalf of the people of this State, against them, in the same manner as I believe they would themselves do if they had an opportunity of speaking by their immediate representatives. The avowal of these principles, the assertion of these facts, involve the destruction of the compact between Georgia and the United States, make it null and void, and leave no alternative to Georgia but acquiescence or resistance.

If nullified by the act of one party, the other party is absolved, and both are free to declare the resumption of their original rights. Will this cancelment make for Georgia or the United States? Give us back our lands; we give you back your money; and, without making war upon the States of Alabama and Mississippi, we will run the risk of concluding with them the best bargain we can. It would be a better bargain for Georgia than that the execution of which we urge upon the General Government. But, before this, we will have to ask a little money of you. Refund to Georgia the five millions which you gratuitously presented to certain persons, the price of the pacification of New England, and which you paid from the proceeds of our lands. And is it come to this? Is it discovered at last that Georgia has no claims either upon the United States or upon the Indians, under the compact of 1802? that it is all a dream, a vision, a phantasma, with which the deluded people of Georgia have been plaguing themselves for twenty years? And, I pray you, of what other construction is the message to Congress susceptible? Are not the Indians there treated as allodial proprietors?—as an independent people, having *plenum et absolutum dominium*, and seised *per my et per tout*; and that, therefore, Georgia can take nothing but at their will and pleasure?

The United States have promised in the compact to extinguish for Georgia the Indian claims to the lands reserved, as soon as it could be done peaceably and on reasonable terms. The President, in his message, construes this into a stipulation to do in this respect whatever it might please the Indians at any time to do. Of what value was such a stipulation to Georgia? She could take nothing by it which she had not without it. Georgia might, according to the President, entreat the United States to ask the favor of the Indians to sell peaceably and on reasonable terms, and, if the Indians pleased to answer no! never! the just claims of Georgia were satisfied now and forever. Was ever such a stipulation heard of before, either in compact between Government and Government, or in contract between man and man? Georgia has not required the United States to invade Indian rights, to satisfy her claims. She has only asked of the United States to do for her what she has done for herself—acquire Indian lands whensoever and wheresoever she wanted them; employ the same means for us in the fulfilment of treaty obligation, which you habitually employ for yourselves without any such obligation; in short, do as you did in the case of the Florida treaty and others. When the President says he and his predecessors have invariably done so, may he not have forgotten the treaty of 1814, when a commanding word to General Jackson would have procured for us the Creek lands within our limits, on at least as good terms as it did procure other lands for the United States beyond them? I appeal to the records of your office, sir, as the voucher of the fact, that when that treaty was negotiated, the obligations of the United States were no more remembered than if the compact of 1802 had never existed. Make an estimate from the same records of what you, since 1802, have acquired for yourselves; and compare it with what, under the pledges of the agreement, you have acquired for Georgia. The difference will be about as one hundred to a unit. And yet it is asserted that the United States have sought every opportunity to fulfil the stipulations of the compact! And may I ask the favor of you, sir, to put your finger on that particular part of them where it is shown that a proposition to extinguish claims in your behalf has been answered by the potent monosyllable no! and that you have been content? The history of the Plymouth colony and of William Penn might have been illustrated by the patience with which such an answer had been borne. The United States have never pretended, until now, that it would be borne at all. Now we turn over a new leaf; the principle of the old treaty of Philadelphia—the *quid pro quo* principle—must govern all treaties and satisfy all consciences. Would it had been so from the beginning. I confess to you, sir, I do not like this kind of half honesty. If the principle of Penn's treaty was right, that of every other which followed was wrong; and he who has done wrong, is, in front of conscience, bound to get back to right. To undo promptly and directly what you have unrighteously done, is a dictate, I think, of the Platonic and Socratic school; undoubtedly that of a much higher—the Christian.

Begin, therefore, with Georgia, if you please, to unsettle all that has been settled; but let not Georgia be the first and the last. Say, in a spirit of repentance, that what we have taken unlawfully we will restore; that the edict of Pope Alexander of pious memory shall pass for nothing; the proclamations and charters of divers Kings of England for nothing; priority of occupation, priority of civilization, priority of Christianity, all nothing; Spanish precedent, which, by the law of force, took every thing, and gave in return stripes and blows, of course for nothing; and, beseeching the forgiveness of sins, return to the principles and practices of William Penn.

But then is not atonement still due to the aboriginal? How, if you take the rule of the message for your guide, can you repair the wrongs of all kinds done him since the landing on the rock at Plymouth? Your whole substance would not compensate him by one-half. But, sir, not even the Puritans and the Quakers will consent to give up now; and if things are to remain as we find them, why is Georgia to be selected as a propitiatory offering? It is a fact unquestionable, that, for fifteen or twenty years past, well knowing your obligations to Georgia under the compact, you have encouraged the Cherokees to make progress in all the arts of civilized life of first necessity and comfort, within the acknowledged limits of Georgia. They have been rearing flocks and herds, constructing comfortable buildings, making agricultural improvements of various kinds, organizing a Government adapted to the grade of civilization they had reached, with schools and religious establishments appurtenant, &c; and you encouraged the beginning and progress of these things with certain foreknowledge that they could by no possibility endure. They have been taught by the United States to value them as they ought; if they had not been taught altogether at our expense, and without our consent, we would have had no objection. But this has been the sole cause of the unwillingness of any part of the Cherokees to move. The United States, therefore, create the cause; the Cherokees avail themselves of it to turn their backs upon your propositions for negotiation; and you have no means of escaping the difficulty, but by asserting for the Cherokees rights which they have not, and denying rights to Georgia which you ought to know she has.

I do most earnestly wish, sir, that this subject could be disposed of forever. It never recurs but the heart sickens at the recollection of the crimes connected with it. And are the wrongs of Georgia never to have an end? When the proclamation of '64 gave to Georgia the country between the Atlantic and the Mississippi, it was thought we took something by it. It was not believed it gave us (what we and all mankind had before) the right to ask the In-

dians to sell lands in fair market. We not only thought differently, but acted differently. We knew that the whole country was ours in virtue of the very best kind of title then recognised by civilized Europe, and, paying proper respect to the occupation of Indians, we exercised all the rights of sovereigns and masters, until Mr. Adams conceived a notion that part of the country belonged to him. So he said to us, "That part which you occupy you may keep; the rest I will take to myself." Accordingly, he sat down with his army on the banks of the Mississippi, and erected a Territorial Government; Georgia was in no condition to resist. She began, therefore, to supplicate; from supplication she passed, by an effort of great courage, to remonstrance; and thence, suddenly, into the articles of agreement and cession, where we still find her. But, in the mean time, what had happened? I blush to think of it. The evils of that sore and nameless iniquity are felt at this hour in all the ramifications of society. The instigators and plotters of it you paid handsomely. How, I will not say; the secret is yet to be revealed. The purity of the President has no doubt kept him a stranger to it, to this moment. But, after all, having proceeded in a course of piecemeal execution of the articles for twenty years, why do you stop short, and say to us, All this has been gratuitous; we owed you nothing, and we have paid you a great deal; your restlessness and inquietude and importunities, our harassments and perplexities and expenses, have all been the results of false conceits and hallucinations, and they must have an end? Accordingly, it is recommended to end them by proposing a removal of the Indians, with their consent; not because the United States are bound by the compact to take this or any other measure to place Georgia at once in possession of her territory, but because of considerations confined exclusively to the welfare and prosperity of the Indians. I am, notwithstanding, gratified that the President and myself, differing unfortunately on other points, should concur in this as a measure indispensable to the improvement of the condition of the Indians, and necessary to secure their permanent peace and happiness. But why this could not have been accomplished without the intervention of Congress, I cannot easily conceive. A treaty for the *exchange* of lands would seem to me to be as obviously within the compass of Executive powers as a treaty for the *purchase* of lands, or any other object. If the instrument of persuasion is the only admissible one for the attainment of the end, I do not know how Congress can, by any act of theirs, make that which is already in the hands of the President more efficient for your own purposes. Delay is certain to follow, and, anxious as we are to know our fate, it is delay we deprecate.

The first detachment from the body of the Cherokees moved across the Mississippi on the naked promise or suggestion of Mr. Jefferson; a majority of the Cherokees would do so now.

One more instance, if you please, of the unkind and unfriendly treatment recently received at the hands of the United States. The President, in the course of the present session, has considered it his duty to recommend to Congress to make provision for the claims of the Massachusetts militia; claims which Congress had hitherto refused to recognise, because, with very few exceptions, that militia, in the late war with England, *flagrante bello*, were arrayed against the constituted authorities of the Federal Government.

Georgia, too, has militia claims against the Federal Government of some twenty or thirty years standing, which have been constantly urged upon the justice of Congress. I remember to have introduced them before the Senate, and so unexceptionable were they deemed by that enlightened body, that their validity was sanctioned without a dissenting voice. They would have passed the House of Representatives also; but, on their way, they fell into bad company; they fell in with the Massachusetts claims, then most obnoxious, and shared their fate; they were claims for services faithfully and patriotically rendered in defence of our frontier against the Indians. They amount to \$120,000, at least. When we press the United States for payment, the answer is, These claims, and all other claims of Georgia, were merged in the articles of agreement and cession; and when we go to look for the article in which this supposed mersion is to be found, we will as readily find it in that very important one which gives to us the right to ask the lands of the Indians, and to the Indians the corresponding right to answer No! as in any other.

I will trouble you no further on this unpleasant subject. The causes which led me to the expositions and references contained in this paper are not of my seeking. I would willingly have avoided them. The absolute denial of our rights, as we understand, and have long understood them, at the moment when we believed they would have been most respected, is a subject of mortification and regret. So far as I participate these feelings with my countrymen, I assure you, sir, they are not the offspring of this day or this hour. Smarting under a sense of our wrongs, within the first hour I set my foot on the floor of the Senate Chamber I had occasion to expose the wrongs of Georgia, and to apprise the Senators that I would never vote for an Indian treaty until the claims of Georgia were satisfied. My convictions and my feelings remain the same to this day. Nevertheless, my sentiments towards the President are unchanged. Who can be exempt from error, amidst the cares and troubles of such an office? What heart so callous as to pardon injuries inflicted by it? We forgive, but our rights are still our rights. At what time, and in what manner, they will be asserted, must depend upon the representatives of the people.

Respectfully,

G. M. TROUP.

The Hon. JOHN C. CALHOUN, *Secretary of War, Washington.*

CORRESPONDENCE WITH THE GENERAL GOVERNMENT ON THE SUBJECT OF THE TREATIES, AND THE LINE DIVIDING GEORGIA AND ALABAMA.

Governor Troup to the President of the United States.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *February 11, 1826.*

As I will proceed on the 2d day of September next, under the authority of the Legislature of Georgia, to occupy the country ceded by the treaty concluded at the Indian Springs on the 12th day of February, 1825; and as the running of the dividing line between this State and the State of Alabama must necessarily precede the survey, which will immediately follow that occupation; as the Government of the United States, having been formally invited to co-operate, has, in declining it officially, made known to the Government of Georgia that the running of the line is a matter in which Georgia and Alabama are alone concerned, and with which the United States have nothing to do; as Alabama did consent, and, it is believed, notified that consent to the United States, as she certainly did to Georgia; as Alabama is well disposed to co-operate with Georgia in the execution of the work; as it can have no assignable connexion with the existence or non-existence of the treaty, it having been fixed unalterably by the constitution and the articles of agreement as the permanent boundary, and as the treaty recognises and confirms it; as the Government of Georgia is resolved, after having encountered very many obstacles, equally unlooked for and unnecessary, to carry into effect its repeated decree; as the season will soon arrive most favorable to its execution with accuracy and precision; and as General Gaines, in his letter of the 14th June last, had, in the name of his

Government, expressly forbidden the running of the line, as well as the survey of the lands, and had assembled troops on the frontier to enforce the prohibition; and as the Secretary of War, by the order of the President, notified this Government that no entry upon, or survey of, the country would be permitted, and, moreover, directed the commanding general to employ a military force to prevent any such entry or survey; it is respectfully asked of the President whether his resolution in these respects remains unchanged, and, if unchanged, whether the military force will be employed against us, with or without the auxiliary aid and co-operation of the savages; or whether these last will be restrained by the authority of the United States from interposing their arms at all; or whether they will be left to the indulgence of their natural feelings, under the artificial excitements of the day, to assume the character of neutrals, or of partisans and marauders, as those feelings and excitements may dictate? It is hoped and expected that the frankness of the President's answer will correspond with the importance of the occasion which prompts to this inquiry, so that nothing hereafter will be chargeable to the imperfection of our language, or the insincerity of either of the parties. And that the President may be in full possession of the considerations which influence this Government, and, more especially, that he may acquit the authorities here of precipitancy, prejudice, or undue diffidence in the wisdom and patriotism of the councils of the Union, I will take the liberty to submit the documentary and official evidence, which, it is trusted, will sustain and justify this Government in the eyes of the world in the measures to which, for its own safety, it may be obliged to have recourse.

First, then, the running of the dividing line between Alabama and this State has no assignable connexion with the existence or non-existence of the treaty; the right to run the line having accrued to Georgia by the articles of agreement and cession of 1802—a right undisputed until now, and which ought to be indisputable now, because at that time made by the constitution the permanent boundary of the State.

The constitution, in the twenty-third section of the first article, after defining the boundaries of the State, proceeds to authorize a sale to the United States, under the authority of the Legislature; but that sale being effected, (as it was by the articles of agreement and cession of 1802,) the remaining territory is declared to be the property of the whole body of the people, and inalienable but by themselves.*

Secondly. The repeatedly official assertion of the right of Georgia; (a) the official concurrence of Alabama; (b) and the official acquiescence of the Government of the United States. (c)

Thirdly. The public acts and resolutions of Georgia have kept separate and distinct the subject of running the line, and that of surveying the lands, any further than that the one must necessarily precede the other. But, with respect to the right to run the line at pleasure, never having entertained but one opinion concerning it, and disclaiming any authority on the part of the United States to bring it into controversy at all, whilst in deference to the councils of the Union the Legislature consented to postpone the survey, they did not consent to postpone the running of the line, and, of course, left it where they found it, viz: discretionary with the Executive to run it whenever he might deem proper. When the Legislature authorized the Executive to postpone the survey until the expiration of the time limited by treaty, but to proceed immediately at the expiration of that time, they could not have intended to postpone the running of the line, because, as that must necessarily precede the survey, such postponement would defeat the survey. (d)

Fourthly. The Legislature were therefore indifferent whether the treaty was declared null and void, or not, as regarded the running of the line; the running, having been ordered long before the treaty was even in contemplation, had nothing to do with it, and therefore was to be carried into execution whether such a treaty was ever brought into existence or not. If the treaty expedites the running now, it is only because the running must necessarily precede the survey, which will commence on the 2d of September next, the day after the time limited by the treaty for the occupation of the Indians.

Fifthly. We are prohibited, by military force, from running the same description of boundary line which we are almost daily in the practice of running without murmur or complaint from the General Government—I mean the exterior boundary line which separates our frontier counties from the Indians. Here the Indians are equally liable to trespass, encroachment, and interruption of all kinds from the whites; to be cheated and defrauded of their effects, ill-treated in their persons, and even their lands taken from them by the unskilfulness or dishonesty of surveyors. It has been shown that, in the contemplated measure, the Government of the United States has been repeatedly invited to participate, not only to protect its own interests, but those of the Indians; the Indians themselves would have been invited. In running the line between the Cherokees and Georgia, under the treaty, both the United States and the Cherokees would be invited to be present. If the Indians, therefore, should, in either instance, suffer detriment by an act of the Government of Georgia, the Government of the United States would be there present to correct or redress it.

Sixthly. Other States have run lines, separating their territory from that of the Indians, without permission of the General Government; the States of Tennessee and North Carolina and Georgia have done so, and their legality has not been questioned by that Government. In many instances, too, these lines have passed through territory in the exclusive occupation of the Indians. [See the reports of the commissioners of the State: one dated 15th October, 1819; the other dated 13th July, 1818, running the lines between Tennessee and North Carolina and Georgia.]

Seventhly. The Executive of the United States has repeatedly, uniformly, and without reservation or condition, admitted the right of Georgia both to run the line and make the survey at the expiration of the time limited by the treaty; and, in the letter of the Secretary of War, so late as the 30th day of August last, viz: after the Government had been placed in possession of all the information which it now has, of the bribery and corruption, and abuse of instructions, practised to procure it, the Executive of the United States expressed itself highly gratified and delighted that the Executive of Georgia had consented to postpone the survey, even until the meeting of the Legislature of the State. It will be seen, on comparing the correspondence and official message of the Governor with the paragraph of the letter of the Secretary of War, (marked e,) that the Secretary has committed a very great error. So far from the Governor consenting to await the decision of the Congress, he protested, in the most positive terms, against a reference of the treaty at all. The Governor never engaged to do more than to postpone the survey until the meeting of the Legislature of the State.

* *Extract from the 23d section 1st article Constitution of Georgia.*—And this convention doth further declare and assert, that all the territory without the present temporary line, and within the limits aforesaid, is now of right the property of the free citizens of this State, and held by them in sovereignty, inalienable but by their consent.

1st article of the articles of agreement and cession.—The State of Georgia cedes to the United States all the right, title, and claim which the said State has to the jurisdiction and soil of the lands situated within the boundaries of the United States south of the State of Tennessee, and west of a line beginning on the western bank of the Chattahoochee river, where the same crosses the boundary line between the United States and Spain; running thence, up the said river Chattahoochee, and along the western bank thereof, to the Great Bend thereof next above the place where a certain creek or river, called Uchee, (being the first considerable stream on the western side, above Cussetah and Coweta towns,) empties into the said Chattahoochee river; thence, in a direct line, to Nickajack, on the Tennessee river; thence, crossing the said last-mentioned river, and thence, running up the said Tennessee river, and along the western bank thereof, to the southern boundary line of the State of Tennessee.

You have perceived, sir, from every past indication of public sentiment, that nothing can shake the confidence of the Government and the people of Georgia in the validity of the treaty of the Indian Springs; and, as I flatter myself with the hope that the preceding illustration may afford some insight into the absolute right of the State of Georgia to run the dividing line between Georgia and Alabama whensoever she pleases, I have taken the liberty to trouble you thus far.

It is my unpleasant duty to trespass upon your attention yet a little longer. Information, not wholly of official character, has been received, that, in the new treaty lately negotiated with the hostile chiefs, a line has been designated as a true dividing line between the two tribes, by which something like three hundred thousand acres of lands, as acquired by the treaty of the Indian Springs, are taken from us and given to the Cherokees. For this treaty, of course, we care nothing; because, in declaring the inviolability of the old, we have already proclaimed the invalidity of the new. But neither yourself nor myself can be altogether indifferent to the consequences of this ill-judged measure. A false line has been adopted, which favors the Cherokees; the true one, which favors the Georgians, blotted out. The true line will be the one followed by the commissioners of Georgia, who are appointed to run it. The false line will be the one claimed by the Cherokees as the true one. I much fear you have not been made familiar with the territorial history of both tribes; it is short, but not, on that account, the more appropriate to the subject of this letter. But I cannot help saying to you that, of all the measures which you have thought proper to adopt in relation to the matters in controversy between the two Governments, there is no one which has given me more pain or solicitude, because no one partaking of more injustice, hardship, and oppression, than that now complained of. In giving a new boundary to the Cherokees, you have given them new feelings, hostile to the interests and people of Georgia; they will recognise no other line, in future, than that you have thought proper to prescribe; they will suffer none other to be run, but by coercion of the sword. Without any controversy between the Creeks and Cherokees, involving territorial boundary, or bringing this line into question, but such as might easily, according to their usages and customs, have been settled among themselves, you have become gratuitously a volunteer in the service of the Cherokees, to procure for them, by cession from the hostile chiefs, lands which belong neither to them nor to the Cherokees, but which belonged more particularly to the friendly Creeks, and which now belong to us by cession from both friendly and hostile chiefs: thus giving to the Cherokees a little more space for the pursuits of agriculture and the civilized arts, by a permanent location assured to them, adverse to the claims and demands of Georgia, and preparing them for the promised admission into the Union as an independent State. Not only so; you will probably have caused, on all these accounts, an expenditure of blood and treasure to the State of Georgia, from which she would have been otherwise exempt. And suffer me, in no unkindly spirit, to inquire, if such be the consequences resulting from these, what will be those which must follow the ulterior, and not distant, assertion by Georgia of her right to all the territory of the Cherokees within the limits settled by the articles of agreement and cession? (f)

One of two things has happened: either the people of Georgia, and the authorities who represent them, have, by the illusions of interest or prejudice, or both, been overwhelmed by sudden and impenetrable darkness, benumbing and stupifying their faculties; or the councils of those of whose measures they complain have been directed by a strange infatuation.

The old treaty is proposed to be annulled, either because of corruption practised to procure it; of an abuse of powers by the commissioners; of an inadequate representation of the nation; or of the boundary on one side being an artificial instead of a natural boundary. If an irreversible sentence of denunciation and annulment is to be pronounced against the old treaty because of these, what is to become of the new? The old treaty, negotiated by your own agents, in the woods, seven hundred miles from the seat of Government, with nothing but their written instructions to direct them, in a simple unostentatious manner, without any display of power, not even a guard or an escort, and with comparatively limited command of money, with a foreknowledge of their accountability to you both for the fulfilment of their instructions and the appropriation of the money, and, finally, the former ratification, agreeably to the forms enjoined by the constitution: the new treaty, negotiated at Washington, in the presence of the Government, with enough of pomp and circumstance to dazzle or overawe; where a smile gives animation and buoyancy to despair; and where the lion-hearted savage himself can be made to quake and cower beneath a frown; where moneyed means lead into temptation, and the annals of Indian diplomacy furnish no moral nomenclature by which to estimate the terms perfidious, treacherous, &c.; where instructions could be varied, from hour to hour, to every exigency; where, indeed, any party might be considered as the nation, and any boundary a good one: it is under all these circumstances that, at Washington, we are to presume the existence of perfect freedom of will, uncontrolled and unrestrained, united to the romantic love of country, dictating every article and paragraph of the new treaty; whilst, in the woods of Georgia, the same freedom has been corrupted by gold, and the will misdirected to the ruin of Indian rights and interests.

We cannot look upon these things with the same eyes; but when the effects and consequences come, however they may be regarded by others, I can assure you they will inflict a deep wound upon ourselves. The augmented expense, and the almost inevitable bloodshed, in running both the Alabama and Cherokee lines, to say nothing of the multiplied obstacles opposed to the Executive of Georgia in the execution of his duties by these unfortunate events, combine to make this a long, complaining, and perhaps importunate letter.

The public duty, which impels me to write, will incline you to a patient reading. We are never better employed than in hearing the griefs and lamentations of our friends, unless in the kindest of all offices—that of assuaging and comforting them.

With the highest consideration, I am your obedient servant,

G. M. TROUP.

(a) *The resolutions of the Legislature of Georgia, of November 29, 1822, November 28, 1823, and June 11, 1825.*

IN THE HOUSE OF REPRESENTATIVES, November 15, 1822.

The dividing line between this State and the State of Alabama never having been run, in conformity with the articles of agreement and cession entered into on the 24th day of April, 1802, between the commissioners of the State of Georgia on the one part, and the commissioners of the United States on the other part, from the mouth of Uchee creek, on the Chattahoochie river; thence, in a direct line, to Nickojack, on the Tennessee river; and as it is now in contemplation to hold a treaty for the acquisition of lands from the Indians, which must bound upon said line; and as it is highly important to the two States, for various considerations, that said line should no longer remain undefined by the proper and usual marks; and the Legislature being of opinion that said articles of agreement and cession render it obligatory on the United States to cause said line to be run, and at the expense of the General Government:

Resolved, That the Governor be requested to take as speedy measures as possible to present this subject to the President of the United States, and to bring the same before Congress, if necessary, for the purpose of procuring the said line to be run as early as possible.

Resolved, That the Governor be authorized to appoint two fit and proper persons, one of whom shall be an artist, to accompany such person or persons as may be appointed on the part of the United States to run said line.

Resolved, That the Governor of this State communicate the above resolutions to the Executive of the State of Alabama, and solicit the concurrence of that State to the same, and to appoint one or more persons to attend the running of said line.

Approved, November 29, 1822.

IN SENATE, November 21, 1823.

Resolved, That his excellency the Governor be requested to continue those exertions, which have already been commenced, to insure a speedy running and marking of the line dividing this State from the State of Alabama, in pursuance of a resolution of the last General Assembly.

Approved, November 28, 1823.

IN SENATE, June 4, 1825.

Resolved, That the Governor be required, as soon as practicable, to procure the services of some competent person or persons to ascertain the boundary line between this State and Alabama, according to the terms of the compact entered into between this State and the United States, in the year 1802; first giving to the Governor of Alabama due notice thereof, so that commissioners on the part of that State may be appointed to co-operate with the commissioners appointed on the part of this State, if the Government of said State shall deem it necessary to do so.

Approved, June 11, 1825.

(b) *Resolutions relative to the dividing line between this State and the State of Georgia.*

Whereas, the dividing line between this State and the State of Georgia never having been run, in conformity to the articles of agreement and cession entered into on the 24th day of April, 1802, between the commissioners of the State of Georgia on the one part, and the commissioners of the United States on the other part, from the mouth of Uchee creek, on the Chattahoochie river; thence, in a direct line, to Nickojack, on the Tennessee river: and as it is now in contemplation to hold a treaty for the acquisition of lands from the Indians, which must bound upon said line: and as it is highly important to the two States, for various considerations, that the said line should no longer remain undefined by the present marks: and this Legislature being of opinion that the said articles of agreement and cession render it obligatory on the United States to cause said line to be run as early as possible:

SECTION 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor be requested to take as speedy measures as possible to present this subject to the President of the United States, and to bring the same before Congress, if necessary, for the purpose of procuring said line to be run as early as possible.

SEC. 2. *And be it further resolved*, That there shall be appointed, by joint vote of both Houses of the General Assembly, two commissioners, one of whom shall be an artist, to accompany such person or persons as may be appointed on the part of the United States to run said line.

SEC. 3. *And be it further resolved*, That the Governor of this State communicate the above resolutions to the Executive of the State of Georgia, and solicit the concurrence of that State to the same.

A. P. BAGBY,

Speaker of the House of Representatives.

NICHOLAS DAVIS,

President of the Senate.

ISRAEL PICKENS, *Governor.*

Approved, January 1, 1823.

STATE OF ALABAMA, *to wit*:

I, James J. Pleasants, Secretary of State for the State of Alabama, do hereby certify that the foregoing resolutions are true copies taken from the original on file in the Executive office.

Given under my hand, and the seal of the State, at Cahawba, this tenth day of January, in the year one thousand eight hundred and twenty-three, and of American independence the forty-seventh.

JAMES J. PLEASANTS, *Secretary of State.*

(c) *Extract from the Secretary of War's letter, dated*

JULY 13, 1824.

The convention between the United States and Georgia of the 24th of April, 1802, makes no provision that the line shall be run by the United States; and as the Legislature of Alabama have expressed no desire that it should be run by the United States, it is believed that any line which might be run and marked under their authority would not be obligatory, unless done by consent of both States interested. Should such an assent be had, and Congress think proper to make an appropriation for the expense of running and marking the line, the President would very cheerfully comply with the request of the Legislature of Georgia.

Extract from a letter of the same Department, dated

APRIL 28, 1825.

I have the honor, in reply to your request for the appointment of commissioners on the part of the United States to meet commissioners to be appointed on the part of Georgia, to run and mark the dividing line between that State and Alabama, to state, that the difficulties opposed to your request, as communicated in a letter to you from this Department of the 13th of July last, are insuperable. The States have ever justly held among the attributes of their sovereignty the right of regulating, according to their own will, the method of arranging their boundaries with their conterminous States. It is believed, therefore, that the running of the line between Georgia and Alabama is a subject exclusively belonging to those States.

(d) The act of the Legislature of the 9th of June, 1825, authorized the survey, and extended the criminal laws of the State over the territory acquired by the United States, for the use of Georgia, at the treaty of the Indian Springs of the 12th of February, 1825. The following extract from the official message of the Governor explains why the survey, as authorized, was not prosecuted.

"The President having ultimately resolved to refer the treaty to Congress for reconsideration, because of alleged intrigue and treachery practised to obtain it, the resolution of the Executive to prosecute the survey, under the act of the Legislature of the 9th of June last, was changed, and the change immediately communicated to the President."

Extract from the resolution of the Legislature of December 23, 1825.

Resolved, That full reliance is, and ought to be, placed in the late treaty concluded between the United States, for the use of Georgia, and the Creek nation of Indians, at the Indian Springs; that the title of the territory obtained by said treaty, within the limits of Georgia, is considered as an absolute vested interest; and that nothing short of the whole territory thus acquired will be satisfactory; and that the right of entry, immediately upon the expiration of the time limited in the treaty, be insisted on, and accordingly carried into effect.

(e) "He has heard, therefore, with the most lively satisfaction, the determination of your excellency to proceed no further in the survey until the Congress of the United States and the Legislature of Georgia shall have had an opportunity of acting upon the subject as, in their respective judgments, the rights, duties, and obligations of all the parties concerned may require."

(f) *Extract from the convention between the Creek and Cherokee nations of Indians, held December 11, 1821, on the subject of their boundary.*

General William McIntosh, in council between the Creeks and Cherokees, has this day made a treaty about their boundary lines, viz:

ARTICLE 1. We do hereby acknowledge [this] shall be the line: from the Buzzard's Roost, on the Chattahoochie, a direct line running to the mouth of Wills's creek, on the Coosa river: all north of the said line is the Cherokee lands; all south of the said line is the Creek lands.

ART. 2. We, the commissioners, do further agree that all the Creeks north of the said line above mentioned shall become subject to the Cherokee nation.

ART. 3. All the Cherokees south of the said line shall be subject to the Creek nation.

ART. 12. We, the commissioners of both nations, do hereby agree for and in behalf of our nation, that the lines subscribed in the foregoing treaty shall be ratified when the heads of both nations sign this treaty. We, the commissioners, do hereby set our hands and seal, this 11th day of December, 1821.

<i>Cherokees.</i>	<i>Creeks.</i>
Choleyoe,	Wm. McIntosh,
Cancouyile,	Otumetustunnugge,
Teansetau,	Tuskehenchop,
Folenastee,	Cauchatustunnugge,
Th. Wooderd,	Tuskenebau,
Teconsautee,	Nebaullockhopye,
Otiletee,	Ispoyoyemu,
Will Interpreter.	Chareleasatustunnugge.

We, the undersigned, do hereby certify that the foregoing chiefs of the Cherokee and Creek nations did sign their names, as commissioners of both nations, to this treaty.

Samuel Hawk,	Joseph Marshall,
Colonel Ridge,	Chilly McIntosh.

Governor Troup to the President of the United States.

SIR: EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *March 9, 1826.*

I embrace, with great pleasure, the first instant after having been myself corrected to correct an error into which, from the indistinct information received here of the provisions of the new treaty, I was inadvertently led, in the communication which I had the honor to address to you on the 11th day of February last.

Necessarily precluded from acting on official information until the fate of the new treaty had been decided, it became my duty, for the purpose of averting apprehended evil, to act promptly upon the best which the nature of the case afforded; that, of course, is still the best I can resort to, and it warrants the belief that the three hundred thousand acres, supposed to be given to the Cherokees, have not been given to them, but to the Creeks; and, consequently, that the dividing line between the two tribes, viz: McIntosh's line of 1822, will, for any thing contained in the new treaty, remain unaltered. It is confidently hoped, therefore, that, with regard to the running of that line, we may experience no difficulty or obstruction from the Cherokees.

It is the alteration of the other and most important one, viz: the line between the Big Bend and Nickojack, as guarantied by the articles of agreement and cession, which remains a subject of specific and distinct remonstrance; and it is the inevitable permanency of that alteration which, replete with evil and full of danger, produces here inquietude and alarm.

The new treaty having its foundation in the last resolution of the hostile chiefs, officially declared, that they will never surrender the country but with their lives, the inference is irresistible, that our rights depending, for the future, on that resolution, the new boundary is to be considered a permanent one; an inference the more warrantable, because the old treaty, being as much a matter of contract, passing vested rights, as the articles of agreement and cession, if the new treaty can rescind the old, it can rescind the articles of agreement and cession; and it is the boundary, as established by those articles, which now constitutes the chief value of them.

The articles of the treaty, either as negotiated or ratified, (if ratified at all,) not being before me, I can only write of what I understand them to be. With respect to other matters of fact, I may be equally deceived or mistaken;

with respect to the inference drawn from them, I cannot be. To avert mischief by timely remonstrance, and not to misrepresent the views or proceedings of the Government of the United States, was the only object in addressing the letter to you of the 11th ultimo; and if, in this or that, there be any thing else of error or misconception, none will be more ready to make acknowledgment and reparation than,

Sir, very respectfully, your obedient servant,

G. M. TROUP.

The Secretary of War to the Governor of Georgia.

SIR:

DEPARTMENT OF WAR, June 4, 1826.

Governor Murphy having addressed me on the subject of ascertaining the boundary line between Georgia and Alabama, I think it due to you, from a previous correspondence had with the delegation of Georgia in the Senate, as well as with yourself, as also from the equal interest which Georgia has in the measure, to furnish you with a copy of my reply, which is herewith enclosed.

I am, most respectfully, your obedient servant,

JAMES BARBOUR.

The Secretary of War to Governor Murphy, dated

SIR:

WAR DEPARTMENT, June 4, 1826.

I have the honor to acknowledge the receipt on yesterday of your communication dated 10th of March, covering the resolution of the Legislature of Alabama, authorizing you to appoint commissioners to ascertain the boundary line between Alabama and Georgia.

In reply, it gives me pleasure to communicate to you, that the President is gratified that a measure so desirable to two States as that of fixing their boundary may be carried into effect without objection or difficulty, at least on the part of the United States; no provision, however, has been made by Congress for the appointment of a commissioner, or any money appropriated to meet the expenses of such an appointment. And he would fain hope that this subject may be equitably and satisfactorily adjusted by the two States, without the interposition of the Government of the United States. Should, however, the difficulties to which you refer as probable really occur, and continue insurmountable, on their being communicated to this Department the President would feel himself bound to refer the subject to Congress, who would decide whether it was a case requiring their interference.

I am, most respectfully, your obedient servant,

JAMES BARBOUR.

Governor Troup to the Secretary of War.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 17, 1826.

I have had the honor to receive your communication of the 4th instant, accompanied by a letter addressed to the Governor of Alabama, in which the President has been pleased to express his gratification "that a measure so desirable to two States as that of fixing their boundary may be carried into effect without objection or difficulty, at least on the part of the United States." It is not apprehended that any serious difficulty will occur between the two States; and the expression of this sentiment by the President, so favorable to the removal of one embarrassment, will prove, it is hoped, the precursor of the removal of all, in the unhappy differences which have occurred between the General Government and this, on other subjects connected with it.

Accept my thanks for the politeness which dictated your communication, and, with them, the assurance of my respectful consideration.

G. M. TROUP.

Governor Troup to the Secretary of War.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 29, 1826.

The enclosed copy of a letter, this morning received from our chief engineer, engaged in a reconnoissance under orders, and within the unsettled limits of Georgia, will inform you that he has been stopped by the Cherokee, and his further progress threatened to be arrested by force; and further, that these infatuated and misguided people threaten to resist by force the execution of the measure concerted by the Governments of Georgia and Alabama for ascertaining the dividing line between the two States.

Very respectfully,

G. M. TROUP.

The Secretary of War to Governor Troup.

SIR:

WAR DEPARTMENT, August 6, 1826.

Your letter of the 29th June, with its enclosure, has been submitted to the consideration of the President. I am directed to state to you his opinion, that a survey or reconnoissance of the lands secured by treaties to the Cherokee Indians, to which treaties the United States are parties, and to the observance of which their faith is pledged, cannot be lawfully made without the consent of the Indians. To obtain that consent, a letter (a copy of which is herewith enclosed) has been written to the agent of the United States with the Cherokee Indians. The President is persuaded that this consent may be obtained by amicable and pacific means. If, however, it cannot, he deems a resort to coercive measures as altogether unwarrantable. If, in the justness of this view, the constituted authorities of Georgia should coincide, it will be gratifying to the President. But, to guard against the consequences of different views on their part, he feels himself required to protest, in the name of the United States, against the use of forcible and hostile means to effect the purposes referred to in your letter.

With great respect, I have the honor to be your obedient servant,

JAMES BARBOUR.

Copy of a letter from the Secretary of War to Colonel H. Montgomery, agent for the Cherokees.

SIR:

WAR DEPARTMENT, July 19, 1826.

A letter has been received from Governor Troup, accompanied by one from Mr. Fulton, by which the President is informed that the commissioners charged with the reconnoissance of the country of which the lands of the Cherokees form a part, for the purpose of ascertaining the practicability of a canal, have been forbidden to proceed till the subject could be referred to the Executive of the United States. Thus referred to, the President directs that you endeavor, by reasoning with the chiefs, to reconcile them to the survey, as it is not perceived that any injury can result to them from the measure. It is intimated, in the correspondence above referred to, that the Cherokees will oppose the marking of the boundary line between Georgia and Alabama. Let them be duly impressed with the necessity of this service being performed, that the measure is important to Georgia and Alabama, without injury to them, and one which the President has acquiesced in, and necessary in connexion with the late treaty negotiated with the Creeks.

I have the honor to be, &c.

JAMES BARBOUR.

Governor Troup to the Secretary of War.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, August 26, 1826.

To my letter of the 29th June, announcing the resolution of the Cherokees to resist the officers of Georgia in the execution of their duties, I did not receive your answer until yesterday.

Accept my thanks for your politeness in transmitting, by an enclosure, a copy of your communication to the United States agent; and tender them, if you please, to the President, for the counsel he has thought proper to interpose on this occasion.

As in my letter, to which yours is an answer, no intimation had been given of an intention to resort to force to execute surveys or reconnoissances in the Indian country, I could not perceive on what authority such intention had been assumed, as the basis not only of a premonition that the employment of force by this Government, for such purposes, would be altogether *unwarrantable*, but of a formal protest, in behalf of the United States, against it. Whilst no doubt was entertained of the constitutional right of Georgia to protect from insult, and against any power, her officers employed within her territory, in execution of her own orders, whether that territory be in the occupation of Indians or not, it had not been resolved, as you seem to have imagined, to resort to force to execute the engineering reconnoissances or surveys in the Indian country; it was resolved to give effectual protection to our commissioners engaged in running the dividing line between Georgia and Alabama—a measure which, if it had been provoked, the Executive Government of the United States should have been the last to complain of. It was not considered possible, that, after having given its cheerful acquiescence to the running of the line, it should have denied to Georgia and Alabama the only means by which, in a probable contingency, the measure could be executed; and that, whilst the two States, under the encouragement of the United States, were actually engaged in its execution, they should be enjoined by the United States to forbear the only means by which their officers could be protected from a threatened insult. It was resolved, therefore, to have recourse to force for the protection of the commissioners. All the measures were taken to make this force available; and it gives me pleasure to state, as highly honorable to the chief of it, that, for this purpose, Georgia would have had the cheerful co-operation of the Government of Alabama.

If the President has considered it his duty to interpose his formal protest against the execution by Georgia of reconnoissances or surveys of any kind in her own territory occupied by the Indians, much more is it conceived to be the duty of the Governor of Georgia to protest most solemnly against the doctrines on which that protest is founded. Sir, it would be unavailing to open a discussion of this subject; the United States Government has long since concluded to discuss nothing with the States; it asserts supremacy, and in the spirit of supremacy it orders and executes. Within her chartered limits, Georgia is denied the power to ask the Indians to sell to her her own lands. She is denied the right of way or intercourse, by her own soil, with her sister States. Within her own territory she is divested of all the rights of sovereignty and jurisdiction which appertain to it, as if she were the greatest stranger; and is treated, in relation to it, as if she had neither charter, title, claim, nor pretence of claim. The Indians are the lords paramount; and whilst we are not permitted to demand right at all, we are allowed the privilege of receiving favors from them through you only. My word for it, sir, these doctrines may be fashionable for the day, but they cannot last. Georgia must be sovereign upon her own soil, within her chartered limits; she has made no surrender of her territorial sovereignty and jurisdiction by entering into the Union. The power to regulate commerce with the Indian tribes is no diminution, much less renunciation of either. It is not necessary to the regulation of commerce with the Creeks and Cherokees that the Creeks and Cherokees should be kept within the limits of Georgia; it is sufficient for the exercise of your rights in this respect that they are within your own limits; but, as in either case they would be within the limits of the United States, you will readily perceive how vast the difference is between controlling things in a country which you justly claim, and in one to which you have no rightful claim; in a country where the sovereignty and jurisdiction would be acknowledgedly yours, and in one where, with regard to the sovereignty and jurisdiction, you are considered, and will be treated, as a foreign Power. The United States Government, no more than any foreign Government, is permitted to insult officers of Georgia, within the territory of Georgia, occupied in the discharge of their lawful duty. Georgia has the right, which she always had, in common with the colonies and colonizing countries, to prescribe limits within her charter to the territories of the aborigines. It is no derogation from this right that Georgia has never exercised it but on terms of treaty; if she has forborne, from motives of humanity, she may deserve praise, but ought not to suffer loss. The exclusive right, claimed by the United States, to purchase lands from the Indians, is only the right to purchase those of which she claims the sovereignty and jurisdiction. She has no such exclusive right in relation to territory the sovereignty and jurisdiction of which are claimed by Georgia.

If Georgia retains her colonial right, under charter, to remove the Indians from her lands, *à fortiori*, she has a right to enter into peaceable purchase of the same lands. To have surrendered this right to the United States, would have been virtually to surrender her territory; yet the United States have constantly exercised it, with our tolerance, over the territory of Georgia, as she has over her own. Georgia, with her rights of territorial sovereignty and jurisdiction, unimpaired by the constitution, has, in practice, asserted none of these rights; she has forborne them for the sake of peace.

When, on a late occasion, she proposed an innocent act of survey, preparatory to the occupation of her territory acquired under treaty—an act inconsistent neither with the rights of the United States nor with the occupancy of the Indians—she was threatened with a military force, as if she had been a stranger committing wilful trespass on the acknowledged property of the United States.

You will pardon this brief exposition; it is rendered necessary by your recurrence to principles and doctrines, the implied admission of which might involve the forfeiture or impair the rights of sovereignty and jurisdiction which this State claims over her vacant territory, and of which she ought never to be divested, but with her voluntary and express consent.

It was a matter of sincere gratification when, in a former correspondence, I perceived, or thought I perceived, symptoms of a kind and conciliatory spirit, which, met by one equally kind, would reconcile the parties in controversy, giving the past to oblivion, and opening a new way, upon lasting foundations, to concord and harmony; and now, it is cause of the most painful regret to observe the slightest indications of a return to opposite principles on the part of those with whom the authorities here have no wish or desire so strong as that of cultivating the most amicable and friendly intercourse.

With great respect and consideration,

G. M. TROUP.

The Secretary of War to the Governor of Georgia.

SIR:

DEPARTMENT OF WAR, *September 16, 1826.*

By the treaty with the Creeks, negotiated at Washington, it was stipulated that they should retain possession of the lands ceded by that treaty until the 1st January, 1827. Through their agent, (John Crowell,) they have transmitted to this Department a document of the following tenor:

“EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *March 9, 1826.*

“*Ordered*, That the Surveyor General give notice, by a circular to be addressed to sectional surveyors, appointed under the authority of the act of the 9th June, 1825, to be dated on the fourth Monday of July instant, requiring each of them to give his personal attendance at Milledgeville on or before the 14th day of August next, for the purpose of giving bond and security, and qualifying according to law. And the Surveyor General, having taken bond, and qualified the several sectional surveyors, as aforesaid, will, according to the provisions of the same act, prepare and deliver his instructions to proceed in the execution of their respective duties on the first Monday of September next, making all possible despatch consistent with accuracy and correctness. And he is further directed to give the district surveyors, appointed by authority of the same act, reasonable notice of the time when their services may be required, that they may also appear at the seat of Government, to give bond and security, and be qualified agreeably to law, before they proceed to the execution of their duties, as assigned them by the said act.

“By the Governor:

“E. WOOD, *Secretary.*”

and direct him to say, in their behalf, that they are much disturbed at the idea of the surveyors entering the country before they can secure their little crops, and remove their crops, and to express to the Executive their disapprobation of the measure; that, while they are perfectly reconciled to the terms of the treaty, and will cheerfully comply with its provisions on their part, they hope and believe that the Government of the United States will protect them in their rights against the encroachments of Georgia; and they express their apprehensions that much mischief will ensue to them from the proposed premature survey, and the consequences of which it will be the cause. If the Indians had acquiesced in your measure, the President, so far from interfering, would have been pleased in the speedy fulfilment of the wishes of Georgia, in relation to the possession of these lands; but, when they are dissatisfied, and have appealed to him to cause to be observed the articles of that very treaty under which the land was ceded, but possession retained to the 1st January, 1827, he feels himself constrained, by the plighted faith of the nation, to state to you that he considers an entry on the ceded lands, for the purpose of surveying them, as a violation of the treaty. Ever disposed to promote the wishes of any member of the confederacy to the utmost of his power, the President has directed the agent to use his best efforts to reconcile the Indians to the measures you propose, in which, if he succeed, you will be duly notified; but, if that be impracticable, it is expected that Georgia will desist from any further prosecution of the survey until it is authorized by the treaty; and when reference is had to the small portion of intervening time, the President can see no inducement on the part of Georgia to enter the territory of the Indians against their will, and in violation of the supreme law of the land.

I have the honor to be your obedient servant,

JAMES BARBOUR.

His Excellency G. M. TROUP, *Governor of Georgia.*

Governor Troup to the Secretary of War.

SIR:

EXECUTIVE DEPARTMENT, GA., MILLEDGEVILLE, *October 6, 1826.*

I did not receive your letter of the 16th ultimo before the 30th, it having been delayed, as appeared by the post mark, at Charleston.

Be pleased to assure the President that what has been communicated to him as a remonstrance of the Indians against the survey is no remonstrance of theirs, but of some officious intermeddlers in their behalf, who, in misrepresenting the Indians, have only given a faithful representation of their own sordid interests and passions. Our surveyors, some of whom have already finished their work, and all of whom will have completed it in a very short time, have not only suffered no interruption, but have met with the most cordial and friendly reception, with the exception of a single instance, where two of the lower chiefs, notoriously instigated by white men, had interposed threats, founded, as they alleged, on the authority of the Indian agent; in truth, the subject of survey throughout has been theoretically and practically treated by them as it deserved. The survey has not merely been regarded as an operation innocent in itself, and unproductive of harm either to the persons or property of the Indians, but it has been considered as a source of accommodation and emolument, by opening a market for their surplus commodities, which are either perishable or not easily removable. The officers engaged in it, having been appointed by the Legislature, are presumed to carry with them firmness of character, which not only forbids the supposition that they will commit trespass on the Indians themselves, but warrants the belief that they will, to the utmost of their power, prevent others from doing so; and to this effect they are instructed. The surveyors operate as a check upon that description of persons, hundreds of whom, without authority of law, but according to custom, intrude upon the Indian occupancy, whom neither you nor I, with our utmost means, would be able to restrain, and whom nothing will restrain but the laws, which, in a short time now, will be extended over the country.

The President concedes the right of occupancy and settlement to Georgia on the 1st day of January. If, according to the established rule, the concession of a right implies the concession of all the means without which that right cannot be enjoyed, the survey on the 1st of September was an act of indisputable right, without which Georgia could not occupy the country on the 1st of January. The President cannot mean that the survey of the country is the occupation of the country, because that would be a perversion of language; and if he only means that the Indians are not to suffer the least disturbance in their persons or effects before the 1st of January, I trust that the President has found a sufficient guaranty for this in the universal and joyous acquiescence of the Indians themselves. And here permit me to say to the President, in all frankness, that I believe himself, and yourself, and the Senate, have been grossly deceived and imposed on, in framing at least one of the stipulations of the instrument called the new treaty. Why, with regard to the time for the occupation of the country, was not the provision of the new treaty made to correspond with that of the old? This coincidence would at least have removed one difficulty; but it escaped his and your observation that it was designed for the very purpose, in gratification of the worst of passions, by those who seek to embitter the controversy between the United States and Georgia, of postponing the settlement of the country one year; a postponement which, to the President, might seem to be no very great evil, but which, I assure you, would be considered and felt as a very great one, not by ourselves only, but by the Indians and the United States.

The contrivers of this trick believed that you would prevent a survey before the 1st of January, and they well knew, if you did, that, consistently with our system, the country could not be occupied before the following year; and the reasons for this, which you may not fully comprehend, are universally understood and appreciated here. With a correct knowledge of the circumstances, the President, "consulting the views and interests of the people of Georgia," would never have suffered this despicable stratagem to have passed unexposed or unpunished.

The survey being disposed of, it only remains to invite the attention of the President to that part of the subject from which further embarrassment and misunderstanding may possibly arise: I mean the western boundary of Georgia, as prescribed, contrary to her constitution and the articles of agreement, by the instrument called the new treaty. My views on this subject have long since been submitted, in all possible candor, to the President. The President, however, consulting the views and interests of Georgia, as well as the interests of the United States, will not suffer, if he can avoid it, a conscientious difference of opinion to be a source of mischief and calamity to either. I may be mistaken or deceived, but the impression here has been uniform from the beginning, that the Indians who negotiated that instrument intended to cede to Georgia all the lands claimed by Georgia; and that the President, the Senate, and the Georgia delegation so understood it: rumor has lately said that the Indians still so understand it. Of all this, however, you possess the more ample means of information; and it is only permitted to me to say, that, if these things be true, it depends on the President to remove, by a single word, every obstacle to the adjustment of all the differences unhappily connected with this subject.

With great consideration and respect, I have the honor to be,

G. M. TROUP.

Governor Troup to the Georgia Delegation in Congress, on the subject of the treaties and boundary line.

GENTLEMEN:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, January 9, 1826.

I am supported on a sick bed only to express my confident expectation that you will not entertain for a moment the proposition submitted by the United States, on the part of the hostile Indians; that proposition being inconsistent with the treaty of the Indian Springs, which is to be considered inviolable; and the more so, as the Legislature of this State has again explicitly recognised that inviolability, and directed the Executive, as heretofore, to carry the treaty into full effect, according to its stipulations. The treaty being the supreme law, and the articles of agreement and cession having established the permanent boundary, in conformity with the twenty-third section of the first article of the constitution, no human authority exists to change or alter one tittle of it, save the whole people in convention assembled. I even regret that you should have considered it of any importance to make the concession that Georgia might have been satisfied by a further partial extinguishment of territory, as it had been my settled purpose from the beginning, so far as depended on me, never to receive from the United States one square foot less than the entire country within the limits of Georgia. You now see that if Georgia had received less, she never would have received more; nevertheless, I know you to have been governed by the most pure and patriotic motives throughout.

With great consideration and respect,

G. M. TROUP.

Governor Troup to the Georgia Delegation in Congress.

GENTLEMEN:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, February 7, 1826.

I am apprehensive, from the suggestion contained in a letter received by the last mail from Washington, that a sentence in my letter of the 9th ultimo has been misconstrued.

In speaking of a concession made by the delegation, nothing more was meant than the concession which, in answer to the Secretary of War, you thought it of sufficient importance to make, viz: that Georgia might have been satisfied for the time with an extinguishment of Indian claim to a less amount than that embraced within the limits prescribed by the articles of agreement and cession: a most innocent concession, indeed, because you could not know that the Legislature would or would not accept such a treaty. The Executive could only speak for itself, and therefore it was I expressed my regret that you had even deemed it of sufficient importance to say to the Secretary that Georgia might have consented to accept a treaty, at any time previously, which stipulated for only a partial extinguishment. You will see in my entire correspondence with the General Government, from my first letter to Mr. Calhoun, then Secretary of War, that I have considered the surrender of the whole as a *sine qua non*, for I most conscientiously believed that one more treaty, whatever it might be, whether for more or less of territory, would be the last. You are now convinced of it, because you have seen the hostile Indians dictating the permanent boundary of the State to suit their convenience, and the Executive Government of the Union deigning graciously to receive that dictation; whilst the Government of Georgia itself has no power to alter the boundary, it being irrevocably fixed by the constitution and the articles of agreement and cession.

Not one word was written, or intended to be written, about your having made a concession of a right of any kind; a concession which the writer knew it would be as difficult to extract from you, as from your friend and humble servant,

G. M. TROUP.

Governor Troup to the Georgia Delegation in Congress.

GENTLEMEN:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *February 15, 1826.*

In summoning the Board of Public Works to meet on the third Monday of March next, beyond which time that meeting could not be postponed, I was obliged simultaneously to make preparations for the running of the dividing lines between this State and Alabama, and between this State and the Cherokees. These preparations were in a state of forwardness, when I was unexpectedly informed that a new treaty had been negotiated at Washington with the hostile chiefs, superseding the old one, and establishing new boundaries, not only with Alabama, but with the Cherokees.

Although the information received here was not presented (as it could not be) in detail, there was too much reason to believe that the outlines of the negotiation were stated with sufficient distinctness to make it a subject of serious remonstrance before the President. If either line were altered by consent of the Executive authority of the United States, it was obvious that the party whose interest was favored by the alteration would adhere to the last extremity to that alteration as the just and true one, and would denounce our own as arbitrary and illegal. Whilst, therefore, from the general sketch given of the outlines of this new treaty, a great deal was left to hypothesis and conjecture, enough was disclosed to establish the fact of most importance—the fact of *alteration*. So far as we are informed, we cannot understand from which side of the Chattahoochie the reservation is taken; nor whether it be taken for the benefit of the hostile party, or for the benefit of the Cherokees; nor whether the object be to depart from the McIntosh line altogether. In either case, it is so much land taken from us, and probably, as the irregular figure which the boundaries describe would indicate, land of first quality, reserved for the comfort and accommodation of favorite chiefs.

However this may be, you will see, from the tenor and spirit of the letter to the President, (a copy of which, with the annexed documents, is herewith forwarded for your information,) that no time was to be lost on my part, if any thing could be hoped from this last appeal to the Executive Government. You will, if you think proper, be pleased to make known to it, informally, (what could not with so much propriety be submitted in that letter,) as justificatory of the immediate exercise of an absolute right, that it will not be possible to commence the work of internal improvement, as authorized by the last Legislature, and apparently with the universal sanction of the people, now warmly embarked in this interesting cause, and for which every necessary preparation can be made, by the opening of the summer, unless our permanent western and temporary northern boundaries are satisfactorily ascertained and marked.

With the highest consideration and respect, your friend,

G. M. TROUP.

CORRESPONDENCE WITH MESSRS. COBB AND BERRIEN AND THE SECRETARY OF WAR ON THE SUBJECT OF THE LINE AND SURVEY OF THE LAND.

Governor Troup to the Hon. Thomas W. Cobb and John M. Berrien.

GENTLEMEN:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *January 26, 1826.*

Do me the favor to learn distinctly from the Secretary of War whether in his or his agent's different communications it was the intention of the Government of the United States to prohibit the running of the dividing line between Alabama and this State, as well as the survey of the lands. You may do this either by an official note, or otherwise, in your names. General Gaines is explicit enough, but the Secretary of War is sometimes obscure on this subject. The object is to possess myself of an unequivocal declaration, which will admit of but one construction, and without delay.

Very sincerely and respectfully,

G. M. TROUP.

Honorable Thomas W. Cobb and John M. Berrien to Governor Troup, dated

SIR:

WASHINGTON, *February 22, 1826.*

Pursuant to the request contained in your favor of the 26th ultimo, directed to us, as long ago as the 7th instant we addressed to the Secretary of War a note making the inquiries and seeking the explanations suggested in your letter in regard to the "intention of the Government of the United States to prohibit the running of the dividing line between Alabama and Georgia, as well as the surveying of the lands;" and in which we sought from him an "unequivocal declaration, which would admit of but one construction." This morning we received an answer from the Secretary of War, which we do ourselves the honor to enclose for your information.

We have the honor to be, respectfully, &c.

THOMAS W. COBB,
JOHN M. BERRIEN.

GENTLEMEN:

DEPARTMENT OF WAR, *February 20, 1826.*

I have the honor to acknowledge the receipt of your letter of the 7th instant, which I submitted to the President. In reply, I am instructed to say, that the uncertain posture of affairs in respect to the lands proposed to be surveyed, and through which the dividing line referred to is to be run, renders it unnecessary, if not improper, that any definitive answer should be given to the questions contained in your letter at this time. The earliest moment which relieves the subject of these difficulties will be seized to furnish the most satisfactory answer which the circumstances of the case will justify, and which will be guided by a wish to gratify both Georgia and Alabama, as far as is consistent with the other obligations of the Executive.

I have the honor to be your obedient servant,

JAMES BARBOUR.

Hon. THOMAS W. COBB and JOHN MACPHERSON BERRIEN, *U. S. Senate.*

The Georgia Delegation to the Secretary of War.

SIR:

WASHINGTON, January 7, 1826.

Your letter of the 24th ultimo, addressed to the members of Congress from Georgia, was duly received. An answer has been delayed by the absence of some of the undersigned from the city; not that any difference of opinion among them was anticipated, but under a conviction that it was proper that their perfect agreement should not be left to conjecture.

We learn with pleasure that the President is anxious to relieve the controversy with the Creeks from all difficulty, so far as Georgia is particularly concerned; and do not permit ourselves to doubt his sincere wish to place the subject on a footing acceptable to the State we have the honor to represent, of which you give us assurance.

It is in this spirit that we receive the expression of your desire to ascertain the wishes of Georgia on the question: Whether it is most advisable to refer the treaty, with the objections to its validity, to Congress, for their decision; or, accepting a new basis of the Chattahoochie as a boundary between that State and the Creeks, to resume a negotiation with the hope that certain exceptionable conditions, coupled with it by them, may be satisfactorily modified.

While we feel it our duty to state that we are without any express instructions on this subject; that we do not feel ourselves authorized, in the absence of such instructions, to determine what are the wishes of the State on the interesting questions which you propose; and that we presume the President has received a distinct expression of those wishes, in relation to the treaty at the Indian Springs, from the constitutional organs of the State sovereignty, we do not wish to withhold from the Chief Magistrate of the Union a frank avowal of our opinions on the interesting subjects of your inquiry.

It is our duty, then, to state, that in our judgment neither branch of the alternative which you propose will meet the wishes of the State of Georgia, or comport with the obligations of the Executive of the United States to a member of the Union. The State, we believe, does not and cannot suppose that Congress will entertain a question concerning the original validity of a treaty ratified and promulgated by the proper departments, with all the solemnities required by the constitution, to which no objections are now urged which were not distinctly presented to the President prior to its submission to the Senate, and by him as distinctly brought to the view of that body, when asking their advice and consent to the ratification of that instrument. It looks, we think, with a confidence yet undiminished to the complete execution, within the time specified in the compact, of the treaty in question, and to immediate arrangements for the removal of the Cherokee Indians; and our firm conviction is, that the State of Georgia does not and cannot admit the right by the General Government to cede away any portion of its soil for permanent or temporary occupation to the Creek or any other Indian tribe. We are equally assured that the complete extinguishment of the Indian title to all the lands within the limits of Georgia (a measure at all times interesting to her citizens) has now, under the pressure of the circumstances which have grown out of this controversy, come to be considered by them as vitally connected with their safety, and with the preservation of the rights of the State as a member of this Union.

The undersigned feel themselves constrained to make an additional suggestion; they trust it will not be considered inconsistent with the most perfect respect to the Chief Magistrate of the Union. In their judgment, the State of Georgia, all other considerations apart, will not and cannot acquiesce in any discussion of the validity of the treaty in question, on such evidence as that by which it has been assailed. Resident near the scene of this controversy, and deeply interested in its result, her citizens and her public functionaries have been attentive observers of the process by which it has been conducted.

They know and they feel that this evidence has been obtained by means totally adverse to and inconsistent with the just views of the President of the United States, because adverse to and inconsistent with the ascertainment of truth. They know and they feel that the Indian agent, profiting by the excitement of feeling into which the special agent of the Government had unhappily fallen, has unduly exerted the influence of his station to obtain from persons (for the most part subject to his control) a statement of circumstances which have no foundation in fact, and from those untutored savages who were committed to his protection an expression of feelings which the great body of the nation do not entertain.

They know and they feel that to lift the veil from this transaction, to expose its real character to the President of the United States, it is only necessary that that influence should be withdrawn. They still hope that the earnest wishes of a faithful member of the American confederacy will not be urged in vain before the Chief Executive Magistrate; and, with this knowledge, this feeling, and this hope, they cannot permit themselves to believe that the President will ultimately adopt either branch of the alternative which you propose. On the contrary, they rely that, with a just respect to the rights of the State, and a paternal regard to the wishes and feelings of her people, he will, by the recall of this officer, remove the whole source of this unhappy controversy, give to Georgia peace throughout her borders, and tranquillity and happiness to the children of the forest.

[Signed by the Georgia Delegation in Congress.]

Extract from the treaty of Fort Jackson.

Whereas an unprovoked, inhuman, and sanguinary war, waged by the hostile Creeks against the United States, hath been repelled, prosecuted, and determined, successfully on the part of the said States, in conformity with principles of national justice and honorable warfare: and whereas consideration is due to the rectitude of proceeding, dictated by instructions relating to the re-establishment of peace: Be it remembered, that, prior to the conquest of that part of the Creek nation hostile to the United States, numberless aggressions had been committed against the peace, the property, and the lives of citizens of the United States and those of the Creek nation in amity with her, at the mouth of Duck river, Fort Mimms, and elsewhere, contrary to the national faith and the regard due to an article of the treaty concluded at New York in the year 1790 between the two nations; that the United States, previous to the perpetration of such outrages, did, in order to insure future amity and concord between the Creek nation and the said States, in conformity with the stipulations of former treaties, fulfil with punctuality and good faith her engagements to the said nation; that more than two-thirds of the whole number of chiefs and warriors of the Creek nation, disregarding the genuine spirit of existing treaties, suffered themselves to be instigated to violations of their national honor and the respect due to a part of their own nation faithful to the United States and the principles of humanity, by impostors denominating themselves prophets, and by the duplicity and misrepresentation of foreign emissaries whose Governments are at war, open or understood, with the United States.

Extract of a letter from the Honorable George Graham, acting Secretary of War, to William McIntosh, Yoholomico, and Tuskenehau, Creek deputation, dated

FRIENDS AND BROTHERS:

DEPARTMENT OF WAR, March 17, 1817.

The land which was guaranteed to you by the treaty signed by General Jackson, and your chiefs and headmen, on the 9th of August, 1814, is your land; and your father the President, who holds you and your nation fast by the hand, will take care that no part of it is taken from you, except by the free consent of your chiefs and headmen, given in council, and for a valuable consideration.

CORRESPONDENCE WITH MESSRS. COBB AND BERRIEN ON THE SUBJECT OF THE NEW TREATY.

The Honorable Thomas W. Cobb to Governor Troup.

SIR:

WASHINGTON, April 22, 1826.

I have the honor to inform you that on yesterday evening the Senate passed finally on the new treaty with the Creeks, made at this place in January last, with the supplemental article thereto. Although it is not perfectly certain that all the lands in Georgia occupied by the Creeks are thereby ceded, yet I am, and for many weeks have been, under the belief that, when the line between Georgia and Alabama comes to be run, it will be found that Georgia has acquired all she has a right to claim. The uncertainty results from a want of correct information as to the true course of the Chattahoochie from Buzzard's Roost to Fort Mitchell, and of the bend of the river at which the line is to commence. Such being my opinion, (and I formed it from every source of information to which I could resort here,) I could not say that all was not ceded. It, however, makes but little difference; because, if all is not acquired in Georgia by the new treaty that was acquired by that of the Indian Springs, not a doubt can remain (such was the almost universal impression in the Senate, so far as I could collect opinion,) but that any court of the United States must sustain the claims of the State under the treaty of the Indian Springs.

Enclosed I send you the President's message and the report of the Secretary of War on the treaty. These were all the documents before the Senate. Colonel King made a call for the evidence to impeach the treaty; the Senate, however, would not sustain it. My colleague and myself voted against the call, on the ground that, so far as regarded the validity of the treaty, that evidence was *ex parte*, inasmuch as it was collected on the charges against the agent, and not on the treaty; and that, so far as respected the treaty, both Georgia and the commissioners had no notice of its being taken, or informed that it would be collected. We were, however, perfectly willing (and so avowed ourselves in the Senate) that the validity of the treaty should be inquired into in Senate, and to authorize persons and papers to be sent for. After the signing of the treaty, and before ratification, we made divers efforts to procure modifications, which would quiet with certainty the claims of Georgia, and make more ample provision for the comfort and removal of the McIntosh Indians. The supplemental article is the only one procured, and that is not what we wished; but this was all we could do. After that was signed, I submitted to the President the projet of a treaty, which, if it had been agreed to, I should have voted for. After consideration, however, the President declined submitting it to the Indians.

In Senate, our first effort was to amend the first article, by substituting for it one declaring that neither party should require of the other the execution of the treaty of the Indian Springs, further than the same was already executed. This avoided the positive declaration that the treaty of the Indian Springs was void. It was resisted, however; many Senators declaring it was, in effect, the same thing. We then waived further question about boundary, because of our not knowing, with certainty, whether all the lands in Georgia were or were not acquired; and, finally, by way of a proviso to the resolution of ratification, endeavored to secure advantages to the friendly Indians which would have been satisfactory to them. This proviso was offered and ably supported by Judge White, of Tennessee, for whose exertions for the interests of Georgia, throughout the business, I feel greatly indebted. It was rejected on the final vote. Both my colleague and myself, having full faith in the validity of the treaty of the Indian Springs, and, consequently, that it ought not to be set aside; nay, that, constitutionally, it could not be annulled; and believing that sufficient provision was not made for the McIntosh Indians, who had suffered so much, we voted against the ratification of the treaty. It is submitted to my constituents, whether right or wrong.

I will procure and transmit to you a copy of the journal of the Senate, as soon as I can. My family misfortunes will induce me to return home in a few days. I shall bring with me all the correspondence held with the Department on the subject. The President has promised to recommend that more ample provision be made for the friendly Indians by act of Congress. The poor creatures are depressed and broken-hearted. I cannot stay to vote on this measure.

I am, sir, with great respect, your obedient servant,

His Excellency G. M. TROUP.

THOMAS W. COBB.

The Honorable John M. Berrien to Governor Troup.

DEAR SIR:

WASHINGTON, April 22, 1826.

Mr. Cobb advised you, by the last mail, that the treaty with the Creek tribe had been finally acted upon by the Senate yesterday. I was myself prevented from writing, by the circumstance which I stated to you in a postscript of his letter.

From the commencement of this affair, it was manifest that we should have to contend against the weight of the administration, and the reluctance of those, even among our own friends, who wished to avoid the necessity of deciding the whole merits of the controversy. Up to the moment when the last additional article was negotiated, I believed we should be able to get the new treaty rejected; but at all times I have felt much apprehension of the fate of the old treaty, when that should be submitted to the decision of the Senate. While things were in this state of uncertainty, my colleague, who had been examining various maps, with a view to answer certain inquiries made by Major Crawford, came to the conclusion that much less of the land within our limits was left out by the new treaty than we had before supposed. In this opinion he was supported by Major Merriwether, whose knowledge of the country gave that opinion a claim to much respect. We determined, after consultation, to communicate this new view to the Secretary of War, and to suggest to him the probability that, when the fact came to be known to the Indians, they might be induced to extend the terms of the treaty, so as to embrace all the lands within the limits of Georgia. We told him, at the same time, that, although some constitutional difficulties would still remain,

it would relieve the question from its chief embarrassment—that which arose from the vested right acquired by Georgia under the former treaty; and urged that this extension should, in terms, embrace all the lands within the limits of Georgia. At this moment Colonel Benton interposed, and entered into our views of the subject; but, finding the Indians determined to have a specified boundary, he eventually adopted that which is found in the additional article. My colleague, for the reasons which he has explained to you, believes that it will include all our lands. His opinion is supported by that of Major Merriwether, and I have no reason to doubt its truth. If this be so, our object is attained; and I am now satisfied, from what occurred in the course of the debate, that, even without this additional article, the new treaty would have been ratified. Thus, the additional article may be considered as a clear gain to Georgia. Still, the treaty, as presented, had insuperable objections in our view. It *unnecessarily* declared the old treaty to be null and void; and it did not contain *sufficient provisions for the McIntosh party to induce them to emigrate*. We endeavored, in vain, to remove these objections, and also to obtain a concession, in *express terms*, of the lands within our limits. We failed, and, consequently, voted against the treaty; in all which, we trust, we have met your views and the wishes of the people of Georgia. The McIntosh party here have assured us that, if sufficient encouragement is afforded, they can carry away a *very large proportion* of the nation; and those who opposed the insertion of provisions necessary for this purpose in the treaty, on the ground that it might endanger its ratification, expressed their willingness to make the same provisions by law. To meet this view, I have to-day presented a resolution, which has been agreed to, instructing the Committee on Indian Affairs to inquire into the expediency of reporting a bill for this purpose. What will be the fate of this measure, I know not. If it prevail, I shall believe that a most important object is secured to Georgia; one which will atone, in some degree, for previous indignities and violation of her rights. You shall be duly advised of its progress. I cannot conclude this letter, without stating to you that we have, in all this affair, received a frank and cordial support from General Harrison, of Ohio; from Colonel Hayne, of South Carolina; from Mr. Van Buren, of New York; and, though last, not least, from Judge White, of Tennessee.

Pray let me hear from you at your earliest leisure; and believe me always, very truly, yours,
JOHN M. BERRIEN.

His Excellency Governor TROUP.

Governor Troup to Messrs. Cobb and Berrien.

GENTLEMEN:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *May 4, 1826.*

I have received the several communications which you did me the favor to write, explanatory of the proceedings of the Senate, connected with the amendment of the old, and adoption of the new treaty. It gave me pleasure to learn that you had disapproved those proceedings, and voted against the instrument called the new treaty.

I recognise no power in the Senate of the United States, in conjunction with the President, to abrogate, for any political consideration whatever, any treaty constitutionally ratified; much less the power assumed by that body, to revoke an article of the convention of 1802 between the United States and Georgia, which establishes the boundary between Georgia and Alabama, and to prescribe a new boundary, different from and inconsistent with it.

I recognise no power in the President and Senate to guaranty to the Indians in perpetuity those lands which, by the convention, they were pledged to surrender to Georgia at an early day, and which ought to have been surrendered long ago.

I cannot admit that the President and Senate can render null and void an act of the Legislature of this State, founded on a treaty constitutionally ratified, by an arbitrary revocation of that treaty.

The cancelment of the old treaty had been resolved, right or wrong; for this extraordinary and unheard-of measure was taken on the naked allegation of the President, unsupported by a single document; whilst the ungenerous rebuke by the President of the friendly chiefs, in his official message, shows the temper which dictated it.

Unless all the sources of information here shall prove to be erroneous and deceptive, the State (if the validity of the new treaty be admitted) has been defrauded of one million of acres of her very best lands.

Do me the favor to present my best thanks to General Harrison, Colonel Hayne, Mr. Van Buren, and Judge White, for their able and liberal co-operation with you in the cause of the weak against the strong, and, as I trust, of the just against the unjust.

With great respect and consideration,

G. M. TROUP.

GOVERNOR'S MESSAGE AND DOCUMENTS OF DECEMBER 9, 1826.

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, *December 9, 1826.*

To the Senate and House of Representatives of the State of Georgia:

I take great pleasure in communicating to the Legislature a despatch this morning received from the Secretary of War of the United States, by which it will be seen that the hope expressed in the message of the 7th ult., that our differences with the General Government approached to a termination, has not been disappointed. It now appears to have been the intention of the parties to the instrument called the new treaty that Georgia should acquire all the Creek lands within her limits; and as it is the intention which must control the construction of that instrument, it may be expected that Georgia will meet with no further obstacle to the occupation and settlement of the whole country.

If the Governor of Georgia had committed "the most serious mistake" imputed to him in this despatch, he would have received the President's rebuke with thankfulness, because nothing could be more desirable to him than such a correction of this mistake as it has pleased the President to make. But the Governor of Georgia has committed no mistake. If the Government of the United States believed they had acquired all the lands, when in fact they had not, the mistake was theirs, not ours. We believed that all the lands had not been acquired; and so the fact is, according to the admission of the President himself. The boundary of the new treaty is, on the face of it, described to be a permanent, not a temporary boundary; and it is guarantied as permanent by the United States. Taking the language of the new treaty for his guide, the Governor of Georgia could not mistake that language. It was not permitted to that officer to infer intentions which the language disavowed, and of which he could not know any thing but from the language. For the first time, and in the despatch of the Secretary of War, the Government of the United States has thought proper to disclose to the Government of Georgia those intentions, although

so long ago as the 11th of February last it was made known to the President that, if such a boundary was established by the new treaty, it would be considered a permanent boundary, and, of course, in violation of the constitution of Georgia; a declaration which has since that time been repeated again and again, without any intimation from the Government of the United States that such an inference was an erroneous or mistaken one; but, on the contrary, it has been uniformly insisted that the new treaty was the supreme law of the land, and would be carried strictly into effect. No authority was recognised as competent to establish a boundary for Georgia but that of Georgia herself; and the Government of Alabama, the only other party in interest, acknowledged as such by the United States, was long since given to understand that that boundary, once established by Georgia, would be considered good for Georgia until a better could be shown.

It is not necessary for the President to anticipate difficulties between Georgia and Alabama. The difficulties have not yet occurred, and we trust they will not occur. In the mean time, the boundary, as established by Georgia, cannot be considered by the United States as any other than the true boundary; and until Georgia and Alabama shall concur in establishing a different one, it must be so considered by all the parties concerned.

G. M. TROUP.

The Secretary of War to Governor Troup.

SIR:

DEPARTMENT OF WAR, *November 27, 1826.*

A long and distressing illness has prevented me from replying to your letter of the 6th ultimo. Since my partial recovery, I have submitted it to the President, by whom I am instructed to say that you appear to labor under a most serious mistake, in supposing that the last treaty with the Creeks has affected, in any manner, the boundary of Georgia. There is not a tittle in the treaty that has the most distant allusion to that object; nor for one moment would a discussion have been admitted thereon, as it lies entirely out of the competency of the General Government. In anxiously wishing to embrace all their land within the limits of Georgia, every effort was made to induce them to agree to a clause to that effect, in so many words. They peremptorily refused, on the ground of their ignorance of the direction of that line. Had the dividing line between Georgia and Alabama been established, I think it highly probable that we should have succeeded in obtaining their relinquishment; the more especially as I perceive that, even by the line run by the Georgia commissioners, to which it is understood, unofficially, the Alabama commissioners dissented, there are less than 200,000 acres of Indian lands. It is matter of regret that any difficulty should have occurred between Georgia and Alabama in fixing their dividing line, as the President had designed, the moment the line had been established, to open fresh negotiations with the Creeks for the purpose of procuring any fragment of land which such line might have left of theirs within the limits of Georgia. Without entering at all into the merits of the controversy between Georgia and Alabama, your excellency must at once perceive that the original difficulty to an entire cession continues to impede our course; and the first instant that it shall be removed will be the one which the Executive will embrace to carry into effect, (by fresh negotiation, if practicable,) the entire cession.

I have the honor to be, sir, your obedient servant,

JAMES BARBOUR.

His Excellency G. M. TROUP, *Governor of Georgia, Milledgeville.*

Governor Troup to the Secretary of War.

SIR:

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, *December 11, 1826.*

Your letter of the 27th ultimo was received on the 9th instant. It gave me pleasure to hear of your recovery from your late illness.

Whilst I cannot admit the justice of the reproof, that I had committed a most serious mistake in believing the western line of the new treaty to have been considered as the permanent boundary of Georgia, I have no hesitation in expressing my satisfaction that the President of the United States has thought proper to declare that it was the intention of the parties to that instrument to cede to Georgia all the lands claimed by her within the Creek limits. My practice has been, when I have committed involuntary error, to make confession, and ask pardon. You reprove me for a mistake which is not mine, but yours; and, instead of the double atonement which a fair course of moral reciprocity would exact, I ask nothing but a magnanimous acknowledgment of the wrong done me; and will be content with a denial of even that, if there shall be no occasion in future to ask it either for myself, or for the State I represent. If the construction was a mistaken or erroneous one, it is made so only by your recent declaration of what your intentions actually were. The language of the new treaty fully justified my construction, and I was not permitted to seek your intentions through any other medium than the language; that language describes the western line as a permanent one, because it expressly guaranties all the lands lying west of it to the Indians forever.

The permanent boundary line of Georgia, as established by her constitution, having been run and marked by her commissioners, and the Legislature having, within a few days, sanctioned and confirmed it, by an almost unanimous voice, it is now considered, and must be considered by all parties, as the true and settled boundary, unalterable but by the joint consent of Georgia and Alabama. This act of the Legislature of Georgia has been announced to the Government of Alabama, and her concurrence with it is not to be doubted, because it is in strict consonance with the most rational and disinterested construction which Georgia can give to the articles of agreement and cession, and is as favorable to Alabama as any other construction she could claim; unless, indeed, she would assume (what we are persuaded she would not) the exclusive right to dictate a boundary, regardless of the letter and spirit of the articles.

With great respect and consideration,

Hon. J. BARBOUR.

G. M. TROUP.

Governor Troup to Governor Murphy.

SIR:

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, *December 8, 1826.*

I lose no time in communicating to your excellency the information that the Legislature of Georgia has this day given its sanction to the act of our commissioners, who marked the line from the western point of Miller's Bend to Nickojack, as the true dividing line between Georgia and Alabama. The unanimity which, in both branches

of the Legislature, with the exception only of ten voices in one of them, has characterized this measure, whilst it may not be received by the Legislature of Alabama as conclusive evidence in support of the validity of the established line, will be considered as affording no equivocal testimony in favor of that construction of the articles of agreement which had been adopted by the commissioners themselves—a construction which, although it does not adopt the first bend above Uchee, does adopt the first bend above Uchee, and nearest to the Cussetah and Coweta towns, from which a direct line to Nickojack would not strike the river; which, although not the same construction as that adopted by your excellency, brings the line nearer to the point indicated by it than to that indicated by the construction of your own commissioners, and which gives us (what it was most clearly designed by the articles to give us) a straight line throughout, and not a devious one—straight upon the land, and tortuous on the river.

I cannot but flatter myself, both from the liberal views uniformly disclosed by your excellency, and those not less liberal which must animate the Legislature of Alabama, that your concurrence may be asked with at least a reasonable prospect of success; and that two States so nearly allied by the ties of interest and of blood may not be separated, even for a moment, on a question in which neither interest nor principle of any great concernment is involved. Of the principle, what can be said but that your commissioners are not more right than ours? and of the interest, what more than that it is not worth the argument already wasted on it? Taking the line from Miller's Bend, the land which you acquire below is worth more than the land you lose above. Taking the line proposed by your commissioners, we lose the land above and below, and we yield our construction to yours, whilst we honestly believe that ours is right, just, and equitable, and best for you and us. Suffer me to entreat your excellency not to permit, so far as depends on you, a controversy to be opened, which is the more likely to prove interminable, not merely because it is a controversy of boundary, but because, according to my best judgment, Georgia will never be satisfied with any construction of the articles different from that now adopted; and ought not to be, because you can present to her none more rational or more disinterested.

With great consideration and respect,

His Excellency Governor MURPHY.

G. M. TROUP.

GOVERNOR'S MESSAGE TO THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA, AT THE OPENING OF THE EXTRA SESSION, MAY 23, 1825, WITH A PART OF THE DOCUMENTS ACCOMPANYING THE SAME.

EXECUTIVE DEPARTMENT, GEORGIA,

MILLEDGEVILLE, May 23, 1825.

Fellow-citizens of the Senate and of the House of Representatives:

In calling you together, I have not been unmindful of the personal inconvenience and of the public expense which attend it. Consulting both, little will be submitted to your consideration disconnected with the main subject of your deliberation.

The recent acquisition of our vacant territory in the occupation of the Creeks is that subject, and the survey and appropriation the objects which will claim your attention. For the first, we are chiefly indebted to the commissioners of the United States, Colonel Campbell and Major Merriwether. Too much praise cannot be given to these gentlemen for the firmness and intrepidity with which they met the most formidable obstacles, and for the untiring zeal and patient labor with which they conquered them. That of this praise there can be no waste or misapplication, you will read the various documents and correspondence connected with it, and which are submitted. You will distinctly see that the principal difficulties which embarrassed them from beginning to end, which defeated the first treaty at Broken Arrow, and which were well nigh producing a rupture of the last at the Indian Springs, proceeded from a quarter the least of all to be expected—from officers in the pay and confidence of the Federal Government, who, instead of rendering to the commissioners the most cordial co-operation, had organized an opposition; thereby exposing to suspicion their own Government, which, in justification of itself, was finally obliged to avow that the perfidious plots and devices contrived by it were unknown and unauthorized at Washington, at the same time that the authors and contrivers were permitted to escape with but little observation, and certainly without merited punishment.

The delegation in Congress, always faithful to their trust, have seconded, by active and incessant labor, the measures taken by this Government to support, not only this important right, but all other rights and interests of the State; and, in the delicate and critical relations which these involved, have so deported themselves as to command the confidence of ourselves and the respect of all who know them.

In disposing of the territory thus acquired, it is recommended to you to consult the will of your constituents, so far as that will can be distinctly ascertained. The lands belong to them, in joint and several property, and none but themselves or their immediate representatives can rightfully dispose of them. Recognising this as a fundamental principle, you have, in the exercise of a sound discretion, to look as well to ulterior and remote, as to immediate interests; interests which the people themselves cannot fail to appreciate and cherish, because they directly and equally concern each and every of them now, and their posterity hereafter. They are those of public education; of internal improvement; of relief from taxation, when taxation would be most required and most burdensome; the efficiency of a military system for defence, in providing arms and arsenals, and all the materiel of war, for which no State ought to be dependent on another; and, indeed, every subject which, in peace or war, can conduce to the safety or prosperity of the State, and requiring for its most useful and energetic application the propulsive instrument—money. To dilate upon these topics would be to consume your time uselessly. Your own wisdom will better supply the argument in support of each. Suffice it to say, that the accumulation of a fund for internal improvement, on an extended scale, will, by its judicious application, so multiply your resources and augment your income as to enable you eventually to replace that fund, provide abundantly for all the wants of the State, dispense with taxation, and place you, in all these respects, on a footing with the most favored of your sister States, who, with less means, have accomplished more.

These are no idle speculations; the results are about to be realized in an illustrious instance, where a great member of the confederacy has made herself greatest by perfecting what nature had roughly sketched, and thus fulfilling, by a no very complicated process, the highest duties to herself and to God. Our physical advantages are scarcely inferior, and, when it is believed to be quite practicable to divide with her the trade of the western world, our temptations cannot be less. Presupposing, therefore, that the system hitherto adopted for the settlement of our territory will be pursued, I advise that the fee upon the grant be fixed at a rate which, whilst it makes the grant essentially a donation, and takes nothing from the pockets of the poorest of our citizens but what will be paid without inconvenience or complaint, will, at the same time, bring something into the treasury, in aid of the general fund

appropriated to these objects. To this, the proceeds of the fractions, and of any reservations you may think proper to make, will importantly contribute.

Having advocated the present system from the beginning, there has been no reason to change my opinion formed of it. Men and the soil constitute the strength and wealth of nations; and the faster you plant the men, the sooner you can draw on both. No new country has been peopled faster than the territory acquired, from time to time, by Georgia; none more rapidly improved, with the same established modes and customs of improvement. The speculations by which its principle has been vitiated it is our bounden duty to discourage and repress; they defeat the very end of it, because, whilst you contemplate the advantage of the poor, the speculator preys upon the poor, and fattens on it.

Having foreseen that troubles might arise in the Indian country, from the proceedings at Broken Arrow and the Indian Springs, I sought an early opportunity after the first indications of them to despatch my aid-de-camp, Col. Lamar, into the nation, with a talk for that portion of the tribe which had menaced McIntosh and his friends with injury. This duty was performed entirely to my satisfaction, as you will perceive by the report of Col. Lamar.

They professed the most friendly sentiments both towards the whites and towards McIntosh, and gave assurances that they were meditating harm to neither. It is believed, from recent information, that they acted in perfect sincerity and good faith, and that the subsequent departure from it was the result of the active and malignant interference of white men. In my solicitude for the peace and happiness of this afflicted race, who are about to leave us to try new fortunes in a distant land, I issued the proclamation of the 21st of March, which immediately followed the ratification of the treaty, and thus transcended the obligations enjoined by strict duty.

Having their own pledge that the peace should be kept among themselves, I wished to see no interruption of it by the Georgians; and, honorably for them, there has been none. I verily believe that, but for the insidious practices of evil-minded white men, the entire nation would have moved harmoniously across the Mississippi. The massacre of McIntosh and his friends is to be attributed to them alone. That chieftain, whose whole life had been devoted to Georgia as faithfully as to his own tribe, fell beneath the blows of the assassins, when reposing in the bosom of his family, upon the soil of Georgia—the soil which he had defended against a common enemy, and against his own blood; which he had relinquished forever to our just demands; and which he had abandoned to our present use, only because we asked it. So foul a murder, perpetrated by a foreign force upon our territory, and within our jurisdiction, called aloud for vengeance. It was my settled purpose, having first consulted the Government at Washington, to have dealt out the full measure of that vengeance; so that honor, humanity, and justice being satisfied, whatever stain may have been left upon our soil, none should upon the page of our history.

But the representatives of the people were about to assemble, who would bring with them feelings and sentiments corresponding to the occasion, tempered by a deliberate wisdom and a sound discretion. The task is cheerfully resigned to them; and whatever in the last resort they will, that will be done.

The consternation and alarm which immediately followed the death of McIntosh rendered necessary measures of precaution, as well for the security of the frontier as for the protection of the friendly Indians, who, deserting their homes, fled with their wives and children before the hostile party, and, presenting themselves destitute and defenceless at various points of the frontiers, asked bread of our humanity, and protection of our arms. The quartermasters were directed to supply the one, and our generals ordered to afford the other, and both at the expense of the United States, of which they had due notice. The orders and instructions to Major Generals Wimberly, Miller, and Shorter, with the correspondence, &c., are laid before you.

The United States Government has been again advised of the earnest desire of the Government of Georgia that the line between this State and the State of Alabama should be run and marked. The United States answer to this last request, that it is a concern of the two States exclusively, in which the United States will not interfere. On the former occasion, as you will remember, the General Government declined a participation, and upon the allegation simply that the State of Alabama had not given her assent. The State of Alabama had, in fact, given her assent, and had sought with much solicitude the concurrence of Georgia. Very recently, her former resolutions upon this subject have been rescinded, and Georgia is left free to run the line with or without her co-operation, as she may deem best. The correspondence with the General Government and the letter of the Governor of Alabama are submitted.

Our claims to the lands occupied by the Cherokees within our limits, as well as those on account of Indian depredations provided for by the first treaty at the Indian Springs, are adverted to only to inform you of the actual state of those interests; and for this purpose the various papers connected with them are laid before you.

Since you were last in session, much anxiety and concern has been manifested for all the interests connected with the Bank of Darien. The origin of the excitement, and consequent depreciation of the paper of that institution, may be considered fit subjects of investigation. The report of a committee appointed to examine the state of its affairs, having been reviewed and adopted by you, left at the close of the session the solvency of the bank indisputable. When, on a subsequent occasion, it became necessary for the Executive to pass an order connected with this depreciation and the administration of the finances, I did not hesitate so to act as to conform the order both to your expressed opinion and the practice of the Treasury. As no change had been made in the condition of the institution, I would suffer none to be made in the payments and receipts of its bills at the Treasury, until you should order otherwise; and whilst I would not permit any measure to be taken which would be construed into depreciation at the Treasury, I would suffer none that would have the least effect to embarrass the operations of the other institutions; and this was the more proper, because the difficulties of the one institution might be ascribable, in some degree, to remissness or indiscretion in the management, for which it was certainly not entitled to favor, whilst the operation at the Treasury still continued favorable to it, inasmuch as the receipts and payments being confined to Darien bills, and the receipts exceeding the payments, there would be a constant accumulation of such bills, and consequently a subtraction to that amount from the circulation of the country.

In every other State of the Union, where bank credit has been sustained, these institutions mutually aid and assist each other, and, by harmonious co-operation, maintain unimpaired the circulating medium of that State. Those of Georgia must profit by this wise example. Interest and credit are not to be found in rivalry and discord; and it is sincerely hoped and believed that, in this instance, conflicting opinions have been the result of misapprehension or mistake. The great institution of the United States keeps them all in check, and should, at the same time, keep them all in union.

The expenses incurred by the reception of General Lafayette amount to \$7,198 32, as you will see by the accounts and vouchers which are exhibited. The Executive had, in this instance, received an unlimited power over the public treasure, which ought never to be confided but upon very extraordinary occasions. It is due to the public, as well as to the officer charged with the disbursement, to institute a strict inquiry into the expenditure; thus exacting, as far as practicable after the expenditure, that accountability which, in ordinary cases, ought to be secured before. The orders given to my aids-de-camp, who were charged with their execution, enjoined on them the strictest economy; and, all circumstances considered, they have not disappointed my expectations.

Since your last meeting, our feelings have been again outraged by officious and impertinent intermeddlings with our domestic concerns. Besides the resolution presented for the consideration of the Senate by Mr. King, of New York, it is understood that the Attorney General of the United States, who may be presumed to represent his Government faithfully, and to speak as its mouth-piece, has recently maintained before the Supreme Court doctrines on this subject, which, if sanctioned by that tribunal, will make it quite easy for the Congress, by a short decree, to divest this entire interest, without cost to themselves of one dollar, or of one acre of public land. This is the uniform practice of the Government of the United States: if it wishes a principle established, which it dare not establish for itself, a case is made before the Supreme Court; and the principle once settled, the act of Congress follows of course. Soon, very soon, therefore, the United States Government, discarding the mask, will openly lend itself to a combination of fanatics for the destruction of every thing valuable in the southern country; one movement of the Congress unresisted by you, and all is lost. Temporize no longer—make known your resolution that this subject shall not be touched by them, but at their peril; but for its sacred guaranty by the constitution, we never would have become parties to that instrument; at this moment you would not make yourselves parties to any constitution without it; of course, you will not be a party to it, from the moment the General Government shall make that movement.

If this matter be an evil, it is our own; if it be a sin, we can implore the forgiveness of it; to remove it, we ask not even their sympathy or assistance: it may be our physical weakness—it is our moral strength. If, like the Greeks and Romans, the moment we cease to be masters, we are slaves—we thenceforth minister, like the modern Italians, to the luxury and pleasures of our masters. Poets, painters, musicians, and sculptors we may be; the moral qualities, however, which would make us fair partakers of the grandeur of a great empire, would be gone. We would stand stripped and desolate under a fervid sun and upon a generous soil; a mockery to ourselves, and the very contrast of what, with a little firmness and foresight, we might have been. I entreat you, therefore, most earnestly, now that it is not too late, to step forth, and, having exhausted the argument, to stand by your arms.

Your fellow-citizen,

G. M. TROUP.

SIR:

EXECUTIVE DEPARTMENT, GA., MILLEDGEVILLE, *December 23, 1824.*

This letter will be presented by a gentleman who honors, in all respects, the commission which you have conferred on him; his colleague is equally distinguished here. On the information of either, you may, of course, repose implicit confidence.

Circumstances have transpired, of late, to make an impression that, in connexion with the conference just held with the Creeks, there has been bad conduct somewhere. My own information had before fixed it where the responsibility of it ought to rest. Of the correctness of this you will judge, after hearing the clear and frank exposition which will be made to you, as well as to the Georgia delegation, by Colonel Campbell.

They were met at the threshold with difficulties, of a character little expected, and which required their utmost ability and exertion to overcome. They have not all been, because they could not be, surmounted; but the result is as favorable, under the circumstances, as could be expected. A treaty can be immediately signed upon the conditions which will be disclosed by the commissioners. Any other plan to effectuate the object in which the participation or interference of the agent is permitted, will undoubtedly miscarry.

You will share, in a great degree, the feelings of the commissioners of the United States, when you hear from their own lips a recital which might impose upon Government the obligation of vindicating itself before them. Honorable men, of your own appointment, proceed to the execution of your instructions, with full confidence that the way has been opened and rendered smooth by all the means in our power; just and sanguine expectations are indulged of a successful issue by the community in which they live; they look to the reward of highest consolation, that for great and indefatigable exertion, according to their best ability, such an issue would command the thanks and gratitude of the country; all their arrangements are happily concerted for the assembly of the council; on their way to meet it, they learn, for the first time, and in the most casual manner, that the council had been already assembled by different authority; its final decrees passed; and those decrees, of the most adverse character, registered in the archives of the agency.

You may readily conceive the sensations with which such information was received. That the Executive of the United States must be in equal ignorance with themselves as to this procedure, was not for a moment to be doubted; but that such a one could not have been had without the knowledge, or consent, or connivance, or command of your own agent, was certain; and this is most certainly established. Now, sir, permit me to remind you, that of this most perfidious, treacherous, and boldly insolent conduct, you had timely and sufficient warning, by a communication which I had occasion to make to the Executive Government some twelve months since, and which was answered by the confirmation of this same man in his office.

That communication was made with the foreknowledge that he would so uniformly deport himself whenever the interests of Georgia were involved, and with the intent solely that you, as well as ourselves, foreseeing the evil, might remove it with the least delay, as well as the least inconvenience. Now, the Government, hearing with its own ears, from its own representatives, the truth then attempted to be exposed; and seeing, in any further efforts at negotiation, the utter hopelessness of a favorable result, if the intermeddling of the agent be not strictly forbidden, will not hesitate, it is hoped, to leave the commissioners free and unembarrassed to conclude the treaty on the terms proposed.

Indeed, it is deplorable that, after laboriously combating and surmounting difficulties and obstructions of all kinds, they should have found themselves at last in the centre of divided councils, with your own agent on the side of the adverse party, and without any resource left but the single one of seeking, at Washington, a direct and absolute power to meet the emergency, by signing with McIntosh and his chiefs that treaty.

With great consideration and respect,

G. M. TROUP.

The PRESIDENT OF THE UNITED STATES, *Washington City.*

GENTLEMEN:

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, *December 23, 1824.*

Colonel Campbell hastens without delay to Washington, to expose before the President and yourselves the circumstances connected with the conference with the Creeks, the issue of that conference, and the power now required by the commissioners to consummate and perfect a treaty.

He carries a letter (of which a copy is enclosed) to the President. In writing it, every indignant feeling was studiously repressed, and I merely asked from him what I believed his own sensibilities would yield spontaneously.

Say to him, in addition, if you please, that it requires more than human fortitude to sustain ourselves under this weight of contumely and mortification; that we have borne it quite long enough; and that, so far as it depends on me, it will be borne no longer.

With great consideration and respect,

G. M. TROUP.

The honorable Senators and Representatives from Georgia in Congress, Washington City.

SIR:

COLUMBIA, S. C., January 31, 1825.

My return to Georgia has been protracted to a much later period than I intended, or had any reason to expect. The delay at the city was occasioned by the course taken by the Executive of the United States, upon the subject of the negotiation pending with the Creeks. This course made it necessary that I should hold a correspondence with the Secretary of War, preparatory to a special message which the President proposed making to Congress in relation to this exigency in particular, and to Indian emigration generally.

The application which I submitted, for authority to hold a treaty with a divided council of the Creeks, was not expressly granted. Such a course, by a decision of the cabinet, was held to be incompatible with the laws of nations and Indian usage; every other facility, however, was promptly afforded. The sub-agent has been removed, the agent himself placed completely under our control, and our instructions so extended and liberalized as to authorize the most sanguine expectations of success. The negotiation will be renewed at the Indian Springs, on the 7th February. Orders to this effect were issued and forwarded from Washington city.

I should have reached Georgia five days earlier, but for a snow storm in Virginia—the heaviest I ever encountered. But for this loss of time, an opportunity would have been afforded me of making this communication more full. I now write under the most disadvantageous circumstances to which a stage passenger can be subjected.

With great consideration, I have the honor to be your obedient servant,

His Excellency G. M. TROUP.

DUNCAN G. CAMPBELL.

CREEK NATION, COWETA, January 25, 1825.

We, the chiefs of Coweta, Talladega, Cusseta, Broken Arrow, and Hitcheta towns, in council met, do take this method to lay before our father the President of the United States the most distressing difficulties that are existing in our nation, and have been for some time past, owing entirely to the existence of two parties in the nation, known and distinguished by the Red Sticks, (or hostile party,) and the other party friendly to the United States, and who were the warm supporters of the American war against said party of Indians, and also against the British. For further particulars, we most respectfully refer our father the President to General Jackson, who can testify to the characters of the present bearers of this remonstrance. It is painful to us to acknowledge that there is an actual necessity of calling upon our father the President of the United States for protection, inasmuch as the Big Warrior, who is influenced by the hostile party, with the exception of a few, is calling his chiefs together, who consist of such Indians as were particularly opposed to the United States during the last American war. One of the most conspicuous chiefs of this council is Gun Boy, whom we took prisoner before Fort Gaines, during Jackson's campaign against the Seminole Indians—and passing orders and decrees without the consent of any of our towns, apparently for the destruction of our people, who are the friendly party—inasmuch as it certainly will create an internal war among ourselves; and we hope our father the President of the United States will never admit that his red children, who took his white children by the hand in the defence of the United States, in the last war with Great Britain, should be entirely excluded from having any voice in the nation, or, in other words, excluded from the benefits of their country, and for the Big Warrior and his party to have the entire prerogative of the nation. We are informed that the Big Warrior and his chiefs are now in council, and we expect are passing such decrees as are derogatory to the safety of McIntosh and the rest of his chiefs; for instance, it has been but a short time since they met in the grand council square, and passed an order for the execution of McIntosh, and any other of his chiefs who would make any proposition to the United States in favor of selling any part of the country which we now claim; therefore, we have been compelled to guard General McIntosh, since the treaty at Broken Arrow, for his safety. This is not all: there is no doubt but that said council, at the present meeting, will pass an order for the dismissing of General McIntosh, and many others of his adherents, and in all probability they have sent, or will send, a delegation from their council to that amount, although knowing, at the same time, that McIntosh and his chiefs have the superiority in the grand council of the nation; for reasons why, they were the only supporters and defenders of the nation in the last war; and that a number of the Big Warrior's chiefs forfeited their rights to their country, which they previously had, by their hostility to the United States during the last war. We do, therefore, deny that the Warrior's party has any right to enter into any such arrangements, and we do also deny that Gun Boy, and several others of the Warrior's chiefs, have any privilege in the national council, although we have heretofore permitted them to do so: for they did not defend our country from the foreign or domestic foe, but used their utmost exertions against the United States, and in favor of their enemies. We, therefore, head men of the nation, or of the aforesaid towns, assure our father the President that we have much trouble in our country, and much, too, in consequence of our agent's partiality to the Big Warrior's party; inasmuch as it appears to create a jealousy with us that the United States are failing to comply with what they once promised us—that is, protection. But we are conscious that it is unknown to our father the President. But hoping that our father will make the necessary inquiries of our delegation, and to advise accordingly for his red children's welfare, of which we will pray, &c.

Cowetas.—Tomme Tuskenuggee, his + mark; Hothemarte Tuskenuggee, his + mark; James Island, his + mark; Colonel Blue, his × mark; Coskee Tuskenuggee, his + mark; James Derriso, his × mark; Tulsa Haijo, his + mark; Arpifka Tuskenuggee, his + mark; Efaus Tuskeenahar, his × mark; Fosuch Emarlo, his + mark; Thlato Haijo, his + mark; Nesarholo, his + mark; Coweta Tuskeenahar, his + mark; Yeacaskee, his + mark; Farna Mico, his + mark; Joseph Marshall; Benjamin Marshall; John Shuman; Captain Canard, his + mark; Jacob Beaver, his + mark; Foshunch Tuskenuggee, his + mark; Walthocco Hargo, (Taladaga,) his + mark; Tuckelas Emarlo, his + mark; Dick, his + mark; Oakfuskee Tuskenuggee, his + mark; Robin Gaison, his + mark.

Broken Arrows.—Arpifkee Tuskenuggee, his + mark; Samuel Miller, his + mark; C. W. Miller, his × mark; Charles Miller, his + mark; Andy Lovett, his + mark; Harper Lovett, his + mark; John Harard, his + mark.

Cussetas.—Tuckerbatchee Haijo, his + mark.

Hitchetas.—Seah Gray.

WM. MCINTOSH, *Sp. N. Council.*
SAM'L. HAWKINS, *Interpreter.*

CHILLY MCINTOSH, *Clerk.*

CREEK NATION, *January 25, 1825.*

We, the principal chiefs of Coweta, Talladega, Broken Arrow, and Hitchetas towns, in council met, agreeably to a previous notice by General William McIntosh, whom we acknowledge to be our principal protector and chief, having full confidence in his patriotism, integrity, and great regard for his people, whom he represents, have unanimously recommended and appointed him, and seven others of the national council, to wit: Tomme Tuskenuggee, Othloe Tuskenuggee, Benjamin Derriso, Seah Gray, Arpifkee Tuskenuggee, Tuckeeparchee Haijo, and Coweta Emarlo, and Samuel Hawkins, interpreter, to meet the President of the United States, our father, and to make such arrangements as will be most conducive to the welfare of our people, and to receive such advice as our father the President may think proper to give; and should our father the President give it as his opinion that the claims of the State of Georgia to the land within her limits would prevent a fee-simple title from vesting in our people, then, in that event, General Wm. McIntosh, with the other delegates of our chiefs, are duly authorized, in behalf of our people, to make such arrangements with our father the President, or his commissioners for that purpose, in an exchange for lands west of the Mississippi, such as have been referred to the United States' commissioners, lately, at the Broken Arrow, assuring the President our father, at the same time, that any thing which the said delegates may do on the occasion will meet the approbation of the National Council in general, inasmuch as there are six of our principal council with General William McIntosh, who are authorized to sign any treaty of that kind which our father the President, and our delegates, may make upon the subject.

Signed in open council, the day and date above written.

Cowetas.

Tome Tuskenugga, his × mark.
 Hoethlemarto Tuskenugga, his + mark.
 James Island, his + mark.
 Colonel Blue, his + mark.
 Caskee Tuskenugga, his + mark.
 James Deriso, his + mark.
 Tulsa Haijo, his + mark.
 Arpifka Tuskanuggee, his + mark.
 Efau Tuskanaha, his + mark.
 Fosuch Emarlo, his + mark.
 Thohato Haijo, his + mark.
 Neha Halo, his + mark.
 Coweta Tuskenugga, his + mark.
 Yeacaskee, his + mark.
 Farna Mico, his + mark.
 Joseph Marshall.
 Benjamit Marshall.
 John Sheheeco, his + mark.

Jacob Beavers, his + mark.
 Foshunck Tuskenuggee, his + mark.

Talladegas.

Wothlo Haijo, his + mark.
 Tucklas Emcilo, his + mark.
 Dick, his + mark.
 Oakfuskee Tuskenuggee, his + mark.
 Robin Garson, his + mark.

Broken Arrows.

Arpifkee Tuskenuggee, his + mark.
 Samuel Miller, his + mark.
 C. W. Miller, his + mark.
 Charles Miller, his + mark.
 Andy Lovett, his + mark.
 Harper Lovett, his + mark.
 John Harrard, his + mark.

Cussetas.

Tuckeebatchee Haijo.
 Seah Gray.

WILLIAM MCINTOSH, *Sp. N. Council.*
 SAMUEL HAWKINS, *Interpreter.*

CHILLY MCINTOSH, *Clerk of the National Council.*

NEWNAN, PIKE COUNTY, GEORGIA, *January 26, 1825.*

Some time in March, 1821, I was called on by the State of Georgia to do some surveying of the line of East Florida, on which I visited a small Indian town on the Alapaha river, below the line. The town was called after the chief, (Mico-town.) While I was there he died, and his representatives called on me to examine his papers; and among them I found several letters, written from Colonel Nichols, a British officer, and one from either Ambrister or Arbuthnot, I now do not recollect. One of the letters particularly named the Big Warrior as being friendly to them, although he was amongst McIntosh's Indians; and that, if proper means were made use of, he, the Big Warrior, could be got with his friends to join them, (meaning the British.)

The other letters were principally on the subject of advising the Indians how to overthrow McIntosh and his people; that the British were very strong, and would do great things for them, &c.

JOHN H. BRODNAX.

GENTLEMEN:

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, *February 8, 1825.*

Within this hour the mail has brought an important communication, made by the President to Congress, on the 27th ultimo, and connected with the objects of your commission. Fearing a copy may not have reached you, I hasten to forward, by express, a newspaper which contains it. He can be with you early to-morrow morning.

With great consideration and respect,

G. M. TROUP.

D. G. CAMPBELL and J. MERRIWETHER, Esqrs.

United States Commissioners for holding treaty with the Creeks, Indian Springs.

DEAR SIR:

INDIAN SPRINGS, *February 9, 1825.*

It affords us much pleasure to acknowledge the receipt of yours of yesterday, enclosing a special message lately made by the President to the Senate of the United States. We were aware that such communication was intended to be made, and had arranged for its transmission to this place. It had not arrived, however, which makes the arrival of your express the more acceptable.

The chiefs of the nation are coming in, in considerable numbers. We discover distinctly the decided hostility of a large deputation from Tookaubatchee, but are of the opinion that in council we have the ascendancy in numbers and in grade. We cannot admit the possibility of defeat, yet such may be the result. Our expectations are founded upon facts which amount to the strongest assurance of success and we must indulge the gratification; that, even while "Troup is Governor," the policy and obligations of the United States will be effected, and the rights of Georgia obtained.

With great consideration, we are, sir, your obedient servants,

DUNCAN G. CAMPBELL,
 JAMES MERRIWETHER.

His Excellency G. M. TROUP.

GENTLEMEN:

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, *February 12, 1825.*

Accept my thanks for your last letter by express. A despatch from Mr. Forsyth has this moment reached me, and, believing it may be of service to you, I hasten, by another express, to place you in possession of it. Our delegation, as was expected, are resolved to do their duty; it is known to me you will do yours to all parties, and I will endeavor not to be wanting in mine. There can be no doubt of the correctness of the suggestion of Mr. Forsyth, that a treaty concluded with that portion of the tribe resident in Georgia, for the cession of all the lands within our limits, would be approved by Congress.

With great respect and consideration,

G. M. TROUP.

Messrs. CAMPBELL and MERRIWETHER,
United States Commissioners, Indian Springs.

SIR:

INDIAN SPRINGS, *February 13, 1825.*

Your express has this moment reached us, and delivered your communication covering the proceedings of Congress upon the Indian question. We are happy to inform you that the "long agony is over," and that we concluded a treaty yesterday with what we consider the *nation*, for nearly the whole country. We enclose you a copy; also, despatches for the Government. These last are addressed to your care, to secure their certain transmission by to-morrow's mail. The original treaty will be conveyed by our secretary to Washington city, by the stage leaving Wilkes, on Thursday next. We are still in time for ratification by the present Senate, and beg to offer you our sincere congratulations upon the more than successful issue of a negotiation in which you have been an ardent co-worker.

With great consideration and respect,

DUNCAN G. CAMPBELL,
JAMES MERRIWETHER.

His Excellency G. M. TROUP.

GENTLEMEN:

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, *February 15, 1825.*

From what I have learned, unofficially, of the late conduct of the agent at the Indian Springs, his hostility to the interest of Georgia has suffered no abatement. I can by no means vouch for the accuracy of the reports connected with it. The commissioners must know, and, if founded in truth, you will be satisfied, that the agent will leave no efforts unessayed to detain the Creeks in their own country to the last hour limited by the treaty, if he be longer continued in office. McIntosh and all his people are willing to hurry away; the agent can retard or detain them by the multiplication of obstacles which will be insuperable to them. We are much concerned in their speedy removal.

With great consideration and respect,

G. M. TROUP.

The Hon. Senators and Representatives in Congress from Georgia, Washington City.

GENTLEMEN:

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, *February 17, 1825.*

What was stated in my letter of the 15th, in relation to the conduct of the agent at the Indian Springs, as rumor, is confirmed as matter of fact. Professing good dispositions, and tendering hearty co-operation to the commissioners, he was secretly engaged in undermining them.

The chiefs were all (the Tuckaubatchies excepted) ready to sign the treaty; and whilst the commissioners were occupied in the preparation of it, the agent ordered a portion of them to depart by night. When the commissioners, to their astonishment, discovered this secession, they despatched Colonel Williamson in pursuit, and to advise them to return; but their resolution was fixed. And when it was asked why they had thus precipitately turned their backs upon the commissioners, on the very eve of the signature, their answer was, one and all, "by order of the agent." You see, therefore, that but for this perfidious interference, the treaty would have been concluded by the entire nation, and with a unanimity almost unexampled.

This last act of the agent proves that he is yet animated by the same inveterate hostility to the interest of Georgia which signalized his conduct and defeated the treaty at Broken Arrow.

It is the interest of Georgia, as I believe it is the wish of her people, that the territory be organized as speedily as possible consistently with the treaty; and as, in expediting the removal of the Indians, much will depend on the facilities afforded by the agent, it is presumable that he will not fail to take the necessary measures to detain them to the last hour limited by the treaty.

I understand, further, that those of the tribe who refused their assent to the treaty threaten injury to McIntosh and his chiefs. Should the execution of these threats be attempted, (the treaty having been ratified,) I will feel it to be my duty to punish, in the most summary manner, and with the utmost severity, every such attempt, as an act of hostility committed within the actual territory and acknowledged jurisdiction of Georgia; and this whether the agent of the United States may think proper to deport himself as a neutral or a partisan.

With great respect and consideration,

G. M. TROUP.

P. S. Dr. Merriwether, the secretary to the commissioners, I learn, proceeds to Washington with the treaty. He will, no doubt, be able to give you any information which you may require touching the proceedings at the Indian Springs.

G. M. T.

The Hon. Senators and Representatives in Congress from Georgia, Washington City.

A PROCLAMATION.

GEORGIA:

By his excellency G. M. Troup, Governor and Commander-in-chief of the army and navy of this State, and of the militia thereof.

Whereas, by a treaty concluded with the Creeks, at the Indian Springs, on the 12th of February last, their claims to the whole territory within the limits of Georgia were ceded to the United States; and the ratification of

the same by the President and Senate having been made known to me; by which act the territory aforesaid, according to the stipulations of the treaty, and of the articles of agreement and cession of the year 1802, will, on or before the 1st day of September, 1826, pass into the actual possession of the State of Georgia:

And whereas it is provided in said treaty that the United States shall protect the Indians against the encroachments, hostilities, and imposition of the whites, so that they suffer no interruption, molestation, or injury, in their persons, goods, or effects, their dwellings or the lands they now occupy, until their removal shall have been accomplished, according to the terms of the treaty: I have, therefore, thought proper to issue this my proclamation, warning all persons, citizens of Georgia and others, against trespassing or intruding upon the lands occupied by the Indians within the limits of this State, either for the purpose of settlement or otherwise, as every such act will be in direct violation of the provisions of the treaty aforesaid, and will expose the aggressors to the most certain and summary punishment by the authorities of the State and of the United States.

All good citizens, therefore, pursuing the dictates of good faith, will unite in enforcing the obligations of the treaty as the supreme law, aiding and assisting the magistracy in repressing and punishing any disorder or violence which may infringe its provisions. And all officers, civil and military, are commanded to be vigilant in preventing offences under it, and in detecting and punishing offenders.

Given under my hand and the great seal of the State, at the State-house in Milledgeville, this twenty-first day of March, in the year of our Lord eighteen hundred and twenty-five, and the forty-ninth year of the independence of the United States of America.

G. M. TROUP.

By the Governor:

E. HAMILTON, *Secretary of State.*

SIR: •

CHATTAHOOCHEE, *March 29, 1825.*

I take the liberty of sending Samuel Hawkins to you, seeing in the newspapers your proclamation, stating that the treaty was ratified by the President and Senate. We see in the papers, also, where Crowell had written to the Department that chiefs of the lowest grade had signed the treaty, and we see where he says there will be hostilities with us if the United States sign the treaty. We are not any way in danger until he comes home and commences hostility, and urges it himself on us. If the treaty is ratified, if you can let Samuel Hawkins have two thousand dollars, or stand his security in the bank to that amount, we will send men on now to look at the country, to try to move away this fall; the money, if loaned to us, will be paid back as soon as the money comes on to pay the first payment of the treaty. Any information that you can give him will be satisfactory to us.

Your dear friend, &c.

WILLIAM McINTOSH.

To His Excellency G. M. TROUP.

DEAR GENERAL:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *March 29, 1825.*

You will have seen, by my proclamation of the 21st instant, that I have resolved, in fulfilment of the stipulations of the treaty, to maintain inviolate all your rights reserved by it, so that you suffer no detriment or loss by the trespasses or intrusions of the whites, as long as you continue to occupy the country.

It is important that the territory acquired by the late treaty should be organized as speedily as possible, consistently with the provisions of that instrument; and not doubting that your assent will be given to the survey of it, before your removal, I have despatched a messenger to you, that your resolution may be communicated to me without delay. It is not presumed that the least inconvenience can result to you from this measure. Besides my own determination to cause the rights of the Indians to be respected in their persons and property at all times, there will be a future and ample security and protection in the selection of the officers who shall be charged with the duty of running the lines, who shall be responsible, not only that no depredations are committed by themselves, but that none shall be committed by others without their giving prompt notice to the lawful authorities, so that the offenders may be brought to justice.

You will understand that there is no intention on my part to hurry your departure; the period of this will be left to your considerations of interest and convenience under the treaty; but as the survey is a work of time, this time can be saved to us, so that, having completed it, nothing will remain but to occupy and settle the country after you shall have left it. I wish you by all means to give me your final answer by this express, that I may know what measures it will become my duty to adopt.

Your friend,

General WILLIAM McINTOSH, *Creek Nation.*

G. M. TROUP.

DEAR SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *April 4, 1825.*

I have written to yourself and Major Merriwether, jointly, but with an expectation that, upon your own responsibility, you will be able to meet the wishes of General McIntosh, in relation to an advance of money. It is of great importance that every facility should be given to any movement of the Indians, which looks to a speedy removal beyond the Mississippi, and I will thank you to make known to me your resolution by return of mail.

With great esteem and consideration,

G. M. TROUP.

D. G. CAMPBELL, Esq.

P. S. It is presumed General McIntosh's requisition will be sufficient authority, and I have ordered it placed on file. A draft on the Secretary of War could be negotiated here.

G. M. T.

GENTLEMEN:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *April 4, 1825.*

Colonel Hawkins has just arrived from the nation, and announces that the Indians will hold a council in a few days, for the purpose of concerting the necessary measures to enable them to remove beyond the Mississippi in the course of the next fall. They will advance a party to explore the country; and, to defray the expenses of this, the y

ask for two thousand dollars, which I will thank you to furnish without delay. If you are not in funds, I can advance the amount, on your assurance that it will be reimbursed from the first remittance to you under the treaty. It will be considered, of course, as part of the consideration of the purchase, and debited to them accordingly.

With great consideration and respect,

G. M. TROUP.

Messrs. CAMPBELL and MERRIWETHER, *U. S. Commissioners.*

DEAR GENERAL:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *April 4, 1825.*

I have received your letter of the 29th ultimo by Colonel Hawkins. There will be no danger of any hostility in consequence of the ratification of the treaty. You will find every thing going on peaceably and quietly. If bad white men intermeddle to stir up strifes and excite bad passions among the Indians, I will have them punished. The President will do the same. My agent has reported that the Indians opposed to the treaty are quite friendly; that they think of no mischief; that they love you, and will do whatever their father the President advises. The Senate ratified the treaty without any difficulty, although the agent was opposed to it. I write this morning to the United States' commissioners to furnish you with the necessary funds to enable your commissioners to explore the country west of the Mississippi, so that you may make your arrangements to move during the next fall. As soon as I hear from them, you shall know it. I wish you to inform me as early as possible of your resolution about the running and survey of the country, as mentioned in my letter by express.

You will have seen by my proclamation that I have determined the Indians shall suffer no loss or injury from our white people, if I can help it. It is intended to guard them against those people whom they will themselves consider as trespassers and intruders, and not to prevent white people from going into the nation, with honest intentions, to make purchase of stock or property of any kind, which you can lawfully dispose of; all such persons will be suffered to pass and repass without molestation. We will endeavor, too, to appoint good and honest men for our surveyors, so that they will do no harm themselves, and suffer none to be done to the Indians

Your friend,

G. M. TROUP.

General WILLIAM McINTOSH, *Creek Nation.*

DEAR SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *April 5, 1825.*

I enclose copies of two letters addressed to you yesterday at Washington, Wilkes. I did not hear until this morning that you would probably attend Warren court. Be pleased to give me an answer by return of mail.

With great consideration and respect,

G. M. TROUP.

Colonel D. G. CAMPBELL, *Warrenton.*

DEAR SIR:

ACORN BLUFF, *April 6, 1825.*

I received your letter of the 29th March, by the hands of your messenger, which it gave me pleasure to get. On the 10th of this month the chiefs will be here, when I will lay your letter before them; after which, I will inform you what we shall agree to without delay. When this meeting is held, if we agree to the running of the lines, it is my wish that the surveyors should get their support from the red people.

I am, dear sir, yours with respect,

WILLIAM McINTOSH.

Governor TROUP.

DEAR SIR:

WARRENTON, *April 7, 1825.*

By this day's mail I received copies of your communications of the 4th instant, addressed to Major Merriwether and myself at Washington. The application for funds on the part of the Creeks, to defray the expense of the exploring party about to be despatched beyond the Mississippi, I consider altogether reasonable, and I am happy that it is in the power of the commissioners to facilitate this movement. I have no hesitation in assuming the responsibility you suggest. Immediately upon discovering that an appropriation had been made to meet the treaty requisites, I addressed a communication to the Secretary of War, inquiring when and in what manner the funds would be placed at our control. I am in daily expectation of an answer, and of being referred to the United States Branch Bank at Savannah. This requisition, however, can be conveniently met by an advance from the balance of the negotiation fund yet remaining in our hands. But, as the time of my return home and the opportunities of remittance are uncertain, I will thank you to make the advance of two thousand dollars, as you have kindly proffered, under the assurance that it will be reimbursed in either of the methods stated, as you may elect.

It may be communicated to Colonel Hawkins, (if he is yet with you,) that the payment of the first instalment under the treaty may be expected early in the summer.

I have the honor to be, with great esteem and consideration, your obedient servant,

DUNCAN G. CAMPBELL.

His Excellency G. M. TROUP.

DEAR GENERAL:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *April 9, 1825.*

According to your wish, as communicated by my express, I shall send another to-morrow morning to know the result of the deliberations of the council upon the proposition submitted in my last letter, and also to inform you that the money which was asked to be advanced by me, to enable you without delay to explore the country west of the Mississippi, will be ready for you, whenever you send an agent authorized to receive it.

I wish you to hasten the return of my express; or, if you have occasion to detain him, to mention to me in your letter the cause of that detention.

Your friend,

G. M. TROUP.

General Wm. McIntosh.

P. S.—There is little doubt but that all or most of our supplies in surveying the country will be derived from the red people, provided they are willing to furnish them on reasonable terms.

G. M. T.

LOCK-CHA-TALOU-FAU, OR ACRE TOWN, *April 12, 1825.*

I have received your letters of the 29th March and of the 4th instant; in both of which you ask of me to state our resolution in giving consent to the survey and running off the country we lately ceded and now occupy.

You state, there will be no danger, in consequence of the ratification of the treaty, of any hostility; and if bad men stir up strifes and excite bad passions amongst the Indians, you will have them punished, and the President will do so too; and that your agent has reported to you that the Indians opposed to the treaty are now friendly; that they think of no mischief.

With regard to the disposition of the Indians who opposed the treaty, and with regard to the danger to the party who on our part made the treaty, we wish that the belief of your excellency may be realized.

As to the disposition of your excellency and the President of the United States to punish bad men who intermeddle to stir up strifes amongst us, we are well satisfied of; we know you can and will cause such men to be punished, and will protect the nation from such influences, and defend those who signed the treaty.

I have been, however, at some loss in making up my mind, and must confess to you the embarrassment I have labored under. Ever since the President of the United States has had agents residing among us, we have universally considered it our duty to consult him on all important matters that relate to the General Government, or the Government of any particular State; considering him the legal and proper organ through whom all official correspondence should pass in relation to our interests, appertaining to the treaties made with our nation and the United States.

Some differences existing between the present agent of the Creek nation and myself, and not having any confidence in his advice, I have determined to act according to the dictates of my best judgment, which results in the determination to agree to the request of your excellency in giving my consent, and, in behalf of the nation who signed the treaty, their consent, that the land lately ceded to the United States at the Indian Springs may be run off and surveyed whenever you or the General Government may think proper to do so.

If the General Government of the United States have no objection, and the agent of the Creek nation, with the party he influences, does not make any objection or opposition to running and surveying the land, myself and the chiefs and Indians who were in favor of the late treaty do not object. We give our consent.

I request of your excellency to publish in some of the public newspapers that persons wishing to make purchases of property of any kind, or buy out our improvements for the balance of our time, must first attend at my house and enroll their names, specifying the kind of property purchased, and from whom; stating the residence of each party. All such persons we shall consider coming amongst us as fair traders; and all such as may settle on land, improved or not, in the bounds of the late treaty, will be considered by us and reported as intruders to your excellency, if they do not comply with those terms.

I have this moment received a notification from the Little Prince, inviting me and the chiefs in this quarter to attend a meeting of the nation at Broken Arrow, on the 19th instant. My own health will not permit me, probably, to attend the meeting in person, but all of my chiefs will go. I have determined, if my health permits, to accompany the delegation to the western country, in our exploring tour, so soon as we receive the money which we desired you to obtain for us through the commissioners.

Your friend and brother,

WM. MCINTOSH.

His Excellency the GOVERNOR of Georgia.

CREEK NATION, *April 12, 1825.*

I have taken the liberty of sending to you a memorial of our chiefs to the Legislature of your State, and request the favor of you to cause it to be laid before them, with such marks of your approbation as you may, in friendship towards us, think proper to bestow.

In giving voluntarily our consent for the survey of the lands in the late treaty, we were actuated by motives of friendship purely towards you and towards your people. No consideration of a mercenary nature could be permitted to enter our breasts when a favor was asked of us, particularly by your excellency, and in behalf of your people. We knew the great importance it was to your people to be ready to occupy the country immediately after our removal from it, and have with true hearts of friendship acceded to your request. We would have thought it disgraceful in us to attempt to make a condition founded on your wants or desires a price for our acquiescence. The opportunity presented itself, and we hope the circumstance will have only the effect to render ourselves worthy of your esteem and friendship.

I remain your brother and friend,

WM. MCINTOSH.

To Governor TROUP.

To the Members of the Legislature of the State of Georgia:

Friends and brothers: We, the chiefs of the Creek nation, who have sold to the United States a part of the country, and intend shortly to remove to a new country, have thought it our duty to lay before you this our last and farewell address.

Friends and brothers: We believe you and your State have always been our true friends; ever since we took hold of one another's hands in friendship, we have been as neighbors inhabiting the same country; a country which the Great Spirit made to be the home and habitation of his children. The red and white men are all from the same father, and each of them is entitled to a share in this world of the works of his hands, and of the good things he has made for the use of men. The country which you now possess, and that which we now remain on, was by the Great Spirit originally given to his red children. Our brothers, the white men, visited us when we were like the trees of the forest. Our forefathers smoked the pipe of peace and friendship with the forefathers of the white man; and when the white man said we wish to live with the red man, and inhabit the same country, we received their presents, and said, welcome; we will give you land for yourselves and for your children. We took the white man by the hand, and held fast to it. We became neighbors, and the children of the white man grew up, and the children of the red man grew up in the same country, and we were brothers. The white men became numerous as the trees of the forest, and the red men became like the buffalo.

Friends and brothers: You are like the mighty storm; we are like the tender and bending tree: we must bow before you; you have torn us up by the roots, but still you are our brothers and friends. You have promised to replant us in a better soil, and to watch over us and nurse us.

Friends and brothers: The day is come when we surrender the country of our forefathers—the land of our nativity, our homes, the places of our youthful diversions. We surrender it to our brothers and friends, and our hearts are

glad that we were not forced to do so by our enemies. We go; our people will seek new lands; our hearts remain with you.

Friends and brothers: In days of old and years long past, the Creek nation was strong as the lion, and our warriors were like the trees in number. We were visited by a people that came over the great water. We held talks with them; they offered to take us by the hand as friends and brothers, and as the children of one father, the children of the Great Spirit. We met them in friendship, and smoked the pipe of peace like brothers of one family. These white brothers were called the English, and their head warrior lived beyond the great water. We were told by him in the talks he sent us, he was our great father and friend, and he made our nation great presents, and we loved his white children whom he had sent to live on this side of the great water, and we gave them lands, and took fast hold of their hands in peace and friendship.

Friends and brothers: In days long past, the head warrior over the great water sent our nation other talks, and told us his white children, whom we had long held by the hand, had become bad men, and wanted to destroy their head warrior over the water; that they had become our enemies, and that we must let go their hands, take up the tomahawk, and dance the war dance, and help our great father and friend who had made us great by presents, and help our great father over the water to chastise his disobedient children. Another head warrior arose among the Virginia people, whose name was Washington. He sent our people his talks, and told us that the white people on this side of the great water and the red men had long been friends and brothers, and that they were born in the same country, that we were children of the same land, and that we must let go our old father over the water, who would ruin us, and that we must hold fast to the Virginians.

Friends and brothers: We listened to our great father Washington, and let go of our friends the English, and smoked the pipe of friendship and of brotherly love with our Virginia brethren. We found the talks of our great father Washington to be true, and that he was our true friend, and his people were our friends. We have always taken the talks of the Presidents who came after our beloved great friend Washington. We have considered the Presidents our protectors and friends, and the American people our brothers and neighbors. We found the English deceitful and our real enemies; and we have long ago fought them, as the enemies of ourselves and our American brethren.

Friends and brothers: Our nation have always met the talks of our great father the President of the United States; when his agents and commissioners told us he wanted land for his people, we have always been willing to divide with them, and share our country to them. We have had a great country, and we needed the assistance of our white friends. We gave you land, and you gave us presents and money, and you taught us the use of the loom, the plough, and the hoe, and you taught us the way to value the different kinds of property.

Friends and brothers: When we were first acquainted with our white friends, we were ignorant, like a child. You were in knowledge, like a man in his full strength. We therefore have always listened to the President as our common father and protector; we look up to him as a son would look up to his father.

Friends and brothers: Our present chiefs remember the time when we possessed the land to the bank of the Oconee river; some of our old men remember when their hunting ground was the other side of that river. We, however, in our day, have attended the talks of the President, when our nation have sold to our father the President all the land between the limits of the late treaty and the Oconee.

Friends and brothers: We have been for several years viewing with great attention the advice of the President to make a treaty with our nation for the lands that lay within the boundary that the State of Georgia wanted or claimed. We have paid great attention to all of his talks through the commissioners, and we are now satisfied that his advice is for our best interest, and that he will not forsake his red children in time of danger and trouble.

Friends and brothers: We are satisfied that our claim to the land of our fathers was before all others. The Great Spirit placed us upon it, and gave it to us as our inheritance; but our neighbors and friends, the people of Georgia, wanted more land; their children are growing up like young trees of the forest, and they must have support.

Friends and brothers: We, who send you this our farewell talk, have done every thing we could to satisfy our white brothers and friends, and to please the President our father. We have listened to our father the President's talks, and have determined to make the trial of leaving forever the land of our forefathers, and surrendering it to the United States, for the use of our long beloved neighbors and friends the people of Georgia.

Brothers and friends: We have to part with you; you are shortly to be possessors of our lands and our homes; homes dear to us, because we were raised and nourished at them: our habitations are simple and plain, but they afford us shelter from the rain and the storm; our fare is plain and wholesome, and affords to us support and health; our people are thinly clad, but our huts shelter them from the cold: we have enjoyed, in a considerable degree, many of the comforts of life, rendered familiar to us by our intercourse with our white friends, and to a much greater extent than a people like us can again shortly expect when we are removed to the wilderness of the west.

Friends and brothers: All the comforts we now enjoy we abandon for your sakes. Our wives and helpless children must experience fatigue, hunger, cold, and every other incident that must unavoidably attend us in our travel from this, our late beloved country, to the vast wilderness, full of dangers that we probably do not foresee; but we put our trust in the Great Spirit, and in our father the President, for protection and aid.

Friends and brothers: In all the treaties with the United States for land for your use, we have never asked of your State to grant our nation presents of any description. We now, for the first time, as we are about to take our final leave of you, have thought to introduce ourselves to your notice; and hope that the first and last request of a people, long your neighbors and friends, will not be passed unnoticed by the people of the great and powerful State of Georgia, always professing towards us the greatest friendship and brotherhood.

Friends and brothers: To you, as the representatives of our old neighbors and friends, as the children of the Great Spirit, and as our common relations, managing the affairs of the great State of Georgia, we appeal, in terms of friendship, for such aid and assistance as the pleasure of your Assembly, in behalf of your people, may think proper to afford us, previous to our final departure from you. The difficulties, wants, and distresses which await us in our removal in a body of ten thousand of our people, consisting of men, women, and children, must be our apology for introducing ourselves to the consideration of your humanity, charity, and benevolence.

Friends and brothers: In behalf of our people, we desire of you, if it may meet with your good pleasure and liberality, to make our nation, or such part as determine to remove, such a donation, in presents of any kind, as the character and dignity of your State may warrant, and the wants, distresses, and long attachment of our people to you may deserve.

Friends and brothers: If, after you hear our request, and consider of it, you should think that we are not entitled to your consideration, generosity, or liberality, and that as we are about to leave you forever, and that you now have a legal claim and right to our late country, and that you owe us nothing, still we will remain strong in our former friendship to you. We do not ask of you any thing as a matter of right, or of any legal claim we have on you; but merely desire to recommend ourselves to your generosity and charity.

Friends and brothers: We finally assure you that our attachment towards our old friends and neighbors shall never cease, and that we will carry with us the feelings of true and devoted friendship towards the State of Georgia, to the United States, and to the Legislature of Georgia. If we should be so happy as to experience any token of their regard, we will teach our children to remember it with gratitude, and cause it to be handed down to the succeeding generations of our nation, that they may forever know that Georgia was their friend in the hour of distress.

- | | |
|--------------------------------------|--------------------------------|
| William McIntosh. | James Derosoe, his X mark. |
| William Miller, his X mark. | Charles Miller, his X mark. |
| Ahlyheeky, his X mark. | Woloclock Hago, his X mark. |
| Aubickah, his X mark. | Micholhe Homoethe, his X mark. |
| Ispogormothe, his X mark. | Chawgle Mico, his X mark. |
| Hothemaria Tustunnuggee, his X mark. | John Harrod, his X mark. |
| Tustunnuggee, his X mark. | Mico Homottoge, his X mark. |
| Hogey McIntosh, his X mark. | Samuel Hawkins. |

APRIL 12, 1825.

DEAR GENERAL:

MILLEDGEVILLE, April 18, 1825.

In one of your late letters, you say something about the consent of the United States, or if the agent and the hostiles do not make opposition. Pray explain to me your meaning. We have nothing to do with the United States, or the agent, or the hostiles, in this matter; all we want is the consent of the friendly Indians who made the treaty. If we wanted the consent of the United States, we could ask it.

Your friend,

G. M. TROUP.

General WILLIAM McINTOSH, *Creek Nation*.

DEAR SIR:

FAYETTEVILLE, April 14, 1825.

I herewith transmit to you the resolutions of the friendly Creek Indians, or those who were in favor of the treaty. As their determination with respect to permitting the recently acquired territory to be run off, or surveyed, is of general importance to the citizens of the State of Georgia, I have deemed it advisable to send them by express, as the most speedy and sure mode of conveyance. You will also receive by the bearer (Mr. Wilson) two other letters.

With respect, your most obedient servant,

ALEXANDER WARE.

His Excellency G. M. TROUP.

DEAR GENERAL:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, April 16, 1825.

Your two letters of the 12th instant have just been received, by which it is made known to me that, in council, you have given your consent to the survey of the lands.

Your memorial to the Legislature will be presented according to your request; and the notice you wish published, in relation to purchases of property of any kind, improvements, &c., will, in the same words as you have written, be printed in our next papers.

I hope that you will meet the Little Prince and council in good friendship. I wish to see you all united in brotherly affection before you move, and am convinced the President desires the same.

Your friend,

G. M. TROUP.

General WILLIAM McINTOSH, *Creek Nation*.

DEAR SIR:

CREEK NATION, April 25, 1825.

I received your excellency's request yesterday, dated the 18th instant, and hereby state to you that my only meaning was not to act contrary to stipulations made between our nation and the United States Government; and we do hereby absolutely, freely, and fully give our consent to the State of Georgia to have the boundary belonging to said State surveyed at any time the Legislature of Georgia may think proper, which was ceded at the late treaty of the Indian Springs, signed in behalf of the nation, and by the consent of the chiefs of the same.

I have the honor, sir, with great esteem, yours respectfully,

WILLIAM McINTOSH.

His Excellency GEORGE M. TROUP.

DOCUMENTS ON THE SUBJECT OF THE MURDER OF GENERAL WILLIAM McINTOSH AND OTHER FRIENDLY CHIEFS OF THE CREEK NATION; OF THE CAUSES WHICH PRODUCED IT, &c.; ACCOMPANYING THE GOVERNOR'S MESSAGE AT THE OPENING OF THE EXTRA SESSION.

GOVERNOR:

MILLEDGEVILLE, February 17, 1825.

We met with you yesterday, and dined with you as our father. We meet you to-day in your office, to express our opinions as principal chiefs of Coweta; which expression we have considered best to give you in writing, that you may know when we act contrary to our talk. In 1813 was the beginning of the hostile party, and General McIntosh was the first red man who joined the United States, and spilt his blood in her defence; at that time, we were warriors under General McIntosh, and fought for our country; and, after peace was made, we were appointed chiefs by General McIntosh, not by Little Prince or the Big Warrior; therefore, we love said McIntosh until death, and will hold fast to his talks, because we know he acts agreeably to our father's talks, and by him we gain our protection from our father the President. Looking back to 1813, we believe that, but for the relations which McIntosh sustained to the United States, we should have lost our lands without getting a penny for them.

Father: At the late treaty of the Indian Springs a good many hostiles, as usual, objected to it. If that party should attempt to breed a disturbance with the friendly Indians, we shall inform you, for protection; and we hope

you will protect us in case the hostiles should intrude on us, as we look for protection from you, as we have been trying to gratify the wishes of our father the President. We hope he loves us as his red children; and we hope you love us as friends of justice, as friends of good order, and friends of harmony.

We remain your affectionate children,

ETOME TUSTUNNUGGE, his \times mark.
 HOETHE MARTA TUSTUNNUGGE, his \times mark.
 SIAH GRAY, his \times mark.
 TUSTUNNUGGE OCHE, his \times mark.
 CHILLY McINTOSH, *Clerk of the National Council.*

P. S. We wish to know from you, in writing, whether you could protect us, should protection be necessary.

OUR FATHER:

FEBRUARY 20, 1825.

It gives us great satisfaction that you take us by the hand as your red children, and determine to protect us if any part of our hair should be injured by the hostile Indians. Yesterday evening we were informed by Chilly McIntosh that you wished to see General McIntosh before his return, to state to him a further subject upon the which we now stand at this present time, for fear they might do injury to us in secret by bad advisers, and, if we think it necessary, that you would send runners on to let the party know that you are ready to protect us, if they should attempt to carry their threats into execution. We have considered the subject, and determine it to be the best plan to afford safety to our headman and us. If you send the runners on to the party, we want a few lines from you to let our friendly people know that you, as commander-in-chief of the State of Georgia, will protect us in case the hostiles should do injury to us, or any of the friendly party.

Our father: At the treaty of Broken Arrow, the chiefs got jealous of McIntosh, and threatened to kill him; the charge against him was, that he wanted to sell land to the commissioners of the United States. In 1824, a few chiefs met at a place called the Polecat Springs, and passed a law that, if any persons should sell land or offer it for sale, guns and rope should be their end: this law was intended to prevent General McIntosh from selling land. But it was not agreeable to the laws of the nation; if it was intended to be the national law, it ought to have been read before the national chiefs, and let them determine it—not collect a few chiefs to make a law. Could an individual State pass a law to extend all over the United States, or one county make and enforce a law for the government of the whole State? The guns and rope are taken from the pattern of the Cherokees; therefore, we do not consider it a law of the nation to be enforced; it is merely law among themselves; but those who signed their names to the pattern of the Cherokees determine to execute the law. This is the report from some of our friends. If they determine, we are ready to defend ourselves, and, with your assistance, they will find a great difference in numbers. Our characteristic disposition is, to treat all mankind as friends, brothers, and relations: we determine never to impose on any man, but treat all as friends.

Nothing more at present, but remain your affectionate children,

ETOME TUSTUNNUGGE, his \times mark.
 HOETHE MARTA TUSTUNNUGGE, his \times mark.
 TUSTUNNUGGE OCHE, his \times mark.
 SIAH GRAY, his \times mark.
 CHILLY McINTOSH, *Clerk of the National Council.*

Extract from the Executive Journal.

SATURDAY, February 19, 1825.

Several Indian chiefs of the Creek nation, among whom were General McIntosh and Etome Tustunnugge, chief of Coweta, came to the executive chamber to hold a talk with the Governor; they had much to say, and the meeting lasted some time. The substance of what the Indians said was: that they had, in compliance with the wishes of their father the President, and their brethren and friends the Georgians, consented to give up their lands, and move across the Mississippi; that, before their departure, they should have a great many difficulties and troubles to encounter; that their women and children must suffer many privations in passing from their homes, where they had some comforts, to a new and distant country; that they must suffer great loss in their stocks and other property, &c.; but, notwithstanding all this, they were willing to listen to the advice of their great father, and give up their lands: but, in doing which, offence had been given to some of their people; and as there were bad white men among them, who were endeavoring to stir up their own people to do them harm, and more especially as the agent was among their worst enemies, and they could expect no protection or support from him, they wanted to know whether they could be certain of protection from the Government of the United States and from that of Georgia, &c.

The Governor answered that he was happy to hear that, in compliance with the wishes of their great father, they had finally resolved to give up their lands; that their father intended nothing but for their good; that he talked the language of truth and sincerity; and that, when he advised them to move across the Mississippi, all the good and wise men of the United States knew that it was the best advice he could give them; they were exchanging lands which belonged to the Georgians for lands which were better, and would belong to themselves and their children forever. That the President was wise enough to know all the difficulties they would have to encounter, but he still thought it would be for their good; that, with regard to their women and children, and their property, the Governor thought ample provision had been made by the treaty, not only to enable them to remove their women and children in comfort, but to cover any losses they might sustain by the removal, &c.; and that, with regard to protection either against their own people who were hostile, or against the whites, he had no doubt their father the President would afford them all the protection their situation might require. That, as to the State of Georgia, they should, so far as depended on him, find protection at all times; and that, so long as they conducted themselves well, the people of Georgia would be ready to support him in it with all their hearts, for they had for a long time been the friends of Georgia in peace and war; and that they themselves had fought and bled for Georgia in the last war, and that the Georgians could not forget them, &c.

Here General McIntosh adverted to certain events of the last war; spoke of the Big Warrior as having been inimical in heart to the United States, but joined the friendly party through fear; his late opposition to the treaty, &c.; of a certain chief, (Gun Boy,) the principal leader of the hostile party since the death of the Big Warrior, having threatened his life, and his endeavors to prejudice the Indians against him and his followers; his having defeated the same chief and taken him prisoner near Fort Gaines, during the late war; of the rights of the friendly

party to dispose of their land, when, in their opinion, and in that of their father the President, it was the interest of the nation and that of the United States for them to do so, with or without the consent of the hostile party.

To the latter part of which the Governor replied: That it was impossible for the United States Government, in all their transactions with the Creeks, not to feel a difference, if they did not make any, between the friendly and hostile part of the nation; that, in the business of the treaty, the President could not but consider it as the act of the nation, provided the whole country was ceded. But what ought to be considered the act of the nation, would still be a question. The Government might be quite well-disposed to consider the act of McIntosh and his friends as such a one. It would not be expected that all would unite in the sale of the lands; it would have to be left finally to the President and Senate to decide who had the right; and, in making this decision, there was little doubt that, all other things being equal, they would give a preference to the friendly Indians. This was natural; for, although a treaty of peace forgives what has passed, the parties to it cannot forget; and the people of the United States (but more particularly the people of Georgia) cannot forget the distinction they were obliged to make when, in the late war, they found McIntosh and his friends fighting on their side, and the hostiles fighting on the side of their enemies, &c.

Etome Tustunugge, at the close, begged leave to hand the Governor a paper, which, he said, he wished him to keep, for that he had been deceived by white men, and was opposed at first to a sale of the lands; but since then his eyes had been opened, and he had listened to the voice of his great father; and that now he approved, in all things, of the talk which had been just delivered, &c.

EXECUTIVE DEPARTMENT, GA., MILLEDGEVILLE, *February 26, 1825.*

In consequence of the apprehensions expressed in a talk delivered by the friendly chiefs of the Creek nation, on the 19th inst., the written communication delivered at the same time, and another on the 21st, by Etome Tustunugge, of the hostile intentions of the unfriendly party in said nation towards McIntosh and his friends, in consequence of the late treaty; and, in compliance with the promises given them, that every aid should be afforded them within the power of this Government, it is thought proper to send a friendly talk to the chiefs of Tuckaubatchee and Cussetah, at the same time forewarning them of the danger to which they will expose themselves by any outrage committed on McIntosh, or any of the friendly Indians, in consequence of said treaty. Accordingly, Colonel Henry G. Lamar is despatched with a talk to said hostile chiefs, in the following words, to wit:

To the Chiefs and Headmen of Tuckaubatchee and Cussetah:

I hear bad things of you. You threaten McIntosh and his people, because they listened to their father the President, and ceded the lands to the Georgians. They acted like good and dutiful children. You opposed yourselves to the wishes of your great father, who was doing the best for the interest of his red people, and would not sign the treaty: but this you did, as I believe, under the influence of bad men, who pretended to be your friends, but who cared nothing about you. Now I tell you, take care and walk straight. McIntosh and his people are under my protection, as well as under the protection of the United States. If any harm is done by you, or any of your people, to McIntosh or his people, I will treat you in the same way as if you were to come into our white settlements and do the like. I will pursue you until I have full satisfaction. Do not let bad men persuade you that because you live in and near to Alabama you will be safe. If you commit one act of hostility on this side the line, I will follow and punish you. But I hope there will be no occasion for this, and that you will take counsel of wise and good men, and so conduct yourselves for the future as to receive the approbation and protection of your father the President, and that I also may look upon you as friends, and treat you accordingly. This message will be delivered to you by my aid-de-camp, Col. Lamar.

G. M. TROUP, *Governor of Georgia.*

SIR: EXECUTIVE DEPARTMENT, GA., MILLEDGEVILLE, *February 26, 1825.*

The Tuckaubatchee and Cussetah towns, adverse to the late measure of treaty concluded at the Indian Springs, having menaced the friendly Indians who signed that treaty with insult and injury, in consequence of their willingness to make cession of their lands to the Georgians, it is resolved to despatch you with a message to those towns, to represent to them the danger which will ensue if they attempt to carry into effect their hostile designs. They are the weaker party, and no attempts of this character are to be dreaded but such as are made covertly and in secrecy. But whether of the one or other character, they are forewarned they will be punished with the utmost severity.

From the moment of the ratification, the territory will be considered as belonging to Georgia, in all respects, excepting merely the temporary occupancy of the Indians; and any act of disorder or violence committed there will be treated as committed within the actual jurisdiction of the State, and, of course, the Indians committing it pursued and punished wheresoever they may go.

You will meet them with friendly dispositions: say to them, in accordance with the spirit of the message which you carry, that it is the settled opinion of all the wise and good men of the United States that the Indians, looking to nothing but their own interest, present and future, ought to move without delay beyond the Mississippi. They already know this to be the advice of their great father. They will soon know it to be the advice of his great council, the Congress. None but bad men, hostile to their true interests, will ever advise them to the contrary.

You will take with you the published documents, showing the views of the President in relation to the conduct of both the agent and Cherokees at Broken Arrow; the indignation with which he viewed their conduct, and, of course, the indignation with which he will regard the conduct of the Indians hostile to the treaty, if they do not in future deport themselves as men deserving his love and friendship; and another paper, less authentic, but not altogether unofficial, taken from the National Journal, in which they will see that the Indians west of the Mississippi, without foreknowledge of the views or plans of the President, have adopted the same views, and are concerting the same measures for bringing all the Indians together on the west of the Mississippi; and that soon, very soon, they will all go; so that a red man will not be seen between the Mississippi and the lakes.

Having delivered the message, together with the talks, as directed, to the two towns, and receiving their answer, either verbally or in writing, you will return and make report to me with as little delay as possible.

Respectfully,

G. M. TROUP.

Col. HENRY G. LAMAR, *Aid-de-camp.*

GOVERNOR:

NEWNAN, *March 3, 1825.*

I take the authority to inform you that since we left you we have not got home, in consequence of the hostiles. I met my friends at Flint river, William Miller and A. Tustenuggee, and they tell me that they ran them off, threaten to kill them, cut their throats, and set up their heads by the road for a show; they are determined to die on their own country, and they have appointed men to kill seven chiefs, General McIntosh, myself, Joseph Marshall, Samuel Hawkins, James Island, Etome Tustenuggee, and Colonel Miller. Since the treaty, the hostile party have been in council a second time at Broken Arrow, and are now at Tuckaubatchee holding a council; they have not broken up yet. We understand they have sent a memorial on to the President not to interfere with them or assist us; to let them settle it among themselves. No doubt they are determined to destroy us, if they can. Myself and father parted at the Indian Springs, on our way home. Since I heard the news, I have despatched a runner to him, not to stay one moment at home, but to meet me at this place. Excuse my handwriting. This is not half I know, but the bearer of this is in a hurry.

I remain your son,

His Excellency G. M. TROUP.

CHILLY McINTOSH.

DEAR FRIEND:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *March 5, 1825.*

Your letter of the 3d came safe to me this moment. I am sorry to hear that the hostiles continue to be such fools and madmen. They will soon be taught better. If they do not listen to my talks sent by Col. Lamar, I will send a military force to the line, to keep them in order and punish offenders. Col. Lamar left this for Cussetah and Tuckaubatchee last Sunday, the 27th February. He must have arrived at the council before this. It is as I told you it would be, the hostiles have been set on by bad white men. I hope your father will keep out of their way, until they are brought to their senses.

Yours, sincerely,

CHILLY McINTOSH, *Creek Nation.*

G. M. TROUP.

SIR:

MILLEDGEVILLE, *March 10, 1825.*

In obedience to your instructions of the 26th of February last, I proceeded to the towns of Cussetah and Tuckaubatchee, for the fulfilment of the duties required. On my arrival at the former place, on the 2d instant, I judged it impracticable to wait the length of time which would unavoidably be consumed in calling the chiefs; I therefore appointed a time for their assemblage by my return, and continued without delay to Tuckaubatchee, where I arrived on the 4th. Fortunately, the chiefs and headmen had met in council for the purpose of regulating the internal government of the town. They were immediately informed of my arrival and my object, and that I desired to see them in council so soon as they were prepared for my reception. Their reply was, that they were ready at any time to hear what I had to communicate. Our salutation was friendly, and they gave every testimony of the indulgence of the most amicable feelings. Ho-po-eithlea Yoholough seems to have succeeded the Big Warrior in authority for the present, and will so continue until another individual is designated by appointment. I will not pretend in this report to give, in full, the talk I there delivered in council, as I had not reduced the same to writing. I hope it will fully subserve all your purposes to know the most prominent points on which my remarks at that place were predicated. I informed them of the reasons why you had sent the communication. I stated that information had been received, from a source in which you placed reliance, that, in consequence of their being adverse to the treaty, they had become angry with McIntosh, as well as all others who had been dutiful in obeying the wishes of the President, and designed pursuing them with vengeance. That, if this report were untrue, it would be to the mutual interest of all parties to so understand it; that if it be true, and the attempt should be made to gratify so depraved a feeling, they had exposed to their view the penalties which would be incurred by so rash a determination. That it behooved them to look to the lessons of experience which the divisions and hostilities of the late war in their nation would furnish; that they should turn a deaf ear to the evil counsel of bad men, and listen to the advice of their father the President; that he united wisdom with goodness, and would point out the only way of promoting their ultimate happiness. This he had done to his council, (the Congress,) as well as in his instructions to his commissioners, as I would show from documents. That not only had the President suggested the plan, but that a deputation from the tribes beyond the Mississippi was now on the way to Washington city, desiring the consummation of the same object, and that all the tribes between the Mississippi and the lakes were invited by their red brothers to come and settle on their land; that they would be received by the right hand of friendship, and could there indulge a perfect security from the annoyance of the white man; that then there would be no conflicting interests, and all strife would cease to exist. I then read the document expressive of the President's desire of a successful termination of the treaty, the extract from the National Journal, containing an account of the proceedings of Indians west of the Mississippi, and concluded with your communication. They heard me with attention and respect; and when informed that I had closed, Ho-po-eithlea Yoholough made the following reply, in substance. However, as near as memory will serve me, I will give you his words, as communicated to me by the interpreter. He said he was glad to see me, and gratified that you had placed it in his power to contradict the reports which had reached Georgia. That he loved his white brothers, and loved their peace; he also loved McIntosh. That on hearing the false tales about his wishing to spill blood, he was sick at heart, and his blood was chilled. That in the war he fought with McIntosh and his white brothers to subdue the hostiles, and succeeded. That his enemies in war were now under his authority, and to employ them against his best friends was what had never entered his mind. He loved his father, and would never offend him. That not one murmur had by him been placed on the winds, to be carried to Georgia, against his white or red brothers. That McIntosh having made the treaty would not make him his enemy; he still loved him; he spoke with one tongue; he never deceived; he should be sorry that his father should hear such bad things. He wished his ear to be stopped, and pay no attention to them. That his father had told him, while Hawkins was agent, to throw away his gun, quit the chase, and cultivate the land. He followed his advice, and knew it to be good. His gun was now rusty; he could not see to shoot; instead of his gun, he used the plough and the hoe. That if his people desired war, they had not the means of carrying it on; more than half were without guns, but that they never thought of spilling blood. He wished me, on my return home, to inform the Governor of these things, so that his white brothers might not be disturbed. To which he subjoined, that he had met me as a brother; he hoped I was satisfied, and that we would part as we had met. He then, on request, appointed Charles Cornells to accompany me to Cussetah, saying, if I had not requested it, it would have been done, as he had previously determined to adopt that course. I have been thus particular, in order to place it in your power to form an opinion independent of my own. Previously to my arrival at Tuckaubatchee, from gross misrepresentations, I had reason to suppose they indulged the most malevolent feelings towards those favorable to the treaty. Indeed, had I given credence to reports, my conclusion would have been that they were

on the point of commencing immediate hostilities. Such was the prevailing feeling, from exaggerated accounts, that on application to two half-breeds, near Fort Mitchell, to accompany me to Tuckaubatchee as interpreters, they declined, through fear, stating that they had understood the Tuckaubatchees were determined to enforce the law passed at the Polecat Spring, and it being known that they were friendly to the treaty, and relations of Colonel Miller, although fear might restrain them from open violence to their persons, they would secretly murder them. From all the discoveries I was capable of making, I can arrive at no other conclusion than that the feelings of this town have been totally misconceived. However, what has been done will have the good effect of restoring the minds of those disturbed to their accustomed ease.

On the 7th instant, in conformity to previous arrangements, the Cussetahs assembled in council. Finding it difficult to progress in business by verbal communications, I determined to obviate the difficulty by writing and reading to them the following address, only changing the language occasionally, that it might be the better adapted to their understanding:

My friends and brothers: I am sent here by the Governor of Georgia to reconcile difficulties which he has understood exist among you, and, in doing this, I shall talk plain and tell you the truth; after this is done, if you are deceived, it will be your own fault, and you cannot say that the Governor of Georgia, through me, did not warn you of the only way to avoid error and do right. We love you, and wish to live in peace. We wish you to love one another, and live in peace also. We have understood that, in consequence of McIntosh and others having signed the late treaty, you are angry, and wish to stain your hands in their blood; we hope, for the honor of your nation, for your own peace, happiness, and safety, that these reports are untrue. If they be true, check the mad career of your feelings. If you do not, it will involve you in calamities tenfold greater than those from which you have narrowly escaped in the late war. McIntosh and his party have acted as dutiful children in obeying the advice of our wise and good father the President: this I shall show you by documents from his own hand. Then, having acted in obedience to the will of our father, if you should murder him, or any of his men, or suffer the same to be done, your white brothers will revenge their death, if in the burning of your houses, or at the expense of the life of every red man in your town. But in all this, the innocent would not be punished with the guilty. Let me ask you a question: You have a rifle that has long procured you food, and subdued your enemies; it never fails to kill when properly directed. Suppose you level it at a deer; it snaps, or fires and fails to kill; do you on that account break or throw away a weapon so necessary to your existence and security? And why should you wish to treat McIntosh less kindly than your gun? Has he not been your friend in peace and in war? Has he not always been faithful to your interests, and dutiful to your father the President? The treaty was made in accordance with the advice and wishes of your father, as I have before stated, and will ultimately work the independence, and, in the end, the happiness of the red people. And shall this be requited with the *gun and the rope*? We have heard so: we have heard that you have listened to the counsel of bad men, that they have wrought among you an angry excitement, and that McIntosh and his chiefs are to be the victims to appease your exasperated feelings. You are warned to turn from such wicked counsel; and be assured, no friend, true to the interest of the red man, would recommend the gratification of such feelings. If you should attempt it, your nation would be divided. Take a number of reeds, bind them close, you cannot break them; separate them, or divide the bunch, and the weakest of you can break them in pieces. This would be the condition with your people; divided, you would fall without the power to make one manly struggle. You would be surrounded by white men, who, by reason of your bad conduct, you would make your common enemies. They outnumber the trees in your forest. I have said that McIntosh and those who signed the treaty acted in strict obedience to the request of your father. Listen and learn his will, and in future let it guide your determinations. [I here read the documents showing the views of the President as to their removal, and his wish for the successful termination of the treaty, and the paper showing the wishes of the Indians beyond the Mississippi, and made a few remarks on those subjects, and proceeded.]

Now you see what bad men have told you is untrue. It was the wish of your father that the treaty should be held, the land ceded, and that all of you should move beyond the Mississippi, where you in future could not be disturbed in the titles to your land; where the buffalo, the bear, and the deer could be chased by your young men; or, what would be more desirable, they could settle down permanently, and, before long, enjoy all the comforts of civilized life. These are the wishes of your father. He is wise and good. He studies to promote your happiness. Then why do you not say, Father, "thy will be done." By so doing, you can select your country, and make a choice before the Cherokees, or any other nation; the President will give you the title to the land you acquire in the exchange. No nation, not even your father, could then take it from you. No disputes would then exist about land. I say, then, listen to what your father tells you is right, and you will do well. I wish you now to inform me what I must say to the Governor of Georgia, and what he must say to the President. Must I tell him the news he has heard of your wishing to kill McIntosh and his men is false? Must I say you love them, and love their peace, and that you are reconciled to what they have done? Must I say you will punish your bad men who attempt to do harm to those who signed the treaty? I hope you will place it in my power to tell him good news, so that in future there will be no disturbance between our red brothers, or between the white and the red man.

I then read your communication, and Little Prince replied, in a few words, by unequivocally denying any contemplated hostilities to those who signed the treaty. He further stated, that the circumstances attending the flight of Colonel Miller and Arbicker originated from causes so trifling in their nature that the headmen did not judge them worthy of notice, and that they ought not to be considered as indicating the indulgence of unfriendly feelings; that none such were indulged. He appealed to his chiefs to confirm these statements.

I have, as concisely as was consistent with a minute detail of facts, communicated all that passed in council.

My own opinion, which is partly conjectural, and in part formed from observation and conversations had with some of the Indians, is this: Leave them to themselves; if they clearly understand what are the wishes of the President, they will conform to them. I speak of them collectively as a people. They have no correct notions of our Government and their relative connexion with it. Their conclusion is, that the powers of the President are absolute, and that he has an unquestionable right to coerce obedience. But, independent of this notion of fear, the unlimited confidence reposed in the wisdom and virtue of the President is a sure guaranty of the successful accomplishment of his wishes. In order to destroy the effects of this influence, I discover that the belief has been imposed upon them, (at least to some extent,) that the commissioners, being Georgians, were only subserving the interest and wishes of Georgia. There are a number of white men settled among them, who heretofore looked with pleasure on their prospects of enjoying the benefits of a permanent location, who have acquired their confidence by the connexions they have formed, and I have no doubt that their influence is secretly exerted to excite discontent, and inculcate opinions adverse to the interest of Georgia and the policy of the General Government. There is another prevailing feeling among them. They indulge the belief that, should they move beyond the Mississippi, a perpetual warfare with the tribes inhabiting that country would be the inevitable consequence. You will discover in my talk to them, with the view to produce a complete reconciliation, I endeavored to refute that opinion. If the treaty is ratified, I have no doubt that all clamor will cease; for, in proportion as they understand the wishes of the President,

and the course of conduct our Government adopts towards them, in the same degree will all other influence be diminished. Added to this, what has been done was done, no doubt, with the view to prevent its ratification. The cause, therefore, which produced the excitement will cease to exist after that desirable object is accomplished. If any additional information should be desired on points not embraced in this report, on intimation they will receive a prompt consideration.

I am, sir, your obedient servant,

HENRY G. LAMAR.

His Excellency GEORGE M. TROUP.

SIR:

CREEK NATION, *April 10, 1825.*

I feel it my duty to state to you, that, being at the Creek agency since the late treaty at the Indian Springs. I was in conversation with the agent, John Crowell, who told me, when I went home, to tell the chiefs of the upper towns that if they listened to the talks of McIntosh he would sell them and their lands in less than a year, and told me that I must say every thing I could against General McIntosh. Mr. Henry Crowell, in the presence and hearing of the agent, told me that the United States commissioners offered him, just before the late treaty, ten thousand dollars and five miles square of land if he would use his exertions to cause the nation to sell their land; but he said that he answered the commissioners by saying that he would have nothing to do with it. He told me that if he had done as the commissioners wished, he would not be doing justice to the Indians; but, if he had done so, it would have been to his interest, as he would have got a great deal of money. The agent said that I and my brother, Samuel Hawkins, ought to collect the Indians when General McIntosh was gone to Washington, and burn down his houses and destroy his property, because of his disposition to sell the land.

I am your obedient servant,

BENJAMIN HAWKINS.

To Governor TROUP.

SIR:

CREEK NATION, *April 12, 1825.*

I have taken the liberty of addressing you on this occasion, believing you to be the friend of our nation, and of stating to you some facts which relate to the conduct of our agent, Mr. John Crowell, which I will at any time, if called upon, swear to. When the agent, John Crowell, first paid money to the nation as their annuity, in 1821, he paid it in fifty and hundred dollar bills to the principal chiefs, to be divided by them to their respective towns; the Big Warrior told the agent, at the time, that the money could not be fairly divided, for the want of smaller bills, and requested the agent the next time he paid them off to bring small bills. Before the agent had ever met the chiefs in council, his brother, Mr. Thomas Crowell, brought to Fort Mitchell a large stock of goods; and, when the agent came to the council-house, he told the chiefs that his brother had goods, and that he had given him a license, and that they might buy what goods they wanted. The chiefs, having what money was to go to their respective towns in large bills of fifty and one hundred dollars, were compelled to go to Thomas Crowell and buy domestic homespun, at fifty cents per yard, of the same description of goods that General McIntosh had furnished the nation at twenty-five cents per yard only a few months ago, or to make an unequal division of their money, or go to the settlements for change. At the time the annuity was paid to the nation in 1822, the agent, John Crowell, again paid off the nation in fifty and one hundred dollar bills; and, when the chiefs asked him for change, he said his brother was provided with change or small bills, and, at the same time, cautioned the chiefs against counterfeiters, and said there were a great many counterfeit bills and many suspicious persons about, but that the change his brother had was genuine. The chiefs, after receiving the respective amounts allowed their towns, went to Mr. Thomas Crowell, the agent's brother, and asked him to change their money; he told them, the chiefs, (myself acting as interpreter,) that he would give to the chiefs of the towns each five dollars in cash, but that the balance of the money must be laid out in goods. Some of the chiefs agreed to do so; but others refused, and went off. To those who bought his goods, in order to make a division to their towns, he charged thirty-seven and a half cents per yard. General McIntosh had goods there, and sold homespun at thirty-one and a quarter cents per yard.

I can further state that I was the interpreter when J. Crowell told the chiefs that his brother, Henry Crowell, who lives at the agency, wanted to make fields on the west side of Flint river, and said the land on the reserve was worn out, and he could not make a support on it; but his brother said to him that he did not want to clear a field for the Georgians, and he (the agent) asked the chiefs if they intended shortly to part with their lands. The Big Warrior replied, at the same time laughing, that he (the agent) need not be afraid that the nation would shortly sell their lands to Georgia. I have since understood from the head chiefs that no direct permission was granted to the agent or his brother to clear a field on the west side of the river; but the agent's brother has a large field on the west side of the river, and has rented out all the fields on the reserve.

I remain your humble servant,

SAMUEL HAWKINS, *of the Creek Nation.*

To Governor TROUP.

Since the last treaty, I have been told by a number of the chiefs of this nation that Hambly, the agent's interpreter, (during the time the United States commissioners were endeavoring to effect a treaty at Fort Mitchell,) came to the square, and told the chiefs, early in the morning, that the agent had sent him to tell them what the commissioners would have to say to them; and it was the agent's wish that they all should be of one mind, and answer the commissioners, as they had promised him, (the agent,) by saying that "We have no more land for sale."

I had omitted to state to you a fact, which heretofore has been unusual in our transactions with the United States. In the year 1822, when the agent was about paying the nation their annuity, he charged between sixty and one hundred dollars, (the precise sum not recollected,) and deducted it from the annuity of that year; and stated that his reason for doing so was, that he had to pay that much to a person to go to Darien or Savannah to bring up the sum of the annuity. It was submitted to by the nation, but considered as an imposition and unjust.

SAMUEL HAWKINS.

SIR:

CREEK AGENCY, *August 22, 1823.*

I received your letter by Kitch, giving an account of the conduct of McIntosh in relation to Stinson.

I should be glad if my business would admit of my going to Chattahoochie at present; but I am engaged making out my accounts for the present year, ending the 31st of this month, and cannot leave home until after that time.

I wish you to state, in plain and positive terms, to the Prince, that I call upon him, as the headman of this nation, to have Stinson taken and brought to me at all hazards: if six men are not enough, send six hundred, and take him by force, if he has to destroy McIntosh and his whole establishment to effect it. Tell him it will reflect disgrace on him, as the headman of the nation, to suffer one chief to prevent his orders from being put into execution; and this conduct of McIntosh is quite sufficient to break him as a chief. If, however, he does suffer McIntosh to protect this man in violating the laws of the United States, his nation must suffer for it; for he may rest assured that the Government will not put up with it. And is it possible that he will allow the conduct of one man to do so serious an injury to his innocent people? If, however, he will not have this man taken, I shall adopt such steps as will insure his arrest, and pay the expenses of it out of the annuity, even should it take the whole of it. I can get men from Georgia that will take him by paying enough for it; and, rather than not have him, I will pay every dollar of the annuity for him. I shall inform the Government of McIntosh's conduct; and the President will, no doubt, hold the nation accountable for it. I wish you to impress upon the mind of the Prince the difficulty which this transaction will place the nation in, should this man be protected by an Indian. This nation, since the war, have acquired a good character for their good behavior with the President; and I should dislike for them to lose or tarnish it, by protecting a white man in violating the laws of the United States.

The receipt which I took for the annuity, and the one from Colonel Lovett for beef, have miscarried. I enclose another, which you will get signed, and return to me, after getting the names of those about Fort Mitchell. Send it by mail to Captain Walker, to be signed by the Warrior, &c.

JOHN CROWELL.

Colonel Wm. HAMBLEY, *Chattahoochie*.

LINE CREEK, FAYETTE COUNTY, GEORGIA, *May 1, 1825.*

The information you have no doubt received by Chilly McIntosh and other Indians will be confirmed by the following relation of the circumstances attending the horrid transaction on the Chattahoochie and Tallapoosa, in the Creek nation: On the morning of the 30th April, several neighbors of mine, who lodged on the bank of the Chattahoochie, this side of McIntosh's, about daybreak heard the war-whoop, and they suppose from two to four hundred guns were fired; the houses were on fire when they set off. An intelligent Indian, (Colonel Miller,) who has fled to my house, together with about one hundred and fifty others, states that he supposes there are upwards of four hundred warriors of the hostile party embodied on the Chattahoochie, at McIntosh's, feasting on all the cattle they can find, hogs, &c., belonging to the friendly party; states, also, that they have taken McIntosh's negroes and all other property they can find; they, he states, intend marching towards the settlement of the whites in three days. In this I am a little incredulous, though, as far as the resources of our country will afford, I will be prepared. Major Finley Stewart is collecting some volunteers to go out and reconnoitre the country; he will set off as soon as practicable. He (Colonel Miller) supposes, including numbers long cloaked under the garb of friendship, who, since the death of McIntosh, have joined the hostile party, that the hostile party in the nation largely exceed four thousand warriors, and that the friendly party now amount to only five hundred. They implore protection; they need it: they are constantly coming in; say the road is covered with others.

Yours, respectfully,

ALEXANDER WARE.

Governor TROUP.

Some provision ought to be made to supply these refugees with food.

A. W.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *May 3, 1825.*

Yesterday, Chilly McIntosh, son of the general, and bearer of this, came with other chiefs to announce the death of his father. On the night of the 29th ultimo, whilst reposing in his bed, the savages hostile to the treaty, in great numbers, beset and fired his house; and this chieftain, whose virtues would have honored any country, perished by the flames or tomahawk. The old chief of Coweta, who was pursued with the same vengeance, and for the same objects, perished with him. The crime of McIntosh and Tustunnuggee is to be sought in the wise and magnanimous conduct which, at the Indian Springs, produced the treaty of the 12th of February, and which, in making a concession of their whole country, satisfied the just claims of Georgia, reconciled the State to the Federal Government, and made happy, at least in prospect, the condition of the Creeks. When, by the last of his generous actions, he had given his consent, in union with his council, to the survey and appropriation of the country, only to gratify the wishes of the Georgians, and was on the eve of departure to explore the new home, where the future fortunes of all were to abide, he met the stroke of the assassin, and the bravest of his race fell by the hands of the most treacherous and cowardly. The guilty authors of this massacre it will be for you to detect and punish. I have done my duty.

You will soon read in my official correspondence with your Government, the Indians, and the commissioners, the beginning, the progress, and the end of this frightful tragedy, in which the catastrophe was foreseen; of which, ever and anon, the Government of the United States was distinctly forewarned; and which, by the breath of its nostrils, might have been averted; but which was not averted. In despite of every thing attempted to the contrary, I had before succeeded in maintaining peace. Even now, at the very moment I write, a message, of which you have a copy, is despatched to the surviving chiefs to forbear hostility. I believe the advice will be taken as an order; but it is my duty to inform you that to keep this peace longer than I can hear from you will be impossible to any efforts of yours or mine, unless the most ample satisfaction and atonement shall be made promptly for the death of McIntosh and his friend. The Legislature will convene in a few days, and, on this account, I have deferred any measures either of retaliation or protection.

With great respect and consideration,

G. M. TROUP.

The PRESIDENT OF THE UNITED STATES, *Washington City.*

FRIEND:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *May 3, 1825.*

I heard with sorrow yesterday of the death of our common friend McIntosh. All good hearts among the whites deplore it as much as you. Satisfaction will be demanded, and satisfaction shall be had; but we must not

be hasty about it. We will be cool and deliberate in the measures we take, and then we will be certain to be right. You be peaceable and quiet until you hear from me, in the same manner as if nothing had happened to McIntosh or Tustunnuggee; but, depend on it, my revenge I will have; it will be such as we have reason to believe the Great Spirit would require, such as our Christ would not think too much, and yet so much that I trust all red and white men will be content with it. Mind what I say to you until you hear from me.

G. M. TROUP.

Col. JOSEPH MARSHALL, *Creek Nation.*

GENTLEMEN:

LINE CREEK, FAYETTE COUNTY, *May 3, 1825.*

When you see this letter, stained with the blood of my husband, the last drop of which is now spilt for the friendship he has shown for your people, I know you will remember your pledge to us in behalf of your nation, that, in the worst of events, you would assist and protect us; and when I tell you that at daylight, on Saturday morning last, hundreds of the hostiles surrounded our house, and instantly murdered General McIntosh and Tome Tustunnuggee, by shooting near one hundred balls into them—Chilly and Moody Kennard making their escape through a window. They then commenced burning and plundering in the most unprincipled way; so that here I am, driven from the ashes of my smoking dwelling, left with nothing but my poor little naked hungry children, who need some immediate aid from our white friends; and we lean upon you, while you lean upon your Government. About the same time of the morning that they committed the horrid act on the general, another party caught Colonel Samuel Hawkins, and kept him tied till about three o'clock, when the chiefs returned from our house, and gave orders for his execution in the same way, and refused to leave his implements to cover his body up with; so that it was left exposed to the fowls of the air and the beasts of the forest; and Jenny and her child are here, in the same condition as we are. This party consisted principally of Oakfuskees, Talladegas, and Muckfaws, though there were others with them. The chiefs that appeared to head the party were, Inlockunge, of Muckfaw; Thloc-co-cos-co-mico, of Arpachoochee; Munnaubo, (but I know not where he was from,) who said they were ordered to do it by the Little Prince and Hopenith-yoholo, and that they were supported and encouraged in it by the agent, and the chiefs that were left after the Big Warrior's death, in a council at Broken Arrow, where they decreed that they would murder all the chiefs who had any hand in selling the land, and burn and destroy and take away all they had, and then send on to the President that he should not have the land. I have not heard of the murder of any others, but expect that all are dead that could be caught. But by reason of a great freshet in the Chattahoochie, they could not get Colonel Miller nor Hogeey McIntosh, nor the Darisaws; and they and Chilly are gone to the Governor. Our country is in a most ruined state, so far as I have heard, (though, by reason of the high waters, word has not circulated fast.) All have fled from their homes in our parts, and taken refuge among our white friends; and I learn there are now at General Ware's (near this place) from one hundred and fifty to two hundred of them, who are afraid to go to their homes to get a grain of what little corn they have to eat, much more to try to make any more; and if you and your people do not assist us, God help us! we must die either by the sword or by famine.

This moment General Ware has come in, and will, in a few minutes, start with a few men and a few friendly Indians to try to get a little something for us to eat. I hope, so soon as you read this, you will lay it before the Governor and the President, that they may know our miserable condition, and afford us relief as soon as possible. I followed them to their camp, about one mile and a half, to try to beg of them something to cover the dead with; but it was denied me. I tried also to get a horse to take my little children, and some provision to last us to the white settlements, which was given up to me, and then taken back; and had it not been for some white men who assisted in burying the dead, and getting us to the white settlements, we should have been worse off than we are, if possible. Before I close, I must remark that the whole of the party, so far as I knew them, were hostile during the late war.

PEGGY & SUSANNAH McINTOSH.

To Col. D. G. CAMPBELL, and Major J. MERRIWETHER, *U. S. Commissioners.*

MY DEAR FRIENDS:

FAYETTE COUNTY, *May 3, 1825.*

I send you this paper, which will not tell you a lie; but, if it had ten tongues, it could not tell all the truth. On the morning of the 30th of April, at break of day, my father's house was surrounded by a party of hostile Indians, to the number of several hundred, who instantly fired his dwelling, and murdered him and Thomas Tustunnuggee, by shooting more than one hundred balls into them, and took away the whole of father's money and property which they could carry off, and destroyed the rest, leaving the family no clothes (some not one rag) nor provision. Brother Chilly was at father's, and made his escape through a window, under cover of a travelling white man, who obtained leave for them to come out that way. It being not yet light, he was not discovered. While these hostiles were murdering my beloved father, they were tying my husband (Colonel Samuel Hawkins) with cords, to wait the arrival of Itockchunga, Thlococosmico, and Munnawana, who were the commanders, at father's, to give orders for the colonel's execution also, which took place about 3 o'clock the same day. And these barbarous men, not content with spilling the blood of both my husband and father, to atone for their constant friendship to both your nation and our own, refused my hands the painful privilege of covering up his body in the very ground which he lately defended against those hostile murderers, and drove me from my home stripped of my two best friends in one day; stripped of all my property, my provision, and my clothing; with a more painful reflection than all these, that the body of my poor murdered husband should remain unburied, to be devoured by the birds and the beasts. (Was ever poor woman worse off than I?) I have this moment arrived among our white friends, who, although they are very kind, have but little to bestow on me and my poor helpless infant, who must suffer before any aid can reach us from you; but I can live a great while on a very little, besides the confidence I have on you and your Government; for I know, by your promise, you will aid and defend us as soon as you hear of our situation. These murderers are the very same hostiles who treated the whites ten years ago as they have now treated my husband and father; who say they are determined to kill all who had any hand in selling the land; and, when they have completed the work of murdering, burning, plundering, and destruction, they will send the President word that they have saved their land, taken it back, and that he and the white people never shall have it again; which is the order of the heads of the nation, by the advice of the agent. We expect that many of our best friends are already killed, but have not heard, by reason of the waters being too high for word to go quick, which is the only reason Colonel Miller, and others on his side of the river, were not killed. We are in a dreadful condition; and I do not think there will be one ear

of corn made in this part of the nation; for the whole of the friendly party have fled to De Kalb and Fayette counties, too much alarmed to return to their houses to get a little grain of what corn they left for themselves and their families to subsist on, much more to stay at home to make more; and we fear every day that what little provision we left will be destroyed. I am afraid you will think I make it worse; but how can that be? for it is worse of itself than any pen can write. My condition admits of no equal, and mocks me when I try to speak of it. After I was stripped of my last frock but one, humanity and duty called on me to pull it off and spread it over the body of my dead husband, (which was allowed no other covering,) which I did as a farewell witness of my affection. I was twenty-five miles from any friend, (but sister Catharine, who was with me,) and had to stay all night in the woods surrounded by a thousand hostile Indians, who were constantly insulting and affrighting us; and now I am here, with only one old coat to my back, and not a morsel of bread to save us from perishing, or a rag of a blanket to cover my poor little boy from the sun at noon or the dew at night. I am a poor distracted orphan and widow.

DUNCAN G. CAMPBELL and JAMES MERRIWETHER,
United States Commissioners.

JANE HAWKINS.

P. S. If you think proper, I wish this to be published.

ORDERS.

HEAD-QUARTERS, MILLEDGEVILLE, *May 5, 1825.*

The commander-in-chief, having received information of the existence among the Creeks of the most frightful anarchy and disorder, and of the recent massacre of General McIntosh and the old chief of Coweta, within the actual limits of Georgia, has thought proper to adopt precautionary measures without delay; so that if the United States, bound by the constitution and the treaty to repress and punish hostility among the Indians, and maintain peace upon our borders, shall, by any means, fail in their duty in these respects, a competent force may be held in readiness to march at a moment's warning, either to repel invasion, suppress insurrection among the Indians within our own territory, or give protection to the friendly Creeks, and avenge the death of McIntosh, who, always a firm friend to Georgia, fell a sacrifice in her cause.

Ordered, That Major General Wimberly, Major General Shorter, and Major General Miller, of the 5th, 6th, and 7th divisions, forthwith proceed to take the necessary measures to hold in readiness their respective divisions to march at a moment's warning, either by detachments or otherwise, as they may be commanded by authority of the Legislature or of the commander-in-chief.

By the commander-in-chief:

SEABORN JONES, *Aid-de-camp.*

Sir: .

HEAD-QUARTERS, MILLEDGEVILLE, *May 5, 1825.*

In carrying into effect the enclosed general orders, you will keep a watchful eye to the frontier of our white settlements, so that you may be able, without communicating with me, to repress, on its first occurrence, any commotion which may happen there in consequence of the state of things prevailing in the nation. These infuriated and misguided people may have the temerity, before the General Government can interpose, to pursue the Indians within our organized limits. You will, therefore, in the spirit of these instructions, give your orders, corresponding with them, to your most confidential officers resident near the frontiers, who, on any sudden emergency of this character, may, without consulting you, proceed instantly to their execution. A copy of General Ware's letter, received after my general orders were issued, will assure you of the nature and extent of the danger to be apprehended, and of the promptitude with which they are to be carried into effect.

With great consideration and respect,

G. M. TROUP.

A copy addressed to Major Generals WIMBERLY, SHORTER, and MILLER.

DEAR SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *May 5, 1825.*

I have this moment received your letter, and at the very time when I had issued orders to Major Generals Shorter and Wimberly, with corresponding instructions to meet the very exigencies which, from your information, you have reason to anticipate. They will have the contents of your letter communicated to them, that their orders may be despatched with the least possible delay.

I wish you to take measures, and the best you can, for the comfortable maintenance of our unhappy friends, whilst they seek refuge among us and are protected by our arms.

Additional orders will be immediately given to Major General Miller to hold his division in readiness.

The expense of supporting the Indians will be incurred by the State, in the first instance, and reimbursed to her from the first instalment payable to them by the United States. You will therefore hold me responsible for any contracts you may make on this account; whilst, at the same time, I ask the favor of you to cause them to be made on the best possible terms.

I sincerely trust, if these infuriated monsters shall have the temerity to set foot within our settled limits, you may have the opportunity to give them the bayonet freely, the instrument which they most dread, and which is most appropriate to the occasion.

Very respectfully and sincerely, your friend,

G. M. TROUP.

Brigadier General ALEXANDER WARE, *Fayetteville, Georgia.*

To despatch Mr. Jones, he will not wait for a copy of the general orders, as General Shorter will make them known to you by Mr. Jones. G. M. T.

DEAR SIR:

HEAD-QUARTERS, MILLEDGEVILLE, *May 5, 1825.*

I wish you, in the distribution of your orders, to instruct the different quartermasters, particularly of the frontier counties, where the Indians are most likely to take refuge under the protection of our arms, to look to their comfortable support by contracts, which you will be pleased to instruct them to form with strict regard to economy. The funds will be advanced by the State, on the credit of the United States or the Indians, and will be reimbursed by one or the other.

Very respectfully and sincerely,

G. M. TROUP.

Addressed to Generals WIMBERLY and MILLER.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *May 5, 1825.*

I lose no time in communicating, for the information of the President, a copy of a letter received this morning from Brigadier General Ware, commanding the second brigade of the fifth division of the militia of this State, and to advise you that measures have been adopted for the adequate protection of the frontiers, and for the safety of the friendly Indians seeking refuge within our limits, until the authority of the United States can be effectually interposed for these purposes; and that therefore the expenses incurred in the mean time will be considered chargeable to the United States. In due time, the measures referred to will be laid before you *in extenso*.

With great consideration and respect,

G. M. TROUP.

The SECRETARY OF WAR.

Colonel Hawkins, the interpreter and friend of McIntosh, has shared his fate.

SIR:

Macon, *May 6, 1825.*

I have just received information in relation to the existing disturbances among the Creek Indians, which I deem sufficiently important to be promptly communicated to you.

A Mr. Freeman, a gentleman no doubt of high character, has just arrived in this place from Alabama, with his family: he states that the Indians appear to be in an alarming state of excitement, and, from their general demeanor, so far as it came under his observation, seem determined upon mischief. Their professions, however, as far as he understood them, are entirely friendly to the whites, with the exception of the agent: on his destruction both parties seem determined.

Mr. Freeman passed by Fort Mitchell on Wednesday last, at which place he saw the agent, who informed him that, while at supper the evening before, a runner, from a town about thirty miles distant, informed him that on that night he was to be murdered. The agent had made every preparation in his power for his defence, and stated that he believed his death had been determined on at a talk which was held on the Monday week preceding. He had communicated to the Indians the ratification of the treaty, and suggested to them the propriety of selling that portion of the territory which had been reserved, and to go in a body beyond the Mississippi. To the proposition to sell no reply was given, and he was asked if he had signed the treaty. He informed them that he had signed in the character of a witness. After the talk with the agent was over, the Indians held a secret one, from which the agent and all the white residents were excluded; at which time the agent supposes all their schemes of mischief were devised. Since Mr. Freeman left Fort Mitchell, he has been informed that the time at which the agent was to be killed was on Wednesday night, and not on Tuesday night, as communicated by the runner. He entertains no doubt but their purpose is executed before this time. If, however, he should be mistaken in his apprehensions, would it not be proper, from his peculiarly perilous situation, to afford the agent prompt and efficient relief? Both parties of the Indians, those friendly and those hostile to the treaty, are alike excited against him; and both have pronounced the same fate for him. Colonel Crowell, it is believed, could command between three and four hundred Indians, and, if he had military supplies for them, could at least defend himself, although the hostile party is formidable: this opinion has been suggested by Mr. Freeman, but a small additional force could do no injury.

There is one circumstance more strongly indicative of the hostile design of the Indians toward the whites generally than their warlike exhibitions. It is this: the whites who have been resident among them, and who are acquainted with their habits and character, are sending their families from the nation. The Indians hold a talk on Monday next; for what purpose it is not known.

Yours, respectfully,

His Excellency GEO. M. TROUP.

CHARLES J. McDONALD.

SIR:

HEAD-QUARTERS, MILLEDGEVILLE, *May 7, 1825.*

Your letter of the 6th instant, by express, is this moment received. I am happy to learn from him that he bore to you orders from General Wimberly, in consequence of my general orders to him. You are, therefore, already on your guard, and you will not hesitate a moment to take the necessary measures, first to make safe the frontier, and then to give to the agent any protection which, according to the evidence before you, his safety shall demand; and of which, from your proximate situation to him, you will be the exclusive judge.

I hope that no harm has befallen him; and, if not, you may assure him that any force which may be necessary to reduce to order and obedience any militant tribes of the Creeks within our limits shall be furnished promptly, under the command of a trusty officer, who will be charged with full powers to act efficiently, under any exigencies which may arise.

I thank you for the promptitude with which you have communicated this new information; at the same time, I indulge a hope that the cause of alarm has been exaggerated. It is scarcely to be believed that the agent, from whom nothing has been heard, well knowing the contentions which agitate the country, and the imminent perils which surround him, should not have despatched runners to make known to this Government officially, and without delay, the circumstances which your letter discloses upon the authority of a respectable traveller. The express which brought it carries the answer.

With great respect and consideration,

G. M. TROUP.

Brigadier General CHARLES J. McDONALD, *Macon.*

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *May 9, 1825.*

I enclose, for your information, a copy of a letter received on the 7th instant from Brigadier General McDonald, commanding the 3d brigade of the 6th division, and my answer.

The friendly Indians continue to desert their homes and seek protection within our limits. Our arms are open to receive them at all points, and the necessary measures taken for their maintenance; the expense of which will devolve on the United States or the Indians—it is hoped on the former.

Very respectfully,

G. M. TROUP.

P. S. Up to this time, not a word has been received from the agent.

G. M. T.

To the SECRETARY OF WAR, *Washington City.*

SIR:

HEAD-QUARTERS, MILLEDGEVILLE, *May* 10, 1825.

You will see by a letter published in the papers of this morning, addressed by the agent to Mr. Bozeman, how inconsistent the contents of it are with the representations made to you by Mr. Freeman.

You will immediately, therefore, on the receipt hereof, arrest the progress of any measures you may have devised for the security of the agent, and return to the position in which you found yourself before you received my last instructions.

You will, however, under the general order received through Major General Wimberly, still continue to hold your brigade in readiness to march to any point of the frontier at short notice, lest we may be deceived by appearances and surprised.

Very respectfully,

G. M. TROUP.

P. S. A copy of your letter and my answer were forwarded to the War Department, for the information of the President.

G. M. T.

Brigadier General CHARLES J. McDONALD, *Macon, Georgia.**GEORGIA, Baldwin County:*

Personally appeared before me, H. rris Allen, one of the justices of the inferior court for said county, Francis Flournoy, who, being duly sworn, deposed and saith: That he was at General William McIntosh's, in the Creek nation, one of the chiefs of said nation, on the morning of the 30th of April last, when, about daybreak, a party of Indians, (with one white man among them, whom the Indians said went by the name of Hudman, as well as I recollect, and who said he was not sent by the chiefs to murder, to burn, or to plunder, but to act as interpreter, and preserve the travellers, should there be any there,) consisting of from two to four hundred, who, as soon as they had closely surrounded the general's dwelling-house, and fixed a guard round the house which I was in, set fire to the dwelling-house, and immediately shot the general, who instantly fell, and was drawn out of the house, with considerable effect of the flames; and they continued firing at his corpse, until, I think, they had shot more than fifty balls into him. They then set fire also to the house in which this deponent and one other white man and three chiefs had staid all night; and finding Thomas* Tustunnuggee (a Coweta chief) within, they appeared much gratified, and shot him almost as often as they had done the general; and this deponent drew him out from the flames, and afterwards assisted two other white men to bury them both. This banditti were busily engaged, from the commencement of the horrid scene until a late hour of the morning, in plundering and destroying every thing valuable, as well the property of the white men who were present as the property of the general; tearing a frock off of a young Indian female, and leaving several children stark naked; carrying off a great many negroes and horses, (and cattle, as they themselves told me,) and said they were ordered to destroy whatever they could not carry off; and I saw them shoot many hogs, which they left on the ground. The general's Cherokee wife went to the camp of the hostiles, to beg from them a suit of white to bury the general in, which was denied, as she said; and on her return, she informed me that those Indians said they were ordered to do what they had done by those who ruled the nation since the Big Warrior's death, and they were supported and encouraged by the agent. I observed, I did not believe that; she replied, they would not tell a lie on the agent, for they must know it would come to his ears, and they would have to answer for it. About eleven o'clock those murderers returned again; and after ascertaining that a plain countenanced old man could understand some English, I observed to him, "Old gentleman, is this the way your people do—go to a man's house, shoot him, and burn him and his house, and take every thing he has and carry it away? or are these bad men? what have they done?" He replied, he did not love to kill them, but the heads of the nation said so. I asked if Intockchunga and Thloc-co-cosco-mico were the heads of the nation? He answered no; Little Prince and Hopoethyoholo were their heads, now the Big Warrior was dead. I replied, these were the very two men that sent word to the Governor that those chiefs should not be hurt. He answered that at first they did send that word to the Governor, and then it was so; but since that, the agent had altered it, and told the council that the only way to get their land back, and keep it, was to kill all that had any hand in selling it, and burn and destroy all they had which they could not carry away; and after that, other chiefs never would attempt to sell their land, for fear of being treated in the same way; and when they had completed the above, as ordered by the council, they would send word to the President that they had saved their land, and had taken it back, and now he and the white people never should have it again. The above article was confirmed by Colonel Hawkins's widow next day, as coming from the party who murdered him, adding the name of Walker, former sub-agent, to that of Mr. Crowell.

FRANCIS FLOURNOY.

Sworn to, and subscribed before me, this 16th day of May, 1825.

H. ALLEN, *J. I. C.**In the circuit court of the United States for the district of Georgia, at Milledgeville, May term, 1825.*

The grand jury regret that they find it necessary to ask the attention of the court to recent occurrences within the circle of its criminal jurisdiction. In the territory lately ceded to the United States by the Creeks, at the treaty of the Indian Springs, atrocious murders have been committed upon the bodies of William McIntosh, Tome Tustunnuggee and Colonel Hawkins, three distinguished Indian chiefs, at all times the friends of the United States, and just about to begin a journey to the west, to explore the country preparatory to the removal of the tribe, according to the provisions of the said treaty. Numerous parties of Indians, the friends of the deceased chiefs and of the United States, have been driven, destitute and naked, into the settled parts of the frontiers of this State, for protection from the vengeance of those persons who had just sacrificed those chiefs. It is understood, and believed, that these outrages have been committed by large bodies of armed Indians, principally residents of Alabama. It is greatly to be apprehended and feared that they have been instigated and countenanced by white persons. The grand jury have due confidence in the vigilance of the constituted authorities of the General and State Governments, but they cannot, without a violation of their own duty, refrain from calling, through the court, the attention of both Governments to the situation of the frontier, and to the consequences of the atrocities committed on the lately ceded territory. Those who have driven the friends of the murdered chiefs into the settled parts of the State may pursue to destroy them in their places of refuge. They recommend that measures of necessary precaution for protection and succor of the fugitives be immediately taken, and that every attempt to violate their asylum shall

* Etome.

be instantly punished. The grand jury deem it necessary to the character of the Government of their country that the authors, perpetrators, aiders, and abettors of the crimes lately committed should be sought for, and, when ascertained, prosecuted and severely punished. They have no language strong enough to mark their abhorrence of the white persons (if any) who have seduced or irritated the unhappy Indians to perpetrate this tragedy. They recommend the severest scrutiny into the conduct of all white persons in the nation, and the judicial prosecution of each and every one of them against whom sufficient evidence to justify it shall be discovered.

The grand jury request that a copy of this their presentment should be sent to the President of the United States, and another to the Governor of Georgia, and that the foregoing be published in the newspapers of this place.

GUSTAVUS HENDRICK, *Foreman.*

A. G. C. Mitchell,	Eppes Duke,
Milner Echols,	Burnell Russell,
Henry W. Malone,	Geo. W. King,
James George,	Thomas Dark,
Henry Lowe,	John Pinckard,
Warren Jourdan,	William Cabiness,
Zeba Fletcher,	Joseph Stovall,
Jacob Lewis,	Silas Ledbetter.
Elijah Tarver,	

A true copy:

GEO. GLEN, *Clerk.*

DEAR FRIEND:

NEWNAN, *May 18, 1825.*

We enclose you a communication for your perusal; we wish it published in the first paper, without you may consider it wrong. There are a number of false statements in the papers; we have caused this meeting to make a true statement, and to have it published. We want you to write us by the man who will deliver this to you, whether you will publish it or not. We have appointed ten chiefs, who will meet our friend Chilly McIntosh in Milledgeville. We want you to make use of your endeavors to have our white friends paid agreeably to our order, for provisions furnished us while we are in your country, out of such moneys as are coming from our lands.

ROLLY McINTOSH, his + mark.

CHARLEY MILLER, his + mark.

FOURSATHEE EMARLO, his + mark.

CAPTAIN SAMUEL MILLER, his + mark.

DICKEY, his + mark.

COLONEL WILLIAM MILLER, his + mark.

Committee.

His Excellency G. M. TROUP.

At a general meeting of the Indians friendly to General McIntosh, and who feel themselves aggrieved of the injuries done by the Indians inimical to the late treaty held at the Indian Springs, the following address was unanimously agreed to, and for the same to be published in the Georgia Messenger and one of the Milledgeville papers:

PIKE COUNTY, FLINT RIVER, *May 17, 1825.*

We have discovered in the Georgia Messenger, of Macon, of the 11th instant, a letter signed by our agent Captain Crowell, that the party of Indians friendly to General McIntosh had threatened his life, and also the life of the Little Prince, who is our principal chief at this time. We acknowledge ourselves General McIntosh's friends and party; and, if any threat of this kind has been made, it has not come within our knowledge; therefore, we believe it to be a lie. We also see in the same paper information derived from the agency, that the killing of McIntosh, Tome Tustunnuggee, and the two Hawkins, was not intended as hostilities against the whites; that it was only a fulfilment of their own laws, and a law which General McIntosh himself had signed, and declared in the square at Broken Arrow during the late treaty at that place. This law was, that if any Indian chief should sign a treaty of any lands to the whites, he should certainly suffer death. This statement is positively false, and it is only made use of as a pretext for the cruel murders which have been committed.

For the correctness of our denial to that statement, we will appeal to the United States commissioners, Colonel Campbell and Captain Merriwether, and many other of our white friends who were present during the treaty; and we further appeal to our agent, who, we believe, will do us that justice as to give the lie to any such reports. It certainly would have been very inconsistent for General McIntosh or any of us to have signed the treaty at the Mineral Springs, had such a law as that come within our knowledge. And it is very droll, too, that such a law as that should exist, and that the national clerk and none of us should have any knowledge of it. We have been in the habit of meeting all councils that concern the nation, as much so as any other chiefs of the nation; and if any such law had been made, we should have known it. We understand that there was a decree of that kind passed by the Big Warrior and his friends, at a place called the Polecat Springs, which is about fifty miles west of Broken Arrow. Broken Arrow is the capital of the nation, where all business of a public nature is transacted; therefore, as that meeting was one which was not ordered at the capital, and not a general one, it could only subject those who were present. It is right for us to state, that our friend Tome Tustunnuggee was present and signed the decree, but we have often heard him say that he did not know the contents when he made his mark, or he should not have done so. And, as for General McIntosh's ever signing or sanctioning any such law, we declare it to be false; for when he was told of it, he remonstrated severely against it, and declared that they were unauthorized to pass any such law, and that such a thing could not be a law, for it was impossible for Tuckaubatchee and one or two other towns to meet and pass a law for the destruction of his or any other chiefs who were not present, and particularly at a place where the national council should not have convened. When this meeting was ordered, there was no doubt in our minds that it was not intended for General McIntosh or any of us to have known it; and it was ordered in consequence of the Cherokees sending the Big Warrior and his friends word that they must be mindful of General McIntosh, or he would sell all their lands from them. The Little Prince, who stood as fair as any other chief in the nation, could not have had any knowledge of this law, or at least he had no idea that such a law would be enforced; for the appointment which he then and now holds requires more honor and truth than to have written the following letter to one of our chiefs, and one who signed the treaty, (Colonel Chilly McIntosh,) who was amongst his white friends, in consequence of the severe threats which had been made against all who signed the treaty at the Mineral Springs.

MY FRIEND:

MARCH 4, 1825.

I am very sorry to hear of so much fuss amongst my people. I wish to have peace amongst both my white and red brethren. I hope you will take my talk, and come home and not be uneasy; for if any one had threatened your life, I would have certainly heard it. There are some that will talk foolish when drunk. I consider you my son; and if I had heard any such talk, I would let you know it. I wish you and all of you to come home and live as brothers and friends, and trust to our great father for our protector and friend. I have heard of your negroes, and have given orders for them to be fetched home as soon as possible. This may assure you that I love you as a son, and wish you home to your family. They are all well at present.

LITTLE PRINCE, (or Tustennuck Opoow,) his x mark.

Witnesses: JOHN OWENS, LEMUEL B. NICHOLS.

Although it is seen plainly that the Little Prince has and did pledge himself as our father that no hostilities were intended, and all property taken should be restored, he has, (although so pledging himself,) from good authority, ordered and decreed that our principal chiefs amongst us should be murdered, and that in a cruel manner, and our property all destroyed. Such treatment as this is not usual from the father to his children; at least it authorizes us not to acknowledge him as our father, and we shall receive no more of his talks. We have received many other talks from him to the same amount; and that we were alarmed for nothing, and all the fuss which had been made was in consequence of an affray which had taken place with a few drunken Indians who acted foolish; that we should not be hurt or interrupted; peace was what he wanted, and nothing but harmony should exist; and for us to come home to our families and plant our corn. Now, like hogs and sheep tolling to the slaughter pen, so we immediately repaired to our wives and children; and sure enough, what was the consequence? Only a few days rest, when we were awakened from our sleep with the cry of "Murder—McIntosh is killed, and how many more we do not know. Get up and clear yourselves, for death is your portion; the woods are full of Indians; all will be killed who signed the treaty."

This was very unexpected news to us, and we had a right not to expect it, particularly from talks had at Broken Arrow to the Governor's aid by the Little Prince and the Big Warrior's chiefs, declaring that we were in no danger, and all statements to the contrary were lies; that they wanted peace, and nothing else was intended; of course, we expected nothing else. But we had to fly for refuge to our white neighbors, where we have been kindly received, and treated as our situation requires. Every pledge has been forfeited by our father the Little Prince and his friends; therefore it is impossible for us to have any confidence in what he or any of his friends may hereafter talk.

We have lately received a talk from the deputy agent, Captain Triplett. We are sorry that this talk is so one-sided; he declares, in the first place, that we must go home and tend our farms; that we shall not be hurt. This talk was made in the presence of white men, to Benjamin Marshall, who is one of our chiefs: murdering should cease; that McIntosh, Tome Tustennuggee, and the two Hawkins, were killed in compliance with the laws of the nation. If there was a law for them to be murdered, that law yet exists; and, admitting we should take this talk and go home, we should receive the same fate, for we are guilty of the same breach, and should of course receive the same punishment. He further declares that the Indians were cheated out of their lands; that we were all fooled by the United States commissioners, for that they had no land west of the Mississippi, without they would hereafter buy it from the Indians who now reside there; that they (meaning the United States commissioners) had got our lands, and they did not care what became of us, and we would not get any assistance from the whites. Our chief, Benjamin Marshall, asked the captain, if this murder was a fulfilment of the laws of the nation, why did their council at Broken Arrow declare to the Governor's aid, Colonel Lamar, that there were no hostilities intended, and that they would protect McIntosh, for they had fought by his side and liked him? His reply was, that the Governor's aid had made that talk himself, and had gone home with a lie in his mouth to the Governor. We must believe, from the talks we received ourselves, that the Governor's aid has spoken nothing but the truth. After the captain found that we were not satisfied, he observed to a white man that the tree was only topped, and, if we were not satisfied with it, the limbs would be taken off. It is impossible for us to be satisfied, when the captain himself has declared in his talk to us that the Little Prince had never denied, since the death of McIntosh and others, but that he had ordered it; and he would now acknowledge it, for it was perfectly right. If we are to be governed by this talk, we are in a dreadful situation; without homes or friends, or even without means of subsistence, driven from our farms and robbed of our property, and also the moneys arising from our lands taken and given to our enemies. We have too much confidence in our father the President to believe any such talks. He has never deceived us yet; we have his promise, in and through the United States commissioners, and shall hold it sacred until we find out to the contrary. Our little father the Governor of Georgia has given us a talk, which we shall strictly obey until he may talk again.

We cannot help mentioning that we are fed by several white friends, who, we hope, will be remunerated at the Mineral Springs, when moneys shall be received for our land. Nothing but justice is demanded, and nothing else will be expected; and we hope that our great father, who is above us all, will cause us to obtain it.

We are now stationed at Newnan, in Pike county, and shall remain until our rulers shall order otherwise.

We hope that this our communication will be published in the newspapers, for the satisfaction of the world.

Signed by us in council this day.

Joseph Marshall.
 Rolly McIntosh, his x mark.
 Colonel Wm. Miller, his x mark.
 Arpefka Tuskenuggee, of Broken Arrow, his x mark.
 Oithlepoyow Tustunuggee, his x mark.
 James Island, his x mark.
 Benjamin Marshall.
 Conape Marlow, his x mark.
 Charles Miller, his x mark.
 Hoge McIntosh, (brother to Gen. McIntosh,) his x mark.
 Dickey, (interpreter to the Cherokees for the Creeks,) his x mark.
 Foursatche Emarlo, his x mark.

John Carr, his x mark.
 Otulkee Marlow, his x mark.
 Espoko Emarlo, his x mark.
 Captain Samuel Miller, his x mark.
 Andrew Lovett, his x mark.
 Opthile Hadjo, his x mark.
 Tulsa Haijo, his x mark.
 Tucktelustee Emarlo, his x mark.
 Tucktelustee Chopko, his x mark.
 John Harrad, his x mark.
 Nokoorylee Tustunuggee, his x mark.
 Warcoochee Emarlo, his x mark.

MY FRIENDS:

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, May 21, 1825.

I have this moment received your letter, with the paper which it enclosed, and will, as you request, cause them to be published in the next papers. I hope now that the worst is over. It is true that McIntosh and his friends, who have been so cruelly murdered, cannot be restored to life; but the Great Spirit, who is also good and

merciful, will look down upon your sufferings with pity and compassion. He will wipe the tears from your eyes, and soften the hearts of even your enemies among the whites; so that if your great father shall turn his ear from your complaints, or shall fail to punish the white men who, in his name, have disturbed your peace, and brought the heaviest afflictions upon you, he will have to answer for it both to his white children and the Great Spirit. It cannot be doubted, therefore, that all will yet be right. In the mean time, continue to do as I have advised you, and until you hear from me. My officers every where are ordered to take care of you, and make you comfortable. As soon as Chilly returns, you shall know it.

Your friend,

G. M. TROUP.

The CHIEFS and HEADMEN of the friendly Creeks.

DOCUMENTS ON THE SUBJECT OF THE CLAIMS OF THE STATE OF GEORGIA UPON THE UNITED STATES, UNDER THE COMPACT OF 1802, IN REFERENCE TO THE LANDS OCCUPIED BY THE CHEROKEES IN THE STATE OF GEORGIA, &c., ACCOMPANYING THE GOVERNOR'S MESSAGE AT THE OPENING OF THE EXTRA SESSION.

SIR:

GEORGETOWN, *March 24, 1825.*

I have the honor to enclose to you a copy of a letter written to the Secretary of War since the adjournment of Congress, on the subject of the execution of the recent treaty with the Creek Indians, and the formation of a treaty with the Cherokees, for the complete fulfilment of the obligations of the United States to the State of Georgia, under the compact of 1802, with his answer; and several papers, marked A, B, and C, received with it. As I hope to have soon a personal conference with you on this subject, I forbear to make any remarks upon the correspondence enclosed.

I am, sir, with perfect respect, your obedient servant,

JOHN FORSYTH.

His Excellency G. M. TROUP, *Governor of Georgia.*

SIR:

GEORGETOWN, *March 9, 1825.*

By the request of Governor Troup, I had the honor this morning to ask the attention of the President to the claims of the State of Georgia upon the United States, under the compact of 1802. The President desired that I should address myself to you, that the suggestions made on the part of the State might be duly considered. Complying with this desire, I invite your attention, first, to the execution of the treaty lately concluded at the Indian Springs; and, secondly, to the formation of a new treaty with the Cherokees.

By the eighth article of the treaty of the Indian Springs, the Creeks must remove from the land occupied by them prior to the 1st of September, 1826. To cover the first payments due under this treaty, and to provide a fund for the purchase of a permanent residence of the Creeks beyond the Mississippi, a contingent appropriation of \$250,000 has been made by Congress. The interest and convenience of Georgia will be best consulted by an immediate removal of the Indians, and no doubt is entertained that the necessary measures will be immediately taken for that purpose. The conduct of the Creek agent, who has spared no pains to prevent the formation and ratification of the treaty, justifies an apprehension that he will not fail to obstruct, as far as is in his power, the accomplishment of the wishes of the State. Under this conviction, a request that the conduct of the agent may be watched, and that no confidence shall be reposed in him that can be consistently withheld, is dictated by the interests of Georgia, the wishes of the Creek tribe, and the honor of the General Government. While anxious that no artifices shall be used to prevent an early removal of the Indians, I pray you to be assured that we have no desire that the Creeks should suffer for our accommodation. We shall complain of no delays that are necessary for their comfort on their journey, and to their permanent security and prosperity in their new homes.

As to the formation of a treaty with the Cherokees, the present moment appears to be peculiarly favorable for a complete performance of the obligations of the compact of 1802. Nothing remains to the accomplishment of these objects but to induce the Cherokees to remove from the lands occupied by them within the limits of Georgia. A number of the Cherokee chiefs, the most influential in the nation, are in Washington. The recent determination of the Creeks to go to the west, in spite of the persuasions and artifices of the Cherokees, must have satisfied the latter that the United States will, sooner or later, *insist* upon the surrender of the lands in Georgia to that State. Once convinced that their title to the land *must* be extinguished, it will be easy to satisfy them that their own interest will be most effectually consulted by an immediate arrangement. The records of the War Department show that many of the Cherokees, since 1819, have continued to express a desire to go beyond the Mississippi, and have complained of the injustice of their chiefs, who deprived them, by the treaty of that year, of the privilege of selling their lands for that purpose. In 1821, the Path Killer applied, through General Jackson, to Government, to purchase his claims. My own opinion is, that the President may, without injustice to the Indians, without violating either principle or usage, cause a purchase to be made of the Cherokees residing in Georgia of the lands lying in Georgia. Without attempting to demonstrate the soundness of this opinion, I suggest, with great deference, that, if the Cherokees are found now unwilling to treat, their unwillingness would probably be overcome if they were informed that the President would, if the whole tribe could not be induced to treat, take into serious consideration the proposals made by the Path Killer, and any other proposals which may be hereafter made, by all or any portion of the Cherokees in Georgia, for the sale of all the lands they may occupy lying within the limits of that State.

With the hope that a new effort with the Cherokees will have as fortunate a termination as the recent effort with the Creeks,

I have the honor to be, sir, with great respect, your obedient servant,

JOHN FORSYTH.

Hon. JAMES BARBOUR, *Secretary of the Department of War.*

SIR:

DEPARTMENT OF WAR, *March 23, 1825.*

I have the honor to acknowledge the receipt of your letter of the 9th instant, conveying the information that you had, by the request of Governor Troup, asked the attention of the President to the claims of the State of

Georgia upon the United States under the compact of 1802, and the desire of the President that you should address yourself to me, that the suggestions made on the part of the State might be duly considered; also and, in compliance with this desire, inviting my attention, first, to the execution of the treaty lately concluded with the Creeks at the Indian Springs; and, secondly, to the formation of a new treaty with the Cherokees.

The treaty of the Indian Springs, having been ratified, will be carried into effect; measures having been already taken in conformity to its provisions.

Upon the second subject referred to in yours, I have the honor to state, in reply, that the President, as well from inclination as a sense of duty, is disposed to carry into effect the conditions of the compact of Georgia, whenever that can be done consistently with its provisions. In this spirit, and in conformity to your suggestion, a letter was addressed from the Department to the delegation of the Cherokees in this place, a copy of which (marked A) is herewith enclosed; also, a copy of their answer, (marked B;) to which is added a copy of a communication, (marked C,) addressed by the Cherokee chiefs to the President. You will readily perceive, from this correspondence, the determined opposition of the Cherokees at this time to the cession of their lands.

I am directed by the President to state that he entirely accords in the policy recommended by Mr. Monroe to Congress, at their last session, on the subject of the general removal of the Indians to the west of the Mississippi—a policy believed to be alike advantageous to the citizens of the United States in their neighborhood, and to the Indians themselves. This object, as far as it lies within the sphere of his power, will be promoted, and on every suitable occasion its beneficent effects will be particularly inculcated on the Cherokee nation.

I have the honor to be, very respectfully, your obedient servant,

JAMES BARBOUR.

To the Hon. JOHN FORSYTH.

A.

DEPARTMENT OF WAR,

FRIENDS AND BROTHERS:

OFFICE OF INDIAN AFFAIRS, *March 12, 1825.*

I am directed by the Secretary of War to inquire if you have authority to negotiate with the Government for a sale of your lands, and especially for that portion of them lying within the limits of Georgia?

I am, respectfully, your friend and brother,

THOMAS L. MCKENNEY.

To JOHN ROSS, GEORGE LOWREY, and ELIJAH HICKS, *Cherokee Delegation.*

B.

Extract of a letter from the Cherokee Delegation to Thomas L. McKenney, dated

WASHINGTON, *March 14, 1825.*

Yours of the 12th instant is received. You state that you are directed by the Secretary of War to inquire if we have authority to negotiate with the Government for a sale of our lands, and especially for that portion of them lying within the limits of Georgia. It would seem, from the inquiry, that the Secretary of War is impressed with a belief that our nation may be disposed to make a cession of our lands, and that we, as its representatives, may have been instructed accordingly. In order that the Secretary of War may have full information of the true sentiments and disposition of our nation, in relation to our lands, we would refer him to the communication which we had the honor to address to the honorable John C. Calhoun, on the 11th February, 1824, in reply to certain propositions made by the President, through him, to us, for our lands. We have full authority in saying that those sentiments remain the same, and are unchangeable.

C.

RESPECTED SIR:

WASHINGTON CITY, *March 12, 1825.*

Be pleased to accept our congratulation for the great trust confided to your care, as President of the United States. The various tribes of Indians emphatically call the President father, and to him they, as children, look for protection and preservation. Therefore, we consider it a duty, as well as a privilege, to address you. A retrospective view of the history and true causes of the downfall, degradation, and extinction of certain tribes, exhibits a solemn and imposing lesson, which may be profitable in administering justice to those few who at this day breathe the vital air on the land of their fathers. The crisis seems to be at hand which must forever seal their doom; civilization and preservation, or dispersion and extinction await them, and this Government is the tribunal which must pass the sentence. We therefore solicit your attention to a few remarks, which we deem it to be our implicit duty to make, in relation to the Cherokee people, whom we represent. The arts of civilized life have been successfully introduced among them; they consider themselves permanently settled, and no inducement can ever prompt them to abandon their habitations for a distant, wild, and strange clime. They are well aware of the earnest solicitude of the State of Georgia for their removal; and also are apprized of the desire of the Government to gratify the wishes of Georgia, if their consent could be obtained. And whilst the Cherokees are ever ready to comply with the views and wishes of the Government, they cannot consent to yield another foot of land. Unceasing exertion has, from time to time, been used to purchase from the Cherokees their lands for Georgia; but we have never as yet witnessed a single attempt made on the part of the Government to bring the compact of 1802 with Georgia to a close, by compromise, or in any manner other than by trying to purchase our lands. For the peace and tranquillity of our nation, we do sincerely hope that measures may be adopted by the United States and the State of Georgia so as to close their compact without teasing the Cherokees any more for their lands. The Cherokees have repeatedly declared their sentiments respecting their lands to the Government; those sentiments have been matured in soberness, and expressed in sincerity.

The idea of concentrating the various tribes of Indians, for the object of civilizing and preserving them, west of the Mississippi, is a subject of great magnitude, and may, perhaps, contribute to better the condition of those tribes who have been removed from their lands, and are now wandering over the wild and extended plains of the west. But if Indian civilization or preservation is sincerely desired, and is considered worthy the serious attention of the United States, never urge the removal of those tribes who are now successfully embracing the habits of civilized man within their own limits. A removal of the Cherokees can never be effected with their consent; consequently, if removed at all, it must be effected by such means as would engender irreconcilable prejudices; and their dispersion

and ultimate extinction would inevitably follow. If the Cherokees were permitted to remain peaceably and quietly in the enjoyment of their rights, the day would arrive when a distinction between their race and the American family would be imperceptible; to such a change the nation can have no objection. Complexion is a subject not worthy consideration in the effectuation of this great object. For the sake of the civilization and preservation of existence, we would willingly see the habits and customs of the aboriginal man extinguished. The sooner this takes place, the sooner the great stumbling-block *prejudice* will be removed.

May the power of Heaven direct your steps for the good of all under your administration, is the sincere prayer of, sir,

Your unworthy, but most obedient servants,

JOHN ROSS,
GEORGE LOWREY,
ELIJAH HICKS.

To His Excellency JOHN Q. ADAMS, *President of the United States.*

SIR:

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, April 6, 1825.

Your letter of the 24th ultimo, covering a correspondence between yourself and the Secretary of War, and other papers connected with the fulfilment of the stipulations of the articles of agreement and cession, was received yesterday. Accept my thanks for your unremitted attention to the interest of the State; they are due from the people to you, and the rest of the delegation, for your generous and patriotic devotion to their rights, and for the firmness and dignity with which, on every occasion, you have supported them. On the opening of a new administration of the General Government, soon after one important concession had been made to our just demands, it is scarcely necessary to inform you how eagerly I sought repose from the painful altercation which it had been my imperious duty to wage with the constituted authorities of the Union, and with how much of hope and anxiety I looked forward to the future, trusting that, in better and improved relations, we would find a kindly and conciliatory spirit succeed to troubled feelings; the sense of wrong on either side consigned to forgetfulness; and the claims of Georgia recognised in all the extent which reason, justice, and good faith would warrant. I trust that, for these, more has not been asked—that less will not be received.

It cannot be dissembled, however, that in the answer given by the Secretary of War to your communication of the 9th ultimo, presupposing the best disposition to do right, a course of policy is indicated which must infallibly terminate in wrong. It is of kindred spirit with that which for a time kept us in abeyance with the Creeks, and held the State suspended between the most fearful alternatives. On the 12th of March, the delegation of Cherokees at Washington laid before the President their customary annual protest against a cession of lands on any terms, now or hereafter. On the same day they are asked, by order of the Secretary of War, if they will sell lands; they answer, no! and this answer is echoed by the Secretary of War to you. I hope it is not considered, as it purports to be, *final*. Should the proposition be renewed, another and very different character must be given to it. The Cherokees must be told, in plain language, that the lands they occupy belong to Georgia; that, sooner or later, the Georgians must have them; that every day, nay, every hour of postponement of the rights of Georgia, makes the more strongly for Georgia, and against both the United States and the Cherokees. Why conceal from this misguided race the destiny which is *fixed* and *unchangeable*? Why conceal from them the fact, that every advance in the improvement of the country is to enure to the benefit of Georgia; that every fixture will pass with the soil into our hands, sooner or later, for which the United States must pay an equivalent, or not, to the Indians, according to their discretion. The United States are bound, in justice to themselves, instantly to arrest the progress of improvement in the Cherokee country; it is the reason constantly assigned by the Cherokees for their refusal to abandon the country. The force of the argument, therefore, if good now, increases with the progress of improvement; the progress of improvement will be accelerated by the irresistible force of the argument. Thus, by a double ratio of geometrical progression, known only to the logicians of modern times, Georgia will find herself in a predicament, in which, whatever may have been the aggravation of her wrongs, she never before stood—disseised of both the argument and the lands. Why not, therefore, in common honesty and plain dealing, say to the Indians, Remove now, or stay the hand of improvement forever; now we will give you the full value of improvements; hereafter we will give nothing, because we cannot afford to pay for improvements from which no benefit will result to us, which will belong to the Georgians, and which you were forewarned in good time not to make. Let them say, now is the appointed time; we offer you acre for acre, and we change your tenancy at will into a fee-simple, which will descend to your posterity forever. If you accept, well and good; if you refuse, we are not bound to make you the same offer again. You were once without a country; you sought refuge among the Creeks; they received you with open arms, and gave you the lands you now occupy. Take care that you are not without a country again; you may find no more Creeks, no more lands.

Is it to be conceived that such an argument would be wasted on the Cherokees? What motive would be left them to continue in a state so precarious, when, every incentive to human industry being destroyed, the barn, the dwelling, the out-houses, the fencing, falling into decay and ruin, the wretched Indian scatters upon an impoverished and exhausted soil the seed, from which it is even doubtful if he is permitted by the impatient white man to reap the scanty harvest?

Is it forbidden to speak the language of truth and frankness? It may be that all will avail nothing. If all should, it will be because the Cherokees distrust the sincerity of the United States. That they have reason for distrust, even in the conduct of the United States towards themselves, is undoubted. When they were willing to cede lands, the United States would not take them. In the conduct of the United States towards the Creeks, they think they see abundant proof of the lukewarmness and indifference of the General Government in carrying into practical effect, so far as concerns Georgia, the plans which they devised for the removal of the Indians. It is of no consequence that the Indians are deceived by appearances; the appearances would deceive anybody. They see the agent for the Creeks, well knowing the officially expressed will of the Government, opposing himself to that will, holding councils of the Indians for the very purpose of anticipating and forestalling the commissioners of the United States, by inconsiderate and violent resolves, the same as those of the Cherokees themselves. When the treaty is holden at Broken Arrow, the Cherokees are present, by their emissaries, under the eye of the agent, busied to defeat, by the most wily machinations and contrivances, the objects of the treaty. They witness the failure of the treaty, and by these means. Is such a case explicable before the Indians? The servant setting at naught the will of the master, and the master countenancing the servant in defying that will: the Government itself, when asked for the resolution of these mysterious things, resolves them into a misconception of duty. On the renewal of the treaty at the Indian Springs, the like scenes are presented both to whites and Indians. The agent, profess-

edly aiding the commissioners, secretly undermining them, dismissing in the dead of the night chiefs who had agreed to sign the treaty; protesting against the treaty, after having affixed his own signature to it as a witness, on the ground that these very same chiefs did not subscribe to it; announcing to his Government that the treaty was in direct violation of its own instructions; insinuating very strongly that improper means had been adopted to procure it; and denouncing the hostility of the Indians in the event of its ratification.

The poor Cherokees knew, as well as the most enlightened member of the cabinet, that if a foreign minister of the first grade had dared the one-half of this, he would have been dismissed with disgrace. Yet the agent, opposing himself to his Government, as it would seem, (certainly opposing himself to the commissioners appointed by that Government,) passing on to Washington for the avowed purpose of preventing the ratification of the treaty, meets a cordial greeting of his employers there; and when the President, discrediting every word of the agent, had submitted the treaty to the Senate—when the Senate, in like manner, trusting nothing to the agent, and reposing confidence in the declaration of the commissioners, had ratified it, he is permitted to depart for his agency, if not with new demonstrations of affection, without, so far as I know, the slightest reprehension or blame; and, what is worse than all, after having placed himself at the head of a party, adverse to that which is now dominant, and which had recently ceded the country to us, he is appointed the guardian of the whole, to conduct to their new and distant home this hapless race; to command their destinies through untried and chequered scenes, and to make his distance from the controlling power an absolute security against all scrutiny and responsibility. The only apology attempted by the agent for any allegation of misconduct or aberration from duty, in these respects, has been—'twas not I, 'twas the sub-agent; 'twas not I, 'twas the interpreter. The United States might possibly be the voluntary dupe of such shallow pretences; certainly not the Cherokees or the Georgians. Ask the commissioners if, but for the interference of the agent, there would have been serious difficulty at Broken Arrow. Ask them if, at the Indian Springs, an almost unanimous concurrence of the chiefs might not have been commanded, but for the counterplots and underworkings of the agent. Ask any member of the cabinet, notwithstanding the farrago of resolves and protestations to the contrary, if he may not command a treaty on a given day, upon just and reasonable terms, for a cession of all the lands claimed by the Cherokees.

Be pleased to present a copy of this note to the Secretary of War. Upon the general subject, every thing has been heretofore said which it was proper or becoming to say; and I had resolved not to resume it, unless invited on the part of the Federal Government, or commanded by the Legislature of the State. The more recent events may not have been portrayed before the present cabinet in the same light in which you and myself cannot fail to regard them. The gentlemen who have recently come into it I know personally, and will be very much deceived if they are not deserving our highest confidence as intelligent, upright, and patriotic men. If they understand this matter correctly, they will see that it is not a question about some five or six millions of acres of land; it is one of principle and of character, connected with the honor of the Government, and therefore above all price.

The people of the United States, content with their political institutions, ask nothing of their rulers but purity in the administration of their affairs; disinterestedness; singleness of purpose for the public weal; sincerity and plain dealing on the part of all the functionaries, from the highest to the lowest; fidelity to every trust, and strict accountability in the fulfilment of every duty, to the exclusion of selfishness, intrigues, tricks, and devices of low cunning, to gratify party passions, and subserve sordid interests, hucksterings, and barterings, and all the rest, which they will cheerfully leave to the mountebanks and jugglers to whom they appropriately belong.

With great consideration and respect,

G. M. TROUP.

The Hon. JOHN FORSYTH, *Washington City.*

GOVERNOR'S MESSAGE TO THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA, AT THE OPENING OF THE ANNUAL SESSION, NOVEMBER 7, 1825, WITH THE DOCUMENTS ACCOMPANYING THE SAME.

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, *November 8, 1825.*

Fellow-citizens of the Senate and of the House of Representatives:

The political year just closed has not been without blessings or without trials. Abundant thankfulness is due for the former to the Giver of every good and perfect gift, not less for exemption from war, pestilence, and famine, than for the enjoyment of more than ordinary health, propitious seasons, and an ample harvest. For the latter, as they belong to mortals, it is our holy duty, in the spirit of Christian resignation, to bow with reverential submission, and to implore the Omnipotent, who orders all for the best, to convert them into blessings. The year has been rendered memorable, too, by the sojourn of the great and amiable Lafayette; the universal joy diffused by it; the display of all the charities and graces of life in the overflowings of grateful hearts, inseparable from his presence; and by the tears of millions, when, after giving to our country his last benediction, he re-embarked for his native land.

The recapitulation of the events of the last two years, the results of our intercourse and correspondence with the General Government, painful as it may be, is a duty too sacred to be omitted. In performing it, no apology is due for the prolix detail, so inconsistent with the analytical character of a state paper like this. The variety of topics, the multitude of facts, justify a departure from the ordinary usage. A tedious *exposé* may be more acceptable than a superficial survey, as the contemplation of the whole ground will enable you so to apply the resources of your wisdom and patriotism to the exigency, as, with the assistance of Divine Providence, to avert the mischiefs which threaten, make our own ways righteous in our own sight and in the sight of all others, and bring back to a sense of justice those who, in their aberrations from it, have done us wrong.

I had for the first time come into office when a subject of peculiar delicacy presented itself, and, being intimately connected with the independence of the elective franchise, (without which it would be vain for Georgia to claim for herself the attributes of a sovereign State,) it was made known to the President, that, on the occasion of the election just then terminated, an officer in his employ, bearing a high and dignified commission, and being a citizen of another State, had abandoned his post to mingle in the strifes of that election; had espoused the cause of one of the parties to the prejudice of the other; and, by the weight and influence of his office, united with the most enthusiastic ardor, had rendered himself so signally conspicuous, that the Chief Magistrate could not conscientiously forbear, among his first acts, to complain to the Executive Government of the Union of this outrage upon the most sacred of all the rights of sovereignty. An occasion offered at the moment to give weight to the presentation, and it was embraced. The head of the missionary establishment in the Creek nation had been provoked by the ill

usage and lawless conduct of the same officer to prefer certain charges against him, which, if supported by truth, could not fail, it was believed, to bring upon him the severest animadversion of his own Government; and it was hoped that the remonstrance of the Governor of Georgia thrown into the scale would accomplish what seemed to him an important object—the removal from office of a man who, by his prejudices and passions, would present the most formidable obstacles to the satisfaction of the just claims of Georgia against the General Government, at least so long as a certain person filled the first office of that State. They failed of their intent, and, whatever sentence might have been passed on the memorial of the missionary, the remonstrance of the Governor of Georgia was unheeded. The inference was inevitable, that, in virtue either of positive instruction, or of implied consent, the agent of Indian affairs, being a citizen of another State, and resident in the nation, would at any time consult both duty and inclination in deserting his station to lend himself, with his insignia of office, to any party in the State, whose views it might be the interest of himself or of his Government to promote.

The State of Georgia had claims upon the General Government of great magnitude; her territorial ones had been so long neglected, that time seemed to be running against them. The Indians were acquiring a permanency of foothold under the direct encouragement of the United States, which would rivet them, like their fixtures, to the soil forever; and it was seen that a day or an hour was of precious import to her whom an act of limitations might bar, upon the arbitrary edict of a stronger power.

When, therefore, in a temper not discreditable, it is hoped, to the author, those claims were pressed upon the General Government, it was answered that every thing had been done which in good faith could be done to satisfy the claims of Georgia; and that now nothing could be done, because the Indians had said nothing should be done. An answer so unkind, ungenerous, and faithless, left no alternative but to abandon or strenuously assert them.

It was vain for the State of Georgia to prove to the United States that, regardless of her claims, they had acquired immense tracts of country, from time to time, for other States and for themselves; and that, in the celebrated treaty of 1814, if the United States had been mindful of their engagements, they could as easily have acquired the whole country within our limits as a single acre.

By the treaty of 1814, the Creeks were treated as a conquered people, whom Georgia had assisted with her arms to conquer; their boundaries were marked by the sword; but charity, which begins at home, more potent than any stipulations of the articles of 1802, acquired for the United States a very large extent of rich country within the limits of Alabama, whilst twenty millions of acres within the limits of Georgia were reserved and guaranteed to the Indians; and this guaranty was subsequently produced against us to defeat our claim to the same territory. Georgia could not see in all this that scrupulous fidelity in the fulfilment of engagements asserted for the United States.

When, at last, the way seemed opened to a further acquisition of territory, and commissioners were appointed to negotiate with the Creeks at Broken Arrow, Georgia found the agents of the United States arrayed against her to defeat a treaty; so that it was difficult to understand whether the whole movement was a mockery, to sport with Georgia, or a perfidious betrayal by the agents of the trust reposed in them. The treaty was defeated, and by their agency; the principal agent appeared to rise in the esteem and confidence of his Government; and thus terminated this most disgusting scene.

The rehearsal of what happened immediately after, at the Indian Springs, would only revive recollections of the same odious practices of the same agent, not the less disgraceful because they were more covert and less successful. From this period are to be dated all the mischiefs, disorders, and heart-burnings which followed, produced chiefly by the conduct of the same officer. But, in justice to him, it should be said, that, from this period, he is to be considered rather as an instrument than a principal; as his own Government, looking back upon the history of the past, had seemed to approve his actings and doings in the gross, and had given every token of undiminished confidence in him; so that, from that day thenceforth, whatever was said, done, or written by him, seemed good in its sight. No evil report of him would be listened to; the word of no man taken against him; all testimony in his favor was eagerly received, all against him promptly discredited; the expressed will of the constituted authorities of the State, which denounced him as an enemy to its interest, disregarded by his Government, and contemned by himself; in short, his single declaration in the face of truth, was made by that Government the basis of the most offensive measures against this, even to the extreme one of threatening us with the sword, and actually drawing out a regular force for its execution.

The history of the treaty of 1825, and the character of the events which followed, will be best learned by the documents and evidence heretofore published, and those now laid before you. The epitome is, that the treaty was as untainted with fraud as most other Indian treaties; was made with an authority long since recognised by the United States as competent to make it; was acquiesced in at first by the great body of the nation, and would have been cheerfully submitted to by the whole tribe, as the hostile chiefs in council indicated to Colonel Lamar, if the agent had not returned from his mission to Washington, and *altered it*. It was this ominous return from his defeat before the President and Senate in which McIntosh foresaw the ruin which an infuriated man would bring upon him and his generation—"We are not in any danger until he comes home and commences hostility, and urges it himself upon us," says McIntosh. "If ratified, (meaning the treaty,) it may produce a horrid state of things among those unfortunate Indians," says the agent. What the penetrating sagacity of the one foretold, soon came to pass. McIntosh was no more; and thus the evil genius of the other, which predicted the coming of the whirlwind, which rode in it, and directed the storm, saw, in one fell swoop, the triumph of his machinations and the fulfilment of his prophecy. McIntosh and his chiefs had given their assent to the survey of the country, and this assent was seized by the agent to divert the public odium from himself, and to fasten it on the Chief Magistrate of Georgia, who had sought and obtained that assent. The naked declaration of the agent to this effect, unsupported by a tittle of proof, was sufficient to command the absolute credence of his Government, and, contrary to all opposing testimony of the most conclusive character, to warrant it in charging the calamities of the nation upon the same magistrate as the author of them all; to forbid the survey, and to embody a corps of regulars to prevent it; and to continue both its offensive orders and its offensive armament, even after another of its agents, by false testimony, had proven to its satisfaction that no such assent was ever given, and had announced to it, moreover, what was not the fact, but what, on his authority, it implicitly believed to be the fact, that the pacification of the Indians had been concluded, and, of course, order and tranquillity permanently restored; nevertheless, the offensive mandate is unrevoked, and the parade of bayonets maintained.

The Indian right of occupancy is the only one acknowledged by the European Powers, from the beginning; the only one acknowledged by all the public instruments through which Georgia derived her title; the only one conceded to the Indians by Georgia, in all her treaties with them, from the first settlement of the country; and the only one recognised by the United States themselves.

The Spaniards and the French, without respecting even this right, have forcibly appropriated to themselves entire countries, when and where it suited them. The English and Americans have so far respected it, as to make compensation for the relinquishment of claim or abandonment of use. It is true that, with regard to this right of

use, the United States, in their own territory, might have given to it any latitude which pleased them, because the soil and jurisdiction belonged to them; but, with regard to the territory of Georgia, where the soil and jurisdiction are indisputably hers, this right of use can only be construed to mean what in all the treaties it did mean—the right of use for hunting. When, therefore, the United States, by changing the mode of life of the aboriginal upon the soil of Georgia, changed essentially this right, and caused her lands to be separately appropriated for the purpose of tillage, and gave every encouragement to fixed habits of agriculture, they violated the treaties in their letter and spirit, and did wrong to Georgia. It is not less strange than true, that, of all the various tribes of aborigines dispersed over the vast country within the limits of the United States, two of them, within the limits of Georgia, have been specially selected as most fit subjects for the operation of this great scheme of reclamation; and that the partial success of this scheme, (founded in wrong to Georgia, and continued in wrong,) should be held up to us now, as a mirror in which we are invited to see at once our own deformity and the moral beauty of its authors; and that this original and continued wrong should be set up in bar of our undoubted rights.

The State of Georgia contends that the jurisdiction over the country in question is absolute in herself; she proves, by all the titles through which she derived her claim from the beginning; by the charters and proclamations of the mother country; by the repeated acknowledgments of the United States themselves; and by their solemnly expressed recognition in the first and second articles of the agreement and cession of 1802. It was shown that, if Georgia had the jurisdiction, Georgia had never parted with it; and that, if she had it not, she can never have it in virtue of any authority, of any power, known to her. Yet Georgia has been denied the right of survey of her own soil, within her own jurisdiction; a right as inseparable from that jurisdiction, and as innocent as a right of way; and this, notwithstanding the consent to that survey, as is verily believed, freely given by every chief within the limits of the territory, who could, by any possibility, suffer harm or detriment from it; nay, more, it is confidently believed, that if the United States Government, or its agents, had not extorted from one portion of the Indians objections to the survey, there would not have been found a single individual who would have thought of entertaining any. And here it will not escape you, that, at the council of Broken Arrow, where the commissioners of Georgia were present, the military officer of the United States, under his instructions, made known to the chiefs that his Government had resolved not to permit the survey; so that if a spirit, at any time, from any cause, had animated the Indians to hostility against Georgia, the savage would have availed himself of the survey as a pretext to fall upon our people, and with the more ferocity, because assured that he would be sustained by the arms of the United States.

The last pretext of the President for resistance to the survey is the obligation to execute the eighth article of the treaty, which guaranties protection to the friendly Indians. Under that guaranty, the United States passively suffer McIntosh and his friends to be murdered; in the hour of peril, no arm is lifted to save or to protect; the danger past, the chiefs massacred, their property destroyed or dispersed, the survivors in Georgia asking bread and protection of their lives, after abandoning to their enemies every thing valuable at home, the United States step forth with their armed power, to defend, under the eighth article of the treaty, these same Indians against all their enemies, and more particularly the Georgians, their only friends and protectors.

McIntosh having fallen in the cause of the United States by the hand of treachery, the United States were bound, in honor, under the eighth article, to bring to punishment his murderers; to restore to his friends their rank, power, and property, lost in the same cause; and to have coerced the execution of the treaty: all which could easily have been accomplished. But the agents of the United States, indulging more of sympathy for the hostile than for the friendly Indians, prescribe to the latter the terms on which they shall make peace with their enemies; the blood of McIntosh unwashed from their hands, the plundered property unrestored, the agent unremoved, the hostile party are to be received into the bond of communion and fellowship, with a forgiveness of sins, as if these natives of the wilderness, at once the noble and fallen of their species, should, in the darkness of heathenism, do more than the philosophy of the heathen or the fortitude of the Christian ever did; the money stipulated to be paid to them exclusively, and by the commissioners of the United States ordered to be paid, in part, to their enemies, and by the hands of other agents than those appointed by the treaty. These wrongs done to the friends of McIntosh are adverted to merely because they cannot be overlooked in the catalogue of wrongs done to Georgia, and to show that the friendly Indians may have suffered for indulging friendly sentiments towards Georgia, and Georgia for indulging like sentiments towards the friendly Indians. The result of all which is, that, judging the motives and objects of human action by the results, the agents of the United States, whether commissioned for that purpose or not, must have been intent on vindicating the conduct of the agent for Indian affairs, and opening the way for the rupture of the treaty; for that conduct has been *vindicated* and approved by them, and all the materials, as it is understood, collected for that *rupture*, whilst the Indians remain unreconciled either to one another or to the treaty, and a large portion of them more embittered and exasperated against the authors of it than ever.

The President having ultimately resolved to refer the treaty to Congress for re-consideration, because of alleged intrigue and treachery practised to obtain it, the resolution adopted by the Executive to prosecute the survey under the act of the Legislature of the 9th day of June last, was changed, and the change immediately communicated to the President.

It would be uncandid, fellow-citizens, to disguise that, but for the proposed reference to Congress, the survey would have been commenced and prosecuted. So long as the controversy was confined to the Executive of the Union and the Executive of Georgia, there could be no hesitation as to the measures which it became the latter to pursue. Between States equally independent, it is not required of the weaker to yield to the stronger; because this would be settling controversies by the rule of force, and not by the rule of right; and, between sovereigns, the weaker is equally qualified as the stronger to pass upon its rights. The immediate survey of the country, required certainly by the interest and convenience of Georgia, was not of that vital importance which would justify offensive measures to execute it. But the abandonment of a right, not considered doubtful by the only power competent to pronounce upon it, was another and very different matter. The concession of a right without an equivalent by a weaker to a stronger Power is never made without exposing the former to injurious imputation, and will always be followed by concession after concession to unjust demands, until nothing remains to be demanded on the one side, or conceded on the other. When, therefore, the President of the United States commanded the Governor of Georgia to forbear the survey, and when that command was followed by a distinct annunciation of the penalty which awaited the disobedience to it, the Executive of Georgia would not merely have surrendered a right, already declared to be so by the supreme power of the State, but would have made a dishonorable surrender to a stronger Power, with the sword suspended over his head. Whilst, therefore, the Governor would in this respect have treated the mandate of the President as unlawful, he did not hesitate, as soon as the contemplated reference of the treaty to Congress for alleged intrigue and treachery was officially known to him, to postpone the survey until the meeting of the Legislature; not because that reference was lawful, but that its legality or illegality was not so appropriately a question for his decision as for that of the Legislature. So that, whilst the Government of Georgia denied the power of the Executive authority of the United States to pronounce upon her rights, it might not refuse

to the assembled States of the Union the opportunity of investigating certain claims, or discussing certain questions in controversy, connected with the treaty, or with her own character and conduct in relation to it. So far as that character and conduct were in any manner involved in the negotiation or conclusion of the treaty, or in the events which preceded and followed, their purity, uprightness, and justice might freely be canvassed before the whole world. Thus much was conceded for our own sake, until the meeting of the Legislature; the rights of the State were saved by protestation; and the Legislature is yet free to act upon the subject, as if no measure had been taken by the Executive in relation to that reference. The legality of the survey was asserted, the power to invalidate the treaty denied, and the absolute title of Georgia to the soil and jurisdiction vindicated.

The very limited knowledge of the history of the Creek tribes possessed by the people of the United States, and the misconceptions and misrepresentations which could not fail to ensue, induced the Executive to direct the attention of J. V. Bevan, Esq. (already assiduously occupied, under your appointment, to collect the materials for a history of Georgia) to the illustration of that part of the Creek story which had more intermediate reference to the points involved in the discussion of the treaty. The result of his diligent research is submitted in the paper marked A. You will find there the ground assumed by the Executive of Georgia in maintenance of the treaty, viz: that the consent of Coweta was of itself sufficient, independently of all other considerations, to give force and efficacy to that instrument, is fully sustained, and by evidence derived from such authentic sources as to leave nothing to cavil or to subterfuge.

In obedience to the will of the Legislature, expressed in their resolutions of the 11th day of June last, I proceeded to the appointment of commissioners to carry the objects of them into effect. In selecting the members of this commission, I endeavored to have regard to the qualifications of uprightness, integrity, and intelligence. It was believed that the selection would be approved by the moral and enlightened of our own community. Since, however, the censorship of the United States agents has passed them in review, the Executive is informed by those agents that he was mistaken and deceived; and accordingly you will see, in sundry documents accompanying this message, the character of those commissioners so portrayed that it would have been difficult to resist the belief that, by a strange fatality, they had been chosen from the least worthy and estimable of society, if the characters of the persons filling the highest offices of state, both legislative and executive, had not previously been subjected to the same scrutiny and shared the same fate. The report will inform you of the treatment they received, and of the obstacles thrown in their way at every step, by which all investigation was rendered unavailing. The principal agent having been instructed by the President to advise with the Governor of Georgia upon the measures necessary to the successful prosecution of his mission, when the Governor of Georgia appointed commissioners to co-operate with him in the task of investigation, as well as to guard the interests of Georgia, the act of appointment is pronounced a usurpation; the commissioners treated as private persons; every obstruction opposed to the procurement of testimony; intercourse with the Indians denied them; the promises given of a separate examination of the Indians violated; the word of an Indian chief received as true against the testimony of the whole world; the agent of Indian affairs declared innocent, if condemned by twenty-three States of the twenty-four; and Cherokee chiefs, who had distinguished themselves in the councils of their own nation for hostility to the interests of Georgia, permitted to sit in the councils, to aid with their advice, and to dictate the talks of the Creeks; whilst the confrontation with their enemies, sought by the friendly chiefs, was refused.

In compliance with the requisitions of the same resolutions, I transmitted, without delay, a copy of the memorial addressed by the Legislature to the President, exposing the conduct of the agent of Indian affairs, and requesting his removal from office. The President, in this, as in every other case in which the authorities of Georgia have complained of the conduct of his agents, has determined to refer the subject to the consideration of Congress; a decision as unexpected as unsatisfactory. It is the transfer of a matter by the President, who alone has the absolute control over it, to the Congress, which has no such control. The President has authority to dismiss, at pleasure, the offending officer, or, if a military one, to order a court for his trial; whilst the Congress of the United States has no such power. The utmost the Congress can do in an extreme case is, to impeach the officer, if impeachable; if not, repeal the law creating the office, and thus indirectly removing the incumbent, but without having any security that he would not immediately be appointed to another office, or restored to the same office if it should be re-established by law.

Having submitted, in detail, a narrative of the events to which our relations with the United States have given rise, and exposed the motives and principles which have governed the conduct of the Executive throughout, it is left to your wisdom to decide upon the measures necessary and proper to sustain the honor and defend the rights and independence of the State. It is confidently believed that the constitution, the public law, or the usages of nations, will justify an abrogation of the treaty; and it is recommended to you, therefore, in any and every event, to consider, as heretofore, the Indian claims to the territory as effectually extinguished by it; and that, whether the survey be suspended or not, to order the occupation of it on the day stipulated in that instrument, in the same manner as you would have done if its validity had not been questioned.

In the correspondence submitted to the Legislature at their late extraordinary session will be found the repeated and final resolution of the Cherokees never to abandon the territory they occupy within our limits. This resolution may be satisfactory to the Government of the United States; it cannot be so to you. Having taken theirs, it remains for you to take yours, and, in doing so, no time is to be lost. Your better judgment will suggest and approve the remedy. Whatever it may be, I recommend to you to adopt early and energetic measures for the removal of all white persons and others (not Indians) inhabiting that territory, with the exception only of such as are necessarily employed in the service of the United States, under the power granted to Congress to regulate commerce with the Indian tribes. By the second article of agreement and cession, you will find the following words inserted by our commissioners out of abundant caution: The United States "cede to the State of Georgia whatever claim, right, or title they may have to the jurisdiction or soil of those lands." Nothing remained to the Indians, therefore, but the right of temporary occupation for hunting. This right has been construed so liberally, that, in practice, a general usufructuary interest has been conceded to them. But this reservation of hunting grounds is confined to the Indians exclusively, and designed for their use and benefit only. The soil and jurisdiction being in Georgia, it was no more lawful for the United States to introduce other persons there, than it would have been for them to have introduced within the settled limits of Georgia a colony of free persons of color, of Indians, or of white people. The utmost allowable to the United States, in this respect, was the settlement within the territory of such of their own officers as were necessary to carry into effect their acknowledged power to regulate commerce with the Indians. The United States have, nevertheless, by permission, toleration, or encouragement, introduced there, from time to time, white persons and others, who have made settlements, exercised ownership over the soil, and cultivated it in the same manner as if the United States, and not Georgia, possessed the right of soil and jurisdiction; and these very same persons, as it is confidently believed, have been chiefly instrumental in preventing the Indians from leaving the country. All such persons, therefore, are to be considered as trespassers and intruders upon the soil of Georgia, and treated accordingly. This is the theory and practice of the United States Government

itself, with regard to its own lands. In every instance where the United States have claimed the soil and jurisdiction, whether the Indians be in the occupation or not, the Government has exercised the power to treat all such persons as trespassers and intruders, and an act of Congress authorizes the President to expel them at the point of the bayonet. It is equally competent to the Government of this State to adopt like measures for the removal of trespassers on her own soil; and for this purpose, having made the necessary statutory provisions, it is recommended to you to extend the laws of Georgia over the country.

You have seen our rights of sovereignty—those of the elective franchise, of territory, and jurisdiction—have been infringed; you will see the same rights violated in the independence, character, and dignity of the constituted authorities occupied in the management of our affairs.

A special officer was commissioned by the President to inquire into the conduct of the agent of Indian affairs, who, on presenting himself here, was received in the most friendly temper, and with the assurance that every assistance would be rendered to promote the object of his mission; not doubting that the object, as he repeatedly professed, was justice to all the parties concerned—to the public, to his own Government, to Georgia, to the Indians, and to the officer implicated. Any department which might be construed into a disposition to bias or mislead him was studiously avoided; all information required promptly furnished; and not a suspicion admitted that he could have been actuated by other than honorable motives, until, in a conversation which a gentleman in the confidence of the Governor was instructed to hold with him, he betrayed very strong prepossessions in favor of the agent; so much so, and at so early a period, that, with an intention to apprise his Government of the fact, a letter was addressed to him, (marked B,) which, and his answer, (marked C,) are submitted. In the latter, you will find repeated professions of impartiality and disinterestedness; but you will soon perceive, in his after conduct and writings, the hollowness and insincerity of them. They, and the report of the State commissioners, show that the special agent came here, not to inquire into the conduct of the agent of Indian affairs, but as counsel or attorney, to advise with him, to lend him aid and countenance, to collect testimony for his vindication and acquittal, and, without giving ear to the testimony against him, to pronounce that acquittal as honorable for himself, and the prosecution as disgraceful to all the parties concerned in it; seeking, for this purpose, with great labor and assiduity, the evidence of the outcasts of society, wherever he could find it, and thus embodying for himself and his Government a volume of the impure matter by which to justify that acquittal. His patience would not permit him to wait the closing of the testimony on either side, as you will see in his letter of the 21st June, addressed to the agent, and published by him. It was this letter, proving incontestably that the question had been prejudged at Washington, and that a farce had been playing only to amuse the authorities of Georgia, which decided the Executive to address to him the note of the 28th June, instructing him to hold no further correspondence with this Government. The letter of the 4th of July was subsequently addressed to this Department, in which, after justifying his offensive one of the 21st June, he insults the authorities of Georgia, by referring the prosecution of the agent to the most corrupt and reprehensible of motives; and, by the affected charity with which he excepted the Chief Magistrate from the charge, gave poignancy to his denunciation, and to his sentence a semblance of a legal character, as if pronounced by a competent magistrate from the judgment-seat. It was not until after the return of this officer to Washington that he caused to be published, under the eye of his Government, the declaration "that he was informed by the acting agent of Indian affairs that the commissioners of Georgia had carried with them into the nation a large amount of money, say from four to six thousand dollars;" strongly insinuating, at the same time, that this money was carried there for the purposes of bribery and corruption. A charge against this branch of the Government, connected with the administration of the finances, so serious, proceeding from such a person, and made in a form so specific, deserves your attention; and the more, because the truth or falsehood of it can be easily established.

Another special agent had been deputed to this Government, in a civil and military capacity, to investigate the causes of the disturbances in the Indian country, to remove the causes of discontent, and to reconcile the contending parties. He likewise was received with the most friendly disposition, and treated with all the respect due to his rank and character. He professed to be animated by the love of truth and justice, to be in the interest of no party, and, in the execution of his trust, to be governed by the dictates of duty only. Not doubting the sincerity of these professions, the aid and co-operation of the Executive of Georgia, in promoting the objects of his mission, were cheerfully tendered, and would undoubtedly have been afforded to any extent within the powers of the Department. The first manifestation given by this officer of dislike or aversion to the authorities of Georgia, which has come to the knowledge of the Executive, will be found in the representation of the commissioners, and in the letter of the other special agent, in which, speaking of his obnoxious letter of the 21st of June, he says, "the letter is approbated by a man who for wisdom stands inferior to few, and in honor to none." If the inference was correct, that the person alluded to by the writer was the same agent whose conduct is the subject of this review, it is certain that even at that time he could not have entertained for the authorities of Georgia those respectful sentiments which he professed, and which in duty he was bound to entertain; for in that obnoxious letter those authorities were denounced for oppression, partiality, and injustice of the most flagrant kind, practised against the Indian agent. On the 10th day of July he wrote a letter to the Governor, enclosing a certificate of the Indian chief Marshall and a white man named Edwards, to disprove the fact of McIntosh and his council having given their assent to the survey. This officer could not have offered a greater insult to any independent Government. He had seen the public message, in which the assent of McIntosh and his chiefs had been announced to the Legislature, and the incontestable evidence on which the announcement was founded. Disregarding the authority of both, and professing to rely on the testimony of such persons as Marshall and Edwards, known to him to be infamous, he informs the Governor that no such assent was ever given. In aggravation of this insult, before any notice was taken of it, he causes the same letter, with the certificate, to be published on his own authority; alleging, as his excuse, that falsehoods and calumnies (by whom or about what he did not inform us) were propagated; thus making his appeal to the public from the pretended rumor of the day, for the purpose of bringing the authorities of Georgia into disrepute with their own people, and separating the people from their Government. He was soon informed that he himself was the dupe of the certificate of Marshall, and that his own conduct was reprehensible, in relying on it to reproach the Government of Georgia with misrepresentation and falsehood; and of this, his Government and the public were soon after furnished with abundant proof. When this officer is rebuked for an indignity which could with no propriety pass without censure, he loses all self-command, and, forgetting his own station and that of the person to whom he addresses himself, writes letter after letter to the Chief Magistrate, couched in the most offensive language, and which, from their manner as well as matter, and the immediate publicity given to them through the gazettes, must have been intended as electioneering papers, to subvert the cause of one of the contending parties in the State, to the prejudice of the other; an inference deriving abundant confirmation from the fact that the same officer was in the practice, in the common intercourse of society, of applying to the Chief Magistrate, and others in authority, the most contumelious and abusive epithets.

As no further intercourse could be held with him, without compromising the dignity of the State, it was, in the first instance, forbidden; and when, afterwards, he had proceeded to the greatest extremity, his recall, arrest, trial,

and punishment were demanded of his Government. The Executive of the State would have been warranted by the public law and practice of nations, in a case so flagrant, to have ordered him to leave the territory of Georgia, and to have enforced that order. It was unwilling to resort to a measure of harshness or severity, however justifiable. The United States Government itself is not less tenacious of its own dignity than others. It has, at least on one occasion, interdicted intercourse with a foreign minister of the first grade, representing a European Power of first rank, for merely contradicting it abruptly; and the equally merited treatment of another minister, representing a first rate Power, for appeals to the people from their Government, is well known to you. More recently, the gallant Porter has been punished by his Government for insulting the petty authorities of Foxardo, and for making an appeal from that Government, through the public prints, much less exceptionable than that made by this officer in the publication of his letter of the 10th of July. Whether the constituted authorities of Georgia are of more or less importance than those of Foxardo in the view of the General Government, will be seen in the answer of the President. The answer of the President to the demand of the Governor of Georgia for his recall and arrest is as little creditable to the functionary from which it comes as satisfactory to the one to whom it is addressed.

The President is bound by every constitutional obligation to execute the laws. One of these laws declares that "any officer or soldier who shall use contemptuous or disrespectful words against the Chief Magistrate or Legislature of any of the States, if a commissioned officer, shall be cashiered." The President acknowledges this officer to have used contemptuous and disrespectful words, for which his conduct is simply disapproved; and he is informed that, if the Governor of this State had not previously used towards him offensive language, the demand would have been complied with. So that, according to this construction of the President, his military officers may conduct themselves as they please within the jurisdiction of the respective States, no matter how exceptionally, and the least reprehension or censure by the Chief Magistrate of a State is their sufficient warrant to retort in abusive and insulting language, and to gratify their resentments, even at the expense of the independence of the elective franchise: a construction which makes the law a nullity, because it privileges the military officer to do that which, but for the law, he might legally have done—insult a Chief Magistrate of a State as he would insult a private citizen, for any real or imaginary grievance; a privilege which the law was intended to prohibit to him. But the fact assumed by the President as true, is not true. Nothing offensive was written to this officer before he had three several times offended the dignity of this Government, viz: by his approbation of the offensive terms of the letter of the other special agent, by his disrespectful treatment of the commissioners, and by his procurement and publication of the false statement of Marshall and Edwards. This exposition of the law by the Executive of the United States will satisfy you of the expediency of depending on your own measures for defence against the repetition of such outrages.

The Governor of Georgia denies the right of the President to excuse or justify his officer in the violation of the law of the United States, which he is bound to execute, because of any act, or supposed act, of the Governor, which is in violation of no law. The President, by such excuse or justification, takes the place of the agent; and when in one of his authorized communications he says "there is no part of his duty which the President more anxiously pursues than that of maintaining the most scrupulous decorum in his official intercourse with the State authorities—a line of conduct from which no circumstances, however aggravated, have or will tempt him to depart," he only means that what he does not choose to do by himself, he will do by his agent.

The published addresses of the different agents are submitted with the rest, only to show the unity of feeling, sentiment, and action which has signalized the deportment of United States officers of every grade, in their intercourse with the Government of Georgia. It can be submitted to no longer. The sovereignty, independence, and dignity of the State must be maintained, and, to support them, you must depend on your own means. I advise you, therefore, to have recourse to those means: no matter whom you place in authority, all strangers must be compelled to respect, in their exterior demeanor at least, those authorities. The sacredness of the elective franchise can be protected by regarding every private person, not a citizen of Georgia, who interferes with that freedom, as an alien and stranger, violating a right of sovereignty, and exposing himself to punishment. If an officer of the United States, not being a citizen of Georgia, he renders himself the more obnoxious, from the double capacity in which he offends that sovereignty; and if an officer representing his Government in a diplomatic character before this Government, he can be made amenable under the sanctions of your own laws, and the laws and usages of nations, for offences committed against either; and to this end you have only to define the character of the offence, and to prescribe the punishment.

In the *exposé* of the state of our relations with the General Government, other grievances, minor and secondary in importance, are adverted to, not for the purpose of accumulating wrongs into a formidable mass, and making an appeal the louder and deeper to the justice of that Government, but to satisfy our fellow-citizens that, if we have complained in vain, we have not complained without cause, and that our cup of bitterness is almost full.

The militia claims, for services rendered thirty years ago, in defence of the State against Indian hostilities, by authority of the General Government, are yet unsatisfied, although constantly urged; whilst similar claims of other States, but of more doubtful justice, have been recognised.

The claims of our citizens against the Creek nation, admitted by the treaty of the Indian Springs of 1821 to the amount of \$250,000, although rendered for a larger amount, have been curtailed, by arbitrary rules prescribed by the United States for the settlement of them, to 100,000 dollars; by which she places in her own treasury, in defiance of our repeated remonstrances, \$150,000; thus depriving the claimants of a benefit to that amount, which, according to every rational construction of the instrument, was intended by all the parties to it to enure to them only, and which could not, by any construction, be carried to the credit of the United States. To our repeated remonstrances against this decision it has been answered, that the decision was made and could not be reconsidered.

The Government of Georgia had reason to expect that the United States would not refuse their concurrence and co-operation in the running of the line between this State and the State of Alabama, first, because they were proprietors of the soil on one side of it; and secondly, because Georgia was concerned that the presence and authority of the United States should be a security to the Indians that their rights should be respected—a security which would save to Georgia the expense of a military force in the prosecution of the work; as the Indians, in the absence of that security, might be excited by evil-disposed persons to interrupt its execution. The President, in the first instance, signified no objection to a co-operation, but the one (founded on a mistake in fact) that Alabama had not given her assent; subsequently, however, the co-operation was declined, it being, as was said, a matter in which Georgia and Alabama were alone concerned, and with which the United States had nothing to do; more recently, as you are informed, the State has been absolutely forbidden, at her peril, to enter her territory for the purpose of running a line, or making a survey of any description: the sum of all which is, that the United States claim for themselves the power to enter upon their territory wherever the soil and jurisdiction are in them; to settle there whom they please, and to expel whom they please, even at the point of the bayonet; but deny the same power to Georgia, where the soil and jurisdiction are in her, and forbid her, under the pain of military chastisement, to run a line or make a survey there. The late correspondence with the Governor of Alabama will show that we may soon expect

the concurrence of that State in our resolution to run the line, and it is very desirable that no further obstacle should be suffered to prevent its execution.

A request made to the Executive of the United States, under authority of a resolution of the Legislature, to co-operate with this State in running the dividing line between it and the Territory of Florida, was also refused, on the allegation that Congress had made no provision for such co-operation.

A resolution of the Legislature, instructing the Governor to authorize the survey of the intermediate country, with a view of connecting by a canal or road, or both, the waters of the Gulf and Atlantic, (a work of not less importance to the Union than the connexion of the two seas by the isthmus of Panama, and of most easy execution,) has not been carried into effect. The opinion of the Executive on this subject has been made known to the Legislature. The authorities of Georgia cannot pass beyond their own limits into the territory of any other State, or of the United States, for any such objects, without committing trespass; and it is not understood that the most practicable line of communication between the two waters would fall wholly within the jurisdiction of Georgia. In truth, this is most appropriately a work for the United States, without any constitutional hindrance or impediment; a short cut through her own soil would accomplish it, and the whole Union would immediately partake the benefits. The attention of the President has been invited to this subject before, and, whilst he acknowledged the great importance of the work, it is not known that any measures have been taken in relation to it. His attention was called, at the same time, to the practicability of uniting the Eastern and Western waters by a canal, turning the base of the Appalachian mountains, at their southern extremity—an operation of more obvious utility, because of less doubtful practicability, than the contemplated one for connecting the Chesapeake and Ohio. A promise was given that this also should receive early consideration, but nothing more has been heard of it. Without bringing into question here the power of the General Government to make canals, at pleasure, within the jurisdiction of the States, it would, perhaps, be more advisable for the State Governments to depend for internal improvements on their own powers and resources; and I am happy to inform you that the State of Tennessee, having a common interest with ourselves, has given unequivocal indications of her willingness to co-operate with us in this undertaking. We have continued assurances that a civil engineer of competent qualifications may soon be commanded for the service of the State. To give you an outline of the views of the Executive on the general subject, I have caused the instructions which, in the absence of the Legislature, would have been given him, to be laid before you. And here permit me to suggest the policy of applying a portion of the fund set apart for internal improvement to the construction of roads, which shall so traverse the country as to make the communication between the different counties and the commercial towns more safe, easy, and expeditious. Considering climate and localities, it may be deemed expedient to invest the capital in a description of labor, which, under proper direction, would not only be efficient for the accomplishment of the work, but could be ultimately made to return to the treasury a large proportion of the amount invested.

The annual reports of the several banks have been received, and are submitted. They all continue to sustain the credit of their paper circulation, with the exception of the Bank of Darien, whose currency has depreciated and is depreciating; the causes of which, with the remedy, will claim your early and serious investigation. The public interest demands that the bank should immediately resume specie payments, and you can easily believe that the tender by the State of depreciated money to its citizens is not in conformity with right, and that to those of them who are so obliged to receive it a positive wrong is done.

It is sincerely hoped that a revision of our militia system will no longer be delayed. You bear constant testimony to its numerous defects. The single fact, that, on a late occasion, it became necessary to force an organization by coercing, under military penalty, private citizens to accept brevets, in cases where the companies had failed to elect officers, and which, by the contagion of example, were so multiplying as to threaten a total disorganization, will be alone sufficient to command your serious attention to this revision.

It is again recommended to you to establish a court of errors or of appeals, and upon the principles suggested in my late communication to the Legislature. The people seem more and more disposed to give to this necessary change in our judicial system the sanction of their approbation; and, indeed, it is one which, sooner or later, must be adopted, with the hearty concurrence of the great body of them, as a remedy for evils no longer tolerable.

I transmit, as a matter of duty, two resolutions of the Legislatures of Connecticut and Illinois, received since the late extra session, recommending to the Congress and to the States the abolition of slavery.

Nothing has transpired to change my sentiments on a subject to which, more than once, it has been made my duty to call your attention. It is my settled conviction, and the more confirmed than ever, that neither the other States nor the Congress have any right to bring that subject into question before them, in any form; and that every attempt to do so by either should be regarded in the same manner as an attempt to destroy your sovereignty, of which it is an essential part; and that you will have no security for this property, against the efforts which will be made, from time to time, to impair its value, and eventually destroy it, but in the equally settled conviction on the part of the assailants that you will defend it as you would defend your lives. Independently of any precautionary measures which you may deem proper for the permanent safety of this property, every proposition which may be addressed to you on the subject, either by the State or the United States authorities, being unconstitutional on the face of it, as it cannot be received otherwise than offensively, and consequently ought not to be received at all, should be returned to the authorities from which it emanated.

The various resolutions of the Legislature to be carried into effect by the Executive power, are either already executed, or in a course of execution.

It is gratifying to observe the multiplication of institutions for the instruction of youth in every quarter of the State, founded either by public or private contribution, and cherished by an ardent feeling in the cause of mental improvement, with which every class of the community seems to be animated.

Franklin College, in an onward course of prosperity, with a well-organized but not numerous faculty, possessing the requisite capability, and giving to their usefulness the more extension by an harmonious concert of action, sees with pride her alumni already reflecting honor on her, from the various pursuits and occupations of life, from the learned professions, and the legislative hall, and can rest content that she will receive at all times, as she deserves, the patronage of the Legislature. The county academies increase in number and respectability, and, sustained every where by the public favor, they cannot fail, with liberal endowments from the Legislature, to flourish universally.

The poor school fund has been eagerly sought by all the counties; but whether beneficially applied in all, is doubtful. In reviewing this part of the system, you will do well to adopt such general regulations of a permanent character as can be accommodated under a good administration of them to the local circumstances of each county. The provision which requires the trustees who render service without compensation to give bond and security, will perhaps be found to tax public spirit too heavily, and may in some instances defeat the execution of the law.

In our lamented differences with the United States, the constituted authorities of Georgia have been ungenerously reviled; sentiments and feelings have been adopted for them to which their hearts and understandings are strangers. The charge of hostility to the Union is indignantly repelled. Georgia is not behind the foremost of her

sisters in devotion to the Union; she is laboring at this moment to cement and perpetuate that Union, by bringing it back to the principles of the constitution: we mean a Union of definite signification—a constitutional Union for all constitutional objects—a Union for safety, for security of life, liberty, and property—a Union to enforce the powers of the General Government, as well as to protect and defend the rights and powers of the States—a Union which means something, and which we love and cherish as a blessing. But the Union which is construed to mean any thing or every thing—a Union for absorption and consolidation, which would prescribe no limits to the powers of one Government but the general welfare, and which would reduce the powers of all the rest to a shadow of sovereignty—which claims supremacy and exacts obedience—which construes the constitution for itself, and issues its mandates to the States, backed by the purse and sword—which threatens to decide for us what is property and what is not property, and whether we shall hold any property of a certain kind or not—which sends its officers and agents to insult and defy the public functionaries of the States, as if they were subaltern in rank and consequence to themselves—such a Union is not the Union adopted by the States, and it is believed is not such a one as the States will support. The Chief Magistrate especially disclaims any other motive as the governing one of his conduct than the sincerest attachment to the Union, without tincture of prejudice against the persons who compose the councils of the United States, but, on the contrary with the strongest predispositions to give every aid and support to those councils, to promote the peace, interest, and happiness of the country.

It is asserted, without fear of contradiction, that, since Georgia was a party to the revolution, the confederacy, or the Union, she has fulfilled with sincerity and fidelity all her obligations and engagements; in peace and in war, under whatever administration, not merely answering with promptness to every requisition, but, according to her means, sustaining that Government with as much vigor and patriotism as any of her sisters; as little querulous as any of them; more complying than most of them; and never bringing into question the constitutionality of its ordinances or decrees, but when, from the honest impulses of her heart, and the strongest convictions of her judgment, she has believed them unconstitutional. If opposed to any particular administration, it has been an opposition of frankness and firmness; and if, with these characteristics, always honorable, she has at any time mixed a spice of indignation, it may well have been pardoned by the head and members of a family who cannot themselves claim exemption from the frailties of our nature, and who, when honor and principle were at stake, might have seen a color of virtue in a momentary departure from meekness, humility, and patience. But Georgia can still contend that, in respect to all questions of mere interest, to which her connexion with the Union may have given rise, she has discovered as little of selfishness, and as much of generosity and of forgiveness, as could be expected from a sovereign and independent State claiming rights of property of great value, demanded by the wants of her citizens, and indispensable to the complete organization of her social system. Georgia has not demanded justice of the Federal Government in her day of tribulation, of difficulty, and of embarrassment; in war, or in the midst of divided councils; but at a moment when, with an ample treasury, at peace with all nations, and prosperous beyond example, she had her option to do us justice, or, refusing it, to present a military chest and armed men. If the United States choose to rely on these, and Georgia, taking counsel of her fears, shall make an inglorious surrender of her rights, what will remain of the fruit of her toil and blood and public virtue but a consolidated Government, in which the sovereignty and independence of the States being merged, nothing is left her but the power of a municipal corporation to settle the strifes and contentions of individuals within the freedom of it.

By encroachment on the one side, and acquiescence on the other, every day brings us nearer to this result; and if we cannot find safety in the first principles of the constitution, we can find it nowhere.

Your fellow-citizen,

G. M. TROUP.

A.

REPORT ON CREEK INDIAN AFFAIRS.

Copy of a letter from His Excellency George M. Troup to Joseph Vallence Bevan, Esq.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, GA., September 1, 1825.

Appointed by the Legislature to search the archives of the State, with a view to unfold its history, you may, in this research, be able to furnish the public with useful documentary evidence connected with the present unhappy differences which subsist between the United States, the State of Georgia, and the Indians: making known to you the object for which they are sought, their relevancy or materiality will depend on your own judgment and discretion; only asking the favor of you to make the abstracts from such documentary evidence as little elaborate, and to give them in as condensed a form, as possible; accompanied by any remarks of your own which may be deemed apposite and useful.

J. V. BEVAN, Esq.

Very respectfully,

G. M. TROUP.

Report of Mr. Bevan.

SAVANNAH, October 22, 1825.

In compliance with your excellency's request, I have the honor of transmitting to you an abstract of such documentary evidence as is within my reach, touching "the unhappy differences which subsist between the United States, the State of Georgia, and the Indians;" always taking it for granted that you allude particularly to the treaty concluded by Campbell and Merriwether. But, previously to so doing, it may be as well to premise something with respect to their unity as a people and to their character as a nation.

The Muscogees or Creeks came from the West originally—at least so I was informed by Rolly McIntosh and other friendly chiefs, in the course of a conference which I held with them during the last summer; and so Colonel Hawkins says, in his manuscripts now spread before me. They have a tradition among them that there are, in the fork of Red river, two mounds of earth; that, at this place, the Cowetas, the Cussetahs, and the Chickasaws found themselves; that, being distressed by wars with the red people, they passed the Mississippi, and, directing their course eastwardly, they crossed the falls of Tallapoosa, above Tuckaubatchee, and made their first settlement at Coweta, which is just below the falls of Chattahoochie; and afterwards spread out from thence to the Flint, the Ocmulgee, the Oconee, and the Savannah, down to the seacoast. The Cussetahs came with the Cowetas from the region beyond the Mississippi, and settled upon the eastern bank of the Chattahoochie, as the latter did upon the western; the Hitchetas and the Uchees were afterwards admitted among them. These four and their descendants

compose what was formerly called the *nation of the Lower Creeks*, or are those Muscogeese who inhabit a part of the present State of Georgia. The Tuckaubatchees have a tradition that they sprang out of the ground. But the Cowetas and the Cussetahs maintain that they were not in the country when they themselves first came into it, and say that their acquaintance with the Alabama Indians was formed at a ball-play near a pond, and about midway between the Chattahoochie and the Tallapoosa rivers, when and where they agreed to become friends. The Seminole country is a Muscogee colony; the name imports that they are a wild people; are so called, because they left their old homes, and made irregular settlements in their new country, where they were invited by the plenty of game, the mildness of the climate, the richness of the soil, and the abundance of provender. They have been considered to be entirely independent of the Creeks, however; and even McGillivray did not assume any authority over them, though Bowles did. To conclude, then, upon this head, the *Upper Creeks* inhabit thirty-seven towns or townships, the principal of which is Tuckaubatchee; the *Lower Creeks* have twelve, the head of which is Coweta; and there are seven in the Seminole country.

Having considered them as a people, I now proceed to consider them in their political relations; and I must premise that the nature of the organized government among these Indians is misunderstood; the common idea attaching itself to the consolidated form, whereas, in fact and in truth, it is of the federal or aggregate kind. They had neither national polity nor law until these were introduced by *Colonel Hawkins*, doubtless for the purpose of facilitating his own plans of civilization among them. This assertion is not only warranted by his manuscripts in my possession, but also by the declarations of *Adair*, who lived forty years among the southern Indians, during the period intervening between the first settlement of this State and the commencement of the revolutionary war, and who, in dedicating his book to Lachlan McGillivray and John Galphin, appealed to testimony whose correctness we all recognise. Before the time of Colonel Hawkins, the towns were held to be independent the one of the other, in a political point of view; and Governor Walton has left the assertion upon record that the Upper Creeks never laid claim to the right of hunting upon the grounds of the Lower Creeks, until about the year 1783, when the celebrated chieftain McGillivray began to acquire some ascendancy among them. In support of this, I often find, in the old conferences, mention made of the people belonging to the *three rivers*, and to those of the *four rivers*, as if their only ties were those of necessity and neighborhood prompting them to assist each other in war, and in times of peace to mingle in the ball-play; but, from the manner in which they have been regulated by their white overseers, the distinction is, in latter times, becoming gradually more and more nominal.

2. Keeping in view this entire independence of the several towns the one on the other, I proceed, in the next place, to give you a general idea of their polity, according to the account given by Colonel Hawkins. To use an expression of his own, "the towns separately have a government and customs which they derive from a high source;" and, in the control of these, their foreign and domestic concerns appear to be directed by those whom they indifferently call *chiefs*. In civil affairs, the principal is the *micco* of the Creeks, called by the white people *king*; in military matters, the *great warrior*, or *tustunnuggee thlucco*, is supreme; but the grades below both are regular and uniform. The *micco* superintends all public and domestic concerns; receives all public characters, hears their talks, lays these before the town, and, in return, delivers its talk. He is always chosen from some one family; as, for instance, the *micco* of Tuckaubatchee belongs to the Eagle tribe; and after he is chosen, and placed on his seat, he remains for life; is succeeded, on his death, by one of his nephews; or, if unfit for the office, by the next of kin—the descent being always in the female line. He is assisted by counsellors of beloved men, who are composed of two classes: the one comprising the *miccugee*, (there being several persons in every town called *micco*, from some custom now no longer known; as in the instance, again, of Tuckaubatchee, there is one called the *ispocogee micco*, from the ancient name of the place;) the other class consists of warriors raised to the rank of chiefs, from time to time, by reason of their several merits; they are those who have been conspicuous as war leaders, and who, although of different grades, have become estimable through a long course of public service; and they are, in fact, the *micco's* principal counsellors: in many points of view, they appear to have resembled the Executive Council of our State in former times. The personage next in consequence to the *micco* is their *tustunnuggee thlucco*, who is selected by the council: he has a strange extent of power, no less than that of determining upon war; and this exclusive right often causes great embarrassment; and should he persist, he sets up the war-whoop, which is repeated by all those disposed to follow him; and, in this way, they are sometimes for one or two nights marching off; for (as Colonel Hawkins expressly says) *it is seldom that a town is unanimous, and the nation never is*; nay, within the memory of the oldest man among them, it is not recollected that more than one-half of the nation have ever taken the war-talk at the same time.

3. So much for the individual relations of the towns. When Colonel Hawkins assumed the agency, he carried into effect the plan which had been attempted, without success, by McGillivray. In pursuance of his recommendation, the various chiefs assembled together at Tuckaubatchee, on the 27th of November, 1799, when and where they adopted the three following regulations, as the main principles of their fundamental law or *constitution*. Perhaps it will be best to give it in the exact words of its author.

"The Creeks never had till this year (1799) a national government and law. Every thing of a general tendency was left to the care and management of the public agents, who heretofore used temporary expedients only; and amongst the most powerful and persuasive were the pressure of fear from without and presents. The agent for Indian affairs convened the national council, and made a report on the state of the nation to them, accompanied with his opinion of the plan indispensably necessary to carry the laws of the nation into effect. The council, after mature deliberation, determined that the safety of the nation was at stake; that, having a firm reliance on the justice of the President of the United States, and the friendly attention of his agent for Indian affairs, they would adopt his plan: 1st. To class the towns, and appoint a warrior over each class, denominated the warrior of the nation, to superintend the execution of the law. 2d. To declare as law that, when a man is punished by the law of the nation, and dies, it is the law that killed him; that it is the nation who killed him; and that no man or family is to be held accountable for this act of the nation. 3d. That all mischief-makers and thieves, of any country of white people, shall be under the government of the agent for Indian affairs; and that he may introduce the troops of the United States to any part of the Creek country to punish such persons; and that, when he calls in the troops of the United States, he is to call for such number of warriors as he may deem proper to accompany them, to be under pay. That, in apprehending or punishing any white person, if Indians should interpose, the red warriors are to order them to desist; and, if they refuse, the agent may order them to fire, at the same time ordering the troops of the United States to make common cause."—[*Colonel Hawkins's MSS.*]

4. According to this mode, (the friendly Indians informed me,) the Creeks continued to manage matters until the breaking out of the late war. Whenever there was any occasion for a convention of the lower towns, particularly, *Tustunnugge Hopoi*, or the *Little Prince*, (probably so called from his diminutive size, but literally the *Far Off Warrior*), as his oldest or most conspicuous chief, presided; and, in conference, acted as their mouth, tongue, or speaker. *Tustunnugge Thlucco*, (the proper, and not the official name of this Indian,) or the *Big Warrior*, stood in the same relation to the Upper Creeks. After the war, these two chiefs surrendered up to *Tustun-*

nuggee Hutkee, or the *White Warrior*, (for so McIntosh was denominated,) the exclusive control of all foreign business; and, among the Creeks, he was familiarly called their Secretary of War—a term which, by the by, shows that he was little less than a dictator among them; as that Department at Washington city is particularly charged with their interests, and exercises habitually little less than absolute power over every nation of Indians within the United States. Indeed, it may be broadly stated that no chieftain has ever had any predominating influence over the nation, except as a demagogue, or else through the favor of his white friends. Accordingly, whenever the nation was convened upon any matter affecting its general interests, *McIntosh* presided; and, in such case, the council met at *Theacotchau*, or the *Broken Arrow*, instead of Coweta or Tuckaubatchee, as heretofore; probably because of its proximity to Fort Mitchell, to which the agency was removed about this time. Since the period of their organization by Colonel Hawkins, the national council have passed a number of laws; and, at the instance of General David Brady Mitchell, they were embodied as a code by *McIntosh*, in the year 1817, who caused all old customs and ordinances to be discussed, and then revived or rejected. These, together with such others as have been passed from time to time since, were reduced by him to writing, and such only are regarded by the Indians as of any force or efficacy. The whole comprises about fifty or sixty regulations, which look, however, rather towards matters of criminal jurisprudence, and the perfection of a system of police, than to any other object of municipal law.

There were, however, two extraordinary anomalies in this system of government, which it would be as well that you should distinctly understand. For instance: among the Upper Creeks, the town of *Hoithlewaule* (so called from *hoithle*, war, and *waule*, to share out or divide) had formerly the right to declare war; which declaration was first sent to Tuckaubatchee, and thence throughout the nation. And again, the Coweta towns have alone the right to sell the lands; a privilege which you will perceive is most distinctly recognised in the conference between the Gun Merchant and Mr. Little, and of which you will find an abstract below. * * * * *

Having now concluded my preliminary observations, I will next take up the main subject of your excellency's communication; and, perhaps, your views would be better met by my submitting the remaining documentary evidence to you in a chronological order, or rather according to the several eras which distinguished the history of Georgia. [See documents marked from A to J, inclusive.]

I. Then, as to the colonial era. When Oglethorpe landed upon Yamacraw Bluff, in the year 1733, he found the present site of this city and its immediate vicinity occupied by a scanty tribe of Indians, under a micco called *Tomo Chaci*, who made the white people welcome, rendered them every kind office, and permitted them to build the town of Savannah.

Meanwhile, the founder of this colony, anxious to conciliate all the neighboring savages, entered into *articles of friendship and commerce* with them; and this singular record is in the form of a letter missive from the trustees to the chiefs. The first article contains a permission for traders to go into the Lower Creek nation, which appears to have been the only consideration given for the land. The third and fourth run in the words following:

A.

"Thirdly, the trustees, when they find the hearts of you, the said headmen, and your people, are not good to the people they shall send among you, or that you or your people do not mind this paper, they will withdraw the English trade from the town so offending. And that you and your people may have this chain of friendship in your minds and fixed to your hearts, they have made fast their seal to this treaty.

"Fourthly, we, the headmen of the Coweta and Cusseta towns, in behalf of all the Lower Creek nation, being firmly persuaded that He who lives in heaven, and is the occasion of all good things, has moved the hearts of the trustees to send their beloved men among us, for the good of our wives and children, and to instruct us and then in what is straight, do therefore declare that we are glad that their people are come here; and though this land belongs to us, (the Lower Creeks,) yet we, that we may be instructed by them, do consent and agree that they shall make use of and possess all these lands, which our nation hath not occasion to use; and we make over unto them, their successors and assigns, all such lands and territories as we shall have no occasion to use; provided, always, that they, upon settling every new town, shall set out, for the use of ourselves and the people of our nation, such lands as shall be agreed upon between their beloved men and the headmen of our nation, and that those lands shall remain to us forever."

In the year 1739, and just before his expedition to St. Augustine, Oglethorpe went to Coweta, and there held his first formal treaty with the Muscogees, as the following document (with some unimportant omissions of names) will show: the friendly chiefs told me that Coweta was at that time situated upon the Ocmulgee, near its confluence with the *Pook-co-la-bootkee*, or Big Sandy creek, being the same whereon the Indian Springs and McIntosh's reserve are situated; but they must be mistaken, for this tradition is altogether at variance with the information afforded by Colonel Hawkins.

B.

Proceedings of the assembled estates of all the Lower Creek nation, on Saturday, the 11th day of August, 1739.

"By powers from His Most Sacred Majesty George II., by the grace of God King of Great Britain, France, and Ireland, &c., General James Oglethorpe, being appointed commissioner, was present, in behalf of His Majesty, and opened the assembly by a speech. There were also present at the said assembly of estates, Micco, or chief king of the Coweta town Chickeley; Nenia Micco, of the said town; Malatchi Micco, son of Brim, late emperor of the Creek nation, and the chiefs and warriors of the Coweta town; and the micco or king of the Cussetas, and Schisbeligo Micco, next to the king of the Cussetas; Iskegio, third chief man of the Cussetas; and the other chief men and warriors of the said town, &c. &c.

"The said estates being solemnly held in full convention by General James Oglethorpe, on behalf of the trustees, of the one part, and the kings, chiefs, and warriors aforesaid, on the other part, according to the forms, religion, and customs transmitted down by their ancestors, the whole estates declared, by general consent, without one negative, that they adhered to their ancient love to the King of Great Britain, and to their agreement made in the year 1733, with the trustees, for establishing the colony of Georgia in America; a counterpart of which agreement was then delivered to each town, and the deputies of the several towns produced the same: and the said estates further declared, that all the dominions, territories, and lands, from the river Savannah to the river St. John's, and all the lands between the said rivers, and from the river St. John's to the bay of Appalache, (within which are the Appalache Old Fields,) and from the said bay of Appalache to the mountains, do by ancient right belong to the Creek nation, who have maintained possession of said right against all opposers by war, and can show the heaps of bones of their enemies slain by them in defence of said lands: and they further declare, that the said Creek nation have, for

ages, had the protection of the Kings and Queens of England, and have gone to war by commissions from the Governors appointed by the said Kings and Queens of England; and that the Spaniards nor any other nation have a right to any of the said lands; and that they will not suffer them, or any other persons, (excepting the trustees for establishing the colony of Georgia in America,) to settle upon the said lands. And they do acknowledge the grant they have already made to the trustees, establishing the colony of Georgia in America, of the lands upon Savannah river, as far as the river Ogechee, and all the lands along the seacoast, as far as the river St. John's, and as high as the tide flows, and all the islands, as far as the said river, particularly the islands of Frederica, (meaning St. Simon's,) Cumberland, and Amelia, to which they have given the names of His Majesty King George's family, out of gratitude to him. But they declare that they did, and do, reserve to the Creek nation the land from Pipemaker's bluff to Savannah, and the islands of St. Catharine, Usaba, and Sapelo. And they further declare, that all the said lands are held by the Creek nation as tenants in common.

"The said commissioner doth declare that the English shall not enlarge or take any lands, except those granted as above by the Creek nation to the trustees, and doth promise and covenant that he will punish any person that shall intrude upon the lands which the corporation hath reserved as above."

It may be proper to remark, that this treaty was published first at Coweta, and afterwards at Cusseta.

II. This brings us to the second era, when Georgia was placed as a province under royal control. A few years before the surrender of the charter by the trustees, a clergyman named Bosomworth married an Indian woman of the Tuckaubatchee town, who had acted as interpreter to Oglethorpe, and, through her means, he obtained from Malatchi, headman of the Cowetas, a grant of the islands of Hussoope, or Usaba, the Cowleygee, or St. Catharine's, and Sapelo; which were expressly reserved by the Indians in the treaty of Coweta, in 1739. The colonial Government, thinking that the conveyance was fraudulent, and a precedent altogether dangerous, despatched a special agent into the nation, with instructions to obtain the signatures of the chiefs of every town; and they all signed the grant of the trustees, with the exception of Malatchi and the other chiefs belonging to Coweta: in consequence of which, every thing fell to the ground, nor was all finally arranged until the accession of Mr. Ellis to the government. The following paper, drawn up during the time of his predecessor, will exhibit the whole question in its proper point of view; and it will be perceived that, although the Indians were unceasingly pressed to give answers favorable to the interests of the Crown, yet they as invariably recognised the Cowetas to be, in fact, the owners in fee-simple of the whole Muscogee country, and especially of that appropriated by the Lower Creeks as their hunting grounds.

C.

Abstract of proceedings at a conference held at Augusta, in the Colony of Georgia, on Monday, the 15th day of December, 1755, between William Little, Esq., a commissioner on behalf of His Excellency John Reynolds, Esq., Captain General and Governor-in-chief of His Majesty's Colony of Georgia, and Vice-admiral of the same, and the headmen and deputies of the Upper and Lower Creek nations of Indians.

The Gun Merchant, speaker in behalf of the Indians, declared that he had seen General Oglethorpe, who had entered into treaties with the Coweta towns, as being the most contiguous to the white people, without consulting them, (the Upper Creeks,) because they lived very remote from the white people's settlements; but, notwithstanding they were not consulted in regard to such treaties, yet they agreed to every grant of lands made by them, because they looked on the Coweta towns as the head and most ancient; and for them to pretend to countermand or invalidate any grants of lands made by them to their friends, would be acting like children.

Upon the conveyances said to be made to Patrick Graham, Esq., on behalf of the trustees, being produced, and the like question asked—if they allowed the validity of that deed?—the Gun Merchant replied:

"That they did sign the said deed; but before assent was given, he called all the headmen and warriors together, and made the strictest inquiry if any of them knew any thing about the said islands therein mentioned; that they all declared that they knew nothing about them, or that they were possessed or claimed by any body; and, as they were down upon the seacoast, where none of them had been, and could not go but in canoes, when perhaps they might be drowned, he did consent to give them, as being of no value to them, a matter immaterial, and what they knew nothing about, &c.—[*Copy of conference sent to Mr. Fenwick Bull, authenticated by Pownall, secretary of the Plantation Office.*]

At a further conference, on Wednesday, 17th December, 1755, the headmen were again called together, to make a more explicit declaration of their meaning in regard to Mrs. Bosomworth's title.

The Gun Merchant, speaker in behalf of the Indians, declared that in regard to Mrs. Bosomworth's lands, (meaning the islands of St. Catharine, Sapelo, and Usaba,) and the lands from Pipemaker's creek to Savannah, there was no occasion to make any long talk about them, as he had fully declared the resolutions of the Indians upon that head, viz: that they allowed the validity of Malatchi's (the Coweta chief) prior title; that the lands belonged to Mrs. Bosomworth, and she might do what she pleased with them.

The question was then put by the commissioner on the behalf of the Crown, whether Mrs. Bosomworth could sell the lands?

Answer—That the lands were Mrs. Bosomworth's; that she might cultivate them, sell them, or do what she pleased with them.

The question was then put, What must become of the grant they had given to Patrick Graham, Esq.?

Answer—That they looked upon it as worth nothing, as the lands were before given away.—[*Copy of conference, authenticated by Pownall.*]

2. The next event to which I propose to call your attention is the congress which was held at Augusta in 1763, between the four southern Governors and the five nations of southern Indians; that is to say, Fauquier, of Virginia; Dobbs, of North Carolina; Boone, of South Carolina; and Wright, of Georgia, held, towards the latter end of that year, at the place above mentioned, a conference with the Creeks, the Cherokees, the Chickasaws, the Choctaws, and the Catawbas. When the runner returned from the country of the Lower Creeks, however, (whither he had been sent to desire their attendance,) he brought an objection from them, and the following were assigned as the reasons: "We have heard that the Governor of Charlestown intends to buy our lands from us as far as Ogechee, and as high up as Broad river; and that the Governor of Savannah intends to buy from us as far as the fork of the Alata-maha; and the Governor of North Carolina intends to buy as far as the Oconees." In reply, their excellencies say to them:—"We have been informed of the evil news you have heard, that the Governors intended to possess your lands. We take this opportunity to assure you, in the King's name, that you have been misled by ignorant people, who do not know the great King's intention, which has been communicated to us, his officers; and that no such intention is harbored in the breast of any of us. The great King's design in ordering all his Governors to act in concert as one man, and in inviting all the nations bordering on these colonies to hear his talk, was directly contrary to what you have heard; for *we shall there declare that your lands will not be taken from you;* and

this is to be done before you all, and not in secret, that no nation of Indians may be ignorant of his gracious intentions, and of his fatherly care of the red as well as the white." Accordingly, they complied with the invitation; and after the congress had been already opened, "the Upper Creeks having a desire to consult the Lower Creeks," requested that the conference might be postponed for two days; which delay, (says the journal of the Governors,) however extraordinary, as they were only to hear, they were notwithstanding gratified in. And yet, after all, it ended in a treaty; by which the settlements of the white people were extended beyond the former contracted limits, above Augusta, as far as Little river, and south of Darien, as far as the Alatomaha. In their letter to Lord Egremont the Governors say that "the Creeks had been represented to be very ill-disposed; the murders they had committed were frequent; and even subsequent to the receipt of your lordship's letter, and even since the holding of the congress, though amply supplied with provision, they have been accused of wantonly killing the people's cattle; yet their talks have been more friendly than we expected: and their voluntary offer of an augmentation of boundary to Georgia, upon the King's forgiveness of all past injuries being signified to them, supposing their professions sincere, and the chiefs of consequence enough to act for the whole nation, which they declare they do, is certainly as strong a proof as they can at present give of their good will. It will be necessary, however, to mention to your lordship that we have been privately cautioned by the leader of the Chickasaws against confiding in the Creek professions; he says he knows them; that nothing done here will be confirmed by the absent leaders, in comparison of whom the present chiefs are inconsiderable. The Cherokees, in their intelligence, have gone still farther; but, as they seem on the point of war with the Creeks, their testimony is to be suspected." It was probably to this treaty that the Little Prince alluded, when he told Colonel Campbell, not very long since, that one of them concluded at Augusta was not valid, because it had not the signature of a Coweta chief attached to it.

But this was by no means the most surprising circumstance attending the transaction. Warrants were no sooner located upon these very lands, thus acquired, than a portion of them was claimed by the heirs of Sir William Barker, through a conveyance from the lords proprietors of Carolina, made before Georgia was settled or an Indian title extinguished! and, upon argument before the King in council, after solemn reference to the Board of Trade, these claims were sustained!

3. The next treaty was also held at Augusta, in 1773; it contains a provision for the payment of debts owing to the several Indian traders, and it is remarkable for having been the first that mentions the fact of any moneyed consideration being given for their lands.

III. We now approach the era of the Revolution. At this period, *Lachlan McGillivray*, finding himself compelled to take sides, adhered to the royal cause; and, in the course of time, found himself the prominent British agent among the southern Indians, with his son *Alexander* as his deputy. His situation, long acquaintance, and address, enabled him to secure their interest, and to direct their almost undivided force against the whig portion of Georgia. On this account, all the family possessions within this State were confiscated, and an additional cession of land was demanded from the Creeks, by way of reparation for their ravages; it was granted by another treaty, held also in Augusta, during the year 1783, at which the *Talesee King* was most conspicuous as the headman of the friendly Indians; a chief, in fact, who appears to have resembled *McIntosh* very closely, whether in respect to character, the relation in which he was placed to the people of Georgia, or the ingratitude with which he was treated by those bound to protect him. *McGillivray*, who remained in the nation, and partook of the general amnesty, annoyed him very much concerning the part the other had taken in the treaty, as will appear from the following memorandum of the King's proposals and complaints: "The land, he says, was given up by him, and the headmen with him, as far as the main stream of the Oconee river; they could only give up their own right, and the right of the people of the towns they represented. Instead of the white people being contented with that very great tract of country he and his people had agreed to give them, he was sorry to find they had been marking land as far as the waters of the Ocmulgee river. The hill between those two rivers is very high; yet the white people had climbed over it, and he could not tell where they would stop. He thinks it very hard that they should be obliged to give up so great a tract of country, because some of their nation had been drawn into a war that, as far as he could hear, was one that had disturbed all nations, even the simple peaceable people called the Dutch. Yet, he had given to the Oconee, and was willing to establish it as far as he could in peace: but the land was not his; nor was it for him to say to a man of any town, who had not ceded his rights to that ground, you shall not cut a cane on that land to dry your meat, or you shall not kill a deer on that ground. The Great Master of breath made the ground for all, great as well as small; and it was hard for him and his friends, who had always held their faces towards Virginia in the darkest and worst of days, to bear the blame of giving away so great a part of their ground. What he would wish as a remedy for that is, that a few presents should be provided, and all the towns invited to a talk; and the gift of that ground should be confirmed by all the towns in the nation, and then he would not bear the blame; that after the beloved man comes up, and settles all matters respecting the lands with every town, then some of his headmen will come down, and go with some white beloved men, and make a line clean from the head of the Oconee to the place where the Cherokees have given up." The following is an account given of this extraordinary man, in 1799, by Colonel *Hawkins*: "These Indians (the Talesee) were very friendly to the United States during the revolutionary war, and their old chief, *Hoboihle Mico*, of the half-way house, (improperly called the Talesee King,) could not be prevailed on by any offers from the agents of Great Britain to take part with them. On the return of peace, and the establishment of friendly arrangements between the Indians and the citizens of the United States, this chief felt himself neglected by Mr. Seagrove, (then the superintendent;) which he resenting, he robbed and insulted that gentleman, compelled him to leave his house near Tuckaubatchee, and fly into a swamp. He has since then, as from a spirit of contradiction, formed a party in opposition to the will of the nation, which has given much trouble to the chiefs of the land; but he has had a solemn warning from the national councils, to respect the laws of the nation, or he should meet the punishment ordained by the law. This spirit of party or opposition prevailed not only here, but more or less in every town in the nation. The plainest proposition for ameliorating their condition is immediately opposed; and this opposition continues as long as there is a hope to obtain presents—the infallible mode heretofore in use to gain a point."—*Hawkins's MSS.*

IV. I am arrived now at the fourth era in the history of Georgia, or that period which intervened between the acknowledgment of our independence as a sovereign State, and our adoption of the present federal constitution; and it is now, perhaps, that the real interest of this communication may be said to commence.

1. In the year 1785, another treaty was concluded at Galphinton, by General *Twiggs* and the elder General *Clark*, whereby the boundary line was extended to the forks of the Ocmulgee and Oconee rivers. But the article as well worthy of observation as any other is the first, which provides for the incorporation of the Creeks among us, and which accordingly took away from the "Confederal Government," as it was then called, all pretension as to jurisdiction over them; it is in the words following: "The said Indians, for themselves and all the tribes and towns within their respective nations, within the limits of the State of Georgia, have been, and now are, members of the same, since the day and date of the constitution of the said State of Georgia."

2. The following year, another was concluded near the mouth of Shoulderbone creek, a branch of the Oconee river; it was, however, but a mere confirmation of that made at Galphinton; to enforce all the provisions of which, the miccos of Coweta and Cussetah were demanded and delivered up as hostages. During the conference, the following interrogatories were propounded to, and the answers given by, the two linguists employed by the commissioners.

D.

Copy of depositions taken before the Board of Commissioners, October 20, 1786.

The following questions were put to Mr. John Galphin by the commissioners; and his answers thereto:

Question 1. How far do you think any treaty made with the commissioners by the Indians now present will be binding on the nation?

Answer. I think they may answer for all the towns except the Tuckaubatchees and Hickory Grounds.

Question 2. What number do you think those two towns contain?

Answer. The Tuckaubatchees about two hundred, and the other about twenty gun-men.

Question 3. How do you account for the Indians, and particularly the Upper Creeks, not attending more generally?

Answer. The reason I heard generally given was, that it was a wrong time of the year to call a treaty, and that the Indians were then mostly out a hunting, or had determined to go out immediately, as it was their hunting season.

Question 4. Do you think that Mr. McGillivray was authorized by the Upper Creeks to write to the Governor and commissioners in the manner he lately did?

Answer. I am certain that he was not.

JOHN GALPHIN.

Sworn to this 20th day of October, 1786, before the Board of Commissioners.

JOHN HABERSHAM, *Chairman and Justice of the Peace.*

The following questions were put to Mr. Philip Scott by the commissioners; and his answers thereto:

Question 1. How far do you think any treaty made with the commissioners by the Indians now present will be binding on the nation?

Answer. I think they may answer for all the towns except the Tuckaubatchees and Hickory Grounds; perhaps the Hillebees.

Question 2. What number do you think those two towns contain?

Answer. The Tuckaubatchees better than two hundred, and the Hickory Grounds about seventy or eighty. The strength of the Hillebees I do not know, but it is generally said to be a small town.

Question 3. How do you account for the Indians, and particularly the Upper Creeks, not attending more generally?

Answer. It is in consequence of talks given by McGillivray after I came away, as I have been informed. He told them he would settle all matters by writing, and that, if they came down, the white people would ask them for more land. McGillivray told me it was an improper time to hold a treaty, as the Indians were going out to hunt.

Question 4. Do you think that McGillivray was authorized by the Upper Creeks to write to the Governor and commissioners in the manner he lately did?

Answer. I think he was not; the land that was given up was always held by the Lower Creeks as their hunting grounds, and the Upper Creeks never used it as such.

PHILIP P. S. SCOTT, his \times mark.

The foregoing was sworn to this 20th day of October, before the Board of Commissioners.

JOHN HABERSHAM, *Chairman and Justice of the Peace.*

V. This brings me to the first point of time in our fifth era, when the federal constitution was adopted by Georgia. There was little in either of the two last treaties consonant to the views, feelings, or interests of McGillivray; accordingly, in this state of things, that chieftain, always subtle and adroit, endeavored to lay hold on the inexperience of the new Government, by appealing to its sympathies in favor of a hapless Arcadian race, against (what he termed, as well as others of modern date) the profligacy and injustice of the people of Georgia; and, as was natural, he succeeded, for he was believed to the utmost extent of his wishes. But the President, acting up to every idea of his character as a great, a good, and a just man, determined to inquire into the whole truth, through a commission respectable as well for standing and talents as for the confidence entertained in them by every part of the country. Accordingly, he selected *General Lincoln*, who was commander of the southern army during the Revolution, and, towards the close of it, the Secretary of War; *Cyrus Griffin*, a President of the old Congress; and *Colonel Humphries*, an aid-de-camp to General Washington, I think, but at all events reputed to be a man of exquisite genius at the time, and who subsequently filled an embassy to Madrid.

E.

Copy of a letter from Messrs. Lincoln, Griffin, and Humphries, to the Governor of Georgia, dated

SIR:

AUGUSTA, October 3, 1789.

As a variety of reports have been circulated throughout the United States relative to the circumstances under which the treaties of Augusta, in 1783, at Galphinton, in 1785, and at Shoulderbone, in 1786, were formed, and as it is highly important that facts should be ascertained, we take the liberty of requesting your honor to assist us in obtaining the information necessary for that purpose.

The principal points to which our attention has been attracted are—Whether the lands belonging to the Upper and Lower Creeks are the common property of the whole nation; or whether the lands stated to have been ceded to Georgia by the three treaties, or either of them, were acknowledged by the Upper Creeks to be the sole property of the Lower Creeks? Whether the acknowledged proprietors of the lands stated to have been ceded to Georgia were present, or fully represented at the said three treaties? Whether the Creeks present at the said

treaties did act with a full understanding of the cessions they are stated to have made? And whether the said cessions and treaties were freely made on the part of the Creeks, uninfluenced by any threats or implication of force?

It is also desirable that any other interesting circumstances connected with the objects of these inquiries should be made known to us: for example, whether the Indians did, for any considerable length of time, acquiesce quietly in the location and settlement of the lands in question; what value, in goods, has been given at the several treaties, as presents or compensations for these cessions; and, in effect, whatever other matters may serve to place the conduct of the State of Georgia, on this subject, in its true point of light. After being possessed of the written and official documents, we wish to receive oral information from private characters who were present at the several transactions before alluded to.

We have the honor to be, sir, with great respect, your most obedient servants,

B. LINCOLN,
C. GRIFFIN,
D. HUMPHRIES.

[The Governor's reply I left with one of your secretaries at Milledgeville, and therefore I cannot now insert it in this communication; it would be but fair, however, to presume that it was satisfactory, if we are allowed to form an opinion according to the spirit of the following statement from these distinguished gentlemen.]

F.

Extract from the report of the Commissioners for treating with the southern Indians.

The commissioners are decidedly of opinion that the failure of a treaty at this time with the Creek nation can be attributed only to their principal chief, Mr. A. McGillivray.

1st. From the repeated declarations and apparent good disposition of all the kings, headmen, and warriors to establish a permanent peace with the United States.

2d. From the proposed boundary being offered to the great council of the nation only as the basis of amicable negotiation.

3d. From the deception and precipitate retreat of Mr. McGillivray, without stating his objections to the draught of a treaty, either verbally or in writing.

4th. From many inquiries concerning this man, and from Mr. McGillivray's own declarations, "that, without obtaining a full equivalent for the sacrifice, he would not renounce the close connexion which he had formed with the Spanish Government in the hour of distress—a connexion honorable and lucrative to himself, and advantageous to the Creek nation."

5th. From his frequent intimations that no treaty could be formed with the commissioners, unless a free and exclusive port should be granted to him on the banks of the Alatomaha or the river St. Mary's.

And 6th. From the most positive refusal to acknowledge the Creek nation to be within the limits, or under the protection of the United States, although in express contradiction to a former letter written by him on the 5th of September, 1785, to General Pickens.

The commissioners beg leave further to report:

That, after the most accurate investigation in their power to make, after consulting the best documents, and having recourse to credible depositions, they are unable to discover but that the treaty of Augusta, in the year 1783, the treaty of Galphinton, in the year 1785, and the treaty of Shoulderbone, in the year 1786, were all of them conducted with as full and as authorized representation, with as much substantial form and apparent good faith and understanding of the business, as Indian treaties have usually been conducted, or perhaps can be, where one of the contracting parties is destitute of the benefits of enlightened society; that the lands in question did of right belong to the Lower Creeks as their hunting grounds, have been ceded by them to the State of Georgia for a valuable consideration, and were possessed and cultivated for some years without any claim or molestation by any part of the Creek nation.

As Mr. McGillivray, and all the other chiefs, headmen, and warriors, have given strong assurances in their talks, and by writing, that no further hostilities or depredations shall be committed on the part of their nation, and as the Governor of Georgia, by issuing proclamations and other effectual measures, will prevent the commission of hostilities and depredations upon the Creek nation on the part of Georgia, the commissioners, in the best of their judgment, report:

That all animosities with the Creek nation should henceforth cease; that some person should be despatched to the said nation with the ultimate draught of a treaty to establish perpetual peace and amity; that when such a draught for a treaty shall be properly executed by the leading men of the nation, all the presents intended for the Indians, and now in the State of Georgia, should be distributed among them; that if the Indians shall refuse to execute such draught for a treaty, the commissioners humbly submit that the arms of the Union should be called forth for the protection of the people of Georgia in the peaceable and just possession of their lands; and, in case the Creeks shall commit further hostilities and depredations upon the citizens of the United States, that the Creek nation ought to be deemed the enemies of the United States, and punished accordingly.

B. LINCOLN,
CYRUS GRIFFIN,
D. HUMPHRIES.

[One would naturally have supposed that, after such an exposition as that of the commissioners, every thing would have been reduced to order in the nation: but no such thing! On the contrary, General Knox (then Secretary of War) candidly admits that the relations of the Union with the northern Indians superinduced the necessity of a compromise with McGillivray. Thus, and at this early period in the history of the General Government, did the State of Georgia become a martyr to State rights!]

G.

Protest of the Legislature of the State of Georgia against the treaty of New York.

IN THE HOUSE OF REPRESENTATIVES, FRIDAY, November 26, 1790.

The House took up the report of the committee to whom was referred the message of his excellency the Governor, relative to the treaty of peace entered into between the United States and the Creek Indians; and the same being read,

On motion,

The House resolved itself into a Committee of the Whole on the same, Mr. Taliaferro in the chair. Mr. Speaker resumed the chair, and Mr. Taliaferro, from the Committee of the Whole House, reported that they had had the same under consideration, and made some amendments thereto.

And the said report being read, as amended, is as follows:

The committee to whom was referred that part of his excellency the Governor's communication respecting the late treaty of peace with the Creek Indians, report:

That, having maturely considered the said treaty, and the several articles thereof, and taken into view the various opinions entertained on the subject, they submit the following resolutions, as expedient for the House to enter into:

1st. *Resolved*, That the said treaty of peace, being concluded by the Department of the General Government, which, under the federal constitution, is fully and alone competent to the measure of making treaties, ought to be inviolate; and in consideration of the public faith being pledged, this House will support the Executive and Judiciary authority of the United States, and of this particular State, in rendering firm and permanent the said peace so concluded, and in improving the blessings thereof.

2d. *Resolved*, That, although any infraction or violation of the said treaty, while it shall remain the supreme law of the land, ought to be punished in an exemplary manner, yet, in the opinion of this House, the concessions made thereby to the adversaries of the Union are greater than they were entitled to, considering either the origin of the Union, the sufferings of the people of Georgia, (a member of the Union,) or the comparative strength of the said Indians with that of the United States.

3d. *Resolved*, That the third article of the said treaty, in particular, is liable to censure, in that it leaves the restitution of property taken and carried off by the said Indians during the war on a very precarious footing, allowing them full time to remove such property out of reach; but is still more liable to censure, in that it abandons American citizens, (chiefly women and children,) led away during the war, to a savage captivity of near ten months from the signing of the treaty, if the Indians shall think proper so to do; and even after the expiration of that term, there does not appear to be adequate provision made for the certain restoration of those unfortunate persons, of whom it is well known there are several in the nation.

4th. *Resolved*, That the fourth article of said treaty is also liable to censure, in that it relinquishes to the Indians the possession of a district of country, which, by two solemn treaties, conducted with as full and authorized representations, with as much substantial form and apparent good faith, as Indian treaties have usually been, or perhaps can be, where one of the contracting parties is destitute of the benefits of enlightened society, was absolutely, for a valuable consideration, ceded by the said Indians to the white inhabitants of Georgia, at a time when there was no federal compact against such cession by treaty.

5th. *Resolved*, That the fifth article of the said treaty is also liable to censure, in that, from the mode of expression therein used, (being new in such cases,) an inference may, by some, be drawn injurious to the rights of the State, amounting to an admission that the sovereignty over the lands at present allowed to the Indians for their hunting grounds, within the limits of Georgia, belongs to the United States in general, and not to the individual State of Georgia: whereas this House conceive, and assert, that the said sovereignty solely appertains to the State of Georgia; that the same has never been granted, or by any compact whatsoever conveyed away to or deposited with the Union; but, on the contrary, is, in all the instruments of the confederation, one of the rights understood to be reserved, and which the other States solemnly guaranty. They, therefore, although offering no pretensions to the immediate possession of those lands, claim the sovereignty and right of pre-emption exclusively over the same, according to the limits mentioned and described in the land acts of this State, passed in the year 1783, and the treaty of Beaufort, made between the commissioners of South Carolina and Georgia, in the year 1787, which was afterwards recognised by Congress.

6th. *Resolved*, That the seventh article of the said treaty is also liable to censure, in that the same is founded in a principle of inequality, and is moreover deficient in its provisions for preserving peace; for while it restrains the white people from hunting on the Creek lands, it does not prohibit the Indian parties from coming in upon the lands of the white people; a practice, this latter, which, during its continuance, will always be productive of loss of property to the citizens of Georgia, and, consequently, of quarrels between them and the Indians.

H.

Letter from the Honorable William Few (then a Senator from Georgia, but now of Sing Sing, in the State of New York) to His Excellency Edward Telfair.

DEAR SIR:

PHILADELPHIA, January 15, 1791.

I wrote you a few days ago, and enclosed you some papers relative to the construction and operation of the Creek treaty, which will preclude the necessity of adding any thing on that subject now. The animadversions of the Assembly of Georgia on that treaty have been promulgated here, and, I believe, are generally approved by disinterested reflecting people; many were apprehensive that the indignation of that State would have drawn them into measures more violent and less guarded. The Legislature has taken the only constitutional ground that was left to act on, and I think have discovered great moderation and coolness in their proceedings. Already we begin to perceive the collision of the Government of the United States with that of the individual States, and I am sorry to observe that there are to be found too many public characters that wish to augment and extend the powers of the former over the ruins of the latter. Some, indeed, have imbibed the idea that nothing but a consolidated Government will answer the purpose of general protection and safety, and they pursue with avidity all such measures as tend to that object, notwithstanding they may be an obvious violation of the principles and genius of the constitution; they cover themselves under what is termed the sweeping clause, which they contend gives the United States all powers that they may think necessary to exercise for the general interest and safety. Although this doctrine cannot be admitted without annihilating the State powers and State Governments, yet it cannot be fully refuted; otherwise, there would be a deficiency in the powers of the United Government, that it might be necessary to use for the general safety. The inference then is, that the Government of the United States is vested with very extensive powers, and that the administration of these powers must necessarily fall into the hands of those who will feel the most powerful incentives to strengthen and extend them. This cause will tend to hasten the progress of our Federal Government towards monarchy and despotism; and the only means that can be used to check that progress are to be found in the State Governments. I therefore think the success of the General Government depends, in a great measure, on the preservation of the rights of the State Governments in a certain degree. It is true there is no line can be drawn that will ascertain precisely the powers of the National Government. The great law of

necessity will sometimes extend it—occasionally with propriety; but the lesser pretence of expediency is too often found operating in the same direction.

Colonel Few appears to have understood the character of his *quondam* fellow-citizens better than he seems to have apprehended the actual result. Elsewhere, feeling may be more firm, entire, and consistent; but it is no sooner under the influence of our southern sun, than it melts into fire; and equally so, whether it be lead, lava, or gold. Indeed, I do not know that forbearance and moderation were "*acclimatized*" here, even during the halcyon days of Oglethorpe, Wesley, and Whitfield. Certain it is, that no sooner did old General Clark (who was not only a patriot of the Revolution, but as honest, daring, and intrepid a spirit as ever breathed) learn that General Knox had made a compromise with McGillivray, that the treaty he had himself assisted to conclude was set aside, and that the rights of that State, for which he had so often risked his life, sacrificed his competence, and surrendered his comforts, were bartered away to a half-breed, than he raised his banner and crossed the Oconee in force. He intrenched himself upon the land bought by himself, already possessed by some of our citizens, and yet under such circumstances surrendered by the Secretary of War to Alexander McGillivray; and here he continued until those in whom he had most confidence advised that it would be indecorous (the State being now sufficiently organized) to assume the privilege of asserting its rights upon himself. He accordingly desisted; surrendered himself to the civil authority; demanded his trial; was tried; and was acquitted upon the ground that the treaty of New York was an infringement upon State rights, therefore unconstitutional, and *de facto* void. But the feeling did not even then subside. The General Government took part so far with the Indians, that it refused to pay our troops when ordered out to repel their aggressions, or to prevent a recurrence of them; and this is still refused to this day, although it must be known that our defensive attitude was entirely caused by the compromise which General Knox made with McGillivray—a compromise ridiculous enough, to be sure, when it is recollected that thereby the rights of a State were infringed, in the face of day, without producing any of those results calculated upon by a wretched and untoward policy; for, when McGillivray returned, he found the Creek country revolutionized, and his empire merged into the Muscogee republic, under the direction of William A. Bowles, formerly a portrait painter in this place, but who, although a white man, soon acquired such influence among the Indians, that he was enabled to banish his rival among his friends in Florida, where he shortly after died, and with him the treaty of New York; which last was, however, revived at Coleraine in the year 1796. A gentleman who was in the Legislature of 1795, and to whom nothing in the shape of a reproach has ever been attached, excepting for his vote in favor of the Yazoo law, told me that the violation of our State rights by that treaty, and the denial of justice to our citizens by refusing to settle their militia claims, hastened the sale of our western territory; the friends of the measure thinking that, through the means of companies and their ramifications in the other States, an interest would be created quite equal to the task of compassing the extinguishment of the whole Indian title: the correctness and sincerity of which remark are rendered probable by the vote which he gave for the highest proposal, are proven by the caption of the act itself, and are put beyond all manner of doubt by the developments which have taken place from time to time. Since that deplorable event, every matter affecting this State, every thing that transpires here, and every person connected with it, is now said to owe every adventitious consequence to *corruption*. CORRUPTION, forsooth! a reasonable man would be inclined to think, from the continual clamor on the subject, that this State ought to have rotted long ago; besides which, it is hardly susceptible of proof that any persons born or bred up in Georgia were any more than dupes in the fraud. Where then stood our own *natural* portion (so to speak) of talent and virtue? Where, in the eventful times of '89 and '95, stood Tattнал, Taliaferro, Milledge, Habersham, the three Jones, Gibbons, Stirk, Morrison, Irwin, and Mitchell? where, subsequently, Bryan, Jackson, and Early? and lastly, though not the least, where stood William H. Crawford, through whom our State has been so much insulted, vilified, and abused? He stood in the plain, modest, and unassuming character of a private citizen, speaking with a trumpet tongue, and holding up both his hands in protest against the whole Yazoo transaction. In fact, Georgia was invaded and overrun by a horde of speculators and other adventurers just after the close of the Revolution, and was as completely changed for a time, as to character, sentiment, or conduct, as ever was England after the Saxon or Norman invasion. Let, then, the enemies of our State seek for the principle of corruption elsewhere than in the germ of our institutions; there they will not find it, for we seared it with a red-hot iron long ago: if it still festers any where, (*and some say that it does*,) why, let them probe the system to its full extent; but, at all events, Georgia has no longer any concern with the subject, except as a matter of history. To return, however, from this digression.

VII. We are now arrived at a most important era, or the period when Georgia ceded her western empire to the United States. So much has already been said by the public prints in reference to the *convention* of 1802, that I shall content myself with quoting the fourth article.

I.

"The United States shall, at their own expense, extinguish for the use of Georgia, as early as the same can be peaceably obtained on reasonable terms, the Indian title to the county of Talassee; to the lands left out by the line drawn by the Creeks in the year 1798, which had been previously granted by the State of Georgia, both of which tracts had formerly been yielded to the Indians; and to the lands within the forks of the Oconee and Ocmulgee rivers: for which several objects the President of the United States has directed that a treaty shall be immediately held with the Creeks, and that the United States shall, in the same manner, extinguish the Indian title to all the other lands within the State of Georgia."

The treaty alluded to in this article was concluded at Fort Wilkinson, on the Oconee, (and near the present site of Milledgeville,) in less than two months after the signing of the convention; but the President, regarding the acquisition as too trifling, directed a new commission to issue for the purpose of extending the line to the Ocmulgee.

J.

Copy of a letter from General Anderson, of South Carolina, one of the United States Commissioners, to General David Merriwether, of Georgia, dated

AUGUST 18, 1803.

We have not succeeded in our mission, which may be attributed to different causes. The warmth and irritation of the opposition chiefs, on account of the capture of their leader, *Bowles*, no doubt was one of the leading causes. The chiefs of the opposition anticipated and counteracted the object of our meeting by a kind of electioneering artifice. They held meetings before they met us at Ooseochee, and agreed not only to refuse to part with land, but also to refuse to ratify the treaty made at *Fort Wilkinson*; to reject the payment to be made to them for the land; and to prevent the line from being marked agreeably to the treaty made at Fort Wilkinson, as aforesaid. They appointed a speaker for these purposes, and were joined by all the towns on this, Flint river, and the Semi-

noles: the headman and speaker are of the Upper Creeks. On the 12th instant the commissioners delivered their talk in the square, in the presence of a very general assemblage of the chiefs, particularly those in the opposition, who were there to a man. The speaker of the nation, chiefs, and warriors of the Upper Creeks had not been consulted, nor had they any knowledge of the measures which were to be pursued by the opposition. When our talk was delivered in the square, by the interpreter, the speaker of the opposition immediately began to reply. The speaker and chiefs of the Upper Creeks seemed as much surprised as we were at the novelty of their proceedings. The opposition kept the government for two days; but the speaker of the nation and chiefs of the Upper Creeks came forward with spirit and firmness; and, although they behaved with great decency towards us and to each other, yet, in their debates upon several points, there appeared a greater degree of warmth than I had ever seen in any council of Indians. The third day the opposition chiefs took us by the hand for the first time, and gave us the ceremony of the black drink. The opposition persisted in refusing to receive the payment for their land, which was given us in the square by the speaker of the nation, who, with his people, the Upper Creeks, were ready to receive their part pay for the land; and requested notice when the line would be marked, and assured us and the opposition chiefs that they would attend and see it done. In short, the Upper Creeks seemed to take the lead after the two first days, which I think they will keep until things have got right in the nation.

In 1805, however, (two years afterwards,) these sturdy fellows were ordered on to *Washington city* by General Dearborn, then Secretary of War, who found means that induced them to extend the line to the Ocmulgee.

In 1814 two treaties were concluded, and it is well known that at Fort Jackson presented to the General Government a favorable opportunity for a full compliance with all the stipulations of its agreement with Georgia; but the United States (although under bond to us) owed money to others, which consideration blending itself with other views of *policy* or *expediency*, (synonymous terms,) induced them to extinguish the Indian title to a very great quantity of rich land in Alabama, while Georgia was told that she must be content with a portion of pine-barren territory—a healthful retreat for her citizens, no doubt! who were also now allowed to rove among the pleasant woods and academic bowers of the *Okefinochau* swamp, and to dispossess the *children of the sun* of Bartram's Paradise, without even paying them the poor compliment of telling them, as General Jackson had already told the Creeks and Cherokees, that they *must sign* the treaty. Jest aside, (if one could jest on such a subject,) the only valuable acquisition to us was the land acquired from the last; on which account, the Legislature of Georgia entered into solemn protests against the acts and proceedings of the Federal Government, as may be seen by reference to *Prince's Digest* from page 529 to 532, inclusive. I pass over, for the present, the treaty of 1821.

* * * * *

Having now concluded my abstract of the *documentary* evidence touching this Creek question, I will next call your attention to the particulars of a conference which I held with the friendly chiefs about five or six weeks since, in relation to the origin and subsequent causes of the party division which at present prevails between themselves and the Red Sticks; and this reminds me that I ought here to acknowledge the very great aid which I derived on that occasion from Captain William Bowen, who was assistant to the two agents immediately preceding the present incumbent.

I must premise, however, that some white men long adopted amongst them refer it to a mutual prejudice subsisting between McIntosh and Colonel Crowell, before their relations were well commenced; the chieftain having been as ardently attached to General Mitchell, as the present agent was, upon his succession, known to be politically opposed to him; if not while the latter was yet a citizen of Georgia, at all events after his removal to Alabama.

But the cause assigned by Rolly McIntosh and the other friendly chiefs is mainly this: *the prosecution of George Stinson*, an Indian countryman, or a white man naturalized as a Muscogee. He had married the general's sister, and kept, in connexion with Chilly, a store in the vicinity of the *stand* occupied by Thomas Crowell, a brother of the agent, and formerly his co-partner in trade at St. Stephen's, in the State of Alabama. During the course of the last winter, this man was arrested for an alleged violation of the United States' laws regulating trade with the Indians, and, as was natural, he fled to his brother-in-law for protection; on the other hand, the agent sent Hambly to the Little Prince with this message: "*I call upon you, as the head of this nation, to have Stinson taken, and brought to me at all hazards. If six men are not enough, send six hundred; and take him by force, if you have to destroy McIntosh and his whole establishment to effect it.*" Be pleased to refer to the agent's letter among the documents (page 160) transmitted by you to the Legislature, at the opening of the extra session in May last. Finally, however, Stinson was tried before the district court held in this city in December last, but was acquitted. Shortly afterwards, the agent ordered the chieftain himself before the national council, and preferred charges against him; but they did not break him, although he afforded them a pretence so to do, by abruptly quitting his seat, and leaving the assembly.

There was also another cause. Somewhat before this period, McIntosh proposed in a council of the Cherokees that they (the Creeks, the Chickasaws, and Choctaws) should emigrate westward of the Mississippi; and there, that these four nations of southern Indians should form one consolidated government. It is needless to say that these propositions were rejected. This was not all: McIntosh (who had been constituted a Cherokee chief, in consequence of intermarriage with one of their women) was degraded, and denounced to his own countrymen as an enemy to the red people. These sentiments were speedily adopted by the Big Warrior, who assembled a few of the Upper Creek chiefs at the Polecat Springs, where, with the assistance of his son-in-law, (who was also sub-agent under Colonel Crowell,) those celebrated resolutions were passed which are now held to justify the murder of all those who signed the treaty. It was then that parties began really to be distinguished; the Upper Creeks, or *Alabama Indians*, inclining to the Cherokee talks; the Lower Creeks, or *Georgia Indians*, to those of McIntosh: and it was in this state of things that McIntosh came to the determination that he would conclude the treaty, (as he and the Little Prince had done but four years before,) without waiting for the consent of those towns situated on the waters of the Coosa and Tallapoosa. To this measure it appears that he was strongly influenced by three considerations:

1. That the Coweta towns, being the oldest in the nation, were at one time sole owners of the country, and, as such, by the custom of the nation, have absolute authority with regard to the disposition of land.
2. At all events, that each town, retaining its original rights with regard to territory inviolate, and having never surrendered them (such as they were) to the national council, had full authority to dispose of its own domain.
3. That the upper towns had forfeited their rights, if they ever had any, by their treason during the war; which had caused the cession or surrender of all the lands mentioned in the treaty at Fort Jackson.

There are also three important facts belonging to the history of this transaction, which it would be as well to take along with you: 1. That the few friendly Indians among the Upper Creeks during the late war were either in the power or possession of the hostiles, until relieved by McIntosh and his Cowetas. 2. That neither the Big Warrior, the celebrated *Hopothile Yoholo*, nor any other chief of the Upper Creek nation, signed the treaty of 1821—a treaty whose validity has never been questioned. 3. That at the treaty held by Messrs. Campbell and Merriwether, the *Cussetas* had already *taken the talk* of the commissioners, before their departure over night; which being the Ir-

dian mode of accepting a proposition, was held by McIntosh as sufficient to justify its formal conclusion according to the mode of the white people, without obliging all his heathens to affix the signature of the cross.

The relative numbers of the two parties it is now difficult to ascertain. McIntosh stated but a short time before his murder that ten thousand would emigrate; since that time, however, important changes have taken place. The common Indians have seen those chiefs murdered to whom they had before been accustomed to look up with deference, and their murderers sustained by officers of the General Government. They have seen the consideration money tendered equally to those who opposed the treaty and to those who favored it: not only so, but as well to him who relinquishes no improvements, as to him who leaves his wigwam to the white man. They are sagacious, and readily apprehend their interests; saying naturally to themselves, if one article of a treaty is violated, may not another be? and, under the circumstances, what additional security or recompense can be acquired for ourselves by adhering to it? The statement of General Gaines, that the parties are in the proportion of 50 to 1, is said to be incorrect; and it is still maintained by the friendly Indians that seven or eight thousand would yet emigrate, if all the articles of the treaty were fairly complied with, and no difficulties thrown in the way by agents of the General Government. * * * * *

I cannot conclude this communication without offering for your consideration one or two suggestions that fell from a common friend—a gentleman whom everybody loves, honors, and respects, but (if I may with propriety say so) none more than your excellency.

The cardinal and (it must be believed) the unintentional error of the President consisted in sending Major Andrews here, who was totally unfit for so delicate a commission; and next, in authorizing General Gaines (though an officer possessing a full measure of honor and respectability) to act as a mediator with arms in his hands; for military consequence is always to be apprehended in negotiations for peace. The Chief Magistrate of the United States never could have authorized them to investigate, or to aid in the investigation of the merits of this treaty, the power to make it, or the means by which it was obtained: a step, measure, and exercise of power, as novel, impolitic, and unjust, as it would be, most assuredly, entirely unprecedented, illegal, and dangerous. He had no more authority to institute a commission to investigate the *motives* that induced the conclusion of a treaty already ratified, than those which led to the passing of the tariff bill, or (what Mr. Randolph might be disposed to consider as a more fit subject of comparison) the *Yazoo compromise*: all of which are equally laws of the land, which the President is bound by his oath of office to execute. Much less was he empowered to sustain a rebellious portion of the Creek nation, already painted with the blood of their treaty-making power, and uttering their wild yells of savage vengeance against all such as would dare to enforce its provisions. Indeed, Congress, as such, (including the House of Representatives,) have nothing to do with our own treaty-making power: though Congress may (as Congress did) repeal the French treaty of 1778, yet it is at last but an act of Congress, the policy of which the enemies or Georgia may live to rue and sorely to repent; for the discussion of this question must bring before the nation (and especially before the friends of State rights, at last the only real friends of the constitution,) that as to the power which the General Government is really authorized to exert over Indian nations within the chartered or allowed limits of the several States: and if this should once be taken up with spirit, other questions of equal importance will naturally follow. * * * * *

Looking, then, towards the issue, with my thoughts as calm and collected as volition can make them, "hoping all things, yet fearing all things," I feel perfectly willing, for one, that the justice of our cause should be tried and determined "by God and our country;" though it would be certainly going by much too far to say that every Georgian would regard every citizen of every other State as altogether an unbiassed or impartial juror.

I have the honor to subscribe myself your excellency's friend and well wisher,

JOSEPH VALLENCE BEVAN.

To His Excellency GEORGE MCINTOSH TROUP,
Governor of the State of Georgia.

Governor Troup to T. P. Andrews.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 8, 1825.

I will thank you to inform me if, in a conversation held at my request with Colonel Lumpkin, you stated to him that the evidence submitted to you did not furnish even probable cause to suspect the Indian agent as guilty under the charges exhibited against him in my letter of the 31st ultimo.

As I intend to communicate immediately with your Government on this subject, I wish you to be very particular in the answer you may think proper to give, that the possibility of mistake or misapprehension may be avoided.

Very respectfully, sir,

G. M. TROUP.

To T. P. ANDREWS, *Special Agent United States, Milledgeville.*

T. P. Andrews to Governor Troup.

SIR:

MILLEDGEVILLE, GEORGIA, June 8, 1825.

I am honored by the receipt of your note of this evening. Colonel Lumpkin has misapprehended my remarks greatly, (for I feel satisfied he is incapable of misrepresenting them,) if he supposes I had formed any opinion as to the guilt or innocence of the Indian agent, or would form one, until I was placed in possession, in an official manner, of all the evidence to be obtained from every quarter, and had thoroughly examined it. The conversation I had the honor of holding with the colonel, which it appears was at the request of your excellency, was long and desultory; I can only at this time recollect the result. On that, until I was furnished officially with the documents and evidence referred to in the latter part of your excellency's letter of the 31st ultimo, I did not consider myself at liberty to form any opinion, not even as to the propriety of the suspension of the agent.

I beg the attention of your excellency to my letter of the 31st of May, by which you will perceive I expected to be able to furnish the agent, in case his suspension was decided on, with a copy of the charges and specifications made against him, immediately on his being suspended, that "he might be enabled to defend himself before his Government with as little delay as possible;" and that his suspension would also depend on the present state of excitement among the Indians.

This course your excellency will do me the justice to believe is in strict accordance with the instructions of my Government.

I have delayed all proceedings, (even to a formal acknowledgment of the receipt of your letter of the 31st ultimo,) waiting to be furnished with the documents and evidence promised in it. So soon as I shall be honored by its receipt, (if General Gaines shall have arrived,) I will immediately proceed to execute the intentions of the President, as made known to your excellency.

I have the honor to be, with the highest respect and consideration,
Your excellency's most obedient servant,
T. P. ANDREWS, *Special Agent.*

To His Excellency GEORGE M. TROUP, *Governor of Georgia, Milledgeville.*

CORRESPONDENCE BETWEEN THE GOVERNOR OF GEORGIA, THE GENERAL GOVERNMENT, AND ITS AGENTS, IN REFERENCE TO THE LATE TREATY.

General Gaines to Governor Troup.

SIR: HEAD-QUARTERS, EASTERN DEPARTMENT, GA., June 13, 1825.

I have the honor to acknowledge the receipt of the correspondence referred to by your excellency in your verbal communication of this morning, representing the indications of hostility recently manifested by the Indians on the western frontier of this State, numbered 1 to 4, inclusively; together with your instructions to Captain Harrison, of the 10th of the present month. Of this paper (which I return herewith) I have to request the favor of a copy, with such information as that officer shall communicate, touching the execution of the important duty assigned to him.

With the greatest respect, I have the honor to be your excellency's obedient servant,
EDMUND P. GAINES, *Major General Commanding.*

His Excellency Governor TROUP.

Governor Troup to General Gaines.

SIR: EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 13, 1825.

As you wished, the copy of my instructions to Captain Harrison is enclosed; and any information received from that officer will be communicated without delay.

With great consideration and respect,

G. M. TROUP.

Major General EDMUND P. GAINES, *Milledgeville.*

Governor Troup to Captain Harrison.

SIR: HEAD-QUARTERS, MILLEDGEVILLE, GA., June 10, 1825.

In carrying into effect the orders of Major General Wimberly, under my general orders of the 7th instant, you will be careful to act strictly on the defensive, until circumstances shall arise to justify an opposite conduct. If, therefore, upon your arrival at the frontiers, you find that the Indians have not proceeded to acts of violence or outrage, you will endeavor to pacify them by the assurance that your presence there is not for the purpose of making war upon them, but to protect our people, and others within our limits, in their persons and effects, against any assaults or inroads upon either, and to chastise those who shall be mad enough to attempt them. If, on the contrary, you shall discover they have already committed acts of hostility of unequivocal character, you will treat them in all respects as enemies; pursuing them, if necessary, into the country occupied by them, and punishing them there.

Should they have merely committed depredations on the property of our people, whilst you take the proper measures to recover what has been taken, you will remember that our jurisdiction is established, and the criminal laws extended over the country, so that offenders can be seized and brought to justice in the ordinary manner. Indeed, for every purpose, but more especially considering that these deluded men are objects more of pity than of resentment, it is important that, finding them in the wrong, you will endeavor to keep them so.

You will take the earliest occasion to inform yourself correctly of the actual state of things in that quarter, so that you may communicate with me immediately by express. If, in the mean time, further information shall be received, making it expedient to do so, three companies, or more, of infantry or riflemen, will be marched to your support. Money is advanced for the subsistence of your corps, which you are charged to expend to the best possible advantage for the public, taking the proper vouchers and receipts, both for our own satisfaction and to enable us to charge the General Government with the amount.

If, on your arrival, you shall discover the frontiers tranquilized, you will immediately return; otherwise, you will co-operate to the best advantage with any force you may find embodied there.

Very respectfully,

To Captain JAMES HARRISON,
Commanding Twigs County Cavalry.

G. M. TROUP.

Governor Troup to General Gaines.

DEAR SIR: EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 14, 1825.

It may be important to you to know, before you communicate with your Government and proceed to meet the Indians in convention, that the laws of Georgia are already extended over the ceded country, and, of course, that it is my bounden duty to execute them there. The statutory provision on this subject will be found in the papers of the morning, and in the act entitled "To dispose of and distribute the lands lately acquired," &c.

With great consideration and regard, I am, very sincerely, yours,

G. M. TROUP.

Major General E. P. GAINES, *Milledgeville, Georgia.*

Governor Troup to General Gaines.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 13, 1825.

In the course of the desultory and informal communication with you of to-day, my desire was intimated that the line between this State and Alabama should be run as early as possible, and I requested the favor of you to make known to your Government this desire, and without delay. A letter will be immediately despatched to the Governor of Alabama, to apprise him of the resolution of the Government of Georgia to run that line, and to ask his concert and co-operation. If that concert and co-operation be refused, we will proceed to run the line without them, as we will also proceed in due time to make the survey of the lands within our limits, disregarding any obstacles which may oppose from any quarter. You will see, therefore, how highly important it is that, upon these points, the two Governments should understand each other immediately.

With great respect and consideration,

G. M. TROUP.

Major General E. P. GAINES, *Milledgeville.**General Gaines to Governor Troup.*

SIR:

HEAD-QUARTERS, EASTERN DEPARTMENT, MILLEDGEVILLE, GA., June 14, 1825.

In reply to your excellency's letter of yesterday's date, I have to observe, that, although it is not my purpose to enter into the discussion of any matter of controversy between the Government of Georgia and that of the United States, not immediately connected with duties confided to me, yet, perceiving as I do upon this occasion a direct collision between the views of your excellency and those embraced in my instructions from the Department of War—a collision that may tend to produce much embarrassment in our Indian relations, and which the interests of the General and State Governments equally require should be obviated—I deem it proper to address you upon this subject, in a manner less liable to misapprehension or misconstruction than what I have stated, verbally, in the interviews with which you have favored me. Your letter, which I shall without delay refer to the Department of War, announces your intention to cause the line to be run between this State and Alabama, and to survey the public land of the State within the late ceded territory. Upon the last mentioned subject, I am distinctly authorized to state to the Indians that the President of the United States has suggested to Governor Troup the necessity of his abstaining from entering into and surveying the ceded land, until the time prescribed by the treaty for their removal.

There is, perhaps, no principle of national law better established, or more universally admitted, than that the contracting parties to a treaty possess the right, and, in a case like the one in question, the exclusive right, of expounding and carrying into effect such treaty.

The decision of the President, in this case, must govern me in my intended conference with the Indians; and this conference must necessarily take place before the subject can be submitted to the President; nor is it probable that, if it were submitted, it would undergo any change.

I cannot, therefore, but express a confident hope that your excellency may see the propriety of abstaining from the proposed survey, both of the boundary line and of the land within the late ceded territory, until the period arrives at which the removal of the Indians is required.

In the expression of this hope, I am actuated by no other feeling than that of an ardent desire to devote my best efforts towards an amicable adjustment of the existing differences with the Indians, upon just principles; regarding the interests of the *State* as in all respects the same as the interests of the *Union* or *General Government*. They are in fact the same, as different parts of one great animated body, through which the vital principle of life must circulate with equal freedom, affording equal health and vigor to each, as essential to the preservation and efficiency of the whole body.

With great respect and regard, I have the honor to be,

EDMUND P. GAINES, *Major General Commanding.*

His Excellency GEO. M. TROUP.

Governor Troup to General Gaines.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 15, 1825.

I have this moment had the honor to receive your communication of the 14th instant, on the subjects of the survey of the ceded country and the running of the dividing line between Alabama and Georgia, and in which you request that, in conformity with the expressed will of your Government, both the survey and the running of the line may be forborne "until the period arrives at which the removal of the Indians is required."

It would give me great pleasure to be able to comply with any request made by yourself or your Government. You would make none that did not, to your apprehensions, seem reasonable and proper. As, however, there exist two independent parties to the question, each is permitted to decide for itself; and, with all due deference to yours, I must be permitted to say that my apprehension of the right and of the wrong leads me to the opposite conclusion—the conclusion to which the Legislature of Georgia, upon mature reflection, recently arrived, by an almost unanimous voice, and which was made the foundation of my late communication to the Secretary of War, and my more recent one to you upon the same subject.

I would deeply lament if any act proceeding from myself should cause the least embarrassment to yourself or your Government, especially considering the critical relations in which the United States stand to the Indians, and the great interest which the Government of Georgia feels in their early and satisfactory adjustment; but it cannot be expected by your Government that important interests are to be surrendered, and rights deemed unquestionable abandoned by Georgia, because of any embarrassment which may arise in the intercourse and negotiations between the United States and the Indians. I set too just a value on your high character to believe that you would willingly create them. I am equally persuaded that none will be suffered to exist which can with propriety be removed; and I know you will pardon me when I take the liberty of saying, that those to which you refer ought not to exist for a single moment. Upon every principle and practice of diplomacy, the particular instruction of your Government which has given rise to these embarrassments ought, at this moment, to be taken and held as no instruction at all: for it is now known to you that what purports to be an instruction was given upon information which was believed to be true, but which has turned out to be false; and the presumption is irresistible, that, the state of things

being changed, your Government, so far from desiring to press the execution, would gladly withdraw the instruction; and that, without any the least responsibility, you are at perfect liberty to consider it withdrawn. It is not for me to instruct, but to derive instruction from you, in every thing connected with the military art; and you know as well as I that no principle is better settled than the one which justifies disobedience to positive orders under a change of circumstances. I say that the instruction had its origin singly in a falsehood, imposed upon your Government by its own agent, and that, but for that falsehood, the instruction would not have been given. You have the proof in common sense, and in the documents and evidence connected with the late disturbances. If you want more proof, look into the gazettes of yesterday, where you find a council of hostile Indians, assembled by the agent, proclaiming by acclamation his innocence of the death of McIntosh, because that death followed, not from the survey, but the law of the nation. Your Government is informed by the agent that the hostile Indians are in array against us, because the Government of Georgia interfered to procure the consent to the survey. The same Indians testify to the falsehood of the declaration; and the dilemma is, that, if the agent is to be believed in the one case, the Indians cannot in the other. You see, therefore, sir, plainly the result: the Government of the United States, identifying itself in all things with the agent, assumes for granted what is false, and issues, in consequence thereof, a peremptory order to this Government to forbear an act which it feels it is its right, and its duty and interest to perform. The falsity is made known to the officer instructed to carry that order into effect; the officer feels it to be his duty to proceed in the execution of the order, notwithstanding the change of circumstances which produced it. On the part of the Government of Georgia, the will of its highest constituted authority has been declared, upon the most solemn deliberation, that the line shall be run and the survey executed. It is for you, therefore, to bring it to the issue; it is for me only to repeat that, cost what it will, the line will be run and the survey effected. The Government of Georgia will not retire from the position it occupies to gratify the agent or the hostile Indians; nor will it do so, I trust, because it knows that, in consequence of disobedience to an unlawful mandate, it may very soon be recorded that "Georgia was."

Suffer me to say, also, that your Government has acted very precipitately and unadvisedly in this affair. After receiving notice of my intention to make the survey, it interposed no objection, though it had time to do so. A considerable interval elapsed, and it receives false information from the agent, upon which it issued its peremptory order. Soon after, it receives further false information from the same agent; upon which it issues other orders confirmatory of the first, and which you seem to consider final.

But for my direct and active interference, hostilities would have immediately followed the death of McIntosh, and of a character so inveterate as to put at defiance any interference whatever, even on your part. Your power, not your influence, might have been availing, to be sure; but your power was not here; and for preserving this peace you know what a respectful testimonial I have of the thanks of your Government, couched in most delicate and complimentary terms.

The suggestions you make in derogation of our claim to participate in the construction or execution of the treaty, giving to that suggestion its utmost force, is merely that we are not nominally parties to the treaty; whilst the answer to it is, that we are party in interest deeper tenfold than they who appear upon the paper; and that the paper, in virtue of another paper to which we are parties, both nominally and in interest, passed a vested right of soil and of jurisdiction to Georgia, which none but the great Jehovah can divest.

You will be pleased to understand that there is no inclination here to urge hastily either the survey or the running of the line, so as to interfere in the least with the measures to be taken to pacify and tranquilize the Indians. On the contrary, all the facilities we can give for this object will be readily afforded; but it is believed that, in reasonable time, this happy result can, with wise and prudent measures, of which your special agent was advised yesterday, be easily accomplished; but never to be accomplished, if the condition of that accomplishment be the abandonment of the survey and running of the line.

What, in our verbal conferences, had been promised, is now repeated—that the military requisitions, which, in compliance with your instructions, you may think proper to make upon the Government of Georgia, will be promptly attended to, and the force placed under your command with the least possible delay. The implicit reliance in your high sentiments of honor is my sufficient security that that force, if it could, will in no event be employed against us.

With great consideration and regard,

G. M. TROUP.

Major General EDMUND P. GAINES, *Commanding, &c.*

General Gaines to Governor Troup.

SIR: HEAD-QUARTERS, EASTERN DEPARTMENT, MILLEDGEVILLE, GA., June 16, 1825.

In acknowledging the receipt of your excellency's letter of yesterday evening, I hasten to assure you that, in whatever I have said, verbally or in writing, as to the prospect of evil consequences, or the impolicy of entering upon the late ceded land, and of the survey in question, before the Indians can be required to depart therefrom, I have not permitted myself to be influenced by any statements from Colonel Crowell, the agent, though by no means prepared to condemn that officer without a hearing: on the contrary, my impressions were the result of many years of attentive observation and experience, in official and unofficial intercourse, with the southern and western Indians, added to a knowledge of the construction which the treaty had received from the President of the United States.

These impressions lead me to the conclusion that the proposed surveys, with the consequent influx of white men, strangers to the Indians, during the existence of the feuds among them, would not fail to fan the flame of discord that has already produced so much mischief amongst them. I cannot but regret the difference of opinion between us upon this subject; and that it should have called forth any feeling or expression of controversy is still more to be regretted.

Having no doubt that you will, in due time, hear from the proper Department of the General Government, fully and satisfactorily, upon the subject of your letter generally, I take this occasion to tender to you my acknowledgments for the promptitude and frankness with which you have furnished me with the information you had obtained in respect to the late disturbances on the frontier, and with which you have given me assurance of your readiness to co-operate with me in the discharge of the important duties to which my attention is called. Although there is much reason to hope that the spirit of hostility among the Indians may be restrained, and that peace may be restored between the contending parties; and, moreover, that the frontier may be rendered secure, without a resort to further bloodshed; yet, as the desired objects may be facilitated, and more effectually secured, by preparatory measures for coercion, I have to request that your excellency will be pleased to order a detail from the militia or volunteers of Georgia, to consist of two complete regiments, one of cavalry and one of infantry, to be

held ready to assemble at a moment's warning. Arms, ammunition, and subsistence will be provided at the agency, or at some other suitable point upon the frontier, where it may become necessary to assemble the forces; of which due notice will be previously given.

With great regard and consideration, I have the honor to be,

EDMUND P. GAINES, *Maj. Gen. Commanding.*

P. S. Pardon my scrawl; I am in haste, and have no officer to make a fair copy.

E. P. G.

His Excellency Governor TROUP.

General Gaines to Governor Troup.

TUESDAY MORNING, June 16, 1825.

* * General Gaines will take an early occasion to advise Governor Troup of the result of the intended conferences with the Indians. General Gaines salutes Governor Troup with esteem and respect.

Governor Troup to General Gaines.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 16, 1825.

In compliance with your requisition of this morning, I have issued orders to hold in readiness two regiments for your service; and have taken measures, as I promised, to furnish as large a proportion of volunteers, infantry and cavalry, as can be conveniently assembled.

Captain Harrison's troop of cavalry is placed under your orders.

With great consideration,

G. M. TROUP.

Major General EDMUND P. GAINES, *Commanding, &c.*

Governor Troup to General Gaines.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 18, 1825.

The commissioners appointed, under the authority of the Legislature, to examine into the causes of the recent disturbances in the Creek nation, and more particularly into the conduct of the agent, as connected with them, will make you acquainted with my instructions. Having, like yourself, no other object than the development of truth, no doubt is entertained that they will receive your confidence, and that, by concert and co-operation, such aids and facilities may be afforded as would be desirable to you. They are particularly charged not to interfere in any deliberations or negotiations which the United States may hold with the Indians for other objects, unless solicited so to do by yourself.

From what has occurred, it is highly important that this Government should be represented at the council to be held at Broken Arrow on the 25th. The many inconsistencies in the conduct of the Indians to be explained and reconciled, and their recent convocation by the agent, for the purpose of repelling charges made against him by the Governor of this State, at the instance of the Government of the United States, make it indispensable for the attainment of truth and justice that the commissioners should be present there. If for this purpose it should be thought advisable to take with them some of the friendly chiefs, who are deeply interested in vindicating their character against reiterated attacks upon it by the hostile party, it is hoped that this likewise will meet your concurrence, and that they will be placed under your safeguard and protection.

With great consideration and respect,

G. M. TROUP.

TO EDMUND P. GAINES, *Major General Commanding.*

General Gaines to Governor Troup.

SIR:

HEAD-QUARTERS, EASTERN DEPARTMENT, INDIAN SPRINGS, June 22, 1825.

I have to acknowledge the honor of your excellency's letter of the 18th of the present month, in reference to commissioners appointed under the authority of the Legislature of the State of Georgia, to examine into the causes of the recent disturbances in the Creek nation, and more particularly into the conduct of the agent connected with them.

In reply, I have to observe, that, however much I might be aided by the experience, talents, integrity, and honor of the commissioners referred to, on the part of the State of Georgia, I do not feel myself authorized, without new instructions from the Department of War, to comply with the demand contained in their letter of yesterday's date, "to be admitted to a full and free participation of the council of Indians."

The council will be assembled for the purpose of enabling me to discharge important duties confided to me by the Government of the United States, and of which your excellency has been apprized. The Indians appear disposed to yield to the just and pacific views of the President; but they are still laboring under some delusion and excitement. This would be increased, rather than diminished, by adding to the number of individuals by whom they are to be addressed, or by any addition or multiplication of the matters of controversy to which their attention may be called.

I am fully authorized and instructed by the Government of the United States to protect the friendly Indians; to mitigate their calamitous condition; and, in the event of hostilities having ceased on the part of the opposite party, to restore harmony between them. Hostilities have indeed ceased, and I have received satisfactory assurance of an earnest desire on the part of the chiefs of both parties to remain at peace with each other, as well as with the United States. It becomes my duty, therefore, to make peace upon just principles, and, consequently, to avoid an Indian war.

My impression of the high responsibility of the high trust reposed in me suggests clearly the propriety of my having the entire control of every individual white man allowed to address the council; and that I should, moreover, have the control of every expression uttered to the council by any citizen or officer of the United States.

Without such control, our council, on both sides, might be involved in confusion; and the benevolent objects of the Government intrusted to me might, by my improper acceptance of the proposed participation, be defeated. To avert an evil so pregnant with mischievous consequences to the Creek nation, to the peace and honor of my country, and to my own reputation, I must decline the demand of the Georgia commissioners.

Should I be instructed by the proper authority to recognise the proposed co-operation of the Georgia commissioners, I shall take great pleasure in serving with them.

My whole duty as a public officer is comprised in one single word, which suggests the propriety of the course pursued by me upon this occasion, and that word is *obedience*—obedience to the laws and authorities placed over me.

I renew to your excellency assurances of my respectful consideration.

EDMUND PENDLETON GAINES,
Maj. Gen. U. S. Army Commanding.

His Excellency GEORGE M. TROUP, Governor of Georgia.

General Gaines to Governor Troup.

SIR: HEAD-QUARTERS, EASTERN DEPARTMENT, CREEK NATION, July 1, 1825.

I had promised myself the pleasure of sending you a detailed account of my conference with the Indian council at this place by this day's mail; but the mail is on the point of closing, and my account is not ready.

I have therefore only to say, that the council here promised to be peaceable, and to settle their differences with the friends and followers of General McIntosh upon just principles.

They protest against the treaty.

They refuse to receive any part of the consideration money, or to give any other evidence of their acquiescence in the treaty. But they have, in the strongest terms, deliberately declared that they will not raise an arm against the United States, even should an army come to take from them the whole of their country; that they will make no sort of resistance, but will sit down quietly, and be put to death where the bones of their ancestors are deposited; that the world shall know the Muscogee nation so loved their country that they were willing to die in it rather than sell it or leave it.

This was their mode of expression, as interpreted in presence of Benjamin Hawkins, and several other interpreters, who were instructed to state whether or not the public interpreter did his duty.

The council, fully attended, has thus appealed to our magnanimity; an appeal which never can be unavailing when addressed to citizens of the United States.

With great respect, I have the honor to be,
EDMUND P. GAINES, Maj. Gen. Commanding.

To Governor TROUP.

Governor Troup to General Gaines.

SIR: EXECUTIVE DEPARTMENT, MILLEDGEVILLE, July 4, 1825.

I had the honor to receive your letter of the 1st instant this morning, for which be pleased to accept my thanks.

How does the obstinate refusal to remove consist with the universal consent given at one time to the treaty at the Springs, with the exception of the Tuckaubatchees; or with the report made by Hamby to Colonel Williamson, that he had the yea or nay in the matter, and by the authority of these same people; or with the placid content and good feeling for McIntosh, manifested in their talk to Colonel Lamar? &c. I much fear that this ardent love of country is of recent origin; we can scarcely believe that the *amor patriæ* is all upon the one side, and that side the hostile one. Will you not be able to discover, in the course of your investigation, that every thing has been said and done by white men to prejudice them against their new home? It is, indeed, a pity that these unfortunate men should be the dupes of the most depraved of our own color, and so far the dupes as to be made to act in direct repugnance to their own best interests; it is more to be lamented that the impostors and knaves cannot be dragged from their hiding-places and punished. Presupposing these unhappy people to continue blind and obdurate, the utmost which your Government can do, in the spirit of magnanimity and forbearance, will be to relinquish the benefit which would result to it from the execution of the treaty, and guaranty to them, for their permanent home, the lands west of the Georgia line. If the Cherokees continue to conduct themselves in like temper, the like provision may be made for them. But how will this accord with the recent policy adopted by the United States, or with the substantial and lasting interests of the Indians? In every estimate of humanity, it would be better that this deceitful charm, by which they are bound, should be broken and dispelled; that, after adjustment and reconciliation of differences, the entire body should move without sorrow to the country allotted to them. I am persuaded that no efforts of yours will be unessayed to accomplish this most desirable and holy end—holy I say, because it is the only one that can consist with their peace, safety, and happiness. Pardon me for throwing out these hasty and desultory reflections; they have, no doubt, already presented themselves to your own mind.

Presuming that the followers of McIntosh, who almost exclusively occupy the Georgia lands, will remove; and that, in their present unsettled condition, it would be very desirable to them to do so, whilst it would save to the United States the expense of their maintenance and support here, I would feel myself obliged if, consistently with your duty, you would give every encouragement to such dispositions.

With great consideration and regard,

G. M. TROUP.

EDMUND P. GAINES, Maj. Gen. Commanding, Fort Mitchell.

General Gaines to Governor Troup.

SIR:

HEAD-QUARTERS, EASTERN DEPARTMENT, FLINT RIVER, July 10, 1825.

The excessive heat of the weather, added to the many inconveniences and interruptions which I have daily encountered in the course of my visit to the Creek nation, has deprived me of the pleasure of writing to your excellency as often, or as fully, as I have been desirous of doing.

I have now the honor, without entering into details that could afford but little interest, to communicate to you the result of my conferences with the Creek Indians.

After meeting in this State the chiefs of the McIntosh party, and hearing their respective statements, with the evidence for and against each party, I have urged them to an adjustment of differences; to which they have mutually assented.

The McIntosh party demanded retaliation for their fallen chiefs, with the immediate restoration of property taken or destroyed. Their demands were founded upon the eighth article of the treaty of February last, which promises, on our part, protection "to the emigrating party" against the whites and all others; which party they (the followers of General McIntosh) assume themselves exclusively to be.

Whether this provision of the treaty was, or was not, intended to protect the Creek Indians against themselves, or to protect a comparatively small part of them against the main body of the nation, were questions which I was happily not called upon to decide; as, in the event of hostilities having subsided, my instructions simply required me to make peace upon just principles, and to require the complainants, as well as the opposing party, to abstain from acts of retaliation or violence.

The reputed hostile party consists of all the principal chiefs, and of nearly forty-nine fiftieths of the whole of the chiefs, headmen, and warriors of the nation; among whom I recognise many who were in our service during the late war, and who, to my certain knowledge, have been for twenty years past (and I think they have been at all times) as friendly to the United States as any of our Indian neighbors could have been known to be. I met them at Broken Arrow, the usual place of holding the great council of the nation; I could not, therefore, but view the supposed hostile party as in fact and in truth the Creek nation, and altogether free of the spirit of hostility ascribed to them.

I have received from them, in council assembled, the most deliberate assurance of their determination to be peaceable and friendly towards their absent people, as well as towards the United States. They regretted the necessity which, they contend, existed for the strong measures they adopted against General McIntosh and others, who, they affirm, forfeited and lost their lives by having violated a well-known law of the nation.

They have engaged to restore all property taken, and to pay for all that has been destroyed contrary to law; and they have promised a reasonable time to those who have borrowed and run off with money out of their national treasury to reimburse the same.

The council strongly and unanimously objected to the late treaty, as the offspring of fraud, entered into contrary to the known law and determined will of the nation, and by persons not authorized to treat.

They refuse to receive any part of the consideration money due under the treaty, or to give any other evidence of their acquiescence in it.

In conclusion, they expressed the hope that their white friends would pity their deplorable condition, and would do them the justice to reconsider and "undo that which has been wrongfully done."

I have, pursuant to my instructions from the Department of War, endeavored to convince the council, but without success, of the fallacy of their objections to the treaty, and to dissipate their delusive hopes that it can ever be annulled.

I have assured them that, in all our treaties with the Powers of Europe, as well as with near fifty Indian nations, there has not been one instance, to my knowledge, of a treaty having been revoked or annulled, after being duly ratified, except by the free consent of all the parties to it, or by war.

I yesterday met in council, near Joseph Marshall's ferry, the chiefs of the McIntosh party, and communicated to them the proposition of the council at Broken Arrow; to which they have assented.

The chiefs of both parties have solemnly and distinctly assured me that they will remain at peace with each other, and that they will in no case raise an arm against the citizens of the United States. Under these circumstances, it is my duty to notify your excellency that there will be no occasion for calling into service any part of the militia or volunteers of the State over which you preside.

The certificate, of which I enclose herewith a copy, (marked A,) added to the declarations of the chiefs in council, of whom Joseph Marshall was principal and interpreter, proves that your excellency has been greatly deceived in supposing that the McIntosh party ever consented to the survey of the ceded territory being commenced before the time set forth in the treaty for their removal.

This fact, giving altogether a new aspect to the subject of the proposed survey of the land, added to a strong conviction on my mind that the attempt to make the survey would be a positive violation of the treaty, and will, under existing causes of excitement, be certain to produce acts of violence upon the persons or property of unoffending Indians, whom we are bound to protect, it becomes my duty to remonstrate against the surveys being commenced until the Indians shall have removed, agreeably to the treaty. I cannot doubt that the facts disclosed by the accompanying certificate, with the concurrent testimony of the chiefs in council, to which I have adverted, will induce your excellency, without hesitation, to abandon the project of surveying the land before the month of September, 1826.

This would be particularly gratifying to me, as it would relieve me of the painful duty of acting not in concert with the venerated authorities of an enlightened and patriotic member of the United States, to whom I stand pledged by every principle of honor, under the solemnity of an oath, to serve them honestly and faithfully.

With great consideration and regard, I have the honor to be your obedient servant,

EDMUND P. GAINES,
Major General United States Army, Commanding.

His Excellency GEO. M. TROUP, Governor of Georgia.

A.

Certificate enclosed in the preceding letter.

We certify that we accompanied the express from Governor Troup to General McIntosh, conveying the request that he would allow the survey of the land acquired by the treaty at the Indian Springs to be immediately com-

menced. General McIntosh replied that he could not grant the request, but would call the chiefs together, and lay it before them; which was never done.

WILLIAM EDWARDS,
JOSEPH MARSHALL.

AT PORTESS, UPSON COUNTY, July 9, 1825.

I certify that this is a correct copy of the original certificate, signed in my presence.

E. G. W. BUTLER, *Aid-de-Camp*.

Governor Troup to General Gaines.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, July 16, 1825.

I have only a moment left to say one word in answer to that part of your letter I had the honor to receive yesterday which relates to the assent given by McIntosh to the survey of the country. The certificate of Marshall, no matter how procured, is one of the most daring efforts that ever was attempted by malignant villany to palm a falsehood upon credulity. Now, sir, that you may be at once undeceived with regard to this trick which has been played off by somebody, I have to assure you that, independently of the assent three times given by McIntosh, under his own hand, which I have in my possession, this same man (Marshall) has repeatedly declared to me that there was not a dissentient voice from the survey among the friendly chiefs. All the chiefs I have seen have uniformly declared the same; and so they have declared to others, both in and out of council; and for this you have my word of honor, and may have my oath. I very well know, from the late events which have transpired under the eyes of the commissioners, that the oath even of a Governor of Georgia may be permitted to pass for nothing, and that any vagabond of the Indian country may be put in requisition to discredit him; but I assure you, sir, if that oath should not weigh one feather with your Government, it will weigh with the people of this State, who, so far as I have a knowledge of their history, have never refused credence to the word of their Chief Magistrate, and I believe will not to the present one, unworthy as he may be. Permit me to say, in frankness, that I do not like the complexion of things at all as disclosed by the commissioners on the part of the State, and sincerely hope that you may never have cause to regret the part you have taken in them. Every prepossession here was in your favor, and it would have given me great pleasure to cherish it in behalf of an officer who had rendered signal service to his country through many a perilous and trying scene.

Very respectfully, your obedient servant,

G. M. TROUP.

EDMUND P. GAINES, *Maj. Gen. Commanding, Indian Springs.*

General Gaines to Governor Troup.

HEAD-QUARTERS, EASTERN DEPARTMENT,

SIR:

INDIAN SPRINGS, July 28, 1825.

I have to acknowledge the honor of your excellency's letter of the 16th of this month, by which it appears that you had "only a moment left to say one word" in answer to mine of the 10th.

Your one word, comprehending, however, two pretty closely written pages, coming as it does from the Chief Magistrate of an enlightened and patriotic member of the United States, demands my attention.

Not being disposed, however, to follow your example as to *time*, I have permitted your letter to lie on my table for a week past, in the expectation that a little reflection would suggest to you the propriety of correcting some expressions, apparently hasty, and calculated to call forth an answer partaking of the climate and heated atmosphere in which I find myself; against which it has been my constant purpose to guard: but your letter having made its appearance in a newspaper just now handed to me by a friend, I can no longer see the propriety of withholding a reply. You say, "The certificate of Marshall, no matter how procured, is one of the most daring efforts that ever was attempted by malignant villany to palm a falsehood upon credulity." "*No matter how procured!*" I will first state to you the manner in which that frightful certificate was "procured," and then proceed to show that its "daring" character consists in its *truth*, and its direct tendency to expose, in part, the "*malignant villany*" which has been extensively practised on the credulity of many of the good citizens of Georgia and other States, in reference to the Indians and the treaty. The facts contained in the certificate in question were voluntarily, and to me unexpectedly, communicated by Mr. William Edwards and Joseph Marshall, whose signatures it bears.

Of the character of William Edwards, who is a citizen of this State, I have had no means of knowing much personally. He has been represented to me by Colonel Brodnax of Pike, and by Colonel Phillips of this county, as a man of *truth*—poor, but honest and upright; a description of character applicable to a large class of the inhabitants of this and other parts of our western border, in whom I have usually found as much devotion to truth as in any other class of American citizens.

Joseph Marshall is personally better known to me. He is a Creek half-breed, and is deemed to be a good interpreter; and however deficient, as I know he is, in education and refined moral sentiments, such as have obtained the sanction of civilized society, I have no doubt that he is one of the most upright chiefs that ever belonged to the *little treaty-making party*. Neither of these men, Edwards or Marshall, appeared to me at all qualified for what you denounce their certificate to be—"the most daring effort that ever was attempted by malignant villany."

Their statements were simple, and apparently unprejudiced and unimpassioned; they were made after the principal business of the council had been brought to a close, and in the presence of many of the respectable citizens of Pike county.

Convinced of the propriety of all my duties with the Indians being performed in *open day*, and in the presence of as many as would attend of all States and of all colors, I took care that the certificate should be taken and explained in presence of the council, and of all others who had seen fit to attend.

I had no secret project to promote, nor any "*secret griefs*" to remedy, or secret hopes to gratify; and, consequently, had no occasion for separating the chiefs, or for secret examination.

The certificate was written as it was dictated (as I believe, word for word) by my aid-de-camp, E. George Washington Butler, a young officer of accomplished military education and talents, with unbending integrity and spotless honor; and who is as incapable of giving countenance to a *trick* or *misrepresentation* as was the beloved Father of his Country, with whose name he is honored, and whose patriotism and virtue he constantly scrupulously imitates.

Having thus explained to you the means employed to obtain the certificate in question, for which I hold myself responsible, I have now to remark, that, although I have never entertained a doubt that you were deceived into a belief that General McIntosh had consulted the few chiefs of his party, and had obtained their assent in council to the immediate survey of the ceded land, yet I have found no satisfactory evidence of such council, consisting of the chiefs of the ceded territory, having ever acted at all upon the subject. And it is apparent from McIntosh's letters, "*no matter how procured*," (I will offer no apology for making use of your excellency's pregnant phrase,) or by whom written, that he himself considered the permission to survey as merely conditional. But I contend that neither General McIntosh nor his *vassal chiefs* had any right to give such permission; for the treaty, "*no matter how procured*," had become a *law of the land*; its provisions could not, therefore, be changed or rendered inoperative by any correspondence, or any subsequent agreement, between your excellency and any part or the whole of the individuals of one of the contracting parties, without the consent of the other.

The treaty makes it our duty to protect the Indians against the whites and all others. To protect them from the whites, it is necessary and proper that we should maintain the usual line of demarcation between them and the whites.

I am charged with their protection.

To accomplish this important duty, my first object has been to take effectual measures to prevent all intercourse between them and the whites, excepting only such as is sanctioned by the laws of the United States.

You say, "I very well know, from the late events which have transpired under the eyes of the commissioners of Georgia, that the oath of a Governor of Georgia may be permitted to pass for nothing, and that any vagabond of the Indian country may be put in requisition to discredit him; but I assure you, sir, if that oath should not weigh a single feather with your Government, it will weigh with the people of this State, who, so far as I have a knowledge of their history, have never yet refused credence to the word of their Chief Magistrate." To this apparently very serious, but certainly very vague charge, I cannot undertake to reply, until you do me the favor to give me some specifications of the matters-of-fact to which you have referred.

I will, however, take this occasion to remark, that, whatever statements you may have received in support of the insinuation apparently contained in your letter, that I have called in question, or even put any person in requisition to call in question, the oath or the word of a Governor of Georgia, during his continuance in office, are wholly destitute of truth. I have, indeed, believed, and have expressed to you my belief, that you have been greatly deceived by persons in whose honor you have placed reliance, but who were unworthy of your confidence. But I am by no means disposed to yield my tacit assent to the high-toned rule of English law which your remarks just now quoted call to mind, that "the King can do no wrong." Truth is a divine attribute, and the foundation of every virtue. "Truth is the basis of all excellence." This inestimable moral treasure, *truth*, is to be found in the cottage as well as in the *palace*, at the plough as well as at the official bureau of state.

Many of the unfortunate wanderers of the wilderness and its borders are as firm votaries of truth as any men I have ever known. Some of them, who have been unfortunate in business, and whose regard to truth and honesty induced them to give up the last dollar justly due to their creditors, had they regarded money a little more, and *truth* a little less, might have *failed full-handed*; and now, instead of being reduced to the condition of despised poverty, would wanton in the luxuries of plundered wealth. It is no longer possible in America to make freemen believe that the "King (or he who governs) can do no wrong."

The enlightened citizens of the republic have long since found it to be fruitless to look for *angels* in the form of *men* to govern them, and know full well how to discriminate between the *high office* and the *man* who fills it.

Your excellency will, I doubt not, always receive a degree of respect, proportioned at least to that which you are wont to bestow on other men in office: more than this could not be expected; less than this would not be just. That a great number of the citizens of Georgia are magnanimous, just, generous, and chivalric, I well know; and that they are disposed to do justice to their Chief Magistrate, I am equally convinced; nor can I doubt that they will do equal justice to their *United States* as well as their *State officers*.

I rely upon the wisdom, justice, and patriotism of at least nine-tenths of those with whom I have the pleasure of an acquaintance, many of whom are cultivators of the land; to which class, in this and every other State in the republic, I look up with confident pleasure and pride, as they form the adamantine pillars of the *Union*; against which the angry vaporing paper squibs of the *little* and the *great demagogues* of all countries may continue to be hurled for hundreds of centuries, without endangering the noble edifice. This beloved monument of American wisdom, and valor, and virtue will stand unshaken, when the disturbers of its infantile repose will be remembered to be pitied or execrated.

The good people of Georgia, I am well aware, are anxious to obtain possession of the land upon their western border; but they would abhor the idea of fraudulent or lawless means being resorted to, to treat for, or, after treating, to obtain possession of it, before the time authorized by treaty. And I am well convinced that the President of the United States is as sincerely desirous as any upright citizen of Georgia can be, that the Indian claims to the lands within her limits should be speedily extinguished, and that the Indians should remove therefrom as soon as they can justly be required to remove; but he owes them *protection* and *justice*, and both will be extended to them.

It is not to be denied that there is in Georgia, as well as every other State, a small class of men, who, like the "*Holy Alliance*," profess to employ themselves in the laudable work of enlightening and governing all other classes of the community, but whose labors consist of the vain and "*daring efforts*" to prove that the light of truth is to be found only with the party to which themselves respectively belong, and that all others go wrong. If you will take the trouble to read the newspaper essays with which the presses have been teeming for some years past, you will find that many of the essayists have had the hardihood to "*refuse credence to the word of their Chief Magistrate*," and yet we have no reason to despair of the republic.

You say, "I do not like the complexion of things at all, as disclosed by the commissioners on the part of the State, and sincerely hope (you add) that you may never have cause to regret the part you have taken in them." Permit me then, sir, to conclude with a sincere hope that the commissioners, with whose report I am thus menaced, may prove by their conduct that they belong not to the aforementioned *one-sided enlightening* class; should their report be found to contain *truth*, the *whole truth*, and *nothing but the truth*, your excellency may dismiss your apprehensions felt on my account, as I have nothing to apprehend. But if your report be not true, I can say only that the tongue and the pen of calumny can never move me from the path of duty, nor ever make me regret the course pursued by me, in respect to the Indians or the commissioners, the State or the United States.

In tendering to your excellency my acknowledgments for the prepossession in my favor of which you speak, and which you say would have given you "*pleasure to cherish in behalf of an officer who had rendered signal services to his country*," permit me to observe, that the approbation of my countrymen is more dear to me than any earthly treasure they could bestow, save that of an assured devotion to the republic: if, indeed, it be in my power to win that approbation by a faithful discharge of my duty as a public officer and as an honest man, I have long endeavored thus to win it. My best efforts are constantly exerted to ascertain the direct and proper course of duty prescribed

by law, and justice, and honor; and to pursue that course without any regard to consequences. But I have seen, of late, with regret, that it is scarcely possible for an officer of the General Government to differ with you in opinion without incurring your uncourteous animadversion or your acrimonious censure, neither of which shall ever induce me to forget what is due to myself, or the venerated station you fill, and the relation in which you stand to the General Government, in whose service I have the honor to be placed.

Wishing you health and respect, I have the honor to be,

EDMUND P. GAINES, *Maj. Gen. Commanding.*

To His Excellency GEORGE M. TROUP, *Governor of Georgia.*

Governor Troup to General Gaines.

SIR: EXECUTIVE DEPARTMENT, MILLEDGEVILLE, August 6, 1825.

A letter purporting to be yours, which appeared in the last Georgia Journal, and having every characteristic of an official one, could not fail to attract my attention. Immediately, therefore, on my return to this place, inquiry was made at the Department for the original, and I learned, with surprise, that none such had been received. The proper means were then resorted to, to ascertain the authenticity of the published letter; and, having been satisfied that the same was in your proper handwriting, I have lost no time to direct you to forbear further intercourse with this Government. Having thought proper to make representations of your conduct to the President, I have ordered you to be furnished with a copy of every letter written on your subject, and which will reach you in due time. Any communication proceeding from the officer next in command in this military department will be received and attended to.

G. M. TROUP.

E. P. GAINES, *Major General Commanding, Indian Springs.*

Governor Troup to T. P. Andrews.

SIR: EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 14, 1825.

In the conversations held with yourself and General Gaines, in relation to the objects of your mission, you were pleased to express a desire to receive from myself any views or suggestions which might usefully contribute to the results which were most desirable. These, in passing, have been hitherto frankly given. As it is determined that one or both of you will proceed to attend the convention of the Indians about to be holden at Broken Arrow and the Indian Springs, it becomes my duty to disclose to you, in a special manner, the opinions entertained of this first and most important movement, so that, if miscarriage follow, the councils of Georgia will share in no degree the responsibility of that miscarriage. It is known to be one of your objects to elicit from the convention the truths connected with the late and present disorders in the nation—a development which the councils of Georgia cannot fail to regard with very deep concern; it has been more than once asked of you, therefore, if, preparatory to this movement, it did [not] seem to you as indispensable to suspend the agent from his functions under the authority vested in you by your Government. The answers given have been received with pain and regret, because they indicated an intention to forbear the exercise of the power, at least for the present; whilst it is plainly foreseen that the present is the only moment at which the exercise of it would be of any value to you, or to us, in the fulfilment of the objects of your mission, and for this very obvious reason: the agent, in virtue of his official power, exercising a controlling influence over one portion of the nation, has already assembled that portion; and you see in the morning's paper by what a formidable and imposing array of chiefs he stands exculpated and acquitted.

Now, sir, I appeal to your good sense to inform me of what avail will be the contemplated convocation and catechising of the Indians, the agent holding to his commission and wielding his accustomed powers? Is it to be believed that, under like circumstances, they will reconsider their minutes and alter their verdict? Not so. In matters even of this kind, they have sagacity and shrewdness, and a decent regard for the opinions of the world. Not doubting that your object is the ascertainment of truth, it is hoped that you will suffer no obstacles to impede your course to it; the most formidable of all stands directly in your way. It is impossible that the faintest ray of light can reach you, when it is known that, in despite of all that has transpired of crimination, of investigation, of evidence, and of exposure, the agent is present to the Indians in his robes of ermine, yet sustained by the Government of the United States as if his purity were spotless and his name unsullied; the same in authority as he always has been; the same whom they behold in prospect to be their leader through new trials, their counsellor in evil times, and the supreme director of their destinies in all times. Can it be presumed that, under such circumstances, the Indians will speak to you without restraint? The documents of incontestable authority prove to you that they will not. No, sir; the way to the accomplishment of the ends of your mission is open—suspend the agent; make atonement to the friends of McIntosh for the blood shed by the guilty instruments of white men; restore the friendly chiefs to their political rank and power; and, my word for it, you will find truth, (and enough of it for every purpose,) peace, reconciliation, and union.

With great respect and esteem,

G. M. TROUP.

T. P. ANDREWS, *Special Agent.*

Governor Troup to T. P. Andrews.

SIR: EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 13, 1825.

In compliance with a resolution of the Legislature of the State of Georgia, I place you in possession of the report of a committee, the resolutions which follow, and the evidence which supports them, in the case of the agent for Indian affairs, whose conduct in connexion with the late disturbances in the Creek nation has been recently a subject of investigation before that Legislature.

Very respectfully,

G. M. TROUP.

T. P. ANDREWS, *Special Agent U. S., Milledgeville, Georgia.*

T. P. Andrews to Governor Troup.

SIR:

CREEK AGENCY, FLINT RIVER, June 18, 1825.

I have the honor to acknowledge the receipt of your excellency's letter of the 13th instant, accompanied by a copy of the evidence against the Indian agent, taken before the committee of the Legislature.

I have not yet received an official copy of the documents promised in your letter of the 31st May. I take the liberty of urging your excellency to furnish me with them as early as possible. I avail myself of this opportunity to call the attention of your excellency, in an especial manner, to the necessity of furnishing the agent of the General Government, as speedily as possible, with any additional testimony which you wish to offer against the Indian agent. I hope to get through the examination of the evidence offered, and to be offered, by the agent, to rebut that with which I have already been furnished, in about three weeks. The urgency, indeed necessity, of having any additional testimony which may be offered against him by that time, or as soon thereafter as possible, will be apparent; as a fair examination must form the wish of your excellency, as it does that of the President and of the Secretary of War.

I have also to acknowledge the receipt of your communication of the 14th instant, which was handed to me at the moment of my departure for this place from Milledgeville. I am, perhaps, unfortunate in entertaining different opinions of the matters to which it relates, and particularly as to the importance, the justice, or necessity of suspending the agent, under present circumstances.

After an attentive examination of the testimony taken by the committee, and some already shown to me by the agent, and as no specifications have been presented, I did not think that the suspension was demanded on the grounds contemplated in my letter of the 31st of May, and by the Government. I did think, the determination of the General Government and of its agents being, as your excellency has very justly remarked, "the ascertainment of truth," that the presence or absence of the Indian agent at any place, or under any circumstances, would be immaterial in the fulfilment of that determination. I had a hope, also, that, as your excellency is seen to speak in doubting language of all guilt of that officer in your message of the 3d instant, being after the date of your charges against him; that, as he has been acquitted generally of one of the charges by the adopted report of the Legislature; having still the appalling influence and power of the executive and legislative branches of one Government against him, and that, too, on testimony avowedly *ex parte*, he would not have to complain, during his trial, of any acts on the part of another which might appear to partake of oppression.

Your fixed opinion as to the necessity of his suspension, and the manner in which that opinion is communicated, will compel me to that course, in courtesy, and to convince your excellency and the people of Georgia that the General Government is determined not to suffer even a supposed difficulty to be in the way, and to leave no course untried which may elicit the free and unbiassed testimony of all persons: this, even towards a man who has not been, so far as the investigation has been pursued by the authorities of Georgia, "informed of the nature and causes of the accusation," or "confronted with the witnesses against him," or had "compulsory process for obtaining witnesses in his favor," as required by the sacred instrument which guards the rights of all.

I observed, before leaving Milledgeville, that parts of the testimony taken before the committee of the Legislature had been published in the newspapers, and it was currently reported the balance was to be shortly made public.

The Indian agent being an officer of the General Government, I presume (and from expressions adopted by the Legislature) that the main object of the examination was to place the General Government in possession of the evidence. If such is the fact, your excellency will not, I feel assured, think it improper in me, as the agent of the General Government, to remark, that I trust you will consider it as due in courtesy to the General Government, and in justice to the party accused, that the evidence taken by the committee, and now in the official charge of your excellency, avowedly *ex parte*, should not be spread before the public, and public opinion thereby forestalled, before the agent has had an opportunity of defending himself, or the General Government an opportunity of examining the evidence adduced by either party. The frankness which your excellency has uniformly invited, emboldens me to make the suggestion for your consideration.

With the highest respect and consideration, I remain your excellency's most obedient servant,
T. P. ANDREWS, *Special Agent.*

To His Excellency GEO. M. TROUP, *Governor of Georgia, Milledgeville.*

Governor Troup to T. P. Andrews.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 20, 1825.

I have this moment received your letter of the 18th instant, dated at the Creek agency. The printing of the documents and evidence having relation to the disorders in the nation, and to the charges exhibited by this Government, will be completed, it is understood, in the course of the day; so that a copy will be forwarded for your use in the course of to-morrow.

The commission authorized by the Legislature to take further testimony, will, for that purpose, proceed forthwith to the nation, and under orders to make all possible despatch.

You have widely mistaken me if you believe that any disposition exists here to withhold from the agent the most ample means of justifying himself to his Government, much less any desire for the performance of an act on your part that would savor of oppression; on the contrary, this Government desires that the fairest opportunity shall be afforded the accused of profiting of every description of testimony which may be available for his complete vindication, free from any obstacles or embarrassments which it might have the power to interpose. It was in this spirit that my instructions to the commissioners were draughted; and although it was known that the agent had disclaimed the authority of the Government of Georgia to interfere, and that, therefore, there was little probability of his seeking the benefit of a particular instruction, nevertheless an instruction has been given, which will admit him at his pleasure to be present at the investigation on our part, and to exercise the right of cross-examination freely. Moreover, I can add, with great sincerity, that it will give me pleasure at any time to contribute aids and facilities to his defence; for, whatever I may believe of the guilt or innocence of the agent, I trust that one and all of us, for the honor of our own human nature, would gladly see him vindicated and justified against such charges as have been preferred by this Government. Whilst, however, this assurance is given, it is nevertheless true that you have very much misconceived the sentence of my message, which, according to your construction of it, implies doubt of the guilt of the agent. No such doubt exists. It was not said that the agent had committed crimes, because it was not intended to say so; it was enough that the agent had been charged with the commission of them; and, having exhibited the charges, I presume you would not have been insensible to the indelicacy of the accuser

passing sentence upon the accused. But whilst this was purposely avoided there, I can very freely make known to you here, that if, instead of passing upon the guilt or innocence of the accused, I had been stating my belief from the evidence even now disclosed, and *ex parte* as it may be, I would have said, without hesitation, that, with respect to the one charge, I believed him guilty of that beyond the possibility of refutation; and that, with regard to the other, he was so far innocent only as he was not present at the time and place, inflicting the blows with his own hands. Taking very opposite views of the subject, you seem to have yielded a reluctant and ungracious assent to the suspension of the agent, and indeed to indulge a little in the language of complaint, lest injury might, by possibility, result from it to the accused.

Be persuaded, sir, that this act of suspension is in no respect personally gratifying to me; nor were feelings of any kind connected with my suggestion of the propriety of it, but those which yourself must have indulged for the successful fulfilment of the objects of your mission. I repeat what was before alleged in support of that suggestion, that it could not be conceived how it would be possible for you to make any the least advance to the attainment of truth, or to the pacification of the Indians, without it as a first and indispensable measure. The friendly chiefs had already given your Government to understand that they would never consent to commit themselves again to the protection of the agent; and you were almost present to witness that, by the power and influence of his office, the hostile chiefs had been convoked, and a declaration of the innocence of the agent either extorted or otherwise obtained; and this, too, just before the period had arrived at which General Gaines and yourself were to convene the same Indians, for the purpose of obtaining from them, fairly and honestly, the truth; a fact well known to the agent, but which fact did not prevent him from thus forestalling and anticipating you.

When you permit yourself to say that the agent "has not, so far as the investigation has been pursued by the authorities of Georgia, been informed of the nature and cause of the accusation," you will suffer me to answer that this has been no omission of ours, but of yours. It was part of your duty to have notified the agent, so soon as the charges were received, of the existence of those charges; and with regard to specifications, I assure you that unless for some very useful purpose to the interest of Georgia, I would not take the trouble to sit down to paper to make them. The agent is charged with instigating the Indians to the commission of the crime of murder, and with predetermined resolution to prevent the Indians from making cession of the lands, so long as a certain person was at the head of the Government of Georgia; and these, in all reason, are specifications enough. We are not exhibiting charges against the agent as offending the martial law, to which a long detail of specifications, according to custom, must be subjoined. If your Government wants further specification, it must seek it elsewhere; and this, sir, is obviously the mistaken bias under which you and your Government labor. You are willing to resolve every thing into prejudice against the agent, for his protection; whereas it is notorious that the prejudice of your Government has been so far advantageous to him, that it is very difficult to subdue it by any kind of evidence. With respect to "the right of confrontation with the witnesses against him," there is abundant time for that when, after finding a true bill, he shall be arraigned at the bar of justice; and with regard to his "not having compulsory process for obtaining witnesses in his favor, as required by the sacred instrument which guards the rights of all," I pledge you my word of honor that, whenever I shall hear of such gross injustice being done him by any competent and authorized tribunal before which he may be cited, I will consider it as an injury done to myself; and if done by a tribunal within our jurisdiction, and of course punishable for offences committed under our constitution and laws, so far as depends on me, the utmost efforts will be made to bring to punishment all or any public agents concerned in so offending.

The documents are in a course of publication, by order of the Legislature. Having been previously made public by that body itself, in the most formal manner, it is not seen that any further publication of them can operate injuriously to the agent; for it would seem to be better, even on his own account, that, after so much had been made known of their contents, all should be known, and that nothing should be left for inference or conjecture; especially, too, as the public, understanding the character of the evidence to be *ex parte*, will be able to estimate it at what it may be worth. It may be proper to add, that, by a special and positive resolution, the Governor is directed to cause them to be distributed through all the counties as soon as they are printed, and you are already informed that the printing will be complete in the course of to-day.

With great respect and consideration,

G. M. TROUP.

To Major T. P. ANDREWS, *Special Agent, Creek Agency.*

T. P. Andrews to Governor Troup.

SIR:

CREEK AGENCY, FLINT RIVER, June 23, 1825.

I do myself the honor to acknowledge the receipt of your letter of the 20th instant, this day received from your aid-de-camp, Colonel Jones, from whom I have also received a copy of the documents which accompanied your excellency's message of the 23d of May to the Legislature.

Your excellency appears to entertain an impression that I had expressed a belief, in my letter of the 18th instant, that a *disposition* exists on the part of the authorities of Georgia to withhold from the agent the means of justifying himself to his Government, and that you had also shown a wish that I should, by complying with your repeated and urgent request, both verbally and in writing, to suspend the agent, enter into proceedings against him before his trial, which might savor of oppression.

At the same time that I take advantage of the first possible moment to disclaim, in the fullest manner, entertaining for a moment a belief as to any such *disposition* or *intention*, yet your excellency will excuse me for remarking that, although I could not for an instant entertain a belief that such intentions actuated the authorities of Georgia, yet their acts must inevitably have that unjust and oppressive operation on the agent.

It is impossible that authorities so exalted could wish to act oppressively or unjustly towards a humble individual under trial; but it is equally impossible for an unprejudiced person to withhold the belief that their proceedings (in the absence of any but the fairest intentions) have had their effects on the interests and feelings of the individual referred to.

You remark "that, by the power and influence of his office, the hostile chiefs had been convoked, and a declaration of the innocence of the agent either extorted or otherwise obtained; and this, too, just before the period had arrived at which General Gaines and myself were to convene the same Indians, for the purpose of obtaining from them, fairly and honestly, the truth; a fact well known to the agent, but which fact did not prevent him from thus forestalling and anticipating us." I am satisfied it is only necessary (to induce you to do him justice in your good opinion in relation to that particular transaction) to remind your excellency that those documents were procured by the agent from the Indians before it was possible for the agent to know that General Gaines or an agent of the Government was ordered here.

I arrived at Milledgeville on the 31st of May, and General Gaines on the 12th or 13th of June; and the documents referred to as procured by the agent from the Indians are dated on the 14th of May. Indeed, they were procured from the Indians six days before General Gaines's orders were issued at Washington, and the same number of days before I was appointed special agent for the Government. They were shown to me the day I reached Milledgeville.

In your remark, that it was part of my duty to have notified the agent, so soon as the charges were received, of the existence of those charges, your excellency inadvertently overlooks the fact, that, in my letter of the 31st of May, it was made known to you that it was expressly contemplated by my Government that specifications and evidence should accompany the charges, as an act of justice to the accused, to enable him "to defend himself before his Government with as little delay as possible." It was so contemplated by the General Government, because of the intention of having a fair, and, consequently, a "*speedy trial*."

The utter impossibility of replying to charges of crimes not dated or located, referred to in general terms only, and the consequent injustice to the accused, is certainly also inadvertently overlooked by your excellency.

Your excellency is pleased to remark, in substance, that when, "after the finding of a true bill, the agent should be arraigned at the bar of justice, there is abundant time for confronting him with the witnesses against him." You remark, also, with regard to his not having "compulsory process for obtaining witnesses in his favor," as required by the sacred instrument which guards the rights of all, that whenever "you shall hear of such gross injustice done him, by any competent and authorized tribunal before which he may be cited, you will "bring to punishment all or any public agent concerned in so offending."

The multiplicity and importance of your high duties have caused your excellency to forget that, before even the "finding of the bill," and consequently before the *trial*, the *punishment* has been loudly demanded of the court—the dismissal of the agent, in the report and resolutions adopted by the Legislature.

I did not, as your excellency seems to suppose, allude to the publication of the evidence in the form of a document or pamphlet. I was aware that the Legislature had so ordered its publication, and should have considered it highly indecorous and improper to have asked the violation of its injunctions.

I alluded solely, as my letter will show, to the publication (depending on the will of your excellency) of the evidence, admitted by all to be *ex parte*, in the newspapers. The suggestion, however, was merely submitted for your consideration.

With a respectful protest against the supposed prejudices ascribed to the General Government and to its agent, and with a free acknowledgment of the high-minded resolutions and sentiments of an opposite tenor interspersed through your excellency's letter, the latter of which only do justice to your great talents and high character,

I remain, with the highest respect and consideration, your excellency's most obedient servant,
T. P. ANDREWS, *Special Agent*.

To His Excellency G. M. TROUP, *Governor of Georgia, Milledgeville.*

Governor Troup to T. P. Andrews.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *June 27, 1825.*

I have this moment received your letter of the 23d instant. It gives me great pleasure to correct, without delay, an error into which I had fallen, in consequence of not adverting particularly to the date of the certificate obtained from the Indians by the agent, as published as part of his defence in one of the last papers. From a comparison of dates, it does appear that that certificate was obtained before the agent knew that yourself and General Gaines would proceed to Broken Arrow to convene a council or institute an inquiry. Whilst this correction, therefore, is most cheerfully made, you cannot but admit the utter immateriality of it to the agent for any objects or interests of his; for the fact still turns out to be, that, whilst the agent, in procuring that certificate, did not intend to forestall, in particular, General Gaines and yourself in making a certain examination, he did well know that it would forestall General Gaines or yourself, or any others whom your Government might at any time depute to make an examination there; and this is the fact, and the only fact of any consequence to the argument.

On the subject of specifications, to which you have again called my attention, I have only to remark, that, if your Government pleases to forbear further inquiry or investigation into the conduct of the agent, either because it derives no specifications from me, or because those specifications are not precisely such, in manner and form, as are agreeable to itself, it has the power to do so. But if your Government has not found matter enough for specifications (if, indeed, they be at all important) in the published accredited documents, or, finding it there in abundance, shall not choose to frame them for itself, I assure you, sir, I would not know where to proceed to look for it, even if I believed it (as I do not) to be my duty to furnish those specifications.

When time shall have disclosed that I was mistaken in attributing prejudice to your Government in behalf of its agent, although that belief has not been assumed upon light ground, and is so far sustained by the occurrences of every day, I assure you, sir, I shall proceed without delay to render to it the fullest measure of justice which injured honor could require from a deceived accuser.

Very respectfully, your obedient servant,

T. P. ANDREWS, *Special Agent*.

G. M. TROUP.

Governor Troup to T. P. Andrews.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *June 18, 1825.*

From the course recently pursued by the agent in procuring from the chiefs of the hostile Indians, under the influence of his office, and from the missionaries, their attestation to his innocence, the commissioners appointed under the authority of the Legislature are directed to proceed to Broken Arrow, to participate in the councils to be holden there on the 25th instant, so far as they have for their objects the collection of facts and development of truths, as connected with the late disturbances in the nation, and the charges exhibited by this Government against the agent of the United States for Indian affairs. They are instructed specially to avoid any interference, unless solicited, with the political arrangements or negotiations between the United States and the Indians, which appertain exclusively to the relations and interests subsisting between them, and to which the State of Georgia is no party. It is hoped and expected that this measure will meet your concurrence and approbation.

With great respect, &c.

G. M. TROUP.

Major T. P. ANDREWS, *Special Agent*.

Governor Troup to T. P. Andrews.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 28, 1825.

I call your attention to a letter purporting to be yours, and addressed to the agent, in extenuation of your conduct for the act of suspension, and published in a paper here of this morning, called the Patriot. If this letter be authentic, you will consider all intercourse between yourself and this Government suspended from the moment of the receipt of this.

G. M. TROUP.

T. P. ANDREWS, *Special Agent U. S., Creek Agency.*

[The following letter having been written after the act of suspension was made known to the special agent, was received as unofficial, and the publication authorized as any unofficial paper would be, to subselve the purposes of the writer.]

T. P. Andrews to Governor Troup.

SIR:

PRINCETON, INDIAN NATION, July 4, 1825.

I take advantage of the first possible moment from incessant and arduous duties to do myself the honor of receiving to your excellency your three last letters.

Your letter of the 18th of June was received from the commissioners of Georgia on the 25th ultimo. It was my determination to afford the commissioners of Georgia (of whose appointment I had been previously apprized) all the attention which my duty to the General Government, and my respect for an important member of the Union, justified and demanded. I have done so, so far as my sense of duty permitted me; but regret to inform you that I have not had the pleasure of agreeing with the commissioners on several points of procedure.

You may readily imagine that my impressions of your great personal honor were not at all weakened by the receipt of the note of your excellency, dated the 27th ultimo, in which you so frankly "correct, without delay, an error into which you had fallen" on one particular point relating to the Indian agent; and regret exceedingly that a sense of justice will not permit me to make the admission which you appear, in the same letter, to expect from me. Your excellency may rest assured that I did not intend to call on you again for specifications, after you had expressed in your letter of the 20th June your determination not to furnish them. In my answer of the 23d instant, to your letter last referred to, I adverted to the circumstance merely with a view to show why I had, previously to the receipt of your letter, thought I had a right to expect them. Your declining to present specifications, which was a matter which you alone could determine on, settled the question; and I should have been wanting in the high respect which it is my duty to entertain, and which I sincerely entertain, for your personal character, as well as for your exalted station in society, if I had again requested them of you.

I acknowledge the receipt of your communication of the 28th, which has given me pain as a man, but which causes no uneasiness on my part as an agent or officer of the General Government. It has given me pain as a gentleman, because I think I can perceive that you feel compelled (I presume, from a sense of public duty) to transfer the pursuit by the authorities of Georgia from the *Indian agent* to the *special agent* of the United States Government.

It causes no uneasiness on my part as an officer or agent of the Government, because I cannot suppose, for a moment, that my Government will censure me for doing an act of sacred duty to the Indian agent, at the same time that I performed, in suspending him from his functions, an act of courtesy to yourself and Government, which you thought necessary to the ascertainment of unbiassed testimony.

Had I entered into feelings of denunciation against the Indian agent *before his trial*, or suspended him without doing him present justice by a frank expression of the reasons which actuated me in doing so, I should indeed have apprehended the disapprobation of my Government, (to which alone I look in the discharge of my duties,) because that Government is administered by men prominent for temperate and reasonable counsels, and who could not be induced, by any considerations, to violate the rights guaranteed to every citizen, however humble, by its constitution, and by the immutable principles of justice.

Your excellency calls on me to avow or disavow the letter to the Indian agent, of which you appear to complain. With the exception of a few typographical errors, I avow it as my letter; I send you a corrected copy. It is such a letter as my sense of justice imperiously called on me to address him in performing a harsh act towards him; was approved of by my best judgment, such as it is; is approbated by a man who, for wisdom, stands inferior to few, and in honor to none; and such a one as, I confidently trust, will receive the approbation of my Government. It is such a letter as, from my letters of the 31st May, 8th, 18th, and 23d of June, to yourself, and our frequent verbal communications, as well as those verbal and written to your aid-de-camp and friend, Colonel Lumpkin, you ought, in my opinion, to have anticipated; and such a one as I was convinced, "for the honor of human nature," (to use your own eloquent expression,) you expected.

Your excellency informs me that "if the letter be authentic," I am to consider all intercourse between your Government and myself as "suspended." Be it so. I know of no intercourse between your Government and myself, which is at all necessary, which is not on your part perfectly voluntary and agreeable. Being an officer of the General Government, I can go on to discharge my duties fearlessly, according to the dictates of my conscience, and to the best of my judgment; and, if I am to be added to the list of the proscribed, for interposing the shield of my Government to prevent the destruction of a man doomed to be condemned without a hearing or trial, I wish that suspension not only continued, but made absolute and permanent.

As your excellency has thought it your duty to address me your letter of the 28th June, I have felt it my right to reply to it, and to inform you that I can now see, so far as the examinations have progressed, (and they have been both numerous and important,) no cause for the accusations against the agent, unless in his inflexible integrity and firmness in stemming a torrent of corruption, disgraceful, in my opinion, to the national character. A sense of duty compels me to say that, in using this expression, I have no allusion to your excellency; for I sincerely believe that the same persons who have caused the outcry against the Indian agent have abused that confidence which your excellency was compelled to repose, in consequence of your official station.

With high respect and consideration, I remain your excellency's most obedient servant,

T. P. ANDREWS, *Special Agent.*

To His Excellency GEORGE M. TROUP,
Governor of Georgia, Milledgeville.

Governor Troup to the Secretary of War.

SIR: EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 15, 1825.

I transmit, for the further information of the President, the gazettes of yesterday, and the affidavits of a respectable man who has an intimate knowledge of the Creeks and their affairs.

Very respectfully,

G. M. TROUP.

Hon. JAMES BARBOUR, *Secretary of War, Washington City.*

Governor Troup to the Secretary of War.

SIR: EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 15, 1825.

Suffer me to call your attention to the manifest contradiction between the agent's official *exposé* to you, and the defence set up by himself through the hostile chiefs, whom he assembled for the purpose, as published in the Recorder forwarded to-day.

Very respectfully,

G. M. TROUP.

Hon. JAMES BARBOUR, *Secretary of War, Washington City.*

Governor Troup to the Secretary of War.

SIR: EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 28, 1825.

A paper of this morning, published at this place, containing a letter purporting to be addressed by your special agent to the agent for Indian affairs, in extenuation of his conduct in suspending him from his functions under your instructions, is forwarded for the information of the President.

If, in writing such a letter, the special agent has so acted as to find himself within the letter or spirit of those instructions, it is obvious that the question which he was charged to investigate had been prejudged at Washington before his departure from that city; and that, consequently, the Government of Georgia can no longer, consistently with its dignity, hold intercourse with that officer, of which, as you will see by the enclosed letter, he has had due notice.

Very respectfully, your obedient servant,

G. M. TROUP.

Hon. JAMES BARBOUR, *Secretary of War, Washington City.*

Governor Troup to the President of the United States.

SIR: EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 13, 1825.

In compliance with the request of the Legislature of this State, I forward a report and sundry resolutions adopted by them, with the evidence which supports them, and having relation to the conduct of the agent for Indian affairs, as connected with the late disturbances in the Creek nation.

I have the honor to be, with great respect and consideration,

G. M. TROUP.

The PRESIDENT OF THE UNITED STATES, *Washington City.*

C. Vandeventer to Governor Troup.

SIR: DEPARTMENT OF WAR, June 25, 1825.

The President of the United States directs me to inform you that he has received your letter of the 13th instant, enclosing a report of a committee and sundry resolutions of the Legislature of Georgia, relating to the conduct of the United States agent to the Creek nation of Indians in the late disturbances of that nation, and will give to them all the consideration which, coming from so high a source, they may merit.

I have the honor to be your obedient servant,

C. VANDEVENTER.

His Excellency GEORGE M. TROUP, *Governor of Georgia.*

C. Vandeventer to Governor Troup.

SIR: DEPARTMENT OF WAR, June 25, 1825.

Your letter of the 3d instant to the Secretary of War has been received, and submitted to the President of the United States, who directs me, in the absence of the Secretary of War, to say, in reply, that if the Government of Georgia should undertake the project of surveying the lands ceded to the United States by the Creek nation of Indians, at the treaty of Indian Springs, before the expiration of the time specified by the eighth article of the treaty for the removal of the Indians, it will be wholly upon its responsibility; and that the Government of the United States will not in any manner be responsible for any consequences which may result from that measure.

I have the honor to be your obedient servant,

C. VANDEVENTER, *Chief Clerk.*

His Excellency G. M. TROUP, *Governor of Georgia.*

Governor Troup to C. Vandeventer.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 25, 1825.

I received this morning the note which, in the absence of the Secretary of War, the President of the United States directed you to address to me, and in which I am informed that the project of surveying "the lands ceded to the United States by the Creek nation of Indians, at the treaty of the Indian Springs, before the expiration of the time specified by the eighth article of the treaty for the removal of the Indians, will be wholly upon its (the Government of Georgia's) responsibility, and that the Government (viz: the Government of the United States) will not in any manner be responsible for any consequences which may result from that measure." A very friendly admonition, truly. So that whilst you referred your resistance of the survey to the evils already produced by the mere effort on the part of this Government to obtain permission to make the survey, and when the fact of that cause producing those effects is disproven, and it is made known to you that nobody here, either whites or Indians, ever conceived such a thing as possible before you had assumed it upon the representation of the agent as undoubtedly true; and that your own agent, to suit his own purposes, had fabricated it, to deceive and mislead you; nevertheless you continue to issue order after order forbidding the survey, as if you had predetermined from the beginning that, under no circumstances, should we proceed to the survey without your express permission first had and obtained. Nay, more: you repeat this order to General Gaines, who is charged to promulgate it to the hostile Indians; so that, whether there be any thing obnoxious in the survey or not, they may seize it as a pretence, under the authority and with the support of the United States, to scalp and tomahawk our people as soon as we shall attempt that survey; and that, in fact, you adopt for the Indians gratuitously an imaginary wrong done to them; persuade them, even against their will, that it is a real one; and then leave them to indulge in unbridled fury the most tempestuous passions: and this, I presume, is the meaning, in part, of the responsibilities which we are to incur if we disregard the mandate of the Government of the United States.

You will, therefore, in the absence of the Secretary of War, make known to the President that the Legislature, having, in concurrence with the expressed opinion of the Executive, come to the almost unanimous conclusion that, by the treaty, the jurisdiction, together with the soil, passed to Georgia, and, in consequence thereof, authorized the Governor to cause the line to be run and the survey to be made, it becomes me, in candor, to state to the President that the survey will be made, and in due time, and of which Major General Gaines has already had sufficient notice.

Whilst, in the execution of the decrees of our own constituted authorities, the Government of the United States will find nothing but frankness and magnanimity on our part, we may reasonably claim the observance, in like degree, of these noble qualities on theirs. When, therefore, certain responsibilities are spoken of in the communication of the President, we can rightfully inquire what responsibilities? Georgia, in the maintenance of her undoubted rights, fears no responsibilities; yet it is well for Georgia to know them, so far as they are menaced by the United States. If it is intended that the Government of the United States will interpose its power to prevent the survey, the Government of Georgia cannot have too early or too distinct notice; for how highly dishonorable would it be for the stronger party to avail itself of that power to surprise the weaker. If the Government only means that, omitting its constitutional duty, it will not pacify the Indians and make safe the frontier, while the officers of Georgia are in peaceful fulfilment of their instructions connected with the survey, it is important to the Government of Georgia to know it; that, depending on itself for safety, it shall not depend in vain. But if the Government of the United States mean (what is not even yet to be believed) that, assuming, like their agent upon another not dissimilar occasion, an attitude of neutrality feigned and insincere, it will, like that agent, harrow up the Indians to the commission of hostile and bloody deeds, then indeed the Government of Georgia should also know it, that it may guard and fence itself against the perfidy and treachery of false friends. In either event, however, the President of the United States may rest contented that the Government of Georgia cares for no responsibilities, in the exercise of its right and the execution of its trust, but those which belong to conscience and to God, who, thanks to Him, is equally our God as the God of the United States.

Very respectfully, your obedient servant,

G. M. TROUP.

To C. VANDEVENTER, *Chief Clerk, War Department, Washington City.**The Secretary of War to Governor Troup.*

SIR:

DEPARTMENT OF WAR, July 21, 1825.

Your letter of the 25th of June, addressed to Major Vandeventer, has been received; the answer to which has been intentionally delayed till the result of General Gaines's interview with the Indians at Broken Arrow should be received, as the President had anxiously hoped, in the acquiescence of the Indians to the treaty, to have found the necessity of replying to your inquiries entirely obviated. But as the communications from General Gaines recently received here have entirely destroyed that hope, a reply has become necessary.

The Indians, to the number of eighteen hundred and ninety, including a large majority of their chiefs and headmen of the tribe, have denounced the treaty as tainted alike with intrigue and treachery, and as the act of a very small portion of the tribe against the express determination of a very large majority; a determination known to the commissioners.

They urge that to enforce a compliance with an instrument thus obtained would ill become either the justice or the magnanimity of the United States, under which they claim to take shelter. These are allegations presenting a question beyond the cognizance of the Executive, and necessarily refers itself to Congress, whose attention will be called to it at an early day after the next annual meeting. Meanwhile the President, acting on the treaty as though its validity had not been impeached, finds, by reference to the eighth article of the treaty, the faith of the United States solemnly pledged to protect the Creek Indians from any encroachment, till their removal in September, 1826; he therefore decided that the entering upon and surveying the lands before that period would be an infraction of the treaty, whose interpretation and execution, should it remain uncancelled, are alike confided to him.

I am, therefore, directed by the President to state distinctly to your excellency, that, for the present, he will not permit such entry or survey to be made.

The pain the President has felt in coming to this decision is diminished by the recollection that it interferes with no duty imposed on your excellency by the laws of Georgia, as a discretion is given you, by the late law of the Legislature, in prescribing the time when the lands embraced by the treaty shall be surveyed. Under all the circumstances, the President permits himself to hope that you will acquiesce in his decision.

As General Gaines has been in communication with you on this subject, and as it is the wish of the President you should be in possession of every measure he may find himself constrained to take thereon, I am directed to enclose to your excellency a copy of General Gaines's instructions of this date.

I have the honor to be your obedient servant,

JAMES BARBOUR.

His Excellency GEORGE M. TROUP, *Governor of Georgia, Milledgeville.*

The Secretary of War to General Gaines.

SIR:

DEPARTMENT OF WAR, *July 21, 1825.*

Yours of the 5th instant has been duly received, with the accompanying documents.

I am directed by the President to express his regret at the failure of your efforts to reconcile the Creeks to an acquiescence in the treaty made at the Indian Springs, as it was his sincere desire to have seen it carried into effect. But the determined opposition of the Indians to the treaty itself, on the alleged grounds of intrigue and treachery on the part of the portion of the tribe negotiating the treaty, as well as the smallness of their numbers, from which they argue its invalidity, and their solemn appeal to the justice and magnanimity of the United States, create such an obligation, that we should at least pause before we proceed, or permit others to do so, until these allegations can be thoroughly investigated, and their effect decided by the proper authority; the more especially as the eighth article of the treaty gives till September of the next year before the treaty is to be carried into effect, and guaranties them from encroachments till that time.

It is in this posture of affairs that Governor Troup insists he will survey the land. A collision, by overt acts, between the Executive of the Union and that of a State, is so against the theory of the constitution, and so repugnant to the feelings of the President, that he would determine only under a solemn sense of duty to do an act by which so serious a result would be produced.

If Governor Troup should, however, persevere in his declared purpose of surveying the land, against the repeated remonstrances of this Department, it will present one of the most unfortunate events which have yet occurred in our history.

Its possible occurrence has induced the President to weigh it with the deliberate circumspection made necessary as well by its serious consequences as its high responsibility.

His decision thereon has been made and transmitted to Governor Troup, in a letter of this date, a copy of which I enclose for your information, and by which you will learn the line of conduct the President has prescribed to himself.

It is still devoutly to be hoped that Governor Troup will abstain from any act that may make it necessary to have recourse to the steps suggested; yet, should he persevere in sending persons to survey the lands embraced within the treaty, you are hereby authorized to employ the military, to prevent their entrance on the Indian territory; or, if they should succeed in entering the country, to cause them to be arrested, and turn them over to the judicial authority, to be dealt with as the law directs.

I have only to add, that I have transmitted to Governor Troup a copy of this communication.

I have the honor to be, &c.

JAMES BARBOUR.

To Major General E. P. GAINES.

I certify the foregoing to be a correct copy from the record of this office.

C. VANDEVENTER, *Chief Clerk.*

Governor Troup to the Secretary of War.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *August 15, 1825.*

I have received your letter of the 21st ultimo, giving the desired explanation of the former one of the 15th day of June last, in which you wrote of undefined responsibilities which this Government must incur if it attempted the survey of the lands acquired from the Creeks, and which results in the employment of the bayonet on your part, and of the tomahawk and scalping-knife on the part of the Indians, if the survey be attempted. I thank you for this explanation; for, whether your intent were good or evil, it equally became you to make it. You make known, at the same time, the resolution of the President to refer the treaty to Congress, on the allegation that intrigue and treachery have been employed to procure it. This at once puts a stop to the survey, and you will inform the President that, until the will of the Legislature of Georgia is expressed, no measures will be taken to execute the survey.

The Executive of Georgia has no authority in the civil war with which the State is menaced to strike the first blow, nor has it the inclination to provoke it; this is left for those who have both the inclination and authority, and who profess to love the Union best. The Legislature will, on their first meeting, decide what, in this respect, the rights and the interests of the State demand. In the mean time, the right to make the survey is asserted, and the reference of the treaty to Congress for revision protested against without any qualification. It is true, sir, that, according to my own opinion, if there be fraud and corruption in the procurement of the treaty, it ought to be set aside by the indignant expression of the nation's will; the taint of such corruption, according to that opinion, would suffice to render void an instrument of any kind purporting to pass a right of any kind.

But of what avail is this opinion against your own established maxims and precedents? You would decry it as the visionary speculations of a wild enthusiastic, because you would refer me to all your Indian treaties. You would present to me in full relief the decision of your Supreme Court in the case of Fletcher and Peck, where, a feigned issue being made to settle the principle, the principle was settled, that the Legislature of Georgia having, by bribery and corruption, sold the inheritance of the people for a mess of pottage, the grant passed a vested right which could by no possibility be divested; and, therefore, that the Congress had no alternative but to surrender the territory of Alabama and Mississippi, or compromise the claims. They chose the latter, and gave five millions of dollars to the claimants, of which we paid our full proportion.

Whilst, therefore, I present my own opinion on the one hand, you have, on the other, my public and official protestation, in strict accordance and unison with your and all your constituted authorities' decisions, and which place the treaty upon such high ground, that, no matter by what execrable baseness it may have been elevated there, even the Congress of the United States cannot reach it.

It may be otherwise, but I do sincerely believe that no Indian treaty has ever been negotiated and concluded in better faith than the one which is the subject of this letter. If it be otherwise, having been concluded by your own officers, against your instructions, without any participation of the authorities of Georgia, I sincerely hope that those officers may, so far as you have power, be brought to trial and punishment; but yet, according to your own doctrines, this does not impair the validity of the treaty. The Legislature of Georgia will, therefore, on its first meeting [be advised] to resist any effort which may be made to wrest from the State the territory acquired by that treaty, and no matter by what authority that effort be made.

The hostile Indians having resolved that they will never surrender it but with their lives; and you having passively acquiesced in this resolution, because of the appeal made to your magnanimity and generosity; and it being obvious that our right, if not asserted now, is lost to us forever; if the Legislature shall fail to vindicate that right, the responsibility will be theirs—not mine.

With great respect,

G. M. TROUP.

Hon. JAMES BARBOUR, *Secretary of War, Washington City.*

Governor Troup to the Secretary of War.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *June 22, 1825.*

The enclosed memorandum of testimony which Colonel White of Florida, Delegate from that Territory, may be able to furnish, is forwarded, that you may avail yourself of it by his presence there.

The well known character of Colonel White, if he can give you this testimony, will render any further trouble on this part of the subject unnecessary. If he should have left Washington, be pleased to request him to forward to you his affidavit, and permit me to ask the favor of you to transmit a copy of it to this Department.

With great consideration and respect,

G. M. TROUP.

Hon. JAMES BARBOUR, *Secretary of War, Washington City.*

Governor Troup to the President of the United States.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *July 26, 1825.*

In communicating the report of the commissioners of the State appointed under certain resolutions of the Legislature to take testimony in the case of the agent for Indian affairs, and to investigate the causes of the late disturbances in the Creek nation, it might be more satisfactory to you to receive it without comment. The report may, indeed, be said to carry with it its own commentary; nevertheless, a few remarks elucidatory of certain parts of it, not easily understood by persons removed from the scene of action, may not be deemed objectionable.

I think, from the context of the report, but one impression will be made upon every fair and unbiassed mind—that, whatever may have been the motives which governed the conduct of the agents on the part of the United States in making the late investigations in the nation, the results of those investigations have been such as to warrant a belief that, if the motives had been the suppression, and not the development of truth, no other results could have followed. The refusal of the missionaries (after much paltering and prevarication) to verify their statements by oath or affirmation is the more remarkable, for it is believed that these same missionaries, some eighteen or twenty months ago, were quite willing to subscribe a paper containing a long string of charges against the agent, which ought to have been sufficient to remove him from office, and which they would have substantiated by their oaths. Now that they are in danger of being ousted of their livings, if the treaty is carried into effect, they make common cause with the agent to rupture the treaty, and will swear or affirm to nothing against him. The terror of Lewis, induced by the menaces of the friends of the agent, and which determined him to withhold his testimony, and his eventual flight to avoid giving it after measures had been taken to coerce him, will be sufficient, perhaps, to satisfy you how very inauspicious to the views of the commissioners was the state of things prevailing in the nation; the same hope of breaking the treaty, and of maintaining their footing there, united one and all of them—the red man and the white man, the Christian and the heathen—in a common bond of interest and a common course of action.

The examination of Hambly, the interpreter and confidential friend of the agent, formerly reported to you by your own commissioners as a base and unworthy fellow, was distinguished for its irregularity. The object of that examination was to lay a broad foundation for the rupture of the treaty, by showing it to be the offspring of bribery and corruption, and the most enormously wicked contrivances, and to traduce the characters and discredit the testimony of some of the most respectable men among us. How bad must that cause be which would employ such an instrument to accomplish such a purpose!

When Yoholo, a principal chief in the council, made a talk detailing circumstances connected with the late negotiations at the Indian Springs, Colonel Williamson, one of the commissioners, who was present, and who had also been a close observer of occurrences at the Springs, said to General Gaines that he knew, of his own knowledge, the statements of Yoholo to be false; the general answered, that he would not believe the congregated world if it were to say so. Now you will have an opportunity of seeing that the statements of the Indian chief are in direct contradiction to the statements of the commissioners of the United States and their secretary, of Colonel Williamson himself, of all the friendly chiefs, and of every respectable white man who was present at the Indian Springs.

The refusal of General Gaines to permit a separate examination of the chiefs in his presence, as the only mode of extracting the truth, and after having more than once promised it, is as unaccountable as it was unexpected.

It is understood that the Indians could produce no law authorizing the execution of McIntosh; yet General Gaines must have taken for granted the existence of such a law, for he passes by the murder as justifiable homicide. The whole body of evidence, as you will see, completely disproves the existence of the law.

The refusal of General Gaines to admit the commissioners of Georgia, as such, to a participation of the Indian councils, in all matters touching the interests of Georgia, was a wrong done to the State, and an indignity offered to its constituted authorities.

The interdict put upon our commissioners by General Gaines, to announce to the Indians, according to their instructions, the resolution of this Government to make the survey, and to represent to them the harmlessness and

innocency of the act, whilst the general announced the resolution of his own Government to prevent it, was a further wrong done to the State, and a disrespect manifested of the authority which gave that instruction.

A gentleman of clear intellect, pure morals, honorable character, and great prudence, is selected by the Governor to hold a talk with the Indians; he performs that duty; makes his report, and that report is at once discredited on the naked word of the Indians. General McIntosh writes three several letters to the Governor, subscribed by his own proper hand, giving his assent to the survey of the country; the friendly chiefs, Marshall included, repeatedly assure the Governor that they, one and all, consent to the survey; a certificate is obtained from this same Marshall and a white man to prove that General McIntosh refused his assent; General Gaines immediately comes to the conclusion that this assent was never given.

The admission of free communication with the Indians to every other description of persons, and the denial of it to the Georgia commissioners, was a further wrong done to Georgia.

Indeed, sir, it would appear, from the reports of the commissioners, that all or any description of testimony would be willingly received on the one side, and particularly that description of it which would exculpate the agent, excuse the hostile Indians, prevent the survey of the lands, or effect the abrogation of the treaty; and that, on the other side, every thing was to be discredited; or received, at best, with many grains of allowance; and every act or proceeding of the commissioners of the United States, or of the constituted authorities of the State, resolved into corruption and depravity.

When General Gaines states, in one of his letters to the Governor, that the hostile party outnumber the friendly in the proportion of something like fifty to one, it is not easy to understand him. If it be true, as the general seems to believe, that he has pacified and reconciled the two parties, there is no longer any McIntosh party; but if the general means there was any such disproportion between the strength of the two parties whilst McIntosh lived, he is widely mistaken. If McIntosh had survived to this moment, the probability is his party would have been the strongest.

Suffer me to add a few particulars, which make the condition of the friendly party most pitiable. Independently of no atonement being offered for the blood of McIntosh, the money, according to the construction of the treaty, is taken from the pockets of the wives, children, brothers, and friends of McIntosh, and paid over to the hostile chiefs who murdered him, contrary to every principle of justice and stipulation of treaty, as if you intended it as the reward of gallant and meritorious acts commanded by yourselves; and this the friendly chiefs cannot but feel most deeply. Nobody acquainted with the Indian character can ever believe that General Gaines will ever make either a safe or permanent pacification, until the offering of blood for blood has fulfilled the law and the usage of the country. An ephemeral peace may be patched up by force or menace; but ephemeral it will be, making, in the end, the catastrophe the more bloody.

I had written you of a certain personage of South Carolina having intermeddled in this matter, according to information communicated to me and submitted to you. There is a strong chain of corroborative circumstances, as you will see, to establish the facts there alleged, and running through the entire mass of evidence. The object undoubtedly was the annulment of the treaty.

Whatever knavery or folly may suggest, with a view to disannul the treaty, will of course be unheeded at Washington. But indeed, sir, I very much doubt, unless you have looked with a scrutinizing eye to the history of this matter, whether some of the self-interested opponents of the treaty may not lead you into error. The idea that the entire Creek nation is alone competent to make a treaty, is the most fallacious that could be entertained; it is so far from true in the general, that, unless by merest accident, it never happens to be true in any particular.

You have only to turn to the notes of Colonel Hawkins, whose authority you cannot dispute, to be satisfied that, according to the laws and usages of the nation, the most important public affairs, involving vital interests, are determined, not by a majority, but by a minority, and frequently a very small minority, of the nation. In the whole course of his long residence among them, he never knew the most popular war concurred in by a majority; and all authorities and all custom will prove to you that, with regard to the most important of their national acts, having relation either to peace or war, Coweta must take the lead. If a treaty be signed by the chiefs of Coweta, it is considered good; if not signed by them, good for nothing. Georgia was settled in 1732: in 1733 or 1734, the first treaty with the Creeks was held; then, I think, in 1736, and again in 1739. The Cowetas are always foremost; their councils are invariably holden on the Coweta ground, and General Oglethorpe paid them his first visit there. Hence it is stated in the evidence that McIntosh had the power to sell the whole country, and hence the great efforts made to prevail on the old Coweta chief (Etome Tustunnuggee) not to sell the country—efforts which succeeded at Broken Arrow; but this old and ill-fated chieftain came to me afterwards, as you read in the documents, to say he had been deceived by bad white men, and was opposed to the sale at Broken Arrow, but then his eyes were opened, and he would follow the advice of his father the President, and sell the lands.

Having made this recapitulation and commentary, permit me to subjoin, that, for the gratification of a few mercenary and sordid characters in the Indian country, you threaten the most flagrant injustice to Georgia.

In the country to be surveyed within the limits of Georgia, none, or very few, of the hostile party reside; and every one of the opposite party seeks the survey as a measure of convenience and interest. The survey will, in the first instance, extend no farther west than the Chattahoochie, the act of the Legislature leaving it discretionary with the Governor to run to that river before the boundary line between Georgia and Alabama shall have been ascertained.

Having corresponded with the Governor of Alabama upon this subject, and received his assurance that the Legislature of that State will immediately, on its first meeting in November, cordially co-operate with Georgia in running the line, and there being difficulty in ascertaining the precise point at which that line will commence, the running is postponed to meet the wishes and expectations of the State of Alabama.

The evidence which remains to be taken by the commissioners will be forwarded as soon as received.

Very respectfully,

G. M. TROUP.

The PRESIDENT OF THE UNITED STATES, *Washington City.*

Governor Troup to the President of the United States.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, August 7, 1825.

The letter of the Secretary of War of the 18th May, introducing to this Government Major General Gaines and Major Andrews, as agents of the United States to inquire into the causes of the late disturbances, to adjust the differences subsisting between the Indians, and to inquire into the conduct of the agent of Indian affairs, recom-

mended them as officers distinguished for ability, prudence, and discretion. They were received and treated accordingly. With the conduct of the one, you have been already made acquainted; with that of the other, it remains for me to place you in possession.

In the several conferences held with General Gaines, on his first arrival, I received repeated assurances from him of friendly dispositions; of upright intentions; of freedom from all kinds of bias or prejudice which could mislead his judgment or influence his decisions on any of the topics which, in the execution of his trust, might present themselves for discussion. Relying implicitly on the sincerity of these declarations, I began with regarding General Gaines as an honorable and disinterested arbiter between the United States, Georgia, and the Indians, and so continued to regard him until a short time before his insulting letter of the 10th ultimo was received at this Department. It was impossible for this Government not to repel that insult with indignation.

The Chief Magistrate, in his official message to the Legislature, had stated explicitly that McIntosh and his chiefs had given their consent to the survey; and, in support of this statement, the letters of McIntosh were exhibited, with his name subscribed in his own hand, of which General Gaines had full information: nevertheless, the certificate of an Indian chief, who had deserted from the McIntosh party, and of a white man, of whom General Gaines himself does not pretend to know any thing, is procured to discredit the statement of the Governor, and to exhibit him before the public as the dupe of the vilest and shallowest imposture; and in his solicitude to accomplish this, he forgets that it is the consent given by McIntosh and his chiefs to the survey, which, on the information of the agent, you have taken for granted to be the sole cause of all the disturbances in the nation, and upon which you have recently issued the most offensive orders to this Government connected with that survey, and, in your last, even denounced military vengeance against those who shall attempt to carry it into execution.

When General Gaines is rebuked, in the mildest language which the unprovoked insult would admit of, he presents himself again before the public in a letter, indulging in the most intemperate abuse of all the constituted authorities of a sovereign State and the great body of its people, and which he causes to be published almost a week before it was received at this Department.

With regard to the first letter of General Gaines, to which I have called your attention, he does not seem to have been content with addressing a letter so exceptionable to the head of this Government; he assumes the authority to order its publication on the allegation of some pretended and undefined malicious falsehoods in circulation, and which he makes the foundation of an appeal to the public—an appeal more censurable than that for which the gallant and meritorious Porter is now answering before a court-martial assembled by your order, inasmuch as the latter only defends himself against the inculpatory charges made by his own Government; whilst the former, who was bound by equal respect to this Government, does not pretend that any charges of any kind had been preferred by it against him. It is in this letter, too, that General Gaines has fallen into the shocking extravagance of asserting (what nobody can believe) that the McIntosh party, which made the treaty, constituted but a fiftieth part of the nation; and it was in the same letter he made known, officially, to this Government, that he had happily concluded a pacification of the Indians, when at that moment he was as remote from the pacification as he ever had been; of which fact I have even within the passing hour received the most incontestable evidence.

With regard to the second letter, of the 28th ult., which, now that I am writing, has for the first time been put into my hands, and almost a week after its publication, I have to remark, that the history of diplomacy will not furnish a parallel so marked with indiscretion, intemperance, disrespect, and the outrage of all decency. General Gaines forgets as well what he owes to his own Government as to this. His duty to you required him to show respect to this Government in all his intercourse with it. If in that intercourse he had found himself wronged or aggrieved by the authorities here, it was not allowed him to take the redress into his own hands. Upon representation to you, you were competent to decide the nature and the extent of the injury he had received, and of the redress most suitable to it. He would not confide the exercise of this privilege to you, (no doubt questioning your fitness or discretion for such matters,) but chose to rely on his own dexterity and prowess.

He writes, among other things, of the "malignant villany" which has been extensively practised on the credulity of the good citizens of Georgia and other States, in reference to the Indians and the treaty." A charge so vague cannot be easily understood, much less distinctly answered. Presupposing it to be directed against the authorities of this State, and to be in all respects true, who made General Gaines the judge to pass this condemnatory sentence on the conduct of those authorities? It has been understood that [you] had reserved to yourself this power, and that General Gaines was here only as your agent to collect the evidence upon which that power was to be exercised.

He proceeds to make another reference to the certificate of the Indian chief and the white man, reiterates the expression of unlimited confidence in the veracity of Marshall, eulogizes him as among the most worthy of the "little treaty-making party," and comes again to the conclusion that the Chief Magistrate of Georgia and others are not to be credited against the certificate of such respectable personages.

Within this hour I have received the testimony of the chiefs of the friendly party, voluntarily given, "that the statement of Joe Marshall to General Gaines is false;" and I enclose you the certificate of my express, a man of fairest character and undoubted veracity, to satisfy you that Marshall has added falsehood to treachery. In this part of his letter he takes occasion to manifest his resentment towards the friends of McIntosh: he calls them "the little treaty-making party;" then, again, "the vassal chiefs of McIntosh;" and questions their right to give permission to make the survey. What a dispassionate and impartial umpire is this General Gaines! One would have supposed that, consulting the magnanimity of a soldier, if he had departed from the line of neutrality at all, he would be found at the head of the weaker, the innocent, and injured party. But the general, consulting the better part of valor, and counting the odds against him as fifty to one, throws himself into the ranks of the stronger party, and thus commends himself again to you for that discretion which you had given to him in advance.

The general is correct in one of his positions; and, being in the right himself, he puts you in the wrong; and so conspicuously, that you stand on the insulated eminence an almost solitary advocate for making and breaking treaties at pleasure.

General Gaines says, "the treaty, no matter how procured, had become a law of the land," &c. &c. He had said to the hostile Indians, at Broken Arrow, "that the treaty could not be annulled, and must be carried into effect," &c. &c. This is good sense. The day before yesterday I received your letter, in which you say, General Gaines having informed you that the treaty had been obtained by intrigue and treachery, it will be referred to Congress for reconsideration. General Gaines tells the Indians that no treaty has ever yet been annulled. You say this treaty shall be made an exception to all others, and upon the information received from General Gaines.

General Gaines proceeds to manifest his respect and complaisance for the Chief Magistrate of a sovereign State, by informing him that "he has been greatly deceived by persons in whom he placed reliance, but who were unworthy of his confidence;" thus taking upon himself the responsibility to decide for the Chief Magistrate one of the most delicate of all questions connected with government and sovereignty, viz: the question who are worthy of trust, and who among the public servants are or are not entitled to his confidence. In a little time, sir, with your

countenance and encouragement, General Gaines would have dictated the appointments to office in this State; and, it may be, the least hesitation or repugnance to comply with such dictation would be subdued by a parade of United States troops.

After quoting a maxim, that "the King can do no wrong," and expatiating on the moral excellence of truth, and her indiscriminate habitation at the palace and the cottage, the plough and the bureau of state, with the wanderers of the wilderness and the honest but unfortunate debtors"—of all which I cannot, for the life of me, understand the application, much less the farrago which follows, about somebody regarding *money a little more* and *truth a little less*—condition of despised poverty and luxuries of plundered wealth, &c. &c., and which is equally unintelligible; General Gaines is scarcely more distinct and intelligible when, in passing a meagre compliment to a portion of the citizens of Georgia, he professes to "rely on the wisdom, justice, and patriotism of at least nine-tenths of those with whom he has the pleasure of an acquaintance, many of whom are cultivators of the land;" and then, again, that the "cultivators are the adamant pillars of the Union, against which the angry vaporing paper squibs of the *little* and the *great demagogues* of all countries may continue to be hurled for hundreds of centuries without endangering the noble edifice," &c. &c.; all of which may be intended to convey some meaning, and admit of ready explanation by General Gaines, but which, I assure you, sir, is altogether above my comprehension.

The general soon becomes a little more explicit, when he says there is in Georgia a small class of men, who, like the "Holy Alliance, profess to employ themselves in the laudable work of enlightening and governing all other classes of the community, but whose labors consist of vain and daring efforts to prove that the light of truth is to be found only with the party to which themselves respectively belong, and that all others go wrong." Party! Sir, an agent representing the Government of the United States before the Government of Georgia, addressing to the Chief Magistrate of the State an official paper, in which, descanting on the state of parties, the writer places himself by the side of the one party, and fulminates a denunciation against the other!

Pray, sir, suffer me to ask if Major General Gaines received special instructions at your hands so to deport himself; to pry into the state of parties, to find out the relative strength of them; to place himself on the side of the strongest, giving it aid, countenance, and co-operation; and from this stronghold to issue insolent anathemas against the other, through the Governor of the State; thus directly intermeddling in our local politics, and availing himself of our unhappy divisions to make the exasperations of party yet more bitter? General Gaines will not permit us to mistake him; he proceeds to call the particular party to which he is opposed the "one-sided enlightening class;" in another place, he calls them "the small class."

The opportunities of General Gaines to inform himself of the state of parties in Georgia have been, no doubt, much better than mine, which have indeed been very limited; but I have more generally heard, from men better informed, that the relative strength of parties was somewhat different from the general's estimate of it. He seems to have adopted the same rule of enumeration, under the same optical delusion, as in measuring the strength of the Indian parties, and to have arrived at the very gratifying conclusion that the numerical strength was in the proportion of fifty to one; undoubtedly a very incorrect conclusion.

This officer took umbrage at my request to permit the commissioners on the part of the State to act in friendly concert with him in making his investigation for the discovery of truth. Why he did so, I cannot conjecture. This, however, was passed by without notice, as was his subsequent refusal to admit them to a participation of the councils in matters involving interests of Georgia. His indiscretion in declaring, before the council at Broken Arrow, that if the congregated world were to contradict the chief Yoholo he would not believe it, has been already noticed in the letter which I last had the honor to address to you. It is upon the authority of this chief, of Hambly, represented to be one of the most infamous of men, and of the agent of Indian affairs, that you have come to the conclusion to return the treaty to Congress for revision, it having been procured by intrigue and treachery.

General Gaines is reported to me to have said, in the presence of one of the commissioners on the part of the State, that if twenty-three States out of the twenty-four were to pronounce the agent guilty, he would not believe them.

General Gaines has been guilty of the childish indiscretion of threatening to cut off the head or ears of citizens of Georgia who happened to offend him, as if you had given him his sword for this special service.

But indeed, sir, it is high time to dismiss the subject of this officer.

In maintaining correspondence with the Government of the United States, I have not permitted any false considerations of dignity, or any false estimates of forms and ceremonies, which usually govern diplomatic intercourse between States, to interpose the least difficulty; so far from it, I have cheerfully descended to the level of every thing which it pleased you at any time to employ as your representative or organ, from the clerks of your bureaux up to your major generals by brevet, and have acted and treated with them as equals.

In the deportment of some of these I have experienced arrogance, self-sufficiency, a haughty and contemptuous carriage, and a most insulting interference with our local politics; and these characteristics not exhibited to one, but to all of the constituted authorities of the State. Now, sir, suffer me, in conclusion, to ask if these things have been done in virtue of your own instructions, express or implied; or by authority of any warrant from you whatsoever; and, if not so done, whether you will sanction or adopt them as your own, and thus hold yourself responsible to the Government of Georgia?

Be persuaded, sir, that whenever hereafter you shall think proper, not deceiving yourself or us, to send gentlemen to represent you before this Government of the character given to those by the letter of the Secretary of War of the 18th May, they will be received and respected as officers of the General Government would be by the most friendly States of the Union.

With great consideration,

G. M. TROUP.

The PRESIDENT OF THE UNITED STATES, *Washington City.*

The Secretary of War to Governor Troup.

SIR:

WAR DEPARTMENT, *August 30, 1825.*

I am directed by the President of the United States to acknowledge the receipt of your letters to him of the 7th and 26th of July, and of the 7th instant, with their respective enclosures; also, of an enclosure containing newspapers of the 2d and 9th of August.

Deeply regretting the different views of the treaty concluded last February at the Indian Springs, which you have entertained, from those which he has found himself, upon the most deliberate consideration, and under the most solemn of responsibilities, compelled to take, he is anxiously desirous to avoid any thing which, dictated by no

absolute necessity, might have a tendency to render wider differences, in his belief, otherwise easily reconcilable. He has felt it, therefore, his duty to decline entering upon any discussion with you which can be forborne; and he perceives nothing in your letters which the interests of the people of Georgia or of the rest of the Union require to be discussed with you. The Government of the United States is fully aware of its duties to the people of Georgia, among which is that of paying due respect to the station of their Chief Magistrate; a duty, if possible, still more indispensable, is that of a constant and faithful attention to their interests, and an earnest solicitude to fulfil all the obligations of the Union to them.

There are duties, also, not only of justice, but of humanity; not only of natural equity, but of positive stipulation, which the Government of the United States is bound to fulfil towards the unfortunate aboriginal inhabitants of this country.

That they have not been violated in the conclusion of the treaty at the Indian Springs, the President would yet willingly hope. That they would be violated by the attempt to survey the territory secured till September, 1826, to the Indians, he has no doubt. He has heard, therefore, with the most lively satisfaction, the determination of your excellency to proceed no further in the survey till the Congress of the United States and the Legislature of Georgia shall have had an opportunity of acting upon the subject, as, in their respective judgments, the rights, duties, and obligations of all the parties concerned may require.

The alarm naturally occasioned by the catastrophe of McIntosh, and which threatened an immediate bloody and desolating war, has now subsided; the internal peace of the tribe has been restored; all appearance of hostilities against the inhabitants of Georgia has vanished. To confirm this state of tranquillity, and to renew peaceable and reasonable efforts to reconcile the Indians to the measure of removing from the territory, appear to the President to be his duty, in which he will not abandon the hope of being seconded by the Governor and authorities of Georgia.

The subject, in all its aspects, will be submitted to the consideration of Congress at their approaching session; and all the instructions to the officers of the United States, as well as their conduct under them, will be subject to the animadversion of that body upon them for approbation or censure, as they may appear to have deserved.

Respectfully, your obedient servant,

JAMES BARBOUR.

His Excellency G. M. TROUP, *Governor of Georgia.*

Governor Troup to the President of the United States.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, August 31, 1825.

In the enclosed gazette you will find another insolent letter, dated the 16th instant, addressed by your agent, Brevet Major General Gaines, to the Chief Magistrate of this State. Having been betrayed by his passions into the most violent excesses, he is presented before you at this moment as your commissioned officer and authorized agent, with a corps of regulars at his heels, attempting to dragoon and overawe the constituted authorities of an independent State, and, on the eve of a great election, amid the distractions of party, taking side with the one political party against the other, and addressing electioneering papers almost weekly to the Chief Magistrate, through the public prints, couched in language of contumely and insult and defiance, and for which, were I to send him to you in chains, I would transgress nothing of the public law. The same moderation and forbearance with which I have endeavored heretofore to deport myself in my intercourse with you, and from which I trust there has, in no instance, been a departure, but on the highest necessity, have restrained me from resorting to harsh and offensive measures against him. You will see, however, if this officer has been thus acting by your authority or countenance, you have an awful atonement to make both to your contemporaries and to posterity.

But if, contrary to either, he has assumed the responsibility, it is expected that your indignant reprobation of his conduct will be marked by the most exemplary punishment which the laws will enable you to inflict. I demand, therefore, as Chief Magistrate of Georgia, his immediate recall, and his arrest, trial, and punishment, under the rules and articles of war.

You will find, in the same paper, sundry affidavits proving the falsity of the certificate given by Marshall and Edwards to General Gaines, and further proving that General Gaines must have obtained it to wield as an instrument in the pending contest on the side of one party against the other. As I write this, another gazette has been put into my hands, containing another letter of subsequent date and similar character, which is also enclosed for your information.

Very respectfully,

G. M. TROUP.

The PRESIDENT OF THE UNITED STATES, *Washington City.*

The Secretary of War to Governor Troup.

SIR:

DEPARTMENT OF WAR, September 19, 1825.

Your letter of the 31st of August, to the President of the United States, has been received and referred to this Department to be answered.

The President has decided that he cannot, consistently with his view of the subject, accede to your demand to have General Gaines arrested.

He perceives no sufficient necessity to depart from the course he had determined to pursue before the receipt of your letter, and which I communicated to you fully in the last paragraph of mine of the 30th of August, in which you are informed that "the subject, in all its aspects, will be submitted to the consideration of Congress at their approaching session; and all the instructions to the officers of the United States, as well as their conduct under them, will be subject to the animadversion of that body upon them for approbation or censure, as they may appear to have deserved."

I enclose you a copy of my letter to General Gaines; and, in so doing, I give you a new proof of the frankness by which the Executive has been guided in his intercourse with you, and furnish you with the means of learning its sentiments on the unpleasant occurrence referred to in your letter.

I have the honor to be your obedient servant,

JAMES BARBOUR.

His Excellency G. M. TROUP, *Governor of Georgia, Milledgeville.*

The Secretary of War to General Gaines.

GENERAL:

WAR DEPARTMENT, *September 19, 1825.*

I enclose you a copy of a letter from Governor Troup, in which you will see he has demanded your arrest for having violated the articles of war, by your several letters of the 10th and 28th of July, and 16th and 29th of August last, addressed to him, and which you caused to be published. The President has decided that he will not accede to this demand. I enclose you my reply of this date to Governor Troup.

There is no part of his duty which the President more anxiously pursues than that of maintaining the most scrupulous decorum in his official intercourse with the State authorities—a line of conduct from which no circumstances, however aggravated, have or will tempt him to depart; and he feels it incumbent on him to cause every officer of the Government to pursue a similar course. He has, therefore, seen with regret that, in the letters published, (which, though not transmitted to the Department, he presumes are authentic,) purporting to be from you to Governor Troup, you have permitted yourself to indulge a tone whose effect will be to destroy that harmony which the President is so much disposed to cherish, and the publication of what is calculated to inflame those differences which moderation and forbearance could not fail to allay. In communicating to you the disapprobation of the President, as well for writing as publishing those letters, and his injunction that, in your official intercourse with Governor Troup, in future, you abstain from every thing that may be deemed offensive, I am directed to add, as an act of justice to you, that the President sees in the serious charges made against you by Governor Troup, and the publicity given to them, and which the letters complained of were intended to repel, circumstances which go far, in his opinion, to palliate your conduct, and without which palliation the President would have found it his duty to have yielded to the demand of Governor Troup.

I have the honor to be your obedient servant,

JAMES BARBOUR.

Major General E. P. GAINES.

Governor Troup to the Secretary of War.

SIR:

EXECUTIVE DEPARTMENT, GA., MILLEDGEVILLE, *October 1, 1825.*

The evidence accompanying this will close the testimony on the part of the State against the Creek agent, with the exception of that which it is supposed Colonel White of Florida may furnish.

Respectfully, &c.

G. M. TROUP.

The SECRETARY OF WAR, *Washington City.**Governor Troup to the Secretary of War.*

SIR:

EXECUTIVE DEPARTMENT, GA., MILLEDGEVILLE, *October 15, 1825.*

Notwithstanding the resolution of the President, repeated in your letter of the 19th ultimo, to refer the complaints of this Government against the officers of yours who have given it offence to the consideration of Congress—a resolution considered here of most extraordinary character, inasmuch as it is the transfer of a subject over which the President, by the constitution, has exclusive jurisdiction, to a power which has no jurisdiction of it at all—I cannot forbear calling his attention to a statement contained in your letter to General Gaines, which, assumed to be true, although not true, is made the justification of the President in resisting the demand of the Governor of Georgia, and in extenuating the conduct of his officer. The paragraph in your letter embracing the statement reads as follows: "I am directed to add, as an act of justice to you, that the President sees in the serious charges made against you by Governor Troup, and the publicity given to them, and which the letters complained of were intended to repel, circumstances which go far, in his opinion, to palliate your conduct." Now, sir, so far from this being true, the opposite is true. Nothing offensive or exceptionable was ever written to that officer before he had sanctioned, by his approbation, an offensive letter written by your special agent on the 21st of June, and addressed to the agent for Indian affairs, in which the authorities of Georgia are wantonly abused for injustice, oppression, and tyranny practised against that agent; or before he had obtained a false certificate from two base and unworthy men to traduce and vilify the character of the Chief Magistrate of Georgia, which he ordered to be published of his mere volition, on pretence that false rumors were in circulation, (of what or about whom he does not say;) and this, too, done, as was afterwards made manifest, for the purpose of influencing the general election in this State in behalf of his favorite candidate. That you may entertain no doubt of the correctness of this statement, and the incorrectness of the statement of the President, you have only to compare the dates of the various letters and of their publication. It will be seen that, before General Gaines could have received my letter of the 16th July, of which he complained, he had already ordered the publication of his of the 10th of July, to which it was an answer.

You will be furnished in due time with additional testimony to show the very reprehensible conduct of the same officer in his department towards the authorities of Georgia, not with any the least expectation that justice will be rendered by the President to those authorities, but in discharge of duties which they owe themselves.

I have the honor to be your obedient servant,

G. M. TROUP.

The Hon. JAMES BARBOUR, *Secretary of War.**Warren Jourdan, Seaborn Jones, W. W. Williamson, and W. H. Torrance, to Governor Troup.*FORT MITCHELL, *June 26, 1825.*

Mr. Ball arrived here to-day about 11 o'clock. We thought proper to detain him until we could furnish you with a copy of our correspondence thus far with General Gaines and Major Andrews.

A perusal of these papers will furnish you with all the information that we yet have upon the subject of our mission.

The Indians have not yet been in council with General Gaines, but will convene to-morrow.

The copies you have herewith enclosed. Should any matter of importance occur by Tuesday's mail, we will inform you. The agent is suspended.

Respectfully, sir, your obedient servants,

WARREN JOURDAN,
SEABORN JONES,
W. W. WILLIAMSON,
W. H. TORRANCE.

His Excellency GEORGE M. TROUP.

N. B. General Gaines requests that his papers and letters may be forwarded to this place. Please order it to be done.

Governor Troup to Messrs. Jourdan, Jones, Torrance, and Williamson.

GENTLEMEN:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 18, 1825.

You are requested to proceed to the Indian Springs, to attend a council of the friendly Indians to be holden there on the 20th instant. As it is presumed that every concert tendered on the part of this Government to assure a full development of the facts connected with the late disturbances in the Creek nation, and also such as may more particularly affect the guilt or innocence of the agent, under the charges exhibited against him by the Governor of this State, will be gratifying to Major General Gaines, you are hereby authorized and empowered, under the authority vested in you by the Legislature, to employ all lawful means for the furthering of the objects aforesaid, avoiding, at the same time, any interference whatever with that council in matters disconnected with the objects of your mission, and which appertain exclusively to interests and relations purely political subsisting between the General Government and the Indians.

From the Indian Springs you will proceed to attend the other council of Indians, to be holden at Broken Arrow on the 25th instant. Your presence there will be of more importance, because more immediately connected with the investigation of the conduct of the agent, as arraigned by the Governor, at the instance of the President of the United States, and by the Legislature of the State. You will, no doubt, be admitted to a free participation of that council, and will be suffered to take with you, under sufficient safeguard, any of the friendly chiefs whose presence there you may consider necessary to the accomplishment of the objects which the United States and this Government have in view. There can be the less doubt of this, because, the charges having been already made both by the executive and legislative authority of Georgia against the agent, and the agent having so far thought proper to have recourse to the missionaries and hostile Indians in the nation for his defence, and that defence being already before the public at the instance of the agent, in which it would seem that, both being under the control and influence of his office, any direction most suitable to his views may be given to their opinions and feelings, it is only an exercise of strict right on the part of the Government of Georgia that it be heard before that council by its commissioners, who are instructed to give and receive explanations for the purpose, in common with the agents of the United States, of arriving at truth, and doing justice to all parties. Should such participation be denied you, you will enter your formal protest against that denial, and proceed to avail yourselves, within the jurisdiction of Georgia, of all the testimony you can obtain.

Yours, respectfully,

G. M. TROUP.

Messrs. JOURDAN, JONES, TORRANCE, and WILLIAMSON, *Commissioners, &c.*

Georgia Commissioners to Governor Troup.

SIR:

FORT MITCHELL, June 28, 1825.

By the return of your express, we advised you of our movements up to that date. Finding ourselves completely forestalled in every operation here, by the directions of General Gaines and the agent, we determined in council that a part of the mission should proceed forthwith to Alabama, believing the testimony to be obtained in that quarter more important than any we could collect here. In furtherance of these views, Colonels Jones and Torrance left here yesterday evening, and will return with all possible despatch to join us. The other two members of the mission continue to occupy their situation.

The Indians will probably go into council to-morrow. As yet we know nothing of the import of their deliberations, and as yet we can say nothing favorable of the object of our mission.

We are, sir, your excellency's most obedient, humble servants,

WARREN JOURDAN,
W. W. WILLIAMSON,
W. H. TORRANCE,
SEABORN JONES,

Commissioners.

His Excellency GEORGE M. TROUP.

Governor Troup to Seaborn Jones.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 23, 1825.

Believing the enclosed may be important to you, I send it by express. You will be pleased to make known to the commissioners that no obstruction will be offered to the survey or running of the line, inasmuch as it is resolved to carry these objects into effect.

Colonel SEABORN JONES, *Broken Arrow.*

Very respectfully,

G. M. TROUP.

Governor Troup to the Georgia Commissioners.

GENTLEMEN:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 23, 1825.

The enclosed memorandum of testimony, which, it is said, will be furnished by Colonel White, the Delegate of East and West Florida, has been forwarded to the Secretary of War, with a request that he will avail himself of the presence of Colonel White to obtain his affidavit to the truth of the fact. The memorandum is taken from a statement made by Mr. John Williams, at whose house Colonel White staid.

Very respectfully,

The GEORGIA COMMISSIONERS, *at Broken Arrow.*

G. M. TROUP.

Governor Troup to the Georgia Commissioners.

GENTLEMEN:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, July 1, 1825.

Perceiving, by your peculiar situation in the nation, that more of efficiency and despatch may be given to your proceedings by enabling you to detach members of your board whenever it shall be deemed necessary, you are hereby further instructed to make such detachment, at discretion, provided that not less than two shall be competent to proceed to business at any particular place, whose report shall, in all cases, be made to the board for its adoption or rejection; and that no such proceeding shall be considered final and conclusive until it has received the sanction and approbation of the board.

The GEORGIA COMMISSIONERS, at *Broken Arrow*.

Very respectfully,

G. M. TROUP.

Warren Jourdan and W. W. Williamson to Governor Troup.

SIR:

CRABTREE'S, CREEK NATION, July 2, 1825.

We have the honor to acknowledge the receipt of your several enclosures per express.

In conformity with your wishes, a talk was immediately draughted expressive of your views in relation to the survey of the country forthwith accruing to Georgia by the late treaty concluded at the Indian Springs. As General Gaines had, from the beginning to end, disclaimed the authority of Georgia to an interference with the "delicate and important trust confided to him," we deemed it respectful to submit it to his examination and decision before we proposed it to the council. We had the mortification to receive, in this, as well as in every other application which was calculated to facilitate the objects of our mission and to elicit truth, the continued and reiterated declaration, "it will conflict with our instructions; it is therefore inadmissible." We have accomplished but little; our way has been obstructed and hedged in on all sides. We have been engaged indefatigably to promote the well-being of the State we have the honor to represent on this occasion. Our labors have been unsuccessful and mortifying to an extent unknown in the history of diplomacy.

You shall hear from us in detail at a proper time.

Your excellency's most obliged and humble servants,

WARREN JOURDAN,
W. W. WILLIAMSON,
Commissioners.

His Excellency GEORGE M. TROUP, *Milledgeville*.*Governor Troup to the Georgia Commissioners.*

GENTLEMEN:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 28, 1825.

It would be desirable, if you have an opportunity to do so, to impress upon the Indians the innocence of the intention as well as the innocence of the act of survey, on our part, as their rights or interests of any kind can in no manner be affected by it. The measures of the United States will undoubtedly have a tendency to excite them against us; and if the United States should not take part with them in resisting the survey, humanity would dictate the propriety of forewarning them of the consequences, after placing them in possession of the facts and principles which govern our conduct.

The GEORGIA COMMISSIONERS, at *Broken Arrow*.

Very respectfully,

G. M. TROUP.

Governor Troup to the Georgia Commissioners.

GENTLEMEN:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 28, 1825.

You will perceive by the enclosed copy of a letter addressed to Major Andrews, of this date, that further intercourse between himself and this Government is forbidden, and for the reasons contained in that letter; it being now obvious that the question which you are engaged in investigating had been prejudged at Washington, even before the departure of Major Andrews from that city. The dignity of the Government of Georgia requires that it no longer continue to recognise him in his official character of special agent.

With great consideration and respect,

G. M. TROUP.

The GEORGIA COMMISSIONERS, at *Broken Arrow, Creek Nation*.*Warren Jourdan and W. W. Williamson to Governor Troup.*

SIR:

CRABTREE'S, CREEK NATION, June 30, 1825.

Difficulties and obstructions having been thrown in the way of the early fulfilment of the objects which called us to this place, we have to request of you to detain any witness or witnesses who may attend at Milledgeville for examination, until our arrival.

The hostile part of the nation have, for some time past, been deluded with the expectation, nay, almost certainty, of the abrogation of the treaty. We have great pleasure in informing your excellency that General Gaines took occasion yesterday, while in council, to state, distinctly, such a hope was illusive; that such an occurrence was unknown in the history of diplomacy; and earnestly urged them to become reconciled to the treaty, and the policy of the General Government.

We take occasion to assure your excellency of our high consideration and respect.

WARREN JOURDAN,
WM. W. WILLIAMSON,
Commissioners.

His Excellency GEORGE M. TROUP, *Milledgeville*.

Governor Troup to Messrs. Jourdan, Jones, Torrance, and Williamson.

GENTLEMEN:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 15, 1825.

You will see, from the broad and comprehensive terms of the resolution subjoined to the report of the committee, a copy of which is enclosed, that you are authorized to examine into the conduct of the agent, generally, during his continuance in office, and that you are not confined to the charges exhibited against him by the Governor of this State.

Very respectfully,

G. M. TROUP.

Messrs. JOURDAN, JONES, TORRANCE, and WILLIAMSON,
Commissioners, &c.

Governor Troup to General Shorter.

SIR:

HEAD-QUARTERS, MILLEDGEVILLE, June 10, 1825.

Knowing that, in conformity with general orders, you have taken all the measures in your power to make safe the frontiers upon the line of your division, I forward to you supplies of arms and ammunition, which you will order to be placed in safe custody, under a responsible officer, at or near the Indian Springs, the present theatre of alarm. You will soon hear that similar supplies are forwarded for General Ware, to whom you will give instructions accordingly. Every thing must be kept safely, so that the public suffer no detriment, and whether they be used or not.

Very respectfully,

G. M. TROUP.

Major General R. C. SHORTER, *Monticello, Georgia.**Governor Troup to General Ware.*

SIR:

HEAD-QUARTERS, MILLEDGEVILLE, June 11, 1825.

You will receive for the public service one hundred and sixty muskets, five thousand two hundred and eighty cartridges, two hundred and fifty flints, one hundred pounds of buck shot, and one hundred and sixty cartridge boxes; all of which you will be pleased to take the best possible care of.

Very respectfully,

G. M. TROUP.

Brigadier General A. WARE, *Fayette County, Georgia.**General Ware to Governor Troup.*

SIR:

FAYETTE COUNTY, FORT TROUP, July 11, 1825.

I have received information (which I conceive it my duty to communicate to you) that the citizens are intruding and trespassing on the Indians, by taking and conveying off the corn and other property of General William McIntosh, together with other friendly Indians. From a letter I this day received from Colonel Wagnor, of De Kalb county, and from the information of others of respectability, I am informed that the whites, citizens of this State, are committing depredations, and, in fact, stealing and taking off the property of the Indians on the head of Tallapoosa.

From my situation, I have thought it the most advisable to communicate the above facts to your excellency, and elicit your opinion as to the most advisable plan for me to pursue against those intruders, as, in my opinion, I deem it necessary that something ought to be done to put a stop to these plundering whites, divested of every principle of right and justice. I have sent on this by a friend of mine, Mr. Jones, who was going to Milledgeville, and who will hand you this; and permit me to solicit your excellency to send me an answer by the bearer.

With sentiments of esteem, your excellency's obedient servant,

ALEXANDER WARE.

To His Excellency G. M. TROUP.

Governor Troup to General Ware.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, July 14, 1825.

I have received your letter of the 11th instant by Mr. Jones, notifying me of the depredations committed by our citizens on the property of the friendly chiefs and others. As the criminal laws of Georgia have been extended over that section of country, I wish you to turn over to the solicitor general of your circuit for prosecution the names of all persons who, in this respect, have been violating the laws. Be pleased to give this information to Colonel Wagnor also. The magistrates ought to be vigilant and active in repressing these disorders, as they are required by my proclamation; and you can give them to understand that, whenever a military force shall become necessary in aid of the execution of the laws, you will furnish it promptly; and to this effect you had better give orders to your frontier officers.

Very respectfully, your friend and servant,

G. M. TROUP.

Brigadier General ALEXANDER WARE, *Fayetteville, Georgia.*

REPORT OF THE GEORGIA COMMISSIONERS IN THE CASE OF THE INDIAN AGENT, DATED JULY 16, 1825.

Governor Troup to the Georgia Commissioners.

GENTLEMEN:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *June 11, 1825.*

Under the authority of a resolution passed the 11th instant, of which an official copy is herewith furnished, you are appointed to receive and examine testimony in the case referred to. As the party concerned disclaims the authority of the State to interfere, it is not to be presumed that application will be made to you for leave to cross-examine: should, however, such application be made, you will not hesitate to grant it, giving timely notice of the person to be examined, and the time and place of such examination. You can hold your sessions at the place or places most convenient to you. Any three of you will be competent to proceed to business.

Respectfully,

G. M. TROUP.

To W. JOURDAN, WM. W. WILLIAMSON, S. JONES, and WM. H. TORRANCE,
Commissioners.

The Georgia Commissioners to Governor Troup.

SIR:

MILLEDGEVILLE, *July 16, 1825.*

On the 26th of June we had the honor to enclose to your excellency copies of the correspondence held at the Indian Springs with General Gaines. Your excellency will perceive that the commissioners of Georgia were inhibited by him from any participation in that council; and, in obedience to their instructions, they entered a protest, and without delay set forward for Fort Mitchell, near Broken Arrow. After our arrival at that place, we again addressed a note (No. 6) to General Gaines, renewing our request and explaining to him our motives and intentions in wishing to attend the council. This did not appear satisfactory to the general, and he adhered to his previous determination to exclude us from the council as *commissioners*, while we were left at liberty to attend as other individuals, (see No. 7.) We deemed it unnecessary to enter our protest against this refusal; and determined not to do so, from a sincere and anxious desire to give no cause of complaint to the general, and to attend the council as individuals, that we might avail ourselves of every means within our power of accomplishing the object of our appointment.

After we had prepared our letter to General Gaines, (No. 6,) and before it had been handed to him, we were invited by the general to attend a talk about to be held between him and the Little Prince; (a copy of this talk is marked No. 8.) From the anxiety of the special agent, Major Andrews, to satisfy the mind of the Little Prince as to the suspension of the agent, (Colonel Crowell,) we felt anxious forebodings that we need not expect to find in him a man who sought only to extend impartial justice to the accused. In the afternoon of the same day, (the 25th of June,) we rode to the Asbury Mission, (the Methodist missionary establishment,) to see the Rev. Isaac Smith, (whom we proposed to examine as a witness,) to apprise him of that fact, and to ascertain what time would be most convenient to him.

When we arrived, we found Colonel Crowell, Major Rockwell, his counsel, and Major Andrews, the special agent, already there. Being introduced to Mr. Smith, after a short time we informed him of our wish and intention to swear and examine him as a witness, and wished to know what time would suit him. His answer was, that any time would be convenient to him. We then proposed to make the examination on the Monday morning thereafter, and inquired of Colonel Crowell (to whom we had written the letter marked No. 5) whether that time would suit him; to which he assented. At this time we were asked by Major Andrews whether we and Colonel Crowell had made any arrangements as to the taking of testimony; to which it was replied, that we had informed each other that each should have the opportunity of cross-examining the witnesses examined by the other, and that no other arrangement had been made. While these conversations were passing, the gentleman came into the room whom we understood to be the Rev. Lee Compere, (the Baptist missionary, and author of the letter to the Southern Intelligencer;) he was informed that the commissioners would examine him also. Mr. Compere made some objections to being *sworn*, and he was distinctly informed that the law had provided that the *affirmation* would be equally obligatory with an oath, when any person had *conscientious scruples* about taking an oath. He would not say he had any conscientious scruples about taking an oath, generally, but that he had conscientious scruples about taking an unnecessary oath; that he conceived one unnecessary in this case; that he would give a statement, and that was all he presumed Mr. Smith would do; he at last declared he would not swear or affirm to *his statement*, as he presumed *his statement* would be sufficient with the President, without an oath or affirmation; but if Major Andrews said it was necessary to swear to it, he would do so. Major Andrews was then informed by one of the commissioners that he knew the object of their taking the testimony, and if he would say, in writing, that the statement, without oath or affirmation, would be sufficient, the commissioners would be satisfied. To this he replied, that he did not know the object for which they were taking testimony; that it was a matter between the commissioners and Mr. Compere; and that he must decline saying any thing. He was referred to your letters to him as explanatory of our object. He said he did not think those letters did explain it. He did not know whether we intended to lay the testimony before the President, the Legislature, or Executive of Georgia, or before a judicial tribunal. He was informed that he must know that it could not be intended for a judicial tribunal. Major Andrews persisting in his refusal to give an opinion, and believing the controversy worse than useless, we took our leave. Immediately on returning to Fort Mitchell, we wrote Major Andrews the letter No. 9, which remained unanswered till two of the commissioners (Jones and Torrance) left that place for Alabama. To persons not present, and particularly those unacquainted with all the circumstances, this letter may appear harsh, and the insinuations unwarranted; but we can assure your excellency that nothing but the most positive conviction could have induced us to take this step. Should circumstances have transpired to satisfy us we were wrong, we should most cheerfully have retracted; but we are sorry, for the interest of Georgia and of truth, we were compelled to declare that subsequent events have only confirmed us in the correctness of that opinion.

In the evening of that day, (the 25th,) two of the commissioners, walking along the public road, met and held a casual conversation with Josiah Gray, (a half-breed Indian, and one of the chiefs who had signed the treaty.) The next morning we received information that William Hambly, the national interpreter, had told Gray that General Gaines was displeased with him and us for holding conversations together, and that he must do so no more. From Gray's statement, (No. 24,) you will see what was said to him by the Indians.

On the morning of the 26th two of the commissioners walked out, and with them a white man by the name of Richards, (a man who had lived in the nation, and had been interpreter to the Seminole Indians,) who had a claim against the Creek nation, and who attended at Broken Arrow to have it settled. After he returned from the walk, he went into the commissioners' room to show his papers relative to his claim to one of them. After dinner of that day, standing near one of the commissioners, he was asked by him what was the name of an Indian who passed by at the time. Upon replying that he did not know, he was requested to ask it. He asked an Indian who stood by, and informed the commissioners the Indian lived below. He was then told that the name of the Indian, and not his place of residence, was inquired after. Richards then stated that he was willing to give the commissioners any information and assistance in his power, and to oblige them in any way he was able, but that he had received an order not to have any intercourse with the commissioners, or to interpret between them and the Indians for any purpose. He was then asked who gave the order? Was it given by General Gaines? To this he answered, the order was not given by General Gaines, but that he had received an order, and begged that no more questions might be asked him. About this time Colonel Williamson joined us, and upon consultation determined to ask an interview with General Gaines, from whom we had just received his letter of the 26th, (No. 7,) to assure him of the confidence of the Governor of Georgia and of the commissioners in his exertion and determination to quiet the disturbances in the nation and reconcile their differences; to state to him the difficulties attending us from the interdict which was placed on our communications with the Indian countrymen, (white men living in the nation,) and with the Indians themselves; to detail to him the above circumstances relative to Gray and Richards; and to assure him that we would have no intercourse whatever with the Indians until his business was closed, to prevent any misconstruction of our motives and conduct, if he (General Gaines) would promise, on his part, that he would keep the Indian chiefs there after he was done with them, and give us an opportunity of examining them separately and apart from each other, before him. He then stated that Major Andrews would wish to examine them in council, after he was done, and that he (Major Andrews) suggested the propriety of our drawing up our interrogatories, and submitting them to him for his examination, before they were put to the witnesses.

He was immediately told by one of our mission that we could not submit to such a requisition from Major Andrews; that if he identified himself with Colonel Crowell as his counsel, and proposed such an arrangement as reciprocal, we would consider of it; but that he, as acting impartially between us, and as a judge, had no right to ask or demand any such thing, and that we would not accede to it. We further told him that we were well satisfied, and we had no doubt, from his knowledge of the Indian character, that he must be satisfied of the inutility of examining them in council; that they would repeat the same story, whether true or false; indeed, that the talk would be delivered by one man, and that we could only hope to obtain the truth from them by a separate examination; that we wished it in his presence, and that we would put our questions in writing. The general then assured us that he would, with pleasure, give us all the facilities in his power; that he had the power to detain the chiefs as long as he pleased, and that he would do so; that he would let us know when he was done with them, and we should then have the opportunity of examining them as we wished. We then took our leave, resting with full confidence in the assurances of aid and assistance which we had received.

How well our expectations were fulfilled, and how justly our confidence was reposed, will be seen by your excellency in the report of Colonels Jourdan and Williamson.

On Monday the 27th, in the morning, we repaired to the Asbury mission-house, to submit interrogatories to Mr. L. Compere. When we arrived, we again found Colonel Crowell, Major Rockwell, and Major Andrews already there; the two latter in a private room, the door of which was carefully closed and fastened on our entrance into the house. In a short time Mr. Smith came into the room where we sat, and handed us the letter No. 23, signed by himself, Mr. Compere, and Mr. Hill; the last of whom seems to have enlisted himself as a volunteer, as he had not been asked by us, nor had we intended to examine him.

By this letter, you will perceive they had come to a positive determination not to swear or affirm to any statement they might give. Without entering into any discussion as to the propriety of that determination, we submitted some interrogatories to Mr. Compere. To these we could not then receive any answers; we were informed they would be prepared in the course of the day, and handed to us in the evening, as the council was expected to meet that morning. The commissioners declined submitting any questions to Mr. Smith at that time, and departed, leaving the rest of the company together, no doubt to consult and determine on the answers proper to be given to the questions.

When we called in the evening, the answers were already made out to the questions before propounded, and answers made to additional questions then submitted.

We are unable to give you a proper idea of this examination. Suffice it to say, we became well satisfied that any attempt on our part to obtain the truth from men living in the Indian nation, (whether white or red,) and under the influence and power of the agent, into whose conduct we were then examining, must be fruitless. For what could we expect from others, who pretended to have no regard for the sacred obligations of religion, when we found a minister of the gospel, an ambassador of Christ, covering himself with the sanctity of his mantle to protect himself from the consequences of perjury; when we found him prevaricating and equivocating in the statement which his conscience would not permit him to verify by an oath or affirmation? Under this conviction, and to prevent them from preparing the other witnesses as they had done those about Fort Mitchell, it was determined that two of our mission should immediately proceed to Alabama, to take testimony on the road, and at Line creek and Montgomery in that State.

Messrs. Jones and Torrance were selected for that business. They left Fort Mitchell, and proceeded as far as Crabtree's that evening, (a distance of four miles.) In pursuance of the instructions we had received from your excellency, Colonel Crowell was served with a notice on the 28th, early in the morning, that we would take the testimony of Kendal Lewis and James Moss, at the house of Kendal Lewis, about twenty-five or twenty-six miles distant from Fort Mitchell, at 11 o'clock that day.

You will perceive from Colonel Crowell's letter of that date, (No. 10,) that he complains of the time as too short to afford him an opportunity of cross-examination. While we admit the time was short, we deny it was too limited for him to reach there. We intended to give only time enough to enable him or his counsel to get there, and to allow them no time to tamper with and prepare the witness either to answer as they wished, or not to answer at all. As proof of the sufficiency of the time, we would refer your excellency to the report of Messrs. Jones and Torrance, marked A. The report of Messrs. Jourdan and Williamson, marked B, will show their proceedings, and the difficulties they encountered during the absence of Messrs. Jones and Torrance.

You will have seen by a former part of this report, that two of the members of the mission (Messrs. Jones and Torrance) departed from Fort Mitchell on the evening of the 27th for Lewis's, Line creek, and Montgomery, for the purpose of procuring the testimony of certain witnesses at those places. They having accomplished that object, so far as they were enabled to do, returned and joined the commissioners at Crabtree's, on Sunday the 3d instant. Having been informed, on that morning, that Mr. Kendal Lewis, to whom we had propounded certain interrogato-

ries the day before, in writing, (and who had at his request been allowed a short time to draught his answers,) had refused to answer them at all, and had also left the neighborhood for his residence, we determined to inform General Gaines of the same, and request of him an order whereby Mr. Lewis might again be brought to Fort Mitchell to testify.

This was done on the 4th instant, (see No. 21.) In that communication you will observe that we cautiously avoided the use of any language the least calculated to interrupt the very friendly feeling manifested towards the Government of Georgia and her commissioners by General Gaines shortly after their arrival at Fort Mitchell. We sought only to correct what we considered a mistake made by the general through his aid—doubtless unintentional—to request the order for Lewis, and a copy or copies of the talks to and from the Indians.

How far that communication authorized the reply we received, forbidding further correspondence with the United States' mission then in the Creek nation, touching the objects of the disturbances therein, your excellency will readily determine.

Whether the *special agent* was included in that mission we know not, but suppose that he was, and that our correspondence may have been closed under a feeling produced by your excellency's note to one of its members, (Major Andrews,) bearing date the 28th ultimo.

On the morning of the 3d, we were notified that the counsel for Colonel Crowell would proceed on the next morning, at about the hour of 9 o'clock, to take *the examination* of William Hambly, the interpreter. In pursuance of the notice, we attended at the time and place designated. When we arrived, we were informed that they were not ready, but would be in a short time. After we had been there about an hour, we were informed that they were ready to close the examination of Mr. Hambly. To our surprise, we found that the whole of the testimony of the interpreter had been committed to paper by Colonel Crowell's counsel before we were called in. It was read to him by the counsellor of the agent, who stated to the witness before he began, that he would read over his testimony again, slowly and distinctly. He did so, and then said: "Mr. Hambly, I have read over the testimony, slowly and distinctly; indeed, not once, but two or three times; and you can say if any thing is wrong." The witness said all was right, and then swore to the statements that he had heard read as true. Such a course we considered very unlike what is termed an *examination*. Having heard the testimony of Mr. Hambly, we determined at once not to cross-interrogate him; his evidence being mainly confined to points affecting the means whereby the late treaty was obtained, and attempting, by a selection of statements that we believed to be wholly false and unworthy of credit, to defame the fair character of the United States' commissioners, and every person connected with them in their duties as such.

Such testimony, if from respectable characters for truth, might be considered important, if the Government of the United States were prosecuting an inquiry, by her *special agents*, whether or not a fraud had been committed upon that Government by her commissioners. Such an opinion we could not for a moment entertain.

A perusal of the testimony of Mr. Hambly would convince you in a moment of the correctness of the opinion we had in relation to his veracity. He furnished abundant matter for the remark.

You will see from Colonel Crowell's letter of the 28th ultimo, (No. 10,) to two of the commissioners, that he complains of unfairness in our conduct, for having given him notice that we should proceed to take testimony at some distance from Broken Arrow, during the sitting of the Indian council, because, says he, "it was of much importance that I should be present at the council." The commissioners were not allowed to be present at that council; and therefore it could have been of "much importance" for an officer of the General Government to be present, who was then suspended from the functions of his office, it is for him to explain. We had distinctly heard, in public, from General Gaines, that it was his wish that no white man should hold "any talk" with the Indians until he was done with them.

From the course pursued by the agent at that council, and his permission to do so, (*for the omission to prohibit him was permission*,) his suspension was purely nominal—it was a mere mockery. We have no doubt but that his free admission into the Indian councils, aided and assisted by his former sub-agent, Mr. Walker, gave him quite as much influence over the minds of the Indians as he ever exercised in the days of his utmost prosperity and authority.

How well the Indians adhered to the instructions of General Gaines, in not receiving talks from white men, you can determine when you examine the written reply made by them to him as official. In that document you will observe that they speak of the "usages of the United States"—"of her constitution"—and "the principles by which she is governed." Truly, a savage production.

Upon the subject of a law which the hostile party allege that McIntosh violated, and which led to his death, you are referred to the report of Messrs. Jourdan and Williamson. We have no doubt, from the very many contradictory stories that we had heard in the nation, touching the origin and enactment of such a law, that no such law was ever known among the Creeks. We are confirmed in this opinion by the reply of General Gaines to the friendly chiefs, at the Indian Springs, on the 20th ultimo. If we are correctly informed upon that point, he there stated that he had read their laws, and was gratified to find none so sanguinary as that alleged by their enemies to exist, under *color* of which it had been stated that the *murder* of McIntosh was perpetrated.

The chiefs in council did not pretend that they had any such law reduced to record; a white man, who informed one of the commissioners that he had resided in the nation twenty or thirty years, stated that he knew of no such law.

The very manner in which these unfortunate men were put to death proves that the Indians did not execute him for having violated any law. We believe that, when it becomes necessary to enforce such sanguinary edicts upon any of that tribe, the culprit is arrested and conducted to some town or public square in the nation, and there undergoes a species of trial; sentence of death is then pronounced; the accused is thereupon publicly put to death by shooting.

How unlike such a procedure was the foul murder of McIntosh and his friends. His house was surrounded at the dead hour of night, and set fire to by a band of lawless assassins; and there, encircled by the scorching flames produced by the conflagration of his own mansion, was he inhumanly and most unlawfully put to death. When witnesses are called on in the nation, whom it is supposed knew something of Indian laws and Indian policy, they account for these murders by saying it was for violation of their law; which law, answers a church missionary, "*was seen by nobody*." When asked what law condemned to death a distinguished man among them, who was of the party slain, but who did not sign the treaty, the answer is gravely given by a reverend clergyman, "*the law of nations*!" (See Mr. Smith's testimony.)

It would have been well if this dignitary had informed us when the Indians adopted the principles of Vattel, Martens, and Brynkershoek!

The gross inconsistencies in the statements of the Indians and white men resident among them, to establish the existence of such a law, fix indelibly on the minds of the commissioners that no such law is, or ever was. The argument in support of such a law proves too much; the agent himself did not rely on it at the commencement of these Indian disturbances.

As an instance of the determination of those gentlemen resident in the nation, who have assumed the robes of sanctity to avoid any thing like plain truth, whenever it was, to operate against the agent or hostile chiefs, we call the attention of your excellency to our tenth interrogatory to the reverend Isaac Smith.

You will observe that he has thought proper to take the liberty to alter that interrogatory to read in such manner as would, according to his notions, give him the opportunity of an answer. It is under the words that he has interpolated into that interrogatory, and without our authority, that he has furnished us with his *national answer*.

We shall not here express an opinion on this conduct of Mr. Smith, nor shall we say what ought to be the consequences to him, if he had done this within the acknowledged jurisdictional limits of Georgia.

How far the whole of the testimony, taken in support of the charges against the Indian agent, sustains those charges, is not for us officially to determine; nor do we desire to express an opinion of an official character upon the subject.

There is a subject, not directly within the objects of our appointment, but is inseparably connected with the treaty and its consequences, upon which we beg leave to offer a remark. It is upon the subject of the contemplated survey of the territory lately ceded. During the stay of the commissioners at the Indian Springs, three of them were informed, by several of the leading chiefs of the friendly party, that they were willing, and even desirous, that the survey should be made during the ensuing fall, and assigned as a reason that the surveyors, and their people, being amongst them at that period, would afford them an opportunity of disposing of much of their products that they could not transport with them to the westward; that they intended removing beyond the Mississippi before another crop was made, if the General Government would pay them the money according to the terms of the treaty.

Connected with this, sir, we remark that it is somewhat strange that the chiefs who reside *beyond* the limits of the territory ceded to the United States for the benefit of Georgia, are the only chiefs, with a few exceptions, so far as we are informed, who are opposed to the survey.

The fact is notorious, we believe, that the chiefs and their leaders, who oppose this measure, are resident near Tallapoosa river and Alabama. What injury, then, can they sustain by the survey?

Herewith we transmit to your excellency copies of our correspondence with General Gaines and Major Andrews, connected with the subject, numbered from 1 to 23 inclusive; also, the testimony received in the execution of the duties assigned to us.

The testimony of several other witnesses will be received: an opportunity for their examination has not yet offered.

We shall proceed to close the several examinations as early as practicable, and forthwith report to you the same.

With considerations of high respect, we have the honor to be, sir, your excellency's obedient servants,

WARREN JOURDAN,
W. W. WILLIAMSON,
SEABORN JONES,
WM. H. TORRANCE.

To His Excellency G. M. TROUP.

A.

Messrs. Jones and Torrance to Messrs. Jourdan and Williamson.

GENTLEMEN:

MILLEDGEVILLE, July 13, 1825.

We arrived at Kendal Lewis's about ten o'clock on the morning of the 28th of June. After waiting some time, we entered into conversation with Kendal Lewis, and were informed by him that he was present when the observations were made by Colonel John Crowell, the agent, which were proven by Jesse Cox, that he had seen Cox's statement in the newspaper, and that Cox had sworn to the truth, and had not told any more than was said. We informed Mr. Lewis we had come on to take his testimony: to which he objected, saying he did not know any thing but what he had heard. We told him we wished to examine him as to what he heard Crowell say. This, he said, could be proved by others as well as himself; that Jesse Cox, Drury Spain, and others were present, and that Cox had sworn to it, and that was sufficient. We told him that Cox had sworn, but that we understood the Crowells said Cox had stated a lie. He said Cox had sworn to the truth, but that he could not give his testimony. We then told him we would apply to General Gaines for an order to compel him to appear before him to give his testimony, which we had not a doubt he would give; but, if he refused, we would make a statement of the facts to the Governor of Georgia, and he would apply for an order to the Secretary of War or the President. He said he would not give his testimony; but if General Gaines issued an order, he would not disobey his order. We then wrote a letter to Colonels Jourdan and Williamson, informing them of these facts, and requesting them to apply to General Gaines for an order to require Lewis's attendance.

While urging Mr. Lewis to be sworn, we inquired into the cause of his refusal.

He declared he was afraid all his property would be taken away from him if he testified. He told us that it was generally understood among the Indian countrymen, (white men in the nation,) that if they all adhered to the agent, and he was not displaced, the treaty would be broken, and they would get their land back; but if they testified against him, and he was discharged, the treaty would be good, and they would have to give up their lands; and they were all afraid they should lose all their property if they swore any thing against the agent.

About two o'clock we took the testimony of James Moss; and about three o'clock left Lewis's, and reached Cornell's house, twenty miles off, that evening.

We proceeded to Montgomery, Alabama, and took the depositions of John A. Peck, Henry Finch, and John M. Bach: being unable to find Captain Anthony, we returned to Crabtree's on Sunday, the 3d of July, and joined the other commissioners.

SEABORN JONES,
W. H. TORRANCE.

To the GEORGIA COMMISSIONERS.

B.

Messrs. Jourdan and Williamson to Messrs. Jones and Torrance.

GENTLEMEN:

MILLEDGEVILLE, July 13, 1825.

On Thursday, the 28th ultimo, we proceeded to the duties assigned to us in relation to preparing and arranging interrogatories to be propounded to several of the head chiefs of the nation, and also to some of the white

men resident there, which we proposed to have answered immediately after General Gaines had announced to us that he had concluded his business with the council.

In a conversation shortly afterwards with General Gaines on this subject, one of the commissioners frankly stated to him that we had no reliance on aid being afforded to us from any other quarter; he stated, in confirmation of his former assurance to us, that he had the power, through the agent for Indian affairs, to assemble the chiefs and Indian countrymen at any time and place he thought proper, and that our wishes in that particular should be attended to.

From this twofold assurance we felt confident no obstacle would be interposed. A list of witnesses we were desirous of examining was made out and handed to General Gaines. Interrogatories corresponding were made out, which consumed two or three days in the preparation and arrangement. From an examination of the correspondence herewith submitted to you, you will perceive that an objection was interposed, as coming from the chiefs, to the transaction of any business with the Georgia commissioners, unless in full council, and the insulting and indecorous language in which they were indulged in communicating that objection to us. You will also be informed that the objection was sustained.

Our feelings will not permit us to comment on this transaction in a becoming manner, because it would necessarily involve the integrity of character which all should sustain, holding high offices under, and possessing the confidence of, the General Government.

When it suited General Gaines's purposes and convenience, we were denied a "participation" in the council, for reasons stated.

When it comported with the views of the chiefs to enable them to evade truth, we were invited to the council. When white men attended for examination, who it was believed had honesty enough to swear to the truth, and through fear for their safety evaded it, the exercise of power which could coerce their attendance was denied.

You will not need the spirit of inspiration to enable you to understand and properly appreciate (as we believe) the motives which influenced such conduct, when you are informed that General Gaines declared in our presence and hearing that the statements of Hopoithle Yoholo made in council were true, and that it was impossible to resist the conviction; that he (General Gaines) would believe his statements against the congregated world.

During this conversation, we stated to General Gaines that if Hopoithle Yoholo's statement was understood by us, it was generally untrue; and that if he (General Gaines) would permit us to examine the chiefs separately, under any and every restriction he might impose, we pledged ourselves to prove to his satisfaction that Hopoithle Yoholo had lied. General Gaines replied it was impossible, and said he never knew an Indian to tell a lie in council. The commissioners then asked him if he had not the same confidence in the friendly Indians; to which General Gaines assented. We assured him that if Hopoithle Yoholo's statement was submitted to them, they would give it the lie, and that their statements would be confirmed by the commissioners on the part of the United States, and every person attached to the mission. To which General Gaines replied, he would submit our proposition to the council the next day.

From such unqualified declarations, (to say the least of them,) very insulting to the character and dignity of the State, with the testimony of the United States commissioners, and the testimony of many other respectable witnesses confirming their statements in relation to one of the charges (his opposition to the treaty) staring him in the face, we are constrained to believe, and to declare to the world our opinion, that this case has been prejudged. And we are the more confirmed in this view of the subject, when we take in connexion the views of the special agent, couched in his letter to Colonel Crowell, lately published in the Patriot, and which letter, from a subsequent letter, seems to have been approved of by General Gaines before publication.

The suspension of the agent, with the accompanying explanation, so far from having the effect to "elicit unbiassed testimony," produced the opposite result.

It was a very general belief entertained by both white and red men, that his removal from office was certain. When, therefore, the fact was publicly announced at Broken Arrow that he was suspended temporarily, and that too from mere courtesy to the Governor of Georgia, the effect produced was obvious and extensive. The conviction could not be resisted—his reinstatement in office was no longer doubted. We shall still feel the influence of his authority and power. This was remarkably exemplified in many cases, a few of which will be cited.

The case of Kendal Lewis, of which you are informed, who eloped secretly without testifying. The case of a respectable gentleman resident in Florida, who, for having casually conversed with one of the commissioners, was ordered (as he stated) not to hold any conversation with, or interpret any conversation held between, the commissioners and the Indians; who was grossly insulted publicly by General Gaines, and his head threatened to be cut off. The case of Josiah Gray, (one of the chiefs who signed the late treaty,) who had a like conversation with two of the commissioners, was told by Hambly, as he (Gray) informed us, that General Gaines was much offended with him and us. The case of an Indian, whom we hired as a pilot, to facilitate an examination of the river, with a view to ascertain where the line of Georgia would leave the Chattahoochie: on his being spoken to by some persons unknown to us, he immediately returned the money given him for the trip, and said he could not accompany us, as he had been much abused for consenting to go. The case of Mr. Martin, a gentleman who had been selected by the friendly chiefs to write their talk: for this little manifestation of friendship, he was much insulted and abused, and threatened with decapitation. During the development of these untoward occurrences, an express was received from his excellency the Governor, notifying us of his wish that the Indians should be made acquainted with the intentions of our Government in relation to the contemplated survey, and the innocency of the measure. In obedience thereto, a short talk was prepared. We attended the council for the purpose of communicating it; General Gaines pre-emptorily forbade the communication, and added, that he was instructed to say the survey would be prevented.

The circumstances and incidents just detailed, trifling and unimportant as some of them may appear to distant observers, had a most powerful influence in directing every thing in a given channel.

We have detailed some of the causes which operated the non-fulfilment of the principal object of our instructions, and which came more immediately under our observation.

The following consideration suggests itself on this branch of the subject: that the declaration of General Gaines to the Indians, to hold no talks with white men, operated wholly to our exclusion; and that all conversation about matters then the subject of investigation and negotiation was wholly interdicted to us. The most free and unrestrained conversation and communication was kept up and permitted with the Indians by all other persons present, even with the notorious sub-agent Walker.

We feel it a duty we owe to the State and to humanity to offer a few brief remarks in relation to the sanguinary law which has been offered as a full justification and extenuation of the cruel and unjustifiable murders lately committed in the Indian nation, and to enforce which the meek, charitable, and unbounded philanthropy of the followers of the Savior of the world has been called into requisition. If murders, rapine, plunder, and devastation are the doctrines best to inculcate in the system adopted by these missionaries, instead of peace and good-will to men,

and charity and love as extensive as creation itself, then all Christendom have to learn what a few missionaries have discovered by a short residence in a particularly appropriate situation for the exercise of the finer feelings of our nature.

The inconsistent and contradictory statements of those whose interest it is to establish the law confirm the opinion that no such law existed until the Tuckaubatchee and Polecat proceedings. Some contend that it was passed at Fort Hawkins; there are others who refer to a time for its passage immediately after the treaty at Fort Jackson; some others contend for Broken Arrow; while others contend that it was promulgated last year, at or near the missionary establishment, at a ball-play, and solemnly proclaimed from "a cart on the Lord's day." The latter is the declaration of the Rev. Isaac Smith.

The interpreter, Hambly, from his long residence in the nation, must have known the time and place of its enactment, if such a law was in existence.

In his testimony he swears (and from his character we should suspect him of a willingness to swear any thing) such a law was passed several years ago, and re-enacted in all the towns. He conceals the truth, and evades detection by not adverting to the *time* or *place* of its passage. This is the celebrated law not to be found in the national code, and which has never been seen by any person; (so says the Rev. Isaac Smith in his examination;) which has been conjured up by white men, and put into the mouths of the Indians, to suit their own purposes, and the pretext for the murder of McIntosh and his friends. If such a law has ever existed, made and enacted in full council, as contended for, with such severe penalties annexed, is it reasonable to suppose that so much uncertainty would exist as to the time and place of its enactment? Is it not irrational to suppose that, if such a law was passed with so much solemnity as is apparently urged, the nation would not have inflicted its penalties upon those who ceded away lands in '18 or '19," and upon those who subsequently ceded away the lands between the Ocmulgee and Flint rivers in 1821, when, by referring to the latter treaty, it will be found but two Alabama chiefs signed it? Why did their law sleep on these several occasions, so important, and calling so imperiously for its execution? Wherefore have not its terms and its penalties been heretofore proclaimed to deter delinquents from its repeated violation? So much for this imaginary law.

We shall proceed concisely to notice two other facts connected with these transactions, and close this report.

It seems to have passed unnoticed that the chiefs who gave the order for the death of McIntosh and his followers, as well as those who executed that order, were from those towns who were excluded in the late treaty, who ceded no land, and who sustained no injury; and that the same chiefs governed and directed in the late council at Broken Arrow; with what propriety or justice let those answer whose duty it is to make suitable atonement and repair the wrong.

It should also be recollected by those who have to weigh the merits and demerits of the injured party, and whose duty it is to judge of the extent of the double obligation imposed by important services rendered, and the most inviolable attachment and fidelity manifested on the most trying occasions, that, during the late war, the Creek nation experienced a civil disunion: those resident principally beyond the geographical limits of Georgia identified themselves with the enemies of the United States, and fought in their service, (the present interpreter amongst the number;) those resident on the Georgia side united themselves with the forces of the United States, and fought bravely in our defence.

The latter, in the fortuitous and fortunate course of events, became the conquerors; they held the country, not by the slight and uncertain tenure of possession only, but by right of conquest; a principle recognised by civilized nations, and acknowledged by the Government of the United States, and confirmed by their subsequent acts.

It was in pursuance of this incontestable right and well-established principle, that the McIntosh party have held, and at their good pleasure have ceded away, at various times, their rightful domain. If in any instance they enacted such a law as before referred to, their subsequent acts must have abrogated it.

The Red Stick party were conquered; they forfeited their lands to the United States as the price of their defection, and to compensate the Government for the expenses of the war and losses sustained. By this act they were dispossessed of that common and general interest in the country which rightfully belonged to them previous to the war. They became tributary to the dominion of McIntosh and his followers.

The United States exercised the right and the power claimed in the treaty at Fort Jackson. They recognised the same power as belonging to those who fought and bled in her cause by a public act so long ago as 1817. The United States are bound, by the universal principles of justice, by humanity, and gratitude for important services rendered, for attachment and fidelity unequalled, by the solemn and imposing stipulations of a treaty, to do ample justice to the sufferers, when their sufferings, ruin, and distress have been the consequence of their devotion to the General Government.

In calling to our recollection the events alluded to, we find among those signing the late treaty the distinguished chiefs (living) who acted as officers in the late war.

It only remains to be seen whether or not the General Government will stand by as a disinterested spectator of such tragic scenes, with folded arms, and see her faithful ally and friend murdered, and his family and friends gulphed in inextricable misery and ruin; whether the plunderers shall revel in their unholy gain with wanton impunity; whether the cries of innocence, the widow's weeping wail, shall be mocked at and pass unnoticed; in fine, whether the General Government will solemnly promise protection, and refuse it when most needed.

WARREN JOURDAN,
W. W. WILLIAMSON.

To the COMMISSIONERS OF GEORGIA.

CORRESPONDENCE BETWEEN THE UNITED STATES' AGENTS AND THE GEORGIA COMMISSIONERS.

No. 1.

Copy of a letter from the Commissioners appointed by the Governor of Georgia to take testimony relative to the conduct of the Agent of Indian Affairs, to Major General E. P. Gaines.

SIR:

INDIAN SPRINGS, June 20, 1825.

Enclosed you will receive a copy of a letter of instructions from his excellency the Governor of Georgia to us, as commissioners in behalf of the State, for the purposes therein mentioned.

It is important to the commissioners that your answer to the application of his excellency the Governor, to admit the commissioners to a full and free participation of the council of the Indians, should be received as early as practicable.

Very respectfully, sir, we are your obedient servants,

WARREN JOURDAN,
W. W. WILLIAMSON,
W. H. TORRANCE,
Commissioners.

Major General E. P. GAINES.

No. 2.

Copy of a letter received by the Commissioners from Major General E. P. Gaines.

HEAD-QUARTERS, EASTERN DEPARTMENT,

INDIAN SPRINGS, June 21, 1825.

GENTLEMEN:

I have the honor to acknowledge the receipt of your communication of yesterday's date, announcing the objects of your mission.

In reply, I have to observe, that, however much I might be aided by the lights of your experience, I do not feel myself authorized, without new instructions from the Department of War, to comply with your demand to be admitted "to a full and free participation of the council of the Indians."

The council is assembled for the purpose of enabling me to discharge duties of a very delicate and important nature confided to me by the General Government.

I deem it proper, therefore, that I should exercise the entire control of every subject to be acted on, and of every expression uttered to the council by any officer or citizen permitted to address it, whether of the United States or of any individual State or Territory. Without such control, our councils would be involved in confusion, and they would be wholly useless, if not worse than useless.

I offer you, gentlemen, assurances of my consideration and respect.

EDMUND P. GAINES,

Major General U. S. Army, Commanding.

Col. WARREN JOURDAN, Col. WM. WILLIAMSON, WM. H. TORRANCE, Esq.

No. 3.

Copy of a letter from the Commissioners to Major General E. P. Gaines.

SIR:

INDIAN SPRINGS, June 21, 1825.

Your note of the present date we have had the honor to receive. We are free to express, sir, that its contents have surprised us.

Your note furnishes us with the information that your duties are of a very delicate and important nature. We have no doubt of their importance. The occasion calls for important measures. The chiefs of a once powerful nation have to be re-established in their usurped honors, power, and fortunes, in and amongst a people over whom you are deputed for the time being to preside. Your measures fix their destiny, and that of their posterity: high responsibility—delicate trust.

Your Government has informed you of the existing relations between that nation and the State of Georgia. We are the representatives of that State, in connexion with certain matters touching the disturbances therein.

The Government of the State of Georgia has vested in us certain powers, the execution of which was, and is, believed to be closely identified with the objects of your present mission. On our arrival at this place, we deemed it prudent to lay before you a copy of our instructions from his excellency the Governor of Georgia, by which you were informed that we were expressly instructed not to interfere in any matter disconnected with the objects of our appointment; but, at the same time, clearly expressing the opinion that we would be admitted to a full and free participation of the Indian councils. This opinion was the more readily advanced by our Government, because it was known that your object in convening a council of the Indians was inseparably connected with the duties assigned to us; therefore, the State of Georgia considered that she might make the request that has been made, with much confidence that it would be readily granted; relying upon the strongest assurances which it was believed could be made by you, as the agent of the General Government, to receive the aid, and assistance, and co-operation of Georgia in carrying fully into effect the views of your Government.

We are instructed to say that our Government disclaims, in the strongest terms, any wish or intention in anywise to embarrass your movements as connected with any matter growing out of the present unfortunate and peculiar situation of the Creek nation of Indians. The Government of Georgia has created the commission under which we have the honor to act for no other purpose than to inquire into the facts as connected with the conduct of an officer of your Government, the conduct of which officer has been arraigned by the Government of Georgia, at the instance of the President of the United States. In the investigation of the conduct of that officer, the State of Georgia has great interest. It is of the highest importance to her that there should be a full and clear development of the facts; which if had, it is believed, will fully establish the several charges as preferred.

To arrive at the certainty of all these facts, in the most imposing and official manner, it was considered by our Government necessary to constitute the present mission. It was further determined by the same Government to be of the first consequence that the members of that mission should present themselves clothed in their official character in the council of the Indians to be convened by you; believing that in the councils information might be elicited material to the points in issue between the State of Georgia and the agent for Indian affairs. For this purpose, and no other, we have been directed by our Government to repair to this place, and to inform you of the same, and to respectfully ask your permission for admittance therein. We have done so by request only; we have not demanded it: that permission has been denied to us.

We, therefore, in pursuance to our instructions, as also a proper sense of duty towards our Government, do hereby enter our formal protest against such denial; believing that, in consequence of being debarred a participation in those councils, the State of Georgia will unquestionably be deprived of that which is to her of vital interest and great magnitude.

Respectfully, sir, we are your obedient servants,

W. W. WILLIAMSON,
WARREN JOURDAN,
WM. H. TORRANCE,

Commissioners.

Major General E. P. GAINES.

No. 4.

Copy of a letter received from John Crowell, Agent, &c. by the Commissioners.

GENTLEMEN:

CREEK AGENCY, June 20, 1825.

I have understood that you have been appointed by the Governor of Georgia to superintend, in the Creek nation, the investigation of the accusation which he has deemed it expedient to make against me.

Although I have not had the privilege extended to me by the Legislature and Governor of Georgia which is guarantied by the constitution of our country, even to the culprit on his trial; although it is apparent, from the course pursued, (in publishing the *ex parte* evidence, collected professedly for the adjudication of another and different tribunal,) that the prejudice of the community is sought to be excited against me, which, like the sword of Brennus, is to be cast into the scale against me, to make up for all deficiencies in the weight of the testimony; and although this course of proceeding is properly appreciated; yet, being desirous of affording my accusers the full benefit of a cross-examination of the witnesses to be adduced in my behalf, desiring a fair and impartial investigation, and conscious of the correctness of my official conduct, I herewith invite you to attend the examination of my witnesses in the nation, for the purpose of putting to them such questions in reference to my department as you may think proper. Of the time and place of examination you will be notified.

In giving you this invitation, I wish you distinctly to understand that it is not given under the impression that it is your right, since I have not been confronted with the witnesses against me; but it is given under a full conviction of being able fully to establish my innocence, by witnesses who shrink not from the ordeal of cross-examination, and to show you that my defence rests not, like the accusations against me, upon the flimsy foundation of garbled evidence, arbitrarily taken and improperly reported.

I am, respectfully, your obedient servant,

JOHN CROWELL.

No. 5.

Copy of a letter from the Commissioners to Colonel John Crowell.

SIR:

FORT MITCHELL, June 25, 1825.

Your letter under date of the 20th instant has been duly received, and we should be happy to avail ourselves of the opportunity to cross-examine any witnesses you may deem necessary. On our part we would observe, that the Government of Georgia feels no disposition to deprive you of any and every means of justifying yourself. We have no doubt that you would have been permitted to be present and cross-examine the witnesses before the committee of the Legislature, had a request been made by you; and we have been particularly instructed by his excellency the Governor to afford you that privilege.

You shall be duly notified of the time and place of examination.

We are, sir, yours respectfully,

WARREN JOURDAN,
SEABORN JONES,
W. H. TORRANCE,
Commissioners.

Colonel JOHN CROWELL.

No. 6.

Copy of a letter from the Commissioners to Major General E. P. Gaines.

SIR:

FORT MITCHELL, June 25, 1825.

Since our arrival at this place, we have been joined by Colonel Jones, who is associated with us in the commission by the Governor of Georgia.

In obedience to our instructions, with a copy of which you have been furnished, we beg leave again to call your attention to that part of those instructions by which it was contemplated by the Governor that we would be admitted to a free participation of the council of the Indians to be convened at Broken Arrow, as well as of that lately held at the Indian Springs; and we would repeat the request, on our part, that we may be admitted to that council.

In your letter of the 21st instant, in answer to a similar request made at that place, you say, "I deem it proper, therefore, that I should exercise the entire control of every subject to be acted on, and of every expression uttered to the council by any officer or citizen permitted to address it, whether of the United States or of any individual State or Territory. Without such control, our councils would be involved in confusion, and they would be wholly useless, if not worse than useless."

We call your attention to this part of your letter for the purpose of correcting a mistake under which you have fallen, with regard to our motives, and the course of conduct we might pursue, in attending the council. We have been particularly instructed "not to interfere with the council in matters disconnected with the object of our mission, and which appertain exclusively to interests and relations purely political subsisting between the General Government and the Indians." Permit us to assure you, sir, that we shall strictly adhere to those instructions, and carefully avoid any interference; and that we shall expect only to make suggestions to yourself in the council, and through you to obtain all the information which can be acquired. The information thus obtained will be of an official character, and will perhaps be more satisfactory than any derived from any other source.

From Mr. Kenan, our secretary, you will receive a copy of the message of the Governor to the Legislature, with the accompanying documents, and other papers.

And we have the honor to subscribe ourselves, with high consideration, your obedient servants,

WARREN JOURDAN,
SEABORN JONES,
W. H. TORRANCE,
Commissioners.

Major General E. P. GAINES.

No. 7.

Copy of a letter received by the Commissioners from Major General E. P. Gaines.

HEAD-QUARTERS, EASTERN DEPARTMENT,

CREEK AGENCY, June 26, 1825.

GENTLEMEN:

I have received your communication of yesterday's date, requesting to be admitted to the council to be convened at Broken Arrow.

I am under no such mistake as that you ascribe to me, and which you are pleased to attempt to correct. In your letter of the 20th, you claim "a full and free participation of the council of the Indians." Whatever may have been your meaning, the manifest import of the expressions employed by you could be nothing less than a demand to exercise, without control, certain privileges before the council. The force of this construction is rather strengthened than diminished by your instructions from his excellency the Governor of Georgia, to which you refer.

You say "We have been particularly instructed not to interfere with the council in matters disconnected with the objects of our mission, and which appertain exclusively to interests and relations purely political subsisting

between the General Government and the Indians." You are consequently instructed to interfere with the council in matters connected with the objects of your mission; or, in other words, to do what you are instructed to do, and nothing more. But your instructions exhibit an attempt to discriminate between the duties assigned to you, on the part of the State of Georgia, and subjects appertaining "exclusively to interests and relations purely political subsisting between the General Government and the Indians." I cannot perceive or admit the existence of any such distinction. The General Government can have no interests or relations "*purely political*," either with the Indians, or with any other people or nation, in which the State of Georgia is not concerned. But his excellency the Governor of Georgia deemed it proper that the State should be represented at the council at Broken Arrow, and you have been appointed for that purpose.

I have advised you that the President has seen fit to confide to me the exclusive mission to this nation on the part of the United States. I have now to add, that the duties assigned to me are substantially the same as those with which you are charged, with the exception of taking testimony as to the conduct of the agent. Thus have I the honor to represent Georgia, with each other member of the United States, in the Indian council at Broken Arrow. With due deference and respect for the authorities of the State, who have had the kindness to appoint a mission to afford me aid, which the General Government appears not to have been aware that I stood in need of, I cannot permit myself to recognise that mission without the authority of the President.

It would afford me great satisfaction to possess the confidence of the State authorities. I can hope to win it only by a faithful discharge of my duty; but if I fail thus to win it, I feel convinced that I shall not fail to retain what will be equally gratifying to me—the conscious persuasion that I merit that confidence.

In the subsequent part of your letter, you assure me that you will strictly adhere to your instructions, and carefully avoid any interference; and that you should expect only to make suggestions to me in the council, and through me to obtain the information which can be acquired. It is to be regretted that you did not sooner favor me with this moderate definition of your wishes, as, in that case, no objection would have been offered by me to your request, individually and unofficially. You are entirely at liberty to attend, as any other gentlemen would be. I reserve to myself, however, the right to control every subject to be acted upon, and every expression to be uttered to the council.

It affords me pleasure to profit by the *suggestions* of my fellow-citizens; but those *suggestions*, to be acceptable to me, must be free of any thing like official power or control.

In tendering to you my thanks for the polite offer contained in your note of this afternoon, I have to observe, that I shall not have occasion to send despatches before the departure of the regular mail.

I renew to you, gentlemen, assurances of my respectful consideration.

EDMUND P. GAINES, *Maj. Gen. Commanding.*

Messrs. JOURDAN, JONES, and TORRANCE, *Commissioners.*

No. 8.

Occurrences at Fort Mitchell.

FORT MITCHELL, *Saturday, June 25, 1825.*

The commissioners on the part of the State of Georgia, (Jourdan, Jones, and Torrance,) were waited on by the aid of General Gaines, and informed that he was about to hold some conversation with the Little Prince; that, if we wished to hear it, we would attend in the piazza. They repaired there accordingly. Present, General Gaines and aid, the commissioners above named, the special agent, Major Andrews, Little Prince, Thomas Triplett, acting agent—all.

General Gaines stated that he was about to hold a talk with the Little Prince, and that he had informed us of his intention to do so, that we might hear what was said.

He stated to the Little Prince that he must tell his chiefs and warriors that they must not go to the white settlements until all their difficulties and disturbances were settled; that they must be kind and friendly to all travelers and white people in and through the nation; that he had been sent here by the President of the United States to have their difficulties settled; that it was deemed necessary to suspend the Indian agent, charges having been preferred against him; that he must remain suspended until the charges could be inquired into; that the agent was only suspended for a time, until the charges preferred against him could be inquired into; that he should take Hambly, who was the national interpreter, as his interpreter, though statements had been made against him, but the Government yet had confidence in him, and that he had such confidence in him as to use him as such; but, to prevent any imposition, he had brought with him Benjamin Hawkins, as a check, who was recommended by the other part of the nation as being a good interpreter; and that he had instructed Mr. Hawkins, if Hambly did not interpret correctly, to let him (General Gaines) know it; that the Little Prince must tell his chiefs and warriors to hold no talks with any white person at all about their present difficulties, except himself; that they must receive no talk but from his own lips.

Major Andrews, the special agent, stated that he did not think General Gaines had been sufficiently explicit, and requested him to say to the Little Prince that the agent was suspended *merely through courtesy* to the Governor of Georgia, having been frequently urged to do it. Major Andrews also urged General Gaines to say to the Little Prince that his confidence in Hambly as an interpreter was not the result of investigation, as he had made none; but that he had seen nothing to make him doubt him. He was asked by Colonel Jourdan if he had not seen Colonel Williamson's testimony: he said he had, but that, taken with other things which had been shown him, he did not deem sufficient.

General Gaines then stated to the Little Prince that it was considered *necessary* to suspend the agent, charges having been made against him, and that he could not act as agent until the President of the United States had determined upon them.

No. 9.

Copy of a letter from the Commissioners to Major T. P. Andrews, Special Agent, &c.

SIR:

FORT MITCHELL, *June 25, 1825.*

We were not a little surprised to hear from yourself this evening that you were unacquainted with the objects for which we were taking testimony. We were then of the opinion (and, upon examination, have become confirmed in that opinion) that the papers which have been submitted are sufficiently explicit. By a reference to the letter of the Governor of Georgia to you of the 20th instant, you will find he says, "The commissioners authorized

by the Legislature to take further testimony will for that purpose proceed forthwith to the nation, and under orders to make all possible despatch." By a reference to the printed documents delivered to you at the agency on the Flint river, you will see a copy of the resolution referred to. To those we can add nothing which will convey in stronger terms the objects of taking the testimony, unless, perhaps, it may be necessary to remind you of the charges preferred by the Governor of Georgia.

While you seem to be ignorant of the object of our appointment, we presume that does not extend to the appointment itself. To avoid, however, any possible mistake, we would beg leave to refer to the conversation which took place between you and Colonel Jones, at the agency, in which you inquired if any mutual arrangement had been made between Colonel Crowell and the commissioners; whether we would re-examine the witnesses sworn before the committee, to enable Colonel Crowell to cross-examine them; and whether we would assist him to compel witnesses to testify who might refuse. We would also remind you of the inquiry you again made this evening, whether we and Colonel Crowell had made any arrangement, &c.

We regret we have been compelled to be thus minute, and feel more regret to remark that our object can be recognised when it is necessary to make inquiries for the benefit of Colonel Crowell, lest injustice may be done him; and when inquiries are made of you to facilitate the business and quiet conscientious scruples, you should decline to give any answer, and thereby (we hope unintentionally) throw difficulties in the way, already sufficiently obstructed.

We would beg leave further to remark, that while the testimony which has been taken against Colonel Crowell has been made public, and he has had every opportunity of seeing and disproving it, (if in his power;) and while our instructions are positive to permit him to be present and cross-examine the witnesses, and complaint has been made by you "of the appalling influence and power of the executive and legislative branches of the Government of Georgia," you have not thought proper to apprise either the Governor or ourselves of the testimony which "has been already shown you by the agent" in his own favor, or that to which you referred to-day, which had been shown you in favor of Hambly, the interpreter. As we could not doubt the ascertainment of truth to be the object of *your mission*, we could not be insensible to this difference; and we hope a second reading of the papers we have reference to will satisfy you fully of the object of our appointment.

And have the honor to be, with consideration and respect,

WARREN JOURDAN,
SEABORN JONES,
WM. H. TORRANCE,
Commissioners.

Major T. P. ANDREWS.

No. 10.

Copy of a letter from Colonel John Crowell to the Commissioners.

PRINCETON, June 28, 1825.

GENTLEMEN:

Your letter of this date was received a few minutes before seven o'clock, announcing your intention to proceed to take the testimony of James Moss and Kendal Lewis at eleven o'clock this day, at a distance of twenty-six miles from this place.

Understanding that two of your body set out in the direction of Lewis's yesterday afternoon; believing that you were apprized that Mr. Moss was in the vicinity of this place on the morning of yesterday; and knowing that my counsel, Major Rockwell, apprized Mr. Torrance, in your presence and hearing, that it was our intention this day, at the breaking up of the council, to take the testimony of several witnesses, to which arrangement there was no objection—under all the circumstances, I must be permitted to remark, that it seems, while you are willing to make a parade of fairness in the manner of procuring testimony against me; while you have, in a formal communication to me, offered me the privilege of cross-examining those witnesses to be found in the Creek nation, you take such measures as effectually put it out of my power to avail myself of the offer; "holding the word of promise to my ear, and breaking it to my sense."

Considering the manner in which that offer was made, being incidentally drawn from you by my invitation to you to cross-examine my witnesses, I am constrained to believe that you never sincerely intended that I should enjoy the advantage of a cross-examination, and that your offer was merely a hollow pretext to answer some hidden purpose. When you wrote your note this morning, to which this is an answer, you were doubtless well apprized that the council would meet to-day; that preparations were making for the reception of General Gaines by the chiefs; and that it was of much importance that I should be present.

From what fell from some of you at Mr. Smith's, and what took place between you and the general, I expected that you deemed it of importance that you should attend the council also. With what propriety, then, could you communicate your intention to me of taking testimony at Lewis's, Line creek, and Montgomery, in Alabama, if you were sincere in your invitation to me to be present and cross-examine those witnesses?

I had hoped that the spirit of persecution and oppression, by which your Governor is actuated towards me, would not have influenced his representatives; but the course you have pursued satisfies me that that hope is illusive.

I am, respectfully, your obedient servant,

JOHN CROWELL.

No. 11.

Copy of a letter from the Commissioners to Colonel John Crowell.

PRINCETON, June 28, 1825.

SIR:

You letter of this day's date, in answer to ours of the same, has been received. In justice to ourselves, we must be permitted to deny, most unequivocally, that your "counsel, Major Rockwell, did, in our presence or hearing, notify Mr. Torrance of his intentions this day to take the testimony of several witnesses after the breaking up of the council of Indians." We heard no such declaration ourselves, and we were not apprized of any such intention on your part by Mr. Torrance, except as it relates to the testimony of Mr. Smith, whose evidence was believed unimportant; and, as he was resident in the vicinity, it could be dispensed with for the present, without injury to either party.

Permit us to assure you that we have been positively instructed by his excellency to give you every benefit of cross-examination, and that it was in obedience to those instructions, and in perfect accordance with our feelings, to withhold no opportunity from you which might enable you to prove your innocence to the world, if practicable.

How justly, therefore, can we complain of gross injustice and illiberality manifested towards us in the whole of your communication! We have no hidden purposes to accomplish—no secret motives to influence us. To subserve the best interests of the State, to protect and shield virtue, intelligence, and disinterested patriotism in our Chief Magistrate, from the wily assaults of selfish and interested individuals from within and without, have been the objects of our most anxious solicitude and care. From the fact of your suspension, we could not perceive the importance you seem to attach to your being present at the council. You must have heard or been informed of the public declaration made by General Gaines, that our attendance at the council would be in the character of private individuals; it could, consequently, be of no avail to us in the accomplishment of the important object of our mission.

Objects of curiosity and novelty might have influenced us to attend. The intermediate time between the commencement and termination of the council we believed might be usefully employed in obtaining the testimony of persons in the direction of Alabama. We had just reason to believe, from threats and undue influence exercised over them, that they would not attend here.

In coming to this conclusion, we were insensible to any act of oppression on our part towards you, incidental or intentional; we believed, and do still believe, that no important interest, right, or privilege, which you are entitled to, would be jeopardized by the absence for a few days of yourself and counsel; and we are the more confirmed in this opinion from the declarations of the special agent, that the collecting of testimony in your favor would by him be submitted to the acting agent for Indian affairs.

From this view of the subject, we are free to declare that the charge of insincerity and oppression, reiterated again and again by you, falls unsupported and unsustained by a single reason or argument other than inflammatory and idle declamation.

The notice of our intentions was handed you this morning, in time, we believe, for you to have reached Lewis's; and we were instructed, if required, to say reasonable time would be given for your arrival. The remaining members of the mission did not intend taking any measure for the procurement of testimony until the return of the absentees; and this course we would now greatly prefer, on account of mistake or misapprehension somewhere, and to enable you to proceed and have the benefit of cross-examination, if desirable.

You cannot be unapprized of the great delicacy of our situation, (under present circumstances,) of attending the examination of witnesses in your private apartments. We propose, whenever General Gaines disposes of the trust confided to him by the General Government, to proceed to the examination of a number of witnesses. Our object in this is not to embarrass or interfere in any manner, the most remote, with his duties. We ask of you to pursue the like course, when all our objects can be obtained without inconvenience to any person.

Permit us to assure you, sir, that respect for ourselves and the authority under which we have the honor to act will not permit us to acknowledge the receipt of any further communication couched in the language and dictated in the spirit of illiberality and accusation.

We are, respectfully, your obedient servants,

WARREN JOURDAN,
W. W. WILLIAMSON,
Commissioners.

Colonel CROWELL.

No. 12.

Copy of a letter received from Major T. P. Andrews, Special Agent.

GENTLEMEN:

PRINCETON, (NEAR BROKEN ARROW,) June 27, 1825.

I received your letter dated the 25th last evening, and was not a little surprised at the misapprehension, on your part, which appears to have rendered such a letter necessary.

You remark, you were surprised to hear me remark on the 25th, in reply to an observation of Colonel Jones, that "I was unacquainted with the object for which you were taking testimony." I must deny in the most positive manner having made any such remark which would fairly justify such a construction. In your conversation with the Reverend Mr. Compere, which took place accidentally in my presence, he remarked that he had conscientious scruples against taking an oath, *unless in cases of absolute necessity*. He then added, if I would say that I viewed his giving you his oath as such a case of necessity, he would give it. My reply was, that it was a matter entirely between yourselves, which I did not wish to interfere in, and that I must decline giving an opinion as to the absolute necessity of an affidavit, being incapable of forming a judgment on it, as *I was unacquainted with the objects or uses to which the testimony collected by yourselves was to be applied*. You expressed some surprise at the remark; I took occasion to add, that I did not know whether your testimony was to be laid before the Executive or the Legislature of Georgia; the General Government, or its agent; or to be used before a court of justice. I did not make my being unacquainted with those objects or uses a matter of complaint, because (as the authorities of Georgia had not thought proper to make me acquainted with their particular intentions as to the use to be made of the testimony collected by yourselves) I did not consider it a matter on which I had a right to ask information. As it has now become a subject of question, and, in a measure, of discussion, I beg leave to ask you distinctly to what objects or uses the testimony you collect will be applied: whether it is to be submitted to the agent of the General Government, or to the United States Government direct? or whether it is only intended to produce a conviction of guilt in the Indian agent before the Legislature, the Executive, the people, or the courts of justice of Georgia?

I am more particularly induced to ask these questions to convince you that, although I have re-examined all the letters and sources of information you refer me to, as well as your letter now before me, I am still totally unacquainted with the objects or uses to which the testimony to be collected by you is to be applied. At the same time, I disclaim all right on my part to receive answers, unless perfectly agreeable; and state distinctly, that, since my interview with Colonel Jones, on the Flint river, I could not entertain a doubt that one object of *your appointment* was to criminate, if possible, the Indian agent.

You will certainly excuse me for declining what you appear to wish me to attempt—to "*quiet the conscientious scruples*" of the Rev. Mr. Compere, or any other person on any subject.

I told that reverend gentleman, immediately on your leaving us, as he can testify, that I would greatly prefer his giving you an affidavit, if consistent, on reflection, with his principles; but that, in saying so, I did not wish to be considered as stating my belief as to its absolute necessity, not having been made acquainted with that necessity, and having also informed him, as well as the other clergymen in the nation, that (respecting their characters and their religious scruples) I should view a conscientious statement from them, without their making oath to it, as all-sufficient, so far as their testimony was to be applied to the objects of my mission.

I recollect the inquiries you refer to, as made of Colonel Jones, on the Flint river; and take this opportunity of remarking, that I have, as yet, received no answers to them, particularly as to the intention of the commissioners to summon the witnesses already examined by the committee, to afford an opportunity of cross-examination.

I do not see the light in which the commissioners wish the first part of the third paragraph of their letter received. If no insinuation was intended by it, it appears to me that their expression was uncalled for and unnecessary. If, on the other hand, it is intended to convey an insinuation of a disposition on my part to act in an unfair or partial manner, I feel called on to say that such an insinuation is not warranted by any acts or intentions, or truth, and that a repetition must put a stop to all official correspondence between us; as I am determined to avoid all official correspondence, (which I am at liberty to avoid,) that is not conducted in a proper spirit of courtesy and justice.

In reply to the latter part of the same paragraph, I would remark, that I am not in official possession of the evidence you refer to, relating to the agent, having returned it to him for the present. I am, however, informed by the agent that in due time you will have an opportunity of cross-examining his witnesses, and, consequently, of seeing that testimony.

The course pursued by General Gaines, in relation to the United States interpreter, is one which is conceived to be entirely between himself and his Government; and as it regards the statement which I have made to him, in reply to his demand for it, of my present impressions in relation to the interpreter, it is between the general and myself, and our Government.

It will readily occur to you, that you will receive a great amount of information, (if you have not already,) not immediately connected with the particular object of investigation, but proper to be submitted to your Government. Whether such is the fact in relation to yourselves, or not, I take this occasion to inform you that I should be wanting in respect to the Government which I have the honor, on a particular point, to represent, if I should offer to others the first knowledge of a great deal of information which may incidentally come before me.

Such is the case in reference to the United States interpreter, who is not under trial.

The President has, so far, thought proper to disregard the impressions of others which have been laid before him, and to continue the interpreter in office. The commissioners of the late treaty, notwithstanding their impressions against him, continued to avail themselves of his services whilst in want of an interpreter. His capacity renders his services necessary to facilitate business. It was only in regard to the propriety of his being employed or not as an interpreter on the present occasion, that I have given an opinion to the general; and I understood your body (in the presence of General Gaines on Saturday evening) to approve of his employment, with the precautions which the general has taken on the occasion.

With consideration and respect, I remain, gentlemen, your most obedient servant,

T. P. ANDREWS, *Special Agent.*

WARREN JOURDAN, WM. WILLIAMSON, and WM. H. TORRANCE, Esqrs.

Commissioners, &c.

No. 13.

Copy of a letter from the Commissioners to Major General E. P. Gaines.

DEAR GENERAL:

CRABTREE'S, CREEK NATION, June 30, 1825.

Should the acting agent for Indian affairs decline taking the necessary steps to have Kendal Lewis at Princeton, on Saturday next, by 12 o'clock, we trust that you will issue an order, directed to John S. Thomas, who is the acting marshal to the mission from Georgia, and who will execute with promptness and fidelity any order coming through you or the agent.

With high respect and consideration, we remain your obedient servants,

WARREN JOURDAN,

WM. W. WILLIAMSON,

Commissioners.

To the foregoing communication General Gaines made a verbal reply, through me, stating that he had taken the necessary measures, and addressed a letter to the agent, who would use his endeavors to have the witness present.

M. J. KENAN,

Secretary to the Mission.

No. 14.

Copy of a letter from the Commissioners to Major General E. P. Gaines.

DEAR GENERAL:

CRABTREE'S, July 1, 1825.

We shall attend to-day, at the hour of 2 o'clock, P. M., to take the testimony of the Little Prince, Opoithle-Yoholo, Sandy Greason, John Riley, and Benjamin Hawkins; of which you will please inform Colonel Crowell. It is not our intention to have this examination in the square, because it will be very lengthy, and there will be no convenience for our clerk to take down the answers. We shall object to Colonel Hambly as an interpreter. We shall select Hawkins. We wish Colonel Crowell to select another. You will please invite the above witnesses to your quarters, where, by your permission, the examination will take place.

Very respectfully, yours, &c. &c.

WARREN JOURDAN,

W. W. WILLIAMSON,

Commissioners.

No. 15.

Copy of a letter from Major T. P. Andrews, Special Agent, &c. to the Commissioners.

GENTLEMEN:

PRINCETON, INDIAN NATION, July 1, 1825.

Your letter of this date to General Gaines has been referred to me, as well as the subject to which it relates. Colonel Williamson was present in the square when the chiefs positively refused to have a conversation with you, or suffer any examination, except in public, in the open square or council, and made no objections, or was not understood as making any. I have, therefore, to remind you that you shall have for your clerk all the facilities which have been enjoyed by the general and myself in our written intercourse with them, which has been considerable. Both the general and myself will take pleasure in affording you all desirable and possible facilities; but all questions put to the Indians must be in writing, that they may not be subject to be misapprehended. This is a course which the officers of the General Government have felt themselves bound to pursue, and one which, it is thought, is due in fairness to the Indians.

Very respectfully, your obedient servant,

T. P. ANDREWS, *Special Agent.*

To Cols. WARREN JOURDAN and WM. W. WILLIAMSON, at Crabtree's.

No. 16.

Copy of a letter from the Commissioners to Major T. P. Andrews, Special Agent, &c.

SIR:

PRINCETON, INDIAN NATION, July 1, 1825.

Your communication of this morning, in reply to ours of the same date, has been received. We cannot see the analogy between the cases cited. Your and the general's correspondence with the Indians, we presume, from your note, has been conducted in writing. You have had time and leisure in your rooms to make your communications; the Indians, on the other hand, have had reasonable time allowed them to respond.

Your objects have been national; ours relate to the elucidation of a few facts, and to correct erroneous opinions in relation to a few incidents connected with the late disturbances. We respectfully, and in great deference to the opinions of you and the general, ask, as a right due to Georgia, to examine a few chiefs in General Gaines's room, or in Major Rockwell's, the counsel for Colonel Crowell. We ask it from the following considerations: First, that the examination and cross-examination would, in all probability, consume a day. Secondly, that we always intended, and have always so expressed ourselves, that it should be under the immediate observation and control of General Gaines and yourself, and under the observation of Colonel Crowell and his counsel. Under such an arrangement, we cannot withhold the expression of our opinion, that, if any advantage existed, it would certainly be on the side of the agent. Thirdly, it does not seem reasonable to us, in the compliance of an unreasonable request by the Indians, that they will hold no converse or communication with the Georgia commissioners, unless in the open square, that we should be subjected to all the inconveniences of the most inclement season, when no possible injury could result to themselves or the agent in pursuing the course we propose. Fourthly, from the facility of communication with themselves by signs, as well as in a language we do not understand, we are firmly of the opinion that no possible good could result in the examination we propose, if their proposition be adopted; no possible injury could result to any person from the adoption of the course we propose, under the restrictions and safeguards we accede to. Fifthly, if we have not been misinformed, the agent has had all the benefits and indulgencies extended to him that we ask for or claim. We would respectfully suggest to General Gaines to recall to his recollection the distinct and positive understanding on this subject in his room, between the Georgia commissioners and himself.

The interrogatories we propose exhibiting are reduced to writing, and we had no wish to submit them in any other form. It belongs to you gentlemen, exclusively, to say whether the like indulgence will be afforded us.

Yours, &c. &c.

WARREN JOURDAN,
WM. W. WILLIAMSON,
Commissioners.

Major T. P. ANDREWS.

No. 17.

Copy of a letter from Major T. P. Andrews, Special Agent, to the Georgia Commissioners.

GENTLEMEN:

PRINCETON, INDIAN NATION, July 1, 1825.

Your communication, in reply to my letter of this morning, was handed to me whilst General Gaines and myself were engaged in council with the Indians at Broken Arrow. I immediately handed it to the general, who stated your request to the chiefs in council, and urged them to accede to it. I am requested by General Gaines to say that he has no objections to the chiefs meeting you *at any place*; but that the objection is made by the chiefs themselves, and that he is not disposed to insist on their doing so against their own determination. My objection relates solely to any questions being put to them that are not in writing, and by that means placed on record, and out of danger of being misapprehended. My objection was elicited in consequence of having understood from General Gaines that Colonel Jones, of your board, refused to put them in writing. You will permit me to remark, that, on the score of time, neither General Gaines nor myself can but think that you have had at least as much time in which to make your examination as any other person or persons whatever; indeed, from the number of your board, it is thought that you enjoy, in that respect, very great advantages. The only questions put to the Indians, in relation to the Indian agent, were propounded to them, and answered in the course of an hour or so, without leaving the council, and not as supposed in your communication.

As it regards the exposure of the commissioners of Georgia to the inclemency of the weather, I cannot but remind you that it is an exposure which the general and myself would have taken pleasure to share with you, although we have already been exposed to that weather for some time without intermission.

I take this opportunity of assuring you that you have been misinformed in supposing that the agent has had the "benefits and indulgencies which you ask for."

The general directs me to say that he does not consider himself as having had any understanding which militates in the smallest degree with his present determination of not compelling the Indians by force (if he had a force near him, which you know is not the case,) to attend the examination in the particular manner you request of him.

He has not only requested them, but urged them, so far as he could do so with propriety, to accede to your request, which they have replied to with great fixedness, as you will perceive from their reply, which he requests me to say will be handed to you so soon as it can be made out and copied.

With high consideration and respect, your obedient servant,

T. P. ANDREWS, *Special Agent.*To Cols. WARREN JOURDAN and W. W. WILLIAMSON, *Commissioners.*

No. 18.

Copy of a letter received from Major E. G. W. Butler.

HEAD-QUARTERS, EASTERN DEPARTMENT,

CREEK AGENCY, July 1, 1825.

GENTLEMEN:

Major General Gaines yesterday communicated to the Indian council, in presence of Colonel Williamson, the wish of the Georgia commissioners to examine a few of the chiefs, and remarked that it would not be necessary for them to remain in council after to-day, as the commissioners were desirous of taking their testimony out of council.

Hopothle-Yoholo, speaker of the Creek nation, answered that the council would remain in session, if the general wished it, but that he would transact no business in private with the Georgia commissioners.

Having received your request this day, the general accordingly notified the council. Hopothle-Yoholo replied, that the plan pursued by the Georgians, of taking them out of their square, had caused all their troubles, and imposed

on the general the necessity of coming here. He repeated their determination not to meet you privately, and remarked that private meetings, where persons do not adhere to truth, make difficulties, and have brought General Gaines here. He observed, moreover, that he did not know what further to say to you, as you had learned their difficulties through Mr. Compere, and that he thought their business was with General Gaines, as the President required information; that the Indians were involved in their present difficulties by the Georgians; and, as the general was about to succeed in settling them, they thought it best to refrain from an interview, lest it should prevent his success, and put him to the inconvenience of returning again; that Georgia intrigues had brought them from their crops, which were necessary to feed their little children; and that the Muscogee nation and Georgia were like two children that quarrel, and if one is stronger than the other, he tells lies on him, puts him in the wrong, and then gets him whipped for it.

General Gaines here remarked, that there were good people in Georgia as in all other States; to which Hopothle Yoholo assented.

He concluded his remarks by saying that he supposed the Master of breath had decreed that the Muscogee nation should be reduced and imposed upon; that the time had now arrived, and he presumed it must happen.

I have the honor to enclose the above remarks, literally, as they were taken down by me, for your satisfaction and information.

Very respectfully, your obedient servant,

E. G. W. BUTLER,

Aid-de-camp, and Secretary to the Mission.

To Colonels WARREN JOURDAN and W. W. WILLIAMSON,
Commissioners.

We certify that we were present during the above remarks, and that they are correct, as reported by Lieutenant Butler.

WILLIAM HAMBLY,

United States Interpreter.

BENJAMIN HAWKINS,

Interpreter for the McIntosh party.

No. 19.

Copy of a letter from M. J. Kenan, Secretary, &c., to Major E. G. W. Butler.

SIR:

CRABTREE'S, CREEK NATION, July 3, 1825.

I am directed by the commissioners on the part of Georgia to acknowledge the receipt of your communication of the 1st instant, detailing at great length the reasons assigned by Hopothle Yoholo and other chiefs for declining the proposition of the Georgia commissioners to be "examined in private." No such requisition as this, sir, has as yet been made, nor was it ever intended. The wish and request of the commissioners was, that he, together with other chiefs, should be examined separately and apart, and under every restriction and safeguard which the general, the special agent, and the counsel for the agent, might suggest.

In replying further, I have been directed to say to you, that the commissioners believe the statements attributed to Hopothle Yoholo to have been interpreted to you in the manner related; but that, if the recording angel were to make such a statement as coming from Hopothle Yoholo, they should still be incredulous and of little faith. In making this declaration, they wish not to be understood as intending any insinuation the most remote against the majesty of Him who sits enthroned in justice, wisdom, and truth, and who they believe is at this moment taking special cognizance of the transactions of men, but to convey to you in the strongest terms the utter and unavailable attempt to impose such statements on the representatives of Georgia as the unadvised effusions of the speaker of the council of the Creek nation of Indians.

They must conscientiously believe that every person who possesses an acquaintance with their situation and capacities, and who would be governed in their opinions and belief by the dictates of truth and impartiality, would irresistibly conclude that this is not the language of an untutored savage. No, sir; they believe it to be the work of that "wily and perfidious individual whose life and character have been too much diversified and too strongly marked to make him a fit officer of public trust;" of him who, if half that is said be true, is the most corrupt and unprincipled being that disgraces and dishonors even Indian society; of him who, it is said, was the faithful pilot to Pakenham's army in their advance upon New Orleans; who, it is also said, was the commander of a large detachment of Seminole Indians in the late war, and afterwards commanded a negro fort on the Appalachicola at the close of the war; and who, to cap the climax, is at this time the trustworthy and confidential interpreter of your Government. And this, sir, is the immaculate individual whose vices and whose crimes are proverbial; who, under the specious pretext of an Indian talk, is licensed to abuse indiscriminately the Government of Georgia, its public functionaries, and its citizens.

From such an administration, and such agents, may we speedily obtain a happy and constitutional deliverance.

It is due to the commissioners and to the legitimate authorities of Georgia to say thus much, and not from any respect to the individual who is the subject of it; for if he alone had been concerned, a moment's reflection would not have been bestowed on him.

You will no doubt think the remarks concerning Mr. Hambly to be acrimonious: they nevertheless are deemed just, and necessary to a vindication of their conduct, and the respectable citizens of our much beloved State, upon whom, of late, copious showers of slander and abuse have been gratuitously and wantonly poured. An allusion has been made to the Rev. L. Compere—a passing remark will suffice on that subject. The commissioners think him a fit associate and companion of the interpreter of your Government, and they are confirmed in the opinion from the reflection that he has, with the most unblushing effrontery, made public a statement relative to the late disturbances in the Creek nation, which he refuses to confirm by affirmation or oath; a statement with which truth has no connexion. And they are justified in the conclusion that, when gentlemen of his cloth turn hypocrites and degrade the dignity of their office, they become the most mercenary and deceitful revilers of truth, regardless alike of every moral principle and every sentiment which bind, govern, or influence the conduct of pious and honest men.

They ask pardon of the reverend gentleman for not assigning him an honorary rank and membership in the dishonorable purpose of misrepresentation, defamation, and falsehood.

In conclusion, permit me to remark, that no offence is intended you in this reply. They wholly disclaim any such wish or intention. Your department has been marked with more courtesy and respect than any other public functionary belonging to your mission, with whom they have transacted business.

Very respectfully, your obedient servant,

M. J. KENAN, *Secretary to Mission.*

Major BUTLER, *Princeton.*

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No. 20.

Copy of a letter from Major Butler to the Commissioners.

HEAD-QUARTERS, EASTERN DEPARTMENT,

CREEK AGENCY, July 3, 1825.

GENTLEMEN:

Your communication of this date is now before me. The remarks which I submitted to you yesterday were, as I then informed you, "for your information and satisfaction;" and I owe it to Georgia and to myself to say that delicacy would have prevented me from furnishing those remarks, had you not urged the separate examination of certain chiefs, after they had positively declined, in presence of Colonel Williamson, to meet you out of council.

If, in using the expression "examined in private," in contradistinction to examined in council, I did not convey your meaning, I hope you will pardon me.

In replying to your remarks concerning the incapacity of Hopoithle Yoholo, I cannot but express to you, gentlemen, the pride and satisfaction I experience in being afforded an opportunity of offering my feeble testimony to the independence, frankness, and astonishing natural abilities which so eminently distinguish this noble warrior. There can exist no reasonable doubt of the extraordinary powers of his comprehensive mind. I have seen them elicited on various occasions, through the medium of four different interpreters, and witnessed by men of talents and integrity.

So far as relates to Mr. Hambly, United States interpreter, I beg you will forgive me for not concurring with you in your opinion. I have no reason to doubt his integrity; and when I say he possesses the confidence of Andrew Jackson, with whom he served on trying occasions, I offer you the highest evidence I can afford of his integrity; at least so far as he was concerned with the Seminole Indians and at New Orleans.

Of the correctness of his interpretations before the council, I will merely remark, that it is confirmed by the testimony of four interpreters, one of whom belongs to the McIntosh party, and had been selected by the Georgia commissioners. The importance of my official duties prevents me from replying more fully to your communication; but while I tender you my most respectful acknowledgments for the complimentary manner in which you mention my department, I spurn your insinuations against the General Government, under which I have the honor to hold a commission.

Very respectfully, your obedient servant,

E. G. W. BUTLER,

Aid-de-camp, and Secretary to the Mission.

To Colonels W. JOURDAN and W. W. WILLIAMSON,

Georgia Commissioners.

No. 21.

Copy of a letter from the Commissioners to Major General E. P. Gaines.

SIR:

UCHEE BRIDGE, July 3, 1825.

We have this evening received a letter from Major Butler, as aid-de-camp and secretary to the mission, in which we find he has made a mistake. We notice it that it may be corrected. Major Butler states, that "of the correctness of his (Hambly's) interpretations before the council, I will merely remark, that it is confirmed by the testimony of four interpreters, one of whom belongs to the McIntosh party, and had been selected by the Georgia commissioners." In the employment of Benjamin Hawkins (for we presume he is the one alluded to) as an interpreter, we most positively disclaim any agency—even a recommendation; and the first intimation we had of it was your declaration at the time you were about entering into the conversation with the Little Prince, (and at which you had invited us to attend,) that you had brought him with you as a check upon the other interpreter. We then expressed ourselves satisfied with the arrangement you had made.

Instead of answers to the interrogatories submitted by us to Kendal Lewis, we this morning received the interrogatories themselves, with information that he had absented himself. We are therefore under the necessity of requesting you to issue an order that he may be brought before us for examination.

We would be glad to have copies of the *talks* which have passed between yourself and the Indian council, either in writing or which were taken down by Major Butler, that we may be able to lay them before the Governor of Georgia. As Major Butler may be very much engaged, our secretary (Mr. Kenan) will take great pleasure in making the transcript, and he will only have to subjoin his certificate after he has examined them.

With considerations of high respect, we are, sir, your obedient servants,

SEABORN JONES,
WARREN JOURDAN,
W. W. WILLIAMSON,
WM. H. TORRANCE,
Commissioners.

Major General E. P. GAINES.

No. 22.

Major Butler to the Commissioners.

HEAD-QUARTERS, EASTERN DEPARTMENT,

CREEK AGENCY, July 4, 1825.

GENTLEMEN:

I am instructed by Major General Gaines to reply to your communication of the 3d instant.

You say that I was mistaken in my remarks that one of the interpreters (meaning Hawkins) "had been selected by the Georgia commissioners." You acknowledge that you expressed your satisfaction with General Gaines's arrangement of using Hawkins as a check upon the United States' interpreter; and in your communication to General Gaines of the 1st instant, you remark, "we shall object to Colonel Hambly as an interpreter; we shall select Hawkins."

The general further instructs me to say to you that Kendal Lewis declared to him that he knew nothing but from report, and, if he has refused to give his testimony, he has not the power to compel him; that the authenticity of the Indian talks having been denied by the commissioners, he deems it proper to retain them until they can be

officially promulgated; and finally, that his courtesy having been impeached by the commissioners, notwithstanding his efforts to meet their wishes, so far as was consistent with his official duties, he thinks it proper that your correspondence should cease.

Very respectfully, your obedient servant,

E. G. W. BUTLER,
Aid-de-camp and Secretary to the Mission.

To Colonels S. JONES, W. JOURDAN, W. W. WILLIAMSON, and W. H. TORRANCE,
Georgia Commissioners.

No. 23.

Copy of a letter from Messrs. Smith, Compere, and Hill.

GENTLEMEN:

ASBURY, June 27, 1825.

Since our interview with you on Saturday last, we have considered your request, and therefore beg leave to assure you, that, while for your individual persons we entertain sentiments of the highest respect, and feel no desire to infringe on you in your official capacity, we are compelled, from a sense of propriety, to decline answering any questions either upon oath or affirmation. But as we have no disinclination to afford what information may be in our power, we are willing to answer questions you may propose to us, provided such inquiries are made in writing, and our answers may be given in the same way. We beg leave further to state, that, if our communication should be deemed important, if the United States should require us to give it the validity of an oath, we shall be willing to accede to it.

With sentiments of respect, we remain yours,

ISAAC SMITH,
LEE COMPERE,
W. C. HILL.

To Messrs. JONES, TORRANCE, and JOURDAN.

No. 24.

Testimony of James Moss.

CREEK NATION, (at Kendal Lewis's:)

By virtue of a commission from his excellency the Governor of the State of Georgia, to us directed, to receive and examine testimony in relation to the conduct of Colonel John Crowell, agent for Indian affairs for the Creek nation of Indians, we have caused James Moss to come before us, who, being duly sworn, saith:

That, shortly after the time that the Rev. William Capers made application to the council of Indian chiefs for liberty for missionaries to preach, (where they had been solicited,) he was present at conversations of the agent, Colonel Crowell, at the house of Thomas Crowell, at Fort Mitchell, in the Creek nation, and at other places, where the agent stated that Mr. Capers, in his application to the chiefs for leave to preach in the nation, referred to the laws of the United States, and urged the right to preach wherever the United States [had] authority; but that the chiefs refused him; that, to get them to refuse, he (the agent) before the chiefs went into council went to the tent of the Big Warrior, and gave him a talk not to let the missionaries preach in the nation.

Deponent further states, that, some time since, (he believes in the year 1822,) in a conversation that the agent had with him, the agent told the deponent that himself and Thomas Crowell, his brother, had failed for a large amount, (he believes between the sums of thirteen thousand and seventeen thousand dollars;) that he had placed his brother, Thomas Crowell, at Fort Mitchell, to make what money he could to pay off the debts of the firm; that, at that time, Thomas Crowell had a considerable stock of goods in the nation at Fort Mitchell.

That, while David B. Mitchell was agent, Drury Spain, a white man residing in the nation, sold to the Cussetah Indians about twenty hundred or twenty-five hundred dollars worth of goods, for which several of the Cussetah chiefs gave him an obligation to pay the same; that the same was not paid until the present agent came into office; that Mr. Spain applied to the agent to aid and assist him in getting the amount, but that the agent refused, and said that he would not render Mr. Spain any assistance to get the same; that, after the lapse of more than a year, Mr. Spain sold the obligation to the agent's brother Thomas and another person, at a reduction of five hundred dollars, or thereabouts: the agent said that he would see that Mr. Spain was paid for a flat (a ferry-boat) that he built; that, after the transfer of the obligation above named, the deponent was keeper of a toll-bridge in the nation, which belonged to the Cussetah Indians; that he received orders to pay over the money he received as toll to the holders of the obligation, and did so while he kept the bridge; that he also saw credits on the same obligation on account of payments made by money received from the Flint river ferry, at the agency; that the deponent settled in the Creek nation in the summer of 1821, within about forty miles of the agency.

After the foregoing statements were made, Mr. Moss was asked by the commissioners whether or not he believed (and, if so, the reasons of that belief) that the agent was friendly or unfriendly to the late treaty. He stated that he heard the agent say, a few days before the death of General McIntosh, that he had brought fruit-trees from New York, and planted them at the agency, and fixed himself well, and that McIntosh had then sold him out; and that, from a variety of circumstances, he verily does believe that the agent was decidedly opposed to the treaty; that he heard one of the Cussetah chiefs who went to the Indian Springs to attend the treaty say that the agent told Paddy Carr, who had acted as interpreter for individuals, to state to some Indians that, if they remained at the Springs that night, they would be compelled to sign the treaty next morning.

JAMES MOSS.

Sworn to and subscribed before us, this 28th day of June, 1825.

WM. H. TORRANCE,
SEABORN JONES,
Commissioners.

Interrogatories to be exhibited to the Reverend L. Compere.

- 1st. Were you present when the Indians killed McIntosh and Etome Tustunnuggee?
- 2d. What was the cause which induced the Indians to kill McIntosh and Etome Tustunnuggee? Was it for the violation of any law? What law was it, and when was it passed? Was it signed by General McIntosh, or made in council held at Broken Arrow?
- 3d. After McIntosh had received a shot, was he taken out of his house by any chief? If yea, by whom? and what did he say to McIntosh, and what was McIntosh's reply?

4th. Do you know any thing, of your own knowledge, of the circumstances attending the murder of McIntosh and others; or is not all your knowledge derived from the information of others?

5th. Was not Colonel Crowell opposed to a cession of the land by the Indians to the United States, and did he not use his influence to prevent one?

6th. Was Colonel Crowell friendly to a cession of land, and did he use his influence to get them to cede it?

7th. Do you not know or believe (and state the reasons of your belief) that Colonel Crowell instigated Walker to oppose the cession of land, or that Walker was acting agreeably to Colonel Crowell's wishes and directions in doing so?

8th. Did you not write a letter to the editors of the Southern Intelligencer relative to the disturbances in the nation, and the murder of McIntosh and Etome Tustunnuggee? For what purpose did you write that letter? Was it for the purpose of publication? Are the editors of that paper related to you, and in what degree? Do you know the statements in that letter to be true? Have you written any letter to South Carolina about it, and when, and to whom?

Relate all you know, as if particularly interrogated thereto, concerning the charges against Colonel Crowell, the Indian agent, of having exercised his influence to prevent the late treaty, and also the charge of his being the instigator of, or privy to, the murder of McIntosh. Are you and the agent, or not, upon friendly terms?

W. H. TORRANCE,
SEABORN JONES,
Commissioners of the State of Georgia.

Mr. Compere's answer.

GENTLEMEN:

ASBURY, June 27, 1825.

In answer to your interrogatories, I have to state that, with respect to your inquiry "if I was present when McIntosh and Etome Tustunnuggee were killed?" I say I was not.

2d. Your inquiry relating to the cause of their death, &c. My belief is, that the cause of their death was the signing a treaty which ceded away part of their land to the United States, in violation of their own laws. My understanding is, that the particular law was one made some years ago, which had been renewed at Broken Arrow, and afterwards at the Polecat Springs. This impression I received from a conversation had with the Big Warrior soon after the breaking up of the meeting held between the United States' commissioners and the Cherokees, and from several conversations with different chiefs after the Indians met at Polecat Springs. With regard to the signing of such a law by McIntosh, I know nothing about it.

3d. After McIntosh was shot, I have been frequently informed he was taken out of the house by a chief whose name I do not now remember. With respect to a conversation passing between him and the chief at that time: at first I did understand such a circumstance did take place, but I have now some reason to believe that my information with respect to that was circumstantially incorrect. For the substance of that conversation, I refer you to a paragraph in my letter published in the Southern Intelligencer, to the editor of which paper I have subsequently forwarded a notice to inform him in what respect it is incorrect.

4th. As to what I know of these matters, you will perceive from my answer to your second interrogatory that it is all derived from other persons.

5th and 6th. As it respects Colonel Crowell's opposition and agency with regard to a cession of land, I know nothing at all, except that I understood from some of the chiefs, after the meeting at Broken Arrow, that he was altogether neutral.

7th. On your last inquiry I am as unable to give you any information as in some others: for whether Colonel Crowell and Captain Walker have opposed the treaty in conjunction or separately I know not; and that I should not know any thing cannot be wondered at, when it is known that our communications with each other have not been instigated by our friendship for each other.

Yours, with due respect,

L. COMPERE.

To Messrs. JONES, TORRANCE, and JOURDAN.

P. S. In connexion with what I have stated in answer to the 7th inquiry, as I do not know any thing on the subject, I therefore cannot believe any thing about it.

L. C.

The first time I heard of the killing of McIntosh was on the day the chiefs arrived at Tuckaubatchee with the information to that effect. That morning I had intended to go to the Ufauley town, on business relative to our mission, but was informed by our boys that the Indians were gone up the river to kill McIntosh; and, on further inquiry, was told that this was known among our boys about five days. On being asked why they did not tell me, was answered, because we thought you would tell somebody else.

I have written to the editor of the Intelligencer in reference to this subject. It has been published with my name, and it was done so to give information which, with the exception of a part of a paragraph, (the circumstances of which paragraph I have already explained,) I believe to be correct, from the information I have received from different chiefs and other Indians in the nation.

Some part of the interrogatories I can say nothing about, as I know nothing about them.

As it respects Colonel Crowell being the instigator of the murder of McIntosh, I can only state that I do not believe it, for two reasons: 1st. The principal chiefs in my neighborhood deny it in the most unequivocal terms. 2d. The agent met the Indians and informed them that the treaty was ratified. Some of the Indians called at our place, and declared that the agent and they had not been friendly all the meeting, for that the chiefs had quarrelled with him all the time.

With regard to any further inquiries about the letter, I cannot answer them, as it is before the public.

L. COMPERE.

Mr. Compere being requested by the commissioners to swear or affirm to the foregoing facts and belief, as stated by himself, refused to do so; and stated that if the United States required it he would do so.

WARREN JOURDAN,
W. H. TORRANCE,
SEABORN JONES,
Commissioners.

Statement of Josiah Gray, an Indian half-breed.

CRABTREE'S, CREEK NATION, July 3, 1825.

Josiah Gray says that, during the council at Broken Arrow, (that is, on the third day,) he received orders from the Little Prince to take the track back home; that he had no business at the council; and that, if he did not obey the orders in four hours, they would think further about it—meaning, as I supposed, they would do me some injury; that I was talking with the Georgia commissioners, which they did not like; and that they had given orders to their people to hold no talk with the Georgia commissioners. This order was given to me by the chiefs from the Osochee and Uchee towns: they said they received orders from the Little Prince, as above stated. The names of the chiefs are Tholoe Tustunnuggee, Thlewaley Tustunnuggee, and The-lis-ligah, from the Uchees.

JOSIAH GRAY, his + mark.

Done in the presence of

W. JOURDAN,
W. W. WILLIAMSON,
HAYNES CRABTREE.

*Testimony of John M. Bach.*STATE OF ALABAMA, *Montgomery County:*

By virtue of a commission from his excellency the Governor of the State of Georgia, to us directed, to receive and examine testimony in relation to the conduct of Colonel John Crowell, agent for Indian affairs for the Creek nation of Indians, we have caused John M. Bach to come before us, who, being duly sworn, saith:

That, during the time that the late Indian treaty was held at the Indian Springs, in Georgia, in February last, he was in a conversation with Colonel Crowell, the agent, concerning the Indian affairs, during which time he mentioned to the agent the death of the Big Warrior; when the agent replied, that it was good he was dead; that he was a damned coward, and ought to have died ten years ago; that if he had cut McIntosh's throat ten years ago, the Indian lands would not have been sold. After the foregoing conversation had passed, the Tuckaubatchee chiefs passed the agent's office, returning from the room where the United States' commissioners were holding the treaty; they were stopped by Paddy, (a lad of about sixteen or seventeen years old, from appearance a half-breed,) who was standing before the agent's office, who addressed them in a short talk: though the deponent does not understand much of the Indian tongue, yet he believes, from what he saw and heard, (the agent being near them,) that the lad Paddy spoke to the chiefs above named to oppose the treaty, and that what he said came from the agent. From the foregoing circumstances, connected with many others, he has no doubt but the agent was opposed to the treaty. The deponent believes that Paddy was in the employ of the Crowells. He has seen him in the store of Thomas Crowell at Fort Mitchell, and at the agent's office at the Springs.

JOHN M. BACH.

Sworn to and subscribed before us, this 30th day of June, 1825.

WM. H. TORRANCE,
SEABORN JONES,
Commissioners.

*Henry Finch's testimony.*STATE OF ALABAMA, *Montgomery County:*

By virtue of a commission to us directed, to take testimony relative to the conduct of Colonel John Crowell, agent of Indian affairs, we have caused Henry Finch to come before us at the house of Benjamin Williamson, in the town of Montgomery, who made the following statement, and was duly sworn to the same:

That, in the month of October, in the year 1821, he applied to Colonel John Crowell, agent for Indian affairs, for a license to trade with the Indians, and to know of him the terms on which it would be granted; that Colonel Crowell told him that he would grant him one on his producing a certificate from some respectable person that he was a man of fair and respectable character, and giving a bond with good security in \$1,000 that he would violate no regulations relative to the Indian trade; that he inquired of Colonel John Crowell if he was acquainted with James S. Frierson, Esq., and if his certificate would answer as to his (Finch's) character, and the sufficiency of a man by the name of Stone, whom he proposed to get as his security. To this Colonel Crowell replied, that he was well acquainted with Mr. Frierson, and that his certificate would be sufficient; that he (Finch) then proceeded to Georgia, and saw Mr. Frierson, who told him he would write the agent a letter on the subject; that he then proceeded and purchased a load of goods for the Indian market; and having the letter from Mr. Frierson, and the bond (which the agent had given him) executed by himself, and Stone as his security, he came into the nation, and applied for a license to the agent, and was positively refused; that he told the agent of his promise, of his having laid out his money in consequence of it, for goods suited only for the Indian market, and of the loss he would sustain; that the agent told him Spain would buy his goods; he replied, Spain had no money, and if he sold on a credit, he would lose the tools he had to work with; that the agent then told him Tom Crowell (agent's brother) would buy them: and to this he gave no reply. Next morning the agent told him he had concluded to give him a license to sell out that wagon load of goods, and asked him if he could do it in thirty days, to which he answered yes; upon which the agent gave him a license for one month. He then asked the agent if there was no possible way by which he could get a license to trade when that was out; to which the agent replied there was none. He then left him and sold his goods.

After the month was ended, on his way from the Alabama to Georgia, he had a conversation with Thomas Crowell, at Fort Mitchell, or Princeton, and, talking about the profits of his late adventure, a partnership was proposed by him (Finch) between himself and Thomas Crowell, if he could get a license from the agent. Thomas Crowell said he would write to his brother (the agent) his views on the subject, if he (Finch) would remain till next day; next day (which he thinks was about the 4th of February, 1822,) Thomas Crowell gave him a letter for the agent, and he (Finch) proposed that they should talk over the terms of the co-partnership; to which Thomas Crowell replied that it was not necessary, as his brother (the agent) could arrange the terms with him if a license were granted.

He then proceeded to the agency on Flint river, and handed the letter to the agent. After the agent had read the letter, they commenced a conversation about the co-partnership, the terms, &c., when the agent drew up the articles between them, by which 500 dollars were to be advanced by each, to constitute a trading capital to be

managed by him, (Finch,) in the name of him, (Finch,) for the benefit of him and Thomas Crowell. The profits were to be equally divided, after deducting all expenses, including reasonable wages for him, (Finch,) and the partnership to continue during their mutual pleasure.

That John Crowell, agent, then signed Thomas Crowell's name to the articles, and advanced \$400 of the money to him, (Finch;) the other \$100 was never advanced by any one; that he never saw the contents of the letter written by Thomas Crowell to the agent, and that his second license was dated about the 6th of February, 1822; that he traded among the Indians for nearly three years, and settled with Thomas Crowell when he closed, and gave him up the articles which had been so signed by John and himself, and took his receipt for upwards of \$1,300 in full for the stock and profits; that while the partnership continued, he and Thomas Crowell bought from Drury Spain an account he had against the Cussetah Indians for about \$2,500 or \$2,600, and gave him for the same \$2,000—one-half to be taken in goods, \$600 to be paid down, and the other \$400 to be paid in a few months after. The reason why Spain sold the account, as he then understood, was because the agent refused to give Spain any assistance in getting his money from the Indians, and refused to pay him out of the money which came through the agent's hands, for annuities, ferriages, &c.; that after he and Thomas Crowell purchased the account, they had no difficulty in getting the money paid over to them, as it came into the agent's hands, such as annuities, ferriages, and so forth; that a considerable part of the account had been paid, part by the agent out of the annuity, and part by him from the ferry, where the agent resided, at Flint river. When he settled with Tom Crowell, about the first or last of January, Crowell took the balance of the Spain debt as so much of his share.

This deponent further states, that when the partnership was entered into, there was a verbal restriction imposed on him not to trade within ten miles of Fort Mitchell, (Thomas Crowell's stand,) except in passing. This deponent knows that there has been a store kept at Walker's, the late sub-agent's, since the fall of 1822, which was always understood to belong to him; that he (Walker) purchased and supplied it with goods, and acted in all respects towards it as owners of stores usually do; that it was on the main trading Federal road from Line creek to Fort Mitchell, and must have [been] seen and known by the agent. This deponent saith, in explanation of that part of his testimony which relates to the annuity, that he received a part of the annuity of 1823, the balance remaining after paying the account due Thomas Crowell; but that he received none of the annuity of 1824, there being so small a balance remaining, after paying Thomas Crowell's account, (made after the payment of the previous annuity,) that it was not worth attending to.

HENRY FINCH.

The foregoing five and part of sixth pages [MS.] were read over by the witness, and corrected by his directions, and sworn to and signed by him, in our presence, this 30th of June, 1825.

SEABORN JONES,
WM. H. TORRANCE,
Commissioners.

Testimony of Stephen Hawkins.

GEORGIA, Baldwin County:

By virtue of a commission from his excellency the Governor of Georgia, to us directed, to receive and examine testimony in relation to the charges lately preferred by the Governor aforesaid against John Crowell, agent for Indian affairs in the Creek nation of Indians, we have taken the examination of Stephen Hawkins, a white man resident in said nation, who, being duly sworn, deposeth and saith:

That he has resided in the Creek nation thirty-eight years, or thereabouts; that, on the second day of May last, he was on his way from Fort Jackson to his residence at Chelokonajah, in the nation; he was stopped by eight or ten Indians, who belonged to the hostile party; they seemed to be headed by John Riley, a half-breed; Riley told him they were sent by Hoppithle Yoholo, a Tuckaubatchee chief, to take all the property belonging to the Hawkins' and McIntosh, and carry it to Tuckaubatchee; they took what property they [he] had with him, except two horses, (one of which he was riding, and the other rode by his wife,) which they afterwards took, and carried away; the property to be had on the road was two negro boys and a thousand yards of homespun, two sacks of salt, besides a number of other articles; he told them that they ought not to take his property; that he had nothing to do with the treaty: Riley replied to him, that Hoppithle Yoholo had ordered him to do so, and that the agent (Colonel Crowell) had ordered Hoppithle Yoholo to have it done. Some of the same party met at his house and took what he had there, being some other negroes and other property. That, in consequence of the conduct of the hostile party, he left the nation, apprehending that they would kill him; they did kill his son, Samuel Hawkins; all his family had to leave the nation, through fear; he now lives near Fort Jackson, in Alabama.

STEPHEN HAWKINS, his + mark.

Sworn to and subscribed before us, this 21st day of June, 1825.

WARREN JOURDAN,
W. W. WILLIAMSON,
W. H. TORRANCE,
Commissioners.

Testimony of John W. Freeman.

GEORGIA, Baldwin County:

John W. Freeman was this day brought before us, as two of the commissioners appointed by the Governor of the State aforesaid, to take testimony in relation to the conduct of John Crowell, agent for Indian affairs for the Creek nation of Indians, in obedience of an order issued by us for that purpose; and being duly sworn to state all the facts and circumstances which came to his knowledge, and also what he had heard, upon which his opinions were founded, deposeth as follows:

That, on or about the 3d day of May last, he arrived at the house of Haynes Crabtree, in the Indian nation, four miles from Fort Mitchell, at night, when information was given that four painted Indians had been seen near there, inquiring if that was not Crabtree's house. From this circumstance, and the fact that Carr (a mixed blooded man) had run away from their house, a considerable alarm was excited, and apprehensions entertained that the Indians intended some other great violence, in addition to the murder of McIntosh, which had just then taken place. Having my family with me, we set forward the next morning on our way to Georgia. When we arrived at Sukey Randal's, on Little Uchee, she said that the Indians were going to kill Crowell, and that she told them, if they did, they would play hell. We then proceeded, and arrived at Fort Mitchell: we there saw Colonel John Crowell,

(the agent,) who informed me that a runner had come to him from a town thirty miles off, who informed him the night before that the Indians were going to kill him that night, (Tuesday night;) that he had collected a guard to protect him, and had about one hundred to guard him; I saw his house (in which he staid) had been barricaded by bales of blankets.

General Bernard, and the others who were exploring the road route, were at Fort Mitchell that night. I saw many of the Indians, who were painted, and Colonel Crowell said that he could raise three or four hundred to guard him by night, and that they were not necessary in the day, as the Indians did not attack in the day. I suggested to Colonel Crowell the propriety of calling on the Governors of Georgia and Alabama for assistance; that I thought they were bound by the constitution to render him aid. He said he differed with me; that he had not a doubt that the Governor of Alabama would render him all the aid in his power; that, as to Georgia, he had nothing to say—he had rather be damned, or go to hell, (I do not recollect which,) than ask assistance of Governor Troup. He told me he would send for the Little Prince, (and did send while I was present,) to ask his opinion whether he had better leave the nation; and if he concluded to go, when he saw the Little Prince, that he would accompany me; but that he thought it his duty to stay there at all hazards. I left him at the river. I met a number of Indians going to Fort Mitchell. When I arrived at Moss's I learned that Hambly's wife and family had left their house and taken to the woods, which is usually done when the Indians go to war. Colonel Crowell said he was not surprised at the "damned fuss," nor ought the Government to be, as he had apprized it that a similar excitement would take place if the treaty was ratified.

When I arrived at the agency, I saw Henry Crowell, and informed him of his brother's situation, at the request of his brother, (John Crowell.) He said that when he was at the talk, the Monday before the death of McIntosh, he saw the devil was in them, (the Indians;) that he advised his brother, Tom Crowell, to move his goods away from Fort Mitchell, and offered him his (Henry Crowell's) own wagon and team to take them off. With regard to what took place at the house of Kendal Lewis, in the nation, I must decline to give any testimony, until it be ascertained whether he can be compelled to give his testimony; and, in case of his continued refusal to do so, I will then have no objection to state it in full.

J. W. FREEMAN.

Examined, sworn to, and subscribed before us, this 8th day of July, 1825.

WM. H. TORRANCE,
SEABORN JONES,
Commissioners.

Deposition of Haynes Crabtree.

CREEK NATION, UCHEE BRIDGE, July 4, 1825.

By virtue of a commission from his excellency the Governor of the State of Georgia, to us directed, to receive and examine testimony, in relation to the conduct of John Crowell, agent for Indian affairs in the Creek nation, we have caused Haynes Crabtree to come before us, who, being duly sworn, saith: That he is well acquainted with William Lott, a witness who has been examined in behalf of the Indian agent, Colonel Crowell; that he has known him since the year 1812; that the said William Lott has resided in the Creek nation since that period; that he is well acquainted with the general character of said Lott; that the said Lott is, from his general character for ten or twelve years past, as the deponent verily believes, wholly unworthy of credit, on oath or otherwise.

HAYNES CRABTREE.

Sworn to and subscribed before us, this 4th day of July, 1825.

WILLIAM H. TORRANCE,
SEABORN JONES,
Commissioners.

Interrogatories to John A. Peck.

STATE OF ALABAMA, *Montgomery County:*

By virtue of a commission to us directed, by his excellency the Governor of Georgia, to examine testimony in relation to the conduct of Colonel John Crowell, the agent for Indian affairs in the Creek nation, we have caused John A. Peck to come before us, at the house of Benjamin Williamson, in the town of Montgomery, who answered the following inquiries, and was duly sworn to the truth of the same.

1st. Have you not lately resided in the Creek nation, at the Creek agency? If yea, how long did you live there—whether on the Flint river or Chattahoochie river; and in what capacity did you act? When did you go there to live, and when did you leave there?

2d. Where was the distributing post office kept in the Creek nation when you first went there to live, and by whom? Was it removed, and to what place? How long was the distribution really made at the place to which it was removed? and were not packages for a long time addressed to the Creek agency, when they were really distributed at Fort Mitchell, or Princeton, on the Chattahoochie? and who was postmaster when it was done?

3d. Were you present at Broken Arrow when the treaty was attempted to be made in December last, by Colonel Campbell and Major Merriwether, United States commissioners, with the Creek Indians?

4th. Did you not act as clerk to the Indians in their council to draw up their talks, and do such other writings as you were directed by them?

5th. Do you not know or believe (and state the reasons for your belief) that Colonel John Crowell was opposed to a treaty and cession of lands, and that he exercised his influence with the Indians to prevent one?

6th. Did not Colonel Crowell and William Walker, late and then sub-agent, or Walker, with the knowledge, consent, and approbation of Colonel Crowell, assist the Indians, by advice and counsel, and other ways, (and in what ways,) in drawing their talk or talks in answer to the commissioners, and refusing to sell any land?

7th. When the United States commissioners called on Colonel Crowell for certain papers, (some of which were in your possession,) did not Colonel Crowell advise you not to give them up, and were they not withheld?

8th. Do you know of any act or conversation of Colonel Crowell which goes to show that he opposed the treaty at Fort Mitchell or Broken Arrow? If yea, state the same.

9th. Were you present at the treaty at the Indian Springs?

10th. Do you know of any act or conversation of Colonel Crowell which goes to show that he did not sincerely and earnestly endeavor to influence the Indians to a cession of land at the Indian Springs? If yea, state the same at large.

11th. Have you seen the testimony of Jesse Cox, as published in the newspapers of Milledgeville, Georgia?

12th. Were you not at Fort Mitchell or Princeton when that conversation which he testifies to took place? If yea, state whether you did not hear it, or one substantially the same, at that place and time; and whether you have not at other times heard similar observations made by the agent, Colonel Crowell, and when and where?

13th. Were not the Indians unfriendly to the treaty, and McIntosh, or many of the chiefs and headmen, about that time assembled at Broken Arrow, and holding secret councils? If yea, what was the general [report] of the business they were on? Did not the agent know or hear that general report? and did he really and earnestly take any measures to prevent their violent counsels, or soothe and conciliate their angry feelings?

14th. Was it not known by many persons, and have you not reasons to believe that Colonel Crowell knew, that some of the chiefs at that time had determined to kill McIntosh? If yea, state those reasons, and whether Colonel Crowell gave any information of it, or attempted to prevent it.

Answers of John A. Peck to the interrogatories put to him by the Commissioners appointed by the Governor of Georgia.

To the 1st. That he removed to the agency on Flint river about the 5th of February, 1822, and resided there till about the 12th March, 1824, when he removed to Fort Mitchell, where he resided till near the last of April, 1825, when he removed to this place, (Montgomery.) About a month after he came to the agency he attended to a store for Thomas Crowell, and acted as assistant postmaster; after a short time he quit the store and attended only to the post office, and did such writing for the agent as he called on him to do; and when he resided at Fort Mitchell, he was assistant postmaster.

To the 2d. The distributing post office was kept at Fort Mitchell, (called Cowetah,) now Princeton, by John S. Porter; it was removed to the agency on Flint river; for some time the distribution was done at the agency; and, from the inconvenience of opening the mail in the daytime, the unhealthiness of the agent, and other reasons, I spoke to Colonel Crowell to apply for its removal to Fort Mitchell. Upon receiving a letter from the postmaster authorizing it to be done, the distributing post office was removed to Princeton, and the business done there; the packages were addressed to the agency, as must be the case on every removal for some time. Colonel Crowell was the postmaster, and I was his assistant.

To the 3d and 4th. I was present, and acted as clerk to the council, though I did not attend the council every day; and I drew up their talks, and did such writing as they requested me to do.

To the 5th. I do not know, nor do I believe, that Colonel Crowell was opposed to a treaty for the cession of lands, from any reasons that I have; nor do I know of his exercising any influence to prevent the cession.

To the 6th. I do not know that he did.

To the 7th. When the call was made, Colonel Crowell came and applied to me, and asked if I had any papers which had been called for; I told him I had some papers which had been given to me by the Little Prince in council; he then requested me to give them up; to which I replied, I would not give them up, except to the chiefs, and I was ready to do so at any time; Colonel Crowell did not advise me not to give them up, but requested me, if they were not very important, to give them up, as the commissioners were already jealous of him.

To the 8th. I know of none; on the contrary, he was quite reserved with me on that point.

To the 9th. I was not.

To the 10th. I do not.

To the 11th and 12th. I was living at that place at that time, and have no recollection of seeing Mr. Jesse Cox there at that time, and, of course, I have no recollection of any conversation held in his presence. I have heard the agent say the Big Warrior was dead, and he expected he was gone to hell, where he expected many more of us would go. This was in jovial conversation, at table.

I have also heard it stated (but whether from the agent I cannot now recollect) that the Indians were damned fools if they did not enforce their law and kill McIntosh. And I have heard it said that he said, if they did not kill McIntosh, he would never do any thing for them as long as he lived; but I never heard him say so.

To the 13th. I know of one council that was held there in April last, which was for the payment of their annuity; that the agent then told them they must put up with the bargain; that he had been to Washington, and had been able to do this much for them—that the money was to be divided among them all, as well those who did not as those who did sign the treaty. They asked him if he signed the treaty; he told them he did, but only as a witness; he then left the square. After a few hours, Big Warrior's son, Hopoithle Yoholo, and a few others came to interpreter's quarters, and abused the agent for having sold their land. The interpreter (Hambly) then sent for the agent; when he came, the Indians abused him, and said that he was a land-seller; he endeavored to explain to them the difference between his signing as a witness and as a party, but they were not satisfied, and left him abruptly. While the Indians were abusing Hambly, it was done in Indian, and they appeared to be in a passion; Tuskenehau (Big Warrior's son) appeared very much so. I asked Hambly what he said: as soon as they ceased, and were talking together, Hambly told me Hopoithle Yoholo and others abused him for selling the land, and that he (Hambly) had replied, Yes, that he had done so, and, if they did not behave themselves, he would sell the balance, and them with it. After this I saw Tuskenau, (Big Warrior's son,) Hopoithle Yoholo, Little Prince, and Yaha Haijo, Yoholo Micco, and another, go out in the woods, and hold a secret and private council, but I do not know what it was for.

[NOTE.—The Indian name was first written in this answer wrong, when, at witness's request, it was stricken out, and written Tuskenau, who is Big Warrior's son.]

To the 14th. I suspected that the secret council was for that purpose, and named it to Captain Triplett, who laughed at me, and said they dared not. I told [him] I had a great mind to tell the agent my suspicions: he replied, he will only laugh at you; and I then said no more about it. I do not know whether the agent knew or suspected it.

When I first came to the agency, I did believe Colonel Crowell was interested in the store, and remained of that opinion till he came from Washington in 1822, and I have sometimes thought so since. When I was first spoken to to come out, it was by Colonel Crowell, though he then told me he was not interested in the store; that it was his brother. While I was acting as a clerk in the store, he was particular in looking over and telling me how things ought to be done, though this may have been from his interest for his brother's doing well.

JOHN A. PECK.

The facts in the foregoing seven [MS.] pages were read over and corrected by the witness, and then sworn to, and subscribed by us, this 30th day of June, 1825.

W. H. TORRANCE,
SEABORN JONES,
Commissioners.

Memorandum of testimony which, it is said, will be furnished by Colonel White, of Florida.

In Milledgeville, Colonel White heard Hawkins ask Crowell about the death of his brother, saying that he had heard that Crowell had said that he (Hawkins) was killed in conformity with the law of the nation. Crowell said he did not know they had such a law. Hawkins replied that he (Crowell) knew very well there was no such law; and, if there was such a law, it was his duty to have known it.

Testimony of Angus Colquhoun.

GEORGIA, *Baldwin County:*

Personally appeared before me Angus Colquhoun, who, being duly sworn, saith: That on the last day of March past he stopped for the night at the Creek agency, being on his way from Louisiana. The Creek agency was then the residence of Henry Crowell, the brother of the Indian agent. At the supper table that night a conversation was held between said Crowell and deponent concerning the Indian chief General McIntosh, in which Crowell stated that McIntosh was a damned tory and traitor to his country. The deponent stated to him that he thought not; that he believed McIntosh was the best friend, both to the Creeks and the United States, that was among the Indians; and asked Crowell if he considered that the nation was the ally of Great Britain during the war. He said not, but that a majority of the Creeks were in favor of Great Britain; that McIntosh only remained friendly to the United States through fear, and for money, if his principles could be known. Deponent stated to him that actions spoke louder than words. On the next morning the conversation in relation to McIntosh was resumed, when deponent stated to Crowell that he supposed that a treaty had been effected, [which] would fulfil the compact of the United States with Georgia in relation to the Indian lands. He replied, yes, that damned tory McIntosh had sold his country and himself along with it; but that the measure of his days was nearly full, and he would be damned if they (using the expression *we*) did not see to it. Here the conversation ceased.

ANGUS COLQUHOUN.

Sworn and subscribed before me, this 10th day of September, 1825.

H. ALLEN, *J. I. C.*

Testimony of Samuel Howard Fay.

SAVANNAH, *July 1, 1825.*

I certify that I stopped at Mr. Henry Crowell's house, on my return from Alabama, on the 8th of May last, and, in speaking of the probability of Governor Troup's punishing the Indians for the murder of McIntosh, I heard Mr. Crowell make a declaration similar to the following: "That if Governor Troup were to attempt to punish the Indians, he (Crowell) would leave his wife, family, and property, and go over to the Indians, head them, and go his death with them." I believe these were the precise words of Mr. Crowell, as near as I can recollect. It is the substance of his declaration.

SAMUEL HOWARD FAY.

Sworn to before me this 1st July, 1825.

W. C. DANIEL, *Mayor.*

Testimony of Philip Scoggin.

This will certify that I have been acquainted with William Edwards for the last five or six years. He came to this State from Tennessee, on foot, with a Tennessee wagoner, and resided some time in Jasper county, where he employed himself sometimes in distilling spirits, sometimes in drinking and dissipating, gambling, and idleness. He left the settlement, and afterwards went off to the Creek nation, (by report) very much indebted. It was commonly believed and reported that he went to the nation to avoid paying his just debts. Although I know nothing of an infamous or criminal nature against him, yet he was considered as a man of bad habits and of a dissipated character, and not esteemed as a good or respectable citizen.

Given from under my hand, the 6th of September, 1825.

PHILIP SCOGGIN.

Testimony of David C. Wallic.

MONROE COUNTY, *September 14, 1825.*

I have been acquainted with William Edwards for upwards of twelve months, and know him to be a low, trifling man. His habits have been of a very reprehensible kind; drunkenness, idleness, and gambling were his principal pursuits since he went to Joseph Marshall's. After he had lived with Joseph Marshall for some time, Marshall turned him off from his employ, and told me he had done so because he had good reason to believe Edwards had cheated him out of a thousand dollars, by giving away his goods to Indian squaws, and making no account of them. Edwards has given goods to Indian squaws, and then charged them to me, so that Marshall might not detect him; but I discovered it, and exposed him to Marshall.

I would not believe William Edwards on his oath; for, after he returned from McIntosh's, with Joseph Marshall, in April last, he (Edwards) informed me that an Indian talk would be held there shortly. He has since sworn that no talk or meeting of the chiefs did take place to give consent to survey the land; and I know, or have good reason to believe, that Edwards did not return to McIntosh's at the time the Indian chiefs were to have assembled; and I cannot conceive how he could positively assert they did not meet, except he had been there himself, which I am confident was not the fact.

Witness—JOHN P. DENNER.

DAVID C. WALLIC.

Testimony of William Barnard.

GEORGIA, *CHATHAM COUNTY, City of Savannah:*

Personally appeared before me, William C. Daniel, mayor of the above-named city, William Barnard, of the State and county aforesaid, who, being duly sworn, deposeseth and saith:

That he was at the house of Colonel John Crowell, Creek agent, at the agency, in company with Mischee Barnard and Timpochee Barnard, half-breed Creek Indians, about three weeks after the failure of the negotiations at Broken Arrow. This failure became the subject of conversation between Colonel Crowell and the half-breeds present, and the former remarked that it had been publicly attributed to him; that, for his part, if he was continued the agent, he would be willing to remove with them west of the Mississippi, where game would be more abundant, and which he thought a better country than that at present occupied by the Creeks. He further informed Mischee and Timpochee Barnard that another treaty would be held at the Indian Springs, and that he believed McIntosh would sell the lands; upon which Mischee Barnard, showing much irritation, said that, if the lands were sold, McIntosh would be killed. Colonel Crowell then observed that, if McIntosh was to be killed, it should be done before the lands were sold.

Upon the same or the following day, Mischee Barnard said to this deponent, that when he returned home he would despatch runners to the chiefs of the Creek nation, proposing the breaking of McIntosh before the contemplated treaty at the Indian Springs, for the purpose of defeating it.

Sworn to before me, in the city of Savannah, this 10th day of June, 1825.

WILLIAM BARNARD.

W. C. DANIEL, *Mayor*.

Interrogatories to be exhibited to Brigadier General Alexander Ware.

1st. Do you know Joseph Marshall, an Indian chief of the Creek nation?

2d. Were you at an Indian council in April last, in the Creek nation, at or near the residence of the late General McIntosh? If so, state, if you know, whether that council gave its consent to the Governor of Georgia to survey the territory lately ceded by the Creeks to the United States for Georgia, or so much thereof as lies within the boundaries of Georgia. State all you know in relation to that consent, if given, and how.

3d. If you have ever heard said Marshall say any thing upon the subject of his consent to make that survey, please state how, and when, and where he gave it.

W. H. TORRANCE,
WM. W. WILLIAMSON,
Georgia Commissioners.

GEORGIA, *Fayette County:*

Alexander Ware, being duly sworn true answers to make to interrogatories hereunto annexed, answers as follows:

To the first interrogatory, he answers: I have known Joseph Marshall since Floyd's campaign in the Creek nation, but have had no conversation with him respecting the permission to survey the lately acquired territory.

To the second, he answers: About the 10th or 15th of last April I was at the house of General William McIntosh, at which place were most of the principal chiefs of my acquaintance belonging to the friendly party. They met in council, and I learned from McIntosh and others that they unanimously agreed to let the Governor survey the land as soon as he pleased, and, also, that he might publish in the papers that any person who wished to purchase claims might be permitted to do so, by coming and enrolling their names. McIntosh asked me if I should have an opportunity of sending a letter to the Governor, and, on my replying that I would send it on immediately, he (McIntosh) gave me the letter containing their consent to the survey, and requested me to send it as soon as I could; and I conversed with several of the chiefs, both before and after the council, and they seemed anxious that the survey should be made, assigning as a reason that it would bring money into the nation.

To the third: Answered in the first.

ALEXANDER WARE.

Sworn to and subscribed this 1st day of September, 1825.

WILLIAM TEGG, *J. I. C.*

Testimony of Samuel Dorsey.

GEORGIA, *Monroe County:*

Personally came before me, C. M. Coody, one of the justices of the peace in and for said county, Samuel Dorsey, who, being duly sworn on the holy Evangelists of Almighty God, deposeth and saith:

That he was at or near one of the plantations of the late Samuel Hawkins, in the month of April last, when a party of Indians, under the command of Hopoithle Yoholo, of Tuckaubatchee, burnt his house, and destroyed and took off a great quantity of his property. The party afterwards assembled and remained a few days at old Mr. Hawkins's, the father of Samuel: while there, this deponent was also there, and had frequent conversations with Hopoithle Yoholo, who informed this deponent several times that it was Crowell, the agent, who had ordered to be done what was done; that McIntosh and the principal chiefs who signed the treaty must be killed, and their property destroyed or taken from them. This deponent was with this party when they were at Mrs. Eliza McIntosh's, on the Tallapoosa, a short distance from Samuel Hawkins's place, when they took and carried away a great deal or all of the property there that was not destroyed. Mrs. McIntosh asked the chiefs who had ordered them to do so; and Hopoithle Yoholo, in the presence and hearing of this deponent and Alexander Reid, stated that it was Crowell's orders that they must kill McIntosh and the chiefs who signed the treaty, and take away or destroy their property. This deponent understood what he said in Indian in reply to Mrs. McIntosh, and as soon as he had finished speaking Mrs. McIntosh interpreted it to this deponent and Mr. Reid, and it was the same as this deponent had understood it himself, and as above stated.

SAMUEL DORSEY.

Sworn to and subscribed before me, this 12th day of September, 1825.

C. M. COODY, *J. P.*

Copy of the interrogatories exhibited to the Rev. Isaac Smith, with his answers.

Interrogatory 1. Did you not have a conversation with Colonel John Crowell before you wrote the letter which he published in the Georgia Journal?

Answer. Yes, many.

Int. 2. Were you not requested by Colonel John Crowell to write it to him; and did he not know, previous to its being written, what would be the contents of it?

Ans. No.

Int. 3. Were you in the council, and did you hear and understand the talks between the chiefs, when McIntosh regained their confidence?

Ans. Yes, I understood what was interpreted.

Int. 4. Who was the white man who informed you that there were five hundred Indians that night to kill McIntosh for offering to sell their land?

Ans. Mr. Hardrige.

Int. 5. Do you not believe that Colonel Crowell knew that the Indians were going to kill McIntosh before they did it; and that, too, in time to have warned him of his danger?

Ans. No.

Int. 6. Do you believe or know that Colonel Crowell made any attempt to prevent the Indians from killing McIntosh?

Ans. No.

Int. 7. What law of the nation was existing to require the killing of McIntosh for its enforcement? Did you ever see it? When was it passed, and where? And was McIntosh present when such law was made?

Ans. A law which McIntosh proclaimed at ball-play, seen by nobody.

Int. 8. Is any law obligatory upon the nation, unless made in the council at Broken Arrow?

Ans. The commissioners said so at Broken Arrow. I do not know if it was true.

Int. 9. Which of the Indians who were murdered had signed the law of which you speak in your letter?

Ans. I do not believe any were murdered.

Int. 10. As Hawkins neither signed the treaty as a witness or chief, ["or accessory"—this written by Mr. Smith,] what law did he break which required his death?

Ans. The law of nations.

Int. 11. Do you know any thing about any such law but from the statements of others, and who are they?

Ans. I do not; I was told of it by Chilly McIntosh last summer.

Int. 12. Is not your statement of your belief made from what you have heard Colonel Crowell say, and also what you heard the Little Prince and others say, since the murder of McIntosh?

Ans. I do not believe he was murdered.

Int. 13. Were you not present at the council when Colonel Henry G. Lamar, aid-de-camp to Governor Troup, gave the Indians a talk? and did not the Little Prince assure him they intended no harm to those who had signed the treaty? and did he not tell him to inform them that they must come home and attend to their business?

Ans. I was present, but the interpreter spoke so low I did not hear all he said.

Int. 14. Do you not know or believe that Colonel Crowell was unfriendly to a cession of land, and did what he could to prevent the Indians from making any? And state your reasons for your belief.

Ans. I have no reason to believe so.

Int. 15. Have you seen and conversed with Chilly McIntosh since the death of his father? If yea, please state when and where, and what was the subject of your conversation.

Ans. I have not.

ISAAC SMITH.

The above and foregoing are true copies of the interrogatories propounded to, and the answers given by, the above-named Isaac Smith.

MICHAEL JOHNSON KENAN,
Secretary to the Georgia Commissioners.

REPORT OF THE GEORGIA COMMISSIONERS, DATED AUGUST 23, 1825.

Elisha Wood, Secretary, to James Barbour, Secretary of War.

SIR: EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, August 29, 1825.

By direction of his excellency Governor Troup, I enclose you herewith a further report of the Georgia commissioners, with documents numbered from 1 to 9, inclusive, containing testimony connected with the Indian affairs.

And have the honor to be, with great respect, your obedient servant,

ELISHA WOOD, *Secretary.*

Hon. JAMES BARBOUR, *Secretary of War.*

William H. Torrance and William W. Williamson to Governor Troup.

SIR: MILLEDGEVILLE, August 23, 1825.

Herewith, we transmit to your excellency documents numbered from 1 to 9, inclusive, containing further testimony connected with the Indian affairs.

From the testimony now adduced you will discover, among other facts, that the Rev. Isaac Smith, one of the missionaries in the Creek nation, located near Broken Arrow, has stated that he was present at that place when a council was held to deliver a talk to Colonel H. G. Lamar, at which time and place the Little Prince, who then acted as speaker, requested Colonel Lamar to tell the Indians then in Georgia to return to their homes, and that they should not be injured.

In the course of the collecting of testimony by the agent, Colonel Crowell, we were present when Mr. Hambly, the national interpreter, (a witness for the agent,) stated on oath that the fifth article of the treaty was not read to the chiefs in council. We were much surprised to hear evidence of that character, because it involved directly and most essentially the purity of the character of the commissioners of the General Government. In the testimony we have received, you will find in documents Nos. 1, 2, and 8, that, so far from that being true, the matter contained in the fifth article was cause of particular observation by persons present at the reading and interpretation of the treaty, and grew out of the apparent effect that it had upon the agent, Colonel Crowell, who was present.

Gentlemen of great worth, pure morals, and unblemished integrity, testify that they were present when the whole treaty was read; and one of them, that he has a most distinct recollection of the reading of the fifth article, from the circumstance of noticing at the time a very considerable change in the countenance of the agent, Colonel Crowell; which circumstance was observed by others present, and was the subject of after-conversation. This you will find is corroborated by other testimony.

The article, it appears, was inserted reluctantly by the commissioners, and entirely at the instance of the chiefs. It must be obvious why such testimony was taken by the agent; but the object has been overreached—he proved too much. This Mr. Hambly is a sworn officer of the Government of the United States; he, as well as the United States agent, has given sanction to a treaty by his official attestation, which treaty they now come forward and attempt to prove was obtained by foul and fraudulent means. In fact, sir, the omission referred to in the agent's testimony is criminal in its character, and that, too, charged directly against the commissioners of the United States—two gentlemen of high standing and approved integrity, who could have had no other interest than their country's good to promote so desirable an end as the one they have, after much labor and difficulty, attained.

There is a rule of moral law which forbids an individual to destroy by secret and covert means the effect of doctrines which he has promulgated. A similar principle is applied in civil and municipal law. He who gives currency and authority to a written instrument by his solemn attestation, is not allowed to invalidate that instrument. The attempt to do so loads him with reproach and odium. His testimony, if received at all, is received with many grains of allowance, the more especially when he alleges, in support of its annulment, that a fraud—yea, a stupendous fraud—has been imposed. Can it be believed that this Mr. Hambly and the agent would have given official sanction to a treaty which bore on its face nothing unfair, when they knew that every means other than fair means was pursued to obtain it? No; the weak and the credulous cannot give faith to such averments. It would attach a foul stigma upon their official character to say so. What did they do? What effect had their attestations? Do they not to all intents and purposes say to the Government of the United States, "There, we present you a treaty duly and properly obtained?"

The same evidence furnishes the proof that, after the treaty had been fully read through, signed, and sealed, the agent and the interpreter were called on to attest the same; which they severally did, without any objection whatever. We understand that it is alleged by the agent, as one ground of objection to the treaty, that the fifth article was not read in council; and, also, as another ground of objection, that the chiefs who made the treaty were not competent to do so. Either branch of the argument is an unfortunate one for him whereon to build an opposition. In the first case, it is presuming too far to say that the agent would witness a treaty in his official character without knowing its contents; and in the second case, it is imputed to him an absolute abandonment of his trust to suppose that he would stand by a careless spectator and witness of the mere forms of a treaty, when he knew that one of the parties to that treaty could not legitimately enter into any of its stipulations, without making known the same, which it appears he did not. The deduction from either position is most obvious, though not our province to announce.

Upon the subject of the consent given by the friendly chiefs in council to make the survey, the rudest skeptic can no longer have cause for a shadow of doubt.

Contained are the documents Nos. 4, 5, 6, 7, and 9. You have testimony in relation to that particular. Your excellency will discover that, of the existence of such a council, and its consent so given, General Gaines received information before the last of the past month. At the same time he was informed that Marshall had given *his* consent; also, he was then informed of the true character of Edwards.

The fact of the consent so given by the chiefs to make the survey having been announced to General Gaines nearly a month ago, and before his letter addressed to you of the 28th ultimo, and his failure to correct the erroneous representations of that matter founded upon the false certificate of Marshall and Edwards, surely furnishes cause of remark.

From the information we have received, it is evident that there were present at the council a number of citizens of Georgia, (General Ware, of Fayette county, among the number;) several of whom we have seen, and who have testified to the fact.

That there was such a council; that the consent to make the survey was given; also, that Marshall fully gave *his*; and that General Gaines has been long since informed of the same, there is evidence abundant.

Respectfully, your excellency's obedient servants,

WM. H. TORRANCE,
WM. W. WILLIAMSON,
Commissioners.

His Excellency Governor TROUP.

No. 1.

Interrogatories to be exhibited to Duncan G. Campbell and William F. Hay, Esqrs., in the case of the Indian agent, Colonel John Crowell.

1st. To Duncan G. Campbell: Were you one of the United States commissioners who held the late treaty at the Indian Springs with the Creek Indians? And to Hay: Were you the secretary to such commissioners?

2d. Was not the treaty read to the chiefs, (who signed the same,) before they were called on to sign it? If so, state by whom, who interpreted, and who were present?

3d. Were the commissioners particular, or not, in having the *whole* treaty read to the chiefs? And was it, or not, distinctly interpreted to them (the chiefs) by the interpreter?

Who was the interpreter?

Did the commissioners omit to read any article of that treaty to the chiefs?

Are you certain that the fifth article of the treaty was plainly and distinctly read? and was it understood?

Was the agent present when that treaty was read? and did he, or not, particularly note the terms of the fifth article?

Did not the interpreter explain it to the chiefs?

Were not the head chiefs of that treaty capable of reading and writing, and capable of understanding ordinary manuscript? Did the agent or interpreter make any objection to witnessing that treaty, when asked to do so?

Relate all that each of you know concerning the execution of that treaty, touching the reading thereof, and the interpretation of the same, and by whom, and what was said and done by the agent at or about that period connected with it?

WM. H. TORRANCE,
WARREN JOURDAN,
Commissioners of the State of Georgia.

JULY, 1825.

Answers of D. G. Campbell.

GEORGIA, Wilkes County:

The annexed interrogatories being exhibited to us by the commissioners on [the] part of the State, we have this day appeared before the officer attesting these our answers, and, being sworn, answered as follows:

1st. D. G. Campbell saith: That at the late treaty concluded with the Creek Indians, he was one of the commissioners on the part of the United States.

2d. A council was convened on Saturday evening, 12th of February last, for the purpose of submitting a treaty which had been previously prepared.

The council was composed of all the chiefs and warriors who were upon the ground, as far as I know or believe; I did not discover that any were absent who had attended the previous meetings, except those who had absented themselves the night before, in the night. There were also present the two commissioners, William F. Hay, secretary, Dr. William Merriwether, Colonel Crowell, (the agent,) William Hambly, (the interpreter,) Thomas T. Triplett, and several white men, residents of the nation.

The reading of the treaty was preceded by some remarks from one of the commissioners, in reference to the movements of the over night.

The council were told that a step of this sort, let it be produced by what cause it might, was not to defeat the objects of the Government; that all chiefs of the nation had been notified and invited to attend; that we had been in council for several days, and that it had been ascertained who were and who were not in favor of a treaty; that we considered the nation as still fully represented, and should proceed accordingly. These remarks were made by myself, and were in substance as I have stated.

The treaty was then produced, and the council informed that it would be read and interpreted to them distinctly, and that as many as chose to sign it might do so, and those who thought proper to decline could do so.

The reading commenced and progressed, article by article, sometimes dividing an article (when it was too long) for easy interpretation.

Hambly acted as interpreter; he sat close by me, and was requested to speak loud enough for all to hear.

At the close of each article, assent was expressed by the council by a sort of exclamation, after the manner of Indians.

No *article* of the treaty was omitted in the reading; I do not believe that a *single word* was omitted. There was nothing in it which we wished to suppress or conceal.

When the reading and interpretation were over, a pause ensued. No man, white or red, objected to the number or grade of those who composed the council. No opposition was intimated from any quarter. The commissioners signed, and were immediately followed by the chiefs. After one or two of them had signed, Hopoithle Yoholo, of the Tuckaubatchee delegation, made the observations ascribed to him in the commissioners' journal, as I understood from Major Merriwether, who received the interpretation more distinctly than I did. The remarks of this chief were received most heartily by the other chiefs, as evinced by their loud exclamation of assent. Himself and his followers (about six or seven in all) then shook hands with the commissioners and some of the chiefs, and retired.

I recollect no other occurrence which took place during the execution of the instrument, except that, when one of its signers was about to make his mark, the agent asked McIntosh if that was a chief? The answer was, "*he's chief.*" Our journal states that the treaty "was signed by all the chiefs present, except the delegation from Tuckaubatchee, and one chief from Talladega." It may be so that all *chiefs* present had signed; but it is further the fact, that many others, chiefs or warriors, were present, and proposed signing; but this was declined, as it was getting late, and the signatures already affixed were deemed sufficient.

The document was then handed to Colonel Crowell, who had been present the whole time, and he attested it officially, without hesitation or remark, as I recollect. Our secretary, Doctor Merriwether, and the interpreter, then attested the instrument also; and the council were requested to convene again on Monday morning. Before we left the Springs, (I think on Sunday, the 13th,) the agent requested a copy of the treaty, and we directed it furnished.

D. G. CAMPBELL.

William F. Hay's answers.

Having been required to answer the interrogatories hereto annexed; to the first part I say, that I was present, and acted as secretary to the commissioners in the late negotiation with the Creek Indians.

In answer to the remainder of the interrogatories, I say, that I have carefully examined and perused the foregoing statements and answers of D. G. Campbell, and, as far forth as they represent who were present at the execution of the treaty, the manner of reading and interpreting the same, the ceremony of signing and witnessing, and the occurrences of the meeting generally, when the treaty was signed, are in correspondence with my own recollection; and I adopt the same as my answers to the interrogatories exhibited to me.

I state further, that a copy of the treaty was furnished to the agent, and copied in his own room, on the 13th of February, the day after the treaty was signed.

WILLIAM F. HAY.

GEORGIA, *Wilkes County*:

Sworn to and subscribed before me, this 25th day of July, 1825.

ARCHIBALD S. WINGFIELD, J. P.

No. 2.

William Merriwether's affidavit.

GEORGIA, *Clark County*:

Personally came before me, William Manley, one of the judges of the inferior court for said county, William Merriwether, who, being duly sworn, saith:

That he attended the negotiations held with the Creek Indians at Broken Arrow in December, and at the Indian Springs in February last; that he occupied the same apartments with, and enjoyed the full confidence of, the commissioners; and this deponent knows that the leading features of the treaty, as entered into at the Indian Springs in February, were well understood by all the Indians who took any interest in the subject, inasmuch as the same propositions, in substance, were made to them and fully explained at Broken Arrow, in December preceding.

This deponent attended the treaty at the Cherokee agency in 1817, and also at the Indian Springs in 1821, at which last he acted as secretary, and the proceedings at each were in substance as follows: After the principal articles which were to be inserted in the treaty were agreed upon in private conversations with the principal chiefs, various rough-draughts of the treaty were made; some of the chiefs attending, from time to time, and suggesting such alterations as they wished; after it was completed and ready for signature, the whole of the Indians were convened, the treaty read over and interpreted to them, paragraph by paragraph, and the ceremony of signing and sealing gone through.

This course was pursued at the late treaty with the Creeks at the Indian Springs, and every article had been fully explained, and was well understood by most of the principal chiefs who signed the treaty, prior to their convention for executing the instrument. After the treaty was drawn up, and the Indians convened, each and every article thereof was distinctly read, paragraph at a time, and interpreted to the Indians by Mr. Hambly, the United States interpreter. There were present, at the same time, besides the United States commissioners and the interpreter, Captain Hay, the secretary, Colonel Crowell, the agent, Captain Triplett, the present sub-agent, and this deponent, besides several white men, residents of the nation.

This deponent has a most distinct recollection of the reading of the fifth article, or that which relates to the disbursement of the \$200,000 to be paid immediately after the ratification of the treaty, from the circumstance of noticing, at the time the article was read, a very considerable change take place in the countenance of Colonel Crowell, the agent; which circumstance was observed by others present, and was the subject of after-conversation. This article of the treaty was reluctantly inserted by the commissioners, and entirely at the instance of the chiefs.

After the whole treaty had been gone through and explained, it was signed and sealed by the parties. There was no objection whatever made by Colonel Crowell, or the interpreter, when called upon to witness the treaty; nor did this deponent ever hear from Colonel Crowell the slightest suggestion that the chiefs present were not competent to make a treaty, nor does he believe that any such suggestion was made.

WM. MERRIWETHER.

Sworn to and subscribed before me, this 29th of July, 1825.

WM. MANLEY, J. I. C.

No. 3.

Interrogatories to be exhibited to the Rev. Samuel K. Hodges, in the case of the Indian Agent, Colonel Crowell.

1st. Are you acquainted with the Rev. Isaac Smith, now resident at the Methodist missionary, in the Creek nation of Indians?

2d. Have you ever heard him say any thing about the *talk* delivered by the chiefs in council at Broken Arrow, in that nation, to Colonel Henry G. Lamar, as connected with the late disturbances in that nation? If yea, please state fully and particularly what he said about that matter.

3d. Did Mr. Smith inform you that he was present at the council? If yea, did he inform you what the Little Prince said to Colonel Lamar at that time, and what he (the Little Prince) wished Colonel Lamar to inform the friendly chiefs in Georgia? If so, what was it?

Please relate all that you may know about that matter, as fully as if particularly interrogated thereto.

W. H. TORRANCE,
WARREN JOURDAN,

Commissioners of the State of Georgia.

JULY, 1825.

Cross-interrogatories to be exhibited to the Rev. Samuel K. Hodges.

1st. Please state whether you are acquainted with the character of the Rev. Isaac Smith? If yea, please state whether, from your knowledge of that gentleman, you would, or would not, believe any statement which he should make to be true, without or with the sanction of an oath?

2d. Please state whether Mr. Smith belongs to the same church with yourself; and does not Mr. Smith possess a character for purity and integrity, which forbids any idea of his making, under any circumstance, an erroneous statement?

Please answer these cross-interrogatories fully, and at large, at the same time that you answer the annexed direct ones.

SAMUEL ROCKWELL,
Counsel for John Crowell, Creek Agent.

JULY 21, 1825.

Answers to the direct interrogatories.

GEORGIA, *Putnam County:*

This day personally appeared before me the Rev. Samuel K. Hodges, who, after being duly sworn true answers to make to certain direct and cross-interrogatories hereto annexed, in the case of the Indian agent, Colonel Crowell, answereth and saith as follows, to wit:

To the first direct interrogatory. I am.

To the second. I have; when at the mission in May last, in conversing on the subject of the late disturbances in the nation, the impression they had on the school, and various other matters connected with the objects of that establishment, he (the Rev. Isaac Smith) observed that he was present at the council at Broken Arrow, when Colonel H. G. Lamar had a talk with the council, and that the Little Prince, as speaker, requested Colonel Lamar to tell the Indians in Georgia to come home and go to work; they should not be hurt.

To the third. This is fully answered in the last above, so far as my recollection serves me. I know nothing further in reference to the matter.

Answers to cross-interrogatories.

To the first. I am; his word has ever been received by me as being entitled to my utmost confidence, when speaking of matters that came under his own observation.

To the second. He does; and has long sustained a high character for both purity and integrity. I am far from believing him capable of making a statement, either on oath or otherwise, which he knows to be false. Erroneous statements are, however, often made from forgetfulness or misguided judgment.

That it was an error, after professing a willingness to answer any question proposed to him, to give a direct question embracing matter with which he was so lately familiar an indirect answer, not touching that matter, must be obvious to all. This unhappy course has placed me under the painful necessity of answering the direct interrogatories accompanying the cross-inquiries.

SAMUEL K. HODGES.

Answered, subscribed, and sworn to, this 28th of July, 1825, before me,

ELI S. SHORTER,
Judge Superior Court, Flint Circuit.

No. 4.

Interrogatories to be exhibited to Lewis Wynn.

1st. Are you acquainted with Joseph Marshall, an Indian chief? if so, have you ever heard him say any thing about having given his consent to the survey of the land lately ceded by the Creek Indians? State what you have heard him say upon that subject, and when, and where?

W. H. TORRANCE,
W. W. WILLIAMSON,
Georgia Commissioners.

*Answers of Lewis Wynn to the foregoing interrogatories.***GEORGIA, Monroe County:**

He says that he is acquainted with Joseph Marshall, a Creek chief. He says that he has heard said Marshall say that he had given his consent to make the survey. Witness says that said Marshall informed him that he thought it best that the survey should be made this year, for, if done, the Indians might be enabled to sell their possessions for the term the treaty allowed them to remain. This conversation was in April last, a few days after the council had met at McIntosh's, for the purpose of determining whether the consent should be given to make the survey or not.

The witness states that of his own knowledge he cannot say that there was to be a council; he was so informed by Marshall.

Witness says that Marshall informed him that he authorized General McIntosh to use his name, touching the consent for the survey, as he might think best; that he (Marshall) and McIntosh both thought that it was best to permit the survey to be made.

LEWIS WYNN.

Examined, sworn to, and subscribed before us, this 16th day of August, 1825.

WM. H. TORRANCE,
WM. W. WILLIAMSON,
Georgia Commissioners.

No. 5.

Interrogatories to be exhibited to Bolin Smith, Hugh W. Ector, and George Stinson.

1st. Were you, or either of you, at any Indian council in April last, at or near the residence of General McIntosh? If so, state if you know whether that council gave its consent to the Governor of Georgia to survey the territory lately ceded lying within the limits of Georgia? Who were present at that council, citizens of Georgia?

2d. Have you, or either of you, ever heard Joseph Marshall (the Indian chief of that name) say any thing upon the subject of that council, and about his consent to make the survey; if so, when and where, and what said he? State it fully.

WM. H. TORRANCE,
WM. W. WILLIAMSON,
Georgia Commissioners.

*The separate answers of Bolin Smith to the foregoing interrogatories.***GEORGIA, Monroe County:**

To the 1st interrogatory, he says: That about the 9th or 10th of April last, he was at the residence of General McIntosh, and there was at that time a meeting of a considerable number of Indians; they assembled in council; and I learned from the general (McIntosh) and others that they had agreed for the Governor to have the land surveyed as soon as he pleased.

At that council there were present from Georgia, Major Bailey, of Monroe county; General Ware, of Fayette county; William Bowen, of Milledgeville; Saunders Walker, of Monticello; Mark and William Hudspeth, of De Kalb; Major Vaughan, and some others, from Fayette and De Kalb counties, their names not recollected.

To the 2d interrogatory, the witness says: That on or about the 6th of April last, he saw Joseph Marshall at John and A. Rooker's, on Flint river, when he said he was just from General McIntosh's; said Marshall then informed witness that there was a council to be held at McIntosh's to determine whether or not the consent of the Indians should be given to the Governor of Georgia to survey the land lately ceded, lying within the limits of Georgia. Marshall then informed witness that he could not go back to the council; that he had authorized General McIntosh to sign for him; that he was willing to have the land surveyed. Witness does not recollect of any other person being present at the conversation.

BOLIN SMITH.

Examined, subscribed, and sworn to, before us, this 16th day of August, 1825.

WM. H. TORRANCE,
W. W. WILLIAMSON,
Georgia Commissioners.

No. 6.

*The answers of Hugh W. Ector to the interrogatories annexed.***GEORGIA, Monroe County:**

1st interrogatory. The witness says that he was not at the council.

2d interrogatory. He says that he was at Marshall's *Stand*, (in the nation,) and in conversation with him, when a runner arrived and informed him (Marshall) of the murder of McIntosh, and that he must make his escape. During that conversation, the witness states that he inquired of Marshall if he was not at the council held at General McIntosh's concerning the survey. Marshall informed witness that he was there a short time previous; that General McIntosh then insisted on his remaining until the council assembled, but that he (Marshall) stated that he did not wish to be absent from home so long; and further stated that he had authorized General McIntosh to sign for and act in the case fully for him, as he had no objection on his part to the survey being made; and that he had not only authorized McIntosh to act in that case for him, but to sign his name for him in all cases where his attendance was necessary, having reference to his duties as a chief, without calling upon him to attend in person—or words to that effect.

In the course of the conversation held between witness and said Marshall, Marshall expressed an entire willingness to the survey, and assigned as one reason that it would be of interest to the Indians on the territory; that they would have an opportunity of selling some of their produce, which they otherwise might not dispose of so advantageously.

HUGH W. ECTOR.

Examined, sworn to, and subscribed, before us, this 16th day of August, 1825.

WM. H. TORRANCE,
W. W. WILLIAMSON,
Georgia Commissioners.

No. 7.

The answers of George Stinson to the interrogatories annexed.

GEORGIA, *Monroe County:*

To the 1st interrogatory: The witness saith that he was at General McIntosh's, in April last, when a council was held by the friendly chiefs to take into consideration the application of Governor Troup to survey the land lying within the boundaries of the State, lately ceded to the United States by the Creek Indians, for the benefit of Georgia.

The witness says that the council did then and there give its consent to the Governor to make the survey.

Witness says that General Ware, of Fayette county, Major Bailey, of Monroe county, Saunders Walker, of Monticello, Wm. Bowen, of Milledgeville, Bolin Smith, of Monroe county, a Mr. Vaughan, and some others, (their names not recollected,) were at that council.

To the 2d interrogatory: The witness says, that on or about the first week in April, he was at the house of General McIntosh, in the Creek nation, when he saw the chief Joseph Marshall, as referred to; the witness had, before that time, understood that the chiefs were to go into council upon the subject of the Governor's application to make the survey, and asked Marshall if he did not intend to attend the council; Marshall stated to witness that he wished to go home, and that it was unnecessary for him to be there, as he had authorized General McIntosh to sign his name for him, (Marshall,) giving his consent to the survey.

GEO. STINSON.

Examined, sworn to, and subscribed, before us, this 16th of August, 1825.

WM. H. TORRANCE,
W. W. WILLIAMSON,
Georgia Commissioners.

Further interrogatories to be exhibited to George Stinson in the case of the Indian Agent, Colonel Crowell.

1st. Were you at the Indian Springs, in February last, when a treaty was concluded between the United States and the Creek Indians; if so, were you present when the treaty was read to the chiefs? Was that treaty distinctly and slowly read over to them? Was it interpreted to them, and by whom? Do you understand the Indian tongue; if so, did you attend to the interpretation? Was the fifth article of that treaty read and interpreted by the interpreter to the chiefs? Was the agent present during that time? Did the agent particularly notice that treaty, and particularly the terms of the fifth article? Did he not say something concerning that article when it was read to the Indians; and was it, or not, because it deprived him of the distribution of the money arising from the cession of land?

2d. Relate all you know about this matter, and the agent's opposition to the treaty; also, what you know or believe about his knowledge of the murder of McIntosh; whether he knew any thing about it before the occurrence, and your reason for that belief.

WM. H. TORRANCE,
WARREN JOURDAN,
Commissioners of the State of Georgia.

JULY, 1825.

No. 8.

The answers of George Stinson to the foregoing interrogatories.

GEORGIA, *Monroe County:*

To the first interrogatory, he says that he was present at the treaty, from the commencement to the conclusion. He says that he was present when the treaty was read to the chiefs. He says that the treaty was distinctly read to them; it was read twice; it was interpreted by William Hambly. He says that he understands the Indian tongue imperfectly; cannot say how the same was interpreted. He says that he is certain that every article of the treaty was distinctly and audibly read; and one of the United States commissioners told the interpreter to interpret so that all who were present could hear him: the interpreter spoke sufficiently loud to be heard over the room where they were convened. He says that the Indian agent, Colonel Crowell, was present during that time. He does not recollect that the agent said any thing about the fifth article: he heard him say to the chiefs that some bad white men had said that he was opposed to the sale of their land, but that he had never told them to sell or not to sell; that, if they thought proper to cede their lands, he would go with them to their new country. He says that the agent said nothing about the distribution of the money.

The witness says that when the fifth article was read he was standing in company with Mr. Samuel Scrells, who observed to witness (and attracted his attention by a touch of his elbow) to look at him, (alluding to the agent;) that it would kill him, or words to that effect.

As to the last interrogatory, the witness says that his information upon the subjects therein embraced is derived from the Indians principally, and, therefore, he considers that it is unnecessary to state it.

GEORGE STINSON.

Examined, sworn to, and subscribed, before us, this 16th of August, 1825.

W. H. TORRANCE,
W. W. WILLIAMSON,
Georgia Commissioners.

No. 9.

Interrogatories to be exhibited to Joel Bailey concerning the Indian affairs.

1st. Were you at any Indian council in April last, at or near the residence of General McIntosh in the Creek nation? If so, was it held concerning the contemplated survey of the lately ceded territory by the Creeks? Do you know whether or not that council gave its consent to the survey? Who of the citizens of Georgia were there?

2d. Have you ever heard Joseph Marshall (the Indian chief of that name) say anything about that subject? If so, when and where, who was present, and what did he say?

3d. Have you, at any time, held any conversation with General Gaines upon the subject of that survey—of Marshall and Edwards's certificate about that matter? If so, state the time, and what was said. Did you, or not, at the same time, or before the conversation commenced, hand to General Gaines a newspaper containing a letter from Governor Troup to the general, bearing date the 16th of July last? Be particular, and state that conversation at full.

4th. Did you inform him any thing about the character of Mr. Edwards before alluded to, and, if so, what was it?

5th. Have you not been examined by Major T. P. Andrews, touching the treaty lately made at this place (Indian Springs) and the council at Broken Arrow in December last; also, concerning the reputed law under which the hostile Indians allege they executed General McIntosh? If so, did you or not inform him that, as to any particular affecting the negotiations of the late treaty at this place, you knew nothing? Did you not inform him, and so state in your testimony that you gave him, that McIntosh had declined to come out upon the subject of a treaty at Broken Arrow, and gave as a reason that he feared that some of the Indians would put him to death in consequence of a law, if he did so? If you made such a statement, did you not immediately thereafter, and connected with the statement so made, proceed to explain what McIntosh meant, and said that he meant, about such a law; and that it was in reference to the Tuckaubatchee and Polecat Spring proceedings only, which he did not recognise as a law of force in the nation, or as ever having been passed by authority of the nation? And did Major Andrews receive the qualification given by McIntosh about that law? Relate, particularly, how and in what manner you explained that statement to Major Andrews.

6th. Did or not General Gaines occasionally interrogate you while under examination?

7th. Did either General Gaines or Major Andrews say any thing to you about their surprise at your not testifying as they expected? Did they say how the Indian countrymen had testified, and that they seemed to refer to you? Were or not General Gaines and Major Andrews apparently satisfied and pleased with the statements you made to them? Relate, particularly, every matter and thing connected with that examination. After your statement had been reduced to writing, did any person or persons call on you, and say to you any thing about your evidence? if so, who was it, what said he, and what was your reply?

W. H. TORRANCE,
W. W. WILLIAMSON,
Georgia Commissioners.

*The answers of Joel Bailey to the annexed interrogatories.***GEORGIA, Monroe County:**

To the first interrogatory, he answers, that he was at a council at the time and place stated. The council was held for the purpose, as witness believes, to ascertain if the chiefs would give their consent to permit the Governor of Georgia to survey the territory lately ceded by them within the limits of Georgia. The council was in session when the witness left there, previous to which he had been informed by General McIntosh and others of the head chiefs that they were willing that the survey should be made immediately, or very soon thereafter. The witness does not recollect all the citizens of Georgia who were at the council, but recollects Bolin Smith, of Monroe county; General Ware, of Fayette county; and two persons named Hudspeth, formerly of Jasper county.

To the second interrogatory, witness states that he heard said Marshall say that he was willing the survey should be made; witness says that, on his way to the council, he stopped at Mr. Rooker's, on Flint river, where he met said Marshall, and they breakfasted together. In company with Marshall were Mr. Prosser, of Baldwin county, and a Mr. Edwards, then of the Creek nation. Marshall informed witness that he had been to pilot Mr. Prosser to the residence of General McIntosh, who was the bearer of an express from the Governor to McIntosh. Witness states that he asked Marshall if he did not intend to attend the council. Marshall replied that it was out of his power to do so; his business would not admit of it; but that he had authorized General McIntosh to sign an instrument for him giving his consent to the survey; that he was perfectly willing it should be done. This conversation was a few days before the council alluded to, and about the 7th or 8th of April last.

To the third interrogatory, he says that he has had some conversation with General Gaines upon the subject of a certificate signed by Joseph Marshall and William Edwards. Some time about the last of the past month, (precise day not recollected,) General Gaines stated, in the presence of witness, that he did not believe that there had been a council held for the purpose of giving consent to the survey; that it was sufficiently proven by the certificate of Joseph Marshall and a Mr. Edwards, a very respectable man, that there had been no such council. Witness then stated to General Gaines that there was such a council; that he (the witness) was present at it. The witness states that he then informed the general of the statements made to him (the witness) by Joseph Marshall, hereinbefore detailed. Witness says that he will not be positive, but believes that he did hand such a newspaper to General Gaines.

To the fourth interrogatory, he says that he then informed General Gaines that he would not make use of the name of Edwards as a respectable man; that he believed Edwards was one of the very lowest class of mankind! General Gaines then asked the witness what he knew of Mr. Edwards. Witness informed General Gaines that he knew that Edwards had left Georgia, and had gone into the Indian nation, to avoid paying his just debts. The general then inquired of witness, to whom Edwards was indebted; he was informed by witness that Edwards was indebted to him (witness.) Witness says that he has known this Mr. Edwards for about five years, and can safely say that he does not believe him entitled to credit.

To the fifth interrogatory, witness states that he has been examined by Major Andrews upon the subjects alluded to. Witness says that he did state to Major Andrews that, as to the negotiations concerning the treaty at the Indian Springs, he knew nothing of his own knowledge. Witness states that he did inform Major Andrews, and so stated in his testimony, that McIntosh declined to come out upon the subject of a treaty, at Broken Arrow, and gave as a reason that stated in the interrogatory. The witness states that that statement had reference to the Tuckaubatchee and Polecat law exclusively; but from the hasty manner in which the testimony of witness was then taken, he did not give that explanation that he wished to have done.

Witness now states, in explanation of that matter, that when General McIntosh made the statement about the law before referred to, he stated distinctly that it was the Tuckaubatchee and Polecat Spring proceedings he al-

luded to; that it was not a law authorized by the nation; and illustrated his view of it by marking off on the ground the shape of a handkerchief, and dividing it into four equal squares or parts, and said that the Tuckaubatchee and Polecat law was like that—that is, for one square to make laws for all the others. Witness states further, that General McIntosh then said, that, notwithstanding it was not the general law of the nation, there were a number of Indians who were afraid some of the others would try to put it in force if they signed a treaty; that General McIntosh also stated that he believed there were then a majority in favor of a treaty, but were afraid to let it be known on account of what they called the Polecat law. Witness states that in the month of November last, previous to the meeting at Broken Arrow, General McIntosh came to this place, (Indian Springs,) when and where he, the witness, exhibited to General McIntosh a newspaper containing the proceedings at Polecat and Tuckaubatchee: the general said at that time, which was the first he saw of it, that Polecat and Tuckaubatchee had no right to make a law for all the nation; that all laws to govern the nation must be made by a full council of the nation. Witness then asked General McIntosh if he did not believe it would prevent a treaty; to which the general replied that he did not, for it could not be considered a law by any others than those of Polecat and Tuckaubatchee. After witness arrived at Broken Arrow, in December last, to attend the contemplated treaty, General McIntosh informed him that the Indians were more afraid of the Polecat law than he had expected. Witness states that General McIntosh uniformly denied the existence of such a national law; that the Polecat law had been made by a party who had no voice in the sale of the land, and that he believed that the party entitled to sell were all willing, but were still afraid of the Polecat law.

To the sixth interrogatory, he says that he does not recollect of having been distinctly interrogated by General Gaines, though he referred witness several times to previous conversations.

To the seventh interrogatory, he says that both General Gaines and Major Andrews expressed his surprise at not testifying as they expected. They seemed satisfied with the testimony of witness until he was interrogated concerning the transactions about the treaty at this place, about which witness informed them that he knew nothing particular. It was then that they expressed their surprise, and inquired of witness why he had not kept up an intercourse concerning the treaty with the commissioners, as he seemed to have had something to do with them at Broken Arrow. He informed them that, in consequence of his engagements, he being then the proprietor and keeper of a tavern at this place, he was crowded with company, and could take no part in assisting to make the treaty.

To the last interrogatory, the witness says, that what may have been said to him upon that subject can be of no importance to the parties in issue. Mr. Bailey, in conclusion, is desirous to state that, so far as respects his testimony given to Major Andrews which was calculated to affect the United States commissioners, his answers were given to direct interrogatories only; that he could have given, if interrogated to the points, such answers as would, in his opinion, fully justify the course pursued by the United States commissioners at Broken Arrow.

JOEL BAILEY.

Examined, sworn to, and subscribed before us, this 16th day of August, 1825.

Test: HUGH W. ECTOR.

W. H. TORRANCE,
WM. W. WILLIAMSON,
Georgia Commissioners.

APPENDIX TO NO. 3.

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, *November 21, 1825.*

I transmit to the Legislature certain testimony recently taken by the commissioners on the part of the State, additional to that furnished at the opening of the session, and connected with various subjects of the message of the 8th instant.

G. M. TROUP.

Affidavit of Reverend I. L. Brooks.

GEORGIA, *Baldwin County:*

Personally appeared before us the Reverend Iveson L. Brooks, who, being duly sworn, saith: That while at the Indian Springs, in the State of Georgia, in the month of July past, on Tuesday, the 19th day of the month, he was introduced to General E. P. Gaines by Major Joel Bailey, who keeps the public tavern at that place. After the introduction, this deponent and General Gaines entered into conversation about the Indians, the treaty, and other matters connected with them, in the public room, near the outer door; several persons were present, principally white men, and a few Indians of the friendly or McIntosh party. In that conversation, General Gaines stated, in speaking of the possessions of the United States beyond the Mississippi, that the General Government possessed no lands in that quarter free from the incumbrance of Indian titles or the occupancy of white settlers, who could not be removed without entering into formal treaties. He further said it was the most heels-over-head piece of business in the General Government that perhaps had ever occurred in the conduct of wise men to engage by treaty with the Indians to exchange with them territory when they had none to exchange.

In speaking about the treaty, he stated that in regard to the treaty he thought he had sufficient evidence in his possession to convince him that the commencement and whole progress of it was founded in the deepest fraud and treachery, and that every individual concerned in it was damned—he paused a while, and then said—politically damned. In conversing further about the treaty and the land, after making some remarks not particularly recollected, he turned to the Indians who were present, and said, “I tell those Indians the white people will cheat them out of their lands, get all their money, and then kick them to hell.”

In speaking about Crowell, he stated that he believed him a pure and upright man; that he had done no more than his duty; and the only thing he blamed him for was signing the treaty as a witness, and that he (General Gaines) would rather have lost his right arm than have done it. Talking of the Indians, he said they were disposed to be reconciled and return to the nation, except Chilly McIntosh and the small party attached to him; that he did not care whether he did or not; that he was no chief, and had a plenty of property to live either among the Indians or whites. He further said that the people of Georgia were a reflecting people; that they were under the influence of intriguing politicians; and that he had no doubt they would ultimately approve his conduct. This deponent further saith, that the conversation was a long one, and, during its continuance, General Gaines [was] occasionally highly excited, and spoke with much warmth; so much so, towards the conclusion, as to induce this deponent to break off rather unceremoniously, and turn to Major Bailey to settle his bill.

I have endeavored to recollect as [well as] I can the expressions of General Gaines. Though in some cases I may have used different words, I am confident I have retained the sense of them.

IVESON L. BROOKS.

Sworn to and subscribed before me, this 17th of October, 1825.

J. T. CUSHING, *J. P.*

Affidavit of Colonel Michael Watson.

GEORGIA, Baldwin County:

Personally appeared Michael Watson, a citizen of the county of Houston, who, being duly sworn, saith: That in the month of August last, and he believes on or about the tenth or eleventh day of that month, he was at the Indian Springs, in Monroe county, in said State; that, in a conversation that was held between and among several persons then at the Springs, General Edmund P. Gaines, of the United States army, being present, the subject of conversation turned upon the late Indian treaty and the proposed survey then about to be made by the order of his excellency George M. Troup, Governor of the State of Georgia: he (General Gaines) stated in public company that if Governor Troup made the survey, or attempted it, he would be tried for treason and hung; that General Gaines also stated that Governor Troup and his friends were intriguing demagogues; that in the same conversation General Gaines manifested and expressed much warmth of hostile feeling towards Governor Troup and his friends.

The conversation was boisterous in some respects, and it excited much warmth of feeling in the spectators and those concerned; that the whole of General Gaines's conversation and observations were directed against the constituted authorities of Georgia, and the supporters of her administration.

MICHAEL WATSON.

Subscribed and sworn to before me, this 10th day of November, 1825.

ELI S. SHORTER, J. S. C.

Affidavit of C. B. Strong, Esq.

GEORGIA, Bibb County:

Personally appeared before me Christopher B. Strong, of the State and county aforesaid, who, being duly sworn, saith: On the 11th day of August, in the year 1825, at the Indian Springs, in the county of Monroe, of said State, he heard a conversation commence between General Edmund P. Gaines, of the United States army, and Milton Cooper, of Putnam, in which General Gaines appeared to manifest much passion; and, after this, deponent got near enough to hear what was said. He heard the general say "he is a demagogue; his partisans are demagogues, unprincipled demagogues; he is guilty of treason, and the commissioners have stated wilfully false," or words to that effect. I was informed by several gentlemen then present that the former epithets were used in relation, and applied to, Governor Troup of Georgia. A severe controversy ensued betwixt the general and myself, which I deem it unnecessary here to detail.

This deponent further saith, that, from what passed at that time, he has no doubt but that the first mentioned expressions of reproach were used by General Gaines in direct relation to Governor Troup.

CHRISTOPHER B. STRONG.

Sworn to and subscribed before me, this 23d day of October, in the year of our Lord Christ 1825.

ELI S. SHORTER,

*Judge of the Superior Court.**Affidavit of Major Joel Bailey.*

GEORGIA, Baldwin County:

Personally appeared Joel Bailey, of the county of Monroe, who, being duly sworn, saith: That, some time in the month of July last, he heard General Edmund P. Gaines, of the United States army, state that the United States commissioners, in the late Indian treaty, had promised and undertaken with the Indians (meaning the Creek Indians) more than they could perform or comply with, in agreeing to exchange lands with them west of the Mississippi, for that the United States had no land there; that General Gaines said that he dared Governor Troup to attempt to survey the land lately ceded by the Indians; that he would have an armed force, and arrest every surveyor as fast as they crossed Flint river; that if the Governor of the little demagogue State of Georgia did not mind, he (Gaines) would get hold of him; and that the people of Georgia were a set of demagogues.

JOEL BAILEY.

Sworn to and subscribed before me, this 16th day of November, 1825.

JOEL FLANIGAN, J. I. C.

In and for the County of Newton.

PUBLISHED ADDRESSES OF THE DIFFERENT UNITED STATES' AGENTS.

Taken from the Georgia Journal of the 5th of July, 1825.

TO THE PUBLIC.

The subjoined letter from Major Andrews (United States special agent) is presented to the public to prevent exaggeration and misrepresentation. It speaks for itself. The reasons assigned for my temporary suspension from the office of agent I trust will be duly understood and appreciated. Indeed, the untiring zeal manifested by Governor Troup, in the accomplishment of his purpose, has rarely been equalled, and never surpassed; it stands without a parallel in the annals of persecution. I ask the public and my friends to suspend any opinion in relation to the subject connected with this suspension, until I can have an opportunity of submitting my defence. Far from seeking any advantage from the locality of witnesses in the nation, and from my situation as agent; unwilling to be suspected, even by the most prejudiced, of being capable of using any influence which my official station may be supposed to give me; and anxious to disarm my accuser of the slightest pretext for any insinuation of that character, if I had not received Major Andrews's letter suspending me *during the time of taking testimony*, I should have asked it. I assure my friends and the public that the investigation will result in the establishment of my innocence of the charges preferred against me by Governor Troup; for, having every confidence in the justice of the Government of my country, and its officers appointed to conduct this investigation, and being conscious of the correct intentions by which my official conduct has been influenced, although I may be for a season subjected to the inquisitorial proceedings of the Governor and Legislature of Georgia, and may be compelled, in consequence thereof, to bear the popular odium, yet I feel persuaded that in the enlightened judgment of my countrymen I may safely rely, and from its award I can have nothing to apprehend.

I am, respectfully,

CREEK AGENCY, June 22.

JOHN CROWELL.

SIR:

CREEK AGENCY, FLINT RIVER, June 21, 1825.

You have been advised of the measures heretofore pursued by the President of the United States and of the Secretary of War, in relation to the charges, specific and implied, made against you as Indian agent. I have now to inform you that a suspension from the exercise of your functions as Indian agent, until the testimony to be collected in the Indian nation has been obtained and examined, has been decided on. I herewith send you a copy of the evidence collected by a committee of the Georgia Legislature, and their report as adopted by the Legislature. Copies of other documents, promised me by the Governor of Georgia, shall be furnished you as soon as those documents are received. You will accordingly turn over the agency to the sub-agent, Captain Triplett.

In resorting to the discretionary power vested in me by the President, I feel it due to you to state frankly that this determination does not proceed from any present impression unfavorable to your innocence. I am not at liberty, in my present peculiar situation, to form a settled opinion on the charges made against you, until all the evidence to be collected from every quarter has been received and carefully examined; but I feel it due to you to say that, so far as I am at liberty to take up a present impression, it is in favor of your integrity and honor. I feel it due to you to make this statement, in consequence of the course (which must be considered an unjust one, if not oppressive,) pursued towards you by the authorities of Georgia; my impression, too, being chiefly grounded on the *ex parte* testimony taken against you.

Your suspension is made from courtesy to the authorities of Georgia, who have repeatedly and urgently demanded it, on the ground that it would be impossible to elicit unbiassed testimony in the Indian nation whilst you are in the exercise of your functions. It is done from a desire to do away all pretences which might otherwise hereafter be seized on to destroy confidence in the results of the examinations. The suspension will be withdrawn so soon as those examinations are concluded, should they result in establishing your innocence.

As the object of the General Government, in this examination, is the establishment of truth, it could not but give me pain, as its agent, to find that, in taking testimony against you, all the usual prerogatives were lost sight of by Georgia. You were neither "informed of the nature or the cause of the accusation, nor confronted with witnesses" against you, nor had you "compulsory process for obtaining witnesses" in your favor. The evidence on which the harshest opinions have been formed and expressed was not only *ex parte*, but it has been spread before the public in the newspapers before you had been informed of its character, or had an opportunity of making your defence; and public opinion thereby forestalled before the General Government, under which you hold your appointment, has had an opportunity of examining the testimony of either party. The course you have determined to pursue, as made known to me in the copy of your letter of the 20th to the commissioners appointed by the Governor of Georgia, to take further evidence against you, in inviting them to be present at the examination of your voluntary witnesses, is of an opposite character, and cannot fail to strengthen the belief of your conscious innocence.

It is scarcely necessary to add, that, in the exalted character of the President of the United States, and of the Secretary of War, you have the surest guaranty of a fair trial, and a just decision on it.

Very respectfully, sir, your most obedient servant,

T. P. ANDREWS, *Special Agent.*

Colonel JOHN CROWELL.

Taken from the Southern Recorder of the 9th of August, 1825.

TO THE PUBLIC.—It will be recollected that, at the commencement of the investigation against me, of the charges preferred by his excellency Governor Troup, I assured my friends and the public that it would result in the establishment of my entire innocence. The examination has now closed, and the opinion of the special agent, (Major Andrews,) contained in his letter to me of the 1st August instant, is given to the public; by which it will be perceived my suspension is withdrawn, and my innocence established. This opinion of my innocence is subject to revision by the supreme executive authority of the Union: before that ulterior decision, it would be obviously improper to publish my defence, or a summary of the evidence upon which it is founded; but after it is officially announced, that impropriety will no longer exist; then I hope to be able to do so, whereby I trust I shall succeed in removing every doubt from the minds of the most skeptical, and silence every scruple of the most casuistical portion of the community. The public will then be able to form a just judgment between my accuser and myself. Until that period arrives, he can continue the course he has pursued throughout the investigation, in publishing what he pleases, whether in the shape of evidence collected *ex parte*, or in the shape of reports of commissioners, since I feel confident that such publications will be ascribed to their legitimate causes; and since I have too much confidence in the justness of my countrymen to apprehend their effects, when the motives which influence my accuser to such a course are so obviously plain, that 'he who runs may read' them.

JOHN CROWELL.

AUGUST 2, 1825.

T. P. Andrews to John Crowell.

SIR:

MILLEDGEVILLE, GEORGIA, August 1, 1825.

I acknowledge the receipt of your defence, accompanied by the testimony collected to rebut the charges preferred against you by his excellency Governor Troup, as well as the testimony taken against you by a committee of the Legislature of Georgia, and that interspersed throughout the volume of documents furnished me by the Governor of Georgia.

After a diligent examination of all the testimony taken on both sides during the investigation, and coming before me, I feel it incumbent on me to say that I consider you, in reference to the charges made against you, not only an innocent, but a much injured man. This result is the more honorable to you, as you have only had it in your power to avail yourself of voluntary testimony.

I shall make this report to the Secretary of War, to whom you will look for the *decision* of the President, which will confirm or reverse this opinion. In the mean time, you will consider your suspension withdrawn.

With respect, sir, your obedient servant,

T. P. ANDREWS, *Special Agent.*

To Colonel JOHN CROWELL, *Indian Agent, &c.*

The following letter from Edmund Pendleton Gaines, major general commanding, is taken from the columns of the Georgia Journal, of the 23d of August, 1825.

HEAD-QUARTERS, EASTERN DEPARTMENT,

SIR:

INDIAN SPRINGS, August 16, 1825.

I have received your excellency's letter of the 6th, postmarked "Milledgeville, 8th of August," acknowledging the publication of a letter from me, the original of which, you say, you had not received. To this I have only to say, it was forwarded in due time. It is, doubtless, known to you that yours of the 17th of July was published, as it is presumed, by your authority, in a newspaper before I replied to it; you could not, therefore, feel much "surprise" at the publication of my reply. I had seen, with regret, that for a United States officer to write to you was, in fact, to write for the newspapers; and that to differ from you in opinion was to be denounced as an offender. Since this was apparent to me, (that is, since the receipt of yours of the 17th of July,) I have been well aware of the tax which our little differences of opinion would impose upon me—a tax which conscious innocence suffers under the groundless imputation of guilt. I was not, therefore, much surprised at the gross misrepresentations of your *dedimus potestatem* commissioners, nor at the concluding paragraph of yours of the 6th, wherein you say "I have lost no time to direct you to forbear further intercourse with this Government." These expressions, like others contained in some of your previous letters, (but of which I took no notice,) wherein you speak of my using the militia against Georgia, &c., appear to evince a very high degree of that prejudice and *inflated pride of office* which might well be expected to prompt some little European despot "to feel power and forget right." Were you some little German prince, for example, (the most self-important and overbearing of all the crowned tribe,) and I a Turk, it would, in that case, excite no surprise that the little German prince should address the Turk as you have more than once addressed me; and, after freely indulging in words of "learned length and thundering sound," conclude with the expressions above quoted, viz: "I have lost no time to direct you to forbear further intercourse with this Government."

But I am not a Turk, nor are you a prince; I am a plain native of Virginia, and an adopted citizen of Tennessee; I am an officer of the United States, of which Georgia is an honored and an honorable member. My lawful public duties have called me into this State, where, yielding due homage to her laws, and those of the United States, I find myself possessed of ample privileges, which depend not upon the whim or caprice of any individual—no, not even the Governor, with whose correspondence I confess to you, sir, I have not been so much delighted or instructed as individually to wish for its continuance. But, however unprofitable your correspondence may be to me individually, yet the respect due to the office you fill will not permit me to yield to the non-intercourse which you have, without authority, presumed to "direct." On the contrary, sir, I have the right as a citizen, and the additional right as a public functionary, to address you; and should my official duties require that I should, at any time, address the Executive of this State personally, or by letter, I shall not fail to do that duty with the respect due to the office and the State over which you preside. In this State, as in all others of the United States that I have visited, I am gratified to find around me *men and patriots*, and the descendants of *men and patriots*, who fought and bled for the independence of our country, and who, in September, 1787, in the first paragraph of a rare and very interesting work, which I would recommend to your attention, united with the patriots of other States in saying, "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America." Among such men I cannot feel myself a stranger in a foreign land. Many of these men, I am assured, will do me the justice to believe that the United States soldier, whose respectful communications of June and July last you answered with official arrogance, would cheerfully seize upon any proper occasion to throw himself between them and the fire of an invading foe, to save from harm the humblest citizen of the State. My military command has alternately, within a few years past, extended to every State and Territory of the republic. I have, at different times, been honored with the acquaintance and occasional correspondence of more than twenty of the State and Territorial Governors, from neither of whom, except yourself and one other, have I ever received any expression other than the most dignified, amicable, and polite kind. I have addressed one and all of them, and you, in the same heart-felt terms of that respect which naturally flows from a habitual devotion to the beloved institutions of our common country, no feature of which is, in my estimation, so valuable as that which secures the just rights and privileges of the States—rights and privileges defined by the constitution and known laws, and not such as depend upon the prejudice and passion of a few individuals—rights and privileges, to promote which is to promote the interest and honor of the Union. With these impressions I have approached the State authorities, not as *foreign princes*, but as brethren of one great political family, whose fair fame has already attracted the admiration of every civilized country, and whose example has led to the establishment of liberty in South America, and promises to aid in its final extension and permanent establishment throughout every portion of the world. Such institutions should not be sported with. A public officer, resolved to act the part of a *bold* man when he has lost the character of a wise one, may sometimes, perhaps, innocently amuse himself in attempts to pass off the turbulence of his thundering words for *force*, and the frenzy of his party zeal for fire; but when he thus writes himself into a great passion about nothing, and when he permits himself to utter threats in the face of such institutions, and gravely appeals to his commanders and "co-workers," and says unto them, "having exhausted the argument, we will stand by our arms," we (the people) involuntarily call to mind the ludicrous idea of licentiousness personified in the act of "tweaking justice by the nose, and the babe beating the nurse;" and it becomes a grave question to determine whether to smile or be serious at such eccentricities.

Wishing your excellency health and respect, I have the honor to be,

EDMUND PENDLETON GAINES,

Major General Commanding.

Taken from the "Georgia Patriot," of the 30th August, 1825.

HEAD-QUARTERS, EASTERN DEPARTMENT,

SIR:

MILLEDGEVILLE, August 29, 1825.

I have received your communication through Mr. Secretary Pierce, with two papers purporting to be copies of letters from your excellency to the President of the United States, bearing date the 26th of July and 6th of August, wherein it appears you are pleased to write *at me* and *of me*, notwithstanding your avowed resolution not to write *to me*.

To this wise expedient to preserve the immense weight of dignity under which your excellency labors, I can have no objection. I take this occasion, before noticing your assumed "facts and arguments," to assure you tha

I have no authority whatever from the President of the United States or Department of War to write or speak to you upon any other than public and official subjects, such as I have, with perfect frankness and cordiality, communicated to you previous to the receipt of your letter of the 17th July. In that letter, you will recollect, you so far lost sight of your own proper sphere of action, as to attempt to give me what you term "*a gentle rebuke.*" You thus, then, laid aside the wonted high themes of your brilliant pen—the *Federal Government, the Federal Judiciary, State rights, Yazoo claims, &c. &c.*; and leaving all these great matters to stand or move in the separate and distinct orbits in which the federal and State constitutions and laws have wisely placed them, you have "descended," rather hastily, as it would seem, to unauthorized personal animadversion and "rebuke," touching certain official duties confided to me.

In repelling the personal censure and menace contained in what you have termed your "mild rebuke," I have acted on my own individual responsibility, without any authority save that which is implanted in the breast of every upright man, civilized and savage; which is known to the virtuous and wise as the "first law of nature;" a law which authorizes the free use of the bayonet against the highway robber of *money*, whose weapon is of a deadly hue, and the free use of the pen against the official robber of reputation, whose known weapon is the pen. I have no money, and but little property of any kind that would command money, and, therefore, have no occasion to guard against the highway robber. The little store of wealth of which I am master consists of an untarnished reputation, with some testimonials of applause generously and spontaneously bestowed on me by the National and some of the State Legislatures, of which Georgia is one; and by which she and they have secured my lasting gratitude, and strengthened the ties of friendly feeling and brotherly union between us. This little store is valued highly by me; it is my own—my all. It will be held in trust by me for my children and my country; and it is, therefore, my right and bounden duty to preserve and defend it! It would be criminal in me to neglect it! No earthly law can impair the higher law of self-defence and self-preservation.

My letters of the 14th, 16th, and 22d June, and those of the 1st and 10th of July, have convinced my friends (whose good opinion I value most highly) of my uniform and earnest desire to abstain from collision with you. And, in my answer to yours of the 17th July, it is known that your suggestion of the haste in which you wrote induced me to decline a reply for a week, and until your letter made its appearance (as usual) in a newspaper, doubtless by your permission. If, in mine of the 28th July, of which you complain to the President, or in my last of the 16th of this month, it should appear that nature, or a *defective education*, should have implanted in me a little spice of that *knight errantry* for which your excellency is so much renowned, and that I should thereby have been tempted to *break a lance with you in something like your own proper style*, I cannot but hope that my fault in this case, in following your example, and quoting your own expressions, (the only fault with which I can possibly be charged,) will be pardoned by the President and the people of the United States, of whose wisdom and justice and magnanimity I have had the most undoubted proofs. To your excellency I have no apology to offer. I purpose, however, that, in our future correspondence, after disposing of your futile charges against me, you and I may confine ourselves to *our public and official duties*. When these are accomplished, I hereby promise, should you desire it, to correspond with you "*unofficially*," until "we shall have exhausted the argument;" and then we will stand by our—goose quills, and talk of "*valor*"—about which you have written to the President.

In the interim, since you appear to be fond of quotations from the poets upon the subject of "*valor*," I will here give you one for your particular consideration and benefit:

"The brave vent not their prowess in a storm of words,
"They let actions speak for them."

In your letter of the 26th July, recommending to the notice of the President the report of your commissioners, you remark that the report "may indeed be said to carry with it its own commentary;" and yet you have taken care to furnish it with an elaborate commentary! It has gone forth doubly armed—with its own and your commentary. Thus armed and shielded at all points, it remains for me to approach and try its boasted strength. In this necessary measure of self-defence, I shall proceed upon the principle indicated in the following quotation: "*Out of thine own mouth will I convict thee.*"

From your "documentary evidence," and from the report of your commissioners, it is my purpose to prove, 1st. That your attempt to associate your commissioners with me was a usurpation as unwarrantable as it was indecorous. 2d. That their report is tainted with misrepresentation and perfidy. 3d. That the real object of your commissioners was to thwart my efforts to restore peace among the Indians, notwithstanding their professed desire to co-operate with me in the development of truth, and the restoration of peace and harmony.

If I do not in my next letter establish these three points, then will I agree to submit it to the denunciation of your excellency, and the whole tribe of your servile newspaper slanderers, during the remaining period of my life.

I have the honor to be,

EDMUND PENDLETON GAINES,
Major General Commanding.

To His Excellency GOVERNOR TROUP.

Taken from the Georgia Patriot of the 13th September, 1825.

MILLEDGEVILLE, September 12, 1825.

The editor of the "Patriot" is respectfully requested to suspend, for the present, the publication of my letter of the 6th instant, promised in mine of the 29th August, to his excellency Governor Troup. I have been charged with having attempted to break the late treaty, and of having connected myself with a political party of this State.

I take this occasion to pronounce these charges to be wholly destitute of truth. I have frankly and candidly answered every civil question asked me by men of *all parties* in reference to the treaty. I have exerted myself to convince the principal chiefs of the nation opposed to the treaty of the expediency of acquiescing in it. I have, indeed, cordially accepted the civilities of many much-respected citizens of Georgia, without knowing, or making any effort to know, to what parties they belonged; and I have since ascertained that they belonged to different parties. I had no knowledge of the political views of Mr. Varner at the time I replied to his inquiry respecting the "emigrating party." I have never deemed it proper to insult a citizen of any State, or any party, in consequence of his being civil to me. I have never, to my knowledge, endeavored to influence the vote or the political opinion of any man in the State of Georgia, in regard to the ensuing election. And, although I am not aware that my letter of the 6th will produce this effect, as it tends to expose the conduct of some men of both parties, who have advocated a violation of the eighth article of the treaty, yet, as I have been charged, however falsely, with an attempt to meddle with the political affairs of the State, with a view to the ensuing election, I have determined to suspend the publication of my promised exposition until after the election.

Respectfully,

EDMUND PENDLETON GAINES,
Major General Commanding.

Reply of Major T. P. Andrews to the reports of the Georgia Commissioners. Taken from the National Intelligencer of September 22, 1825.

GENTLEMEN:

WASHINGTON, September 17, 1825.

The reports of the Georgia commissioners, which contain numerous calumnies against me as an officer of the Government and as a gentleman, were some time since published in your paper. I was, at the time, confined to my bed with a severe fever, or should otherwise have asked you to publish an original reply to those reports in the Intelligencer. They have lately been published in the National Journal, and replied to through that paper. I send you a copy of the reply, and would thank you to give it the same circulation through your paper which was given to the aspersions which gave rise to it.

Very respectfully, your most obedient servant,

T. P. ANDREWS.

To MESSRS. GALES & SEATON,
Editors of the National Intelligencer.

From the National Journal.

SIR:

SEPTEMBER 19, 1825.

I observe in your paper of the 6th instant the three reports "of the commissioners who represented Georgia at the late conference with the Creek Indians." These reports were published some time last month in the National Intelligencer: I was then confined to bed with a bilious fever, and unable to answer them. They relate chiefly to matters of a public nature, on most of which I too have made reports; not based, however, on the same kind of foundation: mine are sustained by *evidence*, which, I trust, will be considered as full and satisfactory on every point on which it touches. Those of the Georgia commissioners appear to rest *solely on their veracity or assertions*, which, unfortunately, (where those gentlemen are personally best known) is not a matter of boastfulness among their neighbors. The reports verify the prediction which I made in a letter to his excellency the Governor of Georgia, that "the pursuit by the authorities of Georgia was to be transferred from the *Indian* to the *special agent of the Government*." It is not my intention to enter into a discussion of any *public* matters referred to in the documents in question. Indeed, having handed in my reports, I am not at liberty to allude fully or particularly to them, until they have been made public by the Government. But the commissioners of Georgia, having thought proper to asperse my character as a man, by impugning my impartiality or fairness as an agent, I feel called on to answer so much of their reports (which have been industriously circulated through the newspapers) as relates to me personally. It was not my wish to have a controversy with those gentlemen, but as they have made an attack on me, which was uncalled for, and unwarranted by truth or fairness, they shall not find me backward in repelling their aspersions. In doing so, it may become my duty to show that, if they are ever moved by the workings of conscience, they must hereafter, in their moments of reflection, look to the reports which I am about to notice, as the record of their own misconduct. My reply will, from its nature, (like most, if not all personal publications,) be of a harsh character; but that harshness will be found in the matter of fact it contains, and not in its language.

I will first, acting on the defensive, notice the aspersions of the commissioners in the order they present themselves in their reports; I will then essay to put the commissioners themselves to the wall, that they may have a fair opportunity of showing their dexterity in getting from it.

Their first insinuation is contained in the first part of the second paragraph of the first report, as follows: "From the anxiety of the special agent (Major Andrews) to satisfy the mind of the Little Prince as to the suspension of the agent, (Colonel Crowell,) we felt anxious forebodings that we need not expect to find in him a man who sought only to extend impartial justice to the accused."

The explanation of this aspersion will be found in the following brief statement: General Gaines held a preparatory "talk" with the head chief of the Creek nation—I think, the day before he met the nation in council. I requested the general, in that interview, to make known to the Little Prince the fact of the agent's suspension, and to explain the causes which produced it. This was, of course, necessary from a regard to the general interests of the Government, for the information of the Indian nation, and in justice to the Indian [agent] and his accusers. The commissioners have not had the effrontery to assert that any thing was stated to the Little Prince which was not strictly true and correct; they merely complain of my anxiety "to satisfy the mind of the Little Prince as to the suspension of the agent, (Colonel Crowell.)" After this explanation, I deem comment on this point altogether unnecessary.

In the latter part of the same paragraph, the commissioners insinuate that I improperly withheld my opinion, when appealed to by the Rev. Mr. Compere and the commissioners, as to the absolute necessity of his making oath to the evidence which the commissioners had demanded of him. I was not the keeper of the Rev. Mr. Compere's conscience, or of that of any other clergyman or gentleman; and having never made theology a profession, I did not consider myself capable of arguing a learned divine out of a religious scruple or prejudice. If the commissioners intend to complain that I would not use force to compel that reverend gentleman to do what his conscience dictated to him he ought not to do, they should recollect that, so far from possessing that power myself, it was not in the Government even which had delegated to me all the little authority I possessed as its agent. This complaint is so futile, that I can see but one thing proved in it by the commissioners, which is, that they had no just accusations to make against me, and were, therefore, compelled to resort to such charges as that now referred to. The official correspondence between the commissioners and myself (copies of which are annexed) will throw further light on this charge against me, as well as others. The commissioners can best tell why this correspondence was withheld from publication, in giving these reports publicity.

In the fifth paragraph of the same report, other insinuations are mysteriously made as to an alleged suggestion of mine to General Gaines, that the interrogatories of the commissioners to the Indians should be submitted for my examination, before they were put to the Indians. These insinuations are perversions of truth. General Gaines can bear witness that I never made such a suggestion to him. I did suggest that *all* interrogatories put to the Indians, whether by the commissioners or myself, ought to be in writing, that, through their clerks, they might have an opportunity of giving their answers in writing; and, in that way, both the interrogatories and answers might be placed on record, and beyond the possibility of misapprehension and misrepresentation. The misrepresentations and distortions of facts which have been since committed by the commissioners show the propriety, and indeed necessity, of that suggestion.

In the sixth paragraph of the same report, they, for the second time, *mysteriously* allude to my being found at the house of the missionary, (the Rev. Mr. Smith.) This offending on my part (being found in the house of a clergyman) will be fully explained when I state a fact, well known to the commissioners—that I lodged and boarded

there; and that the room they say I was in was that which I used for my bedroom, office, and parlor. They assert that the attorney of Colonel Crowell was in the room with me when they entered the house. This may be the fact, although my present impression is, that it was the Rev. Mr. Compere who had paid me a visit. That the door of the room was closed, as they assert, I think is quite probable, if not certain; because that door opened into a general family parlor, in constant use, and because the room I was in was occupied, as I have stated, as my bed chamber as well as office. That I was frequently in conversation with the attorney of Colonel Crowell, is also quite certain; because I was necessarily compelled to have a constant intercourse with him on the business which carried us both to the nation. They might have added, with truth, that I was frequently in conversation with the agent himself. I offer these mysterious allusions of the commissioners to circumstances which they knew to be absolutely necessary, and of a perfectly negative and innocent character, as an additional evidence that they had it not in their power to make a just allegation against me.

In the fourth paragraph of the third report, (that of Colonels Jourdan and Williamson,) they refer to my letter to Colonel Crowell, suspending him from the exercise of his functions, as evidence of the agent's case having been prejudged. As the commissioners are courteous enough on this occasion to admit that letter to be good evidence on any point, I will reciprocate that courtesy by an acknowledgment that that letter does furnish evidence of the agent's case having been prejudged. There is, however, a material difference of opinion between the commissioners and myself as to the authorities by which that prejudgment was committed.

I have thus gone through the tangible charges made against me by the commissioners of Georgia, who, I presume, have preferred them, having none of a more manly character to offer. I shall now make some statements, from which, if they are credited, it may be inferred that, if these charges had been true, they *ought* not to be credited on the assertions of those gentlemen where they are not known, and they *will* not be credited on their assertions wherever they are personally known to the public.

The commission appointed to aid General Gaines, and to take all the trouble and all my little labor off my hands, consisted of the following gentlemen, whom I shall take the liberty of presenting to the public in a proper manner, viz. Colonels Seaborn Jones, Warren Jourdan, William H. Torrance, and William W. Williamson, commissioners; Captain J. S. Thomas and Captain William Bowen, as "marshals;" and Mr. Kenan, the clerk of the commission.

Colonel Seaborn Jones, who is the aid-de-camp of his excellency the Governor of Georgia, is already known to the public as the gentleman who gave a certificate of certain remarks alleged to have been made by Mr. Wirt, which remarks, however, appear (unfortunately for the veracity of the colonel) never to have been uttered. He is considered as a general "certificate man," who, in the absence of other testimony, will always be ready to give his certificate, or make a report, whenever the interests of the political party to which he is attached are in jeopardy. This gentleman has been publicly accused with sundry acts which are not calculated to establish for him a high character for veracity or honor. He has been accused of having purchased, in a private improper manner, certain personal property of a man in distress, which was liable to executions held by himself as an attorney, and in that way appropriating to himself property which should have been held to the uses of his clients. He has been convicted of having taken a double fee in the same interest in dispute—one of each party. He has been accused of obtaining the control of an execution on false pretences, and attempting knowingly to recover a debt *twice* for his own use. He has been charged with all this "professional treachery" by a fellow member of the bar, a gentleman of property and high standing, and has never vindicated his character in a proper manner from it. The belief in its truth at his home (Milledgeville) is so great, that he was rejected by the people as a candidate for the Legislature.

Colonel William W. Williamson stands convicted, (in the evidence which accompanies my report to the Government,) by the testimony of numerous witnesses, of being an active instrument in the hands of the commissioners who made the late treaty, in attempting to bribe various persons to betray their duty and honor. He is shown to have offered a bribe of eight thousand dollars to the United States' interpreter, whose character he has since endeavored to destroy, to prevent an exposure of his own corruption. He is shown by the evidence to have been paid a thousand dollars for his services, and to have received twenty-five or thirty thousand dollars of the United States' funds, placed in the hands of the commissioners who made the treaty, and to have been engaged with that money ever since in speculating in negroes, as a common negro trader. Such is the opinion of this man's character where he resided and was best known, that the grand jury of Twigg's county superior court, in March term, 1822, discredited his affidavit, and pronounced the bill which he attempted to sustain by that affidavit "No bill;" a malicious prosecution. I subjoin the affidavits of John Winslett, Lemuel B. Nichols, and J. H. Campbell, to show the character, habits, and temper of this one of the commissioners.

Colonel W. H. Torrance. This gentleman has been convicted within about a year, by a sentence of the court of the place in which he resides, (Milledgeville,) of a disgraceful slander, and a considerable fine imposed by the sentence of the court, as a punishment.

Colonel Warren Jourdan. This gentleman has been accused before the public of having screened a notorious smuggler, who had been engaged during the late war in smuggling a large quantity of blankets into Georgia from Amelia Island. The accusation, which was made by his neighbor, a man of high standing in society, has never been repelled; and was so far sustained by his fellow-citizens as to cause him to be rejected as a candidate for the Legislature. I regret that the attack of this gentleman on myself has compelled me, in showing his want of character and credit, to allude to a circumstance, the mention of which, I understand, gives him as much uneasiness as did the mention to Sancho Panza of his blanketing at the tavern.

Captains Bowen and Thomas, the two marshals, are already known to the public. By reference to the report of Mr. Wirt (made in 1822) to the President of the United States, in the case of General D. B. Mitchell, the former Indian agent for the Creek nation, (who was convicted of having smuggled between one and two hundred African negroes into the Indian nation from Amelia Island,) it will be seen that these two gentlemen, who were his deputies in office, were the instruments of General Mitchell in introducing these negroes into the nation. It will be there seen that Captains Bowen and Thomas were the persons by whom the negroes were obtained and carried into the Indian nation. General Mitchell was dismissed on that report from office, and Captains Bowen and Thomas compelled to leave the nation. Captain Thomas is now living, or connected in business, with General Mitchell, to whom he is related; and Captain Bowen has been shown, by the exposure of the assistant Indian agent, (Captain Triplett,) to have been of late engaged in efforts to counteract the measures of General Gaines in the Creek nation. It was Bowen who wrote the correspondence signed in the name of General McIntosh to the Governor of Georgia, relating to permission to make a survey of the lands acquired by the late treaty.

Mr. Kenan, the secretary of the board of commissioners, so far as I observed or learned any thing of his character or conduct, is a young gentleman of capacity and merit, who, at the same time that he discharged his duty to the board and to the State of Georgia, conducted himself as a gentleman towards all those who had occasion to have any intercourse with him.

I have thus attempted to show, in taking a view of their individual characters, the degree of credibility which should be accorded to the commissioners of Georgia, who have attempted, *on the weight of their assertions or veracity alone*, to defame the characters of General Gaines, the reverend gentlemen residing as missionaries in the Indian nation, and myself. I shall next allude to certain *private* acts of those gentlemen, to show their character and conduct as a board of public officers.

Whilst the commissioners were in the Indian nation, it was made known to the acting agent, Captain Triplett, that a quantity of whiskey had been clandestinely introduced (through the woods, and at night) into a back building, in the rear of the houses of Princeton, near the Indian council. As the sale or distribution of liquors is always prohibited in the neighborhood of an Indian council in session, the acting agent had the whiskey thrown out of the vessel which contained it. Whilst the agent was present superintending those ordered to perform this duty, the slave servant of Colonel Jones, one of the commissioners, presented himself, and contended that it ought not to be thrown out, as it was the property of his master or the commissioners. Captain Triplett informed the servant, that if his master or either of the commissioners would say so, the same quantity of liquor would be procured immediately and restored, whatever he might think of the transaction. Colonel Jones did accordingly acknowledge that he owned it, and the restoration took place immediately. At the same time, General Gaines was informed by the Indians and others that Captain Bowen had visited their camps; had jeered them with the fact of General Gaines's not having given them any liquor; and informed them, if they would go to the lodgings of the commissioners, they should have as much as they wanted. The commissioners could not have wanted the whiskey for their own use, for they, or any other persons except the Indians, could have procured, at the house they boarded, what liquors they wanted for their own tables. The presumption in the nation was, that the whiskey was introduced to produce confusion among the Indians, through the agency of Captain Bowen.

The conduct of the commissioners towards the reverend gentlemen residing in the nation as missionaries was of the most extraordinary character. The first question put to one of those gentlemen, (Mr. Compere, of the Baptist mission,) a gentleman of the most pious and exemplary character, was, whether he was present with the party who killed McIntosh. Towards another, (Mr. Smith, of the Methodist mission,) they acted, if possible, in a still more shameful manner. After giving him certain interrogatories to answer, one of the commissioners (Colonel Jourdan) declared, before they had received his answers, that they would not believe one word he might state, even on oath. This was known to Mr. Smith before he answered the interrogatories. The missionaries had had, a year or two ago, as they thought, cause of complaint against the Indian agent, because he would not compel or induce the Indians to attend preaching; but, at the same time, they accorded him the justice in stating that he had done all in his power to forward the interests of the missionary schools in the nation. From that cause, the commissioners appeared to think that the missionary gentlemen were bound to give evidence against the agent on any subject or charge, true or untrue, made against him. And when they discovered the willingness of those gentlemen to bear testimony in his favor, in matters in which they thought or knew him to be innocent, at the same time that they repeated their testimony against him on other points, their rage appeared to carry them beyond all the bounds of justice and discretion. Their deportment towards those reverend gentlemen, in their own house, was such that the amiable females of their families were thrown into grief and confusion.

At the house of the Rev. Mr. Smith, the day after I reached the nation, I informed the three clergymen who were present, (Mr. Smith, Mr. Compere, and Mr. Hill,) that I wished to take their testimony, for or against the agent, on the charges made against him. They asked if I required *statements* or *affidavits* from them; at the same time that they expressed their willingness to make oath to their evidence, if the Government required it of them as absolutely necessary; they also stated that they wished to avoid taking an oath, if it could be done with propriety. After proper reflection, I informed them, from the knowledge I had gained of their characters, and from a respect to their sacred callings, I should not require an oath from them; but if the Government considered an oath necessary, their evidence could hereafter be returned to them from Washington time enough for them to add their affidavits. This conversation, I think, took place at dinner. Shortly after the commissioners came in, and made known their determination to examine those gentlemen. The Rev. Mr. Compere informed the commissioners of the arrangement which I had made with the missionaries, and asked if a similar one would answer for the commissioners. They informed him, with great rudeness, that it would not; and he stated to them, in reply, that, as he could see no necessity for giving them a duplicate of his evidence at all, the Indian agent, who was under trial, being an officer of, and amenable only to, the General Government, he must decline giving it as they demanded it. The other clergymen, as well as I recollect, assented to the correctness of Mr. Compere's position; and the commissioners, after having made use of some further harsh language towards those gentlemen, retired, declining to take their testimony in the shape proffered. They, however, afterwards applied for and received it, without the affidavit. It was for declining to interfere in the conversation referred to that the commissioners have charged me with a dereliction of duty; and this forms the "head and front of the offending" of those reverend gentlemen, who have thus drawn down upon themselves the full measure of wrath now heaped on them. I venture to assert, and leave it to time to test the truth of the assertion, that there are not attached to any church or churches in this country three clergymen of more irreproachable character, or who are more devoted to religion and virtue, than the three gentlemen alluded to. One of them (the Rev. Mr. Smith) was a revolutionary patriot and soldier, but has been, for the last forty years, a minister of the gospel. I understood, in South Carolina, that he had resided from twenty-five to thirty years of his life in one place (Camden) in that State; where he is now venerated for his years, his piety, and his virtues. The people of that State, to whom he is well known, are anxious for his return among them.

It was made known to the acting agent for Indian affairs, who informed me of the fact whilst at Broken Arrow, that the commissioners of Georgia had carried with them into the nation a large amount of money—say from four to six thousand dollars. The personal expenses of the commissioners (who all live within sixty miles of the Indian line, and travelled with their own horses,) could not have been more than twenty or thirty dollars apiece in the nation. For what purpose they carried so much money into the Indian country, they can best explain. If it was intended that Colonel Williamson should make with that money new efforts at bribing the white men in the nation and Indian chiefs, he had bought wit enough by experience, one would suppose, to have informed his colleagues that, although both the white men and Indians were poor, they were proof against bribery. The money was not made use of.

On leaving the nation, two of the commissioners, Colonels Jourdan and Williamson, went a considerable distance out of their way home to go by the place at which the McIntosh Indians were stationed, on the Flint river, and in Georgia. One of those gentlemen (Colonel Jourdan) has had the temerity to acknowledge that he was present with one detachment of those Indians, when one of the "marshals" of the Georgia commission (Captain Bowen) wrote a letter, in the name of the headman of those little detachments, (Joe Marshall,) to Chilly McIntosh, advising or directing him not to meet General Gaines in council with his detachment, according to appointment, at the Flint river. Indeed, although, from respect to their official situations, the commissioners were treated with all the courtesy which their department would permit the general to show them, yet he could not but view them as he did,

judging from that department, and their acts generally, as so many men determined on mischief, by counteracting all his pacific and just measures. The opinions which they have since appeared to express, in favor of having more bloodshed among an unfortunate and distracted race of beings, who have been much and deeply injured, prove the correctness of the general opinions which prevailed in the nation as to their real wishes and intentions.

There is one circumstance of a public nature which I shall advert to in this reply, as it has not been alluded to in my reports to the Government, (no official act or proceeding having grown out of it,) which will tend to show the course of proceeding of the commissioners. It is the case of *Kendal Lewis*, which the commissioners have attempted to distort to such an extent, that it can scarcely be recognised in their report as the same transaction. The commissioners had complained to General Gaines that they wished to take the testimony of Lewis, who is a tavern or stand keeper in the nation, and who was, as they stated, not willing to give testimony. General Gaines immediately issued an order or request that Lewis should attend to be examined by the commissioners. He forthwith presented himself. The commissioners were furnished with every thing necessary for themselves and secretary in writing down the testimony. But the acting commissioner on this occasion (Colonel Jourdan) had scarcely taken his seat at the table before he drew from his pocket an affidavit, already written, which he presented for Lewis to swear to. Lewis was asked if he had heard the paper read which was presented to him to swear to, or had any knowledge of its contents; to which he replied he had not, and that he could not subscribe or swear to any paper with the contents of which he was unacquainted. The paper was then read to him; Colonel Jourdan manifesting much anger at his refusing to swear to, without reading it. It contained, in substance, an insinuation that he had important information in his possession affecting the character of the Indian agent, and had heard conversations held by him of a character calculated to injure him, if disclosed; but that he apprehended serious injury to his family or property if he disclosed either. So soon as it was read to him, he told Colonel Jourdan, with some warmth, in the presence of a large number of persons, that he had never made a statement to him, or any one else, which would warrant such insinuations; that he was not on friendly terms with the agent, but that he had no knowledge of any facts or circumstances calculated to have the slightest effect for or against him in the present investigation. Colonel Jourdan insisted that he had made such a statement, and expressed a belief that he did possess some such information, but that he was afraid to disclose it. On this, both General Gaines and myself urged Lewis, in the strongest manner, if he did possess any information for or against the agent, to disclose it; and assured him, at the same time, of the protection of the Government. He persisted in the most solemn assurances that he knew nothing of any circumstances having the slightest bearing on the matters under investigation. He at the same time admitted having said that he was "afraid to give an affidavit," because he did not wish, from peculiar circumstances, personal to himself, to draw the notice or animadversions of any party or set of men, who might feel disappointed in finding testimony in it which they neither wished nor expected. Finding that Lewis would not swear to the affidavit already drawn up for him, Colonel Jourdan, no longer able to keep his temper, tore up the paper which he wished Lewis to sign and swear to without reading, and departed to his quarters; Lewis having previously, at the urgent request of General Gaines and myself, agreed to answer, on oath, any interrogatories put to him by the commissioners. Lewis afterwards explained to several gentlemen his reasons for wishing to decline giving testimony, which must, at best, be of a negative character. He stated that, some fifteen or twenty years since, (being then a citizen of Georgia,) he unfortunately engaged in an affray which resulted in the death of his opponent; that the affair had heretofore been suffered to die away in Georgia; but should he give an affidavit, it could not meet the wishes nor apparent expectations of the commissioners, and that they might be the means, on that account, of reviving the heretofore dormant laws of Georgia against him. In fact, his reasons appeared to be generally understood, before he himself had stated them; and I have no hesitation in believing that by no persons were they better understood than by the commissioners themselves; and yet they have attempted to distort the transaction in such a manner as to create a belief that it was the enmity of the Indian agent Lewis dreaded in giving evidence.

Various other circumstances will hereafter be referred to, if necessary, to show the general course of the commissioners of Georgia. Finding this communication drawn to an unexpected length, I defer further expostitions for the present. It will be observed that I have carefully abstained from particular allusions to public transactions, which, it may be inferred, were alluded to in my official reports to the Government. When those reports and their evidence are before the public, it will be seen that the corruption to which I have herein alluded is, if possible, much exceeded by that which has preceded it.

I trust I have said enough to convince all unprejudiced persons that, if there is a wish to attack the officers of the General Government with success, it must be on other grounds, and the weapons intrusted to other hands, than those I have noticed. Had the commissioners confined their attacks to myself, being generally unknown, their reports would, no doubt, (wherever they are personally known,) have had great effect. By attacking General Gaines, whose fair fame and honorable character are mingled in the history of his country, and by attacking the reverend gentlemen who reside in the nation as missionaries, who are always found on the side of justice and virtue, and who are much better known in the southern country than themselves, they have destroyed all prospect of effecting their purposes. The charges and insinuation against General Gaines, (who, it is thought, will consider them unworthy of his reply,) and those against the missionaries, will be known to be untrue; and, from that cause, if from no other, I found a strong hope that those against myself will be generally discredited.

I cannot conclude these remarks without an acknowledgment to the commissioners of the high compliment they pay me, in the various insinuations in their reports. From those it would appear that I have circumvented, at every step, four men, who appear to have bent on circumventing me in a faithful discharge of my duty.

I conclude this reply by quoting the words of his excellency the Governor of Georgia, used in his message to the Legislature in November last: "*The Government of Georgia, in the employment of agents to superintend its various interests, has been peculiarly unfortunate.*"

T. P. ANDREWS.

From the Georgia Commissioners to T. P. Andrews.

Sir:

FORT MITCHELL, June 25, 1825.

We were not a little surprised to hear from yourself this evening that you were unacquainted with the objects for which we were taking testimony. We were then of the opinion (and, upon examination, have become confirmed in that opinion) that the papers which have been submitted are sufficiently explicit. By a reference to the letter of the Governor of Georgia to you, of the 20th instant, you will find he says, "The commissioners authorized by the Legislature to take further testimony will for that purpose proceed forthwith to the nation, and under orders to make all possible despatch." By a reference to the printed documents delivered to you at the agency on Flint

river, you will see a copy of the resolution referred to. To these we can add nothing which will convey in stronger terms the objects of taking the testimony, unless, perhaps, it may be necessary to remind you of the charges preferred by the Governor of Georgia.

While you seem to be ignorant of the object of our appointment, we presume that does not extend to the appointment itself. To avoid, however, any possible mistake, we would beg leave to refer to the conversation which took place between you and Colonel Jones, at the agency, in which you inquired if any mutual arrangement had been made between Colonel Crowell and the commissioners; whether we would re-examine the witnesses sworn before the committee, to enable Colonel Crowell to cross-examine them; and whether we would assist him to compel witnesses to testify who might refuse. We would also remind you of the inquiry you again made this evening, whether we and Colonel Crowell had made any arrangement, &c.

We regret we have been compelled to be thus minute, and feel more regret to remark that our object can be recognised when it is necessary to make inquiries for the benefit of Colonel Crowell, lest injustice may be done him; and when inquiries are made of you, to facilitate the business, and quiet conscientious scruples, you should decline to give any answer, and thereby (we hope unintentionally) throw difficulties in our way, already sufficiently obstructed. We would beg leave further to remark, that while the testimony which has been taken against Colonel Crowell has been made public, and he has had every opportunity of seeing and disproving it, (if in his power,) and while our instructions are positive to permit him to be present and cross-examine the witnesses, and complaint has been made by you of the appalling influence and power of the executive and legislative branches of the Government of Georgia, you have not thought proper to apprise either the Governor or ourselves of the testimony which "has been already shown you by the agent," in his own favor, or that to which you referred to-day, which had been shown to you in favor of Hamby, the interpreter. As we could not doubt the ascertainment of truth to be the object of *your mission*, we could not be insensible to this difference; and we hope a second reading of the papers we have reference to will satisfy you fully of the objects of our appointment.

And have the honor to be, with consideration and respect,

WARREN JOURDAN,
SEABORN JONES,
WM. H. TORRANCE,
Commissioners.

Major T. P. ANDREWS, *Special Agent.*

[NOTE.—This letter was received on the evening of the 26th of June and answered on the 27th, although it is stated by the commissioners that it remained unanswered until two of the commissioners had gone to Alabama.]

T. P. Andrews to the Georgia Commissioners.

GENTLEMEN:

PRINCETON, NEAR BROKEN ARROW, *June 27, 1825.*

I have received your letter dated the 25th last evening, and was not a little surprised at the misapprehension, on your part, which appears to have rendered such a letter necessary.

You remark that you were surprised to hear me remark on the 25th, in reply to an observation of Colonel Jones, that I was unacquainted with the object for which you were taking testimony. I must deny, in the most positive manner, having made any remark which would fairly justify such a construction. In your conversation with the Reverend Mr. Compere, which took place accidentally in my presence, he remarked that he had conscientious scruples against taking an oath, "unless in cases of *absolute necessity*." He then added, that if I would say that I viewed his giving you his oath as such a case of necessity, he would give it. My reply was, that it was a matter entirely between yourselves, which I did not wish to interfere in, and that I must decline giving an opinion as to the absolute necessity of an affidavit, as it was a matter I did not wish to interfere in, being incapable of forming a judgment on it, as "I was unacquainted with the objects or uses to which the testimony collected by yourselves was to be applied." You expressed some surprise at the remark, and I took occasion to add, that I did not know whether your testimony was to be laid before the Executive or the Legislature of Georgia, the General Government, or its agent, or to be used before a court of justice. I did not make my being unacquainted with those objects or uses a matter of complaint, because (as the authorities of Georgia had not thought proper to make me acquainted with their particular intentions as to the use to be made of the testimony collected by yourselves) I did not consider it a matter on which I had a right to ask information. As it has now become a subject of question, and, in a measure, of discussion, I beg leave to ask you, distinctly, to what objects or uses the testimony you collect will be applied: whether it is to be submitted to the agents of the General Government, or to the United States Government direct? or whether it is only intended to produce a conviction of guilt in the Indian agent before the Legislature, the Executive, the people, or the courts of justice of Georgia? I am more particularly induced to ask these questions to convince you that, although I have re-examined all the letters and sources of information you refer me to, as well as your letter now before me, I am still totally unacquainted with the objects or uses to which the testimony to be collected by you is to be applied. At the same time, I disclaim all right, on my part, to receive answers, unless perfectly agreeable; and state, distinctly, that, since my interview with Colonel Jones on the Flint river, I could not entertain a doubt that *one* object of your appointment was to criminate, if possible, the Indian agent.

You must certainly excuse me for declining, what you appear to wish me to attempt—to "quiet the conscientious scruples" of the Reverend Mr. Compere, or any other person, on any subject. I told that reverend gentleman, immediately on your leaving us, (as he can testify,) that I would greatly prefer his giving you an affidavit, if consistent, on reflection, with his religious principles; but that, in saying so, I did not wish to be considered as stating my belief as to its absolute necessity, not having been made acquainted with that necessity, and having also previously informed him, as well as the other clergymen in the nation, that (respecting, as I did, their characters and their religious scruples) I should view a conscientious statement from them, without their making oath to it, as all-sufficient, so far as their testimony was to be applied to *the objects of my mission*.

I recollect the inquiries you refer to, as made of Colonel Jones, on the Flint river; and take this opportunity of remarking, that I have as yet received no answers to them, particularly as to the intention of the commissioners to summon the witnesses already examined by the committee, to afford an opportunity of cross-examination.

I do not see the light in which the commissioners wish the first part of the third paragraph of their letter received. If no insinuation was intended by it, it appears to me that their expressions were uncalled for and unnecessary; if, on the other hand, it is intended to convey an insinuation of a disposition on my part to act in an unfair or partial manner, I feel called on to say that such an insinuation is not warranted by my acts or intentions,

or by truth; and that a repetition must put a stop to all *official* correspondence between us, as I am determined to avoid all official correspondence (which I am at liberty to avoid) that is not conducted in a proper spirit of courtesy and justice.

In reply to the latter part of the same paragraph, I would remark that I am not in official possession of the evidence you refer to, relating to the agent, having returned it to him for the present. I am, however, informed by the agent that in due time you will have an opportunity of cross-examining his witnesses, and, consequently, of seeing that testimony.

The course pursued by General Gaines, in relation to the United States' interpreter, is one which is conceived to be entirely between himself and his Government; and as it regards the statement which I have made to him (in reply to his demand for it) of my present impressions in relation to the interpreter, it is between the general and myself and our Government. It will readily occur to you that you will receive a great amount of information (if you have not already) not immediately connected with the particular object of investigation, but proper to be submitted to your Government. Whether such is the fact in relation to yourselves or not, I take this occasion to inform you that I should be wanting in respect to the Government which I have the honor on a peculiar point to represent, if I should offer to others the first knowledge of a great deal of information which may incidentally come before me. Such is the case in reference to the United States' interpreter, who is not under trial. The President has so far thought proper to disregard the impressions of others, which have been laid before him, and to continue the interpreter in office. The commissioners of the late treaty, notwithstanding their impressions against him, continued to avail themselves of his services whilst in want of an interpreter. His capacity renders his services necessary to facilitate business. It was only in regard to the propriety of his being employed or not as an interpreter on the present occasion, that I have given an opinion to the general; and I understood your body, in the presence of General Gaines, on Saturday evening, to approve of his employment, with the precautions which the general has taken on the occasion.

With consideration and respect, I remain, gentlemen, your most obedient servant,

T. P. ANDREWS, *Special Agent.*

To Cols. WARREN JOURDAN, SEABORN JONES, and W. H. TORRANCE, *Commissioners.*

From the Georgia Commissioners to General Gaines.

DEAR GENERAL:

CRABTREE'S, July 1, 1825.

We shall attend to-day, at the hour of two o'clock, P. M., to take the testimony of the Little Prince, Hopitthe Yoholo, Sandy Graison, John Riley, and Benjamin Hawkins, of which you will please inform Colonel Crowell. It is not our intention to have this examination in the square, because it will be very lengthy, and there will be no convenience for our clerk to take down the answers. We shall object to Colonel Hambly as an interpreter; we shall select Hawkins: we wish Colonel Crowell to select another. You will please invite the above witnesses to your quarters, where, by your permission, the examination will take place.

Very respectfully, yours, &c.

WARREN JOURDAN,
W. W. WILLIAMSON,
Commissioners.

To Major General E. P. GAINES, *Commanding, Princeton.*

T. P. Andrews, Special Agent, to the Georgia Commissioners.

GENTLEMEN:

PRINCETON, INDIAN NATION, July 1, 1825.

Your letter of this date to General Gaines has been referred to me, as well as the subject to which it relates. Colonel Williamson was present in the square yesterday, when the chiefs positively refused to have a conversation with you, or suffer any examinations except in public, in the open square or council, and made no objections, or was not understood as making any. I have therefore the honor to remind you of that determination, and to inform you that you shall have for your clerk all the facilities which have been enjoyed by the general and myself in our own written intercourse with them, which has been considerable. We will be happy to see you at the square at the hour you have fixed on. Both the general and myself will take pleasure in affording you all desirable and possible facilities; but all questions put to the Indians must be in writing, that they may be placed on record by all persons present so disposed, and that they may not be subject to be misapprehended. This is a course which the officers of the General Government have felt themselves bound to pursue, and one which, it is thought, is due in fairness to the Indians.

Very respectfully, your most obedient servant,

T. P. ANDREWS, *Special Agent.*

To Cols. WARREN JOURDAN and WM. W. WILLIAMSON, *Crabtree's.*

Georgia Commissioners to T. P. Andrews, Special Agent.

SIR:

PRINCETON, INDIAN NATION, July 1, 1825.

Your communication of this morning, in reply to ours of the same date, has been received. We cannot see the analogy between the cases cited. Your and the general's correspondence with the Indians, we presume, from your note, has been conducted in writing; you have had time and leisure in your room to make your communications. The Indians, on the other hand, have had reasonable time allowed them to respond. Your objects have been national; ours relate to the elucidation of a few facts, and to correct erroneous opinions in relation to a few incidents connected with the late disturbances. We respectfully, and in great deference to the opinions of you and the general, ask, as a right due to Georgia, to examine a few chiefs in General Gaines's room, or in Major Rockwell's, the counsel for Colonel Crowell.

We ask it from the following considerations: First, that the examination and cross-examination would, in all probability, consume a day. Secondly, that we always intended, and have always so expressed ourselves, that it should be under the immediate observation and control of General Gaines and yourself, and under the observation of Colonel Crowell and his counsel. Under such an arrangement, we cannot withhold the expression of our opinion, that,

if any advantage existed, it would certainly be on the side of the agent. Thirdly, it does not seem reasonable to us, in the compliance of an unreasonable request by the Indians, that they will hold no converse or communication with the Georgia commissioners, unless in the open square, that we should be subjected to all the inconveniences of the most inclement season, when no possible injury could result to themselves or the agent in pursuing the course we propose. Fourthly, from the facility of communication with themselves, by signs, as well as in a language we do not understand, we are firmly of the opinion that no possible good could result in the examination we propose, if their proposition be adopted. No possible injury could result to any person from the adoption of the course we propose, under the restrictions and safeguards we accede to. Fifthly, if we have not been misinformed, the agent has had all the benefits and indulgences extended to him that we ask for or claim.

We would respectfully suggest to General Gaines to recall to his recollection the distinct and positive understanding on this subject in his room, between the Georgia commissioners and himself.

The interrogatories we propose exhibiting are reduced to writing, and we had no* wish to submit them in any other form. It belongs to you gentlemen, exclusively, to say whether the like indulgence will be afforded us.

With high consideration and respect, yours, &c. &c.

WARREN JOURDAN,
WM. W. WILLIAMSON,
Commissioners.

Major T. P. ANDREWS.

T. P. Andrews to Georgia Commissioners.

GENTLEMEN:

PRINCETON, INDIAN NATION, July 1, 1825.

Your communication, in reply to my note of this morning, was handed to me whilst General Gaines and myself were engaged in council with the Indians, at Broken Arrow. I immediately handed it to the general, who stated your request to the chiefs in council, and urged them to accede to it.

I am requested by General Gaines to say that *he* has no objection to the chiefs meeting you *at any place*, but that the objection is made by the chiefs themselves, and that he is not disposed to insist on their doing so against their own determination. My objection relates solely to *any questions being put to them that are not in writing*, and, by that means, placed on record, and out of danger of being misapprehended. My objection was elicited in consequence of having understood from General Gaines that Colonel Jones, of your board, had refused to put them in writing.

You will permit me to remark, that on the score of time neither General Gaines nor myself can but think that you have had at least as much, in which to make your examinations, as any other person or persons whatever. Indeed, from the number of your board, it is thought that you enjoy, in that respect, very great advantages. The only questions put to the Indians, in relation to the Indian agent, were propounded to them, and answered in the course of an hour or so, without leaving the council, and not as supposed in your communication.

As it regards the exposure of the commissioners of Georgia to the inclemency of the weather, I cannot but remind you that it is an exposure which the general and myself would have taken pleasure to share with you, although we have already been exposed to that weather for some time, without intermission.

I take this opportunity of assuring you that you have been misinformed in supposing that the agent has had the benefits and indulgences which you ask for.

The general directs me to say that he does not consider himself as having had any understanding which militates in the smallest degree with his present determination of not compelling the Indians by force (if he had a force near him, which you know is not the case) to attend the examinations in the particular manner you request of him. He has not only requested, but urged them, so far as he could do so with propriety, to accede to your request; which they have replied to with great fixedness, as you will perceive from their reply, which he requests me to say will be handed to you so soon as it can be made out and copied.

With high consideration and respect, yours, &c. &c.

T. P. ANDREWS, *Special Agent.*

To Cols. W. JOURDAN and W. W. WILLIAMSON, *Commissioners, &c.*

PRINCETON, *Indian Nation:*

Personally appeared John Winslett before me, Thomas Triplett, acting agent for Indian affairs, who, being duly sworn, says: That on Saturday last, the 2d instant, at a house occupied by a negro of Chilly McIntosh, who had whiskey for sale, William W. Williamson, one of the commissioners from Georgia, in a conversation with this deponent and others, consisting of Benjamin Hawkins, Josiah Gray, (Indians, who understood English,) Lemuel B. Nichols, Isaac Burns, Nelson Kent, and others, among other things asserted that he had been threatened since he had been here, but not by the red people; and after some other remarks, he observed that the President of the United States had acted like a damned insignificant rascal, for taking notice of reports which had the effect of stopping the survey.

JOHN WINSLETT.

Sworn to before me, this 4th day of July, 1825.

Witness: T. P. ANDREWS, *Special Agent.*

THOMAS TRIPLETT,
Acting Agent of Indian Affairs.

Lemuel B. Nichols, being duly sworn, says: That the above facts and conversation are, to the best of his recollection and belief, just and true; and such conversation did take place, as above stated.

LEMUEL B. NICHOLS.

Sworn to before me, this 4th day of July, 1825.

Witness: T. P. ANDREWS, *Special Agent.*

THOMAS TRIPLETT,
Acting Agent of Indian Affairs.

John H. Campbell, being duly sworn, says: That he was present at the place and time within mentioned; recollects to have heard a part of the conversation mentioned in said affidavit, to this import: that the President of the United States was an impertinent rascal; was not present all the time. This remark was made by Williamson.

J. H. CAMPBELL.

Sworn to before me, this 4th day of July, 1825.

Witness: T. P. ANDREWS, *Special Agent.*

THOMAS TRIPLETT,
Acting Agent of Indian Affairs.

* Colonel Jones stated positively to General Gaines that the commissioners would not agree to reduce them to writing, or suffer copies to be taken.

CORRESPONDENCE ON THE SUBJECT OF THE DIVIDING LINE BETWEEN GEORGIA AND ALABAMA.

The Governor of Georgia to the Governor of Alabama.

SIR:

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, June 14, 1825.

The enclosed resolution of the late Legislature will inform you that the Executive of Georgia is charged with the running of the line dividing this State and Alabama. As it is more than probable that I will take measures to carry their wishes into effect very soon after the United States Government shall have had an opportunity to quiet the disturbances which prevail in the Indian country, and as it is very desirable that the Government of Alabama shall harmoniously co-operate with that of Georgia in the execution of the work, I will thank you to inform me whether you feel yourself authorized to appoint commissioners on your part to meet the commissioners of Georgia, so that the operation may be a conjoint one, and satisfactory in its results to both parties.

Very respectfully,

His Excellency the GOVERNOR OF ALABAMA.

G. M. TROUP.

Governor Pickins, of Alabama, to Governor Troup.

SIR:

EXECUTIVE OFFICE, CAHAWBA, July 3, 1825.

I have the honor to acknowledge the receipt of your letter of the 14th ultimo, and with it the resolution of the Legislature of the State of Georgia authorizing the immediate running and marking the divisional line between that State and the State of Alabama, after notice, however, to the Executive of this State, to afford an opportunity for co-operation in the work by appointing of commissioners on the part of Alabama.

In my former letter you were informed that the subject had been submitted to the Legislature of this State at the last session, and that no measures had been adopted thereon by that body, whereby I am altogether unauthorized to appoint commissioners, or otherwise to co-operate in the desired work. It is proper here to observe, that the omission of the Legislature to act hitherto was owing to no indifference to the importance of participating in the operation, nor to any indisposition to co-operate liberally and harmoniously in the execution of the work, whenever any practical benefit to either State might be promised. Until very recently, the country on both sides of the proposed line was, for its whole extent, embraced within the territory allotted to the Creek and Cherokee Indians; is even yet, and must continue for many months to be, under the occupancy of the Indians. Up to the period of adjournment of the last Legislature of this State, no disposition was evinced by either of those nations, from which a cession of their territory was anticipated by that body, rendering a designation of the line through it necessary. Now that a treaty of cession has been made and ratified, you may be confidently assured that the Government of this State will act with promptness and cordiality, so soon as the situation of the ceded territory shall be such as to render it advisable. It is, however, obvious to your excellency that, to provide the necessary measures for a legal co-operation by this State, a convention of its Legislature will be indispensable—the regular period for which will happen in November next. It is presumed that this will be in very convenient season to meet the views of the Government of Georgia, even should it be found to be expedient to commence at an earlier period to survey its own portion of the ceded territory; considering also the period reserved by the late treaty for the occupancy of the Creeks.

This subject shall be at the earliest moment presented for the particular attention of the Legislature; and the object, I trust, will be seasonably accomplished with mutual satisfaction to both States, in the only admissible or practicable way, by mutual participation.

I am, very respectfully, your obedient servant,

His Excellency the GOVERNOR OF GEORGIA.

ISRAEL PICKINS.

Governor Troup to Governor Pickins.

SIR:

EXECUTIVE DEPARTMENT, GA., MILLEDGEVILLE, August 10, 1825.

I have had the honor to receive your letter in answer to mine on the subject of running the dividing line between this State and the State of Alabama; and, in compliance with the wishes expressed by your excellency, will cheerfully postpone the operations until November, confidently relying on the assurance that the Legislature of Alabama will, on its first meeting, take prompt measures to co-operate with Georgia in the execution of the work.

Very respectfully,

G. M. TROUP.

His Excellency ISRAEL PICKINS, *Governor of Alabama, Cahawba.*

19th CONGRESS.]

No. 250.

[2d SESSION.]

INTRUSIONS ON THE CREEK LANDS BY THE STATE OF GEORGIA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 5, 1827.

WASHINGTON, February 5, 1827.

To the Senate and House of Representatives of the United States:

I submit to the consideration of Congress a letter from the agent of the United States with the Creek Indians, who invoke the protection of the Government of the United States in defence of the rights and territory secured to that nation by the treaty concluded at Washington, and ratified on the part of the United States on the 22d of April last.

The complaint set forth in this letter, that surveyors from Georgia have been employed in surveying lands within the Indian territory, as secured by that treaty, is authenticated by information unofficially received from other quarters; and there is reason to believe that one or more of the surveyors have been arrested in their progress by the Indians. Their forbearance and reliance upon the good faith of the United States will, it is hoped, avert scenes of violence and blood, which there is otherwise too much cause to apprehend will result from these proceedings.

By the fifth section of the act of Congress of the 30th of March, 1802, to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, it is provided that, if any citizen of, or other person resident in, the United States, shall make a settlement on any lands belonging, or secured, or granted by treaty with the United States, to any Indian tribe, or shall survey, or attempt to survey, such lands, or designate any of the boundaries, by marking trees or otherwise, such offender shall forfeit a sum not exceeding one thousand dollars, and suffer imprisonment not exceeding twelve months.

By the sixteenth and seventeenth sections of the same statute, two distinct processes are prescribed, by either or both of which the above enactment may be carried into execution. By the first, it is declared to be lawful for the military force of the United States to apprehend every person found in the Indian country, over and beyond the boundary line between the United States and the Indian tribes, in violation of any of the provisions or regulations of the act, and immediately to convey them, by the nearest convenient and safe route, to the civil authority of the United States, in some of the three next adjoining States or districts, to be proceeded against in due course of law. By the second, it is declared that, if any person charged with the violation of any of the provisions or regulations of the act shall be found within any of the United States, or either of their territorial districts, such offender may be there apprehended, and brought to trial in the same manner as if such crime or offence had been committed within such State or district; and that it shall be the duty of the military force of the United States, when called upon by the civil magistrate, or any proper officer, or other person duly authorized for that purpose, and having a lawful warrant, to aid and assist such magistrate, officer, or other person so authorized, in arresting such offender, and committing him to safe custody, for trial, according to law.

The first of these processes is adapted to the arrest of the trespasser upon Indian territories, on the spot, and in the act of committing the offence. But as it applies the action of the Government of the United States to places where the civil process of the law has no authorized course, it is committed entirely to the functions of the military force to arrest the person of the offender, and, after bringing him within the reach of the jurisdiction of the courts, there to deliver him into custody for trial. The second makes the violator of the law amenable only after his offence has been consummated, and when he has returned within the civil jurisdiction of the Union. This process, in the first instance, is merely of a civil character; but may, in like manner, be enforced by calling in, if necessary, the aid of the military force.

Entertaining no doubt that, in the present case, the resort to either of these modes of process, or to both, was within the discretion of the Executive authority, and penetrated with the duty of maintaining the rights of the Indians, as secured both by the treaty and the law, I concluded, after full deliberation, to have recourse, on this occasion, in the first instance, only to the civil process. Instructions have accordingly been given by the Secretary of War to the attorney and marshal of the United States in the district of Georgia to commence prosecutions against the surveyors complained of as having violated the law; while orders have, at the same time, been forwarded to the agent of the United States at once to assure the Indians that their rights founded upon the treaty and the law are recognised by this Government, and will be faithfully protected, and earnestly to exhort them, by the forbearance of every act of hostility on their part, to preserve unimpaired that right to protection secured to them by the sacred pledge of the good faith of this nation. Copies of these instructions and orders are herewith transmitted to Congress.

In abstaining, at this stage of the proceedings, from the application of any military force, I have been governed by considerations which will, I trust, meet the concurrence of the Legislature. Among them, one of prominent importance has been, that these surveys have been attempted, and partly effected, under color of legal authority from the State of Georgia; that the surveyors are, therefore, not to be viewed in the light of individual and solitary transgressors, but as the agents of a sovereign State, acting in obedience to authority which they believed to be binding upon them. Intimations had been given that, should they meet with interruption, they would, at all hazards, be sustained by the military force of the State; in which event, if the military force of the Union should have been employed to enforce its violated law, a conflict *must* have ensued, which would itself have inflicted a wound upon the Union, and have presented the aspect of one of these confederated States at war with the rest. Anxious, above all, to avert this state of things, yet, at the same time, impressed with the deepest conviction of my own duty to take care that the laws shall be executed, and the faith of the nation preserved, I have used, of the means intrusted to the Executive for that purpose, only those which, without resorting to military force, may vindicate the sanctity of the law by the ordinary agency of the judicial tribunals.

It ought not, however, to be disguised that the act of the Legislature of Georgia, under the construction given to it by the Governor of that State, and the surveys made or attempted by his authority, beyond the boundary secured by the treaty of Washington of April last, to the Creek Indians, are in direct violation of the supreme law of this land, set forth in a treaty which has received all the sanctions provided by the constitution, which we have been sworn to support and maintain. Happily distributed as the sovereign powers of the people of this Union have been between their General and State Governments, their history has already too often presented collisions between these divided authorities with regard to the extent of their respective powers. No instance, however, has hitherto occurred in which this collision has been urged into a conflict of actual force. No other case is known to have happened in which the application of military force by the Government of the Union has been prescribed for the enforcement of a law, the violation of which has, within any single State, been prescribed by a legislative act of the State. In the present instance, it is my duty to say, that if the legislative and executive authorities of the State of Georgia shall persevere in acts of encroachment upon the territories secured by a solemn treaty to the Indians, and the laws of the Union remain unaltered, a superadded obligation, even higher than that of human authority, will compel the Executive of the United States to enforce the laws, and fulfil the duties of the nation by all the force committed for that purpose to his charge. That the arm of military force will be resorted to only in the event of the failure of all other expedients provided by the laws, a pledge has been given by the forbearance to employ it at this time. It is submitted to the wisdom of Congress to determine whether any further act of legislation may be necessary or expedient to meet the emergency which these transactions may produce.

JOHN QUINCY ADAMS.

SIR:

CREEK AGENCY, *January 15, 1827.*

A few days since the Little Prince complained to me that the Georgia surveyors were surveying lands west of the line of the late treaty; and, at his request, I wrote to them in his name, requiring them to desist from survey.

ing any lands not ceded by the treaty of Washington. But the surveyors, not regarding the command as emanating from competent authority, persisted in their surveys to the line run by the Georgia commissioners as the line between Georgia and Alabama.

Yesterday a number of chiefs, with the Prince at their head, requested me to write again to the surveyors, in their names, requiring of them to stop surveying the lands west of the line of the treaty of Washington; which I did, in the most friendly terms. A deputation of chiefs has accompanied the bearer of the letter, with the avowed intention of stopping the surveyors.

The chiefs have requested me to apprise you that the authorities of Georgia had extended their surveys west of the line of the treaty of Washington, thereby violating the express stipulations of that instrument, which they hold to be sacred; and to implore the Government to interpose its authority, to protect them in their rights under that treaty.

If Georgia is permitted to violate that treaty with impunity, why may not Alabama? And they ask, where are they to look for protection but to the Government of the United States?

I have the honor to be your obedient servant,

JOHN CROWELL,
Agent for Indian Affairs.

The Hon. JAMES BARBOUR, *Secretary of War, Washington City.*

SIR:

DEPARTMENT OF WAR, *January 29, 1827.*

I have received your letter of the 15th instant, conveying the information that the Georgia surveyors, in surveying the dividing line between Georgia and Alabama, were surveying lands west of the line of the late treaty; and of the measures which have been taken by the Little Prince and others to prevent them; also, the message of the chiefs imploring the Government to interpose its authority, to protect them in their rights under the treaty of Washington.

The President directs me to convey to the Little Prince, and the headmen and warriors of the Creek nation, his assurances that he feels the binding obligation of the treaty of Washington no less forcibly than they, and that it is his intention to execute faithfully every clause and condition thereof. To this assurance he directs me to add further, that he will take immediate steps to secure to them all the rights, as these are guaranteed in said treaty. But the President expects it of the Creek nation that it will not frustrate his purposes by taking any steps of a hostile character themselves; and he enjoins it on you so to counsel them in regard to this matter, as to induce them to rely upon the protection of the United States, and leave the subject in controversy wholly to the Government. They have very properly made known their grievances, as becomes good people; and further it will be expected of them they will not go, but wait for such measures as the Government may desire to secure to them their rights, as these are guaranteed in the treaty of Washington.

I am, very respectfully, your obedient servant,

JAMES BARBOUR.

To Colonel JOHN CROWELL, *Agent for the Creek Indians.*

SIR:

DEPARTMENT OF WAR, *January 29, 1827.*

Complaints have been made to the President by the Creeks, through the United States agent, against the intrusions of the surveyors of Georgia on their lands, guaranteed to them by the treaty concluded with them at Washington on the 24th January, 1826. With these complaints they have united an appeal to the President, calling for his interposition to protect them in their rights, by causing this treaty to be inviolably maintained. The pretensions under which these surveys are attempted are in direct violation of the treaty, and, if persevered in, must lead to a disturbance of the public tranquillity. The treaty of Washington, like all other treaties which have received the constitutional sanction, is among the supreme laws of the land. Charged by the constitution with the execution of the laws, the President will feel himself compelled to employ, if necessary, all the means under his control to maintain the faith of the nation, by carrying the treaty into effect.

I have the honor to be your obedient servant,

JAMES BARBOUR.

His Excellency G. M. TROUP, *Governor of Georgia, Milledgeville.*

SIR:

DEPARTMENT OF WAR, *January 29, 1827.*

By directions of the President of the United States, I enclose you the copy of a letter addressed to R. W. Habersham, Esq., attorney for the district of Georgia. I am instructed to charge you to lose no time, on the receipt of the process, which will be delivered you by the attorney, in promptly executing it, and taking the steps directed by law in such cases.

Should the attorney be absent, you will yourself apply for the proper process.

I am, sir, respectfully, your obedient servant,

JAMES BARBOUR.

JOHN H. MOREL, Esq., *Marshal, Savannah, Georgia.*

SIR:

DEPARTMENT OF WAR, *January 30, 1827.*

Official information has been given the President that certain persons, under the pretence of surveying, have entered the lands of the Creek Indians, directly in violation of the late treaty concluded with them at Washington in January last, and directly in violation of the law of Congress regulating intercourse with the Indian tribes.

The chiefs and warriors of this tribe have appealed to the President for protection, by whom I am now instructed to direct you, without a moment's delay, to proceed to obtain the proper process with which to arrest them; which process you will cause to be delivered to the marshal of the district, that they may be made amenable to law. The orders of the President, as well as the importance of the object, relieve me from the necessity of suggesting any additional motive for the prompt and energetic discharge of your duty.

I have the honor to be your obedient servant,

JAMES BARBOUR.

R. W. HABERSHAM, Esq.,
District Attorney of the United States, Savannah.

SIR:

DEPARTMENT OF WAR, *January 30, 1827.*

Official information has been communicated to the President that surveyors, acting under, it is presumed, the authority of the Government of Georgia, have entered the lands of the Creek Indians, directly in violation of an existing treaty, and, having been warned against proceeding by the agent of the United States, have, nevertheless, persevered in their unjustifiable course. Information, though unofficial, has also been received that the Indians have interposed and prevented them from completing their surveys. The chiefs and warriors of the Creek tribe have also appealed to the President to protect them in their rights. In this posture of affairs, it has been determined to despatch a special agent, for the purpose of bearing despatches to the Governor of Georgia, and to the district attorney and marshal of the United States for that State, and also to the agent of the Creek Indians, to endeavor, if possible, to prevent a resort to violent measures, either by the authorities of Georgia or the Indians.

Confiding alike in your zeal, capacity, and discretion, I have determined to select you for this service.

On the receipt of your instructions, you will proceed, with the least possible delay, to Milledgeville, and deliver the letter addressed to Governor Troup with your own hands, as also to the attorney and marshal. Should Governor Troup give you an answer, either verbal or written, you will communicate it by mail; as also the receipt from the district attorney and marshal of the instructions with which you will be charged for them. Having accomplished this part of the duty assigned you, you will proceed to the Creek agency, and deliver the letter addressed to Colonel Crowell. Any information which you obtain in reference to the object of your mission you will promptly communicate by mail, particularly any acts of violence which may have occurred, or which may be threatened. Carefully abstain from any remarks which may disclose your object, and be still more careful not to indulge in any commentary on the affair which may subject you to personal difficulty.

I have the honor to be your obedient servant,

JAMES BARBOUR.

Lieutenant J. R. VINTON, *United States Army.*19th CONGRESS.]No. 251.[2d SESSION.]

INTRUSIONS ON THE LANDS OF THE CREEKS, BY THE STATE OF GEORGIA.

COMMUNICATED TO THE SENATE, FEBRUARY 8, 1827.

WASHINGTON, *February 8, 1827.**To the Senate and House of Representatives of the United States:*

I communicate to Congress copies of a letter from the Governor of the State of Georgia received since my message of the 5th instant, and of enclosures received with it, further confirmative of the facts stated in that message.

JOHN QUINCY ADAMS.

SIR:

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, *January 27, 1827.*

As the officers of Georgia, engaged in the execution of their duties near to its western boundary, by order of the Legislative and Executive authorities of the State, have suffered frequent interruption from the Indians of the Creek nation, accompanied by indignities and insults sufficiently aggravated, and are still threatened with others of a more violent and outrageous character; and as there is reason to believe that your agent of Indian affairs is the prime mover and instigator of the same, I have deemed it proper to lay before you the enclosed papers in support of that belief, and to ask the favor of you to inform me if that officer is so acting by your authority, or with your sanction and countenance. It may be thought painful enough that the United States, whose undoubted right it is, shall enter into controversy with Georgia on the validity of treaties and the lawfulness of boundaries, trespasses committed on the one side, or rights of sovereignty violated on the other, with the remedial or redressive measures demanded by either.

It is not to be presumed that the President would transfer these sovereign attributes to a subaltern agent, much less that he would delegate them for the annoyance of the people of Georgia, for insult to their public functionaries, for invasion of their territorial rights, and finally for bloodshed.

If these powers have been insolently assumed by such subaltern for such purposes, it is not for the Governor of Georgia to dictate to the President the measures which ought to follow, as well in vindication of the honor of the United States, as in reparation of the wrongs done to Georgia. The President is competent to judge them, and the Governor doubts not his willingness to judge them rightly.

With great consideration and respect,

The PRESIDENT OF THE UNITED STATES.

G. M. TROUP.

Copy of a letter from Wiley Williams to Governor Troup.

SIR:

ELEVENTH DISTRICT, CARROLL COUNTY, *January 22, 1827.*

I did flatter myself that I should have been able to complete my survey without troubling you, or being troubled by the Indians; but in this I have been deceived. Eight or ten lusty fellows rode up to my camp last night, with a letter written by Crowell, and signed by several chiefs, and ordered me to desist from surveying the land on the west side of the new treaty line. Mr. Rogers, who surveys the ninth district, and who will be the bearer of this, was broken up by them yesterday. You will know best what measures to pursue in regard to the affair; but, if the survey proceeds, a protection must be afforded us, and that must be sufficient to protect the whole frontier line, from the intersection of the Cherokee line with the State line, to Miller's Bend. There is about one-fourth of my district that lies west of Bright's line, and I yesterday completed my meridian lines through it. I shall to-day com-

mence my transverse lines; but, after mature reflection, I cannot feel myself safe in crossing Bright's line at present, but shall proceed to survey that part which lies east of the line; and, when I am done, I shall make the attempt to survey the balance. I hope by that time, however, a sufficient protection will be afforded. Mr. Rogers can better inform you than I can by writing.

Yours, respectfully,

WILEY WILLIAMS.

GENTLEMEN:

CREEK NATION, *January 21, 1827.*

We, the undersigned, chiefs and headmen of the Creek nation, having learned with great regret that you are engaged in surveying the land west of the line of the late treaty, and which was not ceded by that treaty, we have again to request and demand of you, in the most friendly terms, that you will desist from stretching a chain over any of our lands not ceded by the said treaty. We flattered ourselves, and we had a right to believe, the stipulations of that treaty would have been friendly observed by all parties concerned, and that our former differences with our neighbors the Georgians would have been finally settled, and that we would, in future, live in the strictest friendship in all our intercourse. We are determined, on our part, not to do an act that can be calculated to give offence; but we have rights, and we hope they will be respected.

We are your friends,

LITTLE PRINCE, his + mark.
OAKFUSKY YOAOLO, his + mark.
SPARNER TUSTNUGG HARGO, his + mark.
EASTICHARCO CHOPEO, his + mark.
WICAS HORGE, his + mark.
COCHE HODGO, his + mark.
CARCHUS MICUE, his + mark.

To the Surveyors running the land west of the line of the late treaty.

Copy of a letter from James A. Rogers, a District Surveyor, to Governor Troup.

SIR:

JANUARY 23, 1827.

Enclosed you will find a copy of an instrument of writing, which was handed to me by a parcel of Indians on the 21st instant; and after I read the letter, they demanded of me my compass, which I had to surrender to them; but after a few minutes they agreed to give me back my compass, and would come with me over the new treaty line, which they did, and threatened me very severely if I should be caught over Bright's line again surveying. I have come on to McIntosh's old place, and have stopped my hands until I hear from you. If you intend to give me assistance, I hope you will take the earliest measure to get it to me, as provision is scarce and my hands uneasy to go home. As to the number of men it will take to guard me, I am unable to say. My situation is this: there are three settlements of Indians in my district, that have in them about ten men; and in two miles on the Alabama side, there is a large town that I am told has from forty to fifty warriors in it, who are to be placed on the new treaty line as spies, and to prevent the land from being surveyed; and as for further information, I will refer you to Major Panamore, the bearer of this express, and who was with me when the Indians stopped me.

Yours, &c.

JAMES A. ROGERS, D. S.

GEORGE M. TROUP, *Governor of Georgia.*

19th CONGRESS.]

No. 252.

[2d SESSION.]

SALE OF CERTAIN LANDS IN NEW YORK BY THE SENECA S.

COMMUNICATED TO THE SENATE, FEBRUARY 26, 1827.

To the Senate of the United States:

WASHINGTON, *February 24, 1827.*

I transmit to the Senate, for their consideration, a conveyance by treaty from the Seneca tribe of Indians to Robert Troup, Thomas L. Ogden, and Benjamin W. Rogers, in the presence of Oliver Forward, commissioner of the United States for holding said treaty, and of Nathaniel Gorham, superintendent in behalf of the State of Massachusetts. A letter from the grantees of this conveyance, and a report from the superintendent of Indian affairs to the Secretary of War, relating to this instrument, are also transmitted; and with regard to the approval or ratification of the treaty itself, it is submitted to the Senate for their advice and consent.

JOHN QUINCY ADAMS.

At a treaty held under the authority of the United States, at Buffalo creek, in the county of Erie, in the State of New York, between the sachems, chiefs, and warriors of the Seneca nation of Indians, on behalf of said nation; and Robert Troup, Thomas L. Ogden, and Benjamin W. Rogers, Esquires, of the city of New York, in the presence of Oliver Forward, Esquire, commissioner appointed by the United States for holding said treaty, and of Nathaniel Gorham, Esquire, superintendent in behalf of the State of Massachusetts:

Know all men by these presents, that the said sachems, chiefs, and warriors, for and in consideration of the sum of forty-eight thousand two hundred and sixteen dollars, lawful money of the United States, to them in hand

paid by the said Robert Troup, Thomas L. Ogden, and Benjamin W. Rogers, at or immediately before the en-sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, released, quit-claimed, and confirmed, and by these presents do grant, bargain, sell, alien, release, quit-claim, and confirm, unto the same Robert Troup, Thomas L. Ogden, and Benjamin W. Rogers, and their heirs and assigns, forever, all that tract of land commonly called and known by the name of the Canawagus reservation, situate, lying, and being in the county of Allegany, in the said State of New York, and containing sixteen square miles:

Also, all that other tract of land commonly called and known by the name of the Canawagus reservation, situate, lying, and being in the county of Livingston, in the said State of New York, and containing two square miles:

Also, all that other tract of land commonly called and known by the name of the Big Tree reservation, situate, lying, and being in the said county of Livingston, and containing two square miles:

Also, all that other tract of land commonly called and known by the name of the Squawky Hill reservation, situate, lying, and being in the said county of Livingston, and containing two square miles:

Also, all that other tract of land commonly called and known by the name of the Gardeau reservation, situate, lying, and being in the county of Genesee, in the said State of New York, and containing two square miles, and being that part of the original Gardeau reservation which was excepted and reserved out of the sale of a part of the same to John Greig and Henry B. Gibson, at a treaty held at Moscow, in the said county of Livingston, on the third day of September, one thousand eight hundred and twenty-three:

Also, all that other tract of land commonly called and known by the name of the Buffalo Creek reservation, situate, lying, and being in the county of Erie, and containing, by estimation, eighty-three thousand five hundred and fifty-seven acres: excepting, nevertheless, and always reserving out of the said Buffalo Creek reservation, the following tract, piece, or parcel thereof; that is to say, seventy-eight square miles, or forty-nine thousand nine hundred and twenty acres, bounded as follows: Beginning on the north line of the said reservation, at a point one mile and a half east of the Cayuga creek; running thence south, one mile and a half; thence east, parallel with the north line, so far as that a line to be drawn from the termination thereof south, to a point one mile distant from the south line of the said reservation; and thence west, parallel with the said south line, to the west line of the reservation, and thence along the west and north lines of the same to the place of beginning, will contain the said quantity of seventy-eight square miles, or forty-nine thousand nine hundred and twenty acres:

Also, all that other tract of land commonly called and known by the name of the Tonnewanta reservation, situate, lying, and being in the said counties of Genesee and Erie, and containing, by estimation, forty-six thousand two hundred and nine acres: excepting, nevertheless, and always reserving out of the said Tonnewanta reservation, the following tract, piece, or parcel thereof; that is to say, twelve thousand eight hundred acres, to be laid off in one body, in such a manner as that one-half thereof shall be on one side of the Tonnewanta creek, and the other half on the other side of the creek, and commencing at a point on the said creek one mile and a half west of where it crosses the line of the said reservation, and the said creek being the centre of the said twelve thousand eight hundred acres, until it strikes the northwest corner of the Tonnewanta reservation:

Also, the following pieces or parcels of all that other tract of land commonly called and known by the name of the Cattaraugus reservation, situate, lying, and being in the counties of Chautauque, Cattaraugus, and Erie, in the said State of New York; that is to say, one square mile, or six hundred and forty acres, to be laid off in a square form, in the southwest corner of the said reservation; six square miles, or three thousand eight hundred and forty acres, in the north part of the said reservation, bounded on the north and on the east by the north and east lines of the said reservation, on the west by a line parallel to the east line, and six miles distant therefrom, and on the south by a line parallel with the north line, and one mile distant therefrom; and one other square mile, or six hundred and forty acres, to be laid off in a square form, and bounded as follows, that is to say: on the east by the west line of the said reservation, on the west by a line parallel thereto, and one mile distant therefrom, on the north by the south line of the piece last above described, and on the south by a line parallel thereto, and one mile distant therefrom.

And which said several tracts, pieces, or parcels of land, so excepted and reserved as aforesaid out of the said Buffalo Creek and Tonnewanta reservations, are fully and clearly understood to remain the property of the said parties of the first part, and their nation, in as full and ample a manner as if these presents had not been executed; together with all and singular the rights, privileges, and appurtenances to the said hereby granted premises belonging, or in anywise appertaining, and all the estate, right, title, interest, claim, and demand whatsoever, of them, the said parties of the first part, and of their nation, of, in, and to the said several tracts, pieces, and parcels of land above described, except as is above excepted: to have and to hold all and singular the said granted premises, with the appurtenances, unto the said Robert Troup, Thomas L. Ogden, and Benjamin W. Rogers, their heirs and assigns, in trust, for the use, benefit, and behoof of themselves, and of such other person or persons as are respectively entitled to the right of pre-emption of the said several tracts, pieces, or parcels of land, or any part or portion thereof.

In testimony whereof, the parties to these presents have hereunto, and to three other instruments of the same tenor and date, (one to remain with the United States, one to remain with the State of Massachusetts, one to remain with the Seneca nation of Indians, and one to remain with the said Robert Troup, Thomas L. Ogden, and Benjamin W. Rogers,) interchangeably set their hands and seals, at the council-house at Buffalo creek, the thirty-first day of August, one thousand eight hundred and twenty-six.

ROBERT TROUP,
THOMAS L. OGDEN,
BENJAMIN W. ROGERS,
By their Attorney JOHN GRAY.

[Signed, also, by the sachems, chiefs, and warriors of the Seneca nation of Indians.]

Done at a treaty held with the sachems, chiefs, and warriors of the Seneca nation of Indians, at Buffalo creek, in the county of Erie, and State of New York, on the thirty-first day of August, in the year of our Lord one thousand eight hundred and twenty-six, under the authority of the United States. In testimony whereof, I have hereunto set my hand and seal, the day and year aforesaid, by virtue of a commission issued under the seal of the Commonwealth of Massachusetts, bearing date the thirty-first day of August, in the year of our Lord one thousand eight hundred and fifteen, pursuant to a resolution of the Legislature of the said Commonwealth, passed the eleventh day of March, in the year of our Lord one thousand seven hundred and ninety-one.

N. GORHAM, *Superintendent.*

I have attended a treaty of the Seneca nation of Indians, held at Buffalo creek, in the county of Erie, and State of New York, on the thirty-first day of August, one thousand eight hundred and twenty-six, when the fore-

going instrument was duly executed in my presence by the sachems, chiefs, and warriors of the said nation, being fairly and properly understood and transacted by all the parties of Indians concerned, and declared to be done to their universal satisfaction. I do, therefore, certify and approve of the same.

OLIVER FORWARD, *Commissioner.*

SIR:

NEW YORK, *January 26, 1827.*

In the month of September last, we purchased from the Seneca tribe of Indians their possessory right to part of the lands which they still occupy within this State. This purchase was effected by us as owners of the pre-emptive title under the State of Massachusetts, in the presence of Nathaniel Gorham, Esq., superintendent on behalf of that State, pursuant to the provisions of the deed of cession from New York to Massachusetts, made in the year 1786; and, also, in the presence of Oliver Forward, Esq., a commissioner on the part of the United States, with whom the conveyance, executed in quadruplicate, was deposited by common consent, to be delivered and to take effect when the grantees shall have secured in the public stocks an annuity or annual income to the amount of \$2,583, for the use and benefit of the Seneca nation of Indians.

We understood it to be the wish and expectation of the Indians, at the time of the treaty, that the stock to secure this annuity should be placed in the name of the President, as was done under the treaty of 1797.

We have now the honor to inform you that stock in the public debt of the United States, bearing an interest of six per cent., has been purchased by us to an amount sufficient to produce the stipulated annuity; and that we hold ourselves ready to transfer it to the President, or otherwise, as he may direct. You will be pleased to communicate to us his pleasure on the subject.

It appears by Judge Forward's certificate, endorsed on a copy of the Indian release, that one part of that instrument is to be delivered to the grantees, one to the Indians, one to the Government of the United States, and the other to that of Massachusetts, when the payment of the annuity shall have been duly secured. Although, by the terms of the convention between Massachusetts and New York, the grantees of the former State have a right to treat with the Indians for the extinguishment of the native claim, under the superintendence of an agent to be appointed by her, still it appears to have been the practice of other proprietors of the pre-emptive title to negotiate their purchases in the presence of a commissioner on the part of the General Government; and, as far as we are informed, it has been the practice of the Government to ratify or sanction such negotiations. In conformity with such practice, we respectfully request that the proper sanction may be given to the instrument concluded between us and the Seneca Indians, which will, no doubt, be forwarded to you by the commissioner, when the necessary evidence shall have been furnished to him that the conditions on which it was to be delivered have been duly complied with on our part.

We have the honor to be, very respectfully, sir, your most obedient servants,

ROBERT TROUP,
T. L. OGDEN,
B. W. ROGERS.

To the Hon. JAMES BARBOUR, *Secretary of War.*

SIR:

DEPARTMENT OF WAR, OFFICE OF INDIAN AFFAIRS, *February 16, 1827.*

In regard to the treaty recently concluded between the Seneca tribe of Indians and the proprietors of the pre-emption right in the State of New York, I have the honor to state, that, in pursuance of law and usage, an agent, in the person of Oliver Forward, was appointed to represent the United States, under instructions from the Department of War; and to sanction, in behalf of the United States, the proceedings under said treaty. This trust has been executed.

The intercourse law of 1802, which is a continuation of the act of 1790, with but slight variations, (and none in regard to this subject,) provides that no purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian, or nation or tribe of Indians, within the bounds of the United States, shall be of any validity, unless the same be made by treaty or convention, entered into pursuant to the constitution.

There follows a proviso, which, it is presumed, is that under which the practice has been adopted, of authorizing an agent to represent the United States at such treaties as the one recently made with the Senecas. It is in these words: Section 12. "Provided, nevertheless, That it shall be lawful for the agent or agents of any State who may be present at any treaty held with the Indians, under the authority of the United States, in presence and with the approbation of the commissioner or commissioners of the United States appointed to hold the same, to propose to and adjust with the Indians the compensation to be made for their claims to lands within such State which shall be extinguished by the treaty."

Under this provision, it is presumed a contract was made, in 1797, between Robert Morris and the Seneca Indians, under the authority or sanction of the United States—Jeremiah Wadsworth being the commissioner. In this contract, it is stipulated that \$100,000 shall be vested in the stock of the Bank of the United States, by Robert Morris, and held in the name of the President of the United States, for the use and behoof of said Indians. This provision was accordingly executed.

A similar provision was made in the treaty with the Wyandots and others, on the 4th of July, 1805, in which a similar investment, in as much stock as should produce an annuity of \$175, was made.

It is true those treaties provide the mode of investment, and refer the guardianship of the fund to the President; and, also, that there is no such provision in the late treaty—indeed, no provision which connects the President with the stipulation provided to be paid to the Indians. It appears, however, to be their wish that a similar disposition be made of the purchase money, by investing it in stock; and that, as in the treaties of 1797 and 1805, so in this of 1826, the President be the guardian of their interests.

I do not see that it is binding on the President, except from the relation which he holds to the Indians and the constitution, as the guardian of the rights of the Indians, to be their representative in such a case: I mean where the treaty does not expressly provide for it. The stock could be entered in the name of the Secretary of War, or any other functionary of the Government whose office is perpetual. But there is no doubt, as the stock in former instances stands in the name of the President, it would be more agreeable that this should also.

In conclusion, those treaties hitherto made under such circumstances were submitted to the Senate, except the treaty with the Senecas of the 3d of September, 1823, executed in presence of Charles Carroll, commissioner on the part of the United States. It was esteemed to be a useless ceremony; the President approving it only.

Respectfully submitted.

THOS. L. MCKENNEY.

To the Hon. SECRETARY OF WAR.

RELINQUISHMENT OF THE CLAIMS OF THE CREEKS TO LANDS IN GEORGIA.

COMMUNICATED TO THE SENATE, MARCH 1, 1827.

Mr. BENTON made the following report:

The select committee, to whom were referred the several messages of the President of the United States of the 5th and 8th of February, and a report and certain resolutions of the Legislature of Georgia, ask leave to make the following report:

The committee have entered on the examination of the subject referred to them with a deep sense of the magnitude of the questions which it involves, with a strong desire to preserve the respective rights of the United States and of Georgia, so far as these may be affected by the action of the Legislative Department, and with a still more anxious solicitude to arrive, if practicable, at a result which, without violating the obligations, or committing the rights of the confederacy, or those of one of its members, might preserve undisturbed the peace and harmony of the Union.

They have believed that a view of this subject, so far as it is necessary to the purposes of this inquiry, may be presented to the Senate by a brief statement of facts; with reference—

First. To the grounds on which the Executive Government of the United States has interfered, and proposes further to interfere, with the proceedings of Georgia; and,

Secondly. To the claims of that State, and the principles on which she relies to support them.

1. Under an act of the Legislature of Georgia, passed in June, 1825, and the supplementary and amendatory acts of the same Legislature of December, 1825 and 1826, surveys were directed of that portion of the territory of Georgia, the Indian title to which had been extinguished by the treaty of the Indian Springs, of February, 1825. By the terms of that compact, these lands were not to be surrendered by the Indians until September, 1826; but the Government of Georgia was desirous of effecting its surveys before the arrival of the period of surrender, under such arrangements with the Indians themselves as would render the act acceptable to them. The measures which were adopted to effect this arrangement, the fact that one of the chiefs who had assented to it was put to death, and the subsequent division of the tribe into hostile parties, both of whom sought the protection of the United States, are within the recollection of the Senate. At this period, the Executive Government of the Union interposed, and, having made such inquiry as it deemed proper, forbade the further prosecution of the surveys by Georgia. The Executive of that State, protesting against the measure, nevertheless submitted to the inhibition; and this state of things continued until the last session of Congress, when a new treaty was negotiated at this place with certain chiefs and warriors, acting under the authority of a council of the tribe. This compact stipulated the surrender of certain lands within limits which it defined, and the abrogation of the treaty of the Indian Springs. It was resisted by Georgia as a violation of her rights, and her representatives in Congress recorded their protest against the measure. It nevertheless received the constitutional sanctions, and, so far as depended on the United States, has been carried into effect by the payment of the stipulated price. In the result, it was found not to include all the lands occupied by the Creeks within the limits of Georgia; and the attempt to survey those which were excluded was resisted, and the surveyors of the State of Georgia have been stopped by an order of certain chiefs of the tribe, who have appealed to this Government for protection.

The President of the United States, conceiving the survey by Georgia to be in violation of the laws of the Union, and applauding the forbearance of the Indians, as calculated to avert scenes of violence and blood, which he apprehends would otherwise result from these proceedings, has assured them of his protection, and has directed the arrest and prosecution of the officers of Georgia engaged in the survey. These prosecutions, and the measures which may be adopted to carry them into effect, are stated to be founded on the 5th, 16th, and 17th sections of an act of Congress passed on the 30th of March, 1802, to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers. Expressing his conviction that it was within the competency of the Executive to have resorted to once to military force, or to civil process, for the arrest of the officers of Georgia, the President proceeds to state the reasons which have influenced him to have recourse, in the first instance, only to the latter; but he adds the declaration, that the act of the Legislature of Georgia, under the construction given to it by the Governor of that State, and the surveys made or attempted to be made under it, beyond the boundary line secured by the treaty of Washington, are in direct violation of the supreme law of this land; and, if persevered in, and the laws of the Union remain unaltered, it is declared that "a superadded obligation, even higher than that of human authority, will compel the Executive of the United States to enforce the laws, and fulfil the duties of the nation by all the force for that purpose committed to his charge." It is added, that "the arm of military force will be resorted to only in the event of the failure of all other expedients provided by the laws," of which, it is said, "a pledge has been given by the forbearance to employ it at this time." Finally, the President submits it "to the wisdom of Congress to determine whether any further acts of legislation may be necessary or expedient to meet the emergency which these transactions may produce."

Such are the circumstances under which this subject is presented by the President to the consideration of the Senate.

2. On the other hand, Georgia claims the right to exercise jurisdiction within the whole extent of her chartered limits, except only over that part of her original territory which, by the compact of 1802, she ceded to the United States.

She claims the right to survey such lands within her limits as may be within the temporary occupancy of an Indian tribe, or to inhibit their survey; and the right, also, to extinguish the Indian title at her own cost, if she shall think fit to do so. She questions the constitutional validity of the act of 1802, if construed to extend to the exercise of this power by a State in relation to those lands of which she has the ultimate fee; but, if its validity be established, her rights, even under the provisions of that act, she affirms will still remain.

Such are the claims which she urges, independently of treaty stipulations between the United States and the Creek Indians.

Under the treaty of the Indian Springs, and by virtue of the compact of 1802, she contends that she has acquired an absolute relinquishment of the Creek title of occupancy to all the lands within her limits; that she has vested rights under that treaty of which she cannot be divested by any act of the Government of the United States, or of any part or the whole of the Creek tribe.

She finds her claim to exercise jurisdiction within the whole of her chartered limits on the declaration of independence, the parties to which became, *ipso facto*, severally, sovereign and independent States, owing no allegiance to each other, nor to any common head; on the result of the struggle which that declaration produced, and which eventuated in the recognition of the States as *severally* sovereign and independent; and on the fact that this right, inseparably incident to sovereignty, has never been yielded to the United States.

The exceptions to the principle that her jurisdiction is co-extensive with her limits, she contends, exist only in those cases where, in conformity to the constitution, the United States have, by her consent, acquired exclusive jurisdiction over particular places; that, in other cases provided for by the constitution, the jurisdiction of the United States, within the limits of a particular State, is concurrent with, but not exclusive of, the jurisdiction of the particular State, unless the constitution, in terms, or from the necessity of the thing, inhibits the action of the State over the subject.

As an evidence of her right thus to exercise a jurisdiction co-extensive with her limits, she appeals to the whole history of her legislation in proof of its continued, uninterrupted, and hitherto unquestioned exercise; to her laws and resolutions of 1783, 1785, 1787, 1814, 1818, and 1819, on the subject of surveys of land in the occupancy of Indian tribes, and to other acts, of 1785 and 1788, relatively to the county of Bourbon, established by her authority on the banks of the Mississippi; and to the subsequent recognition by the United States, in the compact of 1802, of the rights acquired under the former act.

She appeals to the history of the legislation of her sister States having Indians residing within their limits on lands the ultimate fee of which is in the particular State; all of whom, she alleges, have exercised the same jurisdiction which is now claimed, and has always been exercised, by Georgia; and to the principle of the decisions of the Supreme Court, especially in reference to the grants of North Carolina; and she refers particularly to the legislation of that State, of South Carolina, of Virginia, and New York.

In further proof of her right to survey lands in the occupancy of an Indian tribe, but within her chartered limits, she appeals to the decision of the same court in the case of *Fletcher and Peck*, in which it was decided that the Indian title to lands within the limits of Georgia was not inconsistent with the title in fee of the State to the lands so occupied by the Indians; that the State of Georgia had power to grant those lands during such occupancy; and that her grantee might maintain an ejectment for them, notwithstanding that title; and she inquires if the right of survey be not inseparably incident to the exercise of those rights, the existence of which is thus determined by the Supreme Court.

The claim of Georgia, under the treaty of the Indian Springs, may be briefly stated thus:

The compact of 1802, she contends, bound the United States, in consideration of the cession made by Georgia, to extinguish the Indian title to the remaining lands within her limits, and in their occupancy. It created an obligation, but did not confer a right, on the United States: it was simply, she urges, a stipulation that the expense of the extinguishment should be paid by the United States, and left them, consequently, to settle the amount. When, through their agents, the contract of the Indian Springs was negotiated, and the Government had ratified the bargain, the right of Georgia became, as she contends, irrevocably vested; the authority of the United States was then at an end. This Government was *functus officio* as to the subject; the power was executed. If the agents of this Government had committed a fraud, the United States were bound to indemnify those whom they had injured. If the Indians were dissatisfied, it was the duty of this Government to appease them by the use of its own means; it could not interfere with the rights of Georgia. The United States, it is said, had conferred no right on Georgia; they had merely removed an encumbrance from a pre-existing right; as, by the compact of 1802, they were bound to do. They could not replace that encumbrance by a new compact with the Indians. The Government of the United States, it is asserted, did not pretend to do so; on the contrary, those who maintained the validity of the treaty at Washington professed to believe the opinion was distinctly avowed on the floor of the Senate, that, so far as Georgia was concerned, that treaty was co-extensive with the one negotiated at the Indian Springs; that if, on this expectation, the United States were deceived, they must look to the Indians for the correction of the error; that they have, in this event, paid money for a consideration which they have not received; but that the rights of Georgia remain untouched. Once vested, (and no one, she affirms, will deny that they were so, while the treaty of the Indian Springs was in force,) they cannot be divested without her consent.

She denies the application of the Indian intercourse act to the subject, affirming that it is directed against the unauthorized intrusion of private individuals, and not to acts done under the authority of a State. She asserts that this is obvious, from its terms, and from the fact that the passport of the Governor of a State, equally with that of the President, dispenses with some of its penalties; that it is directed against intrusive settlements, or acts done with a view to settlement, not to surveys made under the authority of law. Against such surveys and settlements she affirms that the Indians are protected by the constitution and laws of Georgia.

Such, the committee are induced to believe, is the claim which Georgia will present to the proper tribunal.

The committee having considered it their duty to apply, through their chairman, to the proper Department of the Government to ascertain whether any particular act of legislation was contemplated or desired by the Executive Government, have been referred, generally, to the message of the President; and, in answer to a specific inquiry whether any appropriation of money by Congress was necessary to obtain the relinquishment by the Indians of any claim to the lands in controversy, have been informed that the expense of treating for that object might be defrayed out of the contingent fund, and the purchase money, if a treaty should be made, provided for by an appropriation at the next session of Congress; and they have been furnished by the head of that Department with a copy of his instructions to the agent of the United States residing in the Creek nation, directing him to use his exertions to obtain such relinquishment; which is herewith submitted.

The committee are in possession of no evidence to show that the State of Georgia has at any time manifested a determination to resist the civil authority of the United States. On the contrary, it appears that she has heretofore submitted to the order of the President to desist from the survey; and the resolutions of her Legislature, at its recent session, also referred to this committee, contain a direct and earnest appeal to Congress to settle this unhappy controversy.

On the various and important questions which that controversy presents, the committee have not deemed it necessary or proper to express an opinion. The President has referred them to the decision of the Judicial Department, and there is nothing before the committee to authorize the belief that Georgia will not peaceably acquiesce in that reference. They do not, therefore, think it necessary to recommend any act of legislation by Congress, in anticipation of a conflict between the authorities of the Union and of Georgia; and, unless as an act of indispensable and melancholy necessity, they would deem such legislation improper.

The belief that we have arrived at a crisis when one of the members of this confederacy, placing herself in an attitude of hostility to the residue, has rendered it necessary to resort to the military power of the General Government, to coerce her to submission, would be appalling to every friend to the union and happiness of these States;

and though infinitely less in degree, it would be matter of unaffected regret to have forced upon us the conviction that an unwarranted anticipation of such a crisis had led to the unnecessary suggestion of even a conditional determination to have recourse to so afflictive a measure.

It is believed to be among those axioms which, in a Government like ours, no man may be permitted to dispute, that the only security for the permanent union of these States is to be found in the principle of common affection, resting on the basis of common interest. The sanctions of the constitution would be impotent to retain in concerted and harmonious action twenty-four sovereignties, hostile in their feelings towards each other, and acting under the impulse of a real or imagined diversity of interest. The resort to force would be alike vain and nugatory. Its frequent use would subject it, with demonstrative certainty, to ultimate failure; while its temporary success would be valueless for all the purposes of social happiness. In such contests, however unequal, and however transient, the seeds of disunion would be thickly sown; and those who may be destined to witness them will speedily thereafter be called to lament the destruction of the fairest prospect of civil liberty which Heaven, in its mercy, has vouchsafed to man.

The committee have before said that they see no reason to fear that Georgia will not acquiesce in the decision of this question by the Judicial Department. It has been seen that she has heretofore yielded to the mere order of the President, and the resolutions referred to the committee evince that she still looks with unabated confidence to the Congress of the United States. They can, therefore, discover no ground for the assumption that she meditates resistance to the civil authority of the Union. The indications which have been given of an intention to employ a portion of her militia, if necessary, for the protection of her surveyors against Indian violence, were limited to that object. That they were intended to oppose the constitutional authority of the Government, is unsupported by any facts which have been disclosed to the committee, and appears to them unworthy of belief. Their confidence in this conviction has been to them a source of unmingled satisfaction; for, although they would readily apply, if necessary, the whole energies of the Government to the support of its legitimate authority, they would, at the same time, regard the most remote preparation for a resort to military force, for the purpose of compelling a sister State to submission, as among the greatest of public calamities.

The committee will not enlarge upon the frightful consequences of civil wars. They are known to be calamitous to *single* Governments, and fatal to *confederacies*. Reason tells us this, and History, with her warning voice, confirms it. A contagious fury rages in such contests. No matter how small the beginning, or how insignificant the cause, the dissension spreads, until the whole confederacy is involved. The "*third sacred war*," which ended in the ruin of all Greece, began in a trifle—in the attempt of the Amphycyons to punish the smallest member of the confederacy for violating some ground which had been consecrated to the god Apollo. The committee will not multiply examples of the same fatal character, of which history is full. They will say that the "*ultima ratio regum*," which cannot be resorted to between two foreign Powers until all the arguments of reason have been tried and exhausted, ought not to be hastily used in a community of States bound together by a confederated government. The *last* argument of kings should not be the *first* among associated republics. The tribunal of public opinion should be resorted to. In a free Government, it is almost as omnipotent over communities as over individuals. None can despise it. Coupled with a judicial decision, the empire of public opinion will be as binding as the decision of arms. In this case, the laws have been already appealed to, and the committee most earnestly recommend a reliance upon their efficacy, and upon that instinctive sagacity of public opinion which rarely fails to discover and to sustain the just side of every great question.

It has hitherto been the happiness and boast of the American people, that, since the adoption of the present constitution, their annals exhibit but a single instance in which, to maintain the authority of their Government, the blood of the citizen has been shed by the arms of the soldiery. It should be the prayer of every American that this may be the last. The apprehensions then felt for the continuance of our confederacy are fresh in the recollection of the committee. Nor can they forget the exultation which was manifested by the enemies of republican Governments, and their confident predictions of the speedy downfall of ours. The virtue and intelligence of the people, co-operating with the inherent excellence of our political institutions, averted the danger and preserved the Union. Three entire administrations have since intervened, without resorting either to the actual or threatened exercise of force to sustain the authority of law. During a portion of this period, our country was involved in a sanguinary war with one of the most powerful nations of Europe. In its progress, when unlooked-for calamity filled the timorous with apprehension, and roused the patriot to redoubled exertion, a spirit of insubordination was manifested in an important portion of the Union. A crisis occurred more interesting than any other in the history of our confederacy, and there appeared reason to apprehend that the horrors of a civil might be superadded to the calamities of a foreign war. If evidence were wanting to show the profound and intimate knowledge of the nature and tendency of our political system possessed by the statesman who then presided over the republic, it was at that time strikingly exhibited; and if any thing could add to the debt of gratitude which the country owes to this illustrious patriot, it is his conduct on that occasion. Had threats of military coercion been used, the probability of its application would have been increased, and, under the excitement which prevailed, the commencement of hostilities between the Federal and State authorities might have terminated our existence as a free and united people. No menace was employed; no threat of military coercion fulminated. The movements of those to whom disaffection was attributed were observed with care, and silent preparations were made to enable the Government to act with effect, should the application of force become unavoidable. The threatened collision between the Federal and State authorities was fortunately avoided. The conduct of the parties was submitted to the judgment of the American people. The sentence which they pronounced was just, and it will remain irrevocable. Public opinion performed its office, and our republican institutions arose from the shock with renewed lustre and increased stability. The honest apprehensions of those who had before doubted their capacity to sustain the pressure of danger and the conflict of war were dispelled, and all the hopes which were founded on the anticipated dissolution of our confederacy were destroyed.

Such were the legitimate fruits of the wisdom, moderation, and firmness which were then displayed; and, while they retrace the history of that period, the committee are encouraged to hope that similar wisdom and moderation will lead to similar results. They would be unwilling to give their sanction to different measures, on any occasion of apprehended collision between the Federal Government and one of its members, but more especially in a case so essentially different in principle and character from that with which it has been compared, as the present is admitted to be. It is far from their desire to interfere with those duties which have been confided to the Executive, and which they doubt not will be discharged with ability and zeal; but it becomes their duty to express the opinion that there appears to be no ground to apprehend the necessity of appealing to military force for the purpose of enforcing the laws within the State of Georgia, and that they cannot concur in the propriety of menacing its application, or of adopting any measure in anticipation of an issue which they do not apprehend, and which every good citizen should endeavor to avert.

The committee have not deemed it necessary to advert to various other subjects embraced in the report and resolutions referred to them. Some of them involve questions which cannot properly originate in this branch of the National Legislature; and they do not perceive the necessity or propriety of entering into an examination of the remainder while the principal question which belongs to this controversy is in a course of judicial inquiry.

The committee rely with confidence on the justice and the patriotism of the authorities of the United States and of Georgia in expressing their convictions that no such unhappy consequences as are apprehended can result from the present controversy. They rely on the instructions and efforts of the War Department, and on the declarations made to the Senate, during the discussion of the treaty at Washington, by one of its members, who had been actively engaged in negotiating that treaty, of the repeatedly expressed willingness of the Creek chiefs to relinquish any little remnant of land within the limits of Georgia, which, on running the lines of that treaty, might be found to be excluded, for the assurance that this whole controversy may be speedily adjusted by obtaining the desired relinquishment.

They therefore recommend the adoption of the following resolution:

Resolved, That the President of the United States be respectfully requested to continue his exertions to obtain from the Creek Indians a relinquishment of any claim to lands within the limits of Georgia.

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