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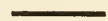
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THE
CHEROKEES



VOL. I

EDITION LIMITED
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GOVERNOR WILSON LUMPKIN
FROM A PAINTING BY MR. MOORE, MILLEDGEVILLE, 1835-1836.

THE REMOVAL
OF THE
CHEROKEE INDIANS
FROM
GEORGIA.

BY
WILSON LUMPKIN.

INCLUDING

*His Speeches in the United States Congress on the Indian Question, as
Representative and Senator of Georgia; His Official Corres-
pondence on the Removal of the Cherokeees during his
two terms as Governor of Georgia, and later as
United States Commissioner to the
Cherokeees,*

1827-1841

*Together with a Sketch of His Life and Conduct while holding many
Public Offices under the Government of Georgia and
the United States, prior to 1827, and
after 1841.*

VOLUME I

PRIVATELY PRINTED
WORMSLOE
1907

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WYMBERLEY JONES DERENNE
1907

SAVANNAH, GA.:
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1907

PREFACE.

This history of the removal of the Cherokee Indians from Georgia is taken from two volumes MSS. in my possession, entitled:

"Incidents connected with the life of Wilson Lumpkin, illustrated from selections from his speeches and official writings, written and compiled by himself in the seventieth year of his age, 1852."

These volumes are such as were used for deeds and mortgages, and contain thirteen hundred and seventy-five pages of closely written matter, some of which are on miscellaneous subjects.

The writing is very clear and distinct, and there are hardly any erasures or corrections.

The first volume has an introduction, addressed to his children; twelve chapters; two notes, and an appendix.

The appendix contains a lengthy article on religious matters, a letter to the Sarepta Association and a letter to the Rev. George Lumpkin. There is also an index to his letters. I have omitted the introduction and the appendix, and have only given extracts of the first two chapters, in which are many philosophical reflections and good advice to young people. The other chapters are given in full, except Chapter IX, entitled: "Executive Correspondence," which is wholly devoted to minor correspondence on penitentiary matters, and therefore not interesting.

The title, the introduction, the contents of the twelve chapters, and the notes, are in his own handwriting.

The second volume has ten chapters, commencing with Chapter XIII.

Chapter XIX, entitled: "Continuation of senatorial service, embracing a number of speeches and remarks on

the floor of the Senate, on a great variety of interesting subjects, with frequent notes and comments by the author."

Chapter XX, entitled: "Continuation of senatorial service, speeches and remarks on deeply interesting subjects, together with frequent notes and comments by the author."

These two chapters, together with Chapter XXII, which is wholly devoted to family history, are left out as irrelevant to the subject.

It also has an appendix, containing three notes: A statement about the Hon. Wm. H. Crawford; a criticism and answer to Gov. Gilmer's "Georgians;" which are included. It is almost entirely in his handwriting.

WYMBERLEY JONES DeRENNE.

Contents.

VOLUME I.

CHAPTER I.	Including the Period of His Infancy, Up to His Eighteenth Year	PAGE 9
CHAPTER II.	Including the Period from 1801 to 1812, Being 12 Years of Variegated Active Life, Embracing the Commencement of His Public Life	13
CHAPTER III.	Including Six Years of Active Public and Private Life. The First Congress in Which He Served, Etc., Including the Period Between 1812 and 1818	20
CHAPTER IV.	Including the Period from 1818 to 1824—6 Years—A Period of Active Service and Much Interest	31
CHAPTER V.	Including the Period from 1824 to 1830 in Congress, and Other Official Stations .	36
CHAPTER VI.	Including a Period of Two Years, 1830 and 1831, Congressional Duties, Speeches, Etc	49
CHAPTER VII.	Including the Period from 1831 to 1836, Embracing the Period When Governor of Georgia, Executive Messages, Inaugural Addresses, Etc.	89
CHAPTER VIII.	Remarks on Various Matters of Public Interest	181
CHAPTER IX.	Executive Correspondence of 1832. Omitted. (See Preface.)	
CHAPTER X.	Executive Correspondence of 1833	196
CHAPTER XI.	Executive Correspondence of 1834	233
CHAPTER XII.	Official Letters, 1835,	300

CORRECTIONS

Page 54, line 20, for 1892, read 1802.

Page 268, line 22, for Foote, read Foot.

Pages 276, 277, 278, 287 and 289, the name D. R. Mitchell is printed as it occurs in the manuscript, in every instance, but it is probably written by mistake for D. B. Mitchell.

Page 37, line 14, for Gieu, read Guieu.

Page 350, line 3, for *council*, read *counsel*.

CHAPTER I.

I am a native of Virginia, and was born in Pittsylvania County, January 14th, 1783. When I was one year old my father removed to Georgia, and settled in that part of the state then known as Wilkes, now Oglethorpe, County. My parents were of English descent on both sides, and Virginia the birthplace of them and their ancestors for several generations past. My mother's maiden name was Hopson. My parents had ten sons, and only one daughter. Eight out of the ten sons, as well as the daughter, lived to form matrimonial connections and rear families of children. I was the second son, and called after the husband of my father's only sister, Col. John Wilson of Pittsylvania County, Virginia. My father, John Lumpkin, was amongst the first settlers of Oglethorpe County, who, with his father, George Lumpkin, settled on Long Creek in the year 1784, and encountered all the difficulties and dangers of settling a wilderness, far removed from a dense population, and well cultivated fields, exposed, too, to frequent depredations from hostile and savage Indian neighbors, so far as to force them and their frontier neighbors to erect, and live within the enclosed walls of a rough, but strong built fort, for several of the first years of their sojourn in Georgia.

My father had a good business education, wrote well, and was active and ready in the transaction of various branches of business. Blessed by nature with a fine commanding person, upwards of six feet high, and perfectly erect in his carriage, naturally fluent in speech, polite, courteous and exceedingly popular in his deportment, and social intercourse with others. Rather excitable in his temperament, yet he had sufficient command of his feelings to control his temper, when his judgment deemed it to be proper and expedient to forbear. During a long public life, in various important county offices, few men ever maintained a more uniform popularity, although sometimes censured and blamed as a public officer, yet upon due investigation, he never failed to rise higher in the public esteem. He was for many years an acting magistrate, or justice of the peace, in the County of Wilkes. After the creation of Oglethorpe County he was for many years a Judge of the Inferior Court. Was a member of the Legis-

lature which passed the rescinding act of the Yazoo Fraud. A member of the convention which formed the present Constitution of Georgia, was elected a Jeffersonian Elector of President and Vice-President, was for many years Clerk of the Superior Court of Oglethorpe County—besides in various minor public trusts, too tedious to mention. These different positions always brought within the reach of his family a knowledge of many local public matters which were not admissible to many of the rising generation of that day. In his house were always found more newspapers, books and reading than was common to families of that period in similar circumstances; in other respects few men retain so large a share of popularity, through life, in their respective spheres, as he did. From the first settlement of the County to this day, he and his immediate descendants have maintained as much character and influence in the County of Oglethorpe as has fallen to the lot of any other whatever. My mother was a woman of great strength of mind, deeply imbued with the religion of the Bible, with which Book she was so familiar as to need no concordance to find any passage of Scripture which she desired.

At a very early age I paid great attention to all that was said by grown people, especially the aged. I have often sat quietly, when a small boy, at my mother's feet, and heard her detail the hazardous scenes through which my maternal uncle, Col. Joseph Hopson, passed during the War, in Morgan's Rifle Corps, in which he served in a captain's command.

My father being Clerk of the Superior Court of Oglethorpe County, I had frequently in my school days, at times when at home, been put pretty closely, for weeks together, to copying various writings appertaining to the Clerk's office, which greatly enlarged my stock of information upon various subjects, particularly the forms of various legal instruments, and the Statutes of the State upon which they were predicated; indeed I had by this time become quite familiar with most of the laws of Georgia, and could readily draw up in due form all such instruments as deeds of conveyance, bills of sale, mortgages, wills, &c., and was often called upon to perform such services by the honored, and felt amply rewarded for my labor by the kind words of praise and approbation which I generally received.

From sixteen to eighteen, my time was devoted to the

Clerk's office, or to laboring in and superintending my father's farm; which period I had access to books in which I became deeply interested, and availed myself of every hour of time which could be spared from business. In history, I read Josephus, Rollin, Plutarch, Gibbon, Hume and many other useful books. Blackstone I had been reading before, but it now became more and more interesting as I discovered how it was connected with, and had sprung from, the history of the past. I read Smith's *Wealth of Nations*, Vattel, and Paley's *Philosophy* with deep interest, and then became an unwavering convert to the principles of free trade. This course of reading, study and reflection, connected with the fact of being a great deal in the society of some gentlemen of liberal education, and extensive information, caused me to mourn over my own ignorance and want of a liberal and regular education. My acquirements in these two years enlightened me to see and feel my want of learning. My eyes were opened to a glimpse of the vast field of science and literature, necessary to be explored, in order that a man may be prepared for the greatest usefulness to his fellow men. My desire for knowledge was intense, but everything like hopeful aspirations after it was often completely checked, from my want of means to embark in any thing like a regular course of learning. I ignorantly believed that it was wholly impossible for me under all the existing circumstances to become a highly educated man. I did not see then how I could attempt such a course. All this I now know was ignorance, and if I at that time could have believed that I should have accomplished the little I have done, I should certainly have accomplished a great deal more than I have. Therefore I say to the young—Try—patience and perseverance in well doing rarely meets with a negative. Previous to this time, for several years, I had intended to prepare as well as I could, and finally become an attorney-at-law, and perhaps at the proper time to embark in politics. But when about eighteen years of age the humble estimate I put upon my acquirements and talents caused me, as I then thought, decisively to make up my mind to abandon all idea of engaging in pursuits of ambition or worldly distinction. And I at once determined, youth as I was, to seek felicity in the connubial state, and in a correct and virtuous discharge of all those duties devolving on so important and responsible a situation. Believing as I then and now do, that the nearest approach which this world

affords to Paradise is to be found in rural life, in the midst of virtuous and well conducted family organizations,

“But happy they ; the happiest of their kind
Whom gentle stars unite, and in one fate
Their hearts, their fortunes, and their beings blend.”

Suffice it, for the present, to say on this head of my discourse, that I married the wife of my choice, three years and upwards younger than myself.* That we lived together nineteen years, when it pleased God to take her to that “house prepared for her in heaven, not made with hands, but eternal.” She had all the merits of a faithful good wife, and the time we lived together did but endear her the more to my heart. She was the mother of five sons and three daughters. Three of the sons had been committed to the tomb before her departure. The other five children are still living.

*Elizabeth Walker.

CHAPTER II.

The three first years of my married life were devoted with untiring energy to improving my circumstances, and adding to the comforts of my humble home. I had good productive land to improve, and a few negroes to help me do the work. I lost no time from my domestic duties, except in the discharge of citizenship, or those which appertained to my Church of which I had become a member. I did, however, occasionally do heavy jobs of writing for my father, who still held the office of Clerk of the Superior Court, and a portion of the twentieth and twenty-first years of my age was spent in teaching school, in a house built by my neighbors near my own residence.

Before the school year closed I had upwards of forty scholars, and was perhaps one of the most popular teachers in all the county around. But with the close of this school terminated my being a school master.

"A man's heart deviseth his way; but the Lord directeth his steps." I was now about to launch into a field for which I had to some extent been trained, and which I had voluntarily, and as I thought forever, abandoned. On the first Monday in October, 1804, I was elected a member of the Legislature of Georgia by a vote of the people of Oglethorpe County, extraordinary for its approach to general consent. I was thus, without the slightest seeking on my part, transferred by the popular voice from my school house to the halls of legislation.

Upon taking my seat in the Legislature, I felt that I was a novice, the youngest man in all the Legislature.

But at this my first session as a member of the Legislature, I became somewhat familiar with legislative and executive affairs. At the close of this session, my application had been such that I was perfectly familiar with parliamentary order, as administered in the Legislature of Georgia. And the presiding officer of the House was Abram Jackson, of Burke, (bro. to our distinguished Gen. James Jackson) and a man of more than ordinary qualifications for the station with which he was honored. At this time Gov. Milledge filled the Executive chair, with ability and dignity.

At this period of our Republic Mr. Jefferson filled the Executive chair of the Union, and the popularity of his principles and administration was such, that there was no such thing as an open avowed organized party opposed to him and his Republican administration. At this day, we had had no avowed Federal party in Georgia. Political parties fifty years ago in Georgia, and indeed long since, turned more upon popular leaders—more on men than on measures. Mr. Crawford and Gen. Clark were at this time personal enemies, and each of them had a controlling influence over a considerable portion of both branches of the Legislature, while perhaps a majority of the members, *like myself*, desired to keep aloof from the personalities of these gentlemen. Mr. Crawford and his friends, with whom I was the most intimate, were in the habit of calling Gen'l Clark and his friends *the Federal party*, and accused Gen'l Clark and some of his leading friends (truly) of having held office under John Adams, the elder; moreover, they alleged that Clark and his friends were connected with and participated in the odious, corrupt, hateful, and abominable Yazoo Fraud—perpetrated through the instrumentality of the corrupt Legislature of Georgia, in the year 1795—which transaction, though rescinded, and expunged from the records of the State, cannot be thought of by men of my age without a blush of deep mortification and regret that the integrity of their beloved State should ever have been thus tarnished. Upon the other hand, Gen'l Clark and his friends claimed to be the direct descendants of the principal leading Whigs of the Revolutionary War, in the Southern States, and of having gained our State from the mother country, as well as the savage foe.

They gloried in the name of Washington, the Father of his Country, and alleged that he brought Mr. Adams into the Presidency, as his successor, and that the revolutionary services and patriotism of Adams himself, connected with the confidence reposed in him by Washington, had led them to accept office under his administration; and that they were not selected for office on account of their present affinity with Federalism, but on account of their distinguished Whig connections of the Revolution. Truly and indeed, Clark and most of his leading friends of that day professed to be, and in many respects sustained well, the character of real Democrats, if not *Red Republicans*.

In regard to the Yazoo Fraud, the facts are these, as the records of the county will still show: neither Clark nor

any other man in Georgia has ever been promoted to high office, who, in any tangible way whatever, participated in bringing about that despicable transaction, either directly or indirectly. Gen'l Clark and many other individuals, who seem never to have had any thing to do with the infamous transaction until the Legislature had consummated their crime, afterwards became purchasers of scrip or lands purchased by the speculators under the fraudulent act of the Legislature. For my own part, I always condemned even this distant connection with the infamous transaction. Yet many men of honor and great integrity of character in Georgia reasoned differently, and considered their second hand purchases fair and legitimate. For many years the validity of the titles of the speculators was litigated before the highest judicial tribunals of the country, and the opinion of many of the ablest legal men of the country was in their favor. Indeed Congress, after Georgia had transferred her right to the land to the Federal Government, passed liberal compromise acts, under the provisions of which the litigation was finally adjusted. Gen'l Clark at various times conversed with me on the subject of the Yazoo Fraud, and always expressed the strongest indignation against the corrupt and fraudulent transaction, and seemed to feel justified in purchasing back, upon the best terms he could, an inheritance of which he had been unjustly defrauded. Gen'l Clark, and his friends, professed to consider their opponents in the light of a combination of mere office-seekers, destitute of all fixed political principles. The leaders were composed chiefly of lawyers, who could with great facility, with our then scattered population, govern the politics of the State.

Up to this time, and for many years after, there had been no organized division of parties on general politics. All aspirants to office professed to belong to the Republican party. We never had more than one State ticket for Electors of President and Vice-President, until General Jackson became a candidate for the presidency. Under this state of things, on my entrance into the Legislature of Georgia, I imbibed a disrelish to becoming a partizan to either of the factions. I had much respect and real regard for the leading men on both sides, and appreciated their courtesy and kindness to me. But I did not participate in the prejudices of either. At the close of the session, I returned to my family and constituents, to render an account of my stewardship, and was very generally greeted with

kindness. On the first Monday in January following, without my being consulted on the subject, I found myself appointed a magistrate of my district, the Inferior Court at that time being the appointing power. I sincerely regretted the mark of confidence, but the people of my neighborhood and district would not listen to any apology or excuse tending to declination. I felt myself bound to accept, and accordingly forthwith entered upon the duties of my new office. I held the office for some years, and believe gave very general satisfaction. But I now state in candor, and in truth, that from that day to this I never have filled an office, in which I oftener found myself embarrassed, and at a loss how to proceed. You who live in Georgia, at this time, will please to suspend your surprise, while I give you some account of the then existing state of things. And first, at that distant period, some magistrates felt morally and conscientiously bound to do their duty. They felt that they were conservators of the peace of society—in their spheres, they felt bound to execute the laws. They were measurably destitute of those valuable books of forms, now in the hands of every one. The Statute laws of the State had not then been extended to one-half of those cases of litigation and controversy which from time to time arise in society. The magistrate in those days had but little of what is called precedents before him. I had read Blackstone, I knew something of what is called common law; but had to exercise due caution how I referred to such authority, when in the presence of my brethren of the same Bench. I had to act as parson in solemnizing the bands of matrimony. I had to counsel both plaintiffs and defendants, when, in a strait, it was difficult to obtain legal advice, for lawyers were not so plenty then as to make it necessary *to ride double*. Each one then could afford himself a horse. I had to write deeds of conveyance, bills of sale, mortgages, marriage contracts, wills, memorials to the Legislature and to Congress, articles of agreement—of copartnerships—and to give advice to all my neighbors, in regard to legal matters—indeed the time I occupied this office I consider the most memorable of my whole life. The most useful part of my labors in this office, however, must be attributed to my success as a peace maker—before I relinquished the office I was able to effect amicable settlements between contending parties, and restore peace and harmony, without resorting to the law in most cases, and in all practicable cases I invariably pur-

sued that course. For several years I continued to serve in the Legislature of Georgia, with the general approbation of my constituents, and I trust with somewhat improved qualifications to render them useful service.

The Legislature of Georgia, at the period of which we are speaking, as hereinbefore suggested, was to a considerable extent composed of gentlemen highly qualified for the discharge of the important duty of legislating for a state destined to become conspicuous in our great confederacy of states; and the transactions growing out of the Yazoo Fraud had pretty nearly purged the state from political corruption in her counsels and government, and I should have enjoyed the privilege of a seat in the Legislature of Georgia very highly, but for faction and political strife, based rather upon personal considerations than that of vital and fundamental principle of government. Every man of experience knows the difficulty under our system of government of being an official man, and at the same time keeping aloof from two contending parties. This was the position I had sought to maintain. I found things to censure and approve in both parties—I believed that both had equal claims to patriotism—and I could not in good conscience heartily enter into warfare for any man or set of men. I felt desirous that these strifes might cease. I desired no other motto than “God and our country.”

Under these considerations, in connection with the growing demand for all my time and services, being devoted to my family, I withdrew from the bustles of public life—I thought forever; but it was at best for a short time. By natural increase, in nine years my family, including the colored with the white, had increased three-fold—which added greatly to my charge, and little or nothing to the productive labor of my establishment. But by the industry, care and good economy of my wife, and my assiduous devotion to my domestic affairs, when not actually engaged in public matters, we had enlarged and greatly improved. Our real estate was free from embarrassment and debt, and the way open to work for a living. Having spent my life in Georgia, and having seen but little beyond its borders, and often hearing the glowing descriptions of the great West, from the lips and pens of intelligent and gifted men, I became restless, and felt disposed to seek a better earthly paradise. and after much reflection on the subject, on the first of September, in the year 1811, in company with four

other gentlemen of Oglethorpe County, I set out for what was then considered the far West. We traversed what is now the States of Alabama and Mississippi, and took a general view of what is now considered the most desirable portions of those States, although the country was then chiefly occupied by the Indians. From Natchez to New Orleans, we examined the Mississippi bottoms, and its appurtenances. We crossed the Mississippi and proceeded up the Red River about one hundred miles. Our return route was through Tennessee and Kentucky. We were almost incessantly traveling for near four months, and arrived at home just before Christmas. We examined everything of most interest, on the line of the route herein designated. It would be superfluous for me to refer to my old Note Book and Journal, which was faithfully kept from day to day, and is still preserved, in order to describe the country explored, its advantages and disadvantages, and the views which I then entertained, the conclusions to which I arrived. All this kind of information can now be derived from sources far more accurate and ample, and therefore more entitled to consideration. Suffice it for me to say that I returned home fully satisfied that, all things being taken into consideration, a better earthly country than Georgia, for the whole population, could not be found under the sun. And I think so yet. I have seen richer lands elsewhere than in Georgia. But her variegated soil, climate and productions, in connection with her advantages of water, commerce and population, are unsurpassed, and should satisfy any mortal man. Georgia is a favorable land to prepare for an abiding home. During this long and hazardous journey, through the wild wilderness and savage men of the forest, I was wonderfully preserved from fatal disasters. We not only penetrated and explored the land of the heathen, but for many days' travel; on different parts of our route, we followed the trails and paths of the savage which were known at that time to be infested with bands of the most bloody robbers. We spent one day at the great Indian Council, held at Tuckabatchee in the Creek Nation, when not only all the tribes of the different nations of the Indians of the Southern States were represented, but a delegation of the Northern tribes, headed by the distinguished Chief Tecumseh, were in attendance. We now know, that at that very council it was resolved by the Creek Indians to unite with Tecumseh and his Northern hordes in aiding the

British in their anticipated war with the United States. Indeed, while I was yet in the wilderness, I heard of the death of Arthur Lot and his son, murdered by the Creek Indians, in the path which I had but recently traveled. And before, or just after my return home, I heard of the massacre of the inmates of Fort Mimms, near the junction of Alabama and Tombigbee rivers, a place where I had spent several days to recruit my stock of provisions. For during the greater portion of our journey we carried our subsistence on pack mules, attended by our servants. We observed all the time we were amongst the Creek Indians that they were unaccommodating, stubborn and insolent. We were watchful and guarded in all our movements, but entertained but slight apprehension of any serious danger.

CHAPTER III.

In June, 1812, the Congress of the United States declared war against Great Britain—which, if nothing else, rendered it entirely inexpedient for me to think of removing with my family to the country which I had selected for that purpose. My country now being involved in war, I felt it to be my duty, regardless of my private interest, to give my best services to her; and accordingly at the ensuing election, in October, the people of Oglethorpe County, in that spirit of kindness and partiality which they had uniformly extended to me from early boyhood, again elected me to represent them in the Legislature of Georgia. It may be proper here to state that I never, at any season of my life, felt any taste or desire to engage in military life. I never had a taste for human slaughter, and therefore did not seek the glory of military fame. I continued to serve in the Legislature of Georgia for the two first years of the war, and took an active part in all those measures deemed necessary to meet the existing exigencies of the country. But without entering upon the details of my own particular acts, suffice it to say that I became convinced, from my intercourse and business connection with gentlemen from every part of the State, that the people desired to transfer me from a seat in the Legislature of the State to that of the Congress of the United States. I therefore became a candidate for Congress at the ensuing October election (by general ticket) in 1814. And I was elected the highest man on the ticket, except Mr. Forsyth, who received a few more votes than myself. The delegation consisted of Mr. Forsyth, myself, Wilde, Alfred Cuthbert, Thomas Telfair, and Bolling Hall. Being elected more than a year before the time of entering upon the duties of my new appointment, afforded me time for the study and consideration of the various duties of the new station to which I had been called, and you may rest assured I endeavored diligently to make the very best use of the time thus afforded. Before I took my seat, the country was again restored to peace, by the Treaty of Ghent, entered into between the two belligerents.

When I arrived at Washington, in the latter part of

November, 1815, to enter upon my duties as a member of Congress, I then first beheld the Capitol of the country—the mansion of the President and other public buildings, undergoing repairs, having been blown up, and greatly injured by the vandal hands of the enemy during the war—Congress had necessarily to transact its business in another building, temporarily prepared for the purposes. Although peace had been restored to the country, this Congress met under circumstances of great responsibility, requiring a degree of patriotism, wisdom and statesmanship equal to any which had ever preceded it. The debt of the United States, liquidated and unliquidated, was not less than one hundred and thirty millions of dollars. The country had but little specie, and the paper circulation was not only deranged, but was to a great extent worthless—so little confidence was placed in the Bank bills then in circulation, that you could scarcely travel from one state to another, without the bills of the state in which you were journeying. The time had now arrived for changing and adjusting all the Legislatures of the country from a war to a peace establishment. The experience gained during the war had unsettled and changed some of the former fixed and settled opinions of many of our distinguished statesmen. Our little Navy had fought itself into popularity and favor. The dreadful state of the currency of the country had produced conviction on the minds of many that the finances of the country could not be managed successfully without the aid of a National Bank. The suffering of the country for the want of many of the necessities of life, during the war, when our commerce was cut off, caused home or domestic manufactures of every kind which had sprung up during the war to have very many strong friends in Congress, who were disposed not only to encourage but to protect those infant establishments from foreign competition, by laying heavy duties upon imports.

There was another class of statesmen, who had always belonged to the old strict construction school of politicians, who although in favor of encouraging manufactures, by laying high revenue duties on foreign imports, because necessary to raise money to pay the debts of the nation, did not concur in the policy of legislating for the express object of encouraging any one branch of industry, in preference to, or at the expense of, another. They then, as now, denied the constitutionality of a protective tariff. Nor was the tariff of 1816 passed principally to *protect*, but

incidentally to encourage manufactories, and *raise money* to pay the debts of the nation. All at that time desired the increase and prosperity of domestic manufactures, with a view to the independence of the country, in time of war as well as peace. But many, then as now, protested against the constitutionality of a *protective* tariff designed to enrich individuals, or sections, at the expense of other sections, or individuals engaged in different pursuits. I voted in favor of the tariff of 1816, for the purpose of raising money to pay the public debt. And to avoid a resort to direct taxes for that purpose, and with kind feelings to that interest, at the time I was pleased at the incidental encouragement which it afforded. Popular favor at this time was loud and strong in favor of the Federal Government prosecuting various works of internal improvement with a view to the common defence and general welfare of the country. It had been seen, during the progress of the war, then just terminated, that for the want of roads, and other practical improvements, to facilitate transportation from one point to another, the country had suffered immense loss of both men and money. The army as well as the munitions of war, including subsistence for the army, very often had to perform a long, hazardous and circuitous route (for the want of a direct road) which cost the government a vast amount of money, often accompanied by the most serious disasters. The transportation of a barrel of flour one hundred miles sometimes cost more than the purchase of three barrels. Under all the circumstances existing at this time, many of the members composing this Congress, who had hitherto acted with the old Republican party of the country, and who professed the faith of the Virginia and Kentucky resolutions of 1798 and '99, manifested a strong disposition to favor measures of a liberal and latitudinarian character. It is difficult for the most enlightened men of the present generation to review the proceedings of this Congress without doing much injustice to many of the prominent actors on that theater. Many members of this Congress, who with Jefferson and Madison at their head, had zealously contended for the most strict construction of the Federal Constitution, for state sovereignty and state rights—who had denied to Congress the power to charter a United States Bank—to foreign imports—or by constructing and carrying on a system of internal improvements by the Federal Government, were now found with Mr. Madison at their head,

more or less sustaining and encouraging a latitudinarian policy which they had hitherto repudiated and condemned. Mr. Madison, in his annual message to this Congress, says: "In the absence of the precious metals, it devolves on the wisdom of Congress to provide a substitute which shall equally engage the confidence, and accommodate the wants of the citizens, throughout the Union. And, if the operation of the State Banks cannot produce this result, the probable operation of a National Bank will merit your consideration." On the subject of manufactures he says: "Under circumstances giving a powerful impulse to manufacturing industry, it has made among us a progress, and exhibited an efficiency which justify the belief, that with a *protection*, not more than is due to the enterprising citizens, whose interests are now at stake, it will become at an early day not only safe from competitions from abroad, but a source of domestic wealth, and even of external commerce. In selecting the branches more especially entitled to public patronage, a preference is obviously claimed by such as will relieve the United States from a dependence on foreign supplies, ever subject to casual failures, for articles necessary for the public defence, or connected with the primary wants of individuals." Mr. Clay, now Speaker of the House of Representatives, and who had not long before returned, as one of the successful negotiators of the Ghent Treaty, was at the time, emphatically the great Magnus Apollo of the great Republican party, and most efficiently and successfully supported all the most important policy and recommendations of Mr. Madison. Moreover, he was sustained by a number of gentlemen who have long since distinguished themselves as the first statesmen of the age. On this list you will find the names of Calhoun, Lowndes, Forsyth, Wilde, Ingham, Yancey, Middleton, Judge McLean, of Ohio, &c., &c., besides a host of talent in the opposition rarely equalled, and never perhaps surpassed. Indeed this Congress was very highly distinguished for talent, genius and political experience. Besides those named, there were Timothy Pickering, Daniel Webster, John Sergeant, Wm. Gaston, Grosvenor of New York, Philip P. and James Barbour, of Virginia, John Randolph, of Roanoke, and his half brother, Henry St. George Tucker, Sheffey, Judge Nelson, Gov. Tazewell, Gov. Pleasants, Wm. Roane, and Wm. A. Burwell, all of Virginia, R. M. Johnson, and Gov. Desha of Kentucky, T. B. Robinson, of Louisiana, Hulbert and

King of Massachusetts, Hopkinson of Philadelphia, Wm. Pinkney of Maryland, Nath'l Macon of North Carolina, Gov. Bibb of Georgia, Wm. R. King of Alabama, besides a great number of highly talented individuals, not enumerated in this list. But my principal object is to evince, that it should be no matter of surprise that such men as Madison, Clay, Lowndes, Calhoun, and their followers, should have succeeded in incorporating a National Bank, have laid the foundation for a protective tariff, and have prepared the way for the Federal Government to enter on a system of internal improvements. The measures on these several subjects, however, were not consummated without a most vigorous opposition—such men as John Randolph, P. P. Barbour, Wm. A. Burwell, Nath'l Macon, and many others, opposed these measures on constitutional grounds, and they were aided and strengthened by the violent portion of the old Federal party, who still sought to embarrass any administration of the government, called Republican. Yet in all the proceedings of this Congress, I can now more clearly see than I then apprehended, that preliminary steps were taken, and the way was preparing, for what has since been called the era of good feelings under the administrations of Mr. Monroe; there were many men in this Congress disposed to blot out from the book of remembrance forever political strife, and join in the cry, "we are all Federalists—we are all Republicans." In this Congress, I often felt myself embarrassed and at a loss, to determine on the path of duty—I was a Democrat, by nature, and a Republican from principle, education and all the intimate associations of my past life. I was not then sufficiently acquainted with all the historical facts connected with the formation of the Federal Constitution, and with the history of the state governments, touching their Federal and Constitutional union, to enable me independently of all testimony except records, to form opinions for myself on controverted constitutional points. I now saw many of the old leading Republicans, who had once opposed National Banks, Protective Tariffs, a system of internal improvements by the Federal government, &c., &c., pleading for the expediency and necessity of these measures. While Macon, Randolph, P. P. Barbour and others adhered to their old Republican faith, under these circumstances and under the impression that nothing else presented to my mind could save the country, I voted for the charter of the National Bank, as well as for the Tariff

of 1816. But I have long since repudiated these votes, believed myself to be better informed, and have been firmly resolved that no necessity whatever should ever induce me to contribute my mite to the enlargement of the powers of the Federal Government one hair's breadth beyond the limits of the Constitution. I have long believed, and that belief is constantly confirmed by passing events, that the consolidating tendency of the Federal Government is the great rock upon which our glorious union of states will be sundered to fragments. In attending to the business and debates of this Congress, an ample opportunity was afforded me to listen to many of the ablest parliamentary debates which have ever taken place in this, or any other country. Here the intellectual power and oratorical ability of the greatest men might be daily compared and contrasted. Here for the first time, and they in all the glory and bloom of manhood, I witnessed some of the greatest speaking efforts of Clay, Calhoun, Webster, Randolph, Pinkney, Lowndes, Sergeant, Forsyth, Hopkinson, Barbour, Sheffey, Gaston, Grosvenor, Hubbard, Mills, &c., &c., &c.

This first Congress in which I ever served broke the scales and opened the book in which is recorded the actions and doings of statesmen, politicians, and partisans; and although I have read much and studied more, on the subjects therein revealed, I have long since despaired of ever reaching to the end of the chapter. Man is man; and with all the ennobling endowments which fall to the lot of those who are the most highly favored, yet we behold a compound of good and evil—marks of depravity, like dark spots on the sun, may at times be seen without the aid of a telescope. I beheld in my countrymen talents, patriotism, experience, and wisdom, with a little spice of selfishness, wherever I turned. I then thought, and think still, that Nathaniel Macon was the wisest and best man, in Congress. John Randolph was the Ishmael of the House — as independent, and I believe as honest, as Mr. Macon, but not so prudent or wise. He cried aloud and spared not—he exposed the political sins of all the prominent public men of the country—and after occupying three days in one Congressional speech, he declared he had only arrived at the threshold of his subject. Mr. Randolph in his speeches talked about everything, and confined himself to nothing in particular. Yet he never failed deeply to interest his entire audience from the be-

ginning to the end of his speeches—even when they were extended over three Congressional days. The appearance of the man, his peculiar shrill voice, his original manner, the ease with which he commanded the very word which was best suited to inforce his idea, his deliberate, thoughtful appearance, his distinct articulation—all, all combined to make him the most extraordinary man of the age.

At that early day I learned enough of the character of Mr. Calhoun's mind to see that if you admitted the premises which he laid down, his powers of logic, analogy and condensation were such as to make him wholly irresistible; which induced me from that time, throughout my long and intimate acquaintance with him, to examine fully, before I assented to his premises. He excelled all other men in concentrating and condensing thought. A perspicuous speaker and writer, and yet always concise, ambitious of fame, but still more so of integrity of character, and the honor and glory of this country, Mr. Clay's oratory exercised an influence over his audiences unequalled by all competitors. The same words used by him, if used by any other man, would have fallen vastly short of producing the same effect. I then viewed Mr. Webster as the young giant of Federal strength, and time has proved that I was not mistaken. Mr. Lowndes was the most accomplished statesman of his age, and as a high-toned, courteous, unassuming gentleman, unsurpassed. Had his life been spared he would have been called to the Presidency by general consent. He stood unrivalled in the confidence and affections of all.

But the digression from my subject would be inadmissible for me to speak of P. P. Barbour, Forsyth, Sergeant, Hopkinson, Gaston, Grosvenor, Pleasants, Pinkney, and scores of others, whose distinguished abilities won for them, more or less, the admiration of the country. The measures of this Congress, whether wise and politic or not, certainly acted temporarily as a charm upon the country, and an unparalleled degree of prosperity ensued. In less than two years, every product of the country was enhanced in value, and our great Southern staple sold in Augusta at upwards of thirty cents per pound.

But for one unwise and indiscreet measure, the acts of this Congress would have received the general approbation of the country. I allude to the act of changing the compensation of members of Congress from a per diem allowance to that of a salary. It was at that time six dol-

lars per day, and was changed to fifteen hundred dollars per annum, without regard to the number of days in actual service. I thought the principle of the change from a per diem allowance to a stated salary wrong, and therefore, with the whole delegation from Georgia, voted against it, at every stage of its progress. But it was passed by a small majority, and became the law of the land. Perhaps no law which has ever passed Congress produced so general an excitement throughout the whole land. Editors of newspapers, of all parties, people of every grade and condition, denounced the law. Those who voted against the law, but received the compensation under it, were even worse than those who voted for it, inasmuch as they were the receivers of stolen goods, &c. This excitement was headed all over the United States by office-seekers, and demagogues, and zealously kept up until after the next Congressional election in all the states, and resulted in an almost entire change of members of Congress, throughout the Union. Mr. Forsyth of Georgia was the only re-elected member. For myself, I was so conscious of my innocence in deserving the slightest blame in the matter, I felt assured that the people would justify my conduct, and re-elect me, and thereby take off any reproach which the excitement had improperly attached to me. I therefore suffered my name to go out as a candidate for re-election—remained quietly at home, rather disgusted at so unexpected and undeserved an attack, and treated my active opponents with silent contempt. The result of the election, however, satisfied me that error may temporarily triumph over truth, and that vice, as well as virtue, has its triumphs. I was beaten by a small vote, but had a much higher vote than any of my old colleagues, except Mr. Forsyth—and all the old delegation were candidates, except Mr. Hall.

The most violent opposition to my re-election came from a quarter where I had least expected it. It was from the intimate personal friends of the Hon. Wm. H. Crawford, to whom I had from my boyhood been personally and politically strongly attached, as well as my family relations and best friends. I suspected at the time this opposition to me originated with Mr. Crawford himself, but in this I might have been mistaken, for I still have his letter written to me on the subject, in which he says he voted for me himself, and advised all with whom he conversed on the subject to do the same. My principal reason

for suspecting Mr. Crawford was founded on a piece of history, which I feel it my duty here to give. During the session of Congress, upon which I have so long dwelt, I found from my intercourse and acquaintance with all the public men of the country, as well as with citizens from every quarter of the Union, attending at the Capitol on business—that the public opinion of the country, with unparalleled unanimity, had concentrated on Mr. Monroe as the successor of Mr. Madison, at the approaching Presidential election, which was to come off in the fall of 1816. Mr. Monroe's long career of popular services, commencing with the Revolutionary War, and running through near forty years, he having filled many of the most distinguished and important offices of the country, both at home and abroad, and especially the vigor and ability with which he had served the country, during the recent war, then but just closed, pre-eminently pointed to him as the patriot and sage of the country most entitled to the next Presidency. But notwithstanding all this, during this session of Congress the managing politicians in such matters determined to hold a caucus, to be composed of the Republican members of both Houses of Congress, for the purpose of nominating a candidate for the Presidency. As the time drew nigh for the meeting of the caucus, I was perfectly surprised and astonished to find so many of my political friends and associates in favor of nominating Mr. Crawford, in preference to Mr. Monroe, for the Presidency. I told them I desired to see Mr. Crawford President of the United States, but that it was altogether premature to put him up in opposition to Mr. Monroe, who was known to be the choice of the country. I said that if Mr. Crawford was selected by the caucus, the people would overwhelm such a proceeding with a voice that could not be resisted. Finding me altogether ungovernable by party leaders on the subject, a distinguished friend from Virginia, the Hon. W. A. Burwell, divulged to me the whole secret. The object was, for Mr. Crawford to be nominated in caucus, which would place him in advance of all other aspirants for the Presidency, as successor to Mr. Monroe. Mr. Crawford was known to be a man of too much sagacity to allow his name to be run for the Presidency in opposition to Mr. Monroe, under the then existing state of public feeling and opinion. The gentleman named observed that if Mr. Crawford could only get the caucus nomination, when it was communicated to him, he would of course decline the

honor, in favor of Mr. Monroe, which act of patriotism and unanimity would place him far ahead of Adams, Clay, Calhoun, and all others, as rivals in the succession to Mr. Monroe.

I then gave it as my opinion to all the gentlemen with whom I conversed on this subject, that the course they were pursuing, although not so intended, was of all others the best calculated to destroy Mr. Crawford's future political prospects. That it would have a tendency to unite and combine the influence of all other rivals and aspirants for the Presidency against Mr. Crawford.

He being thus prominently put forth, as a mark, at this time, all others would unite to put him down first, and then scuffle among themselves for the ascendancy. These my opinions were not withheld from Mr. C., but freely and fully communicated to him in person, and he professed to concur with me fully on every important point. I attended the caucus and voted with an open ticket for Mr. Monroe, and he received the nomination by a majority of a few votes only over Mr. Crawford. It has long since been demonstrated that my views on this subject were entirely correct, and if my advice and wishes had been followed, I now believe that Mr. Crawford would have been President of the United States before his death. But what I am here recording taught me some new lessons in political tactics which I shall scarcely forget in this life. Failing in a re-election to Congress, I cherished a spirit of submission to the public voice, which has never failed to console me through all the vicissitudes of political life. I felt strong and confident in the rectitude of my whole conduct in regard to the compensation law passed by Congress, and for which I had been rejected by the people. Moreover, I did not entertain the shadow of a doubt but that "the sober, second thought of the people" would reverse these decisions, and do me ample justice. And it is now a matter of recorded history, in the transactions of the public affairs of Georgia, that the whole delegation, myself included, who were thus censured without a just cause, have, from that time to this, been amongst the most popular men in the state, and have enjoyed the public confidence, with a stability rarely equalled. These circumstances connected with my own history did much to establish and confirm my faith in relying on the people, believing them not only capable of *self government*, but of *wise self government*. For the want of correct informa-

tion, the people are often misled, and commit gross errors. But they are not too proud to correct their own errors, and when their interest requires the correction. The great body of tax paying people are neither office holders nor officeseekers, and will never be the willing tools of selfish demagogues—officeholders, and officeseekers. When the unofficial tax payers see their error in regard to any public matter, they promptly to the right about face, and consider it no degradation of honor to change their opinions upon proper evidence.

Therefore, it is vain for any political trickster to expect to retain the confidence of the people by management and deception. He who wants the confidence and support of the people must serve them, with honesty and fidelity. And in situations of public trust he will often find himself called to the discharge of duties which he can see at the time will subject him to censure, and distrust, until the public can be informed of the whole grounds upon which he acted. But in such cases, let no man's heart fail him—truth is mighty and will prevail. After serving out my Congressional term in 1817 and 1818, I returned to my family and home in Morgan County, to which place I had removed my family, previous to going on to Congress. I had sold my possessions in Oglethorpe County, and procured some fine farming lands in Morgan, with a renewed resolution to abandon public life, and devote my whole energies to my domestic duties, as a private citizen.

My first farming and planting operations in Morgan, the year 1818, was attended with great success—although a year of drought, I made a fine crop, and sold it at very high prices. I was much pleased with my change of residence, and still more so with my change of public for pleasing private employment.

CHAPTER IV.

Without any previous notice—and entirely unsought and unexpected on my part—in the fall of 1818, President Monroe sent me through the Post Office a commission and instructions, as United States Commissioner, to run out and superintend the designating of the treaty lines of the Treaty made with the Creek Indians, at the Creek Agency on Flint River, in January of that year. With reluctance to leave my domestic affairs, after due consideration, I determined to accept the appointment, and immediately proceeded to make the necessary preparations. Having first to notify the Executive of Georgia, as well as the Creek Agent, of my appointment, and request the proper authorities to appoint their respective Commissioners to attend me, in designating and marking the lines according to the Treaty—after having accomplished this business, and reported the same to Washington—I was gratified by being highly complimented by the Secretary of War, for the ability and economy with which I had discharged the troublesome duties committed to my charge. I was liberally compensated for the discharge of those duties; besides I had the satisfaction of gaining a great deal of useful knowledge and information connected with the Indian character and our relations with the Indian tribes generally. Although I had seen and known something of Indians and Indian character from early boyhood, yet I may consider this my first regular schooling, in relation to and study of our Indian relations, and the policies of the states and the United States towards them. And at that time I had no presentiment of the time and labor I was destined to spend in connection with the affairs of this aboriginal race. From that time forward they became a more interesting object of my solicitude.

In February, 1819, a Treaty was entered into at Washington, between J. C. Calhoun, Secretary of War, and the Cherokee Indians, by which a considerable acquisition of land was obtained, and I was again commissioned, and discharged the duties of Commissioner, as herein suggested and pointed out, in regard to the Creek Treaty, and this was my second lesson, with a different tribe of Indians, in

regard to our Indian relations. Toward the close of this year, all my earthly plans were revolutionized by the death of my beloved wife. If I were to make the attempt to exhibit to others my reflections and the state of mind for months after the death of my wife, it would be a failure. I feel that it was a portion of the past too sacred and afflictive for me to dwell upon. Suffice it to say that about one year after the death of my wife I felt that some change in my daily avocations had become necessary to my mind and body, to my usefulness to my family, as well as to society. Under this pressure, I yielded to the desire of the people of Morgan County, and was again elected a member of the Legislature of Georgia. This service in the Legislature extended my acquaintance to the new men of Georgia who had entered on public life since my last association with that body. Moreover, I discovered a strong disposition, on the part of most of the then leading men of Georgia to see me in a more extended and conspicuous sphere of public service. But I am mistaken, if my own private feelings and desires were not all averse to mingling with the strifes of political life. The leading men of what was then called the Clark party were particularly kind and courteous to me, and some of them occasionally ventured to express their feelings of displeasure at my being left out of Congress, by the extraordinary exertions of the leading men of what was called the Crawford party. Gen'l Clark, who was then Governor of Georgia, was exceedingly courteous, respectful and friendly to me; which in some few instances caused members of the other party to manifest some want of cordiality towards me. Up to this time, our state parties in politics had not been defined by a division on principles. All parties in Georgia claimed to belong to the great Republican party of the Union. By this time I had sufficient experience, and knowledge of the political history of parties, and had studied, and heard discussed, by the ablest men of the country, the true meaning of every controverted article of the Federal Constitution, so far as to have settled down firmly and immovably in the doctrines of Jefferson and Madison, as laid down in the Virginia and Kentucky resolutions of 1798 and '9. Moreover, I was now able to discover, that although we had no Federal party in Georgia, that we had many more Federalists than I had heretofore supposed. And further, that while these Federalists, of the old Hamiltonian stamp, were dispersed and scattered

amongst both parties, yet the majority of them were in the Clark ranks. This last fact I regretted, because my personal attachments were every day becoming stronger for this party. They were my most devoted friends, and were more congenial to my Democratic feelings than the other party, who embraced the largest share of the aristocracy of wealth. I was not however entirely satisfied with the political complexion of either of these state parties, and after the close of this session returned to my family, intending to remain in private life. But it was only a few months before I received a commission from the President of the United States, authorizing me to superintend the designating and marking the treaty lines of the Treaty with the Creek Indians, entered into at the Indian Springs, in January, 1821, and to lay out the Indian reservations, therein provided for. About the same time the Governor issued his proclamation, convening an extra session of the Legislature for the purpose of providing for the survey and distributions of the lands embraced in the Treaty referred to. And thus it became necessary for me promptly to resign my seat in the Legislature, or to decline the acceptance of the office of United States Commissioner just tendered to me. Under all the circumstances I considered it my duty to resign my seat in the Legislature, and acted accordingly, and proceeded immediately to the discharge of my duties, under my late commission from Washington, and in due time accomplished my work to the entire satisfaction of the Government, as will appear by the official correspondence of the War Department, which I have still preserved.

This was an interesting and rather hazardous mission, but I do not consider it of sufficient importance to enter upon its details. Although I have advanced something beyond the proper place, I deem it proper, in connection with my public labors herein referred to, to state, that on the 9th of Oct., 1818, I received a commission, authorizing me to run out and plainly mark the line dividing Georgia and Florida, but after I had proceeded to some extent in my preparations to perform that duty, I was instructed to suspend my operations, on account of the apprehended danger of hostile Indians; and various causes intervened to prevent my ever being instructed to discharge that duty afterwards. The circumstances of that duty, however, having been assigned me, and the instructions which accompanied my commission, caused me thoroughly to in-

vestigate the subject of that controverted line, and has made it a familiar subject with me ever since.

And I think to the present day it is a matter of some surprise, that such a controversy should still remain suspended, and unsettled.

In this connection, I deem it proper further to state that I had so performed the various duties heretofore assigned me as United States Commissioner as to induce the then administration of the Federal Government to desire to continue my services in connection with the Government in some situation suited to my supposed qualifications. Therefore, upon the acquisition of Florida from Spain, I was informed from an official source in Washington, that in the organization of a Territorial Government for Florida I could have any office in the gift of the Executive of the United States, and was requested to consider the subject, and to communicate to Washington the result of my reflections on the subject.

This circumstance led me to leave home on the 13th of April, 1818, for the purpose of examining portions of Florida, more especially Pensacola, which I had been induced to believe possessed such extraordinary advantages, as a seaport, that it would not only become a commercial rival of Mobile but of New Orleans also. I took my tour, examined portions of Florida, especially Pensacola, considered the whole subject, and resolved not to leave Georgia.

But to return from this digression to the regular chain of my narrative, up to the close of the year 1821. It is proper to state that I had now married my second wife, and I will here add we have had three sons and one daughter. Two of the sons are numbered with the dead, and one son and the daughter still survive, as well as their mother. This change in my domestic affairs, and the particular situation of my family, rendered it imperative on me, as I then conceived, to leave public affairs to the guidance of others, and to devote my best energies to the interest of my family and such social and citizen duties as devolve on men in private life. And to this plan, deliberately formed, I spent several years with great success as a farmer, or planter, with good land, and the necessary labor and other appurtenances, with one important exception—which was the want of health in my family. We were annually and seriously afflicted with bilious fevers, and chronic diseases produced from their effects. Our

afflictions were caused no doubt from our particular location—rich lands, with extensive swamps in the neighborhood, the whole neighborhood of rich lands having been cut down, and brought under cultivation, in the short space of a few years. This was the only place that I ever enjoyed the pleasure and advantages of cultivating a soil, as rich and fertile as I desired; and but for the afflictions suffered in my family and person, I never should have left, for I was pleased and content with the society and situation, as well as the soil.

CHAPTER V.

From the close of the year 1821 to the commencement of the year 1824, I had taken no active part in the politics of the country, although I had kept myself fully informed of all the passing political events of the country, both by reading and some correspondence. The contest now became warm and exciting, upon the approaching Presidential election, who should be the successor of Mr. Monroe. Among the many aspirants, Mr. Monroe, at his second election to the Presidency, had been elected without opposition, and parties had to a considerable extent amalgamated.

It was called the era of good feeling, and Mr. Monroe had treated many distinguished men of the old Federal party with distinguished marks of kindness and confidence. This new state of things, I then thought, and still think, had to a considerable extent influenced some of the measures of his administration into what may be termed a departure from the doctrines of the Republican party, in the days of Jefferson. The candidates for the Presidency finally settled down upon Gen'l Jackson, J. Q. Adams, Wm. H. Crawford, and Henry Clay. I well knew that Mr. Crawford would receive the vote of Georgia, by an overwhelming majority. But I well knew at the same time that the then state of Mr. Crawford's health wholly disqualified him from being able to discharge the duties of that high office. Moreover, I was well advised that the state of his health, if nothing else, would prevent the possibility of his being elected. And further, I was fully satisfied that the vote which would be thrown away on Mr. Crawford would prevent an election by the people, or their electors. I felt confident, that if Mr. C.'s name could be withdrawn from the contest, that Gen'l Jackson would be elected by the people.

At the beginning of the year 1824, I apprehended the result which actually took place in the election of Mr. Adams to the Presidency, by the House of Representatives, when Gen'l Jackson was known to be the choice of the people by a very large majority. Under these circumstances, I exerted all the influence I possessed in favor of

Gen'l Jackson's election, and was a candidate on the Jackson Electoral ticket, before the Legislature, who then elected the Electors in Georgia. I received 45 votes, Mr. Crawford's Electors 90. Therefore my minority was one-third of the state, with which I was well satisfied; under the conviction that I was right, and that it would be admitted everywhere, at no distant day. This contest identified me more fully with the Clark party—who acted with me in the support of Gen'l Jackson—both parties still claiming for themselves the title of True Republican Party, as Jackson and Crawford had both been long identified with that party. In the following year, 1825, the Legislature of Georgia, a majority of whom were Crawford, or at this time more commonly called Troup men, passed a law creating a board of public works, with a view of entering on a systematic plan of public works, by the improvement of our river navigation, and the construction of canals, or railroads, as might be thought most advisable, upon due investigation, and scientific examination. This Board consisted of six members, who were elected by the Legislature.

The Governor was made Ex-Officio President of the Board, and entitled to a voice in all matters which might come before the Board. The Governor was authorized to select and appoint a competent State Engineer, with a salary of \$5,000. The Board were directed immediately after their organization to elect one of their number to accompany the Chief Engineer in making a reconnoissance of the state, with a view to the improvements contemplated, and upon this individual member devolved not only the duty of accompanying the Engineer, but the procuring of the necessary laborers, as chainmen, choppers, &c., together with tents, subsistence, &c.; consequently the responsibility of the whole of the financial disbursements and the comfort of all concerned, to a great degree, depended on this member. The political party with which I was acting, although in a decided minority, were honored by this Legislature by election of three members in that Board. The Governor being President of the Board, gave the contract, as he should have done, to the dominant party. I was one of the individuals elected as a member of this Board, and upon its organization, without ever having exchanged a word with any person whatever on the subject, upon balloting for the individual member who should accompany the State Engineer, &c., to my surprise.

I received six votes out of seven—everyone except my own, which was cast for another gentleman. I felt the full force of the confidence reposed in me, from a source so highly respectable, as well as the great responsibility thus suddenly and unexpectedly placed upon me. But however weighty I felt the task to be, I did not shrink from its undertaking—unprepared as I might be, I resolved to try what I could do. I conferred freely with the other gentlemen of the Board, as well as with the Governor, on every subject which then occurred to me in connection with the duties which lay before me, and gratefully received the kind advice and instructions of the Governor. Although Governor Troup and myself had sometimes differed in regard to both men and measures, I have always esteemed him as a patriot and statesman of the highest order. And this intimate connection with him in public matters of great importance to the State, from first to last, did but confirm my favorable opinion of his stern integrity and high intellectual ability. I deem it unnecessary for me to enter upon the details of my discharge of this important duty, but will mention that while thus engaged in the Indian country (now Cherokee, Georgia), under the instructions of Governor Troup, I visited most of the leading men of the Cherokee people, with a view of inducing and preparing their minds, as far as practicable, for an entire removal from the limits of Georgia, to the west of the Mississippi. And although they were at that time very generally averse to leaving Georgia, I have long since seen the benefits which resulted from my intercourse with these Cherokees at that time. I had for many years felt a deep interest in what was to be the ultimate fate of these people, and this intercourse deepened my interest and solicitude for their welfare, and fixed upon my mind, in an abiding manner, the devising of some practical plan for their removal, as I was well aware that no permanent prosperity awaited them while they remained in their present location. In the course of this year I made the acquaintance, and spent some time at the houses, of Charles Hicks, then principal chief, the Rosses, the Vanns, the Ridges and Boudinot, the Adairs, the Rodgerses, the McNairs, &c., &c. In the course of my labors in this part of the country I received a letter from Governor Troup which is still preserved, and although so highly complimentary to myself, I feel that delicacy does not forbid, my giving a short extract.

The letter invites me, if my strength and other duties will allow, to repair to the point where the Commissioners were then engaged in running out the line between Georgia and Alabama, and render them all the aid in my power, and in the close of the letter he says—"My apology for proposing thus to add to your labors, already great, is, that I know that wherever you are, you will be useful." But anxious as I was to obey this call, other duties that could not be dispensed with utterly forbid my joining the Commissioners as requested. But to return to the subject of my more immediate duties connected with the Board of Internal Improvements. My acquaintance with Mr. Fulton, the gentleman selected as Chief Engineer of the State, afforded me an interesting opportunity of gaining much useful information on the subject in which I had now embarked. He was a Scotchman by birth and education, though he had spent most of his life, (till past the meridian) in England. He had been but a short time in this country, and was rather aristocratic in his feelings, and austere in his manners—he had but little of the suavity of our Democratic *nobles*. However he had seen more, read more, and knew more, upon all the subjects appertaining to his office than the Governor and all the Board put together. I soon discovered that he had found out we were all novices on the subject of our immediate enterprise. However, he knew we were capable of scrutinizing his conduct, and could not very readily be imposed upon. I endeavored to draw from him all the information I could, and my child-like, unassuming manner of doing it was flattering to his vanity, and soon placed me pretty much in the character of a learner or pupil, and gave me free access to what reading he had on the subject, as well as free answers to all my numerous inquiries.

Although the day of rail roads was in the embryo state at this time, the subject had produced a spirit of inquiry, both in England and this country, and although but a few miles of rail road were then known to the world and those destitute of iron, or steam engine—constructed of wood, and propelled by animal force—yet I at that time, after full investigation of the subject, became fully satisfied that even wooden rail roads, with mule and horse power, should be preferred to any canal which could be constructed in middle and upper Georgia. After laborious and instrumental examination of the country, from Mill-edgeville to Chattanooga, it was the opinion of Mr. Fulton

and myself that a rail road could be located to advantage between the two points above named, but that a canal was impracticable. It is a very remarkable fact too, that the route selected by Mr. Fulton and myself, a large portion of it then in an Indian Country, and but little known to civilized men, should in its whole distance have varied so slightly from the location of our present rail roads now in operation. It proves that our examinations were faithful, and our judgments have been sustained by all the qualified persons who have come after us. My opinions were communicated to Governor Troup at this time, and will sustain my foregoing statements on this subject. From that time to this I have looked to rail roads as the great and leading work to promote the best interest of the country, and have upon all fit occasions, whether in private or public life, contributed my best aid to the promotion of the rail road cause. This year's labor in the public service induced me to believe, that if I had a seat in Congress I could effect something exceedingly important, not only to Georgia, but to the whole Union, on the subject of the Indian policy of the United States. I was rather impressed with the belief that it was my particular mission, instrumentally, to do something to relieve Georgia from the incumbrance of her Indian population, and at the same time benefit the Indians. Under these circumstances, in the fall of 1826 I became a candidate for Congress, and was elected in October, as a Representative from Georgia, to a seat in the 20th Congress of the United States. I endeavored to make the best use of the intervening year between my election and entering on my official duties at Washington. I reviewed all that I had read and known, connected with the history of Georgia, as well as the Federal Government. I studied as far as I had the means the various subjects of general interest which I was apprised must necessarily engross my attention as a member of the approaching Congress. And to use a commercial term, I was well *posted* on every item connected with our Indian relations. As well as I could, I arranged my private and home affairs, preparatory to entering upon my Congressional duties.

Before, however, I enter upon what transpired at Washington during the first session of the 20th Congress, it is necessary for me to advert to the then existing political complexion of the country in Georgia, as well as the Union. The reader will recollect that in the Presidential

contest for the successor to Mr. Monroe I not only supported Gen'l Jackson in opposition to Mr. Crawford, but that I was a candidate on the Jackson Electoral ticket, and received only one-third of the votes of the state, on that ticket, and that the Crawford Electors received, two-thirds of the votes of the State. But now, at the close of the year 1827, we find Georgia almost unanimous in the support of Jackson for the next President, precisely where I was two years previously, and I was now applauded for what I had then been condemned. The only annoyance which I felt touching this change of public sentiment was to be found in the fact that some of the office-seeking leaders of the old Crawford party were not content with being received as equals into the Jackson ranks, and immediately aspired to the leadership of the old original panel of the Jackson party. Indeed some of the most violent defamers of Gen'l Jackson heretofore, seemed, now that the mind had changed, to consider themselves the original and best Jackson men of the country, and upon all occasions were endeavoring to thrust themselves between Jackson and his old friends who had borne the heat and burthen of the day.

Such conduct made me feel sometimes, "Lord, what is man that thou art mindful of him?" But it is due to these men that the apology for their change should be fairly given. Although they had contributed largely, but indirectly, to the election of John Q. Adams to the Presidency, and thereby effected the defeat of Gen'l Jackson, upon trial they soon discovered that the administration of Mr. Adams would not be sustained in Georgia. Mr. Adams, at every step of his administration, from his inaugural to his farewell address, proved himself to be a genuine Federalist of the old school, his father's own legitimate son, a man "not to be palsied, by the will of his constituents," a consolidationist at heart—holding in contempt the rights and sovereignty of the states. But for the want of nerve, he was ready to carry out the doctrine of force—brute force — on the sovereign States. His controversy with Governor Troup, of Georgia, upon the subject of the Indian Springs Creek Treaty, and the transactions growing out of that Treaty, had rendered Mr. Adams peculiarly obnoxious to the people of Georgia, for no true hearted Georgian, not blinded by prejudice, whatever might have been his former political associations, could fail to sympathize with Governor Troup in this controversy. He was

contending for the sovereign constitutional rights of the states, against Federal usurpation. And he contended for these rights with an unwavering ability and integrity altogether Roman. After the argument was exhausted, in this controversy, Governor Troup resolved that Georgia "would stand by her arms" rather than yield to oppression. Let it be recorded "that Georgia did." If this Roman spirit had been maintained in Georgia, up to the present day, no fears of the perpetuity of our Federal union would now harrass the timid imaginations of compromising submission politicians and office-seekers. Public men would not dare to yield the birth rights of the people, and say it was the best we could get. No, our controversies should be settled on the principles of Troup and Jackson—ask for nothing but what is right, and submit to nothing wrong.

Previous to going on to Congress in 1827, I had fully matured my own plan of operation in regard to our Indian relations. Our state controversy connected with the Creek Indians had now terminated, by the entire acquisition of the whole of the Creek lands within the limits of the State, and a final adjustment of the subject of all the conflicts with the Federal Government. But the state of affairs was far different, in regard to the Cherokees, who still occupied the whole of the northwestern part of Georgia, which is still known as Cherokee, Ga., embracing some five or six millions of acres of the best lands within the limits of the State. This state of things rendered it obvious to all well informed discerning men, that the resources of Georgia could never be extensively developed by a well devised system of internal improvements, and commercial and social intercourse with other portions of the Union, especially the great West, until this portion of the state was settled by an industrious, enlightened, free-hold population—entitled to, and meriting, all the privileges of citizenship. Moreover, a portion of the Cherokee people, composed mostly of mixed breeds and white bloods, had advanced in all the various arts of civilization to an extent that rendered it altogether impracticable to enforce the Laws of the United States passed by Congress for regulating intercourse with Indian Tribes within the United States, and for governing and restraining such tribes. The Cherokees at this time had their own written and printed Constitution, and code of laws, by which they had declared themselves to be a free and independent state and people, claiming, at the same time,

the guarantees, illegally and imprudently made to them by treaty stipulations on the part of the United States, to protect them in the peaceable and quiet possession of the country now occupied by them, to them and their heirs forever. By this state of things, the Cherokees claimed the right to govern themselves independently of all other governments whatsoever. The government of the United States claimed the right of enforcing her intercourse laws for the government of the Indian Tribes. And Georgia had now extended her criminal laws and jurisdiction over all that portion of the State on which the Cherokees were still located. And the laws of these three different governments, intended to operate and govern the same people, and on the same territory, were in their execution frequently found to be in conflict with each other, and the different governments liable to daily collision—neither yielding to the other the right of exclusive, or superior, jurisdiction. The intercourse laws of the United States prohibited any man from settling in any Indian country, or trading and trafficking in any article whatever, with any Indian, unless, under a special permit, or license, obtained from the legal authority of the United States, as provided for by law. The Cherokee authorities, in total disregard of the authority of the United States—

Resolved, to suffer no man to settle in their limits, and traffic and trade with their people, without first obtaining a permit or license to do so from the Cherokee authorities. The Georgia law extended her criminal jurisdiction, over her Cherokee Territory—

Provided, amongst other things—That every white man residing in the Cherokee part of Georgia should take and subscribe an oath to support the Constitution and laws of the State of Georgia; and in case of neglect, or refusal, to do so, said delinquent or delinquents should be liable to be indicted and convicted for a misdemeanor, and sentenced to confinement in the penitentiary of the state for a term not exceeding seven, and not less than one year. And under this law, seven missionaries were sent to our state prison, and gave rise to the persecution and abuse of Georgia by Northern fanatics—of which I shall have occasion to dwell more at large hereafter. Although I had marked out a course for myself in relation to Indian affairs, I felt it to be my duty, on my arrival at Washington, to seek a conference and consultation with the Georgia delegation, including the Senators from the State, which I

attempted, and in part succeeded in doing. But I had not proceeded to the entire development of all the views which I entertained on the subject, before I very plainly saw that my worthy colleagues suspected me of a desire to take the lead in a measure which might become popular at home. They said my plan, proposing that Congress should make provisions by law, for procuring a suitable country for the permanent location of all the then remaining remnants of the different tribes of Indians in all the states, would give some strength to the proposition, but they had no idea that the subject would be seriously entertained at that time, or during the administration of Mr. Adams. However, some of them admitted my attempt would do no harm, while others seemed to think it would produce unnecessary excitement. By this courtesy towards my colleagues, I felt relieved from the necessity of further special consultation, and therefore determined to rely on my own judgment, and the help of the Almighty. In the organizations of the committees of the House I was placed on the committee "on Indian Affairs," and on the 13th day of December, 1827, introduced the following resolution: "Resolved, that the Committee on Indian Affairs be instructed to inquire into the expediency of providing, by law, for the removal of the various tribes of Indians who have located within the States or Territories of the United States to some eligible situation, west of the Mississippi River," which resolution was referred accordingly. This was the first attempt ever made by any member of Congress with a view of carrying out the plan of collecting and colonizing the various remnants of Indian tribes still remaining in a number of the states to some suitable location west of the Mississippi River. This incipient step was taken by me with a view to the whole ground connected with our Indian relations.

First, I admit I had in view relieving my own state from the incumbrance of her Indian population, and, with her, all the other states in like condition. Secondly, I was anxious to better the condition of the Indians, by placing them beyond the jurisdiction and control of the state government, and where the Federal Government might, unmolested by state authority, carry out its benevolent designs of preserving and civilizing the remnant tribes of the original race. Moreover, I wished to place the Indians in a permanent home, where the missionary efforts of all pious and good men—Churches, Christian Associations—

might have a permanent field of labor, to carry out their good designs of Christianizing and civilizing a most interesting heathen people. I even extended my hopes to the day when the Indian people might become an interesting and worthy member of our great confederacy of states.

I succeeded in imparting my views to a majority of the committee to whom the subject had been referred, so far as to obtain as favorable a report on my resolution as I could have desired, under all the circumstances, at that time.

The committee recommended the appropriation of fifteen thousand dollars, to defray the expenses, and enable three commissioners, to be appointed by the President, to examine and explore the country west of the Mississippi, and to ascertain and report, whether a suitable country could be procured for the purposes set forth in the resolution above referred to. This report, after full discussion, and much opposition, was finally sustained by Congress, and full provision made for carrying it into effect. I am convinced however upon this, as is the case upon almost every difficult, new and complicated measure which comes before Congress: that a great deal more was done, by quiet and unobtrusive efforts, in private circles and intercourse with influential individuals, than was affected by congressional display, long and exciting speeches, &c. I bestowed much labor in conferring freely, first, with my committee, then with the members from those states who had a deep interest in the subject, as well as my own. Indeed much of my time was spent in endeavoring to give success to this measure, while I endeavored faithfully to attend to every duty which devolved on me as a member of Congress; and there were many important measures brought before this Congress.

My observation and experience had taught me, that no one member of Congress could assume to take special charge of more than one important measure at a time, without incurring the imputation of assuming too much. Therefore I often remained silent upon other subjects, even when I desired to take an active part, that I might be more favorably attended to, on this Indian subject. If any should hereafter take the trouble to examine Congressional journals and documents, embracing the time of which I am writing, it will be seen that shortly after I had introduced this subject to the attention of Congress, and it was seen, that its importance was attracting much attention:

That several other members of Congress, in states deeply interested in the subject, as well as one of my colleagues at least, followed in my footsteps, and introduced resolutions embracing the very matter contained in my resolution, and had them referred to the same committee, which served to amuse the committee, as it gave them no additional labor—they were behind time—a few days too late. The stand I had taken upon this subject often brought me into direct personal and corresponding intercourse with many of the best informed men of the country, upon all subjects connected with our Indian relations.

I conferred freely with the officers of the government who had charge of these affairs at Washington. Indian Agents from every quarter sought my acquaintance, and, with few exceptions, embraced and patronized my views, with zeal and energy. And Indian missionaries, and agents of missionary societies, conferred freely with me on the subject. About this time, I made the acquaintance of that zealous and able missionary of the Cross, the Rev. Isaac McCoy, who lived and died, after many years of toil and suffering, zealously engaged in the work of Indian civilization and Christianization. From my first acquaintance with this good man, to the day of his death, I found him an able auxiliary in the cause of Indian reform, &c. The first session of the 20th Congress was brought to a close near the end of May, 1828, and on my return to my home and constituents, I was received with kind and approbatory greetings from my constituents, wherever I met them. There seemed to be a general desire that I should continue to serve them in the next Congress. I therefore became a candidate for re-election to the next Congress, and at the October election following was again elected to Congress, by a highly flattering vote, and in December following was at my post in Washington, prepared to enter on the duties of the 2nd session of the 20th Congress. I was pleased with the tenor and tone of the President's Message on Indian Affairs, as well as the report of the Secretary of War, Governor Barbour, of Virginia, on the same subject. In every important particular, these documents coincided with my own views, and sustained the ground which I had occupied at the previous session. The report of the Commissioners who had been appointed to examine the country west of the Mississippi and ascertain if a suitable country could be obtained for the emigration of all the Indians from the States, was highly favorable in

every respect, a sufficient and good country could be procured, and on the most reasonable terms. It seemed as if nothing was wanting but immediate legislation to consummate the views of the friends of emigration. But we still found many serious obstacles in the way over and above the zealous opposition of our open and determined opponents, in both Houses of Congress. Many of the members of Congress, from states the most deeply interested in the success of Indian emigration, seemed reluctant to cast their weight and influence into a policy which had originated with others, and in bringing about which they had in no way participated. Although they dared not oppose these measures, many resolutions were introduced, and many inquiries for further information on this subject made, which were calculated, if not designed, to retard and procrastinate efficient legislation on the subject. Moreover, during the recess of Congress, the Northern fanatics, male and female, had gone to work and gotten up thousands of petitions, signed by more than a million, of men, women and children, protesting against the removal of the poor dear Indians, from the states where they were located, to the west of the Mississippi. These petitions often denounced my own beloved Georgia as the headquarters of all that was vile and wicked in her intercourse with Indians; and to finish the picture, in these petitions we were denounced as slaveholders. Books and pamphlets were written and circulated extensively, by Northern ministers, and some missionaries of the Cross, misrepresenting and perverting every fact connected with this Indian subject.

The more civilized portion of the Indians, too, had been put to work, aided by the noble *feed* lawyers, to crush or stay this policy of Indian emigration.

This, moreover, was the short session of Congress, and must necessarily terminate its session on the 4th of March. Under all the circumstances, the friends of emigration found it was not practicable to consummate all the legislation which they desired during this session, and therefore endeavored to obtain such legislation as might hereafter have a favorable bearing on the subject, by providing everything which justice and right demanded in favor of the Indians, and by amending the intercourse laws. &c. I was myself much gratified to find that the number of my able co-operators in this Indian policy was constantly increasing, and enlarging. My support was now altogether

a different thing to what it was when I put this ball in motion. For then, as was said by a certain man, on a different occasion, I stood solitary and alone. I now perceived that the Indian subject was destined to become the great subject of the day. And knowing as I did, that Gen'l Jackson would be in the Presidential chair at the next session of Congress, and that his general views coincided with my own on the subject, I felt measurably content to exercise that degree of patience which the circumstances with which we were encompassed seemed to demand. However, no time was to be spent in idleness, nor did I spend any in that way. I availed myself of every opportunity to make myself perfectly familiar with everything which appertained to Indian history in this country. I was not content with tracing the policy which had been preserved by the Federal Government in relation to Indian affairs, from first to last, but I examined thoroughly the policy of all the colonial and state governments towards the Indians. I examined the transactions of the Federal and state governments, when they had either acted in concert, or had come into conflict, in relation to Indian matters. Further, I read and examined writers on the laws of nations, to find all that I could, bearing on the subject, and carefully examined the judicial decisions of our ablest judges, on all subjects where Indians were concerned.

CHAPTER VI.

During the recess between the 20th and 21st Congress, I had full time, and used it faithfully, to mature my views on every important point connected with our Indian relations and policy, and to procure all the detailed information which might become necessary at the next session of Congress, to sustain me in support of the measure which I had resolved to urge upon the action of the next Congress, in favor of Indian emigration. I was fully apprised that the conflict would be severe and hazardous, but at the same time my confidence was strong, based upon the conviction that I was laboring in the cause of humanity, and to promote the best interest of the Indian, as well as the white race. Thus fortified, I took my seat in the 21st Congress, on the 7th of December, 1829, and was again appointed a member of the Committee on Indian Affairs, to which was referred that part of the President's Message, connected with Indian affairs, as well as sundry resolutions and memorials connected with the same subject. And after great labor and research on the part of a portion of said committee, in which I bore a large share, on the 24th of February, 1830, we made an elaborate report to the House, on the subject of Indian affairs, through our chairman Mr. Bell, of Tennessee, accompanied by a bill to provide for the removal of the Indian tribes still remaining within any of the States and Territories, and for their permanent settlement west of the River Mississippi, which bill was read the first and second time, and committed to a Committee of the whole House on the State of the Union. And at the very threshold, the most violent opposition showed itself, to the views embraced in the report of the Committee. Mr. Buchanan, of Pennsylvania, moved the printing of 10,000 copies of the report and Bill, for circulation in the country. The opposition used every effort and stratagem which the rules of the House would permit to suppress the printing and extensive circulation of the report. But after taking the yeas and nays, on the various questions raised, with the intent of defeating the printing and circulation, the motion of Mr. Buchanan was sustained, and the report extensively circulated throughout the country.

It would require a volume to give a fair and full report of all that transpired during this session of Congress in relation to this subject. I cannot attempt such a work as the details of all that was said and done, in and out of Congress, either for or against the measure, while it was pending before Congress.

Suffice it to say the report of the committee was sustained by Congress, and the bill for the emigration of the Indians became the law of the land, against as powerful and formidable opposition as ever has been overcome in Congress upon any great subject which has agitated that body.

Although disposed, from various considerations, to give a pretty full view of the part which I acted in connection with this subject, during this session of Congress, I deem it best and most appropriate for me to pass over much the greatest portion of my labors, in and out of the halls of legislation, and in the committee rooms, and give some of the remarks and speeches made by me on the floor of Congress during the pendency of these Indian questions before that body. I submit them as reported and published at the time in the public journals of the country; and first I will go back to the report of the proceedings of the House of Representatives, of February 20th, 1828.

The unfinished business of the bill making appropriations for the Indian Department was called up, and the question being on the motion made by Mr. Vinton, of Ohio, that no Southern Indians should be removed north of the line of latitude of 36 degrees and 30 minutes, and no Northern south of that line,

Mr. Lumpkin rose and said,

Mr. Chairman: It is always with reluctance that I rise on this floor, to submit any remarks of mine. When I look around and see the intelligence by which I am surrounded, I cannot have the vanity to enter the list of competitors for the eclat or distinction which will be awarded to him who makes the greatest display of words on this floor.

Nor am I disposed to take a part in the discussions of this House, with a view of encouraging the manufacture of congressional speeches. I consider that of speech making one branch of *Domestic Manufacture*, or of the *American System*, if you please, sir, which does not require encouragement or protection. It has already arrived to a maturity which can enter into fair competition with any country whatever, with a fair prospect of success. But, sir,

I stand so connected with this subject, in several points of view, that I cannot shrink from addressing the committee on the present occasion.

The two *very distinguished* gentlemen from Ohio, (Mr. Woods and Mr. Vinton) who have consumed so large a portion of the time of this committee in displaying and exhibiting their opposition to the extinguishment of Indian title to lands, and to the removal of the Indians to some eligible situation west of the River Mississippi, and have introduced such a mass of foreign matter into this discussion, that they will excuse me, in my present state of health, for declining to follow them in all their labored arguments and details upon this subject.

The best refutation which can be presented to all these gentlemen have said upon this important and interesting subject will be found in the fact that they stand opposed to the wisdom, and experience, and benevolence of the whole country. In opposition to all their opinions, doctrines, and reasoning, I will place those of James Monroe, J. C. Calhoun, James Barbour, and a host of others, who are experienced and distinguished statesmen and patriots, and who have long deliberated and reflected upon the subject of our Indian policy and relations. These distinguished individuals have arrived at the same results: that the only hope of saving the remnant tribes of Indians from ruin and extermination was to remove them from their present abodes, and settle them in a permanent abode west of the Mississippi River.

The views of all our Indian Agents, so far as my knowledge extends, coincides with the friends of the emigration plan, and, with very few exceptions, we find the benevolent and pious missionaries, who have long labored for the benefit of this unfortunate race, decidedly in favor of the emigrating plan.

One respectable denomination of Christians have memorialized the present Congress on this subject, and urged with much earnestness and ability the results of their labors and experience, in favor of the emigrating plan; which is the only plan by which the Indians can ever be considered permanently located and settled.

Sir, these opinions of wisdom, experience, and piety, I present as a reply to the voluminous details of the *two distinguished* gentlemen from Ohio, (Mr. Woods and Mr. Vinton). If the committee, or the country, ask for any further reply to the remarks of these gentlemen, I will

refer to the remarks of another gentleman from Ohio, (Mr. McLean) the honorable chairman of the Committee on Indian Affairs. His pertinent and very appropriate remarks must be impressed upon the recollection of every gentleman who was present yesterday when he delivered them.

That gentleman, with all his known vigilance and assiduous attention to the local interest of his immediate constituents, when his duty requires it, enters upon the business of national legislation with a liberal dignity of purpose which embraces the general interest of the whole country. And upon this occasion, the brief view which he took of this subject, and the information which he submitted to this committee, is to my mind sufficient of itself to obliterate all the labors of his two colleagues. Sir, the remarks on this subject, submitted by the Chairman on Indian Affairs, reminded me of the saying of the wise man of antiquity. "*Words fitly spoken are like apples of gold, in pictures of silver.*" Gentlemen deny that the policy of this government is settled in relation to the question of Indian emigration. I am of a different opinion. Mr. Monroe's administration marked out the plan, and recommended its adoption in strong terms.

The present administration has continued to urge upon all fit occasions the views of its predecessors upon this subject. Congress, I admit, have never sanctioned the plan to the full extent which it has been recommended by the Executive Government. Nevertheless, many acts of legislation might be cited which were based on the execution of this plan. Look at the various appropriations of money to extinguish Indian title to lands within the states, and to provide for their removal, and settlement, west of the River Mississippi.

It is true, I am myself in favor of legislating upon a more extended and comprehensive plan upon this subject, and with a view to general legislation upon this subject, at an early day of the present session I introduced a resolution which was adopted, "instructing the Committee on "Indian Affairs to inquire into the expediency of providing "by law for the removal of all the remnant tribes of Indians, within the limits of any of the States or Territories "of this Union, to some eligible situation west of the River "Mississippi."

The report of the Committee in answer to this resolution has long since been made to this House, and is alto-

gether favorable to the objects embraced in the resolution. As a member of the Committee on Indian Affairs, I was, however, disposed to go much further than a mere favorable report. I was disposed to make ample provision for carrying into full effect the emigration plan, and did accordingly submit a report and bill to the Committee, in lieu of the report which was made to the House. But the majority of the Committee preferred the report made to the House, and I felt it my duty to acquiesce.

But that the time has arrived when this Government must change its policy in relation to the Indians appears to me so plain, so clear, and self-evident, that I cannot see any reason for delay or hesitation.

From the commencement of this Government, that is, from the adoption of the Constitution of the United States, this Government has assumed and exercised an almost unlimited control over the Indian Tribes settled within our boundaries. It has assumed and exercised the right of legislating for them, in all their most important interests. We have taken the guardianship of them, and treated them as minors, orphans, and persons who were incapable of managing their own estates.

And the exercise of this power has heretofore been recognized as legitimate, and has been acquiesced in by the Indians, by the states, and by foreign nations.

But, sir, the day has already arrived when this state of things cannot longer exist. The inefficient course pursued by this Government, in matters in which one of the states has a deep interest, as well as the Indians, has weakened the confidence of the Indians, as well as the state, in this Government to an extent which has disposed all the parties in interest to look to their own sovereignty for a remedy of the evils under which they are, and have been laboring, "for lo, these many years."

It is known to every gentleman of this Committee that my allusions are directed to the existing state of things, as they now exist between the State of Georgia and the Cherokee Indians and the Government of the United States.

It is a subject, sir, which, after all that has transpired, I can but approach with reluctance, but as one of the representatives of that State, and a member of the Committee on Indian Affairs, duty impels me to use every effort to draw the attention of the present Congress, and of the Nation, to the importance which is necessarily attached to

this subject. I feel it to be my duty to warn this Committee, and the Nation, of the impending evils which must necessarily grow out of an imbecile course on the part of this Government. I deem it to be unnecessary to enter into all the details of the compact, entered into between Georgia and the United States, in the year 1802. The history of that transaction seems at last to be well understood, here and everywhere else. I know the subject is perfectly understood by every member of the Committee on Indian Affairs; and I will avail myself of this opportunity to add, that I have the most entire confidence that every member of that Committee are disposed to do justice to Georgia, as well as to the Cherokee Indians. Indeed, from what we daily hear from members on this floor, I cannot doubt but what the long delayed rights of Georgia upon this subject have gained the attention of the representatives of the people of this nation, and that the cause of *right* and of *justice* will no longer be urged in vain.

In relation to the compact between Georgia and the General Government, entered into in 1802. I will briefly state, in a summary way, that whenever Georgia has urged the fulfilment of this compact, the United States has never denied the debt, but urged the plea of inability—alleging the Indian title would not be extinguished “upon reasonable and peaceable terms.” Upon the other hand, Georgia has alleged, and continues to allege, that the very impediments which lie in the way of extinguishment have been produced by the policy pursued by the United States. But I find, sir, that the feeble state of my health will not admit of my extending my remarks to many important details which I had intended to present to this committee. I will therefore again advert to this actual state of things in relation to the Cherokee Indians at the present time.

The Cherokee Indians, who principally reside within the limits of Georgia, have, in the course of the past year, renewed their often repeated declaration that they will *never, no, never*, relinquish their present possession. They have placed this declaration in a constitutional form, and with all the formality of a sovereign and independent state they have set up for themselves. They not only disregard Georgia and the rights of Georgia, but they actually enacted laws, and execute them, too, which are in direct violation of the laws of the United States. I have the highest authority for making this statement, which I will submit to the Committee.

The Legislature of Georgia, at its last session, have extended the jurisdiction of the criminal laws of that State over the Cherokee country, lying within the limits of Georgia, and have added the country to the former counties of the State of Georgia. And in the state paper of Georgia, printed at the seat of government. (Milledgeville,) I this day see the proclamation of Governor Forsyth, notifying all persons whom it may concern of the provisions of the late act of the Legislature, and requiring obedience and respect to its provisions and execution from citizens and officers of every grade and description.

Now, sir, what must be the result of this anomaly? Of three separate and distinct governments, exercising sovereignty of jurisdiction under conflicting laws, enacted by three separate and distinct legislatures, over the same people, and at the same time, in some cases these three distinct sovereign legislatures have enacted laws upon the same identical subjects, which laws do not harmonize in their provisions. I will give you one or two cases, out of many which actually do exist, and are in daily conflict. The United States laws prohibit the introduction of spirits into the Nation, and if introduced by a citizen it is liable to confiscation, with all his packages of goods, &c., the one-half to the informer, and the other to the United States. The Cherokee laws prohibit the introduction of spirits also, under a fine or penalty of one hundred dollars, and a forfeiture of the spirits, one-half to the informer, the other half to the Treasury of the Cherokee Nation. The laws of Georgia do not prohibit the sale of spirits in large quantities at all. And those who wish to retail procure a license from the County Court for that purpose. Another similar case I will present to the Committee. The United States law prohibits peddling in the Nation, or selling merchandise at any other than the place designated by the agent, and annexes its fines and forfeitures for a violation of the law. The Cherokee law authorizes any citizen to peddle or trade where they please in the Nation, on paying twelve dollars a year to the Treasurer of the Nation, and one dollar to the officer issuing the license. The laws of Georgia admit of no peddling without first obtaining a license, for which the applicant pays one hundred dollars a year, which entitles him to peddle and vend his goods anywhere within the limits of the state.

This state of things cannot exist; something must be done, and the sooner it is done, the better. It is high time

these unfortunate people should know their destiny plainly and positively. They should know precisely in what relation they do stand to the United States, and in what relation they do stand to the particular states in which they reside. A state of suspense is the worst of all cruelty that can be exercised towards this noble race of people. If they are to be resigned to the states and the state laws, I call upon this Congress to tell them so. If we determine upon their emigration to the West, the sooner they know it, the better. That they may send their Calebs and Joshuas to search out and view the promised land, for situated *as they now are, and where they are*, there is no rest for the sole an Indian foot.

Sir, it is with the deepest regret that I have witnessed such ardent exertions to defeat the best and most reasonable plans which can be devised for the salvation of the poor, perishing, and afflicted aborigines of this country.

I have been greatly surprised that any gentleman on this floor should assume a claim for himself, his constituents, or for the section of the Union from whence he comes, a specific right to all that portion of our western wild. Sir, our unlocated territory, which lies out of the limits of the present states, is the equal and joint property of the Union, regardless of the latitude where it may be found. These lands are the property of the Nation, and I wish the most eligible portion of it to become a permanent home and habitation for the oppressed and afflicted sons of *Ishmael*. I trust, sir, we shall hear no more of sectional claims, when we have in view a great national object which must and will be effected.

My debility (occasioned by my late indisposition) is such, that I find my strength and voice fails. Much remains to be said, but I feel unable to proceed further. (Mr. Carson, of North Carolina, proposed to Mr. L. to move for the Committee to rise, report progress, and ask leave to sit again, with a view of affording Mr. L. an opportunity of continuing his remarks.

Mr. L. thanked him for his kindness, but observed that he would prefer yielding the floor to other gentlemen who wished to take a part in the discussion, and accordingly took his seat.)

Here follows a speech made in May, 1830, reported in the following words:

SPEECH
of the
HON. WILSON LUMPKIN,
of Ga.

In Committee of the Whole House, on the State of the
Union, on the Bill Providing for the Removal of
the Indians.

Mr. Lumpkin rose and said:

Mr. Chairman: My life has never been free from care and responsibility; but, on no former occasion, have I ever felt more deeply impressed with a sense of that responsibility, *to God and my country*, than I do at the present moment. The obligations which rest on me are common to every member of this House. The great importance which I attach to the decision of this House upon the bill now under consideration, does not arise from any apprehension of material effects being produced in relation to any one of the states who are interested. It is true, your decision will have a strong bearing on their interest; but they have the capacity to some extent to take care of themselves. But to those remnant tribes of Indians whose good we seek, the subject before you is of vital importance. It is a measure of life and death. Pass the bill on your table, and you save them; reject it, and you leave them to perish. Reject this bill, and you thereby encourage delusory hopes in the Indians which their professed friends and allies *well know* will never be realized. The rejection of this bill will encourage and invite the Indians to acts of indiscretion and assumptions which will necessarily bring upon them chastisement and injury, which will be deplored by every friend of virtue and humanity. I therefore call upon you to avoid these evil consequences while you may. Delay is pregnant with great danger to the Indians; what you do, do quickly, before the evil day approaches.

I differ with my friend from Tennessee (Mr. Bell) in regard to Indian civilization. I entertain no doubt that a remnant of these people may be entirely reclaimed from their native savage habits, and be brought to enter into the full enjoyment of all the blessings of civilized society. It appears to me we have too many instances of individual improvement amongst the various native tribes of Amer-

ica to hesitate any longer in determining whether the Indians are susceptible of civilization. Use the proper means, and success will crown your efforts. The means hitherto resorted to by the Government, as well as by individuals, to improve the condition of the Indians, must, from the present state of things, very soon be withheld from these unfortunate people, if they remain in their present abodes, for they will every day be brought into closer contact and conflict with the white population, and this circumstance will diminish the spirit of benevolence and philanthropy towards them which now exists.

I might exhaust what physical strength I have, in replying to the gentleman from New York (Mr. Storrs). He has consumed much of your time with his usual ability and ingenuity. It would require an entire speech to defend my own State (Georgia) from the many imputations cast upon her by that gentleman and others; I must leave much of this for my colleagues and others who may follow me in this discussion. The gentleman's doctrines upon the subject of state rights ought to be met and refuted; severe censures cast upon our Chief Magistrate, and his subordinates in office, should be corrected as they deserve, and the Executive defended in his wise, virtuous, and candid course on this subject. But I shall leave much of this for others, and only incidentally pay my respects to the gentleman from New York, and proceed directly to the subject under consideration.

The bill on your table involves but little that can be considered *new principle*. The only departure from former principles and practice is to be found in that part which extends greater security and benefits to the Indians.

The whole of my policy and views of legislation upon this subject have been founded in an ardent desire to better the condition of these remnant tribes. At the same time, I freely admit, their interest alone has not guided my action. From the time I became a member of this House, the great object of my solicitude and labor has been, to relieve all the states (especially my own) from the perplexities, heart burnings, conflicts, and strifes, which are connected with this Indian subject.

The ground occupied by the gentleman from Tennessee (Mr. Bell) I shall not again travel over. I never have, nor never will, consume the time of this House by a speech of repetition. Nevertheless, I shall necessarily advert to many of the same points, with a view of corroborating

what has been said by my friend from Tennessee in favor of the bill. As one of the Committee on Indian Affairs, I shall not be diverted from what I consider my duty in defending the measures submitted by the committee, by attempting to follow our opponents in their wide range of irrelevant matter and argument.

I am not only identified with this subject, as a member of the Indian Committee, but as a Representative of the people of Georgia I feel myself bound to defend their rights.

My life has been spent on the border of these Southern Indians; I therefore know much which relates to the history of this subject, from my own personal observation. Upon taking my seat as a member of the 20th Congress, (without delay), I introduced a resolution which brought this subject in all its bearings to the consideration of Congress; and the investigations had upon the subject resulted in providing an appropriation of \$15,000 to defray the expense of preparing for the emigration of the Indians west of the Mississippi.

My friend from Tennessee (Mr. Bell) having given the details of the exploring tour of the Agents of the Government (under this act) who examined the country west of the Mississippi, with a view of ascertaining the quality of the country contemplated for the permanent abode of the Indians, and the report of these Agents, I will only say a suitable and sufficient country was found—a country admirably adapted to the interest and condition of the emigrating Indians. The report of these Commissioners is sustained by the corroborating testimony of many highly respectable persons. That there is a good and sufficient country for all the Indians to emigrate to can no longer be doubted, whatever may be said to the contrary by our opponents.

I will now ask the attention of the committee to the history of Indian emigration.

So far as my researches afford information on this subject, I will submit the facts. Emigration commenced with the Indians themselves. Their own enterprise (uninfluenced by the Government) led many individuals of the Southern tribes, previous to the year 1808, to remove from the east to the west side of the Mississippi, and there take up their abode. A strong impulse was given to this spirit of emigration by President Jefferson, during his administration.

What this impulse was, may be seen by reference to a talk of Mr. Jefferson to the Cherokees (Volume of Indian Treaties, page 140) inserted in the preamble of the Cherokee Treaty of 1817, which preamble is in the following words:

"Whereas in the Autumn of the year 1808, a deputation from the upper and lower Cherokee towns, duly authorized by their Nations, went 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 9th day of January, A. D. 1809, including other subjects, answered those petitioners as follows: 'The United States, my children, are the friends of both parties, and, as far as can be reasonably asked, they are willing to satisfy the wishes of both. Those who remain, may be assured of our patronage, and 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 mouth of those rivers. The regular districts of the governments 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 just right. Every aid towards their removal, and what will be

necessary for them then, will then be freely administered to them; and when established in their new settlements, we shall 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.'"

Thus we see a deputation of Cherokees, as early as 1808, visiting this city, anxiously desiring and imploring the aid of President Jefferson to enable them to emigrate and settle in the very country where a great portion of them now resides, and where we have procured a most excellent and ample country for the remainder. Those who have emigrated are delighted with their new homes, and most of their brethren who remain in the States would gladly improve their present condition by joining them; but their lordly chiefs, of the white blood, with their Northern allies, "will not let the people go." Notwithstanding the signs of the times, the hearts of these rulers have been hardened again and again.

These movements on the part of the Cherokees, without urgency or solicitation on the part of the Government, have resulted in the Treaties of 1817 and 1828, providing, as before pointed out, an ample and permanent home for the whole of the Cherokees. Under the provisions of these treaties they have been going, and will continue to go, until **not a real** Indian will be left behind. "Hinder me not," will be their language, when they are permitted to express their own feelings, unawed by the tyrannical enactment of their mixed blooded chiefs.

With the Choctaws and Creeks treaties have also been made, assigning to them countries west of the Arkansas and Mississippi. The Creeks have been flocking to theirs, and it is satisfactorily ascertained that they would all go, if the means contemplated in this bill should be afforded to the Executive. The whole of the Choctaws are not only willing to go, but are actually prepared to go, and have submitted their terms, in the form of a treaty, to the proper department of the Government. The Chickasaws have no country yet provided for them, in the West, but are anxious to emigrate thither, if they can obtain a suitable country.

The Seminoles of Florida are also desirous to join their Creek brethren in the West, if they can obtain land. The Indians of Illinois, Ohio, and Indiana, have been for many years past emigrating, and the cost of their journeys has been paid by the Government, until about two years ago,

when the spirit of emigration so far increased the numbers that the expense became too great to be paid by the means at the disposition of the Executive.

The treaties formed with the various tribes of Indians, providing for their emigration, may be found in the Volume of Treaties, compiled under the order and direction of Mr. Calhoun, while acting as Secretary of War. That with the Choctaws, of October 18th, 1820, page 166; the treaty with the Shawnees, 7th November, 1825, page 361, provides for an exchange of lands with those residing both in Missouri and Ohio; with the Creeks, 24th January, 1826, page 218; with the Weas tribe, August, 1820, page 261; with the Kickapoos, 30th August, 1819, page 265; with the same tribe, 30th July, 1819, page 268.

I have intended to read extracts from all these treaties, but I find that my time and strength both admonish me to be brief. I have therefore given a reference to the book, the treaty, and the page, and every gentleman can read for himself.

I can only say that I am greatly surprised to hear the opponents of the proposed policy, in the face of the records, laws, and treaties of the country, speak of the proposed measure as being *novel*—as being a change of policy in our Indian relations, and as being fraught with danger and ruin to the Indians. I feel assured, if the good people who have been memorializing us through the winter were in possession of the facts which are within the reach of every member of this Committee, they would change their politics and unite with the friends of Indian emigration.

I have heard much complaint that we are progressing in the removal of the Indians, without any systematic plan for their security and government when they get into the possession of their new homes.

This objection comes from our opponents; but I confess I agree with them, to a limited extent. I would, myself, greatly prefer going the whole amount at once.

Nevertheless, I discover that every step we advance in carrying out our plan the more violent is the opposition. The bill on your table, sir, goes much further in providing for, and pointing out the landmarks of an entire and complete system, than any measure heretofore acted upon in Congress, and yet we find opposition increases.

If those who wish to see an entire system presented will refer to Mr. Monroe's Message of the 27th of January, 1825, page 453, Volume of Indian Treaties, and also to Mr.

Calhoun's report accompanying that Message, they will find the great outline of the plan laid down. In that Message, Mr. Monroe says: "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 these tribes, the attention of the Government has been long drawn, with great solicitude, to the 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 first 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."

Such were the opinions of President Monroe in 1825, supported by an able report, going into an important detail, appertaining to every branch of the system proposed

by Secretary Calhoun. I will give the following short extract from the report: "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 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."

Mr. Adams, with great force of argument, while President of the United States, sustained these doctrines and opinions. His two Secretaries, Governor Barbour and Gen'l Porter, with great ability, repeatedly enforced the same doctrines and principles to their full extent, which may be seen and read by referring to the State Papers which are on the files of this House, and are always accessible to the members of Congress.

I therefore admonish every gentleman of this committee who may be opposed to this measure to deal fairly with his constituents, and inform them that this is no new measure, emanating from President Jackson and the Georgians, but that it is a measure tested by many years' experience; and that it has received the sanction and support of the wisest and best men of the age.

Jefferson gave to it the first official impulse; Madison, Monroe, Adams, Jackson, Calhoun, Barbour, Porter, Eaton, and a majority of the Senators and Representatives of the people of this great confederation of states have, in their official capacities, repeatedly sustained the principles and policy of the bill on your table. This declaration is fully supported by the talks, treaties, laws, messages, and reports, to which I have already called the attention of the committee. It has not only been devised and sustained by the ablest statesmen of the country, but has received the approbation of a very large portion of the wise and the good throughout our country. Our most enlightened Superintendents and Agents of Indian Affairs have all become converts to Indian emigration; our most pious and candid missionaries have also added their testimony in our favor.

One of the most devoted and pious missionaries (the Rev. Isaac McCoy) with whom I am acquainted has said: "What plan will most likely be successful in accomplishing the reformation of the Indians?" He answers: "Without

ceremony, I offer for consideration the plan recommended to the wisdom of Congress by Mr. Monroe, late President of the United States." The same gentleman says: "We are well aware of some formidable obstacles opposed to the removal of the Indians.

"The obstacles to which we allude will not derive their origin or their support from the Indians themselves, but both will be found in the avarice of white men, near to, and mingling with, the Indians, whose interest it is for the natives to remain where they are, and in their present condition. I deeply regret the necessity of mentioning this circumstance, but justice to my subject, to the Indians, and to my own conscience, demands it of me. We may prepare to encounter a host of opposers, consisting of traders, both licensed and unlicensed, many of them speaking the Indian language fluently, and in habits of daily intercourse with them, often allied by marriage, and otherwise by blood; and from many others who profit more or less by a commission from our Government, for the performance of services in the Indian Department. Remove the Indians and the fountain fails.

"Some estimate of the difficulties arising from this quarter may be found on considering the influence which the number of those interested persons, under their favorable opportunities, may exert on the minds of those ignorant, uninformed people, whose prejudices against us are generally inveterate, and whose jealousies are ever on the alert; considering also, that, in the transacting of business, Government has been under the necessity of availing itself of the services of those very persons. The story requires much delicacy in the telling, and perhaps has never been, nor will it now be plainly told, that scarce a treaty with the Indians occurs in which the Commissioners of the United States are not obliged to shape some part of it to suit the convenience of some of this class of persons."

This same worthy missionary says: "Societies and their missionaries should carefully guard against what we may term *high coloring*. We are naturally fond of telling the more favorable parts of the story, and rather desire the unfavorable parts of the story to sink into oblivion. I could readily point to statements respecting missionary operations which approximate this character too nearly; but I deem it sufficient to mention this general and undoubted fact, viz.: A man in Europe, by reading the whole of our missionary journals, narratives, reports, &c.,

would be apt to suppose the success of our labors was such that the aborigines of our country were rapidly improving their condition, both in respect to Christianity and civilization. How would such an one be disappointed, on visiting these regions, to find that, instead of improvement in general, they are rapidly decreasing in numbers, and perishing under their accumulating misfortunes. Both societies and missionaries are blamable in this thing. The latter claim a pretext from the peculiarities of their situation. The views of the community in general, in relation to the true condition of the Indians, their character, and the character of the missionary labors among them, being erroneous, missionaries find great difficulty in managing those impressions which influence their patrons as well as other people. Few indeed are prepared for that tedious process which is usually unavoidable in the work. If a missionary is not able to state, in a tolerable degree, what would be deemed by his patrons evidence of success, and in a pretty short time too after he has commenced his labors, his supporters are liable to grow impatient, and to imagine the existence of some defect in him or his management."

I ask special attention to the foregoing extracts, as well as to the source from which they are taken. They are the deliberate opinions of one of our most experienced, pious, and persevering missionaries. Yes, sir, this comes from one who is resolved to devote his whole life in sustaining the missionary cause amongst the native Indians of his own country.

Mr. Chairman: Having given an outline of the origin and progress of Indian emigration, and the support and favor which it has received from most of our distinguished statesmen and patriots, I now say, the experiment has been sufficiently tested to induce a large majority of the people of this Union ardently to desire its consummation. If it be inquired how I arrived at this conclusion, I answer, from the best index to public opinion—the *press*. At the present day, the press in our country is resorted to by every class of the community, civil and religious, to disseminate their opinions. The press seems to keep pace with the formation of new societies; and we bid fair to outstrip any people in the world in the number and variety of our societies.

Every new society seems to be resolved to have a *printing press*; and I regret to see so many of these new

societies — *established*, no doubt, from good motives—throwing their support on many occasions into the scales of political demagogues. Men the most profligate often become the dictators of all the influence that these well-meaning people can bring into operation. Well, sir, if the press be the best index of public opinion, the people of this country are with us. I do not mean to be understood that more printing is done on our side than on the side of our opponents. No, sir, they greatly exceed us in quantity; but their printing is confined to a limited circle. I invite your attention to the tone of the press on this subject, in all the different sections and neighborhoods of the whole country. Even in those sections of the Union where we meet with the most violent opposition, the best half of the press, political and religious, is on our side, and I entertain no doubt but the people in these sections give tone to the press. It is true, a combined few, from selfish and political considerations, have been led to great exertions, in the fashionable mode of the day, in getting up opposition to this measure. We have been inundated with memorials, pamphlets, and speeches made at society and town meetings. But, sir, let it be remembered that weak minorities always made the most noise. Contented majorities, conscious of their strength, are never found praying for a redress of grievances.

Suppose, for a moment, that portion of the population of the Union north and east of this place to be equally divided on this question; the entire South and Southwest, with the exception of a few *aliens* to their own interest, are in favor of this measure; and I have no hesitancy in arriving at the conclusion that much the larger portion of the religious community will be found on our side of the question, notwithstanding the denunciations and anathemas which have been pronounced against us. This proceeds from a few leading religionists of the *new concert sect*, or that class of philanthropists who are going up and down in the land seeking whom they may devour. The two widespread denominations, the Baptist and Methodist, with whom I have had an extensive and intimate intercourse through my whole life, I am sure will never lend themselves, in a united manner, as religious bodies, to aid political factions or designing demagogues. No, sir, these denominations were sufficiently tested during the late war. They stood by their country in the field of battle, and breasted the storm of war. They could pray for you in

their closets and pulpits, without the fear of incurring Divine displeasure.

One of these denominations (I mean the Baptists) have through their organs, the officers of their religious Boards, Conventions, and Associations, for years past, at every session of Congress, reminded you of the interest they feel and the labors they have bestowed towards the great object of Indian civilization. Moreover, they have expressed their convictions that your emigration plan afforded the best and most permanent prospect for success of their missionary efforts. Sir, no religious denomination in this country, as such, will be found unitedly giving themselves up into the hands of political men to aid in the objects of political faction. It would be too tedious to name all the various sects of our country; but, having named one or two, I avail myself of this opportunity of saying I have great respect for most of the denominations in our country, and have no unfriendly feelings to any. I wish them all prosperity in all their attempts to benefit mankind.

Our good and worthy Quaker friends, who have been memorializing us on this subject, will all come right, as soon as their misapprehensions are corrected. When they ascertain that Georgia and President Jackson are by no means the advocates of *war, famine, and pestilence*, they will take us by the hand, and join us in advancing measures of kindness, benevolence, and good will towards the Indians. Sir, I am not afraid to trust the Quakers. The religious people of this country are in the full enjoyment of religious liberty. It is all that the truly pious want. They want no "Christian party in politics." I profess to admire that active spirit of Christian benevolence which has done so much for our common country in the cause of letters and morality. That religion which carries its saving influence into families, congregations, and society in general, adorns its professors.

The religious opposition to this measure is not confined to any particular sect, unless we give a *new name* to a religious party in politics—a party which has some recruits from many, if not all the different sects of the country. It is this new sect of *Concert Brethren*, against whom I direct my censures. These *canting fanatics* have placed themselves upon this Indian question behind the bulwarks of religion and console themselves with the belief that the Georgians, whom they have denounced as *Atheists, Deists,*

Infidels, and Sabbath-breakers, laboring under the curse of slavery, will never be able to dislodge them from their strong position. Sir, I therefore feel that I stand pledged in duty to my constituents to show to this House, and to the world, that these intermeddlers and disturbers of the peace and harmony of society have no just claims to the protection of that impenetrable fortress in which they have hitherto found refuge and protection. I rely with entire confidence upon those who carry the keys of this fortress; they will deliver up the guilty to be dealt with according to law and justice. "By their fruit ye shall know them."

Sir, before I pursue the course of the opposition any further, I will remark that I have so far confined myself principally to that part of the subject which relates to the interest of the Indians; but there are other interests which are entitled to a share of your considerations. The State of Georgia, one of whose Representatives I am, has, from my infancy till this day, been struggling with perplexing difficulties, strifes, and heart-burnings, upon the subject of her Indian relations.

Yes, sir, amongst my earliest recollections are the walls of an old fort, which gave protection to the women and children from the tomahawk and scalping knife of the Indians. And let me inform you that, while the Indians have receded thousands of miles before the civilized population, in other sections of the Union, the frontier of Georgia has comparatively remained stationary.

My present residence is not more than one day's travel from the place of the old fort to which I alluded. It is but part of a day's travel from my residence to the line of the Cherokee country.

In entering upon this branch of my subject, I find it necessary to summon up all the powers of philosophy to restrain feelings of indignation and contempt for those who are at this time straining every nerve and using every effort to perpetuate on the people whom I represent the evils which they have borne for so many years; and, whatever has or may be said of this Union, would have submitted, with equal patriotism, to the many ills and wrongs which we have received at the hands of those who were bound by the strongest human obligations to aid in relieving us from Indian perplexities, give us justice, and assist in the advancement of our peace, happiness, and prosperity.

Georgia, sir, is one of the good old thirteen States; she entered the Union upon an equal footing with any of her

sisters. She claims no superiority, but contends for equality. That sovereignty which she concedes to all the rest, and would at any time unite with them in defending from all encroachment, she will maintain for herself. Our social compact, upon which we stand as a state, gives you the metes and bounds of our sovereignty; and within the limits therein defined and pointed out our state authorities claim entire and complete jurisdiction over soil and population, regardless of complexion.

The boundaries of Georgia have been defined, recognized, and admitted, by circumstances of a peculiar kind. Her litigations in relation to boundary and title to her soil may justly be considered as having been settled—"according to law." Her boundaries are not only admitted by her sister states, but by this General Government, and every individual who administered any part of it, Executive or Legislative, must recollect that the faith of this Government has stood pledged for twenty-eight years past to relieve Georgia from the embarrassment of Indian population. It is known to every member of this Congress that this pledge was no gratuity to Georgia. No, sir, it was for and in consideration of the two entire states of Alabama and Mississippi.

I feel disposed to pity those who make the weak and false plea of inability, founded on the words "*reasonable and peaceable*," whenever I hear it made.

Such pettifogging quibbles deserve the contempt of a statesman. No man is fit to be a Congressman who does not know that the General Government might many years ago, upon both reasonable and peaceable terms, have removed every Indian from Georgia.

But, sir, upon this subject this Government has been wanting in good faith to Georgia. It has, by its own acts and policy, forced the Indians to remain in Georgia, by the purchase of their lands in the adjoining states, and by holding out to the Indians strong inducements to remain where they are, by the expenditure of vast sums of money, spent in changing the habits of the savage for those of civilized life. All this was in itself right and proper; it has my hearty approbation; but it should not have been done at the expense of Georgia. The Government, long after it was bound to extinguish the title of the Indians to all the lands in Georgia, has actually forced the Cherokees from their lands in other states, settled them upon Georgia lands, and aided in furnishing the means to create the Cherokee aristocracy.

Sir, I blame not the Indians ; I commiserate their case. I have considerable acquaintance with the Cherokees, and amongst them I have seen much to admire. To me, they are in many respects an interesting people. If the wicked influence of designing men, veiled in the garb of philanthropy and Christian benevolence, should excite the Cherokees to a course that will end in their speedy destruction, I now call upon this Congress, and the whole American people, not to charge the Georgians with this sin ; but let it be remembered that it is the fruit of *cant and fanaticism*, emanating from the land of steady habits ; from the boasted progeny of the Pilgrims and Puritans.

Sir, my State stands charged before this House, before the Nation, and before the whole world, with cruelty and oppression towards the Indian. I deny the charge, and demand proof from those who made it.

I have labored, as one of your Committee, day and night, in examining everything which has any connection with the history of this subject. Amongst other duties, we have examined all the various laws of the colonial and state governments in relation to the Indians. The selection made and submitted has long since been in the hands of every gentleman of this House. Let the laws of other states be compared with those which are the subject of complaint, and it must then be admitted by every candid man that the states complained of stand pre-eminent in humanity, mildness, and generosity towards the Indians.

Georgia, it is true, has slaves ; but she did not make them such ; she found them upon her hands when she became a sovereign state. She never has, by her legislation, changed the state of freedom to slavery. If she has ever owned an Indian slave, it has never come to my knowledge ; but more than one of the other states of this Union have not only reduced Indians to a state of slavery, but have treated them as brutes, destitute of any human rights—depriving them of their own modes of worshipping Deity—hunting them as wild beasts for slaughter—holding out rewards for their scalps, and even giving premiums for the raising of a certain breed of dogs, called bloodhounds, to hunt savages, that they might procure their scalps, and obtain the reward offered by Government for them. Sir, compare this legislation with that of Georgia, and let the guilty be put to shame.

Should I be censured for going to the history of past times—a century or two back ; should I be accused of visit-

ing the sins of the fathers on the children, permit me to say I hold in my hand a pamphlet, recently published in Boston, and said to have been written by the chief secretary of the new sect, who is also said to be the author of "William Penn;" and those who will read this pamphlet, written at the present day, will perceive a more savage, superstitious, and diabolical spirit than was ever possessed by the authors of the *pow-wow*, *scalping*, *slave*, and *dog laws*.

I will give you a few extracts from this pamphlet, which purports to be an article copied from the American Monthly Magazine, Page 14.

"The Indians had better stand to their arms and be exterminated than march further onwards to the Pacific, in the faith that the coming tide of civilized population will not sweep them forever till they mingle in its depths. Better thus than remain to be trampled as the serfs of Georgia, to have their faces ground by the pride and oppressions of their slave-holding neighbors, to be exterminated by the more powerful, and not less sure, tho' slower operation of the vices of the white. God forbid that the prayers which have ascended for the Indians, and the exertions which may be made in their behalf, should fail; it would be better that half the states of the Union were annihilated, and the remnant left powerful in holiness, strong in the prevalence of virtue, than that the whole nation should be stained with guilt, and sooner or later disorganized by the self-destroying energies of wickedness. We would rather have a civil war, were there no other alternative, than avoid it by taking shelter in crime; for besides that, in our faith, it would be better for the universe to be annihilated than for one jot or tittle of the law to be broken, we know that such a shelter would only prove the prison house of vengeance and despair.

"We would take up arms for the Indians, in such a war, with as much confidence of our duty as we would stand with our bayonets on the shores of the Atlantic, to repel the assaults of the most barbarous invader. Perhaps we do wrong to make even the supposition; for it can never come to this. But let anything come upon us rather than the stain and curse of such perfidy as has been contemplated.

"Let the vials of God's wrath be poured out in plague, and storm, and desolation; let our navies be scattered to the four winds of Heaven; let our corn be blasted in the

fields; let our first born be consumed with the stroke of the pestilence; let us be visited with earthquakes, and given as a prey to the devouring fire; but let us not be left to commit so great an outrage on the laws of nations and of God; let us not be abandoned to the degradation of national perjury, and, as its certain consequence, to some signal addition of national woe. Let us listen to the warning voice which comes to us from the destruction of Israel."

The pamphlet from which I have read contains 72 pages, and is interspersed throughout with a spirit corresponding with what I have read. Sir, shall I express my surprise at this "Christian party in politics" who condemn all their brethren who will not unite with them in all their machinery of societies and schemes for governing public opinion in this land of freedom; or shall I remember that if the wicked one himself can assume the form of an angel of light, to deceive and effect his diabolical purposes, then we need not be surprised to see the children walking in the footsteps of their parents? The fallacious matter contained in this pamphlet and its senior brother, "William Penn," we shall find to be strong ground relied upon here. Our opponents here will be found in close union with these *concert brethren*. And here it is, sir, for the first time, we find anything like a tangible form in the opposition to Indian emigration, sustained and encouraged as it has been by every administration, from President Jefferson to Mr. Adams inclusive; we have never before seen a concerted and united opposition, nor has any individual who had any pretensions to the first honors of the country heretofore ventured to oppose this system.

In the course of the last year, the numbers over the signature of "William Penn" appeared in the National Intelligencer, and, although said to be written by a very pious man, deeply merged in missionary efforts, they evidently have much more of the character of the politician and lawyer than that of an humble missionary. At the proper moment for effect, too, we see the distinguished orator of the West, he who filled the chair which you now occupy, entering upon this subject with his usual zeal and ingenuity. This Indian subject was introduced into one of his set speeches, professedly on the subject of African colonization. But the two subjects are adroitly blended together, and were designed as a cutting philippic upon President Jackson and his administration, and, at the same time, admirably calculated to organize his political co-

workers in every part of the Union. I was not surprised at his expressions of deep feelings of interest for the suffering sons of Africa and the forest. It was to be expected from a popular speech-maker. But I confess the pious part of the address shocked my better feelings. If I had been ignorant of the gentleman's character I should really have considered him a preacher of righteousness, deeply imbued with the spirit of the age!

Where do you find one solitary opponent of President Jackson in favor of the measure on your table? I do not know one. Sir, I have tried to prevent party considerations from operating on this question; but our opponents are an organized band; they go in a solid column. The friends of the administration are by no means united upon many subjects of general policy; each one thinks and acts for himself; but shall our differences upon other subjects operate upon our judgments in making up an opinion upon this important subject? Your attention has been called to it in the forcible language of truth, by your venerable Chief Magistrate. It is sustained by reason, experience, humanity, and every consideration of wise policy. It is a measure of great importance to the interest, peace, and harmony of many of the states; and to the poor afflicted and perishing Indians it is a measure of salvation. No man living entertains kinder feelings to the Indians than Andrew Jackson. If any President of the United States has deserved the appellation of *friend and father* to the Indians, it is he who is now at the helm. Having been the instrument of the Government to chastise them in times that are gone by, so far as to bring them to a knowledge of their true condition and duty, he is the better qualified to sympathize with them in all their afflictions. He not only is, but has long been, their true friend and benefactor. This opposition is not to the policy proposed, but to the man who recommends. I therefore trust his friends will not be found in the ranks of the enemy. I trust in God more are they who are for us than those who are against us. The opposition reminds me of Jonah's gourd which sprung up in a night and perished in a day. It could bear the light and heat of but a single day, because there was a canker at the root. The present opposition cannot stand before the light of truth, reason, and sound policy—it will soon pass away.

Upon this question our political opponents have availed themselves of the aid of enthusiastic religionists,

to pull down the administration of President Jackson. Sir, pure religion will aid and strengthen any cause; but the undefiled religion of the Cross is a separate and distinct thing in its nature and principles from the noisy cant of the pretenders who have cost this Government, since the commencement of the present session of Congress, considerably upwards of \$100,000 by their various intermeddlings with the political concerns of the country. Who compose this "Christian party in politics," here and elsewhere? Are they those individuals who are most distinguished for morality and virtue? I will leave these questions to be answered by others, and pass on to some further notice of the Boston pamphlet from which we shall, no doubt, have many quotations before we get through this discussion.

It is the statements found in these pamphlets and magazines which are relied on as truth that have induced so many worthy people at a distance to espouse the cause of Indian sovereignty as assumed by the Cherokees. The general condition of the Cherokees in these publications is represented as being quite as comfortable and prosperous—yes, sir, and as enlightened, too, as the white population in most of the states. Compare the pictures drawn by these pamphlet writers and memorialists of the *concert school*, in which they have painted Georgia on the one side and the Cherokee sovereignty on the other. From these publications not only the stranger in a foreign land but the honest laboring people of New England, who stay at home and would mind their own business if let alone by these *canting fanatics*, verily believe that the Georgians are the worst of all savages; that they can neither read nor write; that they are infidels, deists, and atheists; and they never hear a Gospel sermon except from a New England missionary. Upon the other hand they are taught to believe that the Cherokee Indians are the most prosperous, enlightened, and religious nation of people on earth—except, indeed, the nation of New England. These Boston writers are not a people who work for nothing and find themselves. No, sir, I entertain no doubt but that they are well paid for all "their labors of love" in the cause of Cherokee sovereignty.

The Cherokees receive large annuities from this Government; they have a rich treasury, and their Northern allies understand giving a saving direction to their financial disbursements. These Northern intruders are numerous

and influential amongst the Cherokees. One religious Board to the North (of whom "William Penn" is chief secretary) furnished the Southern tribes of Indians with upwards of twenty stationary missionaries, besides superintendents, mechanics, &c., &c., chiefly composed of our Northern friends. No doubt, Sir, but President Ross himself, with all his official subordinates, has long since found it expedient to yield the chief control of the *purse* and the *press*, which you know are said to be the strength of nations, to his more skilful and eagle-eyed friends and allies. But for these annuities we should not have been encumbered, throughout the session, with memorials from Maine to Steubenville, in Ohio. These self-enlisted reporters of the state and condition of the Cherokee Indians tell you they are already a civilized and Christianized people.

Abounding in the necessary comforts of domestic and agricultural life, their civil, political, and religious advancement is ostentatiously compared with the whites in some of the States; and for proof of their statements they refer you to their hireling letter writers, and their magazines and newspapers; and the statements drawn from these sources are relied on by a certain portion of the community, in and out of this House, in preference to any testimony, whatever may be the merit of the source from which it emanates. Now, sir, I will tell you how far these statements are to be relied upon. I have carefully and repeatedly examined all these magazine and pamphlet publications. They contain a great deal of truth, but *not the whole truth, and nothing else but the truth*. These publications remind me of a long exploring tour which I made in the West, near twenty years ago. On my return home my friends and neighbors called in to hear the news from the Western country. I described to them the rich and fertile lands of the Mississippi, its bountiful productions, &c., and before I got through with the good things, they said, "it is enough; let us all remove to the good country."

But when I told them of the evil things, and gave them the *whole truth*, they changed their hasty opinions, and concluded it would be best to remain in their beloved Georgia. Sir, the application of this story is easy—every gentleman can make it for himself. But I promised to inform you how far these magazine statements were entitled to credit; but, before I begin, I will refer you to my list of witnesses. They may be found amongst the Sena-

tors and Representatives of the present Congress from the states bordering on the Cherokee country. I could multiply testimony to bear me out in all that I have or shall say on this subject; but, in law, we consider every word established by the corroborative testimony of two or three witnesses. I admit we do find in the Cherokee country many families enjoying all the common comforts of civil and domestic life, and possessing the necessary means to secure these enjoyments. Moreover, we find a number of schools and houses built for religious worship. Many of these comfortable families, too, are composed of natives born in the Cherokee country. But the principle part of these enjoyments are confined to the blood of the white man, either in whole or in part. But few, very few, of the real Indians participate largely in these blessings. A large portion of the full-blooded Cherokees still remain a poor degraded race of human beings. As to the proportion that are comfortable, or otherwise, I cannot speak from my own personal knowledge with any degree of certainty; but from what I have seen, I can readily conclude that but a very small portion of the real Indians are in a state of improvement, whilst their lords and rulers are white men, and descendants of white men, enjoying the fat of the land, and enjoying exclusively the Government annuities upon which they foster, feed, and clothe the most violent and dangerous enemies of our civil institutions.

Whilst the smallest intrusion (as it is called) by the frontier citizens of Georgia on the lands occupied by the Cherokees excites the fiery indignation of the fanatics, from one end of the *chain of concert and coalition* to the other, do we not find an annual increase of intruders, from these philanthropic ranks, flocking in upon the poor Cherokees, like the caterpillars and locusts of Egypt, leaving a barren waste behind them? Yes, sir, these are the intruders who devour the substance which of right belongs to the poor, perishing part of the Cherokees.

They divide the spoil with the Cherokee rulers, and leave the common Indians to struggle with want and misery, without hope of bettering their condition by any change but that of joining their brethren West of the Mississippi.

The inhumanity of Georgia, so much complained of, is nothing more nor less than the extension of her laws and jurisdiction over this mingled and misguided population who are found within her acknowledged limits.

And what, I would ask, is to be found in all this that is so very alarming? Sir, I have endeavored to tear the mask from this subject, that the character and complexion of this opposition might be seen and known. The absolute rulers of the Cherokee country, like other men, love office, distinction, and power.

They are enjoying great and peculiar benefits. They do not like the idea of becoming private citizens. It is with great reluctance they yield up their stewardship. They know they have not been faithful to the interest of the poor degraded Indians. They know the great mass of their people have been left to suffer in want and ignorance, whilst they have spent their substance in forming foreign alliances with an enthusiastic, selfish and money loving people. These men, when incorporated into the political family of Georgia, cannot calculate on becoming at once the Randolphs of the State. And if they join the Western Cherokees they cannot carry with them their present assumed sovereignty and rule.

They will there find equals in many of their pioneer brethren. The Cadmus of the Cherokees, George Guess, and many others, are already there. Yes, sir, these Western Cherokees are in the full enjoyment of all the blessings of their emigrating enterprise, and there is but one opinion among them in regard to their relative comfort and prospect of future blessings. All the various emigrants to the West so far agree as to authorize the assurance that no inducement could be offered to them strong enough to bring them back again.

The Cherokees and Creeks are charmed with their country, and to the many things which attach to their comfort in it. The New England farmers who have emigrated to the fertile valleys of the West would as soon consent to return to the barren sand and sterile rocks of their native land as a Western Cherokee or Creek would return to the sepulchre of his forefathers.

Pages may be filled with the sublimated *cant* of the day, and in wailing over the departure of the Cherokees from the *bones* of their forefathers. But if the heads of these pretended mourners were waters, and their eyes were a fountain of tears, and they were to spend days and years in weeping over the departure of the Cherokees from Georgia, yet they will go. The tide of emigration, with the Indians as well as the whites, directs its course westwardly.

I am apprised, sir, that principles of natural law and abstract justice have been appealed to, for the purpose of sustaining the pretensions of the Cherokee Indians. Whatever doctrines may have been advanced by theoretical writers upon this subject, the practical comment of all nations will sustain the doctrines contained in the Message of President Jackson at the commencement of the present session of Congress, which reads as follows :

"The condition and ulterior destiny of the Indian Tribes within the limits of some of our states have become objects of much interest and importance. It has long been the policy of the Government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another, wholly incompatible with its success. Professing a desire to civilize and settle them, we have, at the same time, lost no opportunity to purchase their lands, and thrust them further into the wilderness. By this means they have not only been kept in a wandering state, but led to look upon us as unjust and indifferent to their fate. Thus, though lavish in its expenditures upon this subject, the Government has constantly defeated its own policy ; and the Indians, in general, receding further and further to the West, have retained their savage habits. A portion, however, of the Southern tribes have mingled much with the whites, and made some progress in the art of civilized life, have lately attempted to erect an independent government within the limits of Georgia and Alabama. These States, claiming to be the only sovereigns within their territories, extended their laws over the Indians, which induced the latter to call upon the United States for protection.

"Under these circumstances, the question presented was, whether the General Government had a right to sustain those people in their pretensions? The Constitution declares that 'no new state shall be formed or erected within the jurisdiction of any other state,' without the consent of its Legislature. If the General Government is not permitted to tolerate the erection of a confederate state within the territory of one of the members of this Union against her consent, much less could it allow a foreign and independent government to establish itself there.

"Georgia became a member of the confederacy which eventuated in our Federal Union, as a sovereign state, always asserting her claim to certain limits, which having

been originally defined in her colonial charter, and subsequently recognized in the treaty of peace, she has ever since continued to enjoy, except as they have been circumscribed by her own voluntary transfer of a portion of her territory to the United States, in the articles of cession of 1802.

"Alabama was admitted into the Union on the same footing with the original states, with boundaries which were prescribed by Congress. There is no constitutional, conventional or legal provision which allows them less power over the Indians within their borders than is possessed by Maine or New York. Would the people of Maine permit the Penobscot tribe to erect an independent government within their state? And unless they did, would it not be the duty of the General Government to support them in resisting such a measure? Would the people of New York permit each remnant of the Six Nations within her borders to declare itself an independent people under the protection of the United States? Could the Indians establish a separate republic on each of their reservations in Ohio? And if they were so disposed, would it be the duty of this Government to protect them in the attempt? If the principle involved in the obvious answer to these questions be abandoned, it will follow that the objects of this Government are reversed; and that it has become a part of its duty to aid in destroying the states which it was established to protect.

"Actuated by this view of the subject, I informed the Indians inhabiting parts of Georgia and Alabama that their attempt to establish an independent government would not be countenanced by the Executive of the United States, and advised them to emigrate beyond the Mississippi or submit to the laws of those states.

"Our conduct towards these people is deeply interesting to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force, they have been made to retire from river to river, and from mountain to mountain, until some of the tribes have become extinct, and others have but remnants to preserve, for awhile, their once terrible names. Surrounded by the whites, with their arts of civilization, which, by destroying the resources of the savage, doom him to weakness and decay, the fate of the Mohegan, the

Narragansett, and the Delaware, is fast overtaking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them if they remain within the limits of the states does not admit of a doubt. Humanity and national honor demand that every effort should be made to avert so great a calamity. It is too late to inquire whether it was just in the United States to exclude them and their territory within the bounds of new states whose limits they could not control.

"That step cannot be retraced. A state cannot be dismembered by Congress, or restricted in the exercise of her Constitutional power. But the people of those states, and of every state, actuated by feelings of justice and regard for our national honor, submit to you the interesting question whether something cannot be done, consistently with the rights of the states, to preserve this much injured race?

"As a means of effecting this end, I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi, and without the limits of any state or territory now formed, to be guaranteed to the Indian tribes as long as they shall occupy it; each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyments of Governments of their own choice, subject to no other control from the United States than such as may be necessary to preserve peace on the frontier and between the several tribes. There the benevolent may endeavor to teach them the arts of civilization, and, by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race, and to attest the humanity and justice of this government.

"This emigration should be voluntary; for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers, and seek a home in a distant land. But they should be distinctly informed that if they remain within the limits of the states they must be subject to their laws. In return for their obedience, as individuals, they will without doubt be protected in the enjoyment of those possessions which they have improved by their industry.

"But it seems to me visionary to suppose that, in this state of things, claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain, or

passed them in the chase. Submitting to the laws of the states, and receiving like other citizens protection in their persons and property, they will, ere long, become merged in the mass of our population."

Mr. Chairman, the extract from President Jackson's Message, just read, is an unanswerable speech in favor of the entire measure on your table. Moreover, short as it is, it contains an irrefutable argument against everything which can be devised by the ingenuity of our opponents upon this subject. They may theorize upon the subject as to what ought and what might have been done in relation to the Indians; they may calmly look on and advise those who are in pain to be easy and quiet; they may give lectures upon morality, humanity, and benevolence, by an imaginary state of things which does not exist; but the President of the United States, with his usual practical good sense, takes up the subject as it actually exists, points out the course which should be pursued as best calculated to benefit the Indians, as well as the states, and tells you plainly no other alternative is left that will not terminate in the destruction of the Indians, as well as the rights and sovereignty of the states. Yes, sir, good and evil are placed before you. The only hope of the salvation of the Indians is in your hands. Their destiny is suspended on a single thread. God forbid that I should ever be so far infatuated by party prejudice for or against any man, or set of men, as to be induced to use my influence to destroy the remnant of the sons of the forest, or jeopardize the best interests, the peace, harmony, and prosperity of any of the States or Territories of this Union. Sir, I never shall enter the partizan list to such an extent. I love my friends, but I love my country more. It gives me pain to be under the necessity of making the allusions which I have done to individuals, societies, and sections of our country. I would gladly have avoided it, and nothing but a sense of duty could have influenced me to expose the opposition to this measure as I have done. I hope, however, that the spirit and intention of my remarks will not be misconstrued. I entertain no hostile or unfriendly feelings toward any human being. Everything that deserves approbation or admiration, in every section of my whole country, is dear to my heart. I have not travelled out of the path of my duty to commence attacks on any individual or community, but, without intimidation, I have acted on the defensive. This, sir, was due to my constituents as well as myself.

Having said so much in regard to the President's Message, I will return to the elementary writers upon natural law, but shall give no quotations from, or comment upon what or on what they have not written. I merely refer to them for the purpose of saying I think a fair, practical comment upon those laws, so far as they relate to the subject under consideration, may be found in the history of the Colonial, State, and General Governments of this country. If this proposition be admitted, it is visionary to suppose that the Indian claims can be sustained to large tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain or passed them in the chase.

In all the acts, first by the Colonies, and afterwards by the State Governments, the fundamental principles, that the Indians had no right either to the soil or sovereignty of the countries they occupied has never been abandoned, either expressly or by implication. The rigor of the rule for excluding savages from the soil, to make room for agriculturalists, has been mitigated, the earth being intended for the benefit of all mankind. The Indians are secured in a sufficient quantity of the lands they occupy for every useful agricultural purpose. Hence we find reservations made to the Indians in most of the old states, as well as the Federal Government. It is believed that no respectable jurist would risk his reputation that a right to land could be maintained before any of our Courts, State or Federal, when the title has been derived from Indians, unless the land has been granted or patented by the Federal or State Governments.

The practice of buying Indian lands is nothing more than the substitute of humanity and benevolence, and has been resorted to in preference to the sword, as the best means for agricultural and civilized communities entering into the enjoyment of their natural and just right to the benefits of the earth, evidently designed by *Him* who formed it for purposes more useful than Indian hunting grounds.

When the Indians in a colony or state were numerous, powerful and warlike, it has been the practice of all to conciliate them by entering into condescending compacts and treaties, and thus effect by prudence what they were unable to perform by force. By all the old states, except Georgia, this kind of treaty legislation has long since been

abandoned, and direct legislation for the control and government of the Indians substituted in lieu thereof. The opinion of the Supreme Court, referred to by my friend (Mr. Bell) from Tennessee, I believe is considered and received as orthodox by every state in the Union, in which the distinguished and learned Judge Spencer, (now a member of the H. Reps.) declared "that he knew of no half way doctrine on this subject." If a state has jurisdiction at all, it has complete and entire jurisdiction. The principal upon which jurisdiction is assumed does not admit of division.

Sir, much has been said and written with a view of maintaining the doctrine of Indian sovereignty, and I admit many of the acts of the General and State Governments may be selected, apart from their general policy, which would seem to afford support to this position. Yet, when we take the whole policy and history of these Governments as exhibiting an entire system, it must be admitted they have never hesitated to extend their sovereignty over the Indians in their respective spheres, when it was deemed expedient to bring them under their laws and jurisdiction; unless, indeed, we find this hesitancy in the absence of physical power.

Here I will remark, Mr. Chairman, that the only reason why any state in this Union has permitted the interference, or sought the aid of the General Government to take any part in the management and control of the Indian Tribes residing within their respective boundaries, has been on account of their physical weakness, and they have, therefore, looked to this Government for that aid and succor, to afford which it was established by the several states of this Union. Yes, sir, this Government was formed to protect, and not to destroy, the State Governments. In all the states we find, so soon as the Indians were reduced to a condition that no danger was to be apprehended from their power and hostility, the states have invariably taken their Indian affairs into their own hands, and no longer looked to the Federal arm for aid.

Upon every branch of this subject it is necessary constantly to keep in view the distinction between privileges and communities. The states have privileged the General Government to assume the management of very important matters connected with their Indian relations. Yes, sir, the aid of this Government has often been sought in those matters; nevertheless, while the states thus sought and

assented to this exercise of power on the part of the General Government, it was from motives of prudent policy and interest. No state of the Union ever saw the time that they would have yielded to this exercise of power, when claimed as a right, and attempted to be enforced contrary to the wishes of the state. It is the same case in regard to the Indians residing in a state. They are privileged, in very many respects, far beyond their rights or immunities. While the population of a state is small, and its territory extensive, large tracts of country are permitted to remain for the use and privilege of the Indians, to hunt and roam from place to place. They are also left to regulate their own affairs according to their own customs, without any interference on the part of the state. But when this state of things becomes changed, as it now has in Georgia, the State is of necessity compelled to assert and maintain her rights of sovereignty and jurisdiction.

If the question of the right of Georgia to unqualified jurisdiction within her own limits is considered as forming any part of the subject under consideration, by implication or otherwise, I think I may, with great confidence, look to this House for a just decision. But should I be disappointed in an American Congress, I will then appeal to the people and States of the Union. Congress have sometimes failed to obey the will of their constituents, and they may do so upon the present occasion. If they do, I look to the unofficial sovereign people to apply the proper remedy.

Mr. Chairman, my physical strength admonishes me to draw to a close, and but for the peculiar situation in which I stand related to the subject, and the more forcible consideration that the character of Georgia should be vindicated and exculpated from the many aspersions and calumnies cast upon her, here and elsewhere, my remarks would have been few, and strictly confined to the subject, but much as I have already said, and desultory as I know my remarks have been, I must beg leave to ask, in the name and behalf of the people of Georgia, a comparison between her laws and proceeding with those of any one of her sisters of the old thirteen who achieved the glory of our liberty and independence.

In humanity, forbearance, and liberality towards the Indians, Georgia has no superior, if she does not stand pre-eminent. The prosperity and advancement of the Indians within her boundaries is the theme of Indian his-

tory, and the glory of missionary efforts. Volumes have already been written, and sent to every quarter of the globe, to carry the glad tidings of the advancement and reformation of the Georgia Indians. And yet, Sir, have you not from day to day, throughout this long session, seen the provocations teeming upon President Jackson and the Georgians, and a spirit of asperity rarely witnessed in this or any other country? Martyrdom, the fagot, the flame, and stake, seem to inspire the ardent hopes and ambition of our opponents. Sir, Georgia would turn away from such sacrifices; she requires no such immolation to restrain the impetuosity of her citizens from acts of inhumanity and violence towards the Indians, or any other people. If you want any evidence of the generous spirit and liberality of Georgia, turn your eye to the maps which adorn your walls; look upon the two flourishing states of Alabama and Mississippi; for these States may, to a considerable extent, be considered a donation on the part of Georgia to this confederation of states. It is true Georgia did, at the time she ceded that territory to the Union, expect to relieve herself thereby of litigation and embarrassments with which she was harassed, and which were of an unpleasant and perplexing nature; and her compact with this Government, in 1802, secured the pledge and faith of the Federal Government to effect these desirable objects for Georgia. Yes, sir, from the signing of the compact of 1802, Georgia had a right to expect peace and quiet on the subject of the Yazoo speculation, as well as a speedy, reasonable, and peaceable relief from all Indian claims to lands within her borders. But, Sir, we have experienced a ten-fold portion of that disappointment which the vicissitudes of fortune bring to man.

What has been the history of the engagements formed by that compact? Let facts answer this question. From that day to this, Georgia has been the subject of unremitted and unmerited abuse. While the claims of the Yazoo speculators were pending before this Government, it was seized upon as a fit occasion, by prejudice and ignorance, to censure and revile Georgia, apparently forgetting the fact that this Government had been a great gainer by the misfortunes of Georgia, and had actually received an hundred-fold for all its troubles and expense in settling and quieting these claims.

Again, sir, from that day to this, whenever the subject of extinguishing Indian title to lands within the limits of Georgia has offered the slightest opportunity for declama-

tion, we have, with deep regret, discovered the same spirit which the gentleman from New York (Mr. Storrs) has manifested upon the present occasion.

But, sir, I will not dwell upon the wrongs of Georgia. It is the province of weakness to complain. We have sought from this Government our rights in the fulfilment of her engagement with us. They have long been withheld, upon frivolous excuses. We had lost confidence in any appeals which we could make to this Government; that confidence has been restored to the Executive branch of the Government by the course which has been marked out and pursued by our present Chief Magistrate. He has spread his opinions before the Nation in relation to the claims and rights of Georgia upon the Indian subject. Georgia is now waiting to hear the response of this branch of the General Government. A disposition manifested on your part to make reparation to Georgia for the multiplied wrongs which she has endured will be grateful to the feelings of every Georgian.

But, sir, arraigned as we are at your bar, we have no supplications to make. We deny your right of jurisdiction. Upon the subject of our sovereignty we fear nothing from your sentence. Our right of sovereignty will not be yielded. If you do not perform your duty, by withholding your opposition to long-delayed justice, and fulfil the conditions of your contract of twenty-eight years' standing, I would then advise you to let us alone, and leave us to manage our own affairs in our own way. While I would scorn to be heard in the tone of supplication, in reference to the rights of my constituents, I would, nevertheless, as the sincere and candid friend of the Cherokee Indians, use the language of expostulation in their behalf. The Cherokees, as well as the Georgians, are tired of suspense. A crisis has arrived which calls for action. Things can no longer remain in their present state.

Some acknowledged, competent authority must be sustained in what is called the Cherokee country. In its absence we may daily expect to hear of anarchy and blood. It is not only intruders from Georgia, but from various other states, who have recently rushed into the Cherokee country, to avail themselves of the advantages which may be found.

Give your support to the bill under consideration. Hold out no vain and delusive hopes to these sons of the forest. The history of the past gives them strong claims on our sympathy, benevolence, and liberality. Join us in

the great effort to save the remnant tribes of the aborigines. They are a peculiar people. They look back to the time when they were the undisputed masters of this mighty continent. They see in the future no reward for ambition or exertion, unless you plant them in permanent homes, where the extended views of their true friends and benefactors may systematically go forward with some prospect of success.

CHAPTER VII

As I write for the information of those who may survive me, and upon subjects identified with my own life, I do not feel at liberty to withhold from the reader either records, facts, or opinions which I may have entertained, which I deem to be necessary to the elucidation of the subjects upon which I dwell. I feel it my duty in a special manner to dwell somewhat at large upon the history of the relations which have existed between both the Federal and State Governments of our country and the Indian tribes who preceded Europeans in the occupancy of this country. The history of my own State, in connection with Indian affairs, fills many pages on the records of our State and General Government. And the Cherokees, the last lingering tribe removed from the limits of Georgia, are in many respects pre-eminently distinguished in the history of the past, and often at the expense of the character of Georgia and her prominent citizens who happened to be at the helm of public affairs in the State at the time of the greatest difficulty with this tribe of the aboriginal race. And should the historical and official records of the country prove that I have done more than others in expediting and consummating termination of the difficulties and embarrassments in the removal of the Indians from the different States and Territories, and the Cherokees especially, from the limits of Georgia, by colonizing and collecting them in a suitable country for their well being to the west of the Mississippi, and out of the limits of all the States and Territories of the Union, then may I not claim the reward of having rendered efficient aid in a good cause by many years of toil, hazard and labor, in benefiting the State, as well as the Indians? Moreover, in having aided in improving the policy and intercourse of civilized Governments towards a dependent and subdued remnant of the wild men of America? If I may be allowed to discriminate in the labors of my own life, I would put a higher estimate on the many years of toil spent in connection with Indian affairs than any one branch of my public labor.

I hope I may not be thought assuming while I ask

that my various and long continued efforts in connection with Indian affairs may be measured by the success which attended them. And in order to afford the means to every one who may desire a correct knowledge of these important matters of history, I herewith submit for consideration various official documents, and only require the readers' serious consideration and reflection, in order to come to correct conclusions in regard to all these matters. And having entered so far upon this subject, I will drop for the present my general narrative, and consecutively place before the reader many of the most prominent documents which I deem necessary to sustain all that I have assumed in regard to this subject.

And in order, to a clear understanding of the documents which I intend to submit, it is necessary briefly to state the order of the public positions which I occupied from 1830 to 1840. In October, 1830, I was again elected a member of (the 22nd) Congress, and in the December following proceeded to Washington, and served out my term (till the 4th of March, 1831) as a member of the 21st Congress.* During this session, I became convinced, from the very numerous communications received from my constituents, that I could not satisfy my friends at home without becoming a candidate for Governor of Georgia at the next October election. I deeply regretted this feeling on the part of my friends and constituents, and by numerous letters written in reply to those received on the subject I endeavored to convince my friends that it would be best for me to serve out the two years in Congress to which I was already elected. And I was altogether sincere in desiring to continue in Congress at this time. My success in all my measures in regard to Indian affairs, and my assiduous devotion to all my duties as a member of Congress, as well as the experience which I had gained from six years' service in that body, all tended to give me, as I thought, a more favorable position for extended and general usefulness to the country, as a member of Congress. Moreover, I thought my position altogether favorable to still urge on my policy of the general emigration of the Indians to the West, including the Cherokees of Georgia. And I was apprised that many of my constituents thought that if I was in the Executive Chair of Georgia I could succeed in the removal of the Cherokees more speedily than could be done by my efforts at

* The 2d session of the 21st Congress began Dec. 6, 1830, and ended March 4, 1831. The 1st session of the 22d Congress began Dec. 5, 1831.

Washington. I was fully apprised too of all the difficulties I had to encounter, if elected to the Executive Chair.

First, I should have to encounter the displeasure of Governor Gilmer, then Governor of Georgia, and desirous of re-election, as well as that of his numerous friends and supporters. Moreover, I knew that my policy on the Indian subject would differ from his on some very important points which would divide the councils and strength of the State.

Furthermore, although I knew my popularity with the people of Georgia as a Congressman, I did not feel assured that they wished to change my position at the expense of expelling Governor Gilmer from the Executive Chair; for I considered him a man of great popularity in Georgia. Under all these circumstances my reluctance was very strong, while yielding to the demand of my friends. But I was forced to become a candidate, and was elected in Oct., 1831, Governor of Georgia, by a majority of about fifteen hundred votes. And on the 9th of Nov. following, after the ordinary ceremonies of inauguration, and delivering the following address, and taking the oaths of office required by the Constitution, I entered on the duties of my office.

INAUGURAL ADDRESS.

Fellow Citizens:

Called by the voice of the people of Georgia to the first office within their gift, I approach the responsibilities of the station with unaffected humility and diffidence. But for a firm reliance on that wisdom which comes from above, and an unshaken confidence in the virtue and intelligence of my constituents, I should shrink from the magnitude of the arduous and complicated duties of the office confided.

The *basis* of my political creed is confidence in the unofficial, sovereign people. They are the only legitimate source of all governmental power, and I believe them to be not only capable of *self*-government, but of *wise* self-government. Therefore, my only hope of retaining their confidence will be in a faithful discharge of my public duty.

To this station I bring no spirit of party animosity, or political strife. I have no pledges to redeem, nor vindictive feelings to gratify. I am now the servant of all.

I avail myself of this occasion to re-affirm what I stated to the public in February last: that "it is my most ardent desire to see the whole people of Georgia united on the great subjects of political interest and principle, which are inseparably connected with liberty, and the perpetuation of our Federal Union. '*The Federal Union must be preserved,*' and it can only be done by the General and State Governments confining themselves within their respective constitutional spheres."

Pure patriotism demands of every public functionary a voluntary sacrifice of all political prejudices which may stand opposed to the public interest. Thus far I make a free-will offering of my own, on the altar of the public good.

In the presence of that portion of my fellow citizens here assembled, and in that of Heaven, I now proceed to bind myself by the solemnities of the most sacred obligation to discharge, with zeal and fidelity, the duties of the high trust to which I have been called.

I then repaired to the Executive Chamber, accompanied by Governor Gilmer who politely pointed me to the chair of state, made his bow and retired. The whole of his secretaries, together with every other person connected with the office, except his messenger, Peter Fair, (since promoted to higher stations by me) followed the Governor, leaving me to search for papers called for by the Legislature, and to acquire a knowledge of the arrangement of the office papers, without the slightest assistance from any of the former inmates of the Department.

And in order that the readers may form some adequate idea of my true position, I will here state that a decided majority of both branches of the Legislature had been opposed to my election, and had consequently organized their bodies, by electing officers of both houses who coincided with their own views. Moreover, in a few days after, all the State House officers, Judges of the Superior Courts, and every other office subject to be filled by the Legislature, was occupied by individuals who had opposed my election.

The records of Georgia will show that, at the time I entered upon the duties of the Executive office, every other high office in the State, including both branches of Congress, were opposed to my election. And lest it should be omitted hereafter, I will here state that when I left the Executive office of Georgia, at the end of my four

years' service, the whole of these officers, including my successor, were my political friends and supporters.

I availed myself of the best help I could procure as secretaries to the Executive Department, and it was but a short time before I became familiar with the arrangement of the papers of the office.

But to return to that which is more important in connection with my official duties. On the 25th day of November, 1831, I made the following communication to the Legislature:

Executive Department, Georgia,
Milledgeville, 25th Nov., 1831.

To the Senate and House of Representatives:

I submit to the General Assembly for its consideration copies of two communications received yesterday, purporting to be signed by Henry Baldwin, Esq., one of the Justices of the Supreme Court of the United States, and to be citations to the State of Georgia to appear in the Supreme Court, on the second Monday in January next, to show cause before that tribunal why two several judgments should not be set aside, which have been lately rendered in the Superior Court of the county of Gwinnett, against Samuel A. Worcester and Elizur Butler, for a violation of an existing law of the State, committed within its jurisdictional limits; also a copy of a notice purporting to be signed by William Wirt and John Sergeant, as council for Samuel A. Worcester and Elizur Butler, informing me of an intended application to the Supreme Court for a hearing on writs of error filed by those persons.

The obvious object of the proceedings to which this notice and these citations relate is to call in question and attempt to overthrow that essential jurisdiction of the State in criminal cases, which has been vested by our Constitution in the Superior Courts of the several counties of this State.

My respect for the Supreme Court of the United States as a fundamental Department of the Federal Government induces me to indulge the earnest hope that no mandate will ever proceed from that Court, attempting or intending to control one of the sovereign States of this Union in the free exercise of its constitutional, criminal, or civil jurisdiction. "The powers not delegated by the Constitution to the United States, nor prohibited by it to the States, are reserved to the States respectively."

Such a control over our criminal jurisdiction as these proceedings indicate, it is believed, has not been delegated to the United States, and consequently cannot be acquiesced in or submitted to.

Any attempt to infringe the evident right of the State to govern the entire population within its territorial limits, and to punish all offences committed against its laws within those limits (due regard being had to the cases expressly excepted by the Constitution of the United States), would be the usurpation of a power never granted by the States; such an attempt, whenever made, will challenge the most determined resistance, and if persevered in will evidently eventuate in the annihilation of our beloved country.

In exercising the authority of that Department of the Government which devolves on me, I will disregard all unconstitutional requisitions, of whatever character or origin they may be, and to the best of my ability will protect and defend the rights of the State, and use the means afforded me to maintain its laws and Constitution.

WILSON LUMPKIN.

From the foregoing short communication, it will be seen that at the very threshold of my Executive administration it became my duty to resist Federal usurpation, and it will also be seen in what manner I discharged that duty, and the sentiments I then entertained in regard to Federal encroachments.

The reader who desires to be fully and correctly informed, in regard to all the great interest of Georgia, at the time I first entered on the duties of the Executive office, and especially in regard to the then existing state of our Cherokee relations, would do well to read attentively Gov. Gilmer's annual message to the Legislature, at the commencement of the session. There may be seen in detail not only the then existing state of affairs, but the views and policy recommended to the Legislature by Gov. Gilmer.

And then let the reader turn to my message to the House of Representatives, made at the special request of that body, on the 2d of December, on the subject of our Indian affairs, which will enable him to understand the difference in opinion and policy between Gov. Gilmer and myself on the then Indian subject. I responded to the call of the House in the following words:

Executive Department, Georgia,
Milledgeville, December 2d, 1831.

To the House of Representatives :

Gentlemen—Having been called on by your resolution of this date, requesting me to lay before your branch of the General Assembly any information in my possession “in relation to the Cherokee Nation, and which might have an influence on the policy of the measure of the immediate survey and occupancy of the Cherokee lands, which has not heretofore been communicated, together with any views of the Executive upon the subject which that Department may think proper to make known,” in answer thereto I submit the following, as the result of long reflection on the important subject referred to.

It is believed that a crisis has arrived, in which we cannot permit the course of our policy in relation to the Cherokee part of Georgia to remain in its present perplexed and extraordinary condition without jeopardizing the interest and prosperity, if not the peace and safety, of the State.

Circumstances within the recollection of our whole people imperiously demanded the extension of the laws and jurisdiction of our State over our entire population and territory.

This step has been taken, and cannot be retraced. The State cannot consent to be restricted in the exercise of her constitutional rights. It is now too late for us to theorize on this subject; we are called upon to act; the public functionaries of the State stand pledged to their constituents, and the world, to sustain the ground which they have taken. It is our constitutional right, and moral duty, forthwith to interpose and save that part of our State from confusion, anarchy, and perhaps from bloodshed.

The question of the right of the State to jurisdiction seemed for a time to have been settled. Our laws were in regular, unmolested operation over our entire territory; our rights appeared to be no longer controverted; and the responsibility for the existing evils was devolving on ourselves.

But new and unexpected difficulties are arising out of the imbecility of our own measures, and the selfishness of some of our own citizens. It has been thought that some of our most distinguished citizens have thrown almost insuperable obstacles in the way of a speedy termination of our Indian difficulties. The laws heretofore enacted for

the maintainance of the jurisdiction of the State over that portion of our territory, and for the Government of all persons residing therein, it must now be admitted, have failed to accomplish all that was desired and expected by the friends of these measures. The defects of our laws have been evinced by their practical operation. It is believed that any attempt to establish a salutary civil government over a country containing nearly five millions of acres of land, while destitute of the materials to administer the law, must, from the nature of things, prove in a great measure abortive.

A few thousand half civilized men, both indisposed and incompetent to the faithful discharge of the duties of citizenship, and scattered over a territory so extensive, can never enjoy the inestimable blessing of civil government.

Whatever may be the nominal character of our legislation, we cannot govern the country under consideration with honor to our character, and benefit and humanity to the Indians, until we have a settled, freehold, white population, planted on the unoccupied portion of that territory, under the influence of all the ordinary inducements of society, to maintain a good system of civil government. Our government over that territory in its present condition, in order to be efficient, must partake largely of a military character, and consequently must be more or less arbitrary and oppressive in its operations. If the present system be continued, it is important that ample powers should be afforded to the Executive, to regulate the conduct, and control the operations, of the agents employed to administer the Government in that part of the State; but it is doubtful, even with this power, whether any vigilance and energy on the part of the Executive can wholly prevent injustice and oppression being committed on the Indians, and at the same time maintain the laws inviolate.

If Georgia were at this day to relinquish all right, title and claim to the Cherokee country, what would be its situation? The impotency and incompetency of the Cherokees to maintain a regular government, even for a few months, perhaps for a few weeks, would at once be demonstrated. The country would be speedily overrun, chiefly by the most abandoned portions of society from all quarters.

The gold mines would hold out an irresistible temptation to all such characters. The existence alone of the rich gold mines utterly forbids the idea of a state of quiescence on this all engrossing subject.

Our true situation and motives on this question are still misunderstood, and often misrepresented, by those at a distance. In order to appreciate our policy, our true situation must be understood. I will not attempt to enumerate the wrongs, embarrassments, and perplexities, which this State has encountered, by what I am constrained to deem the impertinent intermeddling of "busy-bodies." Officious persons of various descriptions have unfortunately succeeded in inducing our Indian people to believe that we are their enemies and oppressors, and in alienating their affections from us. These various intermeddlings hastened the crisis which compelled the State to the course which she has taken; and the day must speedily arrive when all the heart-burnings on this subject must be put to final rest. The combined and combining influences now in operation against the character, interest, peace, and prosperity of the State, cannot be much longer deplored in silent inaction; nor ought we to place any reliance on inefficient measures. Unfounded calumny and prejudice, kept at a distance, may be endured; but domestic and household enemies produce unceasing disquietude and danger.

The unfortunate remnant of Cherokee Indians remaining in Georgia ought now to consider themselves the admitted charge of our peculiar care; and if possible we ought, as their friends and benefactors, to preserve and cherish them. They ought not forcibly to be dispossessed of their homes, or driven from the land of their fathers; they ought to be guarded and protected in the peaceable enjoyment of a sufficient portion of land to sustain them, with their families, in their present abodes, so long as they may choose to remain; and their rights and property should be as well secured from all lawless depredation as those of the white man. It would be as cruel as unjust, to compel the aborigines to abandon the graves of their fathers; but in the present extraordinary state of things it would be visionary to suppose, that the Indian claim can be allowed to this extensive tract of country—to lands on which they have neither dwelt, nor made improvements.

Principles of natural law and abstract justice have often been appealed to, to show that the Indian tribes within the territorial limits of the States ought to be regarded as the absolute owners and proprietors of the soil they occupy.

All civilized nations have acknowledged the validity of the principles appealed to, with such modifications and

interpretations of these principles as the truth of history has verified, especially in the settlement of this country.

The foundations of the States which form this confederacy were laid by civilized and Christian nations who considered themselves instructed in the nature of their duties by the precepts and examples contained in the Sacred Volume which they acknowledged as the basis of their religious creed and obligations. To go forth, subdue, and replenish the earth, were considered Divine commands.

Whether they were right or wrong in their construction of the sacred text; whether or not their conduct can be reconciled with their professed objects, it cannot be denied that possession, actual or constructive, of the entire habitable part of this continent was taken by the nations of Europe; and that it was divided out and held by them originally, by the right of discovery, as between themselves, and by the rights of discovery and conquest, as against the aboriginal inhabitants. The English colonies and plantations were settled and governed under various charters, commissions, and instructions, issued by the crown to individuals or companies; and notwithstanding that the paramount sovereignty was reserved in all the charters to the mother country, yet in the grant of the absolute property in the soil there was no reservation of any part of it to the natives, who were left to be disposed of as the proprietors might think fit and proper.

Humanity, and the religious feeling of the early adventurers in America, connected with the consideration of the power and immense numbers of the native races and their savage mode of warfare, laid the foundation of the policy adopted in this country towards the Indians. The practical comment to be found in the acts of all the Governments of North America evinces very little regard for the elementary doctrines of theoretical writers on this subject. One of the expedients resorted to by the early settlers in this country as a fundamental principle of policy towards the Indians was, to appear to do nothing which concerned them, either in appropriating their lands or in controlling their conduct, without their consent. But instances have occurred, and will again occur, in which the interests of civilized communities have demanded, and will again demand, a departure from this seeming liberal policy. It is believed that many acts of the Colonial, as well as of the State Governments, will maintain the great fundamen-

tal principle that within the territorial limits of the Colonies or States the ancient possession of the Indians conferred on them no rights, either of soil or sovereignty.

The rigor of the rule for their exclusion from these rights has been mitigated in practice, in conformity with the doctrines of those writers on natural law, who, while they admit the superior right of the agriculturalist over the claims of savage tribes in the appropriation of wild lands, yet, upon the principle that the earth was intended to be a provision for all mankind, assigned to those tribes such portions as, when subdued by the arts of the husbandman, may be sufficient for their comfortable subsistence. The General Court of Massachusetts, in 1633, declared "That the Indians had the best right to such lands as they had actually subdued and improved." The government of that Colony at the same time asserted its right to all the residue of the lands within its chartered limits, and actually parcelled them out by grant among the white inhabitants, leaving to these the discretionary duty of conciliating the Indians, by purchasing their title. The General Assembly of Virginia asserted the unrestricted right of a conqueror; and at the same time conceded, what the principles of natural law were supposed to require, when, in 1658, it enacted, "That for the future no land should be patented until fifty acres had first been set apart to each warrior, or head of a family, belonging to any tribe of Indians in the neighborhood." No respectable jurist has ever gravely contended that the right of the Indians to hold lands could be supported in the courts of the country upon any other ground than the grant or permission of the sovereignty, or State, in which such lands are situate. It is believed that no title to lands that has ever been investigated in any of the courts of the States, or of the United States, has been admitted to depend on any Indian deed or relinquishment, except in those cases where grants had been previously made to individual Indians to hold in fee simple, either by the State or Colonial governments.

With all of these facts and examples before us, taken in connection with the extraordinary state of our Indian affairs, will any citizen of Georgia hesitate, upon the question of advancing or receding? To stand still, will in effect be to recede—to recede is to abandon our rights, and tacitly admit our incompetency to sustain our Constitutional Government within our own limits.

Our laws now in operation for the maintenance of our authority, and the preservation of order over our

Cherokee lands, must necessarily be temporary; the expense alone of the present system is a burthen which cannot be permitted to continue long.

The present state of things in the Cherokee country, it is believed, is strengthening the adversaries of Georgia, at home and abroad.

In order to secure and protect the Indians in their abodes, and their property of every kind under our laws, their individual and separate possessions ought to be defined by actual survey; in accomplishing which it will be least expensive and most compatible with the views of the State (as provided by the act of the Legislature at its last session), to survey the entire country.

Until we have a population planted upon the unoccupied portion of this territory, possessed of all the ordinary inducements of other communities to sustain our laws and government, our present laws providing for the government of this part of the State should not only be continued, but ample power should be afforded to enforce obedience to their requirements. To effect this object, the Executive should be vested with full power promptly to control the agents who have been, or may be, selected to maintain the authority of the laws in that portion of the State.

I never can consent to be considered amongst the number of those who disregard the interests, rights, or claims of the Cherokee Indians. Georgia would still forbear, if any hope remained that her embarrassments could be terminated by negotiation or investigation of any kind; but the present posture of affairs furnishes no satisfactory assurance of a successful issue to these injurious embarrassments and difficulties, and the State would be responsible for the evils that might ensue. I would recommend no course which might tend, in the slightest degree, to weaken the just claims of the Cherokee Indians to full indemnity and remuneration from the government of the United States for all guarantees made by that government to the Indians, to lands within the limits of Georgia.

As a member of the Federal Union, we should duly consider the obligations of the United States to the Cherokee Indians.

Whether a treaty or compact be made with one of the States of the Union, or with a dependent and subject community, the faith of the Nation should not be disregarded.

While the antecedent engagements of the United States to Georgia are entitled to precedence in their observance, yet, as far as possible, the Cherokees should be compensated for any failure on the part of the United States literally to comply with their stipulations to that people. That being done, there remains no just cause of complaint. The first duty of every government is, to protect the rights and promote the prosperity of its own members. Yet the rights and interests of others, of whatever character or condition, are not to be wantonly restricted, nor in any case wholly disregarded.

But the principle cannot be sustained by any fair course of reason or authority, that the United States can in justice be bound to violate its relations or compacts with Georgia, as one of the States of the Union, or the rights of this State as a third party, for the mere consideration of performing an after obligation or secondary duty to the Indians.

Regardless of the pretensions of others, I yield to none in my respect, friendship, and veneration for our present patriotic Chief Magistrate of the Union. He has, upon every fit occasion, manifested an unceasing disposition to better the condition of the Indians, and at the same time to relieve the States from this embarrassing portion of their population. In an especial manner he has manifested his deep sense of the wrongs brought upon Georgia by the want of good faith on the part of the Federal Government; and has fearlessly advocated the rights of Georgia to the full extent of her claims.

Therefore, every consideration of duty and justice requires our cordial support of the President in all measures emanating from him which may not be deemed incompatible with paramount duties.

In conformity with the views herein submitted, I would respectfully recommend to the General Assembly an immediate survey of the Cherokee Territory. After completing the survey of the country, (unless it shall become indispensable to the interest and peace of the State to act differently,) I would yet pause for a time, and endeavor to maintain our present, unpleasant, expensive, and embarrassing situation, in the hope that better counsels may then prevail among the Indians, and that those who govern them may yield to such measures as will obviously promote their real and lasting interest.

But should circumstances render it indispensable to take possession of the unoccupied territory, we can then

sustain the Indians in their homes, protect them in their rights, and save them from that cruelty and oppression which have too often been the inheritance of this unfortunate people, in the confidence that their claims to the territory thus occupied by Georgia will be extinguished by the Federal Government, in compliance with the compact of 1802.

WILSON LUMPKIN.

The influence of the foregoing communication, in connection with my daily and free intercourse with the members of the Legislature, with my opponents as well as my friends, enabled me to procure from the Legislature, to some considerable extent, such enactments as I deemed most important to sustain my views in relation to Indian affairs.

After mature reflection on the subject, and with an earnest desire that those who survive and come after me may have the means fully and fairly before them to enable them to judge correctly of all my official acts as Governor of the State of Georgia for four years, and at a period of great and abiding interest to the people of Georgia, in regard to the various interests of the people of the State, and especially her Indian relations, I have deemed it expedient here to introduce and lay before the reader my several annual messages to the Legislature of Georgia, from November, 1832, to November, 1835, inclusive.

These official documents will be found not only to refer to and embrace to some extent the most important acts connected with my executive administration of the Government of the State, but will, at the same time, present the views which I then entertained and recommended to the consideration of the Legislature, from time to time, upon all those subjects connected with the then existing and permanent interest of the people of Georgia. These communications will be found to refer to, or embrace, all that is necessary to keep up the chain of history upon the subject of our Indian affairs in that consecutive order that I have heretofore intimated that I designed pursuing in this work. The reader may, if he chooses, pass from my first message to the Legislature on the Indian subject to what was annually communicated to the Legislature, for four successive years, on the same subject, which will enable him to keep up the history of our Indian affairs as they progressed from time to time, without en-

cumbering himself by dwelling on other important matters of state policy embraced in my several messages.

And these documents, being here given entire, will become convenient for reference, whenever the several subjects which they embrace may hereafter be introduced to notice. I do not introduce these documents for any supposed beauty of style or composition. I am no competitor for literary fame; but I wish to maintain my character as an untiring, persevering, faithful servant. Moreover, I wish posterity to be fully informed in regard to the principles, opinions and policy upon which the acts of my life have been based. I have never concealed an opinion entertained upon any political question, from early youth to the present day.

ANNUAL MESSAGE, 1832.

Executive Department, Georgia,

Milledgeville, November 6th, 1832.

Fellow Citizens:—

When we take a survey of the events of the closing year, it produces mingled emotions of pleasure and pain. Our actual condition and enjoyments as a people, arising from climate, soil and good government, when compared with other portions of the world, admonish us to admire and adore the Divine Author of our multiplied blessings. Nothing has transpired to lessen our attachment or diminish our confidence in the good system of government under which we live. We should, therefore, cherish an increased zeal and an abiding hope for the perpetuation of our free and happy institutions. The truths of history do not authorize the belief that we are to enjoy the inestimable blessings of liberty and free government, founded on principles of equal rights, without vigilance and constant exertion on the part of the people, who are the only legitimate source of government power.

Our conflicts with Federal usurpation are not yet at an end. The events of the past year have afforded us new cause for distrust and dissatisfaction. Contrary to the enlightened opinions and just expectations of this and every other State in the Union, a majority of the judges of the Supreme Court of the United States have not only assumed jurisdiction in the cases of Worcester and Butler, but have, by their decision, attempted to overthrow that essential jurisdiction of the State, in criminal cases,

which has been vested by our Constitution in the Superior Courts of our own State. In conformity with their decision, a mandate was issued to our court, ordering a reversal of the decree under which those persons are imprisoned, thereby attempting and intending to prostrate the sovereignty of this State in the exercise of its constitutional criminal jurisdiction. These extraordinary proceedings of the Supreme Court have not been submitted to me officially, nor have they been brought before me in any manner which called for my official action. I have, however, been prepared to meet this usurpation of Federal power with the most prompt and determined resistance, in whatever form its enforcement might have been attempted by any branch of the Federal Government.

It has afforded me great satisfaction to find that our whole people, as with the voice of one man, have manifested a calm, but firm and determined resolution to sustain the authorities and sovereignty of their State against this unjust and unconstitutional encroachment of the Federal judiciary. The ingenuity of man might be challenged to show a single sentence in the Constitution of the United States giving power, either direct or implied, to the general government, or any of its departments, to nullify the laws of a State, enacted for the government of its own population, or coerce obedience, by force, to the mandates of the judiciary of the Union. On the contrary, the journals and proceedings of the convention that framed the Federal Constitution abundantly evince that various attempts were made to effect that object, all of which were rejected. This proves that the States of this Union never did, and never will, permit their political rights to be suspended upon the breath of the agents or trustees to whom they have delegated limited powers to perform certain definite acts. I, however, deem it unnecessary for me, at this time, to animadvert on this decision of the Supreme Court. Its fallacy, its inconsistency with former decisions, and its obvious tendency to intermeddle with the political rights of the States, and to change our Federal system into one consolidated mass, has been so often exposed by the most able jurists and statesmen that a large majority of the people of this Union are confirmed in the conviction of the fallibility, infirmities, and errors of this Supreme tribunal.

This branch of the general Government must henceforth stand where it always ought to have stood in pub-

lic estimation, as being liable to all the frailties and weaknesses of erring man.

Shortly after the adjournment of the Legislature, in December last, I communicated directly to the President of the United States the views of this State, as manifested by her legislation on the subject of our unoccupied lands lying in Cherokee County; and at the same time frankly communicated to him my views, especially as to the necessity and importance of an immediate survey, and perhaps occupancy, of these lands. The President has manifested equal solicitude with ourselves to effect an amicable and satisfactory adjustment of our territorial embarrassment. He has proposed to the Cherokee people terms of the most liberal character, with a view to induce them to emigrate to the West, &c., thereby to enable him to effect the great object of his solicitude, in permanently benefiting that unfortunate race, and at the same time to fulfil the long delayed obligation of the United States Government to Georgia, entered into by the compact of 1802.

Notwithstanding the extraordinary liberality of the proposition submitted to the Cherokees, and the kind spirit in which they were presented, the enemies of the President and of Georgia have so far succeeded as to prevent any satisfactory arrangement or treaty with them; and their reply to those liberal propositions evinces a most arrogant and uncompromising spirit.

Every day's experience has afforded new evidence of the utter impracticability and impolicy of attempting any longer to maintain our laws and government over the Cherokee part of Georgia, without an increased and better population. Every effort has been made by the Executive to maintain the inviolability of the laws of the State in Cherokee County; but these efforts have not been attended with the desired success. Our laws have been repeatedly violated, and for the want of that moral force which pervades counties inhabited by a more dense, enlightened and virtuous population the transgressors have sometimes escaped merited punishment.

Our scattered population of good character, who now inhabit this County, have often found themselves destitute of security from the depredations of dishonest men; and when they have sought protection from the laws of the land, they have often found those laws evaded and perverted by combinations of such characters, aided by the advice and counsel of those whose enlarged acquirements

should have directed their influence in aid of the cause of justice and the supremacy of the laws. Legal and pettifogging subtilties in this County seem measurably to have triumphed over equity and a fair administration of the laws.

Not only the Supreme Court of the United States, but the Superior, and even the Inferior, Courts of our own State, have so far aided in overturning our laws and the policy of our State Government as to declare them unconstitutional, and order the discharge of prisoners arrested and confined under their provisions. Nevertheless, amidst all these irregularities, strifes and disorders, there is much cause for sincere gratification, that the events of the year have produced nothing more seriously injurious to the interests and character of the State.

The survey of the County of Cherokee, in conformity with, and under the provisions of, the several acts of the Legislature, has been completed without any serious obstacle or difficulty, and, in the exercise of that discretion confided to me by law, I have not hesitated to move forward in that direct line which I deemed best calculated to ensure a speedy settlement of the unoccupied lands in Cherokee County. Accordingly, in due time, the Justices of the Inferior Courts of the several counties were notified and required to execute the duties devolving on them, in regard to receiving and returning the names of persons entitled to draws in the lotteries, which having been done according to law, and the tickets having been prepared, the Lottery Commissioners were convened, and commenced the preparatory arrangements for the drawings, which was commenced on the twenty-second day of October last, and is now in progress, under their superintendence.

I deem it unnecessary at this time to enter upon an enlarged vindication of the policy which has been pursued by the authorities of Georgia on this subject. Suffice it to say that I have daily increased evidence that our policy has been founded in wisdom, justice and true benevolence, and will, ere long, terminate in the preservation of a remnant of these unfortunate Indians; and our State will be relieved from the libels and embarrassments of a thirty years' controversy.

It now becomes my duty to call the serious and deliberate attention of the Legislature to the subject of the present condition of the Cherokees who remain within our State. By our existing laws, their homes and improvements are secured to them, so long as they may

choose to remain thereon; but these laws are by no means adapted to the security of their persons and property. Therefore, special and appropriate legislation is most earnestly recommended, whereby these objects will be secured to them, and their rights be as effectually shielded from violation as those of the white man. It is due to the character of the State that this dependent people should be protected by laws as liberal as may be consistent with their moral and intellectual condition. To afford them such protection, and to extend to them suitable privileges, without endangering the rights of our own citizens, will require the most careful deliberation and prudent forecast.

The land fund set apart by the Legislature has been found insufficient to pay even the legal expenses of surveying the public lands. Nothing, therefore, remained to discharge the various expenses necessarily incident to the preparation for carrying the lottery laws into effect.

The Legislature will perceive the necessity of providing, at an early day, for the payment of all arrearages, and other expenses appertaining to this business. It is the more urgent that it should be done without delay from the consideration that many needy persons have already performed much useful labor for the public, who have not yet received any compensation.

While on this subject, it may not be improper to remark that the Executive has not only been embarrassed on account of the inadequacy of the land fund, but from the improvidence of the last Legislature, in providing the means at the Treasury to meet their several appropriations. The appropriations for the past political year greatly exceeded the available means at the Treasury. This omission of the Legislature was discovered at an early day, after the adjournment of their last annual session, and, after due consideration, it was determined to endeavor to sustain the operations of the government by other means than that of an extra session of the Legislature.

I therefore applied to the Directors of the Central Bank, laid before them the situation in which the Executive was placed, and desired to be informed how far that institution could, consistently with its charter, accommodate the Government. The Directors, without hesitancy, manifested every disposition to grant any accommodations which might be legally extended; and, by an arrangement agreed upon, the Bank has taken up and paid

off the Executive warrants, whenever the means to meet them were not found at the Treasury; which warrants have been taken up by the Treasurer as fast as the means were received at that department. Thus, through the agency of the Bank, I have been enabled so far to meet the appropriations of the Legislature as to avoid the deprecated necessity of convening an extra session. But, doubts being entertained as to the competency of the Bank to meet the entire demands authorized by the Legislature, I have therefore been placed under the necessity of discriminating between appropriations made for the indispensable operations of the government and minor and individual interests.

The report of the Directors of the Central Bank, which accompanies this message, will exhibit the extent of the accommodation which has been granted to this department. From this statement, the Legislature will be able to ascertain the extent of the deficit which has accrued at the Treasury to meet the Executive warrants which have been drawn on the several appropriations for the current year. Whatever legislation may be necessary to remedy the omissions of the last session upon these several subjects commends itself to your immediate attention.

The act of the last Legislature abolishing the penitentiary system in this State, in connection with the facts of the institution being embarrassed with debt, almost destitute of materials to carry on the different branches of manufacture, and the interior buildings and workshops being in an unfinished and unsuitable condition to aid the important objects of good government and useful business, all combined to impress upon the present managers of the institution a spirit of despondency. Nevertheless, I am highly gratified to have it in my power to present to the Legislature demonstrative evidence of the spirit and ability with which the institution has been managed during the present year.

It will be seen by the reports of the Inspectors, herewith transmitted, that the labor of the convicts will more than defray the ordinary and current expenses of the year. The internal police of the institution has been such as to prevent escapes, secure the health and comfort of the convicts, and at the same time it is believed that in many instances reformation has been effected, and, in some, that it will prove to be permanent. As far as the means of the institution would justify, a proper forecast has been di-

rected to the procuring an ample supply of timber, and other materials for manufacture, but the appropriations of the last Legislature were nearly exhausted, at once, in the payment of debts against the institution, contracted in 1831, for building and various articles of supply.

The outstanding debts due to the Penitentiary is a subject which deserves especial attention. Between fifteen and twenty thousand dollars of unavailable debts appear to be due to the institution, most of which were contracted previous to the year 1829. A portion of these debts have been placed in the hands of attorneys for collection, all of whom have not yet accounted satisfactorily for the amount thus placed in their hands. I herewith submit to the Legislature a document exhibiting all the information I have been able to collect on this subject. At present, it is believed that the fiscal transactions of the institution are conducted with system, skill and prudence, which will hereafter prevent any material loss, if the present regulations are continued. The books and accounts are kept with great accuracy, and credits are extended with that caution which will, in future, prevent the accumulation of bad debts.

From the indications of public opinion, it is believed that the abolition of the penitentiary system has not received the approbation of the majority of the people; and I feel assured that the experience of one year, under our present code, has strengthened public opinion in favor of the institution. A general disposition seems to pervade the community to shield culprits from the infliction of the sanguinary punishments of our present criminal code, and hence it is that frequent applications are made to the Executive to grant reprieves, and remit the sentences of the courts. Imprisonment in the county jails, being a common punishment inflicted on the violators of our present criminal laws, is found to be expensive, and, in many cases, burthensome to the counties, which tends to encourage applications for pardons, even when there is nothing to extenuate the guilt of the offender.

After the most mature reflection, I cannot hesitate in arriving at the conclusion that penitentiary confinement is by far the most economical mode of punishment for crime; and from the operations of the present year I incline to the opinion that if the system were reinstated, and appropriately patronized by the Legislature, it would be certain to defray its expenses, and perhaps, at a day not far distant, become a source of profit and income to

the State. Should the Legislature determine to revive the system, a due regard to the reformation of the convicts, and profitable management of the institution, will require a further improvement of the interior buildings and workshops, and a more ample supply of various materials for fabrication. The necessary appropriation to accomplish these objects under proper management could not fail eventually to be a measure of economy and saving to the State.

The sure defence and fortress of liberty is the militia—the citizen soldier. But in no country can it be reasonably expected that every citizen should be trained and ready for the active duties of a soldier in the tented field. The Government, relying as it does, on the militia for defence in time of danger, should unquestionably have some organization, whereby it might not only know its strength, but have at ready command the power to concentrate an efficient portion of its martial force, at a short warning, which in any emergency might serve as a rallying point for the great body of its militia. It is not within the range of our State government to keep up a standing army, nor is it compatible with our views and policy; nevertheless, it is believed that voluntary associations of active and patriotic citizens, organized under legal sanction and encouragement, might afford to every section of our State a rallying point, in case of sudden alarm from any quarter, foreign or domestic. The few returns which have been made to this department from Division and Brigade Inspectors, and various other sources of information, can leave no doubt of the fact that our present militia system has sunk under the imperfections of its own structure and organization, and, unless renovated by legislation, may be considered as nearly extinct. Under these circumstances, it becomes highly necessary that the Legislature should take this important subject into serious consideration, and provide by law some plan of organization in lieu of that which has practically become obsolete. As the distribution of the public arms, under the law of the United States for arming and equipping the militia, is made among the States according to the relative strength of the militia, it is a matter of interest to obtain accurate returns of the force of the State; and the disorganization of our system is such as to render it impossible to ascertain the entire strength of the militia of the State. I consider it highly important that the effective strength of the militia should, at all times, be known; that there should

be at least one company of well trained volunteers in each county in the State, and in the populous counties perhaps more; that provision should be made for arming and training all such volunteer companies, and that they should at all times hold themselves in readiness to obey the calls of their country, in case of alarm or danger, and further, that provision should be made for enlarging such volunteer force, whenever the situation of the country may demand it. But past experience has demonstrated that if these views shall be adopted it will be indispensably necessary to make ample provision for the preservation, safe-keeping, and due return of the public arms, when called for. Unless this object can be effected, it will be useless to attempt to carry into effect the plan now suggested. I have ascertained that most of the public arms which have been drawn from the arsenals for volunteer and other service since the year 1812 may be considered as lost to the State; and those which are not entirely lost are chiefly in a ruinous condition.

In many instances I find bonds on file in this department for the safe keeping and return of the arms thus distributed, when called for; but in most cases the makers of these bonds, it is presumed, are now dead, removed, or insolvent, and the companies dissolved. Since I entered upon the duties of this office I have received various communications from highly respectable individuals, some written, but mostly verbal, informing me of arms and accoutrements being in their respective neighborhoods, in a situation to be lost for want of care. In several cases, where I have attempted investigations, I have not been able to find a responsible individual, and without legislative provision I am at a loss how to proceed so as to save this public property from entire loss. The arms thus scattered over the country, as well as many in the arsenal at this place, will never be of any public value, unless provision is made for collecting, cleaning and repairing them.

It may be proper to state that, under the provisions of a joint resolution of the last Legislature, there have been organized, during the present year, thirteen volunteer companies, which have been furnished with arms from our arsenals. It will be seen from the reports of the military storekeepers that our present supply of arms is so greatly diminished that volunteer companies cannot continue to receive supplies, unless provision be made for that purpose.

The framers of our State Constitution were not unmindful of the important subject of education. They considered the cultivation of the arts and sciences indispensable to the prosperity of a free people, and we therefore find the most imperative language used in that instrument to impress the Legislature with a sense of its duty in sustaining the cause of education. The history of the legislation of Georgia will show that attention to this subject has not been wanting. Our statute books exhibit a mass of legislation and expenditure upon the subject of education that has scarcely been surpassed by any of our sister States. But, upon a review of the whole subject, it must be admitted that the advantages derived by the people of Georgia have not been commensurate with the labor and expense.

The present prospects of our University afford just encouragement to the friends of the arts and sciences to continue to foster and patronize that institution. The prosperity of our College is so closely identified with the character and interest of the State, that, under proper management, it cannot fail to become a favorite institution with the community, and receive a liberal support from the whole people.

Our academic and poor school systems are admitted to be defective, and by no means satisfactory to the community. In view of these defects, the Legislature, at their last session, adopted a resolution directing a compilation of all our academic and free school laws now in force; and also authorized the Governor to appoint three suitable persons to form a system of academic and free school instruction, to be as nearly uniform as practicable throughout the State, and report to the present Legislature. The compilation so authorized has been prepared and published by John A. Cuthbert, Esq., under Executive appointment, and is executed with the characteristic accuracy and ability of that gentleman.

But I have to express my regret that I have not been able to meet the expectation of the Legislature in having submitted to them a system of academic and free school education, as authorized by the resolution referred to. At an early day after the adjournment of the last Legislature, my attention was directed to this subject, and a correspondence was opened with several individuals of this State who had manifested considerable interest in advancing the cause of general education. But among those who were believed to possess eminent qualifications for this

important undertaking none could be induced to engage in the arduous and responsible labors contemplated by the resolution of the Legislature. To perform this work to the satisfaction of the Legislature, and to meet the public expectation in point of utility, it was believed that qualifications of a literary character should be combined with an extensive acquaintance with the feelings, habits and interests of our diversified population. The peculiar situation of the State; the habits and feelings of the people; the sparseness of our population in many sections; the want of fixed and permanent school districts, by known and well-defined boundaries; and various other considerations, must be taken into view in framing a successful common school system.

The Legislature of Georgia, at an early period of its history, with a spirit that deserves commendation, made liberal provision for the endowment of an academy in each county in the State; the application of which has been left to the trustees of the several county academies; consequently there has been no uniformity or general plan of operation, no systematic adoption of measures which were calculated to ensure success alike to all. Notwithstanding the neglect of which many trustees may have been guilty, it must be admitted that great good has resulted to the community from the endowment of these county seminaries. The benefits have been mostly felt in the immediate vicinity of these institutions, but in some instances have been diffused more or less throughout the counties.

Our success in the application of the fund set apart for the education of poor children has, like our academic fund, been beneficial in those counties where it has been well managed and prudently applied, while in others there is just cause for complaint. It is believed our academic and poor school funds might be better applied to purposes of useful education if our present imperfect system was wholly abolished, and a system of common school education organized and patronized in lieu thereof. I have examined with care and reflected much upon the systems of common school education adopted by the different States in the Union, and marked the varied success of each; and although the experiments of other States may afford much light to direct our course, yet I am fully convinced, to ensure success in our community, we shall find it necessary to adopt a plan which shall be based upon the actual conditions of our own population, and not flatter ourselves

with the idea of success by merely following the footsteps of others whose habits and modes of thinking are so very different from our own.

The State of New York, as well as the New England States, which have succeeded best in diffusing the blessings of education to their whole people, have all maintained the right and duty of the Legislature to provide for the education of their entire population. And for the purpose of effecting this object, the entire property of the State—no matter in whose possession it was found—has been made subject to taxation for the education of all, thus regarding the children of the whole community as being under the care of the Government.

Whatever advantages may have been derived by such legislation and the establishment of such principles, in other States, I feel assured that such principles and such legislation are by no means suited to the feelings and habits of our people.

It is believed that no legislation upon the subject of general education, however wise the scheme, can be successful, which does not receive the approbation of the people and excite inquiry, interest and zeal among the great body of the community. Let the people once turn their earnest attention to this subject, and they will very soon become convinced of the great importance and necessity of their individual exertions to secure the benefits of education to the rising generation. Upon due reflection and full examination, the people will become convinced that the proper education of the rising generation is directly and intimately connected with the interest, happiness and prosperity of their country, and the perpetuity of our present civil institutions and good form of government. The neglect of educating our children will inevitably tend to the decline and fall of our Republic. Our Government is based upon public opinion, and that opinion, to be salutary, must be enlightened. Let that knowledge which accompanies a good common school education be diffused throughout our country, and the iron sway of ignorance can never be wielded by demagogues to the destruction of liberty. Without this diffusion of knowledge, like other republics, our career of liberty may terminate in licentiousness, anarchy and despotism.

Therefore, if we would transmit to posterity the sacred legacy which our fathers have bequeathed to us, we must not disregard those means, upon the use of which the permanency of those blessings so essentially depends. We

must bring into requisition all our means for the diffusion of education, and thereby give impulse to public feeling. If possible, we should penetrate the bosom of our whole population on this subject by exhibiting to them the practicability and importance of each member of society contributing some humble share to the great object of raising talents, merit and genius from obscurity to the highest walks of life, and in bringing the lights of education to every dwelling within the limits of our beloved State. Let it be remembered that every school that is established, every child who may be educated, every log school house that is built, affords a new pledge in favor of the great cause of education, liberty and free government, and at the same time let each individual in the community bear in mind that duty to his country assigns him a part in this great work.

The reports of the Superintendents of the public lands, herewith submitted, will exhibit the operations, progress and success of that branch of the public service during the past political year. Although further experience has continued to develop additional imperfections in the laws providing for the improvement of our great market roads, and new obstacles to all that success which we desire are occasionally presented to those who superintend the work, yet my confidence that the system is a good one, and that it ought to be continued and improved, is, by every day's experience, more fully confirmed. Georgia has not been wanting in effort to facilitate the transportation of the immense product of her fruitful soil and industrious population. Large sums of public money have been expended, from time to time, with a view to the improvement of our navigable waters; but, for the want of skill and experience to direct its application, it must be admitted that the people have not derived those benefits which they had a right to expect from the amount thus expended. It is believed, however, that no want of success which may have attended our attempts at internal improvement should for a moment abate our zeal, or retard our efforts in a determined and vigorous prosecution of such public works as the interest of the people demands. I would not only recommend a continuance of our present system of road improvement, but that it should be strengthened and improved.

Excellent roads have already been made in many parts of the State, by the labor devoted to that object; but every part of the State has not been made to feel the bene-

fits of the system, and those parts which have derived no benefit will, from the nature of things, become restless and dissatisfied, unless they are made to participate in the benefits as well as the burthens of the system.

One of the most formidable objections to the present system is that the roads, after being made good, are not kept in repair; and from the nature of our soil and the present plan of constructing our roads, unless repairs, at the proper time and in the right mode, be strictly attended to, they must necessarily soon fall into a state of dilapidation and ruin. It is the incumbent duty of the Legislature to provide a remedy for this evil which, if neglected, will most assuredly destroy the whole system. Only provide for keeping the roads in complete order which are once made good by the State hands, and in less than twenty years Georgia will have the best roads of any State in the Union. It is submitted to the Legislature whether it should not be made the duty of the county authorities in which roads are constructed by the State hands to receive such roads from the Superintendent, and thereafter be compelled to keep them in as good order as when received. Upon all the roads constructed by the State hands such provision should be made by law as would ensure the keeping in good repair of all necessary bridges and causeways, as well as the road.

Some arrangement should be made which will ensure a general diffusion of the benefits arising from the system to every section of the State as to prevent the conflicting claims of different communities from embarrassing the operations of the Superintendents, and throwing more than a just share of responsibility on them. I would deem it most advisable for the Legislature to define and point out the principal roads which shall have the preference in order of time. I respectfully submit to the Legislature whether under all circumstances it might not be expedient to provide for the increase of laborers. The settlement of the northwestern section of this State will loudly call for road improvement in that quarter. We may anticipate the day when Georgia will enter the lists of competitors for the most splendid and magnificent works of internal improvements when, with pride, we may point to her railroads, canals and turnpikes.

But before the accomplishment of these grand objects to which nature seems to have invited the hand of art and industry, our territory must be settled, and the natural resources of our State developed, which alone can give

the true index to direct these great works. For the present, let our expenditures be chiefly confined to our great market roads, and let every portion of the State participate in the benefits. Let our roads be directed to our towns at the head of navigation; and where it is practicable let our rivers be improved, not only from thence to the ocean, but as far into the interior as can be effected by reasonable expenditures, in the removal of considerable obstructions. I consider it an object of great importance that the Falls of the Chattahoochee, from West Point to Columbus, should, if practicable, be surmounted by the hand of art, so that our rising population on the border of that noble river may enjoy the immense benefits which would flow to them through that channel of commerce. In conformity with the provisions of a resolution of the last Legislature, authorizing the appointment of a competent engineer to examine and report to the present Legislature upon the practicability and probable expense of rendering the Chattahoochee river navigable from West Point, in Troup County, to the town of Columbus, an arrangement had been made, by the selection of an individual highly recommended for his qualifications, by which it was expected that the present Legislature would be furnished with the desired information. The correspondence herewith submitted will show the cause of the disappointment.

The circulating medium, or currency, of our country having long since been changed from specie coins, having an intrinsic value, to that of paper, purporting to be the representative of the precious metals, it becomes the incumbent duty of the Government, in authorizing the issue of such paper, to guard well the interest of its citizens against the frauds and devices which experience has demonstrated are too often practiced by corporations possessing banking privileges, with power to throw into circulation an unsound and deceptive paper currency. The currency of our State consists almost exclusively of the notes of our own local banks, and therefore our people have a right to expect that the solvency of these institutions should be placed upon a basis which should not subject the community to the ruinous consequences which must inevitably grow out of bank failures.

The late failure of the Bank of Macon should be sufficient warning of the instability of all such institutions. The Legislature, at their last session, expressed their confidence in the good condition and management of that in-

stitution; since which time its defalcation has proved to be deeply injurious to the interest and credit of the State, as well as to the interest of many of our honest and unsuspecting citizens. The public interests demand that an immediate and thorough investigation of the affairs of that institution should be instituted by the Legislature, and to further that object I herewith submit all the information I have received on the subject.

The privileges heretofore granted to banking companies are not to be violated. But I would unhesitatingly recommend to the Legislature the adoption of such measures as may be best calculated to insure to the people a sound currency, and prevent our banking institutions from speculating on a confiding community by extending their issues and other transactions beyond the letter and spirit of their respective charters. That love of gain which is so inherent in human nature is a constant temptation to excessive issues of bank paper; and the commercial and other contingencies to which all communities are liable subject banks thus situated to failures, whenever a general demand for specie may be made upon them for the redemption of their bills. The issue of bank notes under five dollars should be discontinued, and gold and silver coin made to supply the place of such notes. This would at all times keep a considerable supply of specie in the country, and thereby enable the banks to meet sudden pressures, and would moreover have a strong tendency to equalize the value of bank notes and coin.

I will not conceal from the Legislature that it was with feelings of reluctance that my assent was given to the acts granting banking privileges, at the last session. These feelings alone even yielded in consideration of the situation of our rising Western towns and increasing population. If banks afford any advantages to communities it was believed to be fair and right that those advantages should be extended to the people in every section of the State, and not permit the moneyed influence of the country to be concentrated for the exclusive advantage or depression of any particular section. All legislation which gives exclusive privileges to capitalists is calculated to increase the power of the rich, while the humble members of society, who are incessantly laboring at their daily avocations for the sustenance of themselves and families, have neither time nor money to participate in the profits and influence which are secured to banking and other similar corporate companies, and therefore have a just

right to complain of that government which increases the power of the rich at the expense of the poor. Equal protection and equal benefits are all that the poor man asks from his government; and nothing less will, or ought to, satisfy a citizen of this free country. But, on the other hand, the rich are seldom satisfied with equal protection and equal benefits. Their inordinate cravings for governmental favors and protection have already produced the most alarming results, such as threaten the destruction of the Federal Union itself.

The laws of the State upon most subjects of general interest have become so multiplied and complicated, and, in some instances, contradictory in their provisions, as to render a faithful, just and uniform administration of them exceedingly difficult, if not impracticable. I would therefore submit to the Legislature the expediency of providing by law for a general revision of the statutes of this State, embracing in a compact form the several statutes relating to its civil polity and internal administration, the whole to be consolidated and arranged in appropriate chapters, titles and articles, simplifying the language thereof, and all omissions and other defects supplied by the compilers, the whole of which should be submitted to the Legislature for revision, adoption, or rejection. It is believed that other States have succeeded in similar efforts to the one now proposed, and why should not we succeed? We have competent individuals who could discharge with ability the arduous and responsible duties contemplated—men of experience, general science and elevated legal standing. While I entertain the highest respect and confidence in the General Assembly of this State, I consider its structure and formation such as to exclude the hope of effecting the very desirable object herein contemplated by the ordinary process of legislation. A revised code of our present statutes, embracing their present substance in a concise, perspicuous and simplified form, can only be obtained from the labor of patient research and uninterrupted reflection, based upon talents and qualifications of the first order.

The territory embraced in Cherokee County should be divided into counties of suitable size and form to promote the convenience of that portion of our population who may inhabit that section of the State; and the organization of such counties should be provided for without unnecessary delay. The situation of the public property embraced in the fractional surveys requires immediate

legislation, which will place that portion of the public interest beyond the probability of trespass or intrusion. I would therefore recommend that said fractions be disposed of with the least possible delay, and be made available for public uses.

The various acts and resolutions of the last Legislature requiring Executive action have been carried into effect, or are in a course of execution, with the exceptions herein before pointed out. An abstract of warrants drawn on the Treasurer during the political year 1832, a list of Executive appointments made during the recess of the Legislature, and the reports made to this department by the different banks, accompany this message. Various resolutions passed by the Legislatures of several States, upon subjects of general concern, are also herewith transmitted.

A beautiful map, atlas, and well executed statistical view of the State of Maine has, by the direction of the Legislature of that State, been presented to Georgia, in a manner worthy of that patriotic State; and as the organ of Georgia, when acknowledging such favors, I cannot avoid feelings of mortification that we are no better prepared to reciprocate such kind attentions.

I might here close this communication, under the conviction of having submitted for the consideration of the Legislature the most important subjects which will require their attention during the present session; but at a time like the present, when our country is agitated from its centre to its circumference upon subjects of vital importance to the cause of liberty, and the perpetuation of our civil institutions, I deem it to be a duty attached to the trust which I occupy to give a free and frank avowal of my sentiments upon the exciting subjects before us regarding alone the interest of my country.

Upon all subjects relating to the usurpations of the Federal Government, and especially upon that of the protective tariff system, great unanimity of opinion prevails throughout this and the Southern States generally. They never will be reconciled to the present tariff, or the principles upon which it is based. They believe it to be contrary to the principles and spirit of the Federal Constitution, and the auxiliary measures by which this odious system of taxation is kept up and supported are no less objectionable than the tariff itself. The partial and extravagant appropriations of every succeeding Congress, since the introduction of this desolating and strife-stirring sys-

tem, clearly evince an abandonment of those principles of economy and republican simplicity upon which our Federal system is based.

To preserve and perpetuate the blessings of our political institutions, it is indispensable that the Federal and State Governments should be kept within the limits of their constitutional spheres of action. Intolerable assumption and usurpations, which will not yield to the ordinary influence of reason and justice, must be checked by some means; and the power to accomplish this end must unquestionably reside in the respective Sovereignities. It is inconsistent with every principle of liberty and free government for the political reserved rights of a State to be confided to, or dependent on, the decision of any power under Heaven, except it be the will of her own people. When burthens become insufferable, the time, the mode, and the measure of redress are questions which must be determined by those who feel themselves aggrieved; and this brings us at once to the questions which at this time agitate the public mind.

The people of this State have already, through their primary assemblies, as well as by their representatives in Congress, and the State Legislature, repeatedly remonstrated and protested against the protective tariff system, and declared their interminable hostility to it.

While the feelings of our people have been strong and urgent on this subject, they have, nevertheless, exercised a spirit of moderation and forbearance, under the prospect of relief being afforded before endurance would become intolerable.

We have looked to the final extinguishment of the public debt as the period when we should be relieved from the burthens of unequal taxation.

And our hopes have been strengthened and encouraged from the patriotic and independent course which has been pursued by the present Executive of the United States, in arresting, by his veto, unconstitutional measures of expenditure. This check upon the extravagant measures of Congress has been well calculated to strengthen the hope that the Federal Government might finally be brought back to the principles of the Constitution. Hitherto we have confided much in the republican doctrine, that freedom of discussion would eventually give to truth the victory over errors, without considering as we ought that exceptions must be made, where the majority believe it to be their interest to decide erroneously. But, whatever

may have been our anticipations, thus far it must be admitted that our reasonable expectations have been greatly disappointed, and that burthens of which we complain have been but partially alleviated. Nevertheless, with these discouraging facts before me, I still feel extreme reluctance at the idea of yielding up all hope of a peaceable and satisfactory adjustment of these perplexed and embarrassing questions, through the operations of the constitutional authorities of the country. The proceedings of the late session of Congress were noted with intense interest and solicitude, and with a spirit and desire to find something in the proceedings of that body tending to harmony, founded upon acts of justice, and a more sacred regard to the principles of our Federal system. But each succeeding mail, during the late long session, did but strengthen my misgivings in longer looking to that body to save the country from the threatening evils of partial, oppressive and unconstitutional legislation. Yet justice requires the admission that in the passage of the Tariff act of the late session a majority of both branches of Congress did manifest something of a spirit of conciliation towards each other. This majority, too, manifested a spirit of co-operation with the Executive branch of the Federal Government, in sustaining this act, which (although by no means a satisfactory measure of compromise) has been calculated to allay present excitement, and to check the impetuosity of the rash and violent. This act was passed by the votes of members who did not approve its provisions, but sustained it as a choice of evils. They voted for its passage in preference to disunion, or the tariff act of 1828. While I consider the principles of the late act equally, if not more obnoxious than that of 1828, yet I am bound to admit that it relieves the whole people of the United States of a portion of the burthens of taxation; and, therefore, it may be considered as an effort, at least on the part of a portion of the friends of the protective system, to modify the law, so as to make it less obnoxious to our feelings. But unless this spirit of conciliation is followed by further concessions, they do but deceive themselves, if they suppose the South will ever become reconciled. Upon a full view of the whole subject I would most decidedly recommend that our forbearance and moderation be made manifest to the whole Union, before we enter upon any doubtful or violent remedy calculated to jeopardize the existence of the Federal Union itself. Our complaints are just, and our cause

righteous; endurance is yet not intolerable; and a new Congress, under the late census, will assemble under circumstances and at a time more auspicious for calm and patriotic deliberations. I am not a stranger to the selfishness of man and of communities, but I have not yet lost all confidence in the virtue and intelligence of the American people.

If our opponents be capable of wise self-government, they must ere long be brought to see the justice of our cause, based as it is on principles no less essential to them than to us; at least, may we not hope that the common classes of the laboring people everywhere will yet be brought to unite with us against the whole system, as being designed to benefit an aristocratic few and to oppress the poor for the exclusive benefit of the wealthy. But should these, my best anticipations, be founded in error, and originate in weakness, I beseech my countrymen who are in favor of direct and immediate resistance to remember that they are required by every principle of sound philosophy, virtue and patriotism to exercise patience and long forbearance towards their brethren of the same faith and principles with themselves, in regard to the usurpations of the Federal Government. It is truly gratifying to know that the Southern people are so well agreed as to the existence of the evils complained of. This being the case, nothing but union and concert are wanting to give an irresistible moral force to our opinions and feelings, and to make ourselves formidable in any event. To obtain this desired union of action, time and labor are required. I do not consider the mode and manner of producing these joint deliberations material, nor do I care by what name such councils may be called. It is only necessary that these measures should emanate directly from the enlightened and deliberate will of the people, founded upon their inherent and unalienable rights, admitted to be extraordinary, and intended to meet a most extraordinary crisis. No State can act efficiently in sustaining her just rights against a mighty power, unless her own population are united in the policy to be pursued. I cannot consider it advisable for a single State, upon her separate action, to undertake to force a redress of grievances from the Federal Government, while her sister States, equally interested, are not even consulted as to the policy to be pursued.

Principles of common courtesy must concede to the members of the same confederacy or copartnership a

right to participate in all councils where the subject under consideration, and the policy to be adopted, are equally interesting to each member. Whenever a case, however, shall arise wherein a single State shall be oppressed by the usurpations of Federal power, and that pressure shall be confined to her local interest alone, and consequently produce no identity of feeling or interest in the other States, then I would consider it the incumbent duty of the aggrieved State to judge and act for herself, independently of the advice and opinions of others.

It is due to the sovereign character of every State of the Union to maintain its territorial rights and policy over its own population.

These are rights which can never be surrendered by a free State, or submitted to the arbitration of others. But, upon the subject of the tariff, shall Georgia undertake to redress the grievances of the whole South? Shall we not hearken to the voice and movements of our sister States who agree with us in principle and feeling? Or shall we precipitately rush forward upon a novel and untried theory, which may disgust our sister States, end in abortion, and prove to be worse than submission itself? The States which agree in principle must be brought to act in concert before they can reasonably hope to produce the consummation desired by the opponents of the protective system, as well as every true patriot and friend of the Federal Union. Separate action upon this subject is calculated to engender strife and disunion, anarchy and confusion among brethren of the same principles.

The mystical doctrine of nullification, as contended for by its advocates, has only tended to bewilder the minds of the people, inflame their passions, and prepare them for anarchy and revolution. Wherever it spreads, it engenders the most bitter strifes and animosities, and dissolves the most endearing relations of life. I believe nullification to be unsound, dangerous and delusive, in practice as well as theory. Its advocates have, with great ability, endeavored to make their theory harmonize with the principles and operations of our Federal and State systems of government. But in my opinion the very essence of their doctrine tends directly to destroy all harmony between the Federal and State governments, and must inevitably produce the most direct and vexatious conflict, whenever it may be attempted by a State to enforce the theory of nullification. I am unable to comprehend or conceive of a peaceable, constitutional harmony

which would attend a measure emanating from one twenty-fourth part of the sovereign power of the Union; which measure should stop the revenue operations of the Federal Government. Great ingenuity has been exercised to blend this new theory with the admirable principles and doctrines of state rights, as set forth and successfully advocated by Thomas Jefferson. But, after the most diligent research, I have not been able to find where Mr. Jefferson ever attempted to delude the people into the belief that when reason failed, and endurance became intolerable, a single State could, by its act of nullification, force the Federal Government to retract from its measures of usurpation. Mr. Jefferson would have called such a measure on the part of a State by its plain, proper name, resistance to intolerable usurpation.

Georgia should not suffer herself to be deluded or flattered into the belief that her rights have heretofore been maintained upon the principle and doctrines of nullification, as contended for by the present advocates. It is true, we may look back with pride and pain on our past conflict with Federal usurpation. Upon several occasions we have been compelled to throw ourselves upon our reserved rights, and resist Federal encroachment; but we have never veiled ourselves in the flimsy garment of peaceable constitutional nullification. In these delicate and highly responsible acts, Georgia has always relied on her own population, the justice of her cause, and the virtue and intelligence of the people of the United States, to sustain her unquestionable constitutional rights. And hitherto our confidence has not been misplaced; we have had able friends and advocates in every part of the Union who have stood by us in times of the greatest peril. We are at present very improperly charged with nullifying the intercourse laws and Indian treaties of the United States, when, in fact, these laws and treaties were set aside, and had become measurably obsolete, by the acts and assumptions of the Cherokee Indians themselves; Georgia, by her course of policy, has only nullified the arrogant assumption of sovereign power, claimed and set up by a remnant of the aboriginal race within her acknowledged chartered limits.

Finally, fellow citizens, let us strive to be of one mind—let our measures be founded in wisdom, justice and moderation—constantly bearing in mind the sacred truth, that a Nation or State “divided against itself, cannot stand.”

WILSON LUMPKIN.

ANNUAL MESSAGE, 1833.

Executive Department, Georgia.

Milledgeville, November 5th, 1833.

Fellow Citizens of the Senate and House of Representatives:

At no period of our political existence have the representatives of the people of Georgia assembled under circumstances more signally calculated to impress the mind with a deep sense of gratitude to Almighty God. It would, indeed, savor of infidelity not to feel duly impressed with the sense of our renewed obligations to the Great Author and Disposer of the destinies of men and of nations, for the many and inestimable blessings vouchsafed to us, His offending creatures. While the chastening scourge of Heaven has been visited upon people of both hemispheres, carrying in the train of pestilence, horror, despair and death—people of our State have not only been shielded from the wide-spreading desolation, but have enjoyed an unusual degree of health and prosperity.

Propitious seasons, a productive soil, and genial climate, have crowned the labors of our industrious agricultural population with a bountiful reward for all their toil. Our barns and store-houses are filled with plenty, and the surplus products of our labor command a price which amply remunerates the laborer for all his care and industry.

Indeed, the various avocations which diversify the labor of our citizens find an ample and speedy reward, proportioned to the skill and industry employed. Most of our people cultivate their own freehold estate, and are literally sitting under their own vines and trees, and none to make them afraid. Our prisons have no insolvent debtors—we have scarcely a pauper in the land, except a few who have become such from habits of intemperance. As a State, we enjoy the overflowing bounties of a beneficent Providence. On terms of amity with all governments, we are blessed with the quiet and peaceable possession of our long contested territorial rights, rapidly increasing in population and wealth, accumulating from the continual developments of the natural resources of our State.

Our inexhaustible mines and minerals have opened a wide field for the employment of the most extensive science, skill and industry, which is drawing to our State, with irresistible impulse, capital, skill and enterprise from vari-

ous parts of the world. Comparatively free from individual distress as well as exempt from public debt, our people are possessed of abundant means of promoting their individual happiness, as well as their political prosperity.

In the midst of all these multiplied blessings it is truly mortifying to witness the restless spirit of agitation and political excitement which has been engendered and vigorously kept up amongst the people, calculated, if not intended, to alienate their affections from their own beloved political institutions. That the value of our Federal Union should have become a familiar subject of calculation is truly alarming, and argues little for the patriotism of those who encourage discussions upon such a subject.

Who could have believed, ten years ago, that, at this early day, we should have witnessed speculative discussion upon such a theme? Or that it could have become the leading topic of a *certain* class of politicians? The Union of the States, *one and indivisible*, is now no longer the *motto* of every American citizen! These "signs of the times" speak volumes of admonition to every lover of constitutional liberty, and should fire the bosom and nerve the arm of patriotism in the cause of the Union. Notwithstanding these threatening evils, it is gratifying to see that our admirable system of free government, based upon the will and affections of the people, continues to unfold the appropriate ability contained in its structure to withstand the assaults of foreign and domestic foes. The enemies of our Government, whether open or insidious, under whatever specious form or pretext, appear to be doomed to discomfiture whenever they attempt to alienate the affections of the people from that Government which is emphatically the offspring and nursling of their effort and care.

The people may alter and change, as to them may seem fit; but that they would destroy that mighty governmental fabric, reared by the toils and cemented by the blood of their fathers—merely for the aggrandizement of selfish demagogues and strife-stirring politicians—is *not to be expected*.

The spirit that guided our Washington has hitherto pervaded and saved our country. The champions of civil and religious liberty, of popular rights and constitutional government, have thus far succeeded and triumphed over all opposition. Therefore, we should not be dismayed at the symptoms of yielding integrity and treasonable ambi-

tion which have been engaged in estimating the value and threatening the dissolution of our Federal Union. I am willing to charge the errors of all such rather to selfish delusion than traitorous designs; and will therefore hope that the clouds which, at present, overshadow our political horizon may quietly pass away before they gather into a ruinous tempest. But it has been truly said that "the condition on which God granted liberty to man is perpetual vigilance." We, therefore, fellow citizens, as the sentinels of the people, should exercise the most unceasing vigilance, and suffer not ourselves to be led astray "by every wind of doctrine." Let us follow in the footsteps and adhere to the doctrines of Washington, Jefferson and Madison, and, so far as the influence and example of Georgia will extend, our Republic will be safe.

The drawing of the lotteries, which was in progress at the last session of the Legislature, was completed about the first of May last; and the act of the Legislature, providing for the organization of ten new counties out of the territory thus disposed of, has been carried into effect; and we have now a settled freehold population on every part of our territory competent to the administration of our laws, so far as to secure most of the blessings of our system to those whose enterprise has led them to become settlers in that interesting section of our State, hitherto the abode of a people wholly unqualified to enjoy the blessings of wise self-government. The accomplishment of this great and desirable object to our State has been attended at every step with the most unrelenting and obstinate opposition. The unfortunate remnants of the Cherokees have for years past been made the dupes and instruments of selfish and ambitious politicians, whose restless spirits have urged them to acts of mischief degrading to humanity itself. In the early part of the present year another earnest and liberal effort was made by the President of the United States to effect a treaty with the Cherokees, having for its object their entire removal beyond the Mississippi, which object, it is believed, was defeated alone by a few of the interested half-breeds who are evidently under the influence of political men who stand opposed to the true interest of the Indians, as well as that of the State. The failure to effect a treaty has not, however, prevented a continuance of our efforts to effect the object of removing the Indians at an early day as possible. Another opportunity for enrollment for emigration has been extended to such as may be disposed to

remove; and I am gratified to learn that many of the intelligent and influential among them have availed themselves of the liberal terms proposed. Therefore, the day cannot be distant when the State will be entirely relieved from the perplexities occasioned by this portion of its population. It will, however, become the duty of the Legislature at its present session to revise and amend our laws providing for the government and protection of the Indians. Experience has already exposed many defects and ambiguities in the existing laws on this subject which should be speedily remedied. In our anxiety to provide for the welfare and protect the rights of this unfortunate race, we have in some instances given advantages to the native population over our white citizens; which advantages, when exercised under the influence of selfish counsel, become oppressive to our white population who are, certainly, not less entitled to the protection of our laws than the native race, however just may be their claims on the sympathies of an enlightened government.

Under our existing laws the reservations of land secured to the natives during their pleasure are, in many instances, unreasonably large, and ought to be curtailed by judicious legislation.

I would also claim the attention of the Legislature to another description of native claims, which involves considerations of the greatest importance to the interest and honor of the State. A class of the individuals, chiefly of the white and mixed blood, and who claim the right of natives within the limits of Georgia, are persons who, under the Treaties of 1817 and 1819, took valuable fee-simple reservations of the best land then ceded, under an expressed written determination to become citizens of the United States, and, consequently, abandoning all their claims of rights or privileges as a part or portion of the Cherokee Nation.

Nevertheless, these persons have since sold and disposed of their reserved lands, thus taken, for large considerations of money for their individual benefit, and have since gone into the country still occupied by the remnant of the Cherokees, and again made selections and settlements on the most valuable lands of that portion of their people who had not participated in an equal degree with themselves in the benefits of the treaties referred to. Moreover, these very individuals, by their superior intelligence and advantages of education, have had the address to regain an influence over the Cherokees, whom they had once

abandoned to their fate, so far as to rule, govern and influence them in all matters relating to their most important interest, and have been for years past, and continue to be, the prime and efficient cause of preventing the Cherokees from yielding to the liberal and beneficent plans of the Federal Government for removing them to the west of the Mississippi. The insolence and mischievous influence of these individuals should no longer receive the indulgence or countenance of extraordinary privileges from the Federal or State Government, but should be treated by both governments as intruders of the most assuming character.

The lands now in the occupancy of these persons under our existing laws ought to be granted to the drawers, who are the rightful owners and who have been restrained from the occupancy by the laws of the State now in force.

These persons have already done their own people, the State of Georgia, and our common country great and serious injury. They have been the dupes and instruments, at home and abroad, of desperate political agitators, whose factious spirits are unbridled by the restraints of virtuous patriotism.

A judicious and well regulated system of public economy requires that the people and their representatives should be perfectly familiar with the financial condition and resources of the State. No branch of political economy requires greater skill, wisdom and prudent forecast, in a government like ours, than that of devising the ways and means to meet the expenditures which popular opinion seems to demand. At this time the general voice of every political community is raised in favor of *general education*, as well as a liberal cultivation of the arts and sciences. Nor is the demand less urgent for the most splendid works of internal improvement. All this I deem to be proper enough—no one desires the advancement of the country in these important objects more than I do—but true dignity consists in living within our circumstances; and let us, therefore, scrutinize our means. The people of Georgia have long enjoyed the overflowing bounties of their rich and extensive territorial inheritance, but these advantages as a source of public revenue now no longer exist. The present financial resources of the State consists of a capital of about *two and a half million* of dollars, upwards of one million of which is composed of the stock owned by the State in four of our incorporated banks; about one million of the notes of citizens discount-

ed by the Central Bank ; and the balance of various items, including specie, bonds, notes, canal stock, and other evidences of debts due the State. In addition to the foregoing, the State still has a scattered remnant of fractional lands which, by prompt and appropriate legislation, might be made available for public purposes. The aggregate annual profits accruing to the State at this time upon her various investments amounts to the sum of about *one hundred and twenty thousand dollars*.

This brief view of the present condition of the resources of the State will, at one glance, urge upon the consideration of the Legislature the necessity of adopting such systematic financial operations as will direct the present course, and must determine the future prospects of the State.

After much reflection, I would respectfully recommend to the General Assembly such legislation as may tend finally to bring all the public assets of the State under the immediate control and management of its own agent, the Central Bank ; and further to invest that institution with the necessary powers to enable it to act efficiently in the collection of the debts due the State. The present vested capital of the State should be considered a permanent fund, the annual profits of which should be scrupulously applied to great public objects of acknowledged utility. And while the whole people are enjoying the benefits which are constantly flowing from this, their permanently vested capital, I would recommend that no more taxes be exacted from them than what may be sufficient to defray the ordinary expenses of an economical civil government, which will be scarcely felt by the people, and at the same time serve to remind each individual, annually, that he is a citizen and component part of the Government.

Under the provisions of the act of the Legislature, passed on the 24th day of December last, a receiver of the assets of the Bank of Macon was appointed by the Executive ; but the report of that agent will show that he has been wholly unable to effect the objects contemplated by the Legislature. The report, together with copies of the correspondence on the subject, is herewith submitted, and may aid the General Assembly in determining upon the expediency of further legislation on this subject—at least, it will become necessary to provide for the payment for services already rendered, under the direction of the State,

with a view to effect a fair and legal settlement of the affairs of said Bank.

The dishonest and fraudulent management of banks, so frequently developed, admonishes the Legislature most urgently to interpose its entire constitutional authority to shield the people from the desolating effects of legalized swindling. During the last year the public confidence was greatly shaken in the soundness of the paper currency of our State by the failure of the Bank of Macon; and before the people had recovered from the shock and losses suffered by it, their fears and forebodings were greatly increased and confirmed by the failure of the Merchants and Planters Bank of Augusta. The developments already made in regard to the Bank of Macon evince the important fact that, if banks are not managed with fidelity and skill, the ruinous effects which must ensue will fall chiefly upon the honest and unsuspecting laboring class of society, who are unable to contend against the combination of legal subtleties which will always be united to divide the spoils of a disastrous bank corporation.

Corruption on the part of a bank officer should be deemed a highly penal crime, and punished accordingly. My general views in relation to these institutions, and their connection with the public interest, remain unchanged; and, having been fully communicated to the last General Assembly, I deem it unnecessary to reiterate the sentiments therein contained. Copies of all the bank reports made during the present year, under the provisions of our existing laws, are herewith submitted to the Legislature, which will enable the representatives of the people to judge of the present state and condition of these institutions, and will show to what extent they have complied with the requirements of the law.

The history of our own time urges upon the consideration of every informed and reflecting citizen the indispensable necessity of increased exertions to educate the rising generation. We need some system which will produce a general effect, and operate beneficially upon the whole community. Our republican institutions can never be considered safe and stable while a small number of individuals, however talented, can lead and misguide whole communities to the very brink of ruin! When the number of educated men in a political community is so few as to be chiefly confined to one or two *professions*, who may, therefore, the more readily unite their efforts to control and direct society, with a view to their own selfish

aggrandizement, the liberties of the people must be endangered. The conservative influence of education is greatly needed in our State. The general system which may be best calculated to impart over our whole people the blessings of a competent business education cannot fail to promote individual happiness, as well as greatly to strengthen the bonds of our political institutions.

It is not necessary that our sons should all be college bred gentlemen. I care not for names. If our children can receive adequate instruction in the solid and useful branches of science, it is immaterial with me whether they acquire it in universities, colleges, academies, lyceums, *work shops*, or manual labor schools of any description whatever. The great object to be effected is to give the plain working man an education which shall make him intelligent, virtuous and useful; and which shall place him upon the ground of hopeful competition with the professional classes, who are assuming the lead in the entire government of the country.

I rejoice at the gradual growth and increasing prosperity of Franklin College. This State institution merits the continued patronage of our whole people—at this time I consider it entitled to the confidence of the people—and that it should receive the liberal support of their representatives. The literary and moral worth of the President and Faculty, together with the increased facilities of books and apparatus, afford the most flattering assurances of its future and permanent usefulness; and I trust that our State may yet be remunerated for all she has or may expend in support of that institution. But in relation to our other expenditures for purposes of public education, I do not feel authorized to speak thus flatteringly; for the annual expenditure of upwards of *forty thousand dollars* for the support of academies and poor schools, though well intended, is, in reality, effecting but little good. It is obvious to me that we have experimented long enough upon our present system of academic and poor school education; and that we should no longer be content with acknowledging existing imperfections, but that we should at once attempt an entire renovation of the system. In making this change, this important fact should be constantly kept in view: that to make education truly valuable, while the mind is cultivated and disciplined, the pupil should be carefully trained to habits of industry and morality.

To make the rising generation better, wiser and happier, and at the same time eradicate or diminish poverty, oppression and crime, should be the leading objects in establishing a general and well based system of public education. With a view to promote these great objects, I respectfully submit to the Legislature my deliberately formed opinion that, in order to insure success, it is indispensably necessary to connect with the education of our children regular and systematic manual labor. I believe that children in a well regulated institution, designed for useful education, should be taught various arts of lucrative labor; so that in due time they may be able to earn a comfortable living by the labor of their own hands. From my observation on the subject of education, and from all the information I have been able to procure from others, I consider that system of education best which keeps youth most constantly employed, body and mind, and which exercises the most unceasing vigilance and control, day and night, excludes all vitiating associations and practices, and which superintends even the amusements and social intercourse of the pupil. Another idea, not less important, urges upon our consideration the expediency of connecting manual labor with a system of public education. The most vigorous constitution, without exercise, is soon wasted by disease and decay; and a full development of the powers of the mind, in such cases, is rarely attained by the most diligent application. If "*bodily exercise*" be thus "*profitable*" in the development of the physical and mental powers of youth, I consider employment in the mechanical arts, and especially agriculture, as being far preferable to those plays and pastimes which at present occupy so much of their time, and in which they engage without any sensible or rational object of utility whatever. A self-supporting system of education is also desirable from the important consideration that it is calculated to level those distinctions in society which arise from the inability of the poor to educate their children in our existing institutions. In recommending a change of our system of poor school education I would, by no means, be understood as recommending a reduction of the funds appropriated to that object, but as proposing such an improvement of the system as will more profitably employ that fund for the benefit of the poor, and as will have a tendency to bring them nearer to the level of the wealthy.

Every year's experience affords additional evidence of the correctness of the views heretofore communicated to the Legislature, by myself and predecessors, in regard to the defective condition of our militia system. The Executive has not the power to correct these imperfections which have so often been pointed out, without the co-operation of the Legislature.

The reports of the keepers of the public arsenals at this place and Savannah are herewith transmitted. From an experiment made upon a few hundred of muskets which have been returned to the arsenal in this place, out of repair and greatly injured by rust, I find that the guns belonging to the State, in like condition, may be put in good order, at an expense of one dollar each. Would it not, therefore, be economy for the Legislature to provide for collecting and cleaning the scattered arms of the State?

Under the authority of a joint resolution of the General Assembly, approved on the 22d of December last, William Schley, John A. Cuthbert and Joseph Henry Lumpkin, Esquires, were appointed by the Executive "to prepare a plan for the Penitentiary buildings, digest a system of laws for its government and organization, and to revise and amend the penal laws of this State, so far as relates to the punishments which that code prescribes, and report the whole to the next General Assembly."

I am apprised that the report of these gentlemen is in a state of preparation, and will, in due time, be laid before the Legislature.

Not having been directed to be submitted to the Executive, but passing directly to the Legislature, I deem it inexpedient to venture a remark on the several important subjects embraced in the report. The character of these gentlemen as jurists justifies the expectation that the views to be submitted by them will be useful to the Legislature, and to the country, and as the preparation of their report has required much time and labor, it is therefore to be expected that they will be suitably compensated.

The annual report of the Inspectors of the Penitentiary, required to be made to the Executive, in conformity with the provisions of the act of the last General Assembly, is herewith submitted. Since the report has been received at this department, there has not been sufficient time, from other indispensable duties, to investigate its details with that scrutiny which has heretofore been customary

and which is always desirable. It is believed, however, that the operations of the past year have, under all the circumstances, been successfully conducted for the interest of the institution and of the State. In our efforts to sustain the institution we should profit by past experience, and introduce improvements as fast as circumstances and a due regard to economy will admit. With one additional remark I will dismiss the subject of the Penitentiary, and that is: that our leading policy should be to make the institution maintain itself. The honest part of society feel a repugnance at the idea of laboring to support the convicts of the penitentiary. Therefore, their comforts should be procured from their own labors which, under skilful management and good discipline, is the best means at our disposal for effecting the great objects of penal punishment by preventing crime and producing reformation.

The reports of the superintendents of the public hands will present to the Legislature the operations, progress and success of that branch of the public service during the past year, and which, under all the circumstances, authorize the belief that the agents entrusted with the improvement of our public roads are entitled to the public confidence and approbation.

My general views, heretofore submitted to the Legislature on this subject, have undergone no change, but it devolves on the representatives of the people, and not on the Executive, to determine whether the present system shall be abandoned or be sustained by such legislation as has heretofore been suggested.

No one can feel more gratified than myself at the manifestation of the rising spirit of enterprise which has characterized the proceedings of our fellow citizens, in various parts of the State, in regard to the works of internal improvements. This spirit should not be checked, but encouraged by the Legislature. Every citizen and section of the State should have the lawful privilege of investing their capital according to their own views of profit—guarding, at the same time, the interest of the residue of the community from injury being sustained by any exclusive privileges which may be granted. Our past experience, however, should admonish us to be cautious how we entangle the State, by becoming partners with individuals, or corporate bodies of men. Such associations between government and its citizens are considered dangerous to equality and liberty. The favored capitalist

who becomes a partner with the government rarely fails to assume some unusual consequence on account of the association; and generally the result is that the government is left to bear the burthens of the concern, while the individual partners reap the whole profits, or abandon the project before anything is advanced except by the Government.

If the State should at this time determine to enter upon any great work of internal improvement it should be a central railroad through the entire State, beginning at the best emporium on our coast and proceeding from thence in a direction best calculated to benefit the largest portion of our population, to the base of the mountains. A well constructed railroad, through the centre of the State, being once completed, it would be speedily intersected by various roads from all parts of the State at the points most needed. The great highway of commercial intercourse being thus permanently established, nothing could then hinder the progress of internal improvement in Georgia, to the full extent which utility might dictate. To effect anything permanently useful it is necessary to concentrate the public mind to one great central object, which shall be considered and patronized as a State work, designed for the benefit of the whole people. The credit and resources of our State should not be expended upon local or partial works of internal improvement. Our commencement must necessarily be accurate surveys, upon which true estimates may be predicated, and this can only be obtained by the services of a skillful and well qualified engineer. In connection with this subject, the views of a highly respectable and numerous portion of our fellow citizens of Savannah and Macon, herewith submitted, are entitled to the most deliberate and respectful consideration; as also the report of the Commissioners, John G. Polhill, Hugh Lawson, and Moses Fort, Esquires, who, under a resolution of the last Legislature, were appointed and instructed to examine the port of Brunswick and the railroad avenue to Altamaha; which report, and various other documents, are herewith laid before the General Assembly.

Savannah, the first settled point and long established emporium of our State, has, for years past, contended against a rivalry which has not only paralyzed her advancement, but must eventually annihilate her prosperity as an important commercial city, unless she is sustained by liberal legislation.

Many considerations connected with our history as a State forbid the abandonment of our first and most important seaport town, unless the interest of the great body of the people of the State shall require such a course. The great question which should now be settled is, whether the interest of the people of Georgia will be most effectually promoted by a determination to sustain and build up Savannah, or whether we should look to Brunswick, Darien, or some other port, as possessing equal or superior advantages. The reason why this question should now be settled is obvious. If we commence a great central channel of commerce, we should commence at the ocean and proceed to the mountains. The State should have but one work of this description on hand at a time; and that should be directed with the single view of benefiting the greatest number of our citizens. Various considerations admonish every true Georgian to lay aside his local and sectional prejudices, and to exercise a magnanimous spirit of patriotic State pride, which will secure to himself and fellow citizens those commercial advantages, which the God of Nature designed for the people who should inhabit this favored portion of the confederacy. It would be mortifying, indeed, to see the immense products of our own State withdrawn from their natural channels of destination (our own extensive Atlantic coast to Charleston and the Gulf of Mexico) merely for the want of industry and enterprise on the part of our own citizens! Not only the products of our own State should be shipped from our own ports, but, by timely and judicious measures of internal improvement, a very considerable portion of the western trade might be drawn to the ports of Georgia, which is believed to be the best and most natural channel for much of that trade. The immense and superabounding products of the great and fertile West are more than sufficient to glut its only natural outlet, New Orleans. Therefore, the surplus products of that fertile region must necessarily seek a market elsewhere. Hence we have witnessed the successful efforts of New York, Pennsylvania, Maryland and lately Virginia and South Carolina, to obtain a portion of the Western trade by their canals, rail and turnpike roads.

Should not Georgia strive for a part of this immensely valuable trade? The eastern counties of Tennessee are nearer to the coast of Georgia than any other Atlantic market, and it is confidently believed that if we had a suitable channel of commerce, or, in other words, a good rail-

road, from a seaport in Georgia to the mountains, it would be extended without delay to the heart of the great West. The great mountain barrier which separates the Western from the Atlantic waters can, it is believed, be more easily overcome, and at far less expense, in Georgia than in any other of the Atlantic States.

Under the authority of a joint resolution of the General Assembly, passed at the last session, William Nichols, Jr., Esq., a gentleman of high qualifications, was duly appointed by the Executive, and has made the necessary surveys, to ascertain the practicability of a commercial communication between West Point, in Troup County, and the town of Columbus, which report is in a state of preparation, and will be laid before the Legislature at an early day of the present session. The information collected by this examination and survey will enable the Legislature to determine what can and ought to be done to improve the commercial facilities of that interesting section of the State.

In pursuance of the provisions of a resolution, approved the 24th December last, the improvements on the fractional surveys of the land in the Cherokee Territory have been rented for the present year, and the notes received for the rent have been deposited in this department, subject to the direction of the Legislature. The reports of the Commissioners who performed this duty are herewith submitted, and will afford full and detailed information on the subject. Various resolutions, passed by the Legislatures of a number of States of the Union, on subjects of general concern, have been transmitted to this department, with a request that they should be laid before the General Assembly of this State, and are therefore respectfully submitted for your consideration. Many of these documents are so voluminous that it has been found impracticable to furnish copies for the convenience of the respective branches of the Legislature; the originals of such are, therefore, transmitted to the House of Representatives. No recommendation or comment on the part of the Executive is deemed necessary in regard to the resolutions submitted, except those passed by the Legislature of Alabama, on the subject of the boundary line between that State and our own; and those from the State of Pennsylvania, on the subject of the "entire abolition of lotteries."

The importance of an amicable, speedy and definite adjustment of the boundary line between Georgia and

Alabama is too obvious to require argument; and the plan proposed by the Legislature of Alabama is entitled to the respectful consideration of the representatives of the people of Georgia. The resolutions, together with the correspondence which has passed between the Executive of the two States, will urge the expediency of an early attention to this subject. And I would recommend to the Legislature a course which may afford full evidence that Georgia is prepared for the most ample investigation of her claims, and that she seeks nothing but that justice from others which will alone be satisfactory to herself.

I concur with the public authorities of the patriotic State of Pennsylvania in respectfully recommending your cordial co-operation with the Legislature of that State, in effecting the abolition of lotteries.

The survey and settlement of the entire territory of the State having been accomplished, I would respectfully recommend to the Legislature that immediate provision be made for executing a splendid map of Georgia. In order to construct an accurate map of the State it will be necessary to cause a re-survey of the county lines of that part of the State situate between the Savannah and Oconee rivers.

The numerous acts and resolutions of the last Legislature requiring the action of the Executive have received prompt and due attention, by carrying into effect the objects contemplated by the Legislature, or by placing them in a course of execution, which, in due time, (as far as may be practicable) will insure their completion.

A statement of Executive warrants drawn on the Treasurer during the political year 1833, and a list of Executive appointments made during the recess of the Legislature, are herewith submitted.
Fellow Citizens:

Under a deep sense of the magnitude of our responsibilities, suffer me to remind you that, as American citizens, a beneficent Providence has placed us upon a lofty eminence. The eyes of all the world are directed to the people of these United States. To us, as a people, has been entrusted, upon a large scale, the experiment whether the people can govern themselves without kings, nobility or standing armies. To us belongs the distinction of demonstrating that millions upon millions of free and equal citizens may dwell together in peace and prosperity, exercising all the prerogatives of wise self-government, without tumult, anarchy or domestic wars. And to insure and

perpetuate these inestimable privileges to our posterity we should always bear in mind that our people must be *virtuous* and *intelligent*. Ignorance and vice are opposed to liberty. Religion, *without* religious establishments, affords the best guarantee of the perpetuation of our republican system. The principles inculcated by the Savior of man, in His sermon on the mount, will make a people obedient to laws emanating from themselves and administered by a citizen magistrate of their own choosing, without the aid of mercenary legions, and the pomp and frown which are the attendants of despotic and arbitrary governments.

That the creating power of the universe may clothe us with a spirit of republican simplicity, equality and liberty, and guide the onward march in that course of policy which shall insure to posterity the unfading inheritance of equal rights and free governments, is the fervent prayer of

Your fellow citizen,

WILSON LUMPKIN.

SECOND INAUGURAL ADDRESS.

November 6th, 1833.

Fellow Citizens :

By the voice of the people I am a second time called to the Chief Magistracy of the State, and now appear before you for the purpose of solemnizing the obligations which I am under to discharge, with fidelity, the duties of the high trust confided. Experience has not only taught me to feel the full weight of the responsibilities which were in the first instance anticipated; but I am convinced that the most pure and zealous devotion requires the aid and support of the people to crown with success the efforts of any public functionary.

My own abilities can effect but little good unless I am supported by my constituents; but, however humble my pretensions may be, I shall be faithful to the laws and constitutions of my country, duly regarding the opinions of my fellow citizens, with whose seal of approbation I have been so often and highly honored. But with all my veneration for public opinion, and deep-felt gratitude for past confidence, I am ready, if it be necessary, to sacrifice

my present standing upon the altar of my country's good, by sustaining the Democratic principles upon which I have acted throughout the whole of my public life. When the foundations of our Republic are in danger, personal and selfish calculations must be excluded. I shall move forward in the path of duty, regardless of consequences to myself. I shall shrink from the performance of no duty, however painful, and no responsibility, however severe.

I shall look to the welfare of the whole State, and not consider myself the advocate of any local or private interest. I shall constantly bear in mind that we are all citizens of Georgia, as well as citizens of the United States—that we owe our allegiance to both governments—that both governments are ours, and are equally indispensable to our happiness, prosperity and liberty. That each should be kept strictly within their respective constitutional spheres, and, finally, that he who would destroy the sovereignty of the States by *consolidation*, or the Federal Union by *nullification*, is a traitor to liberty, and deserves the universal execration of mankind.

The foregoing having, at the time of its delivery, created some excitement, and gave rise to some animadversion in the Legislature, on the part of my opponents, and counter feelings and replies on the part of my friends, and attempts having often been made since to use the closing sentence in that address to my disparagement, I deem it proper here to state that, after a lapse of nearly twenty years, and after all excitement has passed away, I am not disposed to modify or change a single sentiment contained in that address. The offensive sentence reads: "That he who would destroy the sovereignty of the States by *consolidation*, or the Federal Union by *nullification*, is a traitor to liberty, and deserves the universal execration of mankind." The obvious import of the sentence is, and, as I think, expressed without ambiguity: That the enemies to our Federal Union—those who desired its subversion, whether *consolidationists* or *nullifiers*—deserved universal execration. Thus intending, in strong language, to express my abhorrence of both consolidation and nullification, as well as my devotion to the Union. I was accused of denouncing my opponents, the *nullifiers*, as traitors, and as degrading my position in so doing. But my intention was to denounce *doctrines* which I deemed fatal to the harmony of the Union—*consolidation* no less than *nullification*; and to denounce those, and only those, who advocated those doctrines, with a *design* to

destroy the Union. I have always believed that very many of the advocates of these *extreme* doctrines were amongst the most patriotic and devoted friends of our Federal Union.

From the days of Alexander Hamilton to the present hour the leading men of the Federal party have, by a liberal construction of the constitution, and various other devices, exerted all their powers to enlarge and strengthen the powers of the Federal Government—to enlarge its sphere of action to an extent that would leave but little for the States to do.

None but those who are familiar with the political scenes then transpiring from day to day can fully realize the true position which I occupied at this time. I was a most unwavering, decided *States' Rights* man, opposed to Federal usurpation and encroachments of every kind; and, as Governor of one of the sovereign States, I was every day in the full tide of successful experiment in putting down Federal usurpation within the limits of Georgia. But in the exercise of this State sovereignty over the Indians within our acknowledged limits, none could point a finger to the violation of any clause in the Federal Constitution. I was only dispensing with a long assumed power of the Federal government in the management of Indian affairs, and Indian rights, in one of the sovereign States of the Union.

But, because I could not assent to the mystical doctrines of nullification as the rightful remedy to correct the evils of the protective tariff, I was accused of all sorts of inconsistency, and as contradicting my own words and acts at every step. Indeed, I found it exceedingly difficult to keep many of my friends and supporters from being misled by the efforts of my opponents. I could, however, whenever a fair opportunity offered, satisfy any sensible man that our obsolete legislation for and over the Indians within our own State limits was one of our reserved rights which could not be conceded to the Federal Government; and that the Federal Government dare not nullify our State laws upon this subject—all of which has been sustained by subsequent history. But I will return to the anticipated order herein before suggested, and give my annual message of 1834.

ANNUAL MESSAGE, 1834.

Executive Department, Georgia,

Milledgeville, Nov. 4th, 1834.

Fellow Citizens of the Senate and House of Representatives:

You are now assembled as the immediate representatives of a free and enlightened people, an intimate and minute knowledge of whose circumstances and wishes will be your best guide in all your official deliberations. Nevertheless, the Constitution makes it my duty to give you information of the state of the Republic, and to recommend to your consideration such measures as I may deem necessary and expedient.

We are menaced by no foreign wars, or general calamity; the blessings of bounteous Heaven are still heaped upon us in rich profusion; and yet we are admonished to weigh well and scrutinize passing events, for the voice of political strife and discontent is still heard in our land. Whether the extraordinary political excitements of the present day originate from the corruption of men in office, or from factions and ambitious demagogues who are rising up in every part of the country, must be decided by the unofficial sovereign people themselves. Guarded and balanced as is our form of government, I indulge no gloomy apprehensions for the result of any party contest, based upon political principle; because I feel assured that the people will finally decide in favor of those principles which will best secure their rights and liberties. Selfish and factious combinations, however, advised and directed by ambitious leaders—having unity of action, but none of principle—may furnish the elements for political whirlwinds, tending to the destruction of every vestige of regulated liberty. The progress of our republican institutions has, thus far, continued to exalt the American character throughout the civilized world. Here, the character of man has been elevated by a general diffusion of that spirit of equality and liberty, based upon the true principles of philosophy, which discard the idea of all superiority or distinction, save that which arises from intrinsic merit and real worth of character.

The love of liberty predominates in the breast of every American citizen. Let this love of liberty be regulated by a strict adherence to our fundamental laws, or constitutions, emanating from the people themselves, and the

bright examples of our glorious institutions will, ere long, pervade the habitable globe. Whatever defects may be found in the Constitution of our country, it must be admitted that our system, as a whole, guarantees the equal rights of the people, and secures to them the power of correcting, in a peaceable and constitutional mode, all mal-administration of their Government, and of faithfully enforcing the true spirit of their economical system.

"The law is good, if a man use it lawfully;" but good constitutions and good laws will be of but little value unless they are faithfully administered. Under our system of government, the administration, whether for good or evil, depends upon the people themselves; for the government itself rests upon the shoulders of every free citizen.

The people, governing themselves through their constituted authorities, must, therefore, correct abuses, check usurpations, and aid and support those whom they have called to make and administer their own laws, in a faithful discharge of their official duties.

In the administration of the laws of this State during the past year, no extraordinary embarrassment has occurred to the public authorities, or to the citizens, except that which has arisen out of the peculiar relation in which our remaining Indian population stand to the whites.

When the necessity became obvious to our whole people of extending not only the jurisdiction of our State over our entire territory, but of surveying the whole, and granting most of our unlocated lands, with a view to its complete organization into counties, for the regular and efficient administration of the laws of the State, justice and expediency both demanded that liberal provision and ample reservations should be made in favor of the natives who still remained within the limits of our State. By a careful examination of the past legislation of the State upon this subject, it will be seen that the welfare of the Indians has never been lost sight of by the people of Georgia, or their public functionaries, where that welfare has not been brought in direct conflict with the exercise of the indispensable political rights of the State.

The act of the General Assembly, passed the twenty-second day of December last, "More effectually to provide for the government and protection of the Cherokee Indians," and for other purposes therein named, has met with considerable obstruction in carrying into effect the views and intentions of the Legislature, such opposition

and obstruction as cannot be overlooked by the present Legislature, without prostrating the rights of our citizens and the sovereignty of our State at the feet of a combination of interested individuals and half-civilized men, supported and sustained, as they are, by the Judge of the Superior Courts of the circuit in which these Indians chiefly reside, and countenanced, at least, by a majority of the Judges of the Superior Courts of this State. The efforts of the Executive to have said act faithfully executed, and the instructions given to the agent appointed under its provisions, may be seen by reference to the documents accompanying this message. These documents will also explain, in some degree, the nature of the obstructions alluded to. The injunctions sanctioned and sustained by the Judge of the Cherokee Circuit are believed to contain assumptions of power on the part of the Court never confided to any judicial tribunal in these United States, either by the Constitution of the United States, or of any one of the States of the Union. The Supreme Court, in the cases of Tassels and the Missionaries, by no means equalled the jurisdiction assumed in these injunctions. This power, too, has been assumed by a Judge, chosen by the representatives of the people for the sole purpose of administering the laws of the State in that particular circuit, yet has he sanctioned and sustained bills of injunction which go to deny the authority not of the law only, but the entire legislation of the State in that circuit. He has sanctioned and sustained bills which directly bring in question the validity of every law, and the legitimate functions of every department of our government—not even excluding the questions of his own judicial powers over the Cherokee Circuit. The Executive has found its authority, as well as that of the Legislature, not in a single instance only, but throughout their entire constitutional range, insultingly disputed and denied in these bills having the official sanction of the Judge of the Cherokee Circuit. The questions, therefore, at issue, judging from the face of these bills, involve nothing less in magnitude than the opposing political rights of two people equally claiming and contending for the exercise of sovereign powers over a certain territory, or district of country. These sanctioned bills of injunction allege that the statute of Georgia referred to is null and void, because contrary to the Constitution of the United States, as well as the Constitution of Georgia. Indeed, the whole question embraced in these bills depends upon the right of the State of Geor-

gia, in her legislative capacity, to enact the statute referred to, providing for the government of the Cherokee Indians within the limits of the State, and equally extends to her entire legislation on the subject.

In confirmation of the view which I have taken of these transactions, it is understood, from the highest sources of information, that the counsel for the Cherokees in the argument of these cases, especially the one brought before the Convention of Judges, relied mainly on the unconstitutionality of the act of 1833. The argument upon the subject having long since been exhausted, and the question having been abandoned by the most respectable of those who heretofore contended for the national sovereignty and independence of the aboriginal tribes, I deem it unnecessary to reiterate upon the present occasion the conclusive arguments which might be adduced to silence the pettifogging attempts which are now confined to our own limits and jurisdiction. If the laws of Georgia, enacted by the immediate representatives of her people, violative of no constitution, human or Divine, can be nullified by a few interested lawyers, and one solitary Judge, then, indeed, it is a vain boast for the people of Georgia to talk of their sovereign rights and powers. Georgia, having nobly and successfully vindicated her local and territorial rights for more than a half a century against Federal usurpation and foreign intermeddling, until opposition to a free exercise of those rights no more interrupts her peace from abroad, is, nevertheless, at this moment harassed, annoyed and retarded in her policy by her own citizens, whose first duty it is to aid in the faithful execution of the laws of the State.

It was obviously the intention of the last Legislature that the grantees of all land authorized to be granted should immediately go into the possession of their lands, and that the same act which authorized the grants to be issued made it the duty of the courts to protect them in the peaceable and unmolested possession of the same. But, so far from these citizens being sustained in the rights and privileges guaranteed to them by an expressed statute of the State, they have, without evidence, without a trial by jury, been prohibited from entering into the enjoyment of their possessions, by the extraordinary and arbitrary mandate of the Judge of the Superior Courts of the Cherokee Circuit. Instead of the Indian complainants seeking a remedy for their supposed wrongs at common law, to which they were entitled, they have resorted

to what is termed a court of equity in cases not proper for the action of such a court, and have been sustained by the unauthorized exercise of the extraordinary power of that court, in prohibiting our citizens, under severe penalties, from the exercise of their legal rights, on the partial and one-sided statements of Indians who were interested; and that, too, before the opposing claim had been submitted to the honest and independent decision of a jury. The deprecated effect produced by the conduct of a Judge in reference to these bills has been to revive the delusive and expiring hope of the Cherokees that they would be sustained in their unreasonable pretensions to the rights of independent self-government, within the chartered limits of Georgia. They have seen our own citizens vindicating their extravagant pretensions with a zeal bordering on fanaticism, and denouncing the authorities of the State, merely for a faithful, yet mild, administration of the law.

Thus, their visionary prospects of success have encouraged and strengthened all their former prejudices against the people and government of Georgia.

In the midst of these strifes, the President of the United States, with his unfaltering fidelity to the true interest of the Indians, as well as to the States, made another effort to settle these long-standing perplexities with the Cherokees, by causing a treaty to be entered into with a delegation of that tribe then at Washington, the terms of which were unparalleled in liberality to the Indians. But, for reasons best known to that body, the Senate of the United States declined acting upon the treaty, and consequently the object of the President has thus far been impeded. Nevertheless, the important object of the removal of the Cherokees has not been abandoned. The liberal terms embraced in the treaty are still open to the Indians. But, from all the information in the possession of this department, it is believed that these perplexities will never be brought to a happy issue, so long as the Indians are induced to believe that the laws of the State and its policy towards them can be thwarted, evaded, and overruled by their white friends in Georgia, aided by our own State courts.

The correspondence, and other documents herewith submitted to the General Assembly will tend to exhibit the true character and causes of the various excitements which have been produced in the Cherokee section of the State during the past year, as also the manner in which

they have been disposed of by the Executive, in the absence of appropriate legislation to meet such cases. By a careful examination of these papers it will be seen that many of our citizens have been exposed to all the apprehensions of savage ferocity. While it may be admitted that the fears of the community have been in some instances indulged to an unreasonable extent, yet it is not to be concealed that many individuals have been exposed to apprehensions and great hazards, several horrid murders having been committed upon unoffending citizens and distinguished natives who were favorable to the policy of the Government upon the subject of emigration, while others have but narrowly escaped attempts equally bold and daring. Although the Indian rulers who still remain in Georgia have been deprived by our laws of the formality of ruling their people, it is nevertheless true that they continue to control and govern a portion of them in the most absolute manner; and I have reason to believe that, through the instrumentality of these dictators, aided and countenanced as they are in all their schemes of controversy by a portion of our own citizens, the lives of some of the government agents, as well as of some of the principal Cherokees who are favorable to emigration, have been threatened, and perhaps at this time they are in danger of massacre. Such an enemy as this ought not to be permitted to repose in the bosom of the State. So long as it is tolerated we are exposed to insurrections and commotions which can only be suppressed when too late to avoid the effusion of human blood. If the mild laws heretofore enacted and designed to suppress these evils in a peaceable way have been so perverted as to increase them, the time has assuredly arrived when more appropriate and efficient legislation is called for.

The Legislature has an unquestionable right to make it a highly penal crime for any citizen or inhabitant of this State to advise, aid, or counsel, in any measure, or issue or serve any process, which shall bring in question before any tribunal of this State, or of the United States, our rights of sovereignty and jurisdiction over our entire population and territory.

I consider the reserved rights of the States of this confederacy a chief pillar of American liberty; and, if properly understood and exercised, they will tend to perpetuate union and liberty to our unborn posterity. To secure these rights, it is a matter of the first importance that the constitutional laws of the State should be faith-

fully executed. We should not permit their execution to be defeated by any artifice or combination whatever. No citizen should be permitted, directly or indirectly, to encourage rebellion against, or resistance to, the constitutional sovereignty and jurisdiction of the State which secure to him the inestimable blessings of our republican system.

It is with the most scrupulous and profound respect for the judiciary, as a co-ordinate department of the government, that I have felt myself reluctantly compelled to submit the foregoing strictures to the General Assembly upon the conduct of the Judge of the Superior Courts of the Cherokee Circuit. Nor is it the design of the Executive in any manner whatever to encroach upon the judicial department of the Government. But a deep sense of official duty, and a fixed and unalterable determination to maintain the rights of the State, from whatever quarter, and under whatever disguise they may be assailed, compel me to perform my duty to my constituents, regardless of all personal considerations.

The several applications made to the last General Assembly for the incorporation of railroad companies were granted upon terms of liberality which induced the belief that the dormant spirit of the people of Georgia, on the important subject of internal improvement, was aroused to a sense of their true interest; and before the present day it might have been expected that preliminary steps would have been taken, calculated to ensure the accomplishment of the most important results to the public. But, so far as I am informed, with the exception of the progress made by the Georgia Railroad Company, little has been effected. That company, however, appear to have been engaged in laudable and active efforts, calculated to induce the belief that, to a considerable extent, the object of the association will, at no distant day, be carried into effect. As to the particular progress and prospects of the company, however, I have no information, except that which has been spread before the public. Should these companies fail to avail themselves of the exclusive benefits and privileges secured to them by their charters, it will then be vain for the people of Georgia any longer to flatter themselves that general benefits will shortly accrue to the community from projects of internal improvements which are dependent for their execution upon the enterprise and capital of private citizens.

Under the existing aspect of things relating to the subject of internal improvement, and considering the great interest which the State has at stake, dependent upon the movements of the present time, the question presents itself with great force to the consideration of the present General Assembly whether the ample resources of the State shall not, to a liberal extent, be applied at once to this important object. The resources of the State heretofore set apart and pledged for purposes of public education and internal improvement should never be diverted into any other channel of expenditure, under any pretense whatever. But these funds, accumulated as they were from the public, should be scrupulously applied to these admitted objects of first utility. Indeed, I entertain no doubt but that a wise and prudent policy, directed by an enlightened forecast, would suggest the expediency of greatly enlarging our views in regard to the application of our resources to these objects, before the means of doing so shall have passed beyond our control. If the whole moneyed resources of the State, in whatever they may consist, could be judiciously applied to purposes of education and internal improvement, it could not fail to effect a present and permanent blessing to the people of Georgia. The facilities of commerce and the benefits of education, being brought to the door of every citizen, are objects of far greater importance to the people than that of granting partial loans of money from the public chest to a few thousand citizens dispersed over the State.

It must be admitted that the large sums of money heretofore expended upon roads and rivers in this State having effected but little permanent good, yet this affords no just ground for discouragement, for, when we look through the history of our efforts on this subject, we shall perceive that we were only pursuing the examples of older and more experienced communities. Most of the old States of the Union, as well as the most enlightened countries of Europe, were, until within a very few years past, expending their wealth upon projects of internal improvement which, if not entirely useless, are, at this day of light upon this subject, considered a most improvident waste of time and treasure.

The superior advantages of railroads over every other description of expensive works of internal improvement, and as being best suited to most parts of our country, seem now scarcely to be questioned. Experience, the surest and best test, is rapidly settling public opinion on

this subject; and it is therefore deemed to be unnecessary at this time to enter upon a discussion of their relative superiority. After the most mature consideration, I have no hesitancy in reiterating the often expressed opinion that the only great work of internal improvement which would be entitled to the support of our whole population, and which could be expected to concentrate the resources and energies of the State, would be a central railroad, commencing on our own seaboard and running thence to the centre of the State (or as nearly so as may be expedient), with a view of ultimately extending the line, through the interior, to our northwestern boundary, so as eventually to draw a considerable portion of the immense trade of the great and fertile West to our own seaboard. Moreover, such a work, executed by Georgia, would be advancing in the line of the splendid project of a direct railroad communication connecting the Mississippi with the Atlantic, and would tend to ensure the success of that gigantic conception; which result could not fail to make our railroad stock immensely valuable, and at the same time increase the individual wealth of our citizens to an extent far beyond the conception of those who have not maturely considered and investigated such subjects. The facilities thus afforded to commerce would give new springs to every branch of industry throughout the State.

I entertain the opinion that the day is not far distant when the commercial advantages and disadvantages of all the principal Atlantic cities of the United States will approximate much nearer to the same standard than they do at present. The progress already made by works completed and now under contract in the different States of the Union, fully justifies the belief that all the principal Atlantic cities, from New York to New Orleans, will, before the present generation shall have passed away, be brought near together by one continuous line of the best constructed railroads, except short spaces supplied by steamboat navigation. This being effected, the great question with the producer and merchant of the interior will be, "How shall I get to the Atlantic in the shortest time, and with the least expense and risk?" Then there will be but little reason to enquire whether Savannah or Charleston will afford the best market, both being brought so near to the same standard.

Under this view of the subject it appears to me that the great importance of a direct railroad from our prin-

cial seaport town, through the centre of the State, and ultimately to be extended to the Mississippi river, must force itself with deep conviction on the mind of every reflecting individual. Such a road, if speedily executed, could not fail to give to our State a great commercial imporium, surpassed by few, if any one, on the entire Atlantic. It would concentrate the interest and energies of our whole people to one great and definite object, worthy of the support of all, because designed for the benefit of all. This important point being settled into one definite object, all minor works of internal improvement would be planned and executed in reference to it, without incurring the hazard attendant on new schemes of enterprise, which are so apt to divert and unsettle the public mind.

The great difficulty of executing a State work of the description now under consideration arises from the fact that competent and faithful agents and superintendents are not always to be readily procured. The best method of obviating this evil will be to limit the entire responsibility to a contracted circle of individuals, enjoying the public confidence in a high degree, and who would be able to give the most ample security for their fidelity to the public interest. Great as the undertaking may appear, I feel no hesitancy in saying that the resources and credit of the State are ample, and that whatever may be judiciously applied to effect the object will be loaning the public money at a rate of usury which could not fail to reimburse the treasury many fold for every dollar thus expended.

On the momentous question of public education, my views have been so frequently and so fully presented to the Legislature that I do not deem it important on the present occasion to reiterate at large my unchanged opinions. The wisest men of the age in which we live, after the most profound research and patient experiments, have in various forms laid before the reading public all that kind of information which is deemed necessary to enable the statesman to modify existing systems of education, and adapt them to the aspects and exigencies of the community for whose benefit he legislates, and of whom he forms a component part. We may not reasonably calculate on a continuation of the liberty and national prosperity hitherto vouchsafed to us as a people, without providing amply for the diffusion of knowledge commensurate with the increase of our population, and for corresponding improvements in all the arts and sciences calculated to elevate and adorn the human character.

In our country this diffusion of knowledge must be based upon some general system which will place common education within the grasp of every child; and to effect this very desirable object it is firmly believed that the connection of manual labor with school studies promises the greatest and most salutary improvement upon all former plans. I confess I look to the introduction of manual labor as a part of the system of all public schools to be the only hope of general success in our section of the Union. It is worse than useless to attempt to educate our children in any mode tending to confirm habits of idleness, or to excite hopes and expectations of procuring the comforts of life, without industry and labor. The superior advantages of this system are no longer matters of mere theory, but have been satisfactorily tested in many of the most respectable academies and colleges; and the association of manual labor with the common courses of study is now universally admitted to be of the first importance in strengthening and invigorating the intellect, as well as improving the morals of the student. Moreover, such association cannot fail to create and cherish a proper sympathy for the plain realities of life, so necessary to the virtue and happiness of mankind. Unless labor is connected with education, the poor must chiefly be excluded from our schools and colleges—none but the wealthy being able to incur the expenses incident to classical education. But let it be understood the industrious student may work his way to the highest literary distinction—that the highway to fame is no longer hedged up to the poor—and you will have aroused the sleeping energies of the most important, because the most numerous, class of every community.

Every year affords additional evidence that our University is justly rising in the estimation of the public. The judicious administration of affairs of that institution, under the government of its present faculty, entitles it to the confidence and support of an enlightened community. I am sanguine in the belief that Franklin College is destined, at no distant day, to equal the fondest anticipations of its best friends, when it may justly be considered a rival of the best literary institutions in our widely extended country. Indeed, I consider it doubtful whether our sons can anywhere, at this time, spend the short course of four years' college instruction to greater advantage than at Franklin College.

The general impression which pervades the public mind, that the *almost exclusive* object of a college education is to multiply *lawyers and doctors*, has a most pernicious effect upon the success and advancement of the institution. It has occurred to me that the most effectual means of obviating this injurious impression would be to provide amply for the endowment of the most appropriate professorships for preparing the students to become able and competent teachers in our academies, manual labor institutes, and other schools, and, at any rate, to prepare our sons to become scientific artisans and agriculturists. I consider it altogether an erroneous idea that it requires less mind or less learning to make an accomplished farmer or artisan than would be considered requisite to make a current lawyer or doctor; and it is to be feared that agriculture, the parent of every other art, is destined to languish in our State, unless sustained by the devotion of the best *talents*, learning, and practical skill.

The reports made by the several banks of this State, in conformity to law, including that of the Central Bank, are herewith submitted to the Legislature.

The examination into the condition of the Darien Bank, and its branches, authorized by the last General Assembly, I regret to say, has not been effected. The Executive correspondence in relation to this subject will, to a considerable extent, explain the causes of the failure. The gentlemen first selected having all declined the service, and the great difficulty of obtaining the services of qualified individuals—taking into view residence, and other important considerations—wore away the season until it was found wholly impracticable to effect the object of the Legislature. The importance of the information contemplated to be obtained by the examination authorized by the Legislature is greatly increased from the facts that the State is largely interested in the capital of said bank, and that the question of a recharter will, in all probability, be determined by the present General Assembly.

The discussions and developments of the last six years upon the subject of the banking institutions of our country have contributed much to enlighten the public mind in regard to the true character and general management of such institutions. The effects have been such as might have been anticipated in an enlightened and intelligent community. The banks of our country, from the United States Bank down to the most petty State corporation, have lost much of the public confidence and favor, and the

people are becoming more and more distrustful of these engines of power and selfish speculation. Experience has shown that these incorporations not only possess, but have exerted, the power to drain from the country the constitutional hard money currency, and substitute in lieu thereof the joint stock notes of corporate companies, which are liable to bankruptcy from the mere forebodings of being called on to pay their just debts, and that, under cover of their chartered privileges, the most extensive frauds are sometimes practiced upon an unsuspecting community.

In regard to the banks of our own State, it may be justly remarked that the exhibits made of their condition will bear an honorable comparison with those of similar institutions in perhaps any State in the Union; and that most of them continue to deserve the public confidence. This confidence, however, should by no means abate the vigilance of the General Assembly in guarding the people against the evils consequent upon the abuses of banking privileges. The slightest failure on the part of these incorporations to comply with the requirements of the law should not be overlooked in silence, and a bank that once corruptly violates its charter should never again be recommended to the public confidence by any act or resolve of the Legislature.

All my reflections upon the tendency of banking operations have but confirmed the opinion that the latitude heretofore given to such corporations, in the unguarded terms of their charters, has furnished the temptation to the most hazardous extension of their credit, and opened the door to the most fraudulent speculations. Hence I conclude that, as a general rule, it is far better, for the public security, to incorporate new banks, under proper restrictions, than to recharter old ones.

Under the provisions of the act of the General Assembly, passed in December last, the negroes and other property appertaining to the road service have been disposed of on terms highly advantageous to the State. According to the reports of the agents who transacted this business, it appears that the amount of the sales was, in the aggregate, one hundred and eighteen thousand one hundred and forty-eight dollars and thirty-seven cents; all of which sum has been deposited in the Central Bank, in terms of the law, in notes discounted and cash—except the sum of four thousand four hundred and seventy-seven dollars and ninety-five cents—a part of which remains un-

settled on account of an error committed in the amount of a note taken by one of the agents, and a difficulty which arose on account of the unsound health of one of the negroes. The balance of said deficit remains to be accounted for by the agents, Messrs. Lyman and Powell. The number of negroes sold was one hundred and ninety-eight, leaving eight runaways to be disposed of when apprehended. A competent agent, Francis M. Stone, Esq., of Savannah, was appointed to have these fugitives apprehended and sold, according to the provisions of the act of the Legislature herein before referred to; and I am gratified to have it in my power to state that most of them have been apprehended, and probably before this time have been sold. The net profits, however, of the sale of these runaway slaves will be comparatively small, after deducting the expense of their apprehension and jail fees, physician's bill, and other incidental charges. I would respectfully suggest to the General Assembly that the several agents who have performed the responsible duty of disposing of these negroes in the terms of the law, so much to the interest of the State, are justly entitled to a suitable remuneration for the unpleasant, expensive, and highly responsible duties which they have discharged, and which were by no means suitably provided for by the act of the Legislature which authorized the sale of the public hands. It may not be improper to add that I am convinced that these gentlemen were induced to undertake the discharge of these duties from public considerations, under a full conviction that the law did not make adequate provision to compensate them for the duties and responsibilities imposed upon them.

Under the authority of a joint resolution of the late General Assembly, John A. Cuthbert, James A. Meriwether, and Philip T. Schley, Esqs., were appointed by the Executive to revise, correct, and consolidate the militia laws of this State, or, in their discretion, to draft a new code, and their report may be expected at an early day of the present session, when it will be immediately laid before the Legislature. The reports of the keepers of the arsenals are herewith submitted; from which it will be seen that our supply of arms and other munitions for public defence are extremely limited, and that volunteer companies cannot receive further supplies without legislative provision. I have had occasion heretofore to remark to the General Assembly upon the condition of that portion of the public arms which had been distributed to vol-

unteer companies in past years, and which companies had been dissolved, leaving their arms in a scattered and ruinous condition. The bonds taken and filed in this department, for the safe keeping and return of these arms, may be regarded as being of little value, from the circumstances of the death or the removal of the makers and their securities. It remains, therefore, for the Legislature to make the best disposition of this wasting of public property. If it should be thought expedient to collect and put in order arms of this description, suitable and definite legislation is deemed to be indispensable. The experience we have had, however, in cleaning and repairing defective guns, induces the belief that it would be most expedient to provide for disposing of this portion of public property in the respective neighborhoods where it is found.

No appropriation having been made by the last General Assembly to defray military expenses, and former appropriations having been exhausted, the pay allowed by law to Division and Brigade Inspectors remains unsettled. It therefore becomes the duty of the Legislature to provide, at an early day, for the payment of these claims; as also to make the necessary appropriation to meet the ordinary expenses in this branch of the public service.

The success which has attended the management of the Penitentiary since its re-establishment entitles that important public interest to a due share of legislative consideration. The adaptation of our new criminal code to this humane system of punishment, taken in connection with the judicious management of the present Principal Keeper, Charles C. Mills, Esquire, has tended to re-establish and confirm public opinion in favor of this mild yet efficient mode of correcting the vicious habits of depraved men. Under all the circumstances, the operations of the past year have been more favorable than could have been reasonably anticipated. The various disadvantages which have operated upon the business of the year will be presented in the reports of the Inspectors and the Principal Keeper, which satisfactorily account for the deficiency in the profits of the institution to meet the current expenses of the year. It is believed that the institution will continue to be able to sustain itself without aid from the Treasury for ordinary support.

Upon examination, however, it will be obvious that its prosperity and best success require that ample provision should be made for erecting suitable buildings, or shops,

for carrying on to the greatest advantage the different branches of business pursued in the institution. Moreover, its present limited means will not justify a timely procurement of such supplies of timber as require several years of seasoning to be fit for use.

The most pleasing reflection connected with the present management and the future prospect of our Penitentiary establishment is the settled conviction that it is not only a house of *correction* but of *reformation*; and that it is susceptible of such management as to reclaim many of the most vicious from habits of vice, and turn them to paths of virtue and usefulness. Out of fifty-four convicts who have been discharged during the last three years (which number includes those who have been pardoned, as well as those who have served out their sentences), I have good reason to believe that a large majority of them are at this time pursuing a virtuous life, and many of them established in business, with fair prospects of success—only *one* of this number has been recommitted.

This favorable result has induced the belief that, as soon as the profits of the institution will afford it, some portion of the earnings of the convicts who conduct themselves well to the end of their confinement should be given to them when discharged, to enable them with more facility to establish themselves in the respective trades they may have acquired.

By a joint and approved resolution of the last General Assembly the memorial of John J. Flournoy, praying the establishment of a suitable institution for the education of the deaf and dumb, was referred to the Executive, for the purpose of obtaining the necessary information to enable the present Legislature to enter upon an investigation of the subject, with the aid of such practical results as might lead to a judicious decision. In order to meet the wishes of the Legislature, a timely correspondence was opened with the Governors of several of the States having most experience on this subject. The correspondence, together with the documents received, is herewith submitted to the General Assembly, and will afford the most ample information on the subject.

To Governor Foot, of Connecticut, and Lewis Weld, Esq., Principal of the Deaf and Dumb Institute of that State, we are chiefly indebted for the valuable documentary information obtained upon this most interesting subject. The deaf and dumb are an unfortunate but interesting class of individuals in every community, and are

justly entitled to the munificent care and special regards of their more fortunate and highly favored fellow citizens. Therefore, the subject commends itself to the respectful consideration of the Legislature.

While our thoughts are turned to the abodes of the unfortunate, I would avail myself of the occasion most earnestly to invite the serious attention of the General Assembly to another class of individuals who are to be found in every community, and who deserve to be among the first objects of legislative care and attention. I allude to idiots, lunatics, and insane persons of every description. Every government, possessing the means, should, without hesitancy or procrastination, provide suitable asylums for these most distressed and unfortunate of human beings.

The repairs and improvements authorized to be made to the State House are chiefly completed, and have been executed in a style creditable to the contractors. The work not being entirely finished, and final settlements not having been made with the undertakers, I am unable at this time to state the actual cost, but feel confident that the appropriation made by the last General Assembly will not cover the expenses necessarily incident to the repair and improvements contemplated to be made; for, although the contract was undertaken and estimated at an amount less than the sum appropriated, yet considerable additional labor has necessarily grown out of the progress of the work, which, being unforeseen, could not be provided for specially in the contract. In this extra and additional labor is included the repairs of unavoidable injuries done to the building by rains during the progress of re-covering it. By an examination of the various apartments of the building it will be seen that they are insufficient to contain in a proper state of preservation the vast accumulation of books and papers, and other appendages belonging to the public offices. I would therefore recommend to the Legislature that a sufficient appropriation be made during the present session to put an addition to the south end of the building, corresponding with that of the north. This is deemed indispensable, not only to the preservation of the public records, but to the symmetry and general appearance of the whole building. The plastering in some of the rooms and entries having been considerably defaced, and considerable painting being necessary to preserve, as well as ornament, the interior of the building, I would recommend that, if the proposed ad-

dition should be authorized, the appropriation should be sufficient to embrace these last items of expense, in order that the entire building may be in a complete state of repair. This being done, the appearance of this important public edifice will be viewed by every Georgian with becoming pride and pleasure.

I would respectfully recommend to the General Assembly an entire revision and consolidation of the several tax laws of this State. The various detached and amendatory acts on this important subject have introduced ambiguity and uncertainty in the construction and execution of laws which, of all others, should be most clear and explicit in their provisions. The necessity of legislation upon this subject is clearly demonstrated from the fact that mistakes have already been committed in several of the counties of this State in regard to the legal amount to be levied and collected from the people. While upon this important subject, it is worthy the consideration of the Legislature whether a more equitable mode of taxation might not be devised than that prescribed in our existing system: that capital, in whatever it may consist, which yields the greatest profit can best afford to bear the burthens of taxation. Yet the question has often been asked, and not without reason: "Why may not the entire property, capital and cash estate, of every citizen, in whatsoever it may consist, be taxed according to its intrinsic or estimated value?" Upon mature reflection, I am compelled to admit that our selection of objects of taxation fails in arriving at that true standard of justice and equity which is believed to be attainable.

In pursuance of the provisions of a joint resolution of the last General Assembly, the negro man Sam has been purchased of his owner, at the price of eighteen hundred dollars, with a view to his emancipation, as a reward for his extraordinary services in extinguishing the fire on the State House. The title to said negro has been conveyed to the State, and he has been in the enjoyment of his freedom since the date of the purchase; nevertheless, a special act of emancipation, giving him such privileges as may be deemed proper, will be necessary to carry into full effect the intentions of the last Legislature.

A list of Executive warrants drawn on the Treasurer during the last political year, and a list of Executive appointments made during the recess of the Legislature are herewith submitted.

Fellow Citizens:—In closing this communication, permit me respectfully to remind you that we are brethren of the same family, jointly charged with the care of an inestimable political patrimony; and that upon the wisdom, justice, and moderation of the present generation depends the perpetuity of our republican institutions. Our admirable constitution has thus far successfully withstood the wiles of the demagogues, the convulsions of war, and the secret machinations of the combined enemies of liberty. I can conceive of nothing that can materially retard the prospective grandeur of our great American confederacy of States, except it be internal divisions. Let the chain that now binds us as one people be severed, and our glory will have departed forever. Whatever diversity of opinion in matters of policy may agitate our beloved country, let us all agree that "The Federal Union must be preserved." Suffer me to add that with our settled determination to defend the rights of the States, and a strict construction of the Federal Constitution, I consider both as being identified with the success and support of the present Federal administration. In our severe conflicts with the united extremes of consolidation and nullification, it is most fortunate for the Republic that we have an unwavering Revolutionary patriot at the helm of the Government—one who unites in himself so many admirable qualities to meet the present crisis—and who will never shrink from any contest with the enemies of our Constitution, our Union, or our Country.

WILSON LUMPKIN.

ANNUAL MESSAGE, 1835.

Executive Department, Ga.,
Milledgeville, November 3d, 1835.

Fellow Citizens of the Senate and House of Representatives:

Our constitutional government is based upon the most lofty spirit of independence and ardent attachment to liberty and equal rights, and secures to the people the free choice of all public officers and agents, as well as the most unlimited direction and control in the making and executing the laws of the country. The Legislature is therefore dedicated to the service of the people, and is the sure de-

pository of their rights and liberties; consequently no station can be more sacred than that which you now occupy. You are bound by the strongest obligations to guard and perpetuate the glorious principles established by our Revolutionary fathers, in the constitutions of our country.

In thus adverting to your duties, fellow citizens, be assured that I am not unmindful of the great responsibilities necessarily devolving on the Executive branch of the Government. Four years' experience has but increased that distrust which I have never ceased to feel of my ability to discharge, in a manner satisfactory to myself, the high duties to which I have been called by a generous and confiding people—a people endeared to me by every tie that binds a grateful citizen to the interest and happiness of his country. The ardour of my youth and the best days of my riper years have been faithfully devoted to the public service; and yet I feel that I have discharged but a small portion of the debt of gratitude I owe to the people of Georgia for their generous confidence and support, under all the vicissitudes of an eventful political period of thirty years. Believing it to be the best parting service I can render to my constituents, I shall now proceed to lay before their representatives a faithful account of public affairs, so far as I may consider them falling within the sphere of my official duty.

The constitutional compact which binds together the American Confederacy of States continues to be regarded by every American patriot as the anchor of hope for the perpetuation of our beloved Union; and although our universal construction of that sacred instrument may not yet have prevailed, as regards every controverted point of difference, yet the expositions and writings of the sages and patriots who established it have so far defined and settled all important points of collision as to guard the public mind against the wild and mischievous stratagems of sophistry, as well as the more dangerous and extravagant assaults of ambition. The constitutional relations existing between the several States of the Union are, at this day, very clearly understood by the great body of the American people; and must be respected by the several States, both in their separate and united capacities, or the Federal Union cannot be preserved.

These general remarks have been made with a view to the existing state of things between the slave and non-slave holding States; a delicate subject, which nothing but an imperious sense of duty could induce me to in-

troduce to public consideration, in a paper of this character. The constitutional rights of the Southern States in regard to slave property is not, and cannot be, controverted; and I feel disposed to cherish an abiding confidence in the virtue and patriotism of our Northern brethren, and will not indulge the belief that the great body of that people can, for a moment, countenance and encourage the desperate efforts of those violent incendiaries who are laboring to stir up insurrection and rebellion in the Southern States. Should, however, the abolitionists be permitted to proceed without molestation, or only have to encounter the weapons of reason and argument, have we not reason to fear that their untiring efforts may succeed in misleading the majority of a people having no direct interest in the great question at issue, and finally produce an interference with the constitutional rights of the slave-holder? The consequences of such an event cannot be contemplated by the patriot without the most painful emotions. The success of these misguided men would be destructive of all that is desirable in the glorious experimental government under which we are enjoying an unparalleled degree of happiness and prosperity. No adequate conception can be formed of the blessings which they are laboring to destroy, while they claim to be the exclusive friends of liberty and freedom. The principles of the Christian religion can never be brought to the aid of these monsters, whose proceedings are marked by the most reckless, blood-thirsty spirit that ever disgraced the American name. Upon this subject we can hear no argument. Our opinions are unalterably fixed; our determinations are immutably firm and steadfast, and therefore ought not to be concealed or misunderstood. It is a subject with which we cannot suffer a stranger to intermeddle. But the question arises, what is to be done in the present exigency? It is the imperious duty of the people and governments of the several States where these incendiaries are engaged in their diabolical plans and operations to put them down, at once, and forever. It is not my province, or duty, to point out the manner in which public opinion should be brought to bear upon this subject; whether by legislation or otherwise, must be left to the wisdom of those States who are in duty bound to act, and to act promptly and efficiently, upon this subject. If the States in which these enemies of our peace reside do not, without delay, manifest their friendship and fidelity to the

Constitution and the Union of the States by effectually silencing these incendiaries, we can no longer be called upon, in charity, to place any confidence in their professions so often promulgated to the world. It is, with us, a subject of deep and solemn import—involving the destiny of our dearest domestic affections; our sacred altars; our all.

I would earnestly recommend to the consideration of the Legislature the revision of our existing laws, so as more effectually to prevent the circulation, through the Postoffice, or otherwise, of any publications tending to endanger our domestic relations, or calling in question our constitutional rights of property. Congress should also be invoked, in the most earnest and respectful language, not to suffer the Postoffice establishment to be used to our injury and destruction. I would also recommend that the States where these agitators and incendiaries are found should be called upon in the true spirit of our institutions, that is, in a spirit of manly independence and brotherly affection, to sustain, in good faith, the letter and spirit of our glorious Constitution.

On the subject of our territorial rights, as connected with the claims of Indian population, I deem it admissible on this occasion to remark that the opinions entertained and the policy recommended to the Legislature immediately after I entered upon the duties of the Executive have been fully sustained by the success of the measures then recommended. Notwithstanding the opposition which has been encountered, at home and abroad, and the many embarrassments which have been thrown in the way, and which are familiar to our whole population, within the last four years we have seen upwards of five millions of acres of our territory converted from a savage wilderness—a land of confusion and conflicting rights of government—into fruitful fields and the peaceful abodes of an enterprising and industrious population. Our citizens in the Cherokee part of Georgia are now in the enjoyment of most of the blessings which follow a peaceful administration of our well organized system of government.

The measures which have led to these results have been controverted and censured, but not overturned. Threatenings of anarchy and blood have been arrested and silenced. It is true that a few of the Cherokees yet linger within our borders, and continue to annoy our white population; but it cannot be believed that the mischievous and

selfish counsels and influence of a single individual, John Ross, can much longer prevent this unfortunate remnant from yielding to the liberal and magnanimous proposals of the Federal Government for their removal to the West. From the correspondence herewith submitted it will be seen that the opinion is entertained by the agents of the Federal and State Governments that the Cherokees will ultimately, and at a day not far distant, accept the late Treaty. But, so far as Georgia is now concerned, the acceptance or rejection of the Treaty is a matter of but little importance. Our concern upon this subject is founded chiefly in sympathy for this unfortunate and deluded people. Their procrastination is ruinous to themselves, while, to us, it is only a matter of temporary inconvenience. But, in anticipation of their obstinate adherence to the destructive counsel of Ross and his associates, I would recommend to the General Assembly that, during their present session, they provide for that contingency. If the Cherokees cannot be induced to pursue their true interest by kindness and liberality, measures should be adopted that will evince to them the utter impossibility of their remaining longer within the limits of our State. The present Legislature is in duty bound to relieve Georgia from this troublesome population, and should turn them over to the care of the Federal Government which has long since been more than compensated by Georgia to take care of and provide for these unfortunate Indians. The provisions contained in the acts and resolutions of the last General Assembly, in relation to our Cherokee affairs, have had the most salutary effect, in checking judicial assumptions and sustaining the rights and interests of our fellow citizens who are exposed to the aggressions of the Cherokees and their associates.

At the earnest solicitation of many of the most respectable citizens, in connection with the request of the agents of the Federal Government, and some of the principal men of the Cherokees, after the most mature consideration, I was forced to the conclusion, in the month of June last, that the time had arrived when it became my duty to organize a small force for the security, relief and protection of our own citizens and the friendly Indians in the Cherokee Circuit. The utility and efficiency of this force in aiding and sustaining the civil authority in the administration of the laws of the State have been obvious to the whole community; and at this time is controverted only by those who stand opposed to the policy of the

State in the removal of the Indians. The various incidental expenses which have occurred in the management of our Indian affairs have been defrayed from the contingent fund, as directed by the Legislature; and it will be seen, upon examination, that in the discharge of the discretionary and complicated duties confided to the Executive, constant regard has been had to the strictest economy.

A band of vagabond robbers, who form a part of the Creek Indians remaining in the State of Alabama, continue to be an annoyance to the citizens of Georgia; and have, during the past winter and spring, committed many depredations upon the persons and property of our citizens. A large portion of the Executive correspondence on this subject is herewith submitted to the Legislature, and will exhibit a full and fair history of the transactions in relation thereto, as also the views and opinions of the Executive branch of the Federal Government upon the subject. These documents will vindicate the Executive of Georgia from the many misrepresentations which have been propagated by selfish and malicious individuals, who seem to have been disposed to mislead, as well as misrepresent the Executive.

The documents accompanying this message will furnish the Legislature with detailed information upon every subject connected with our Indian relations, and will aid that branch of the Government in the adoption of such measures as the present state of things may seem to require. No reasonable hope can be indulged of the improvement of the condition of the aboriginal race while they remain in the midst of a white population. Their emigration to the West opens the only door of refuge; and the whole energies of the Federal and State Governments should be zealously directed to that object. These remnant tribes have lost almost every vestige of national character, and it is altogether preposterous to consider or treat with them as independent nations of people. Such pretence will be viewed by the impartial eye of posterity as a mere farce: they are in reality, at this time, nothing but the feeble conquered remnants of a once mighty race, altogether dependent upon the powers which have superseded them. They have, however, high claims upon the people who have supplanted them, and should be treated as children, or minors, who are incapable of protecting their own rights and interests, and consequently entitled to the kindness and liberal protection of the Government.

I herewith lay before the Legislature the report of the Committee of the last General Assembly upon the subject of the condition of the Farmers' Bank of Chattahoochee, together with the evidence taken by the Committee, and transmitted with their report to this department. It will be seen, by reference to the resolution under which the committee acted, that the object of the investigation was to ascertain whether the Bank had been so managed as to incur the forfeiture of its charter. Upon this point the Committee decline any direct expression of opinion, while, upon the face of the report, the opinion is obviously intimated that the Bank has violated some of the provisions of its charter. After the most careful and patient examination, the report, to my mind, reflects a degree of censure which may very naturally arise from the exhibition of the evidence presented to the Committee, going to sustain the charge of indiscrete conduct on the part of the managers of the Bank; but whether these admitted indiscretions amount to a forfeiture of the charter is a question that admits of doubt. I have therefore declined ordering a *scire facias* to be issued against the Bank, and submit the whole subject to the consideration of the Legislature. A course of forbearance has been pursued towards this Bank, from public considerations deeply interesting to the community, and not from a disposition on my part to screen such institutions from just legal scrutiny.

Francis H. Cone and William W. Gordon, Esqs., were the counsel appointed by the Executive to assist the Attorney General in prosecuting the *scire facias* against the Merchants and Planters Bank of Augusta. These gentlemen have discharged the duties of their appointment, not only to the entire satisfaction of the Executive, but with an ability which has attracted the attention and commanded the unqualified commendation of the most enlightened gentlemen of their profession. The Legislature having omitted to provide the compensation for these services, and the Executive entertaining some doubt of the expediency of making such a draft upon the contingent fund, these gentlemen have not been paid, and should be provided for at an early day of the present session.

Copies of the semi-annual reports made to this department from the several banks of this State, in terms of the law, are herewith submitted to the General Assembly. The annual report of the Central Bank of Georgia is also herewith submitted.

Under the authority of a joint resolution of the last General Assembly, Matthew St. Clair Clarke, Esq., of Washington, has been appointed agent to prosecute the claim of the State of Georgia against the United States, for services rendered and money expended during the Revolutionary War; and I have entire confidence that he will discharge his duty with ability and fidelity to the interest of the State. The claim is now pending before Congress, and will, I presume, receive that favorable consideration which the justice of it may appear to demand.

Sometime in the month of December last a correspondence was opened with me by the Secretary of the War, under the direction of the President of the United States, on the subject of the claims of the citizens of Georgia, under the Creek Treaty of 1821, and the late act of Congress on that subject; which correspondence resulted in obtaining my assent to have the whole business of carrying said act into effect confided to my superintendence, judgment and discretion. Consequently, the papers and the unexpended balance of the fund set apart by the Treaty referred to were forwarded to, and received at, this department; and the money (one hundred and forty-one thousand and fifty-five dollars and ninety-one cents) has been deposited in the Central Bank, subject to the order of the Governor of this State. Great care has been taken to give full and ample notice to all claimants to present their claims; and it is believed most of them have availed themselves of the opportunity afforded. It was necessary, as I had informed the President it would be, to appoint a highly qualified Commissioner to examine, adjust and determine on these claims, under my immediate superintendence, and subject to my revision. John A. Cuthbert, Esquire, the gentleman selected, I am gratified to state, has discharged the duties confided to him with an ability and accuracy which cannot fail to give as general satisfaction as could reasonably have been expected in the adjustment of these long standing and complicated claims. Thus, this long delayed interest of an unfortunate portion of our fellow citizens is now brought to a final and, I trust, satisfactory close, and many of them have already received the money allowed upon their claims. I feel amply rewarded for the voluntary labor I have devoted to this business, under the belief that useful service has been gratuitously rendered to a portion of my constituents which could not be exacted from my present official obligations.

The Rev. Elijah Sinclair was appointed Commissioner, under the provisions of a resolution of the last Legislature, to apply the fund appropriated for the education of the indigent deaf and dumb in this State. Mr. Sinclair, in the discharge of his duty, has not only complied with the requirements of the resolution, but has manifested much zeal, prudence and thoughtful forecast in the fulfilment of his undertaking. The report of his proceedings will, I am informed, be laid before the Legislature within a few days. The compensation of the Commissioner will devolve on the present General Assembly, as it has not heretofore been provided for; and permit me to add that Mr. Sinclair is entitled to that liberal consideration which attaches to a disinterested and faithful discharge of public duty. The action of the last General Assembly upon this subject being viewed in the nature of an experiment, it will be a question for the consideration of this Legislature whether the liberal views then entertained in relation to this unfortunate class of our community shall be sustained by further and appropriate legislation. From the success which has attended the labors of the Commissioner during the past year, and from the lively interest which seems to have been excited among the people by what has already been done, no doubt is entertained of the accomplishment of all the benevolent purposes contemplated by the Legislature, if the adequate means are provided. Relying upon the intelligence and fidelity of the Commissioner for furnishing such information as may enable the General Assembly to act advisedly upon this subject, I would simply add my earnest recommendation that liberal provision be made for the permanent support of this humane and benevolent object.

With a view to carry into effect the intentions of the last Legislature in putting an addition to the south end of the State House, to correspond with that of the north, and for which purpose the sum of twelve thousand five hundred dollars was appropriated, a contract has been entered into with competent and responsible mechanics, and the work is now in progress. At the time, however, of making the contract, it was expected the work would have been completed during the present year, and it is still believed that the failure is, in some degree, justly attributable to the want of fidelity on the part of the contractors in the fulfilment of their engagements. The terms of the contract will, however, secure the interests of the State, as the undertakers have no right to claim payment

for any part of the labor until the whole is completed; and no advances have been made to them, except for the purchase of materials to carry on the building. The whole subject will be fully explained by the correspondence and documents herewith submitted.

In compliance with the request, and under the authority of the last Legislature, I have caused to be enclosed in an appropriate manner, the graves of the Honorable Jonathan Lewis, late Senator from the county of Burke, McLin Lunday, Esquire, late a Representative from the county of Screven, and Aaron Jones, Esquire, late Representative from the county of Lee, who died during the session of the last General Assembly.

The various duties assigned to the Governor, by the resolution of the last Legislature, in order to prevent the spread of the smallpox in this State, have been discharged, and the expenses incurred in the several counties afflicted by the visitation of this malady have been defrayed from the contingent fund, as directed by said resolution.

The reports of the keepers of the public arsenals at Milledgeville and Savannah are herewith transmitted, and will show the number and condition of the public arms at those places respectively. The report of the Committee, appointed under the resolution of the last Legislature to examine into the condition of the arsenal at Savannah, is also herewith submitted.

In compliance with the resolution of the last General Assembly, I have, through the agency of Francis M. Stone, Esq., of Savannah, contracted for a number of cartridge boxes, bayonet scabbards, and belts, sufficient to make complete sets of accoutrements for three thousand muskets in the public Arsenal at Milledgeville, and also for the supply of similar deficiencies in the Arsenal at Savannah. I have not yet been advised of the reception of these articles; they are, however, daily expected. Three hundred and seventy-one defective muskets, in the Arsenal at this place, and six hundred and six, in the Arsenal at Savannah, have been repaired and put in good order, which cost the State the aggregate sum of five hundred and sixty-one dollars and thirty-five cents.

In the month of May last I was notified by the Ordnance Department of the United States that, under the act of Congress of eighteen hundred and eight, for the arming the militia, &c., there was due this State, up to January last, a quota of arms equal in value to two thousand and nine and $\frac{1}{3}$ muskets, which I directed should

be paid to the State in the article of good muskets, with the necessary accoutrements, and have caused them to be delivered at the Arsenal in the city of Savannah.

The glaring defects of our militia system having been so often brought to the consideration of the Legislature by the Executive branch of the Government, and its total inadequacy to subserve the important object for which it was originally designed, being so universally admitted, it would seem strange that the statesman and patriot should any longer slumber over this vital subject. To abandon the system entirely would make us dependent for defence against foreign or domestic foes upon a standing army, which has always been justly considered of dangerous tendency to republics, and is wholly contrary to the spirit of our institutions. We should never lose sight of our sure defence, the *militia*, but cherish it with care, and endeavor to improve it by all practicable means, so as to take from it that reproach and ridicule under which it is now laboring. Our present militia musters are believed to be worse than useless—improving neither officers nor privates in military science, but, on the contrary, tending to demoralize the community, and become an actual waste of time to many of those who have to rely on their labors for subsistence. It is, therefore, believed to be a duty incumbent on the present Legislature to devise a system which may obviate the existing evils, and, at the same time, preserve in full vigor the well established republican doctrine that the militia is the sure defence of equal rights, and regulated liberty. Permit me to add the abiding conviction resting on my mind, that the best plan for effecting the object is by voluntary associations, provided for and sustained by appropriate legislation.

In pursuance of the provisions of the resolution of the General Assembly, approved 24th Dec., 1831, Francis M. Stone, Esq., of Savannah, was appointed and instructed to sell certain magazines in that city, erected during the last war on land not owned by the State.

While in the performance of this duty, the agent was notified by the city authorities to retain the proceeds of the sale to which they had interposed a claim. Thus, the settlement of this business has been protracted for several years, and it was not until after I had transmitted my last annual message to the Legislature that I was notified of the abandonment of said claim. Since then the agent has

reported the gross sale, amounting to three hundred and sixty-nine dollars and four cents, and has transmitted to this department, in two payments, the aggregate sum of three hundred and sixty dollars and seventy-nine cents, which has been paid over to the Treasurer, whose receipts for the same are filed in this department.

At the sale of the public hands, in the year 1834, eight of the number were missing, as stated in my last annual message. In view of the difficulty and expense of recovering these fugitive slaves, it was believed that the net profits arising from the sale would be very inconsiderable; but it will be seen by reference to the report of the agent, Francis M. Stone, Esquire, who was appointed to have them apprehended and sold, that they have all been regained and disposed of, on terms highly advantageous to the State. The gross amount of sales is stated at three thousand and forty dollars; and, after paying the incidental expenses, the balance, two thousand six hundred and fifty-four dollars and thirty-six cents, has been paid over to the Central Bank, in terms of the law. The agent merits the public approbation for the diligence and promptitude manifested in the settlement of this troublesome business.

During the present year another of the public hands has been recovered, who had been missing for several years, and who was supposed to be lost to the State. This fugitive slave was found to be confined in jail in the State of North Carolina, where an agent was sent, who was able to identify him, with instructions to dispose of him to the best advantage. The agent effected a sale at the price of five hundred and fifty dollars; and, after deducting the sum of two hundred and seventy-three dollars and sixty-five cents, the amount of expense incurred, the balance has been paid over to the Central Bank.

In compliance with the provisions of the act of 22d December, 1834, sale has been made of the State's interest in the lot of land therein designated, to Faris Carter, for the sum of three hundred dollars; one-fifth of which has been paid in at the Treasury, and the balance settled by note at the Central Bank, as directed by said act.

In addition to the amount of notes reported for rent of fractions in the Cherokee territory, in 1832 and in 1833, and which have heretofore been turned over to the Central Bank, as directed by the Legislature, the renting agent has, during the past year, reported other notes, taken as aforesaid, to the amount of two hundred and

eighty-eight dollars; which notes have been disposed of in the same manner. The report of the agent, herewith submitted, will satisfactorily explain the cause of the delay in returning said notes.

By the terms of the loan granted to the authorities of the town of Columbus, by the act of 1831, for the purpose of erecting a bridge across the Chattahoochee river at that place, the indulgence given becomes forfeited by the failure to pay any of the instalments as they become due. The first instalment, falling due on the first of January last, not having been promptly met, it was considered that the Commissioners had incurred an obligation to discharge the whole debt from which it was not in the power of the Executive to relieve them; but upon the application of the Intendant tendering the payment of said instalment, I consented to receive any payment the Commissioners might think proper to make upon the debt; leaving open the question of the forfeiture and its enforcement for the consideration of the Legislature. Accordingly, there has been paid in at the Treasury, on said loan, the sum of five thousand one hundred and forty-three dollars and twenty cents, which has been entered as a credit on the bond of the Commissioners, now on file in this office. The papers herewith submitted will explain the manner in which this business has been transacted.

A list of executive warrants drawn on the Treasury during the past political year is herewith submitted; also a statement of the disbursing secretary of this department, exhibiting the unexpended balance of the fund appropriated for furnishing the Government House, and keeping in repair the lot and improvements appertaining thereto; which balance has been placed in the Central Bank, subject to the order of my successor.

In submitting the reports of the Inspectors and Principal Keeper of the Penitentiary to the General Assembly, it affords me much satisfaction to remark that the improved management and discipline of our State Prison affords sufficient inducement to the friends of the system to persevere in sustaining it, with a view to the highest ultimate state of improvement which may be attainable. Various causes have conspired during the past political year to retard the successful operations of the institution. The extraordinary cold winter, the occurrence of the smallpox in this town, the unusual degree of sickness which has prevailed, and the discharge of many of the best

workmen, whose terms of service have expired, have produced a direct and unavoidable effect upon the fiscal interests of the institution; nevertheless, it will be seen that the business of the year will give a small balance in favor of the institution, after defraying the whole of the ordinary and current expenses of the year. The detailed reports of the officers hereinbefore referred to furnish all the necessary information which is requisite to the formation of correct opinions in regard to the management and the further legislation which may be necessary to advance the interest of the institution.

I herewith transmit to the General Assembly an exemplification of the records of the Superior Court of Chatham County, setting forth the conviction of George R. Harding, of the crime of murder, accompanied by the evidence taken on the trial, and a petition of sundry citizens of said County, praying the suspension of the execution, in order that the case might be brought to the consideration of the present Legislature. The day assigned for the execution of this unfortunate individual was the 31st day of July last; and by the respite which has been granted the execution is postponed until the fourth of December next, to allow ample time for the action of the Legislature, to whose deliberate consideration the cause is submitted.

I have received official and satisfactory information, copies of which I herewith lay before the General Assembly, that the Commissioners under the charter of the "Monroe Railroad Company" have not only opened books of subscription for stock in said road, but that the sum of two hundred thousand dollars, being the whole of the stock authorized by law, has been taken up; and that the sum of five dollars on each share of one hundred dollars has been actually paid by the stockholders, and deposited in the Central Bank by the Commissioners, in conformity with the requirements of the act granting the charter.

On examining the charter, it will be seen that the exclusive privileges secured to the Company were made dependent on the subscription of one thousand shares of the stock, before the meeting of the General Assembly of 1834, and on the commencement of the work before the expiration of one year thereafter. The Company having failed to comply with the foregoing conditions, the stockholders are now forever barred from availing themselves of the privileges of the charter, without legislative interposition. Under all the circumstances, I would re-

spectfully recommend to the General Assembly such legislation as shall reinstate the stockholders in all the privileges and immunities to which they would have been entitled provided the stock had been taken, and the work had been commenced according to the provision of the charter.

Thomas Spalding, Esq., in conformity with the requirements of the acts of the General Assembly, granting him and his associates the privilege of constructing a railroad from the Ocmulgee to the Flint river, has deposited in the Executive office a detailed report of the survey of said route, together with a highly finished chart of the same; and a printed copy of said report is herewith transmitted to the Legislature.

This laudable enterprise of one of our most enlightened citizens to connect, by direct communication, the waters of the Atlantic and the Gulf of Mexico, is entitled to the favorable consideration of the people of Georgia and their representatives.

I would most respectfully and earnestly invite the attention of the General Assembly to the contents of a pamphlet which I lay before the House of Representatives, on the subject of a contemplated railroad from the valley of the Ohio river to the Atlantic coasts of Georgia and the Carolinas. A deliberate consideration of the documents which compose this pamphlet will not fail to impress the comprehensive mind with the great importance of the subject. Georgia, the two Carolinas, Ohio, Tennessee, Kentucky, Virginia, and Indiana are the States most deeply interested in the project, while its consummation could not fail to extend benefits to every part of our continent, East and West, North and South. The extent of this inland communication, from North to South, through the centre of the United States, would comprehend at least fifteen degrees of latitude, and could only be compared with that established by the Mississippi river itself. At least half the population of the Union, comprehended in whole or in part, residing in Florida, Georgia, the Carolinas, Virginia, Pennsylvania, Kentucky, Ohio, Michigan, Indiana, Illinois and Missouri are interested in the completion of a railroad from Cincinnati, in Ohio, to the Atlantic coast, and would immediately participate in its advantages. This line of communication, connected as it is, and would be, with the other public works of the States, from the Atlantic Ocean to the great northern lakes, establishing a direct communication through all

the varieties of climate, soil and production and people of the United States, would forever stand conspicuous among the public works of the Union, both in a commercial and social point of view. Should this work be executed, the social, political, and commercial relations between these extreme sections of the North and South would instantly be changed. The intercourse thus established would be unprecedented in these United States; we should no longer be strangers and aliens to our brethren—Charleston, Savannah and Augusta would be brought into social and direct intercourse and good neighborhood with Cincinnati, Louisville, Lexington, &c.; the people of the two extreme regions would every summer meet together in the intervening mountain region of Georgia and the Carolinas (one of the most delightful climates in the world), exchange opinions, compare their sentiments, and blend their feelings, the North and the South would shake hands *with each other* as united brethren, yield up every sectional and political prejudice, pledge themselves to joint objects of national interests, and part as friends and brethren, devoted to the Union and the liberties of their common country.

The important objects of direct inter-communication between distant communities have enlisted the talents and enterprise of not only the first men of the age, but whole communities, composed of different States and sections of the country, are moving forward, to the accomplishment of the most splendid works of internal improvement. The apathy of Georgia on this deeply interesting subject is pregnant with the most fatal consequences to the present and future interests and prosperity of the State. The geographical position of Georgia is confidently believed to be the most favorable of any State in the Union to participate largely in all the benefits of the splendid projects of internal improvement, designed to effect a direct communication between the Northwestern and Southern Atlantic sections of our Union. Our State has a most extensive maritime coast on the Atlantic, with various rivers, inlets and harbors, possessing all the necessary advantages for the most extensive commerce. Moreover, Georgia is, in point of territory, that link in the chain of States which embraces the territory through which the waters flow, both into the Atlantic and the Gulf of Mexico. As regards the work under consideration I do not entertain the shadow of a doubt in regard to its utility and practicability; and I am equally confident that the

mountains of Georgia afford gaps and passways for the contemplated railroad far more favorable than any of her sister States. Admitting the great object of the contemplated work to be the most direct communication between Cincinnati and Charleston, the most practicable and best route will, upon a scientific examination, be found to intersect the "Georgia Railroad" at Athens, in this State. And shall we, the people of Georgia, under all these circumstances and considerations, stand idle "all the day long" and see our State passed by, on the right hand, and on the left? If we do nothing as a State, shall we not encourage and aid our enterprising citizens who have voluntarily engaged in the laudable work of internal improvement?

I would respectfully recommend to the General Assembly their liberal support and fostering care of our State University. Franklin College is based upon the Constitution of the State, and should continue to be considered the foundation of the literary hope and pride of the people of Georgia. Its rising prosperity and utility are every year more clearly developed in the various avocations of life throughout our State. This important institution is emphatically the people's; it is under the control of no religious sect or political party: therefore, the liberal of every religious denomination, and every party in politics, are invited and admonished to its support by every consideration of enlightened patriotism. I view the voluntary efforts of societies and individuals to establish literary institutions with entire approbation, and would recommend the protection of all their rights and privileges to the favorable consideration of the Legislature. But I am not prepared to admit the opinion, which prevails to some considerable extent, and which is probably gaining ground in our community, that literary institutions are productive of the greatest good when under the exclusive and undivided control and management of a religious sect or denomination. In a free government, where liberty is regulated by law, and where religion is regulated by the enlightened consciences of men, unshackled by religious establishments, the important subject of college education forces itself upon the consideration of the whole community, and should never be surrendered by the agents who administer such a government to the safe keeping of any sect or party.

I consider it a matter of growing importance to the University of Georgia that its library should be greatly

extended and enlarged. In such institutions it is a very desirable object that the student who is in pursuit of profound knowledge in any branch of science or literature, in all the vast range of human intellect, should have ready access to all those treasures of knowledge and information which have been arranged and compiled, in the form of books, by the arduous labors of preceding ages. Our present College library is exceedingly limited, when compared with the collections of similar institutions of high grade or standing. We are particularly deficient in works relating to the early history of our own country, such as should be found in every college library in America. From the best information which I have been able to obtain, many of the most valuable and rare works connected with the history of our own country are now nearly out of print, and can only be obtained in England, by diligence and research. If one of the prominent officers of our College could be permitted to visit London, for the purpose of purchasing and making arrangements for the purchase of such books as might be considered most useful to the College—and, most particularly, for the purpose of procuring the colonial records and other information necessary to a complete history of our own State—the object is believed to be of sufficient magnitude and interest to the people of Georgia to justify the Legislature in making the necessary appropriation to defray the incidental expenses.

The important subjects of public education, internal improvement, banking institutions, and other leading interests of society, will continue to claim, and I trust continue to receive, the most deliberate consideration of the General Assembly. My views and special recommendations upon these various branches of public interest have been so fully and repeatedly pressed upon the attention of the Legislature that I have not, on the present occasion, deemed it necessary or expedient to consume much of your time with a view of further impressing my well-known and unchanged opinions upon these several subjects.

Fellow citizens, in this, my closing message to the Legislature of Georgia, I could indulge in the expression of my unmingled joy and gratitude to the God of Nations for the unsurpassed prosperity of our common country—and especially that portion which it is our good fortune to inhabit—but for the signs of discord, agitation and strife, which so repeatedly disturb our quiet, portending gather-

ing storms that threaten to rend the hearts of the friends of liberty throughout the world. The various public meetings, actings, and doings of the citizens of this Republic, in every direction, have too often indicated a spirit of restlessness and disquietude which cannot be contemplated by the friends of liberty and union with perfect composure and tranquillity. Our rights as a people have been well defined in the written constitutions of our country. We have not been left to the guidance of our own vague notions of natural law in the regulation of our conduct as a political community: our laws emanate from the only legitimate source of sovereign power, the people; therefore, if they be defective, unjust or oppressive, let us amend and change them. We ought to be extremely cautious how we violate regulations of our own formation and choice, so long as we hold in our own hands the unquestionable right to authorize as well as exercise unbounded political power.

Under every excitement, the Government of our choice is worthy of our firm support. We can now look back upon the agitations and political storms that arose out of the Tariff, Internal Improvement, Indian and Bank questions, and rejoice that these dark and gloomy days have passed, and our form of government is still the admiration of the civilized world, and our people pre-eminent in happiness and prosperity.

Should other and greater tempests arise, if controversy and strife must come, let us place the wrong upon the heads of others—by a strict adherence to the Constitution of our country. Let us so conduct ourselves that the laws of nature and nature's God will plead our cause in the day of trial.

WILSON LUMPKIN.

CHAPTER VIII.

Should the foregoing pages ever be read and duly considered by intelligent persons who are familiar with the general history of our Government from the formation of the Federal Constitution, they will find ample testimony in the official documents which I have submitted to make up a correct judgment in regard to my political life. My opinions upon all the great political questions which have from time to time agitated the country are distinctly given in these official papers of record. In the maturity of manhood, and after much political experience, it was my lot to occupy the office of Chief Magistrate of Georgia for four years; and during that period many of the most important questions connected with the history of our Government were at their zenith.

The relative constitutional rights and powers of the Federal and State Governments were constantly pressed, not only upon my consideration, but upon my official action. I entered upon the duties of the Executive office resolved, as far as my duties were involved on questions connected with the constitutional rights of Georgia, to yield nothing to Federal usurpation in any of its departments. Moreover, I knew that my views in regard to the management of our then existing Indian affairs would at once bring me into conflict with the Supreme Court of the United States, as well as with the views and policy of my old friend General Jackson, then President of the United States; for it is proper here to state that, while General Jackson coincided and successfully co-operated with Georgia in getting her relieved from the burthen of her Indian population, and had favored all my Congressional efforts, in favor of Indian emigration to the West, and indeed entered into my general views in regard to Indian policy, yet in regard to surveying and settling the unoccupied lands claimed by the Cherokees previous to procuring their assent, by an old-fashioned treaty with them, he was utterly opposed, while I was fully convinced myself that such a treaty could never be procured from the Cherokees so long as they remained under the influence of a numerous host of selfish *feed* lawyers. Northern

fanatics and an assuming State and Federal Judiciary combined to sustain the pretensions of Indian sovereignty. Therefore, regardless of the opinions of religious fanaticism, of selfish and corrupt lawyers, State Judiciary, or Supreme Courts, I studied well the rights of the State, natural law, the policy and history of the past, the present condition of things, and marched forward, as the records of the country will prove, to triumph and success, against an opposition unparalleled in our history. I suffered no court to determine for me, as the Executive of Georgia, what were my constitutional duties. I felt bound by my oath of office to judge for myself in regard to my duty. And this policy, and this alone, brought our Indian troubles to a speedy and successful close—a termination so advantageous to Georgia, in the speedy development of all her great natural resources, the great increase of her population, wealth and prosperity. And the Cherokee people themselves derived even greater benefits from this policy. They escaped from a certain destruction which was rapidly consuming them. They changed a land of affliction, trouble and deep distress for a country far better suited to all their capacities and necessities. And no people of the United States at this day would probably have been as well settled in the enjoyment of all the common blessings of an agricultural and advancing state of prosperity, but for the wicked, selfish and revengeful ambition of John Ross, and his more despicable white co-operates, who, since the emigration of the Cherokees to the West, effected the massacre of the Ridges, Boudinot, and others who were the patriots and best men of the Cherokee people—men of elevated principles and lofty character. The excitement of these scenes has now long passed. I review them with calmness and composure. Complete success attended all my efforts in connection with these scenes. I have no disappointments or griefs to embitter my retrospect in connection with any of these subjects. But, under all these circumstances, I feel it to be my duty to posterity here to record that I have never known or read of any exhibition of human depravity or turpitude so deeply degrading to human character as the conduct of many of those who were combined together to prevent the Cherokees from removing from Georgia—the combination of lawyers and politicians, who attempted to overturn and trample on the constituted authorities of the State. They first consumed all that could be extracted from Ross and his party, in

the way of fees for legal services. After all this, under the Cherokee Treaty of 1835, they presented claims against the Cherokees, amounting in the aggregate to about one hundred and fifty thousand dollars. Of these claims they were allowed, and actually received, upwards of \$36,000, although every sensible man in the country knew that they had been nothing but an unmitigated curse to the Cherokee people. And some of these same lawyers are still living and pressing claims before Congress for these services rendered to the Cherokee people; and I confess I have strong apprehensions that these men, or their heirs, will persevere, and by falsehood, fraud and corruption yet obtain a large amount of the *wages of sin* from the Government of the United States. Their perseverance is now extending beyond the generation who witnessed and was familiar with all these transactions. Ample and complete means for the refutation of all these unjust and unrighteous claims may be found on the records at Washington, filed in the War or Indian Department—unless these records have, by dishonest means, been placed out of the reach of examination. As United States Commissioner, under the Cherokee Treaty of 1835, for auditing and settling all claims against the Cherokee people, these enormous claims of lawyers, amounting, as before stated, to \$150,000, were presented to me. I referred them to the Cherokee Committee, then in session, as provided for by said Treaty, to investigate all such claims (claims thus investigated and decided on by the Indian Committee were then submitted to the United States Commissioners for their revision, approval or rejection). This Indian Committee recommended the payment of certain amounts to each lawyer, amounting in the aggregate to upwards of \$36,000. My colleague, Judge Kennedy, and myself unitedly believed the allowance, in many of these cases, was larger than justice demanded. We knew that great efforts were made by some of these lawyers to influence the Indian Committee to liberality in their favor, but, under all the circumstances, my colleague and myself finally concluded to yield something of our opinions to the Cherokee Committee, in the hope that by so doing a final settlement would be made of a class of claims which, if left open, might afterwards prove harassing to the Cherokees, as well as to the Government. Therefore, we confirmed the proceedings of the Indian Committee, and paid these lawyers accordingly. A very full record of all the proceedings herein referred to was made out,

recorded and, I presume, is now deposited in Washington. Upon this subject I retained my first drafts of most of the official decisions and papers, and therefore am not liable to misapprehension.

Upon many of the most important matters connected with my official acts in relation to Indian affairs, I was the more guarded to preserve official and record evidence of my own transactions, from a full sense of the very extensive and powerful influence against which I had to struggle and contend; and I am now more particular in recording many of these facts, and exercise less delicacy towards some other individuals than I could be induced, under different circumstances, to do, because I deem it necessary to the defence of my own integrity and character.

My every official act of importance was perverted and misrepresented from day to day by much the larger portion of the public press of Georgia. The editorial labors of my opponents were aided and strengthened by many ingenious and able writers. These Georgia efforts were republished and indorsed, from one end of the Union to the other, by all those presses opposed to General Jackson and myself. And nothing short of the force of truth, justice, and integrity could have sustained my public course, during my occupancy of the Executive chair of Georgia. I beseech the rising generation—all who may survive me—never to form an opinion of my life and character by anything which they may find in the newspapers of that day—papers established and sustained for the express purpose of destroying and prostrating my public and political reputation. I will do them the justice to say that they had more prudence than to assail my moral or private character.

Although my political opponents succeeded in misleading many of my personal friends and brethren to become my political opponents, yet even these misguided friends would not suffer my moral character, as a man or a citizen, to be traduced or assailed. I will, however, further elucidate this subject by inserting a small portion of my official correspondence while I occupied the Executive chair of Georgia.

This correspondence will shed light on the course pursued by both the Federal and State Judiciaries—by judges, lawyers and politicians, as well as the course pursued by myself—to sustain and defend the laws and rights of the State. Moreover, I will submit correspondence which

will exhibit the alarms and fears entertained by many of the good citizens of Georgia, and the rash and unjustifiable measures which they were induced to urge upon my favorable consideration. All this was brought about by the art of selfish and designing men, designed to mislead me, and injure the people and country. In order to understand some of the correspondence proposed to be submitted, the reader must understand that, under the provisions of the act of Congress, passed in 1830, ample provision had been made for the emigration of the Cherokees to the West, and a few of them were occasionally availing themselves of that provision.

It may be proper, further, to state that the policy of keeping up a military guard in the Cherokee part of Georgia was for the purpose of protecting the gold mines from the depredations of all sorts of intruders, and to aid the civil authority in executing and enforcing the laws of the State, and to aid in preserving the peace of the country, which was found to be indispensable; and was therefore sustained and kept up by appropriate legislation, during my continuance in office. Hence, much of my official correspondence will be found addressed to the commanders of these guards, and to other agents of the Government—State and Federal—and, when circumstances required it, to other individuals. It often became necessary that the policy of Georgia should be defended, even to the extent that she was assailed and calumniated; and this forced the expediency of a very extended correspondence on the then Executive of Georgia.

The Executive of Georgia was constantly importuned to release the missionaries, then confined in the Penitentiary under the laws of the State. This importunity was not confined to the good missionary spirit of the land, or to the women and children; but many of the most distinguished men, and from every section of the country—including the President of the United States, and a part of his Cabinet—united in this general importunity. Well, let facts speak for themselves. I had my reasons for all my dissents, as well as my assents. Let posterity decide.

The length of time and great space which I have already occupied, and shall hereafter occupy, in developing to the reader my public connection with the Indian affairs of the country—extending over more than a quarter of a century—and the extensive documentary evidence of my official transactions in various different positions may seem to require an apology. All that I have to offer is

the importance of the subject. The time will come when the history of these United States, in connection with its Indian policy, will be considered a fit theme for the historian, the philosopher, and the Christian. Moreover, I continue to see, up to the present day (May 1st, 1852), newspaper articles, letter writers, periodicals, and religious magazines, filled with articles calculated, if not designed, to falsify all the truths of historic facts in relation to Cherokee history—more especially, everything connected with the actings and doings of Georgia, in connection with these Indians. These publications rarely fail, even down to the present day, to present John Ross to public consideration as the great *Solon* of the age. He is extolled for his meek and Christian life and spirit, as well as his wisdom and righteous rule of the Cherokee people; as a disinterested and self-sacrificing patriot; as a great and good man, who has suffered from persecution and oppression all the days of his life.

Now, all this is greatly falsifying and perverting the truths of history, as is well known to many thousands yet numbered with the living. John Ross is the son of Daniel Ross, a native of Scotland who emigrated to the United States previous to the Revolutionary War, and took sides with England and the Indians in that war, and at its close settled amongst the Cherokees, and took a half-breed woman for his wife, by whom he raised a family of children, sons and daughters, John among the former.

The father of John Ross was a very shrewd and sensible man, of good education and very extensive general information. He had a small, but valuable, collection of books, which he both read and understood. He was in easy circumstances, and understood the Indian character perfectly. He never admired the free institutions of the United States, but retained to the last his revolutionary prejudices against our American institutions. He educated and instructed his family so far as to make them decidedly superior amongst the Cherokee people. From my first acquaintance with John Ross, now upwards of thirty years ago, I was sensible of his superior cultivation, and intellectual advantages. He is a well educated man—converses well, writes well, and is a man of soft, easy, gentlemanly manners, rather retiring and reserved; seldom speaks unadvisedly. In all the common duties and intercourse of life, he has always maintained a good moral character. His position in life, from first to last, has af-

forded him every facility to gain information and add to his stock of knowledge.

Although he did not come to the *Throne* by regular hereditary descent, yet very many circumstances pointed to him, from early boyhood, as the prospective ruler of the Cherokees; and he has governed them, in the most absolute manner, for upwards of a quarter of a century, by *seeming to obey*. A full examination of the records of the Federal Government will show that John Ross has had the entire control and disbursement of millions of dollars, as *King* of the Cherokees, during the last twenty years. The control of this immense amount of money, in the absence of any enlightened supervision or *check* on his financial aspirations, is the key that unlocks the secret cause of his long career of absolute reign and power, as well as his great popularity, at home and abroad. He has always had rivals amongst his countrymen in *intelligence, virtue and patriotism*; several of whom would have *eclipsed* him long since if they had been permitted to live. But through the influence of Ross, aided, as he always has been, by his *feed* stipendiaries, in and out of the Cherokee country, he has always succeeded in putting down all rivalry. John Ross, when compared with such men as John Ridge and Elias Boudinot, is a mere *pigmy*. No man can rejoice more than myself at the improvement and prosperity of the Cherokee people since their removal to the West; but to give the largest share of credit to John Ross for the present prosperity and prospects of the Cherokee people is falsifying the whole history of the past, in connection with that people. Every benefit, advantage, and bright prospect which the Cherokee people now enjoy has been secured to them and enforced upon them in the face of the most violent opposition of John Ross, and his humble followers amongst the Cherokees—as well as against the most untiring opposition of his political associates and legal stipendiaries throughout the United States. To all this host of opposition may be added all the religious *fanaticism* of the whole country.

I now proceed to sustain the foregoing statements. From the close of the Revolutionary War, down to the year 1828, the Cherokee Indians had been permitted quietly to remain in the country where they resided when the first civilized settlements were made in the country around their location. Like other Indians, they had made, from time to time, various treaties with the Government of the United States. In most, if not all, of these treaties

they had relinquished their claim to portions of the vast territory which they claimed as their lawful right, because they had seen some portions of it in the chase and from the mountain top. Thus things progressed, until the Cherokees were circumscribed in their limits to a country containing some ten millions of acres of land which, in the treaties hereinbefore referred to, had been guaranteed to them forever by the Federal Government. These remaining lands, where the Cherokees actually resided, lay within the chartered limits of the States of Georgia, Tennessee, North Carolina and Alabama.

From the whites, who settled amongst the Cherokees at the close of the Revolutionary War (being chiefly refugee Tories) and raising half-breed families, and from white renegades, who fled from justice from many of the different States, the white blood and the arts of civilization prevailed to a considerable extent in the Cherokee country, even before Moravian missionaries located in that country. But in the year 1825, when in that country, I visited missionary establishments of various denominations, and recollect very distinctly that at and around every missionary station I found quite a number of white persons, pursuing and carrying on various branches of the business which appertains to civilized society. Moreover, the necessary intercourse of the different States had caused many roads to be opened through the Cherokee country, and the traveler on those roads found safe ferry boats over the large waters, and as regular houses of entertainment for travelers as were to be found in the neighboring States. Indeed, the white population was regularly increasing in this country, for many years before the time of which I speak. And in all the various locations where you found the white blood and negro slaves the advancement in all the arts and customs of civilization were most obvious, pleasing and impressive.

But truth requires the statement of the fact that, from the year 1825 to the final removal of the Cherokees in 1840, the great body of the common Indians, who resided in obscurity and had but little intercourse with the white and half-breed races amongst them, still remained in brutal and savage ignorance. These ignorant savages dispersed all over the country, each had his favorite leader, or leaders—and these leaders, throughout the country, were constantly plied with the proper means to bring them under the influence and control of the principal chief and his subordinates in office. The Government established

by the Cherokees, about the year 1825, although it carried on its face a republican form, yet in its administration was most decidedly aristocratic, and in some respects exceedingly despotic. With the commencement of the written constitution, laws and government of the Cherokee people commenced that necessary and inevitable process and train of measures which hastened their expulsion from the different States in which they were located. Their very first attempt at sovereignty and independence, as a state, nation and people brought them into direct conflict and collision with not only the several State governments in whose limits they sojourned, but irreconcilable conflict and collision with the intercourse laws of the United States which so long had shielded and protected them from the operations of the laws of the States in which they dwelt. The Cherokees claimed to be a sovereign nation, exercising all the rights of self-government. Nevertheless, claiming all the guaranties and stipulations appertaining in their favor by treaties previously entered into by the United States, they *nullified* the treaties and intercourse laws of the United States which conflicted with their sovereignty. All the provisions of these treaties and laws which might be construed as tending to disarm and disrobe the several States in whose limits they resided of their sovereignty they pertinaciously adhered to, as the most sacred of all obligations; this state of things could no longer be endured. The States extended first their criminal and then their civil jurisdiction over their entire limits and population. This produced that crisis which very soon determined which of these powers had the right to govern in the territorial limits which was the subject of litigation; justice, wisdom, moderation, and great firmness triumphed without blood and carnage, but with great advantage and lasting benefit to all the parties in interest.

At the time of the formation of the Cherokee written Constitution, and adoption of their independent form of government, perhaps the intelligence of no nation or people ever entered into a compact of government with greater unanimity than did the Cherokees. They were pleased with the idea of assuming a name and a place amongst the civilized nations of the earth. They were deeply attached (in general) to the lovely land of their fathers, and disposed to enjoy their homes, in the midst of the graves of their departed friends. But few of them had the intelligence and capacity requi-

site to comprehend the system and workings of our Federal and State governments; and were, therefore, destitute of that demonstrative forecast which enabled them to see the utter impracticability of the success of their enterprise. They succeeded, however, in rallying around their effort one of the great political parties of the Union. The immense funds, contracted in the way of annuities arising from the sales of their lands under the provisions of treaties, afforded them the means of keeping constantly in their service legal stipendiaries—able writers—who employed their pens in furnishing able and plausible articles for newspapers, religious magazines, memorials to Congress, &c., &c. The name of John Ross, as principal chief, was appended to all the official papers, and hence he gained great credit and admiration for ability as a writer, which he never merited, his official papers being drawn up by the ablest lawyers of the United States. Under this state of affairs, the propriety and expediency of my official course, as hereinbefore detailed in this work, for a long course of years, I think will scarcely be questioned, either as to its expediency, wisdom or morality—its necessity, with a view to the great interest of Georgia, the United States, and lasting interest and benefit of this deeply interesting people, the Cherokees.

Without entering upon all the voluminous details which would be necessary to a minute understanding of every incipient step connected with this subject, suffice it to say that from the time that I systematically entered upon this Indian subject in Congress, in the year 1827, I used all the means within my control to *know and be known* to the wisest and best men of the Cherokee people *as we, respectively, were*. I honestly put them in possession of my every thought, as regarded the best interest of their people. Finally, I gained the confidence, as well as the ear, of the wisest and best men of the Cherokee people. The Ridges, Boudinot, the Rogerses, Gunter, Bill, Sanders, Starr, Fields, Forman, Waters, and many others fully embraced my views and became convinced that the only hope of salvation to the Cherokees was to be found in their removal to the West. No patriotic men can be found on the pages of history who were more sincerely devoted to the best interest of their people than were these men. Neither Ross nor any of his followers ever more ardently desired to carry out and sustain their attempt at independent self-government in the land of their fathers than did these men. And they.

with great zeal and ability, defended the ground which they had assumed on this subject, until they were completely convinced that the force of circumstances, and the salvation of their people, required them to yield. They accordingly did so, with great reluctance, but with a clear conviction that they could do nothing better for their people. These noblemen of nature had remained at home, in the midst of their people, participating in the constantly increasing embarrassments and evils which were constantly multiplying upon them, while Ross, and a few of his select favorites, were, from year to year, regularly spending as much of their time at Washington as though they had been members of Congress, feasting and enjoying high life, in the circles of their political partisans, and, at the close of Congress, visiting our great Northern cities, and thus spending the annuities of the Cherokee people in luxury, high life, and lordly ease. After these patriotic men fully made up their minds to look to the West as their permanent home, every day's investigation did but the more clearly convince them that it afforded the prospect of a most happy and fortunate change. This change of opinion brought them into intimate and close correspondence with their brethren of the West, amongst whom were some able men. All these things urged them forward, to take the responsibility which they did in the formation of the Treaty of Dec., 1835. And I would earnestly request any reader of these pages, who may entertain a doubt of the great and extraordinary advantages secured to the Cherokees by the provisions of this Treaty, to read and consider the same. He will rise from the reading well satisfied that it was the most liberal, honest, and just treaty ever before, or since, negotiated with any Indian people. The advancement and prosperity of the Cherokees, under the provisions of this Treaty, affords the most conclusive testimony of the validity of my assertions. Yet Ross and his assassin hosts have at every step, from beginning to end, opposed the making, the execution and validity of this Treaty, except, indeed, to avail themselves fully of the liberal individual benefits secured to them under the provisions of the Treaty. And, moreover, Ross has made a princely fortune for himself, by the Government of the United States buying up his approbation to the Treaty, by making him the emigrating agent in the removal of the Cherokees, and giving immense sums of money—more than the service was worth—to purchase his good will.

But I would have refrained from exposing this man Ross as I have done but for that most *horrid, appalling, deepest* of all mid-night crimes—the murder of Major Ridge, John Ridge, Elias Boudinot, and others, after they had settled in their beloved promised land, and all were happy and prosperous, as the result of the labors of these lamented men. These men were all murdered the same night, in their different houses, by savage bands, known to be the tools and instruments of John Ross. The righteous blood of these Abels will yet cry for vengeance.

Under all the foregoing circumstances, I pity the ignorance of good men who feel as if they were doing God's service, while they are writing and publishing eulogies on the character of John Ross, and extolling him for the present prosperous state and condition of the Cherokee people. If the counsels and plans of Ross could have been sustained by him and all his numerous co-workers, what would have been the result, at this time? Every Indian who failed to emigrate to the West would, before this day, have been exterminated from the face of the earth, or have existed in the most abject state of degradation and distress.

The whole of his plans were unwise, impracticable, and founded in selfishness and love of power. He dreaded emigration because, with it, he expected his greatness to depart forever. But, when necessity urged him to that act, he determined on the destruction of his rivals, and succeeded in executing his plans. He never ought to have been permitted to join the Cherokees in the West. If he could have shared the fate of Haman, or have been banished to New England, Hayti, or anywhere else, where the Cherokees could have been relieved from the curse of his presence and influence, I think it probable that they would at this day have been represented in the Congress of the United States, by delegates who would do honor to any State in the Union, and that their present state of prosperity, great as it is, would have been fifty per cent. better than it is at present. The best half of the intelligence, virtue and patriotism of the Cherokee people has been basely murdered, to gratify the revenge and ambition of John Ross. And it remains a crying sin against the United States that the murderers of the Ridges and Boudinot have not been punished, as justice and law demanded.

But this long digression from my intended purpose must cease. The intrinsic merit and great worth of char-

acter of the Ridges and Boudinot alone induce me to speak what I do know and testify what I have seen, as a tribute due to departed worth.

A private and unofficial letter written to Andrew Jackson, President of the United States; dated Monroe, Walton County, Nov. 1st, 1831.

Dear Sir:—

The personal regard and political confidence which I have ever entertained for your character induces me to make this communication. Before this reaches you, you will have been apprised of the public position assigned me by the voice of the unofficial sovereign people of Georgia. I have been called to this station contrary to my own wishes and contrary to the wishes and efforts of the State politicians, office-holders, office-seekers, lawyers, bank directors, &c. But the wish of the people must be obeyed. I assure you, with entire confidence, that my friends in Georgia *are your friends*. They are so from principle. We must understand each other, and co-operate in all measures for the public interest.

A crisis has arrived in our political affairs, in the Cherokee portion of Georgia, which cannot remain in its present attitude. A remedy must be applied.

This subject is not only of vital importance to Georgia, but *your* character, *mine*, and our common country are, and will be, deeply involved. Your opinions, private as well as public, will be venerated by me as coming from a father.

The extension of our State laws and jurisdiction over the Cherokees has evinced the great difficulty of administering justice to a people circumstanced as the Indians are. A few thousand persons dispersed over a territory of five million of acres of land, abounding in rich gold mines; the people indisposed and incompetent to aid in the administration of the law, presents an anomaly in the history of the world. Any laws which may be devised for the government of this country in its present situation, to be efficient, must partake largely of a military character, and consequently be more absolute and despotic than would be admissible, or necessary, in a country affording the materials for the administration of civil justice.

The State cannot, with honor or justice to herself, retreat from any of the ground which she has taken. To

retrograde, or stand still, will be ruinous. Would it not, then, be more manly and honorable—at once—to place upon the unoccupied territory a virtuous freehold population, possessed of all the inducements of other citizens to maintain order and good government in this country? Carefully, at the same time, guarding, by our Legislature, the rights of the Indians to their entire improvements and property of every kind, together with an ample sufficiency of land to sustain them and their posterity in their present abodes, so long as they may choose to remain.

I consider the present situation of Georgia a most delicate one. Prejudiced enemies, at a distance, may be tolerated and endured; but rest assured I speak advisedly when I say that the enemies of Georgia are alarmingly multiplying in her midst. The gold mines offer a rallying point for the concentration of bad men, from all parts of the world. Even our domestics may look to a controversy with the Cherokees, with feelings of deep interest. And many of our lawyers, judges and other distinguished *selfish men* I have no doubt, begin, now, to look to, and desire a continuance of the present state of things, as affording the best prospect of a rich harvest for themselves.

Please to consider this as a mere hasty sketch of my views, as I have not time to enter fully upon the subject. If consistent with your views of propriety it would be very gratifying, indeed, for me, through some channel, to have a distinct intimation of your views in relation to this subject.

Very sincerely, yr. fr. & huml. servt.,

WILSON LUMPKIN.

The foregoing letter was written with a full knowledge that General Jackson did not coincide with my views of an immediate occupancy and settlement of the unoccupied lands claimed by the Cherokees. But, as my own mind was unchangeably made up on that point, I resolved frankly to give him an intimation of the course he might expect me to pursue, and to do so in that true spirit of kindness and confidence which I had always entertained for him. But, for months, I received no intimation from him on the subject, because my views were not approved of by him. However, when it was seen that I would not

be held back, but that I was advancing with success, we came to an understanding, and co-operated harmoniously to the end of the chapter.

WILSON LUMPKIN.

May 4th, 1852.

NOTE BY THE EDITOR.—Chapter IX of the manuscript, omitted from this volume, contains a portion of Gov Lumpkin's correspondence, comprising 47 letters, addressed as follows:

Gen. John Coffee, 15 letters; Hon. Lewis Cass, 5 letters; Chas. C. Mills, Principal Keeper of the Penitentiary, 3 letters; Inspectors of the Penitentiary, 2 letters; Hon. Daniel Newnan, 2 letters; Hon. James M. Wayne, 2 letters; Col. Wm. W. Williamson, 2 letters; Wm. Ashley, Jr., 1 letter; Col. John W. Burney, 1 letter; Gen. Benj. Cleveland, 1 letter; Maj. Jesse F. Cleveland, 1 letter; Simmons Crawford, 1 letter; Gen. Thos. Glascock, 1 letter; Capt. James Hunter, 1 letter; President Andrew Jackson, 1 letter; Hon. R. M. Johnson, 1 letter; Hon. John P. King, 1 letter; Dr. Powell, 1 letter; Dr. D. H. Reese, 1 letter; Randolph Revill, 1 letter; A. G. Saffold, Launcelot Johnson and others, 1 letter; Dr. James Troup, 1 letter; Maj. Jacob Wood, 1 letter. Total 47 letters.

CHAPTER X.

Official Letters, 1833.

Executive Department, Ga.,

Milledgeville, Jan'y 2d, 1833.

Hon. Lewis Cass,

Secretary of War.

Sir:—Yesterday's mail brought me your communication of the 24th ult. I have given to it that deliberate consideration which its intrinsic importance and the highly respected source from whence it emanates demand from me. I am fully aware, and take great pleasure on all fit occasions in avowing my unqualified approbation and grateful sense of the manner in which the present administration of the Executive Government of the United States has managed and transacted their share of the delicate and difficult business relating to the existing relations between Georgia and the Cherokee Indians. Moreover, I am deeply impressed with an abiding sense of the fearful responsibility which the present administration has taken upon itself, with a view of doing justice to Georgia in relation to her Indian perplexities; in doing which the administration has not only incurred the displeasure, but has encountered the opposition, of a most formidable political and religious party, scattered over the whole Union—a party which has in many sections of our country had a preponderating influence, which would have paralyzed any administration which was not eminently distinguished for patriotism, talents and firmness. I am also fully aware and alive to the unhallowed and unprincipled course now in operation, by the nullifiers, and old friends of the Hartford Convention, and the great efforts now making by their hireling presses, to identify Georgia with South Carolina, both in principle and action. They are now making a great and united effort to throw Georgia into the nullifying wake of South Carolina, and for this purpose they endeavor to make it appear that the conduct of Georgia in the missionary case and that of South Carolina in her schemes of nullification, ordinance and all, are identical—are parallel cases. It cannot be be-

lieved, however, that any honest man of common sense will be at a loss to draw the proper distinction between the destructive heresies and acts of South Carolina, obviously tending to the destruction of the Federal Union, and those acts of Georgia which have been resorted to in defence of her local jurisdictional rights over her own citizens and territory. South Carolina has not only avowed her determination to resist the execution of the revenue laws of the country, but has openly assumed a position tending to disunion, and has actually commenced the organization of a separate and distinct government, based upon belligerent and warlike principles. Her new form of proposed government is not only founded on principles of hostility to her old confederates, but is arbitrary, despotic and tyrannical in the extreme, to all that portion of her own citizens who have the honesty and patriotism to dissent from her novel and wild career of revolution, and to adhere to our admirable and beloved constitutional Federal system. Now, because Georgia has resolved at all hazards to maintain and defend their own local laws, enacted for the punishment of offences committed against them, within her own admitted constitutional limits, shall she therefore be identified with the ambitious disappointed disunionists of other States? I trust not. As a Georgian, I blush for her sons who can aid and countenance the baneful and delusive doctrines of disruption, and more especially for those who are endeavoring to identify my beloved State with such heresies as nullification.

While the people of Georgia had grounds to believe that South Carolina was merely contending against the unequal and oppressive tariff system, even her errors and indiscreet zeal were received with a spirit of forbearance, and a kindred feeling was exercised towards her, even in her acts which could not be entirely sanctioned. But since the mask has been thrown off—since the appearance of the South Carolina ordinance, and her proclamations and laws, upon the subject of nullification, have made their appearance, the great body of the people of Georgia are responding to the late resolution of the Legislature of the State; "*we abhor nullification.*" The people of Georgia understand their rights, and will defend such as they deem to be essential and of vital importance at all hazards. They are ardently attached to the Federal Union, and they believe its preservation depends upon the Federal and State Governments being strictly confined within their respective constitutional spheres of action. That

Georgia has acted upon these principles in all her unpleasant controversies with the different branches of the Federal Government, appears to me to be so plain and palpable that I cannot doubt her being sustained by an overwhelming majority of the people of these United States. The absurdity of attempting to identify her with South Carolina, on account of the missionary case, appears to me to be too palpable to deserve serious refutation.

How stands this missionary case? Georgia believed her principal difficulties with the Cherokee Indians residing within her limits grew out of the bad counsel and influence of the whites who resided amongst them.

Her Legislature, therefore, passed a law making it penal for a white man to continue to reside amongst the Indians, unless he would first take an oath to support the laws and Constitution of the State. These missionaries, although advised and admonished by the Chief Magistrate of the State to comply with the law, or peaceably leave the State, obstinately refused to do either, but, to the contrary, hurled defiance at the State and its authorities. Whereupon, the law was enforced against them, and they incurred its penalties — penitentiary confinement. However, on their arrival at the prison gate the Executive voluntarily offered and desired to set them at liberty, upon the mere promise that they would not again locate within the Indian country of Georgia. This, again, they obstinately refused, and, of course, were put into the Penitentiary, where they have ever since received the most kind and indulgent treatment. From then till now they could at any time have been released and set at liberty by simply dismissing all their proceedings pending before the Supreme Court, and asking relief in a becoming manner from the Executive of Georgia. Less than this can never sustain the honor of the State, and her Chief Magistrate. Georgia cannot, without disgrace, be coerced by the threatening attitude of the Supreme Court, or any other power under heaven, to liberate those men. But the first moment that Georgia can be relieved from threats and menace, and her authority looked to and respected as it ought to be, by these individuals, they will be set at liberty. Those who suppose they can succeed in identifying Georgia with South Carolina and her heresies, through this missionary case, and thereby cast odium upon the President of the United States and Georgia, and make the people believe in their charges made of inconsistency and partiality, do but deceive themselves.

Such an effort must be predicated in the belief that the people are destitute of common sense, and consequently incapable of wise self-government—that they may be deceived by the sophistry of demagogues whenever it may suit the views of the ambitious. The people of Georgia unite with me in entertaining the highest respect and confidence in the President of the United States, as well as yourself, and would yield anything but principles which we deem to be inseparably connected with the best interest of our common country to gratify the wishes and promote the interest of the present Executive and administration of the Government of the United States. But it is my most deliberate and settled opinion that, in the present position of affairs, it would be destructive to the best interest of correct constitutional principles, as well as that of the high reputation of the present Executive administration of the Federal Government, for me to yield to the suggestions contained in your letter in regard to liberating the missionaries at the present moment. Although I think differently, it may be true that setting these men at liberty might contribute something towards accelerating a speedy arrangement with the Cherokees. But, desirable as this object is to Georgia and her citizens, yet I would greatly prefer encountering another thirty years' painful controversy rather than see my State and common country subjected to dishonorable imputations. Admitting I could at this moment consent for Georgia to abandon the ground which she has occupied in regard to the missionaries, what would be the inevitable effect? Georgia would not only be accused of yielding her principles in regard to State rights, but the charges brought against the President of the United States (on account of his late proclamation) that he is disposed to prostrate the rights of the States, would receive strength and countenance. And it would be said that I had yielded up the vital rights of Georgia to assist Andrew Jackson in using a despotic sway over the State governments, and more especially to wreak his vengeance against the politicians of South Carolina. The President's course, from first to last, in relation to our local Indian difficulties and the cases which have arisen out of them, affords the most able and conclusive defence of his correct and able opinions in regard to the just, proper and constitutional rights of the States, and no subsequent act of his friends should ever be permitted to take away the high ground on which he stands in this respect. The rights of Georgia, which he has coun-

tenanced and defended against all opposition, will shield him and his character in the future pages of history from the calumnies of the present moment, wherein he is accused of a disposition to trample on the rights of the States. The President, as well as myself, has equal regard for *State rights*, and *right States*. We have as little respect for *State* as we have for *Federal* usurpation. We cannot fail to unite as cordially in defending and protecting an oppressed and persecuted State minority from the galling yoke of despotism and bondage as we would to remove unnecessary and burthensome taxation. Sir, from what I have said you will perceive that, with the kindest and most respectful feelings, I am nevertheless under the necessity of dissenting from your views and wishes in regard to the release of the missionaries.

And permit me to add that neither the President, you, nor myself can properly be sustained, by yielding to the assumptions of the Supreme Court in the missionary case. The permanent prosperity of our common country forbids the idea of yielding. It is of equal importance that the *religious party in politics* should be checked. The purity of the Christian religion and the cause of the country alike demand that Georgia should be sustained in the ground which she has taken. Do let me hear from you soon in reply. And believe me,

Yours, respectfully and sincerely,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Jan'y 4th, 1833.

Hon. John Forsyth,

Washington City.

Sir:—I have the honor to acknowledge the receipt of your favor of the 27th ult., together with the interesting papers accompanying the same.

I duly appreciate the good motives of the highly respectable individuals who have, in a patriotic manner, volunteered their efforts to render the country a service by quieting the excitements which have grown out of what is generally called the Indian question.

They are not as well informed, however, in regard to all the bearings of this subject as we are. I shall give

them correct information, and treat their kind regard for the interest and quiet of Georgia with becoming respect.

I have the honor to be,

Respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Jan'y 5th, 1833.

To Messrs. Silas Wright, Jr., A. C. Flagg, John A. Dix, W. L. Marcy, Eliphalet Nott, Stephen Van Rensselaer, R. Hyde Walworth, Green C. Bronson, Simeon De Witt, B. T. Welch, B. F. Butler, Jacob Sutherland, John Savage, Abner Van Vechten, John Ludlow, Wm. B. Sprague, J. N. Campbell, Wm. Lochead, Isaac Ferris and H. Bleecker.

Gentlemen:—

Your communications, bearing date the 17th and 18th ult., have been duly received, and I have given them that earnest and deliberate consideration which their intrinsic merit and importance and the highly respected source from whence they emanate demand.

Your communications, although on different papers and in some respects variant in matter, nevertheless exhibit such identity of object and coincidence of general views as to justify, in my opinion, giving you a joint reply.

And permit me first, gentlemen, to assure you that I regard and highly appreciate the honorable, patriotic and philanthropic motives which I feel convinced has influenced you to offer your mediation, to allay existing excitements which disturb the repose, and even threaten the stability, of the admirable institutions of our common country. And suffer me especially to return you my grateful acknowledgements for the deep interest which you manifest for the welfare and repose of my own favorite State, in regard to her present local difficulties growing out of her Indian relations. Towards some of you, at least, I have the pleasure of grateful recollections for your past exertions in defending the rights and character of Georgia against unjust aspersions. As patriots and Christians I trust and believe our objects and ends are the same.

While your present communications are primarily directed to the case of the missionaries, Messrs. Worcester and Butler, whose immediate release from penitentiary confinement you recommend, you guardedly avoid entering upon the discussion of various subjects which are connected with, and have led to, their present confinement. I fully appreciate and approve of your motives, in thus delicately presenting the subject to me, stripped of controversy and excitement. But, nevertheless, it must occur to you that my peculiar duties and responsibilities, in the performance of the official act which you recommend, ought to be preceded by a full and fair consideration of all the circumstances and bearings connected with this peculiar case. However, I have neither time nor disposition, nor do I deem it necessary, to present to you all the considerations which must necessarily have a bearing on my mind in making up a decision in regard to my duty in this missionary case. I will say to you, however, that I deeply regretted at the time these men forcing themselves into the Penitentiary of Georgia; that their continuance there has been contrary to my wishes; and that the very first moment I can send them away, consistently with my duty to my God and my country, they shall not remain in prison a single day.

The act of the Legislature of Georgia, making it penal for a white man to reside on the Indian territory within the limits of the State without first taking an oath to support the laws and Constitution thereof, was predicated on the belief that mischievous white men were the prime cause of all our controversies and difficulties with the remnant tribe of Indians residing within our State. Before the law was enforced against the missionaries they were advised and admonished by the Governor of the State to leave the State peaceably, or obey the law. They not only refused, but acted in a spirit of defiance to the authorities of the State. After they arrived at the prison gate, under the sentence of the law, a free pardon was offered to them if they would merely promise not to settle again on the Indian territory of Georgia. This they also refused.

From the day they entered the prison, till now, they might at any time have been discharged, by relieving the State from the threats and menace of being forced to discharge them, and by making respectful application to the authorities of the State. More than what I have named never has been required by Georgia, and less will never be deemed satisfactory. The ground which the State has

maintained on this subject can never be abandoned without dishonor to herself—a vital stab to the palpable constitutional rights of the States to enact and enforce laws for the government of their own population, within their admitted jurisdictional limits, and degrading the present executive administration of the Federal Government, which has coincided with the views of Georgia in every important step which she has taken in this matter. The constitutional rights of the States, which have been vindicated by the present Executive Government of the Union, on questions of controversy growing out of what has been termed the Indian question, will do immortal honor to the name of Andrew Jackson, and afford the material for the future historian of our country to vindicate his fame from the calumnies of the present moment, wherein he is charged with a disposition to trample on the rights of the States, and change the Federal into a consolidated government. I am fully aware as yourselves that the ground taken by Georgia and the policy which has been pursued by her authorities, and sustained by the President of the United States, has met with the severe censure, animadversion and disapprobation of a large and respectable portion of the people of this Union. Moreover, I am apprised that the political opposition which has been arrayed against us has received great strength and zealous aid and co-operation from a highly talented and influential portion of the Christian community of our country. Indeed, the opposition has been such, and so ably managed, that its preponderating influence would have paralyzed any cause which was not based upon the eternal principles of truth, justice and good will towards man. Six years ago, as some of you can witness, when (humble as I am) I had the honor to propose and urge upon the consideration of the American Congress the expediency and propriety of providing by law for the removal of the whole of the remnant tribes of Indians, then remaining in the States and Territories of the Union, to an eligible country west of the Mississippi river, I was viewed by a majority of even that enlightened assemblage as premature and visionary in my plans, and was even accused of the dishonorable motive of seeking popularity at the expense of the lives and best interests of the unfortunate remnants of the aboriginals of North America; but now, as you intimate, the wisdom, the expediency and practicability of the plan has received the seal of approbation from three-fourths of the people of this Union.

"Truth is mighty and will prevail." Now, under these circumstances, is it wise, prudent or expedient that the authorities of one of the sovereign States of this Union, sustained in her course by the often repeated official opinions of Andrew Jackson and his able auxiliary at the head of the War Department, should make humiliating concessions to the very individuals and public functionaries who have contributed most to excite and agitate our beloved country upon (to say the least) mistaken grounds? No, gentlemen, Georgia can never abandon the ground which she has taken and defended on this subject. The people of the State understand their inherent, their unalienable reserved rights; and such rights as they deem to be of vital importance they will defend at every hazard. They are ardently attached to the Federal Union, and they believe its preservation depends upon the Federal and State Governments being strictly confined within their respective constitutional spheres of action. And that Georgia has always acted upon these principles in all her unpleasant conflicts with the different departments of the Federal Government appears to me to be clearly established by the verdict of the grand inquest of the American people. It must be admitted that she has, upon several occasions, received the sentence of condemnation by Presidents, and Judges of the Supreme Court; but the sovereign people of the Union have, upon the appeal being brought before them, reversed these verdicts. I am, therefore, annually strengthened in the belief that the people of these United States are not only capable of self-government, but of *wise self-government*; and I trust a kind and indulgent Providence designs, through the immediate instrumentality of a virtuous people, to perpetuate the blessings of our good system of government, to the end of time.

I am fully aware of the various efforts which have been made, and are still in operation, with a view of identifying Georgia with her sister State, Carolina, in her new theories and novel proceedings. This, gentlemen, is a delicate subject, but we have fallen on times which demand patriotic plainness. The integrity of the Union is jeopardized, and consequently the liberties of the people are endangered. I am sure, gentlemen, you have too much intelligence to believe that the conduct of Georgia in the missionary case is identical—or a parallel case—with that of South Carolina, in her schemes of nullification, ordinance and all. It cannot be believed that any honest man

of common sense can be at a loss to draw the proper distinction. South Carolina has not only avowed her determination to resist the execution of the revenue laws of the country, but has openly assumed a position preparatory, as they think, to disunion, and has actually commenced the organization of a separate and distinct government, based upon belligerent and warlike principles. Her new form of proposed government is not only founded in principles of hostility to her old confederates, but is arbitrary, despotic and tyrannical in the extreme to the minority of her own citizens who are still disposed to adhere to the Union. Now, because the people of Georgia are unitedly resolved, at all hazards, to maintain and defend their own local claims, enacted for the punishment of offenses committed against them within her acknowledged jurisdictional limits, shall she, therefore, be identified with South Carolina? I trust not. While the people of Georgia had grounds to believe that South Carolina was merely contending against the unequal and unjust burthens of the present tariff system, even her errors and inordinate zeal were received with forbearance, and a kindred feeling was exercised towards her, even when her principles and theories could not receive our sanction. But the appearance of the South Carolina ordinance, and other subsequent acts, has caused the great body of the people of Georgia to respond to the words contained in a late resolution of the Legislature of the State: "*We abhor nullification.*" But while I thus deprecate the proceedings of the ruling party in South Carolina, I trust you will bear with my frankness in expressing the opinion which I most seriously entertain in regard to the provocations of the Southern States. The people in some sections of this Union assume to themselves not only the capacity but the right to judge and determine what measures will most effectually promote the interest of the South. In other words, they seem to think they understand our true situation, circumstances and interest better than we do ourselves. Now, these are assumptions which will never be quietly endured by freemen. We know those at a distance are wholly ignorant and unqualified to manage and direct our local affairs. I have known for years that the protective tariff system must be abandoned, or the Union would be destroyed, whether real or imaginary measures which are considered intolerable by whole sections of our country must be abandoned.

In conclusion, permit me again to advert to the case of the missionaries, and to assure you, gentlemen, that I would yield anything but principles which I deem to be inseparably connected with the best interests of our common country to gratify the wishes and promote the happiness of you and very many other highly valued friends. But it is my deliberate and settled opinion that, in the present posture of affairs, it would be destructive to vital constitutional principles, and deeply injurious to the exalted character and reputation of our present Chief Magistrate. It may be true that liberating these men at the present moment might contribute to the acceleration of making an arrangement with the Cherokees for their lands in Georgia, but, desirable as this object is to the citizens of this State, I would greatly prefer another thirty years' painful controversy to dishonorable compromise.

Admitting I could at this moment consent for Georgia to abandon the ground which she has occupied in regard to this case, what would be the inevitable effect? We should not only be justly accused of yielding our principles in regard to State rights, but the charge brought against the President of the United States (on account of his late proclamation), that he is disposed to prostrate the rights of the States, would receive strength and countenance. It would be alleged that I had yielded up the vital rights of Georgia to assist Andrew Jackson in exercising a despotic sway over the State governments, and to wreak his vengeance against the political men of South Carolina. The President's course, from first to last, in relation to our local Indian question, and the cases which have arisen out of them, affords the most able and conclusive defence of his correct and able opinions in regard to the reserved rights of the States, and no act of mine shall ever contribute to tarnish the high ground on which he stands in this respect. The rights of Georgia which he has countenanced and maintained against the most powerful and bitter opposition will go far to shield him and his character in the future pages of history from the calumnies of the present moment, wherein he is accused of a disposition to trample on the rights of the States.

Gentlemen, after all that I have said, I trust you will perceive that, with the kindest and most respectful feelings towards you and others who are not so intimately identified with this missionary case as myself, I am bound to say I cannot yield to the assumptions of the Supreme Court in this matter. The permanent prosperity of our

beloved common country forbids my yielding. Let these men dismiss the proceedings now pending before the Supreme Court against Georgia, and let them apply to the proper authority of the State, in a respectful and becoming manner, and they shall go free, and not till then.

With high consideration and regard, I am

Your most obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, 19th Jan'y, 1833.

Hon. L. Cass,

Secretary War.

Dear Sir:—I have just read yours of the 9th inst. with satisfaction, and, before this reaches you, you will have seen my definitive act in relation to the missionaries.

The moment things were brought to the proper point for which I had contended, they were released. I trust the good effects which you have anticipated may result from this act, especially in effecting a satisfactory treaty with the Cherokees.

It appears to me that now is the most auspicious moment to effect a treaty with this deluded people. The Cherokee delegation, headed by Ross, are now in your city. The impulse of their Northern friends, produced by their late conversions to the emigration plan, may also be used to advantage. But it is useless for me to add any suggestions to you upon this subject. Suffice it to say I have entire confidence in your skill, ability and disposition to manage this case to the greatest advantage. And I am well aware that your anxiety is scarcely less than my own, to terminate the local embarrassment of Georgia on this subject—all of which, in all their bearings, cannot fail to press themselves on your consideration. Please to make my respects acceptable to the President, and say to him if the Executive Administration can be sustained by Congress on the tariff subject, the South is safe. And receive for yourself the assurance of my friendly regard and high consideration.

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Jan'y 19, 1833.

Hon. Jno. Forsyth,
Washington City.

Sir:—I thank you for the information contained in your favor of the 9th inst., upon the subject of the missionaries, although I had received the same intelligence and more in detail, through other channels previous to the reception of your letter. Before this reaches you, you will have seen my official action on the missionary case, which, of course, from the contents of your letter, will be approved of by you, and I may add, I entertain no doubt will be approved by every candid, intelligent man, in and out of Georgia, when the whole ground upon which I have acted shall be fairly before the public. Yet I find there will be zealous efforts made by the "nullifiers" to condemn my conduct in releasing these men.

However, my confidence in the good sense and honesty of the people of Georgia is firm and unshaken; their public agents have but little to fear, so long as they do their duty.

Now, sir, the only deeply interesting local matter in relation to the affairs of Georgia is to effect a satisfactory treaty with the Cherokees. And to this point I beg leave to urge your earnest attention, under all the existing circumstances upon which it is unnecessary for me to dwell, when addressing you who understand them so well. It appears to me that now is the auspicious moment to urge successfully for a treaty with the Cherokees. Their delegation, headed by Ross, are now in Washington. Their Northern friends, under the impulse of their late conversion to the emigration plan, may now use their influence to great advantage.

I am, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Jan'y 19th, 1833.

Hon. James M. Wayne,
Washington City, D. C.

Dear Sir:—I have just read your very interesting letter of the 9th instant, for which I thank you. I have also,

as you expected, received a letter from Mr. Forsyth. Before this reaches you, you will have seen my official action on the missionary case. Those who are disposed to *war* with the Federal Government—*cause or no cause*—will, of course, condemn my act in the release of these men; but, when the whole ground upon which I have acted shall be fairly before the public, I entertain no doubt of being fully sustained by the candid, intelligent part of the people, in and out of Georgia. My confidence in the honesty and good sense of the people of Georgia is firm and unshaken; their public agents have but little to fear, so long as they do their duty. Now, my dear sir, let us make every effort to put to rest forever the territorial perplexities of Georgia by a speedy formation of a treaty with the Cherokees. I need not dwell, when addressing you, upon the various circumstances which combine to make the present the most auspicious moment for urging a treaty upon the Cherokee delegation now at Washington, with Ross at their head. Their Northern friends, under the impulse of their late conversion to the emigration plan, may become useful auxiliaries to the agents of the Government in effecting a treaty. We should not slumber, or sleep, until this last remaining local case of Georgia is forever put to rest. I concur with you most heartily in forgetting past petty conflicts and party strifes, and uniting with the patriots of the land in the great cause of our common country. I rejoice in the prospect which your letter affords of a speedy and satisfactory adjustment of the tariff, and trust you may not be mistaken.

Such a result as you anticipate will save the country, and hush the voice of demagogues. The just rights of the South being sustained, the people of Georgia will be content; nothing less will, or ought to, satisfy them, and nothing more will be required, the efforts of the disorganizers to the contrary notwithstanding. The policy which we have sustained is unquestionably gaining strength, and if properly maintained before the people cannot be overturned, based as it is upon the immutable principles of truth, and having for its object the happiness and welfare of this and future generations, to whose interest we have devoted much of our past lives.

I am, with much respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Jan'y 23rd, 1833.

Col. Wm. W. Williamson.

Dear Sir:—I have just received, and carefully perused and reflected on the contents of your letter of the 11th inst. Take it altogether, and it exhibits an unpleasant state of things in the new country; but not worse than I anticipated for some time before the adjournment of the Legislature. That nothing was done in the way of legislation suited to the existing state of things in Cherokee is by no means justly attributable to the want of correct information being before the Legislature, but to an obvious determination on the part of that body to do nothing which the interest of the State required in relation to that country. It was repeatedly urged upon the Legislature to make some final disposition of the fractions, but they would not. The continuance of the guard, until the organization of the counties, at least, was urged as being indispensable; but this was wholly refused by the Legislature. Indeed, it appeared to me that a majority were resolved that evil and confusion should grow out of our arrangements for settling the new country. And, whatever evils may accrue, the guilt must fall upon their own heads. However, it is my duty to administer such laws as I find to the best possible advantage, whether they be appropriate or not. And even where I have no law I must use my best exertions to preserve the lives and property of the people.

If I can find voluntary patriotism enough in the State to aid me in protecting our citizens in the settlement of the new country, it shall be done. Let no one think of abandoning their new homes, nor let any one who may be authorized legally to settle in the new country be deterred from doing so. You have not only done right in placing a guard of four men in the alarmed neighborhood, but, if it shall be necessary, we will have *four thousand men* in the country to protect the lives of our citizens. The murderers of Bowman and his family must, and shall, be punished. It seems to me, as the best mode of apprehending and bringing to justice these cruel murderers, that a suitable reward should be offered for the apprehension of the guilty, which I would do forthwith, in a suitable manner, if I was in possession of the requisite information; but I only know that the family was supposed to

have been murdered by Indians—I know not what Indians, or how many. I am, therefore, at a loss how to offer rewards, or issue proclamations.

You will, however, consider yourself authorized, in my name, to give such notice, and in such form as you may deem proper, that I will pay a just and liberal reward to such person or persons as may apprehend and bring to justice the offenders. Under existing circumstances, we cannot, with propriety, hold the chiefs accountable for the depredations committed by their people; but they may be assured that they will consult the best interest of themselves and people to be prompt in aiding and assisting the authorities in apprehending and punishing promptly all such depredations as those recently committed on Bowman and his family. As to the extent of danger, or guard that may be necessary for the protection of the people, I shall rely chiefly on your judgment, for I shall be constantly misled if I rely upon the selfish statements of interested individuals. I am fully aware of the fact that your present agency will be very laborious and difficult to execute, and attended with many perplexities and embarrassments, and that, if you are so fortunate as to succeed in the execution of the duties contemplated, your best reward will consist in having rendered a very important service to your State. I think, however, from your letter that your first impressions, from the reading of the late act of the Legislature defining your duties, are, perhaps, not so correct as they will be on more mature examination and reflection. I do not, under the act, consider it your duty to prevent intrusions on the fractions, or to protect our white population in any way. All I shall expect from you in regard to these matters is expected on account of my confidence in your judgment and patriotism, and the favorable position which you occupy to aid me in giving me information and making arrangements to meet such exigencies as may occur.

The law under which you are acting appears to me to be chiefly confined to the single object of guarding and protecting the rights of the Indians, and securing to them such rights and immunities as may be guaranteed to them by our State legislation. The difficulties which you suggest and point out will become fair questions for the adjudication of our courts.

I have always entertained doubts that the temporary provision made by our laws, with a view of securing to the Indians their homes, would be of little service to them,

when surrounded by a white population. The white man and Indian cannot live together, under such circumstances as now exist in Cherokee. But impress it on the minds of all our citizens that the day is at hand when the Indians will take their departure from Georgia. I am not mistaken in these views, and such considerations should lead our citizens to the exercise of temporary patience and forbearance.

I am, with great respect,

Yrs., &c.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Feb'y 27th, 1833.

Hon. Geo. W. Owens,

Mayor of the City of Savannah.

Sir:—I have the honor to acknowledge the receipt of your communication of the 21st inst., enclosing the copy of a memorial of certain citizens therein named, which has been presented to the Board of Aldermen of the City of Savannah, and acted upon by them, as appears from the papers which I have received. In reply, I must beg leave, in the first place, to correct a misapprehension which seems to exist in regard to the discretionary power confided to the Executive by an act of the last Legislature. If there be any act of the Legislature conferring the supposed power pointed out in the memorial on the Governor, I have not been able to find it. I would respectfully ask the attention of the respectable citizens, who are under the impression that any part of the grievances of which they complain are chargeable to the Executive, to the annual message of the Governor to the last General Assembly, and to the various acts of the Legislature, providing for the improvement of roads and rivers; and if such examination should result in the conviction that the present Executive has omitted in the slightest degree to attend to their interest, as far as the laws of the State would authorize, I would respectfully ask that the same may be pointed out to me, when I can assure all who may feel themselves interested I will promptly turn my attention to their complaints, and to the uttermost of my power and ability discharge every

duty which may be required by the laws of the State.

I have the honor to be

Yr. obt. servt.,

WILSON LUMPKIN.

The following was addressed to the persons named, accompanying the order of their appointment, under the authority of the Legislature to amend or draft a new penal code for the State:

Executive Department, Ga.,

Milledgeville, Jan'y 22d, 1833.

Hon. Wm. Schley, Augusta, Ga.

Hon. Jno. A. Cuthbert, Milledgeville, Ga.

Hon. Jos. Henry Lumpkin, Lexington, Ga.

Dear Sirs:—The order of appointment herein enclosed affords on its face the authority under which it has been made, and points out the duties which are to be performed. The gentlemen associated with you in the appointment are also named. It will devolve on you, then, to make such arrangements as you may deem expedient for the prosecution of the labors contemplated by the Legislature.

My entire confidence in the ample qualifications of yourself and colleagues for an able discharge of the important duties to which you are invited renders it unnecessary for me, with my very humble pretensions to legal acquirements, to submit anything to you (who are so much better qualified) in the form of advice, or instructions.

The whole matter is, therefore, submitted to you with a full latitude for the exercise of that judgment and discretion which seems to have been contemplated by the Legislature. It will, however, afford me great pleasure to confer with you on the several subjects confided to your charge, and furnish you with all such information as may be found on the folio of this office which may, in any way, be calculated to aid you in your undertaking.

I am, sir, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 2d, 1833.

Dr. N. B. Powell,
Macon, Ga.

Sir:—I have just read your letter of yesterday's date. I very much regret to hear of the impediments thrown in your way and progress in the execution of your public duty, so far as relates to the road which you are now engaged in making, from Thomaston to Macon. I can only advise you, however, to prosecute your duty, as defined by law, and use your best judgment in all matters left to your discretion, constantly keeping in view the public interest, regardless of personal considerations.

If any improper considerations should so far prevail, in any County or portion of the community, as to prevent or hinder your progress, you will, of course, be under the necessity of abandoning your plan of rendering them important public benefits, and direct the public resources placed under your control to better disposed portions of the community. You will, of course, feel yourself bound to respect the decisions of the judiciary. The faithful execution of our laws depends upon the co-operation of the different departments of the Government. I entirely approve of the course which you have taken in referring the case to the advice of the Solicitor General. And I should deem it most expedient, under all the circumstances, for you to rely entirely upon the counsel of the Solicitor General. He is the officer of the Government, and by following his advice you place the responsibility where it properly belongs.

Very respectfully, your obt. servant,

WILSON LUMPKIN.

Executive Department, Georgia,
Milledgeville, April 18th, 1833.

To the Editor of the Georgia Courier.

Sir:—In your paper of the 15th inst. I observe the following paragraph: "A law of the last session requires the banks of this State to make quarterly reports. We are requested to ask 'if they have been made, why have they not been published?'" For the information of the public I avail myself of this occasion to state that no act of the Legislature requires quarterly reports to be made

by the officers of the banks. And further, that no act of the Legislature directs or requires the publication of bank reports which may be made at any time. By the act of the Legislature, passed at the last session, entitled "An act more effectually to secure the solvency of the banking institutions of this State," it is made the duty of the President and Directors of the several incorporated banks of this State to make semi-annual returns, on the first Monday in April and October in each year, to the Governor, "*and to be subject to the examination of the Legislature.*" Should the President and Directors of any one or more of the banks fail to comply with the requirements of the law in making their reports, it is then the duty of the Governor to notify the Treasurer of the State, and the President and Directors of the Central Bank, of said delinquency. Whereupon it shall not be lawful to receive the bills of such delinquent bank, or banks, in the payment of any debt due the State of Georgia, or the Central Bank, until such returns shall be made in conformity with the provisions of said act.

The Governor is further authorized and required, as far as he may deem it expedient and for the public interest, to publish the name, or names, of any bank, or banks, *which may fail to comply* with all the requisitions of the act recited.

Permit me to add that the preamble of the act under consideration, *when taken alone*, would seem to indicate the intention on the part of the Legislature to lay the reports of the several banks directly before the whole community. But when we take the preamble and body of the act together, we are forced to the conclusion that the contemplated publicity was designed to reach the public by the Governor first submitting them to the Legislature. I am fully apprised of the intense anxiety which pervades banking communities to ascertain the condition of each other, and have therefore been strictly guarded, since the reception of the returns recently received from different banks, under the late law, not to permit access to these reports, which might possibly give a partial advantage to one interest over another. I shall not permit these bank reports to undergo any inspection which may produce any undue or partial advantage or disadvantage to individuals, companies, or communities. No partial copies, extracts, or information shall be given. The publication, when made, must embrace all. I have long since imbibed an aversion to governmental or official secrets,

and, so far as relates to myself, I have no official acts or correspondence which I am disposed to conceal from the public. In regard to these bank reports, the law has placed me in an embarrassing situation. If left to my own discretion, I have no disposition to withhold anything which may be on the files or records of this office from any citizen; yet it is my duty to execute the laws of the State as I find them, and the law gives no authority for the publication of these bank reports, but makes it my duty to lay them before the next session of the Legislature. In the meantime, I have had many applications to see, and obtain copies of, these reports—to grant which would, in my opinion, afford partial and unjust advantages to those who obtain the information, and perhaps prove to be seriously injurious to the currency of the State. Yet, to refuse access to these reports will subject me to the illiberal censure of withholding from the community any real or supposed maladministration of the affairs of any one or more of the banks of the State.

I have not yet received the entire returns required by the late act of the Legislature from all the banks, and, from a full consideration of the whole subject, I am not at this time prepared to say that circumstances may not force me to the conclusion that justice to the people, as well as to the different banks, will require me to assume the responsibility (though not contemplated or forbidden by law) to lay the entire reports before the public.

I am, sir, very respectfully,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, April 22d, 1833.

To Andrew Jackson,

President of the United States.

Dear Sir:—I have deemed it expedient to inform you and, through you, the Secretary of War, of the present prospect and state of affairs amongst the Cherokee Indians. Since the return of Ross and company from Washington, the prospects of a treaty with the Cherokees have constantly lessened. I am not prepared, however, to attribute the change of feeling amongst the Cherokees to any influence which may have been used by their own dele-

gation, but rather incline to the opinion that these individuals are acting in concert with the enemies of good order and government. It is quite evident that the enemies of the Union are doing all they can to give us trouble with the Cherokees.

Regardless of truth or foundation, the Indians and Indian countrymen are told that, under a late act of Congress, the way is prepared to restore them to all their former high expectations of independent government, &c. Idle as these stories are known to be to every man of sense, yet *men of sense* are found to be base enough to exert their whole energies thus to delude and mislead this unfortunate people. Yea, newspapers and citizens of Georgia are, at this moment, engaged in the unhallowed work of fanning the embers of strife between the Cherokees and the Government of Georgia; and I regret that in some neighborhoods, where but few whites have settled, the Indians have manifested a spirit of disregard and insolence to our laws. I have, however, so far relied upon the civil authority of the new organized counties, and shall continue to do so, until I am assured that there is not sufficient moral force in the country to maintain the supremacy of our laws. I have taken proper steps to remind the leading men amongst the Cherokees that it is my duty to see that the laws of the State are faithfully administered and executed, and that they must be obeyed by every description of population within the State. I have warned them against adhering to the counsels of bad men. I have, moreover, reminded them of the kind solicitude with which I have watched over their interest, and how they have been shielded from oppression by the agents of the Government sent amongst them. I have told them distinctly (as you have done before) that, so long as they remain in the State, they must yield obedience to its laws. This course has become necessary, on account of the falsehoods propagated by the enemies of the country. They have told the Indians that the United States troops lately marched from Augusta to Tennessee were sent on as an advance corps designed to drive the Georgians from the Cherokee country.

After the developments which will transpire at the Cherokee Council, which is to meet on the 14th of next month, we shall be better prepared to judge in regard to subsequent measures. You will please excuse me for suggesting that it may be useful for you, in some distinct form, to let the Cherokees know that all those statements

of your unprincipled enemies are mere slanders which go to charge you with any change of opinion in regard to the rights or prospects of the Cherokees.

I am, dear sir, with unabating confidence and esteem,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, April 20th, 1833.

Col. Wm. W. Williamson.

Sir:—I have just read your communication of the 17th inst. Unpleasant as the state of things represented in your letter may be in the new country, I am fully prepared for such a communication from you, from information previously received from various sources. The evils complained of would be much more painful to me if I had not the consolation of having used every exertion within my control to prevent them. The insolence and irregularity of the Indians may be traced, first, to the imprudence of the Legislature in abolishing the guard; and, secondly, to the unprincipled and lying newspapers and demagogues of our own State. Under the provisions of the act of the Legislature under which you are now engaged, your authority is now at an end.

The new counties are now organized. It is the duty of the civil officers of the new counties to execute the laws and maintain good order. If the state of the population should be found to be such as not to afford the moral force to execute the laws, let the proof be submitted to me, and I shall then feel myself authorized to maintain the laws of the State by all the means which the laws and Constitution of the State place within my control. I deeply regret the evil effects of the falsehoods and perversions which have been resorted to by the enemies of good government to mislead the deluded Indians, and white men connected with them; but the penalty of all the mischief will fall more severely on their own heads. I agree with you in believing that the *enemies* of Georgia as well as of her true friends will be so far able to delude the Indians as to prevent their making a treaty this spring. If they do, the door of emigration will again be opened, and those who decline availing themselves of the benefits

of that last best offer will sorely repent it, for the next Legislature of Georgia will most certainly authorize the granting of all the lands in the occupancy of white men, as well as the lands of individuals who have heretofore been paid for reserves under former treaties. You are mistaken in supposing I have authority to issue grants to lands which have been returned by the surveyors as being in the occupancy of natives, or the descendants of natives. It is my sworn duty to make the law my guide. If I had the power to make the law, as well as to execute it, I could then promptly meet many of the difficulties which you suggest. But I must adhere to the laws as I find them.

Your views in regard to white men claiming Indian privileges are correct, and I have for some time past been receiving information in regard to the conduct of the individuals whom you have named. But the meeting of the next Legislature will put an end to their supposed greatness and influence. The Cherokee Council, in May, will develop the course of measures which ought to be pursued. I am very desirous of having the opportunity of seeing you, and conversing freely and fully with you, previous to the meeting of the Cherokee Council. Upon the reception of this, you are authorized to dismiss your guard, and repair to this place, with a view of making your closing report as agent, &c.

And permit me, now, to apprise you that my present impression is that your attendance on the approaching Cherokee Council might be of great use to the State; and, if so concluded, after full consultation, I will commission you to attend to that duty, and put you in full possession of my further views in regard to our Indian affairs. Do not fail to write to me immediately, and let me know whether you are willing to attend the Cherokee Council—first visiting this place.

Yours, with great respect,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 2nd, 1833.

Col. Wm. N. Bishop,
Spring Place, Murray Co., Ga.

Dear Sir:—I have just read with feelings of deep interest your letter of the 24th ult. I hope before this you

have received my letter to you of the 26th ult., which will afford you most of my views in relation to the subjects to which you have called my attention. Permit me now, however, further to remark to you that the approaching Council of the Cherokees will be the favorable time to arrest the various evils of which you complain, and you may rest assured that I have made the best arrangements which my judgment could devise to have all these various matters attended to. Should my anticipations of putting a stop to the disorders of which you complain by the means now in progress fail of success, you may rest assured, and assure others, that, immediately after the adjournment of the Cherokee Council, other and efficient measures will be resorted to by me to ensure a faithful administration of our laws in every part of the new country.

I shall have an agent at the Cherokee Council who will be in possession of your views, and those of other gentlemen whose opinions coincide with yours, on the state of our affairs in your country, who will pay special attention to the several subjects embraced in your communications. Lest my former communication should by some means miscarry, I again acknowledge the receipt of the notes and satisfactory report which you have transmitted to the department, as renting agent, &c.

I still regard the present unpleasant state of things in your neighborhood as temporary, and as growing out of the causes pointed out in my former letter, which I hope you have received before this time.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department,

Milledgeville, May 10th, 1833.

Gen'l Thomas Glascock,

Augusta, Georgia.

Sir:—Having put you fully in possession of my views and policy in regard to the existing relations between this State, the Cherokee Indians, and the Federal Government, and having also laid before you a full view of the present state of our Indian affairs, as well as the information and evidence upon which my opinions have been formed, I deem it, therefore, unnecessary, in this letter of general instructions, to refer specifically to the

evidence which has led me to the conclusions to which I have arrived.

First. It may be proper to remark that in appealing to your patriotism to undertake the agency of attending the approaching Cherokee Council, I have done so on my own responsibility, as the only officer of government who has the power to meet the present contingency in representing the indispensable and great interest of the people of Georgia at the approaching Cherokee Council. Your expenses, and a reasonable compensation, will, therefore, be paid out of the contingent fund.

Second. You will consider yourself particularly instructed, should you have an opportunity of conferring with any responsible agents of the Federal Government who may be entitled to your confidence, to explain to them fully the objects of your mission. Assure them of our unabating confidence in the Executive authorities of the United States, and of our disposition to co-operate with the Federal authorities in carrying into effect the joint object of Indian emigration.

Third. I am not at this time prepared to determine how far you may have the authority of the Executive Government of the United States in a direct form which may enable you to contradict and disprove the various false reports which have been propagated amongst the Cherokees, with a view of preventing them from making a treaty.

The great and leading object, however, of your mission will be to convince the Indians and Indian countrymen, as well as our citizens of every description, of the imperative necessity of respecting and enforcing the laws of Georgia throughout what is still called the Cherokee Country. If reason and considerations of interest should fail to sustain the execution of our laws, other and stronger measures must and will be resorted to. The kind regards which the authorities of Georgia have manifested and practised towards the Indians since I entered upon my Executive duties might be urged with force. The agents whom I have sent amongst the Indians have treated them not only with justice, but with much kindness.

Many considerations of deep interest to the Cherokees may be urged upon them with a view of convincing them that the present is the most favorable and auspicious time for them to close with the terms proposed by the Federal Government. If they refuse to treat, a door will be forthwith opened for enrollment and emigration, which will divide and take off a great part of their present popu-

lation whose places will immediately be filled up by the whites. Moreover, the Legislature of Georgia will not much longer permit white men to remain in the country, in the full enjoyment of the double rights of being citizens of the State and, at the same time, enjoy exclusive privileges under the pretext of native rights. Those who remain in the country cannot expect, as our population increases, to enjoy the extraordinary privileges and protection now guaranteed to them. It is extreme folly and wholly fallacious for the Cherokees to entertain the shadow of a hope that the Federal Government will ever attempt, in the slightest degree, to overturn the laws of Georgia in regard to the soil or population within the chartered limits of the State. Upon all these various heads I have full confidence in your qualifications to do ample justice to the rights and views of the State, and therefore deem it unnecessary to enlarge upon the several subjects adverted to. After the *Council* shall have met, should you deem it expedient under the circumstances which may be presented, you will deliver the talk herewith presented to the Cherokees in Council assembled; otherwise, you can withhold and return it to this department. In conclusion, permit me to urge the importance of your using every exertion to procure accurate and correct information in regard to the present state of feelings amongst the Indians and whites now residing in the new country, and of every important transaction which may take place at the Council, and report to me with all possible dispatch after the adjournment of the Council.

I look to the information which you may communicate with much confidence, as being useful in affording an index for our future operations in relation to our Indian affairs.

I am, dr. sir, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 13th, 1833.

Hon. Lewis Cass,
Secretary of War.

Sir:—I have the honor to acknowledge the receipt of your letter of the 2d inst., together with the copies of the letters therein referred to, by the hand of Col. Abbott.

The course which you have adopted, and the means which you have afforded to correct the false impressions which have been made upon the minds of the Cherokees and other deluded persons, meet my approbation, and are highly satisfactory.

I have made arrangements which will accomplish the desirable object of having the contents of these papers made known to the Cherokees who may assemble in Council. Moreover, with a view of correcting the misrepresentations which have been made through the press, and other channels, I shall take the liberty of having these communications laid before the public (and your official letter, together with copies of the letters of Mr. Herring to the agents of the United States and to the Cherokees). Under all the circumstances, I trust you will concur with me in regard to the propriety of the publication of these official letters. My agent, Gen'l Glascock, who will attend the Cherokee Council, will report to me the result, immediately after which you may expect to hear from me on the subject of our Cherokee affairs; and, if necessary, you shall have my views fully on the subject of emigration.

I have the honor to be, very respectfully,

Yours, &c.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, May 30th. 1833.

To the President and Directors of the Central Bank.

Gentlemen:—I have this morning received a notice and extract from your minutes, through Mr. Malone, the Cashier of the Bank, apprising me of the resignation of Mr. H. V. Howard, as bookkeeper in the Bank, and further, that you would this day, at 3 o'clock p. m., proceed to the election of an individual to fill said vacancy. You have my approbation to carry into effect your resolution in regard to filling said vacancy, and should I decline the exercise of my right in participating in the selection of an individual to fill said vacancy, it will be done under the conviction that the public interest will be duly regarded by those whom I have appointed under the laws of the State to manage and govern the affairs of this pub-

lic institution, in which the whole community have the right to feel a deep interest.

I am, gentlemen, very respectfully, &c.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 31st, 1833.

Major Benj. F. Curry,

New Echota.

Sir:—Your favors of the 11th and 18th inst. have been duly received, and for which I thank you, as they will aid me in prosecuting my views to promote the public interest.

I fully concur with you as to the results which will grow out of all that has transpired at the late Cherokee Council.

Your views in regard to the policy which ought forthwith to be adopted, and your plan of execution in every important point, coincide with my own, and I have so informed the Secretary of War. I have, moreover, apprised the Secretary of the great importance which I attach to a judicious selection of agents to enter upon the enrolling business. They should be men of weight of character, capacity, and high standing—the situation of the country at this time requires such qualifications in the agents of the Government.

Present circumstances place what remains to be done in consummating the emigration of the Cherokees principally on the authorities of Georgia. I therefore am highly gratified at the harmonious understanding and action which exists between the agents of the Federal and State Governments. It is necessary that our efforts should be united to produce the best results. Indeed, the present Federal administration has performed its whole duty in endeavoring to remove the Indians from Georgia, and thereby fulfil its engagements to the State, entered into by the Compact of 1802. A judicious exercise of State authority must accomplish what remains to be done. The suggestions contained in your different communications will be highly useful to me, in fixing upon the details of such legislation as will become necessary for me to recommend to the next Legislature.

Every week affords me some new light calculated to point out the defects of our existing laws in relation to the Indians. And I shall carefully note the various dif-

ficulties which may grow out of the defects of our present laws, and urge the appropriate remedy on the consideration of the Legislature. I regret to find under our present laws it is extremely difficult, in many cases, to guard the rights and interests of our newly settled population. But all that can be done by me has been and shall be done to get through the present year as much to the interest of our citizens as can be effected under the existing state of things. And our people may rest assured that the day is not far distant when the evils complained of will be fully and completely remedied. The case of the woman which you mention shall not be passed over with entire impunity. I will write to the Solicitor General on the subject, and direct that no pains be spared in the investigation of the case. And if any part of the conduct of Ross, or his co-workers, can be reached by our existing laws, they shall feel the force and penalty of the law. However inadequate our laws are, they must be executed as we find them. Their supremacy must be maintained. The defects must be remedied by constituted authority.

Very respectfully, &c.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 31st, 1833.

Hon. Lewis Cass,

Secretary of War.

Sir:—Before this reaches you you will have learned through other channels, the result of the late Cherokee Council. You will also have discovered the use which I have made of the means which you were so kind as to afford me, to dispel the delusions imbibed by the Cherokees through the false statements of bad men, and evil counsellors. From the report of Gen'l Glascock (who attended the Council as my agent), and letters which I have received from Maj. Curry, special agent of the United States, I entertain no doubt of the good effects which have and will result from what transpired at the late Council. It has afforded a favorable opportunity which has been well improved by both the agents of the Federal and State Governments, to enlighten the minds of the Cherokee people, by the force of truth and documentary evidence which will hereafter prevent the recurrence of practising upon them gross and deceptive falsehoods in regard to the real state of their present affairs.

Everything is now harmonious and well understood upon this subject between the agents of the Federal and State Governments; and the important duty which now presents itself is to use to the best advantage the means under our control in bringing to the most speedy and happy issue the great and benevolent object of removing the Indians beyond the limits of the States—the only hope of rescuing them from speedy extermination.

Circumstances now place much of the responsibility of what remains to be done in regard to the Indians who still remain in Georgia upon the authorities of the State. The present administration of the Federal Government has performed every duty in endeavoring to fulfil the Compact of 1802. What remains to be done depends very much upon a judicious management of State authority. Under this view of the subject I hope I shall not be considered as assuming too much in mingling my efforts with yours in accomplishing the same desired object. I concur with Major Curry and Gen'l Glascock in believing that the business of enrolling names, *in favor of a treaty*, should be commenced throughout the Cherokee country, with a condition that if no treaty is concluded during the ensuing fall or early in the winter, they shall be removed on the terms proposed by the President to the Cherokees, through Mr. Chester, guaranteeing to them, as well as all those who have preceded them, an equal share of any compensation, or annuity, which may hereafter be secured by those remaining, by any final arrangement which may be made by the Government; also, that they shall be paid their proportion of the three years' annuity now due them before their departure hence, and be entitled to their proportion of the moneys arising from the sale of the twelve miles square, under the Treaty of 1819, for the benefit of schools in the Eastern nation. I deem it unnecessary to enter upon further particulars at this time, having heretofore signified my general assent to the plan submitted to you by Maj. Curry, whose judgment in these matters I consider entitled to much weight and consideration.

I am clearly of the opinion that enrolling agents ought to be immediately appointed; and pardon me for saying that great caution in their selection should be observed, for much will depend on their weight of character and standing in the country.

I am, sir, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 31st, 1833.
Gen'l Thos. Glascock,
Augusta, Ga.

Dear Sir:—On my return to this place (after a week's absence) I was gratified in the perusal of your interesting report of your late tour to, and attendance at, the Cherokee Council. I feel confident that your mission has been, and will be, extensively useful to the State. As far as I am able to judge from your communication, I am highly pleased with the mode and manner in which you have performed the several duties confided to your charge. I regret, however, I could not have had the pleasure of full and free consultation with you on all subjects relating to the present posture of our Indian affairs. It was very desirable that I should have seen you previous to my corresponding with the Secretary of War on the subject of the enrolling agency which it now becomes necessary to establish; for I concur with you fully in attaching great importance to a judicious selection of the agents who are to be employed in this business. I know that much depends upon the character and prudence, capacity and good standing, of the agents who may be engaged in the Cherokee country at this time; and I find myself placed (as I have often been heretofore) in the unpleasant situation of having incompetent men pressing themselves on me, while those who are competent are restrained, from self-respect, from even informing me whether their services can be obtained or not. Do speak freely to me on this subject. Who can be obtained? And who would be the best selection? How many agents are necessary? If you do not visit here shortly, please write to me fully and plainly. We must not shrink from any responsibility which the interest of the country requires, let it offend whom it may.

Since you left here I have received a second communication from Maj. Curry, from which I learn that nothing of importance transpired at the Council after you left there. I shall write to the Secretary of War to-day, but shall leave open the subject of the appointment of agents, &c., until I see or hear from you. Upon the whole, I see my way clearly in bringing to a happy issue our Indian and territorial perplexities, notwithstanding the many embarrassments which have been thrown in my way by those who ought to have lent a helping hand to promote the

interest of the State in the adjustment of these our long standing strifes. Under the present administration of the Federal Government, everything has been done that could be effected, to comply with the Compact of 1802. What remains to be done must now be executed by a judicious exercise of State authority, and which I trust will be completed by the end of my present Executive term.

I am, sir, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, July 13th, 1833.

Major B. F. Curry,

Calhoun, Tenn.

Sir:—I have received a communication from the War Department requesting me to select two suitable persons to assist you in the performance of your duties in the enrolling of the Cherokees; and, further, to direct the persons thus selected to report themselves to you for instructions at as early a day as possible. I have been delayed in acting upon this business with that promptitude which I desired, on account of the disappointments which I have met with, in ascertaining whether the services of gentlemen whom I deemed most suitable could be obtained; and I regret to say that, to some extent, I am still in suspense.

However, I have come to the conclusion to submit to you the name of Col. Wm. Harden, of Cass County, as one of the persons selected by me, and shall report his name to the War Department as such. The selection of the other assistant will be made in a few days, and communicated to you without delay. I trust you will find Col. Harden a vigilant, competent, and efficient assistant, and ready to co-operate with you in all measures calculated to promote the objects of your appointment. I shall, sir, be disposed to communicate freely and fully with you, on all subjects connected with your agency so far, at least, as the interest of the State of Georgia may be concerned.

I am, with great respect, &c.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Aug. 19th, 1833.

His Excellency, Gov. Gayle,
of Alabama.

Sir:—I have the honor to transmit to your Excellency the enclosed affidavit of James P. Guerry, and other proceedings had thereon before the Hon. Lott Warren, Judge of the Superior Court in the Southern District of Georgia, by which Wm. Alday, of the County of Wilkinson, in this State, stands charged with the offense of negro stealing. And it being represented to me that the said William Alday has fled from justice and is now within the limits of the State over which you preside, I have to request that your Excellency will cause the said fugitive to be delivered to Jno. T. McCrary, whom I have appointed agent on the part of this State, under the provisions of the act of Congress, passed 12 Feb'y, 1793, respecting fugitives, to receive and bring him to the County of Twiggs, in this State, where the said offense is alleged to have been committed. It being represented that the said fugitive has been arrested and confined in the jail at Montgomery, it will be a great convenience to the said agent to meet your order for the delivery of the accused in that place, and for this purpose I take the liberty to request that a warrant to that effect be transmitted to the jailer at Montgomery without delay.

I have the honor to be

Yr. obt. servt.,

W. LUMPKIN.

Executive Department, Ga.,
Milledgeville, August 26th, 1833.

Col. Wm. C. Lyman.

Sir:—I have received several communications on the subject of routes for roads in the new counties, anticipating, as they do, some aid from the State hands, all of which I should like to lay before you, for consideration, &c.

Your overseer, Mr. Hill, informed me a few days ago that his negroes were becoming very sickly, and that he thought it necessary to remove them to a more healthy neighborhood. We are also urged upon every hand to remove said hands to the road from Macon to this place.

I shall be glad to see you, and consult with you on these and other matters connected with the public service in which you are engaged. In anticipation of what will be necessary to lay before the approaching session of the Legislature, I take this occasion to suggest to you that it is very desirable on my part, and cannot fail to be useful to the Legislature and the public interest, for the Executive to be able to lay before the Legislature the most ample, clear and distinct views of the progress and present condition of every branch of the public interest. I should therefore like to have from you a condensed statement which would exhibit at one view, first, the aggregate of your disbursements since you came into office; the aggregate of road made by the hands under your command; a full and fair description of each slave under your command at present, and their respective stations; the number of deaths; the number disposed of under Executive orders, and how the proceeds have been applied. Also the number, quantity, &c., of mules, oxen, vehicles, tools, implements, &c.

I consider this information the more important from the apprehension that the Legislature may deem it expedient to discontinue our present plan of operations, and may therefore provide for disposing of the stock on hand, including the negroes. All of which is respectfully suggested to you, with a view to the interest and information of the public.

Very respectfully,

WILSON LUMPKIN.

Executive Department, Georgia,

Milledgeville, Dec. 10th, 1833.

To E. P. Gaines, Isaac Rawlings, Jno. Pope, Robertson Tapp, and James Ross, Esquires.

Gentlemen:—Your communication of the 25th ult., with the papers therein referred to, have been duly received at this department, and, without delay communicated to the General Assembly of this State, now in session. The objects contemplated by the "Atlantic & Mississippi Railroad Company" are entitled to the respectful consideration of the public authorities of the several States, whose citizens are so deeply interested in the grand work contemplated. I can but regret that your

views and communications did not reach this department at an early period of the session of the General Assembly, fearing, as I do, that the near approach of the adjournment of that body will prevent that investigation which might otherwise have been reasonably expected.

I have the honor to be

Yr. obt. servt.,

WILSON LUMPKIN.

CHAPTER XI.

OFFICIAL LETTERS. 1834.

Executive Department, Ga.,
Milledgeville, Jan'y 6th, 1834.

Wm. G. Springer, Esq.

Sir:—Under the authority of an act of the General Assembly, passed on the 20th of Dec'r last, I have appointed you agent for the purpose of carrying into effect the provisions of the act referred to, which act is intended to provide more fully for the government and protection of the Cherokee Indians residing within the limits of this State.

Upon a careful examination of the law under which you receive your appointment, and which prescribes your various duties and responsibilities, you will readily perceive your duties will be arduous, complicated, and often have to be executed with difficulty. At the same time, the compensation allowed you by law, I feel free to say, I deem to be inadequate to the services and responsibilities imposed upon the agent.

Nevertheless, the services to which you are called are deeply interesting to the people of the State, and if you should succeed in accomplishing, to the satisfaction of the country, the important objects contemplated by the Legislature, your labors will no doubt be duly appreciated by the people, and their representatives, hereafter.

The best instruction which I am able to give you is to urge upon your consideration, in all questions which may arise, that you make the law under which you act your rule and guide. Let the law be executed according to its letter and spirit, and you will have discharged your duty. Whenever you find yourself at a loss upon any legal question which may arise, you are hereby instructed to consult and employ, when you may deem it necessary, the best legal counsel that you may be able to obtain, the expense of which I shall feel myself authorized to defray from the contingent fund. You will, whenever necessary, feel yourself more especially authorized to call upon any

one or more of the Solicitors General for legal advice, considering them, as I do, in duty bound to defend the rights and interest of the State, so far as legal questions may be involved. In all engagements with counsel you will, however, have a due regard to economy, and have it distinctly understood that their charges for legal services shall not exceed what is customary for similar services.

I herewith present you with a list of the names of Cherokees, and their descendants, who are enrolled under the Treaty of 1817, and who received the articles allowed to emigrants under said Treaty, and many of whom are supposed to be still remaining in Georgia. I also herewith furnish you with a list of all the lots embracing Indian improvements, in what is generally called the Cherokee Country, according to the several returns of the surveyors—which list has been furnished this department by the Surveyor General, and may therefore be relied on as correct.

Under the provisions of the law, it is highly important that the information upon which your official acts are predicated should be well authenticated. I would therefore recommend to you that, at as early a day as practicable, you repair to the Cherokee Agency, and hold a conference with Col. Montgomery, the Cherokee Agent. Lay before him the late act of the Legislature of Georgia, under which you act (a copy of which is herewith furnished you), and request him, in the name and authority of Georgia, to furnish you with all such information and copies of the records of his office as may aid and assist you in the execution of your official agency. The list of persons who have heretofore enrolled for emigration may be correctly obtained at the Cherokee Agency; also a complete list of the names of the persons who have taken reserves in *fee simple, or for life*, under former treaties. Indeed, you may obtain much useful information from Col. Montgomery, the Indian Agent, and I feel assured that you will find him disposed to afford you every necessary aid which may be within his official control. Moreover, I would advise you to confer freely and fully with Maj. Curry, the Enrolling Agent, and his assistants. These several gentlemen, from their official situations, are, of course, in the possession of much useful information, calculated to aid you in the discharge of the delicate and highly responsible duties of the agency to which you are called. Free intercourse with the most intelligent

county officers of the new counties may contribute much to an agreeable and useful discharge of your official duties.

A great press of important official duties at the present time forbids my entering more fully upon the subject of your official agency, and, indeed, from the nature of the business upon which you are about to enter, it would be wholly out of my power at this time to give you special instructions which might be calculated to meet the various cases which will necessarily occur. The best general advice which I can offer is that you should keep me constantly apprised of your progress, and especially in the cases of difficulty which may require my advice.

It will, however, be necessary for you constantly to bear in mind that a principal object of your agency is to obtain and communicate to this department, with all practicable dispatch, an accurate exhibition of all such lots and fractional lots as are contemplated to be granted to the drawers under the provisions of the late act of the Legislature.

Permit me also to suggest to you the expediency of keeping a record, in such form as you may deem most convenient, which will exhibit at all times a sketch of the testimony and evidence upon which your official decisions are made, especially in regard to the granting of lands under the late act of the Legislature.

I am, sir, very respectfully,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Jan'y 18th, 1834.

Maj. B. F. Curry,

Spring Place, Ga.

Sir:—I this morning had the satisfaction to receive your favor of the 25th ult. And I am much gratified to find that the prospect of a speedy termination of our Indian perplexities is brightening. I am apprised of the facts stated in your letter in regard to Col. Harden's inattention to the enrolling business, and, while I fully concur with you in admitting his qualifications, I no less concur in believing that it is his duty to decline the service altogether, or devote himself entirely to it. The several gentlemen named by you as suitable persons to assist

you in the enrolling service are all of them entirely acceptable to me; and I hereby authorize you (as far as I have authority) to confer the appointment of assistant enrolling agent on any one, or more, of them as you may deem best calculated for the service. Moreover, you will please to communicate to the person or persons you may select, and give them instructions, at the same time, that they may thereby be enabled to enter upon the service without delay. Under all the circumstances, I deem the course which I have suggested best calculated to promote the public interest, and shall therefore decline writing to any of them on the subject. Having entire confidence in your interest and capacity to manage the enrolling business to the best advantage, I think it best to leave you untrammelled by any further interference on my part in regard to the selection of agents, and bringing them speedily into the service, except by merely repeating that I shall be content with any of the gentlemen named in your letter.

I will immediately address the Secretary of War on the subjects suggested in your letter, and other matters in relation to our Indian affairs, for I most fully concur in the views which you have submitted.

Very respectfully, &c.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Jan'y 18th, 1834.

Hon. Lewis Cass,

Secretary of War.

Sir:—From a letter received at this department by the last mail, from Maj'r B. F. Curry, Enrolling Agent among the Cherokees, I am much pleased to learn that the spirit of emigration is constantly increasing amongst that long deluded remnant tribe. Maj. Curry suggests, and I think with great propriety, that, if the President will consent, that from one-fourth to one-half the valuation of abandoned improvements shall be paid before their embarkation, and allow intelligent and influential Cherokees *pay for services actually rendered* in assisting the Enrolling Agent, no doubts may be entertained but that a treaty will be effected in the course of the present year—even without the benefit of the influence of Ross. Prompt payments, in fact, for Indian improvements is ren-

dered necessary to enable them to pay their debts. I believe all the States, except Georgia, enforce the settlement of their contracts before they are permitted to depart, and in Georgia there is no such thing as getting them off until their debts are settled. You will please let me hear from you soon on this subject.

I have the honor to be

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Jan'y 29, 1834.

Mr. John Marlor.

Sir:—Yours of this date has been duly received, in which you state that, in order that the object of the Legislature* may be carried into effect, in regard to the emancipation of your negro man, Sam, you will sell him, and that the price you have fixed upon him is eighteen hundred dollars. You will, therefore, please to attend at this office as soon as it may suit your convenience, in order to consummate the object in view, by receiving payment, and executing a relinquishment of title to said man.

I feel it due to myself, however, to state to you that the price put upon said negro is considered high by most of the gentlemen whom I have consulted on the subject, and nothing but the consideration of the nature of the object contemplated by the Legislature, and the present state of the case, seems to justify my giving the sum required.

I am, respectfully,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Jan'y 31st. 1834.

Wm. G. Springer, Esq.,

Agent, &c.

Sir:—Yours of the 26th inst. has just been received at this department. Since you left here for the purpose

*In resolving that "the services rendered by the negro man, Sam, in his exertions to extinguish the fire at the State House, in which he could have no interest, merit nothing short of his emancipation." See Gov. Lumpkin's Annual Message for 1834.

of entering on the duties of your agency, we have had daily applications for grants to lands supposed to have been authorized by the Legislature under which you are acting. The persons for grants, in every case, present the certificates of the late Indian agents of the several new counties, as the evidence upon which they expect an executive order for the grants to issue. These agents (as you are apprised) being legislated out of office, I can no longer recognize their reports, or certificates, as legal authority upon which to predicate an official act of so much importance. Indeed, it is clear to my mind that I have no legal authority to order grants to issue for any lot, or lots, of lands returned by the surveyors as having Indian improvements thereon, until I receive a report, or certificate, from you that said lots are liable to be granted, under the provisions of the late act of the General Assembly.

This construction which I put upon the law (and entertain no doubts of its correctness) will at once urge upon your consideration the great importance of your making the best possible arrangements for expediting your reports of lots liable to be granted, and which were returned by the surveyors as having Indian improvements thereon.

To effect this important object the arrangement which you suggest may be the most judicious, and of this you are the best judge; but I feel it my duty to state to you that, so far, most of the applications for grants under the late act of the Legislature have come from a different section of the country from that which you propose to attend to first. The applications, so far, have been chiefly from the gold region and eastern side of the country. It occurs to my mind, forcibly, that much service would be rendered to those interested if you could make weekly reports to this department of all such lots as you may have examined and decided on. It will require some time and experience to determine where your services will be needed most and first, and I therefore doubt the wisdom of your hastily tying yourself down to any particular arrangement which may hereafter deprive you of the exercise of a proper discretion which might enable you to benefit the greater portion of those interested most. I should suppose that any public notice which you may deem necessary would be sufficiently promulgated by inserting it in the *Cherokee Intelligencer*, which is published near the centre of the new counties. Upon the subject of an interpreter, I have to say that I have no legal authority for

appointing or paying such an agent, and therefore it may not be expected. It appears to me that it might relieve you of much labor and trouble if you could obtain from Maj'r Curry and his assistant enrolling agents accurate written information of lots liable to be granted under our existing laws, embracing the number and district of the lot, the name or names of the person or persons residing thereon, and the grounds on which said lot is liable to be granted. The evidence of these responsible and respectable agents is more entitled to your confidence and reliance than almost any testimony which you can obtain, except by your own personal observation and examination.

These persons are more to be relied on, as to names of occupant Indians and their descendants, than almost any person you can find in the country. Any evidence, derived from these agents and certified by you, will be duly respected at this department. I hope to hear from you frequently and fully upon all subjects connected with your agency.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Feb'y 1st, 1834.

Hon. James M. Wayne.

Dear Sir:—I this morning received a letter from C. D. Terhune, Esq., of Cassville, Ga., who is a gentleman of intelligence, character, and fair standing, wherein he states "Judge Hooper has yesterday sanctioned a bill of injunction, sworn to by an Indian, to remove the owner of the lot on which the celebrated missionary, Butler, lives, and to stop him from pursuing his business of repairing and improving the farm on said lot." He then adds: "I fear this is going to present a new era in our Cherokee difficulties. I learn that there has recently been a meeting of John Ross and other principal Cherokees, at Mr. Adair's, and that Judge Underwood and Judge Hooper, and some other white men, were in that meeting. And I have heard from high authority that the nation have determined to give to counsel, &c., one hundred thousand dollars to carry on their case against Georgia."

Although I entertain no fears for the rights of the State and interest of her citizens in this case, I have,

nevertheless, deemed it necessary to apprise you, and, through you, such of your colleagues as you may think expedient, of what is going on in Georgia, and also that you might be better prepared to watch the movements at Washington in relation to our Cherokee affairs. These movements here no doubt originated at headquarters (Washington), and are under the guidance of the "*new coalition*," who are so loving and complimentary to each other in Congress. The enemies of the country—the agitators, the revolutionists—care not what subject, so that the great object of excitement among the people and embarrassment to the Government can be effected. I shall use all prudent means to procure such proof against Judge Hooper as will successfully sustain an impeachment against him before the next Legislature. Underwood, Hooper, Ross, &c., will be sustained by the nullifiers generally in Georgia, as I apprehend.

I perceive from the tone of several of their papers, when hinting at this subject, that they are prepared to break ground, against the State, and in favor of the Cherokees.

Well, let them do so. I will trust the people to take care of and sustain their own interest. The President and Secretary of War should be apprised of these movements, and if anything can be done to avert further controversy, it ought to be done. I request you to make the communication, and confer with them on the subject, and inform me, if you please, of the result.

Our Senators, Messrs. Forsyth and King, and Judge Schley and Gen'l Coffee, I am sure, feel as we do on this subject.

I am, sir, with great regard,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Feb'y 1st, 1834.

Wm. G. Springer, Esq.

Sir:—I this morning received a letter from C. D. Terhune, Esq., dated Cassville, Jan'y 16th, 1834, in which he states "Judge Hooper has yesterday sanctioned a bill of injunction, sworn to by an Indian, to remove the owner of the lot on which the celebrated missionary, Butler, lives, and to stop him from pursuing his business of repairing and

improving the farm on that lot." He then adds: "I fear this is going to present a new era in our Cherokee difficulties. I learn there has recently been a meeting of Jno. Ross, and other principal Cherokees, at Mr. Adair's, and that Judge Underwood and Judge Hooper, and some other white men, were in that meeting, and I have heard, from high authority, that the nation have determined to give to counsel, &c., one hundred thousand dollars to carry on their case against Georgia."

Now, sir, while I entertain no apprehensions for the rights of the State and the interest of her citizens from the machinations of such a combination of assuming *would-be* great men, I nevertheless feel it my official duty to use every proper exertion to obtain the highest and most authentic testimony which can be procured for the purpose of establishing the guilt of the nefarious intriguers, plotters, aiders and abettors of Jno. Ross and company. You will, therefore, please procure, through such agency as you may deem necessary, copies of all records and proceedings which may be had under the pretended sanction of legal authority. I presume there will be no difficulty in procuring a copy of the bill of injunction, as well as the testimony going to sustain it. Moreover, any and all testimony going to sustain the charge of Judge Hooper being in council with Underwood, Ross & Co., I deem to be important; also any testimony which will establish the fact of the enormous fee of one hundred thousand dollars being promised to counsel for the purpose of overturning the rights of Georgia. I trust you will have this business thoroughly investigated, and, for that purpose, you are authorized to say to any competent attorney who may be trusted I will pay any reasonable fee. Do let me hear from you on this subject soon.

I am, sir, very respectfully,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'y 5th, 1834.

Hon. Lewis Cass,

Secretary of War.

Sir:—It has been with some degree of surprise that I have, for several months past, been receiving communications from the citizens of Irwin, and other adjoining counties, in this State, complaining of the lawless depre-

dations of a large number of vagabond and strolling Indians, belonging to the remnant tribe of the Creeks who yet remain in the State of Alabama. The present possessions of these Indians do not approach within fifty miles of any part of the County of Irwin. The intervening country, however, from the Indian settlements to the County of Irwin, is but very thinly populated by the whites, being chiefly a poor pine barren country, interspersed with extensive swamps which are rarely penetrated by civilized men, and therefore affords a hiding place and refuge for wild beasts and more savage men. These Indians have, in considerable numbers, taken up their abode in this section of the State, and have done immense damage to the peaceable citizens who have settled in that part of the country, by killing their cattle and hogs, and stealing and consuming their corn, potatoes, &c. They are sufficiently strong in number to bid defiance to the thinly settled population. Attempts, under my instructions, have been made to apprehend and bring to justice this lawless band of robbers, but whenever a force sufficiently formidable presents itself the Indians immediately take refuge in the swamps, and evade apprehension and further pursuit. I would not trouble you with this subject, if I was not at a loss for means to correct this evil without resorting to a remedy which, from every consideration and feeling of my nature, I am anxious if possible to avoid.

I am convinced that I have no means under my control to put an end to these unsufferable depredations but by exterminating, in the best way I can, the miserable band of robbers. My object, therefore, in communicating to you directly on this subject is to suggest to you that it has occurred to me that some direct instructions, or orders, from you to the principal men amongst the Creeks, through such agent or agents as you may deem best (perhaps to the commandant of the United States troops now stationed on the western border of Georgia), might be the most effectual and peaceable method of suppressing and ending this unsufferable difficulty. It is certain that the evils complained of cannot be much longer borne. If you cannot control these Indians, through some agency, the authorities of Georgia will be under the painful necessity of exterminating the evil in the only practical way.

I have the honor to be

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb. 10th, 1834.

Hon. Lewis Cass,
Secretary of War.

Sir:—I thank you for your favor of the 28th ult., and am content with the views of the President which you have been pleased to communicate.

I am, very respectfully,

Your obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'y 14th, 1834.

Wm. G. Springer, Esq.,

Agent, &c.

Dear Sir:—Your two favors of the 3d and 7th inst. came to hand this morning. I proceed to reply to your most important inquiry.

The 13th section of the law under which you are acting as agent confers no authority on you which is not specifically pointed out in the other sections of the act. It only declares it to be your official duty to see that the provisions embraced in the act be carried into effect—which must obviously, from the nature of things, be construed so as to be confined to the official deeds which you are required to discharge. You can, by no means, be bound to supervise the official acts of the Executive and judicial officers who are required to perform various duties under the provisions of said act.

The only cases, I believe, in which you are authorized and required to put the drawer, or owner, into the possession of his premises are pointed out in the 10th section of the act. By reference to the 9th section of the act, it appears clearly that it was the intention of the Legislature that, in most cases, the drawers, or owners, of lands should look to the courts, and not to the agent, for redress in cases where peaceable possession should be obstructed. Unless the courts do their duty, the laws of the land cannot be carried into effect by the other departments of the Government. I hope you will have received my communications to you, of the 31st inst. and 1st ult., to which I have received no reply. I am gratified to find, however,

by your present communications, that the most important subject to which I had adverted has already attracted your attention.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Feb'y 27th, 1834.

Gen'l Coffee.

Dear Sir:—Your favor of the 19th inst. is now before me, and is highly useful, so far as it keeps me apprised of the state of things at Washington, in relation to our Cherokee affairs. My confidence remains undiminished in the President and Secretary of War doing their duty in using every proper exertion to close our long standing perplexities upon Indian affairs. But the embarrassments thrown in the way of the President and myself, upon this and every subject in which we are using our best efforts to promote the public interest, are unparalleled in the history of our country. At every step, and upon every subject, we have to encounter an opposition wholly destitute of any fixed principle, or object, *save one*: that is, to thwart, misrepresent, and defeat our plans of usefulness to the country, and thereby deprive us of the confidence and support of our constituents, by whose voice we have been so often and so highly honored.

I deeply sympathize with the President, but it is human nature to find some relief from being associated with good company, even in our greatest trials. Surely the opponents of our State administration, as well as those of the Federal, have lost every vestage of pure patriotism—disinterested love of country.

The conduct of Judge Hooper and his associates is unparalleled, and I entertain no doubt but he will back out from the lofty ground which he has taken the first moment after he has effected the object of his employers: to wit, get a new case, or cases, before the United States Courts. The agitators of the country cannot rest easy without some litigation between the Federal and State Governments.

The first ground taken in the bills which Hooper has sanctioned assumes that the complainants "are natives of the Cherokee Nation of Indians, east of the river Mississippi, and reside in the said Nation, having all the priv-

ileges and rights of citizens of the said Nation, and that from time immemorial the Cherokee Nation have composed an independent State."

This broad and preposterous position is the point upon which these cases must eventually turn, and, in my judgment, presents a most novel question for discussion, to come before a court of equity. It is a case of no less magnitude than that of deciding between conflicting sovereignties—each claiming to be an independent nation.

From whence a judge of *our own courts* assumes the power to sustain and bring up such questions is beyond my conception. I have carefully examined our Constitution and laws. They confer no such power on our judges. The powers assumed by the judge belong to diplomacy, and are wholly beyond the limit of all judicial authority derived from any source.

But we will suppose, for the sake of placing Judge Hooper in a proper light, that the sovereignty and independence of the Cherokee Nation be admitted and recognized. In what a predicament would Judge Hooper himself be placed? He must abandon the bench for want of jurisdiction. Therefore, any decree passed by him cannot be obligatory on any party; because, if the Cherokee assumptions be admitted, then a judge of the courts of Georgia can have no right of jurisdiction over the people and territory of this sovereign nation. If he shrinks from the ground which he has taken, and retires from the bench, to avoid a decision, it will be a direct abandonment of his official duty, and a palpable violation of the duties of his office.

If it be said that the sanction of these bills is a mere matter of form, I deny the position. The fundamental principles contained in these bills have received the sanction of Judge Hooper, and he cannot evade decision. He must hear argument, and decide upon it. Therefore, a question which involves the political rights of the State and must determine its sovereignty (according to Judge Hooper) as well as the political rights and sovereignty of an independent foreign nation, with which Georgia is now contending, is, by the course of Judge Hooper, to me made a legal or constitutional subject of discussion before a court of equity, his honor, Judge Hooper, presiding. But, sir, my indignant feelings will not permit me to pursue this subject further.

I turn from it in disgust, and have to regret my views were not sustained by the Legislature, in giving prompt

power to punish the pettifogging attempts of a base combination who are leagued together to overturn the rights of the State. Show this to such of your colleagues as you think fit, and continue to write frequently.

Yours truly,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 3d, 1834.

Maj. Gen'l E. P. Gaines.

Dear Sir:—Your letter of the 10th Jan. last, upon the deeply interesting subject of the practicability, expediency, immediate local advantages, and prospective public utility of a railroad, from the Tennessee section of the Mississippi river to the Atlantic Ocean, to pass through the intervening Southern States to the most convenient seaport on the Atlantic coast—together with a copy of the letter therein referred to—has been duly received.

Our lots have been cast at a time and in the midst of a people who have distinguished their generation for the most extraordinary and gigantic conceptions, upon almost every subject which relates to the great objects of facilitating commerce and communication between distant points. Moreover, theories have now been so far reduced to practice that the confidence of the community may be inspired to any reasonable extent in the support of any laudable work of improvement. The splendid project contemplated by you and your associates very far surpasses, in my estimation, every other work either executed or which has been submitted to the consideration of the American people.

After full examination, and much reflection, I fully coincide with you in regard to the vast importance of the contemplated improvement, both in a commercial and national point of view. The military aspect of the subject which you have presented I deem to be an object of primary importance to the people of our whole Union. Works like the one under consideration will consolidate the interest, and unite in the most fraternal manner the feelings of the whole people of the Union, and tend to make us in reality, what we are in theory, "*one people*." Your plan and commencement are well advised, and, if persevered in, must succeed. However, as far as I have been able to ascertain, your views in regard to the precise

location of the road and my own views are somewhat different. Supposing the work to commence near the southwestern extremity of the State of Tennessee, and from thence in anything like a direct line to Athens, in Georgia, and from thence to Charleston, in South Carolina, you will necessarily have to encounter between the starting point and Athens all the difficulties and expense of passing a considerable portion of mountainous and broken country.

Again, should the road be completed on this route, but a very limited portion of the States of Alabama and Georgia would be benefited thereby; whereas, should the road commence and proceed as nearly in a direct line as may be practicable to Savannah, in Georgia, you would avoid the mountains and most of the hill country, shorten the distance greatly to the Atlantic by passing through the center of the States of Alabama and Georgia, and a great part of the route would run parallel with the waters of the Atlantic, instead of directly across them, and you would enlist the feelings and interest of the great body of the people of these States, and thereby secure the co-operation of their respective constituted authorities in the accomplishment of the enterprise. I take it for granted that the grand conception of a direct communication (by a railroad) between the Mississippi and the Atlantic originated in the purest motive of disinterested patriotism, without regard to sectional or State interest, having in view the greatest amount of benefit to the people of our beloved confederacy.

But the route by the way of Athens to Charleston, which I shall call the upper route, while it may be admitted to combine as many advantages to the whole Union, when completed, as any other which might be substituted, yet it can never become, or be considered, a work of first importance to the State of Georgia. True, it will run through a highly interesting and valuable portion of the State, but, in its whole line it will continue near the margin of the State, without producing any advantage to the centre, or extensive sea coast of Georgia. Indeed, may we not have some just apprehensions that, so far as Georgia may be concerned, the accomplishment of such a work would only tend to deprive the State of the aid and co-operation of the Northern section of her own hardy and enterprising population in any future attempt to afford commercial and other facilities of intercommunication to the great body of the people of the State, by work of in-

ternal improvement? Lay the map of the State of Georgia before you, and you will at once see the force of my remarks. I would readily advise and urge upon the people and public functionaries of Georgia the vast importance and propriety of directing the whole energies and resources of the State to the single object of furthering the project which you have in view, provided it could be directed through a central part of the State; but, if the upper route be determined upon, the policy of Georgia will be to begin on her own sea coast, and proceed through the most productive and central part of the State, until we can intersect your road at some point in the western part of the State. From Savannah, or some other seaport of Georgia, we must proceed to Macon, or this place, and thence make our way, in the best and most practicable route, to intersect your contemplated highway. This would be a State work and well worth the application of State capital. If, however, the citizens of the northern section of the State choose to direct their individual enterprise to a great and meritorious object, and one which will afford to themselves great and advantageous commercial facilities without regard to the interest and convenience of the balance of the people of the State, then be it so; they should be left free to exercise their enterprise and capital as to them may seem best. Whatever may be the location of the contemplated road, I sincerely wish it great success. It cannot fail to benefit our common country; and the upper route will, perhaps, combine the greatest general advantages, by drawing to its line a greater portion of the product of the rich mountain valleys of the interior. But, if it should take that direction, the true policy of Georgia will be to pursue the course which I have hereinbefore suggested. It is the only one which can supply the wants of her own citizens, and do justice to the character of the State, so far as relates to the part which nature and circumstances seem to indicate is allotted to our care and superintendence. I very sincerely congratulate the country, and return you my cordial thanks, as one of your fellow citizens, for the prominent part which you have taken in the valuable and laudable enterprise which is the present subject of consideration, and trust that such encouragement may be extended in aid of your enterprise as may, before a distant day, consummate your entire plan.

I am, dear, sir,

Your friend and humble servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 4, 1834.

Hon. John Forsyth.

Dear Sir:—Being apprised that the subject of the boundary line between the State of Georgia and Florida is now a subject of consideration (in some stage) before the present Congress, I have with much care examined the files of this department, and reviewed the voluminous documents connected with that subject.

I have not been able, however, to find anything of which you are not possessed at Washington which I consider important to throw additional light on the subject at issue. The best argument in support of the views of Georgia which I have examined is found in your letter of the 29th of Dec'r, 1827, to the President of the United States, which you will find republished in the documents of the House of Representatives of the present session (No. 77). But we are embarrassed by the disagreement of the various reports of our own agents. Every new commission which has been authorized by the State to examine, survey, and report upon the subject invalidates the reports and proceedings of all those who have preceded them. The report and survey of Mr. McBride, in which we once confided, has since been set aside by the report of Messrs. Crawford and Couper, and the survey made under their direction by Mr. Thomas. No two of our own witnesses seem to agree. The greatest importance which I attach to the boundary line between Georgia and Florida does not arise so much from any consideration of the value of the sterile soil in dispute; but our State Constitution having defined the boundaries of the State, no indemnity can authorize our relinquishing our claim to a single acre within our legal boundaries. The line between Georgia and Alabama is also still a fair subject of interest to the general Government, as well as the two States. At the instance of Alabama, this subject was brought to the consideration of our Legislature at its last session, with an Executive recommendation favorable to some effort towards a final adjustment. But the response of the Legislature indicated no disposition to any further action on the subject. My object in calling your attention to these subjects is to authorize my suggesting to you the opinion which I entertain, that to secure the peace and harmony of the people of Georgia requires a speedy and final adjustment of both these boundary lines. And, moreover,

I entertain no doubt but that the subject can be more easily adjusted with the Federal Government, who is now the owner of the soil in dispute, than can hereafter be done with the State and Territorial Governments. If you can devise any plan to further the object of final and amicable adjustment, you would thereby render an important service to the State.

Very respectfully, your obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, March 5th, '34.

Dr. N. B. Powell,

Superintendent, &c.,

Liberty, Talbot Co., Ga.

Dear Sir:— Yours of the 3d inst. has just been received. The difficulty of executing the act of the last Legislature, authorizing the sale of the negroes belonging to the State, is to me no new discovery. The incongruity, and, often, the ambiguity, of our legislation, is such as to render it almost impracticable to execute our laws at all. Yet it is the obvious duty of executive officers to make the laws their guide, and, as far as practicable, to execute the statutes of the State according to their letter and spirit. I hear of negroes in every direction out of place, and fear many of them will be absent on the day of sales. But they must be sold where the law directs, or, under the proviso of the law in case of their absence, I can order no change until after the day of sale passes. In the course of the last ten days I have found at this place several of the public hands who belong to Col. Lyman's division, and to companies one hundred miles from here. Nine of the Brunswick gang have absconded, or have been inveigled away. It is a troublesome duty we have to perform, and requires great vigilance to prevent the State sustaining immense loss. It was a great oversight in the Legislature which you point out, and I have no doubt but such difficulties as the one pointed out by you will occur. But in the event of the negroes absconding between the time of sale and the time of delivery to the purchaser, you can only return the purchaser the amount of money paid, and the negro must be resold. It appears to me that the previous arrangements made with the bank which you

suggest might be practicable; but this must be left to the parties concerned, and not to the Executive.

It is a subject over which I can exercise no control. Although thirty days are allowed for purchasers filing the notes required by the act, and procuring the certificate of the cashier, yet, in most cases, it may be done in a few days, and, when it can be done promptly, the negro might remain a few days in actual confinement, until delivered to the purchaser. It is very much to be regretted that the whole of the negroes could not have been sold at this place, as I urged upon many of the members of the Legislature. That would have prevented most of the perplexities we have to encounter, and caused the negroes to have sold for a much larger aggregate amount.

Very respectfully, yr. obt. servt.,

WILSON LUMKPIN.

Executive Department, Ga.,

Milledgeville, March 6th, 1834.

Mr. Elias Boudinot,

New Echota, Ga.

Dear Sir:—Yours of the 22d ult. is now before me, from a hasty perusal of which I incline to concur with the views which you have presented. And, should the facts stated by you be sustained by testimony, I should suppose Mr. Springer, the Agent under the late act of the Legislature, would not feel himself authorized to report said lot to the Executive as being liable to be granted. The grant shall not issue without a full and fair examination of the case. And you may rest assured of a disposition on my part to do you, and others in your situation, ample justice. I will write to Mr. Springer on the subject presented in your letter, which will no doubt induce him to reconsider any hasty action on the subject, so far as to afford you an opportunity of presenting the case on its true basis.

I am, sir, very sincerely

Your friend and obt. servant,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, March 11th, 1834.

Col. Lyman.

Dear Sir:—Yours of the 7th inst. was received this morning. I should have written to you before now, but, from your former letters, I calculated that I should not fail in seeing you at this place previous to the commencement of the sales of the public hands. Many considerations made it very desirable that I should have seen you, or communicated with you, more fully on subjects connected with your official agency. Your bond, sent by mail, was duly received, and is entirely satisfactory. The incongruity and ambiguity of the late act of the Legislature, authorizing the sale of the public hands, did not escape my attention at the time of giving to it my assent. It was by no means framed to suit my views, and the difficulties suggested in your letter, now open before me, would have been wholly avoided, if all the negroes could have been sold at this place, as I desired; but it now becomes our duty to *execute the law as we find it*. You will, therefore, be under the necessity of retaining the possession of the negroes in every case, until the terms of sale are fully complied with. After having sold and received the one-fifth in hand, you must use a sound discretion as to the best mode to ensure the safe keeping of the negroes, until the further requisitions of the act are complied with. I foresee the danger of the negroes absconding, when they do not fall into the hands of purchasers whom they prefer, but I am unable to see how you are to avoid these difficulties, except it be in the way that you have suggested. Should any purchaser desire to make the entire payment in cash, on the day of sale, I can see no objection to your receiving the money, and giving a deduction of the interest and paying the money over to the Central Bank, in lieu of the notes authorized to be deposited under the law. I fear many of the negroes will be out of place on the days of sale, and that many of the purchasers may fail to comply with the terms of the law—all of which will increase our labors—but we must do the best we can, and, as far as possible, carry into effect the act of the Legislature. If any negro should abscond between the day of sale and the time of the purchaser producing to you the certificate of the cashier of the Central Bank in terms of the law, if the purchaser requires it, I would advise the refunding to him the one-fifth paid,

upon his relinquishing claim to the negro, and we could then proceed to sell, under the provision of the act to meet such cases. I am pleased to hear of your arrangement in regard to the road from Monroe to Lawrenceville, and I have only to regret that the balance of the public hands are not equally well employed.

Very respectfully yrs., &c.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 25, 1834.

Wm. G. Springer, Esq.,

Agent, &c.

Sir:—It is expected this will be handed to you by John A. Cuthbert, Esq., whom I have employed as counsel to sustain your legal acts as Agent, &c., in the injunction cases returned to Cass Superior Court, &c. While Mr. Cuthbert is instructed to sustain you, to the full extent of our legal authority, he is, at the same time, advised to counsel you to retreat from any error into which, from the intricate nature and novelty of your agency, you may by possibility have fallen. By this last remark you will not consider me as passing judgment against any act of yours, but as anticipating what may have possibly occurred.

I deeply regret the perplexing litigation into which many of our good citizens will be forced, by the subtlety of selfish and unprincipled lawyers, and the *imbecility* of a novice *judge*. But you and myself, as executive officers of the Government, must be content with a faithful and vigorous discharge of our official duties. We have no legal and constitutional power to relieve our fellowmen from the assumptions of these assuming gentry. The sovereign people, through their constituted organ, the General Assembly, must correct the evil. I regret to learn, from the last letters received from you, that many of the communications which I had made to you had not been received.

Respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 14th, 1834.

John A. Cuthbert, Esq.,

Dear Sir:—Having consulted you on the bill of injunction said to have been sanctioned by Judge Hooper, which proceedings are supposed to be intended to stay, interrupt, or embarrass the official functions of Wm. G. Springer, Esq., in the exercise of the agency confided to him, under the authority of a special act of the Legislature, and considering it my imperative and constitutional duty to sustain the Agent aforesaid, to the full extent of the powers vested in him by the provisions of the act of the Legislature referred to; and having obtained your consent to attend at the time and place designated in said bills, as counsel on the part and in behalf of the Agent aforesaid, for the purpose of defending his legal and constitutional acts done and performed under the provisions of said act; I have, on reflection, deemed it my duty to put you in possession of such facts and circumstances as may tend to prevent any misapprehension in regard to the subject under consideration, and make some additional suggestions which have occurred to me in connection with the subject.

The Agent (Mr. Springer), when about to enter upon the duties of his appointment, received from me written instructions, of a general and specific character, directing him, in the most emphatic terms, to make the law under which he received his appointment his *rule and guide*, and, in every case, to be careful not to transcend its limitations. When at a loss he was instructed to procure legal advice. Since he entered upon the duties of his office, I have given him additional advice, whenever any new idea occurred to me, or when he has sought my opinions upon any case which has arisen under the law. Mr. Springer is, therefore, fully in possession of my views, in regard to his official course, as well as my construction of the act, on all important points relating to his duty as Agent. You will, therefore, feel yourself at liberty to request Mr. Springer to give you the perusal of my instructions and advice given to him at different times, which will place you in possession of my general views, and enable you to judge whether the Agent has transcended my instructions or not. I have been thus particular in order to guard you against misapprehension in re-

gard to my object of engaging your legal services in this business. So far as the law has imposed duties upon the Executive, or the Agent appointed by him, and the duties of the Agent have been performed in conformity with the law and the instructions which he has received from the Executive, I consider your services engaged in behalf of the State, and its public functionaries. But should the Agent have departed from his duty in any case, he should retreat from his error and not be sustained, except in the faithful discharge of his lawful duty. A distinction, too, must be drawn between the official acts of the Agent and the acts of individuals. I deeply regret that our citizens should be harassed by the subtlety of selfish lawyers and the assuming imbecility of a novice judge; but these are evils beyond the interposition of Executive authority. Officially, my only concern is to see that the Agent is not impeded in the discharge of his lawful duty. Judging from the bill of injunction which we have examined, it appears to be the object of the proceeding to prevent the Agent from doing a certain act which I apprehend he has never intended or threatened that he would do, because the law requires no such act from him. Why the Agent should be brought before the court, in connection with litigant citizens, I cannot comprehend. The Agent must do his duty and answer for his own conduct. Every citizen must manage and prosecute his own rights as secured to him by law, without making the State a party in every trivial case to be brought before an unqualified judge who by accident happens to be clothed with a little brief authority. The political rights of Georgia are not to be tried by any court under Heaven. Much less can such rights be permitted to come before Judge Hooper. While the Agent will be promptly and fully sustained in the vigorous discharge of his duty, he must yield to the courts everything which the laws and Constitution have confided to that department of the Government. If the citizens cannot obtain justice before the present court, the constitutional remedy must be looked to for redress. I think proper to add that, humble as my pretensions are to legal acquirements, I protest against the jurisdiction of the court, in sanctioning or sustaining such bills of injunction as those which have been submitted to my examination. If, however, the allegations contained in the bill be admitted, and the court required to make up its decree and order accordingly, what would be the predicament of the judge? Would he not be under the necessity of

making a decree on a question involving the vital political rights of two distinct communities, both claiming the rights of sovereign State Government?

The judge, by the sanction and countenance already given to these proceedings, has, in my estimation, greatly transcended his official bounds, and has attempted to give support to the efforts of the enemies of the State and its Government, by undermining the very foundation upon which all our claims to State sovereignty are based.

I am, dr. sir, very respectfully,

Yr. obt. servant,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, March 28th, 1834.

C. D. Terhune, Esq.

Dear Sir:—I thank you for the information contained in your letter of the 20th inst., giving me the details of the progress and prospects of the enrolling business in which you are engaged.

Notwithstanding all the efforts which have been made and which are still persevered in, to keep the Cherokees back from emigration, from the nature of things as they now exist, this benevolent policy of the Government must and will prevail, because it is the interest of the Indians that it should. The enemies of the Government seem determined to struggle in their opposition to the last. They have said: "They will not let the people go." But events of Providence point to a different decree. The tide of Indian emigration sets West, and, if a treaty with the Cherokees cannot be effected, emigration will gradually take them away, until not a hoof will be left behind.

The suggestions which you make are not new to me, and will receive due attention. If we fail in a treaty, the best measures will be resorted to for the purpose of effecting the desired object. I am wholly unprepared to say what will be the future course of Judge Hooper; but, judging from the past, I anticipate nothing good from him.

But Hooper and his co-workers are not able to accomplish as much evil as many seem to anticipate. The evils and confusion of the present moment, produced by his course of conduct, can only last until the meeting of the next Legislature, by which time I hope the represen-

tatives of the people will concur with me in believing that the security of the State and its citizens can only be maintained by restraining the assumptions of lawyers and judges who seem disposed to trample on the rights of the people secured to them by their own laws. Indignant as I feel at the conduct of the Judge, and determined as I am not to permit him to extend his usurpations to any of my constitutional and legal rights, I nevertheless feel bound not to transcend my own limits, but to execute the laws *as I find them*, and not, by construction, to *assume* what I desired that the law should be. I regret to find the people have been induced to believe that I am clothed with power which is not to be found in the law. Investigation, however, will rectify misapprehension on this subject, when they will not expect their Executive (even for the righteous purpose of giving them speedy and summary justice) to usurp legislative and judiciary power.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, March 28th, 1834.

Wm. G. Springer, Esq.

Sir:—Your letter of the 20th inst. was received this morning, and its contents carefully examined. A letter of the same date was also received from Z. B. Hargrove, Esqr. These two letters, taken in connection, would seem to render it doubtful whether I should address you on the subject of your agency, or enter upon a defense of my own conduct, with a view of relieving myself from the many imputations which it seems that my unprincipled enemies have had the address to impress upon the minds of my sensitive and suspicious friends. In a case like the one under consideration, I should feel myself degraded in making strong protestations of frankness and candor and sincerity to you, or Col. Hargrove either, if I had not the slightest regard or respect for either of you. You stand related to me before the public in a point of view that neither of you can be lessened in the public estimation, without injury to myself. Therefore, the first law of nature, *self-love*, would forbid my detracting from your merits while you stand in the relation which you now do towards me. I have condemned none of your acts, to

any person whatever ; but, from letters heretofore received from both you and Col. Hargrove, I have entertained some apprehension that you might be induced to transcend your official duties, and these apprehensions are by no means removed by your present communications. My views and construction of the law under which you are now engaged as Agent, &c., have been freely given to you and Col. Hargrove, as well as to others who have sought to know my opinions. I have uniformly declared in my writings and conversations (including my instructions to you), my determination that the late act of the Legislature, so far as depended upon the Executive, should be faithfully and fully carried into effect, and that any interference by Judge Hooper, or any other person, or persons, whatever, intended to interrupt or hinder you from the performance of your official duties, would be disregarded by me, and that I would sustain you in all the legal acts which might devolve on you. It is my imperative and sworn duty to execute the laws as I *find them*, and not what we might desire *should be the law*. Consequently, I cannot consent to be guided by what members of the Legislature may say they intended to enact, when there is an obvious failure to carry such intention into effect by the words of the law itself. My written notes, furnished to the Committee who reported the bill under consideration, will prove that it was my wish that the Executive should have been clothed with power to put the rightful owners of all lots authorized to be granted by the late act into the immediate possession of their lands. And I believe the bill was so reported to the House, but, during its progress, was changed and altered to its present shape. I have no doubt but that a large majority of the people of Georgia agree with my own views on this subject, and the people have been taught to believe, without examining the law, that the Governor and his Agent had the power under the law to afford them summary and speedy relief. But this is not the law ; that instruments will always speak for itself ; and those who are endeavoring to make the people believe that I have powers to relieve them, and have shrunk from my duty, shall be exposed, let it cost me what trouble and expense it may. It has been wickedly done to injure me, and shall not escape public notice. Knowing my desire to have this authority, and having been denied it by the intrigues and management of my opponents, the policy now is to make my friends believe that I have the power, but am

too timid to exercise it! Those who take the lead in misleading the public on this subject would be the first to raise the cry of *assumption*, if in any case you transcend the laws.

You have not acknowledged my letter giving you my construction of the act, and I am therefore left to conjecture whether this and other letters which I have written have been received or not. For my views of the laws, I refer you to Mr. Cuthbert, who visits Cass Court for the express purpose of aiding you with his legal advice, &c. Neither friends nor foes can provoke me to depart knowingly from my duty in assuming power which the Legislature have refused to give me, and that, too, after I had sought it at their hands. The false impressions which have evidently been made on the minds of yourself and Hargrove, by mischievous persons, have grown out of the fact of your names being united in the bill of injunction sued out by Adair. This has led to conversations with various persons, in which your names have necessarily been united. And my being apprised of the construction placed on the law by Col. Hargrove, in regard to the powers of the Agent, necessarily induced me to apprehend that, as far as his influence might extend, it would be exercised to carry into effect his own views of the meaning of the law. But am I, therefore, to be considered unkind to you, or Col. Hargrove, either? I trust not. I know I ought not. I have a high and sacred duty to perform, for which I am accountable to the whole people of Georgia. And am I to be controlled in the performance of this duty, contrary to the convictions of my own judgment and conscience, by the opinions of any individual (however much I respect him), or be considered as giving grievous offense for an honest difference of opinion? What are the arguments, or reasons, advanced by you and Col. Hargrove in your letter now open before me to sustain your opinions? Neither of you refer to, or quote, a sentence of the law or attempt the slightest comment on it, which goes to sustain the opinions which you have avowed! You both say that members of the Legislature state that they intended the law should be *thus and so*, and that public opinion demands it. You also refer me to the opinions expressed by Grand Juries, &c. In reply to all this I assure you that no man in Georgia can or ought to respect public opinion more than I do. The basis of my whole political creed is, and always has been, that our Government is founded on *public opin-*

on—that the will of the people ought to and will prevail. Moreover, that the majority will finally do right. Therefore, I have no fear but what the people will correct the evils of the present moment, and bring order out of confusion, and put down the assumptions of Hooper, Underwood & Co. But the people will effect this in a legal and constitutional mode. They do not expect, or require, their Chief Magistrate to transcend the limits of his lawful and constitutional duty. They do not expect their Executive, in a summary way, to usurp legislative, judicial and unlimited power, not even for the righteous object of administering speedy justice to them. Although I may be censured for a time under an erroneous impression that I have failed to do my duty, and that I have yielded a portion of my official prerogative to the usurpations of the judiciary, yet I entertain not the shadow of a doubt but that my constituents, when the whole truth is laid before them, will do me justice. And from the present appearances I may find it necessary at an early day to lay before the public such information as, under ordinary circumstances, would refer itself to the next session of the Legislature. I find my enemies have the address to subject me to the *cross-fire* of friends and foes. However, I rely upon truth and the intelligence of the people, and entertain no fears of the result.

Respectfully, your obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, April 17th, 1834.

Dr. N. B. Powell,

Superintendent, &c.

Sir:—Having expected to see you here before this, your favor of the 15th inst., received this day, relieved me from suspense. I have been pleased to hear of the advantageous sale which you have made of the public hands, and am glad to learn that you had so few absent. When and where do you sell the two which you have obtained who were then absent? Would you not do well to advertise the one that still remains out? Col. Lyman has recently left here, after having arranged his business and made a settlement with the Bank as far as practicable. Eight of the negroes under his superintendence were ab-

sent at the time of his sales, three of which we have since heard of in jail. He has advertised the others.

Respectfully, your obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 14th, 1834.

To the Inspectors of the Penitentiary.

Gentlemen:—I have received your note of yesterday, informing me that a difference of opinion has arisen in the Board of Inspectors, with regard to the true construction of the 30th, 31st and 32nd rules for the government of the Penitentiary, and in relation to the power therein vested in the Principal Keeper, and you further request my opinion on the subject.

These rules confide extensive and indispensable powers to the Principal Keeper, without which no such institution could be properly governed, or managed. But the various duties which devolve on the Inspectors evince the propriety of the Principal Keeper paying due respect and regard to the views and opinions of Inspectors, in all important matters relating to the management and government of the institution. In the first two rules referred to, the duties and responsibilities of the Principal Keeper are clear and explicit. In the 32d rule, when taken alone, there may appear to be some vagueness or ambiguity, in that part of the rule which relates to the Assistant Keepers obtaining *leave of absence*. The reading clearly indicates the right of the Inspectors to grant leave of absence to the Assistant Keepers, but, from the general powers confided to the Principal Keeper, by the rules referred to, I should not consider the Principal Keeper as transcending his authority in granting such leave as circumstances may clearly justify, in the absence of the Board of Inspectors. I would, however, advise that all officers, in the exercise of any doubtful or delicate trust, should be careful, at all times, to make respectful explanations to those with whom they are associated in the joint object of executing an important law of the country.

I consider the Inspectors not only authorized, but required, to scrutinize *even the legal exercise* of all powers confided to every officer of the Penitentiary, and not only interpose to prevent everything in the nature of usurpation, but to use their influence in promoting a wise and

prudent administration of the laws of the institution, regarding the spirit as well as the letter of the law.

Very respectfully, &c.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, May 30, 1834.

Hon. John Forsyth.

Dear Sir:—I have just read the report of the debate and proceedings in the Senate of the United States (as published in the papers), which occurred on the presentation of the memorial of John Ross and other Cherokees, claiming to be the representatives of the Cherokee Nation. The part taken by you on the occasion will receive the approbation of the people of the State which you represent, and their constituted authorities. If anything could surprise me which comes from the opponents of the present Federal administration, the revival of excitement on the Indian subject could not fail to do so.

From letters which I have received from part of our delegation in Congress, and from an intimate knowledge of the present state of things amongst the Cherokees, I had indulged a hope that, before the close of the present session of Congress, a final and satisfactory arrangement might be effected with the Cherokees for their entire removal to the West. But, after seeing the course of Ross and his political *allies*, at Washington, as well as in Georgia, I am forced to the conclusion that we should place no reliance upon such a desperate faction.

Before this reaches you, you will be able to perceive, from various articles in the Georgia papers, that there has been a perfect concert of action between the Ross party here and at Washington, in getting up a new Indian excitement. The conduct of the Indians and their *allies* in the Cherokee part of Georgia has recently produced a most extraordinary excitement among our white population, in that part of the State. In some places the people have become so much alarmed at the insolence and outrage of the Indians as to send expresses to me, stating their belief that the lives of the whites were in danger, and requesting the aid of a military guard to ensure their tranquillity and safety. I have received, however, no evidence which, in my opinion, would justify their apprehensions, or authorize military operations. Nothing but ab-

solute necessity will induce me to supersede the civil authority by the interposition of the military. When the population will admit of it in the new counties, I am endeavoring to effect the organization of volunteer companies, to be placed under the command of prudent and intelligent men, who will be furnished with arms from our public arsenals to meet any emergency which may possibly occur.

I have instructed the most intelligent of our citizens, consisting of civil and military officers, to rely upon the civil authority, and render every aid in the due execution of the laws of the State. But you may be assured that the excitement is such in some neighborhoods that I find at this moment a current of opposition to any calm and peaceful measures which requires firmness and decision to withstand. Although I cannot apprehend any extensive mischief being done to our new settlers, nevertheless I must admit to you that I am not without fears that enough may occur to produce great and extensive excitement.

If the reckless enemies of Georgia and the administration are determined upon evil and confusion in the Cherokee part of Georgia, be it so. We cannot prevent it. We must meet the crisis when it comes; and I am resolved to be in readiness to act with promptitude and decision. Before the close of the year it may become necessary to remove every Cherokee from the limits of Georgia, peaceably if we can, forcibly if we must.

The State shall no longer be trifled with and harassed by the enemies of good order and all civil government! The friends of anarchy and revolution will be disappointed in their plans of evil. No friend of humanity can, under the existing state of things, any longer encourage the unfortunate Cherokees to persevere in a controversy which has already brought them to the verge of ruin. You will consider this an official letter, and the use of it is left to your own discretion. To save me the trouble of writing, you are at liberty to communicate it to such of your colleagues as you may think proper. You can also confer on these subjects with the President of the United States and Secretary of War. Please to keep me advised of passing events at Washington on this subject.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, August 27th, 1834.

Maj. Gen'l E. P. Gaines,

Memphis, Tenn.

Dear Sir:—Your favor of the 5th inst. was received yesterday, accompanied by your printed answer (dated the 5th of April last) to my letter of the 3d March last. I have now, for the first time, hastily read your interesting answer to my letter—very properly intended for the public eye, because the public, like myself, will, on many points, be enlightened by its contents. I have only time at present to say that I feel assured our great end and object is the same—to benefit our fellowmen by every means which may be at our disposal.

Permit me to add my entire confidence in your qualifications and ability to render important aid in carrying into effect the noble and extensive plans of internal improvement which you have been efficiently instrumental in bringing before the public. Any further views which I may have to submit on the subject under consideration so far as Georgia may be immediately interested, it may be expedient to reserve for the approaching session of the Legislature. I am gratified to learn Lt. Col. Long will pass through this place, and shall be prepared to give him a kind reception, and, at the same time, avail myself of his enlightened views on the deeply interesting subject now under discussion.

I have the honor to be, with high regard and consideration,

Yr. obt. servt ,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Sept. 25th, 1834.

Col. M. St. Clair Clarke,

Washington, D. C.

Sir:—Your favor of the 15th inst. (forwarded by Mr. Forsyth) has been duly received, wherein you express the opinion that the State of Georgia has a good claim against the United States for about one hundred thousand dollars, growing out of services rendered and moneys paid by the State during the Revolutionary War. You

further state the terms upon which you would undertake to investigate and prosecute the claim, and add that, if you are employed, it will be proper to lay the whole subject before me, in order that I may be satisfied that the claim is meritorious, and one which does not compromise the honor and patriotism of the State in making it.

My confidence in your intelligence and integrity of character at once forces me to the conclusion that the claim should be promptly investigated and prosecuted; and the terms upon which you propose to be employed as the agent of the State meet my approbation. The subject, however, must be brought before the Legislature, at their approaching session in November, when I shall probably be made the legal organ of negotiating with you on the subject. In the meantime, you will perceive the necessity of my being immediately put in possession of such facts as may justify me in calling the attention of the Legislature to the subject. You mention having named this subject to several members of the Georgia delegation, with a request that they would make known to me your willingness to enter upon the agency contemplated. Your letter contains the first and only intimation I have ever received upon the subject of the claim alluded to from any one whatever. I shall expect to hear from you again on this subject.

Yr. most obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Sept. 25th, 1834.

Maj. B. F. Curry,

Calhoun, Cherokee Agency, Tennessee.

Sir:—My anxiety to hear from you, on the subject of Indian affairs and prospects, was this day relieved by the reception of your favor of the 13th inst., enclosing a copy of the instructions of the President of the United States to you and Col. Montgomery; also a copy of a letter from you and Col. Montgomery to Governor Carroll. The instructions of the President of the United States are such as might be expected from a source so enlightened and patriotic. But it is evident that the States, having assumed the exercise of their rights to govern and control the Indians within their respective limits, ought now principally to look to, and rely upon, their own laws,

and an efficient enforcement of the same to keep the Indians under proper control and subjection to the policy and laws of the States. As regards Georgia, you are doubtless apprised of the embarrassment and perplexities which the Executive and people have encountered, for the want of a faithful co-operation of the judiciary department.

A combination of lawyers are kept in the service (and I presume pay) of Ross & Co. to thwart and overturn the whole policy of the State, and the views of the Judge of the Cherokee Circuit appear to coincide with this combination to a sufficient extent to encourage the delusive hopes of the Cherokees, and embolden them in their insolence and most extraordinary assumptions and outrages. I have confidence that a majority of the members of the approaching Legislature will be composed of the friends of the State and our common country; and that we may therefore expect such legislation as will correct many existing evils, especially such as you point out in your letter.

Under the existing state of things, and the present temper manifested by the Indians, I indulge but little hope in regard to enrollment for emigration. The Indians have certainly gained confidence by the aid, countenance and friendship which they have received from the enemies of the President and myself, in Georgia and elsewhere.

The instructions of the President to you and Col. Montgomery, to procure testimony in certain cases therein pointed out, I deem to be of great importance. I have more than once given similar instructions to agents and officers of Georgia; but regret the necessity of saying that I have never been able to collect such testimony as would convict the conspirators of the villany with which rumor had charged them. These charges generally reach me in a vague and heresay form. I don't expect to effect much for the better, until after the meeting of the Legislature; but, should any recommendations to the Legislature be sustained, I trust a quietus will be given to many existing evils. Please let me hear from you frequently, and believe me to be, very respectfully,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Augt. 28th, 1834.

Col. Wm. N. Bishop,
Murray Co., Ga.

Dear Sir:—Your interesting favor of the 22d inst. is now before me, and for which I thank you, because I feel assured that it places me in possession of facts as they really exist.

The object of the present meeting of the Cherokees, near the Tennessee line, is to lay before them various matters relating to their annuities, and other things, as well as to sound their opinions in regard to the late treaty arrangement entered into by the emigrating delegation at Washington. I regret to learn from your letter, as well as from other sources, that the course of Judge Hooper, Underwood & Co. has so far succeeded in fostering the vain hope of the Cherokees that they can successfully resist the constituted authorities of Georgia in the settlement of her territory. I am perfectly aware of the combination of which you speak, and I perceive the evil tendency which has and must result from their efforts. It is surpassing strange that any citizen of Georgia should be found arrayed against the best interest and rights of the State, and yet have the effrontry to talk about "State rights," and even claim and seek the political confidence of the people while they are thus laboring to prostrate the dignity and sovereignty of the State at the feet of a handful of ambitious, half-savage men, who are the mere tools of a violent political faction, evidently determined upon the destruction of this Union, and with it the most free and happy government on earth. Every thing that could be done by the President of the United States to bring our Indian perplexities to a close has now been done. If the Indians continue to reject the proposal of the Federal Government until the meeting of our State Legislature, it will then be proper for the authorities of Georgia to enter earnestly upon the work of bringing to a final issue these long-standing perplexities.

Rest assured that whatever part of this duty may devolve upon the Executive will be performed at all hazards. If the people elect men to represent them—true, firm and faithful to their rights and interest—all will be provided for, and end well. Quiet, peace and prosperity will be speedily given to the Cherokee part of Georgia. The necessary measures are plain and simple, but, if I had

leisure, I should not at this time feel at liberty to enter upon the details of such measures as I would recommend. Suffice it to say that, whatever the people *will* upon the subject, it is the duty of the Legislature to perform; otherwise they will not be the representatives of the people. If judges and lawyers are permitted to thwart and overturn the laws, for purposes of their own political or lucrative aggrandizement, the people are no longer free and sovereign—the judges and lawyers are their masters. I sincerely pity the Indians; they are deluded and misled by mad men; but they must not be indulged in their preposterous notions of overturning the laws of Georgia, and establishing an independent government. Their own good, as well as that of the white population, demands that we press forward to a final adjustment. The sooner, the better for the Indians, as well as the State and her citizens. The magistrates to whom you refer were commissioned yesterday. Where there is liberty, there must be political strife; but, so long as truth is left free to combat error, I trust the Republic is safe. I feel the full weight of the embarrassments which have been thrown in our way, to prevent a happy adjustment of our Indian affairs; but my confidence in a successful issue—and that at a day not far distant—has been strengthened at every step of my administration. Indeed, I now consider the battle as having been fought and won. What remains to be done is comparatively nothing, when compared with what has already been accomplished. “Be strong and fear not!” We have contended for the interest of the people and of the State! We shall be sustained!

Very sincerely, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Dec'r 13th, 1834.

Dr. Thomas Sewall,

Washington, D. C.

Dear Sir:—Under the provisions of a resolution of the Legislature of this State, I am authorized and requested to procure and furnish the citizens in several of our new counties with *vaccine matter*, to be used gratuitously for the public benefit. Permit me, therefore, to ask the special favor of you to send me of the genuine article, properly put up in suitable parcels for distribution.

with ample directions for using the same, the quantity that may be procured for the enclosed ten dollars (\$10). Send it by mail, and direct to me at this place.

My apology for thus troubling you must be found in the fact that my inattention to such matters leaves me at a loss to know a more suitable agency to apply to than yourself, and, from a knowledge of your disposition to do good, and serve your generation, I feel assured you will pardon the liberty which I have taken. Please to attend to this call speedily, as the *small-pox* is actually spreading in several of our new counties, and we are wholly destitute of the vaccine matter which is considered the most efficient remedy to avert the calamity.

Sincerely and truly yr. friend,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Dec. 13th, 1834.

Lewis Weld, Esq.,

Augusta, Ga.

Sir:—Your favor of the 8th inst. is now before me. The information received at this department, through the politeness of Gov'r Foote, of Connecticut, and yourself, on the subject of the education of the deaf and dumb, and for which I thank you both, was laid before the Legislature of Georgia at the commencement of the present session, and together with information derived from other sources, was referred to the appropriate committee, whose views may be seen by a copy of their report on the subject herewith enclosed. This report will show that the views of the committee, on every important point, coincide with your own. The session of the General Assembly is hastening to a close, and what may be the final action on the report I consider uncertain. I hope, however, that it may be sustained by appropriate legislation before the session closes. I should be very much pleased to see you and your pupils here. I have seen your exhibition of them at Washington, and know that such an exhibition here could not fail deeply to impress the public mind in favor of laudable efforts to educate this unfortunate class of our fellow beings. But I fear before you can arrive here it will be too near the close of the session to effect anything in regard to the action of our Legislature on the subject. Indeed, everything here, from this time to

the close of the session, partakes too much of that hurry and impatience so unfavorable to calm deliberation on subjects of the greatest importance. Should you, however, think proper to come, you may rely upon a kind reception, and will be prepared to make the proper allowance for any seeming inattention which may be attributed to the peculiar circumstances of the moment.

I am, sir, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Dec. 13th, 1834.

Maj. B. F. Curry,
Spring Place, Ga.

Sir:—Your two very interesting letters of the 18th and 30th ult, have been duly received. The information they contain will be useful to this department, and to the public. Your first letter (leaving out such parts as were deemed improper to be made public at this time) has been communicated to the General Assembly. My object in making this public use of your letter was, if possible, to induce the Legislature to act efficiently upon the subject of our Indian relations. Your views coincide with my own, which have so repeatedly been urged upon the Legislature, but, from various causes which I have not time at present to explain to you, it is a very difficult matter to induce that body to take a correct view of this subject, and legislate accordingly. The lawyer influence of the State is chiefly engaged against the policy and people of the State on this subject. It is their interest to keep up and continue the present litigation and strife which exist in that section of the State.

The opposition to the Federal and State administrations throws every possible obstacle in the way of an amicable adjustment of our Cherokee difficulties. In a few days I shall be able to communicate to you the result of our legislation on the Indian subject, when you may expect to hear from me more fully. In the meantime, you may assure Boudinot, Ridge, and their friends of State protection under any circumstances. I shall feel it my imperative duty to pay due regard to their situa-

tion, and afford them every security, aid and protection which our laws will justify or authorize.

In haste, I am, very respectfully,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Dec'r 19th, 1834.

Joseph Day, Esq.,

Chairman, &c.

Sir:—After reflection, I consider it my duty respectfully to state to you that I shall decline obeying the requirements of your subpoena to appear before the Committee of the House of Representatives and give testimony in the case stated to be pending before the Committee, or to answer any interrogatories which may be propounded to me as *a witness* in said case. I cannot recognize the right of the Legislature, or its Committees, to compel the Executive to give testimony in any case pending before that body, when the testimony sought must obviously have a bearing upon the official acts of the Executive. All proper information, respectfully sought by the Legislature, or its committees, will, as heretofore, be promptly furnished by me, so long as I occupy the Executive chair. The insulting and accusatory interrogatories which the Committee are apprised have already been submitted to me, bearing the signature of John W. Hooper, wholly forbid the idea of the Executive of the State of Georgia degrading itself and bringing reproach and contempt upon the authorities of the State, by entering into a personal controversy with Judge Hooper and his counsel who have sought to divert the public mind from their own conduct, by endeavoring to substitute a controversy with the Executive. In all my official communications to the General Assembly, and others, I feel that I am fully sustained by the documents heretofore submitted to the Legislature. And, to support my opinion, I beg leave to refer to the bill of injunction, the reports of Mr. Cuthbert, and the opinion of Judge Warner, which accompanied my annual message.

Very respectfully,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Dec'r 23d, 1834.

Col. Wm. N. Bishop,
Murray County, Ga.

Sir:—Under the provisions of an act of the General Assembly, assented to on the 20th inst., entitled "An Act to amend an act more effectually to provide for the government and protection of the Cherokee Indians residing within the limits of Georgia," &c., I have this day appointed you an agent to carry into effect the provisions of said act, and herewith furnish you with a copy of the law and the order of your appointment. The best guide and instructions for all officers and agents under our government is the letter and spirit of the laws which they are called to administer and execute. Therefore, you will consider your various duties as being best defined by the acts of the Legislature under which you are called to officiate. After filing your bond, and taking the oath of office pointed out in the law, you will be ready forthwith to enter upon the duties of your appointment. The principal duties required of you, as agent aforesaid, will be to examine and report to this department, when so required, in terms of the law, all lots of land subject to be granted under the act of the 20th of Dec., 1833, and to deliver possession to all applicants who are the legal or rightful owners of all lots of land which are, or may be, granted under the provisions of the said act of 1833. In performing the latter duty, to wit: placing the legal owner holding claim under a grant from the State in possession of his premises, you may, as has evidently been contemplated by the Legislature, meet with resistance. Permit me, therefore, to suggest to you the importance of exercising a prudent forecast in making proper arrangements to meet any exigency which circumstances may cause you to apprehend. In all cases, where the laws require you to demand a change of possession, *the law must be sustained*. But I would advise in all cases that you, in the first instance, rely upon the moral force of the law as the authority of the State, without menace, threat, or irritating discussion of any kind. Rely first upon the law and reason. If, unfortunately, these fail, be prepared to use the means provided by the law. It is true the law confides the power of using force to the Executive, when, according to the report of the agent, this force may be deemed necessary. But you are the agent, and upon your

reports I should have to supply you with force when needed. And I therefore deem it most expedient, economical and proper, to authorize you at once to exercise a sound discretion, and, when you deem it necessary, call to your aid such force as may be necessary to carry this provision of the law into immediate effect. Should any case, however, occur which, in your judgment, shall require a greater force than you are able to command, you will immediately report the case to me, with all the circumstances attending the same. I have not yet come to a definite conclusion whether I shall appoint one or more agents to assist you in the service or not, but shall finally determine as I may think the interest of the country demands. In the meantime, you will, for the present, and until otherwise instructed, consider your agency as being extended to the entire duties contemplated by the Legislature. The Legislature having provided a per diem allowance for your compensation, will make it necessary for you to keep an account of the days you may devote to this particular service. In the execution of the delicate and important trust herein confided to you, permit me respectfully to suggest to you the importance of keeping me constantly advised of every important matter which may transpire in any way connected with your present agency. Should any difficulty arise, calculated to obstruct the due and faithful execution of the law, report the same to me, and you shall promptly have the aid of the best advice which I may be able to afford. These suggestions and instructions having been written, as you are apprised, in much haste, I have probably omitted something that you may deem important. If so, I shall take great pleasure, at all times, in communicating to you my views, without reserve, upon all subjects connected with your official duty.

I am, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Dec'r 23d, 1834.

(Private and confidential.)

Col. Wm. N. Bishop.

Dear Sir:—Connected with the duties of the agency to which you have been invited by me, I consider it my duty to advert to the past course of conduct of the Judge of the Cherokee Circuit, in relation to our Indian popu-

lation, and the laws enacted for their government. Highly reprehensible as I have considered the conduct of Judge Hooper, I have always placed the most favorable construction on his actings and doings. I have not charged him with corruption, but with imbecility and assumption; and I believe he has been led into his hightoned assumptions by the ingenuity of selfish and bad men of capacities very far superior to his own. The embarrassments thrown in the way of the policy and interest of the State, and the peace and prosperity of its citizens, by the conduct of the Judge, and those who are believed to govern him, is of the most serious nature. It may be denied, but this *Judge* and his counsel have evidently commenced a system which, if submitted to, will very soon destroy the efficiency of the Legislative and Executive departments of the Government.

Under the circumstances, permit me to say to you, and let it be distinctly impressed upon your mind, that Judge Hooper will not be permitted, in any case whatever, to judge and determine for me what laws are constitutional, or otherwise. As the Executive of Georgia, in the performance of my official duties, I shall judge of the laws and constitution for myself. No writ of injunction, or prohibition, will stay the Executive from a faithful execution of the laws of the State, where that execution has been specifically confided to the Executive by the Legislature and the Constitution of the State.

From Hooper and his counsel I expect further attempts to thwart the policy of the State. All vague and ambiguous legislation upon the Indian subject will be seized upon to embarrass and hinder the policy of the State; and that much of our legislation is vague must be admitted; but that it is intended by our legislation and willed by our people that the rightful owners of all lands authorized to be granted in what is called the Cherokee Country shall go into the immediate possession of their premises no one dare controvert. And the effecting of this object is confided to the Executive. Nor will I be hindered from discharging this duty by the pettifogging artifice of lawyers, or the imbecility of judges who may condescend to be made the mere tools of a class of selfish men. If the good people of Georgia support me, the laws shall be executed.

In haste, respectfully,

Yr. obt. servt.,

WILSON LUMPKIN.

Correspondence and documents in relation to the alarm of the citizens of Cherokee County, and exhibiting the character of the various excitements in the Cherokee part of Georgia, as also the measures adopted by the Executive in relation thereto.

Headquarters 1st Brigade, 12th Division, G. M.,

May 13th, 1834.

To His Excellency Wilson Lumpkin.

Dear Sir:—You will receive, by the hand of Mr. Bryant, the proceedings of a meeting of the citizens of Cherokee County, on the subject of our Indian relations. They are such as require immediate attention. It is obvious to every person in this section of the country that is at all acquainted with the Indians, that they are more desperate and hostile of late than is usual among them. From the situation of our settlements and sparsely populated country, I deem it necessary that some measures should be resorted to by your Excellency to quell the invasion that is daily expected. The plan I think most advisable is to forward a sufficient quantity of arms and ammunition to the Court House, with a small guard sufficient to keep the arms, &c., so that the citizens could any time be supplied with arms and ammunition to meet any exigency that may present itself. I think their mode of attack will be on persons traveling, or on small settlements, so that it will be difficult to detect them. Should you think the necessity calls for the aid requested, you cannot have it attended to any too soon, as our citizens are in daily expectation of being massacred.

I am, with due respect,

Yr. obt. servt.,

ELI M'CONNELL,

Br. Gen. 1st B., 12th D., G. M.

P. S.—Mr. Moses Bryant has been employed as an express to inform you of the outrages, &c.

ELI M'CONNELL.

The Committee appointed make the following report:

Whereas, the relations now existing between the white and Indian settlers of this country is daily growing more and more important, both to the white inhabitants and to

the traveler, in that we hear of repeated murders, violences, robberies, and thefts having been committed by the Indians, and our own County is not exempted from those outrages. No longer ago than last evening one of our citizens, Dr. James Burnes, was met in the public road, about three miles from Etowah, about the setting of the sun, by two Indians unknown to Dr. B., the one having a rifle gun, the other probably unarmed, at least with fire-arms. So soon as Dr. B. had passed some fifty or sixty steps from the Indians (still keeping his eye upon them from suspicion excited from the manner and behavior of the Indians), the moment Dr. B. had taken his eye off them, they fired on him, and shot a rifle ball through the left side of his hat, the ball passing first above the ear, burying about half the breadth of the bullet in the skin. We are glad to say Dr. B. is not dangerously wounded, though the eighth of an inch deeper would have undoubtedly destroyed his life. It is also true that there is a growing disposition of hostility in the Indians generally, which disposition must be arrested, in order to ensure the safety of the white settlers of this country.

Threats of the lives of our white citizens are daily and publicly made by the Indians. It therefore becomes the duty, as well as the interest of the white settlers of this country to adopt some strong and energetic measures upon this all important subject.

1. Resolved, therefore, That, owing to the sparse population of this county, the locality of the country, and the facilities of concealment of Indian outlaws, we are satisfied of the utter impracticability of enforcing the laws of the State in an efficient manner, unless aided by military force from the State or General Government, that his Excellency, the Governor, be requested promptly to cause such force to be stationed at suitable points as will protect our citizens and aid the civil authorities in executing the laws of the State.

2. Resolved, That the citizens of Cherokee County are in constant danger of assassination, and other lawless violence, and in this situation it cannot be expected that the ordinary operations of agriculture and increase of population can progress, and that, consequently, without the aid required in the foregoing resolution, the policy of the State and the General Government must be defeated by a disgraceful but necessary retreat of the population now here to a peaceful asylum for their families.

and a surrender of the country to the original savage occupants.

3. Resolved, That we pledge ourselves mutually, that for every citizen of the County of Cherokee assassinated by a Cherokee Indian, and where the offender is not given up to the civil authorities within two weeks (or satisfactory evidence of their inability of arresting the offender) from the date of the offense, we will select three male Indians out of the County of Cherokee, and put them to death as an atonement for the murder of such citizen.

4. Resolved, That we deprecate the necessity of the desperate course pointed out in the above resolution, but, unless timely aid be afforded us, we must strictly pursue it, or disgracefully abandon the country.

5. Resolved, That the proceedings of this meeting be forwarded by dispatch to his Excellency the Governor, with a request that he cause it to be published in each of the public journals in Milledgeville.

6. Resolved, That a committee be appointed by the chair to draft and forward circulars to the several counties in the Cherokee territory, requesting their co-operation in the design of the foregoing resolution.

7. Resolved, That the editor of the Cherokee Phoenix be furnished with a copy of the third and fourth resolutions, with a request that it be published in the Cherokee language in the said paper.

8. Resolved, That we recommend to the merchants of this County not to retail spirituous liquors, or suffer them to be drunk on their premises by Cherokee Indians; and that they be also requested to refuse to sell any arms or ammunition to such Indians.

9. Resolved, That we pledge ourselves to prosecute all and every person or persons who may be found illegally retailing spirits to Indians, suffering violations of the Sabbath day, and other disorderly conduct suffered on their premises by the Indians, and that we will promptly prosecute all offences relating to the compromise of felonies and other offenses committed by the Indians.

HOWELL COBB,

Chairman.

D. R. Mitchell, Secretary.

Etowah, May 12, 1834.

To His Excellency Wilson Lumpkin.

Sir:—Since the convention of a meeting of the citizens of this town and neighborhood, an additional portion of intelligence has come to us, circumstances which we believe to be true. An Indian girl has been brought before us, who gives the following facts, with tears in her eyes and every emotion of excitement. There has been, and now is, a concerted plan amongst the Indians for the purpose of a massacre of the white inhabitants of this country. She says she received the information from her grandfather, who is a chief, under an injunction that, if she revealed the plan, he himself would put her to the most cruel death she could die. She says about three weeks since her grandfather went to John Ross's house, and returned with a circular written in the Indian language, in which it was planned about the coming up of corn, and at the time the leaves were fully grown, the Cherokees were to be organized in squads of twenty and thirty, who were to attack the thickest settlements and towns at one general signal. The Cherokee girl is a girl of very general intelligence, reads and writes both in English and Cherokee language, and has been raised in a white family. The Indian girl says that when she heard of the attempt upon the life of Dr. Burnes, she believed it to be the signal of attack. We have taken the girl with us, and shall, as soon as possible, carry her and our wives and children into some of the old counties, and return and defend the country to the last. We are, as it were, in the beginning of war. Aid from the State must be had instantly. In addition to our perilous condition we are without arms or ammunition—we must have arms as well instantly. In addition to our perilous condition, we are in such a state of excitement from the situation that we have not time to give further particulars. We are a committee appointed to report the facts. The Indians have been for some time past purchasing unusual quantities of powder and lead, and have been seen for some time past rapidly passing and repassing with guns.

Yours, &c.,

D. R. MITCHELL,
JOHN BREWSTER,
R. M. HOLT.

Committee.

Executive Department, Ga.,
Milledgeville, 15 May, 1834.

Brigadier General Eli M'Connell.

Sir:—I have just read your communication of the 13th inst. (by express), accompanied by two other communications—one signed by Howell Cobb and D. R. Mitchell, Esqrs., as Chairman and Secretary of a meeting held by the citizens of Cherokee County, and the other signed by D. R. Mitchell, Jno. Brewster and R. M. Holt, Esqrs., all of which communications tend to confirm the belief that a very great and extraordinary excitement has been produced in the County of Cherokee, on account of the recent conduct of certain Cherokee Indians, in having shot a gun at, and wounded, one of your citizens; and, from the communications of a certain Indian girl, that hostilities were planned and intended by the Cherokees against the whites, and the general allegation of other insolent and outrageous acts of the Cherokees, without, however, specifying particular acts. Now, sir, before I proceed to a more detailed reply, permit me to assure you, and, through you, the community embraced in your Brigade, that, so far as may depend upon the Executive, the most energetic lawful means will be used to defend the persons and property of our citizens. And you will consider this as your direct order and authority from the Commander in Chief to aid the civil authority to the full extent of your official command, in a legal and faithful execution of the laws of the State, should such military aid be required to carry into effect the judicial authorities of the State. Moreover, should the sparseness of the population and the want of arms in your Brigade be deemed inefficient to meet any real or apprehended emergency, you will then, in that case, feel yourself authorized and directed to call upon Maj. General Bates for such aid and assistance as may be deemed necessary, who will, in the meantime, be instructed to hold in readiness such portion of the volunteers as may be attached to his Division, for the purpose of meeting such emergencies as you and other citizens apprehend. The present state of disquietude which pervades the minds of many of the Cherokees who still remain in Georgia is by no means a matter of surprise; under existing circumstances nothing else could reasonably be expected. These people have resisted emigration to the last moment, and some of them, under exasperated feelings of despair, may resort to acts of des-

peration. But that anything like a plan of general hostility has been aranged and agreed upon by the remnant of Cherokees, I am very far from crediting. I know that ten days ago the two delegations at Washington were seriously engaged upon the subject of negotiating a final treaty with the Federal Government. And I know that intelligent men among the Cherokees rely upon negotiation, and have too much light to countenance the idea of hostilities. I attribute all the desperate acts which have been or may be committed by the Cherokees to the wicked and selfish influence of certain citizens of Georgia who are, and have long been, engaged in the diabolical work of endeavoring to produce a state of anarchy and civil war in the Cherokee section of our State. We all know that the Cherokees have in pay a feed combination of men who are using every effort to overturn the laws and Constitution of the State. It is those men who are producing the evils complained of, and upon them, and not the poor unlettered Cherokees, be the vengeance of Heaven!

The causes pointed out by you and others will not justify a resort to military force, until a fair and full trial is made to enforce the civil authority. From what is before me I can certainly see nothing to justify the belief that the laws of the country cannot be executed in the punishment of the offenders complained of. Should, however, the population of the new counties be found insufficient to enforce our laws and maintain civil government, and should the conduct of the natives, aided by the disturbers of the peace and quiet of the country, render it necessary and proper, be assured the people shall be protected in their homes, and the guilty shall not escape the power of the Government. You will please to communicate the contents of this letter to the other gentlemen who have addressed me on the subject of your present alarms.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, May 15, 1834.

Major Gen'l John Bates,

Gainesville, Ga.

Sir:—I have received this day, by express, several communications from the citizens of Cherokee County,

which exhibit the most unexpected and extraordinary state of alarm and apprehension.

Before this reaches you I have no doubt you will have heard of all the causes of alarm which have reached me. I therefore omit to detail them to you. There has nothing yet come to my knowledge which would justify military operations.

I have directed Brigadier General M'Connell to aid the civil authority in executing the laws of the State. And further, I have informed him that you would be instructed by me (should circumstances render it necessary) to furnish the whole or any part of the volunteers attached to your Division, for the purpose of suppressing any hostile movements which may occur among the remnant of the Cherokees still remaining in our new counties. In their present state of alarm they complain of their want of population and arms. Your Division has the population, and, if arms should be wanted, the Arsenal at this place will afford a sufficiency for the contemplated emergency. I cannot, however, apprehend the results which the citizens of Cherokee seem to anticipate in their present excited state of feeling. Should these unfortunate and deluded people be urged on to acts of desperation, it may be traced to the selfish and wicked counsel of a combination of our own citizens who are the feed enemies of the rights and interest of the State.

In great haste, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 16, 1834.

Brigadier General Eli M'Connell,

Cherokee Court House.

Sir:—Since writing to you yesterday, by express, on the subject of our Indian relations in your section, further and more mature reflection fully confirms the hasty suggestions contained in my letter referred to. And I now consider it my duty to give you my views more fully on the subjects presented in the communications received from yourself and countrymen, and must beg leave to make you the organ of my opinions to our fellow citizens who have addressed me on these subjects.

I must be permitted to express my surprise at being informed by a committee of citizens of Cherokee County

that they entertained the opinion that nothing short of military force could enforce the laws of the State in that County, and further, that without the aid of military protection, a necessary but disgraceful retreat and abandonment of the country might be expected, and a formal surrender made to the aboriginal savage occupants; and, further, a formal resolve (notwithstanding the apprehension of weakness) promptly to execute a savage retribution, by taking three lives for one in every instance of murder; and, further, the Governor is requested to be the organ of promulgating these resolutions and opinions to the world; and the citizens of the other new counties are to be called upon to co-operate in these measures. Now, sir, permit me to ask, where is the evidence that our laws cannot be executed? When, or where, have they been resisted so as to require military force to aid the judiciary? The Legislature, the immediate representatives of the people, eighteen months ago determined that the laws of the country could be executed, without a guard or military force, and although I was of a different opinion at the time, now that the white population has increased (I presume four-fold) and the Indian population has greatly decreased, and we have ten organized counties in place of one, all officered and prepared to administer the government; can it, I say, under such circumstances, be necessary and expedient (if legal and constitutional) to supersede the civil government of this country by a military (and consequently arbitrary) government? It is evident and clear that the scattered remnant of the Cherokees now remaining in Georgia are too far reduced to be considered in the light of a formidable foe. And while it may be admitted that even the lives of innocent individuals may be more endangered in the Cherokee part of Georgia than in other sections of the State, nevertheless, justice requires the assertion of the fact that no portion of the State, for two years past, has been more free and exempt from assassination and murder than that which is inhabited by this unfortunate people. When we look for the true cause of increasing excitement amongst these people, will it not be found arising out of the improper conduct of a portion of our own white population? Do not our people supply the facilities of their obtaining the intoxicating drink which is often the immediate cause of acts of horror and desperation? Since the organization of our courts in the new country, have not many of our citizens, distinguished for their legal acquirements,

used every exertion, publicly and privately, to impress the minds of these people with the belief that they are greatly oppressed, and arbitrarily deprived of their rights by the Government of Georgia? Have not men traversed the country, from county to county, and court to court, for the express purpose of engendering and stirring up strife between the red and white men? Are not these men fed and paid to produce, increase and perpetuate litigation, strife and heart burnings? The wise man says, "Surely oppression maketh a wise man mad."

Need we, then, be surprised that these men of the forest, when goaded on by our own courts and lawyers, should be induced to feel a spirit of revenge for their supposed oppression? I have reason to believe that the day is not distant when we shall be entirely relieved from this troublesome portion of our population (the Cherokees.)

But, until we are thus relieved, our laws should be enacted and executed with a view of striking at the root, and not the branches, of the evil. The moral criminals are the white men who stimulate and excite these unlettered sons of the forest against their white neighbors. All this is done "*for the sake of filthy lucre;*" and yet the vile instruments of these enormities receive the countenance and courtesies due to honorable men alone.

My confidence in your patriotism and good judgment produces much delicacy of feeling in dissenting from any opinion which you express. But, under all the circumstances, I cannot deem it necessary at present to place a guard at Cherokee Court House. If a guard were placed there, the immediate consequence would be that every neighborhood in the ten new counties thought to be exposed would call for and demand similar protection. The timid, the women and children, throughout the country, would catch the excitement, feel the panic and spread the alarm. We would open the door for unparalleled confusion and alarm. Those whose business it is to excite and agitate the country would find an ample field for their destructive heresies.

The prompt and efficient course which suggests itself to my mind is the immediate organization of volunteer companies throughout the new counties, when the population can afford such corps. The most enlightened, patriotic and energetic citizens of every county should immediately aid in the organization suggested. Although our supply of arms is limited, we have a sufficient number of excellent muskets and ammunition at this place to

meet the present emergency; and, under the circumstances, I should feel myself authorized to grant the supply.

I would suggest the propriety of your communicating these my views in regard to volunteer companies to Major General Terrell, and other officers and individuals of influence, with all practicable dispatch. In the meantime, I shall encourage the organization of such companies in the new counties, through various other channels. Under existing circumstances, every good citizen of that country should consider himself a volunteer and sentinel. In conclusion, I have no idea at this time of guarding by military force the ten new counties of Georgia. The policy would be both degrading and ruinous to the State. If the laws of the country are resisted, or an insurrectionary spirit should break out into acts of violence, we must make short work of it. The enemy must be punished, or driven from the country. The people need not fear. When a proper occasion arises for military movements, prompt and energetic measures will be put in operation. I think, however, by a due exercise of prudence on the part of the good and wise, the serious evils apprehended may be avoided, and our long-standing perplexities be brought to a happy issue.

With great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, May 16, 1834.

Sir:—I have received information of a most extraordinary excitement which has recently taken place in Cherokee County, growing out of the fact of an Indian having shot at and wounded one of our citizens, and certain information, communicated by an Indian girl to certain citizens of Cherokee County, of contemplated hostile movements (as she states) of the Indians against our white citizens. Having reason to suppose that before this reaches you you will have heard the details of the excitement alluded to, I deem it unnecessary to extend this communication by giving you the reports which have reached this department. It is necessary, however, to the object which I have in view to state to you that some of the citizens of Cherokee County have communicated to

me their belief that they are in danger of being massacred by the Indians, unless military protection is immediately afforded them. They say, without such aid the country must be disgracefully abandoned, and surrendered to its original savage occupants, &c., &c. The evidence before me by no means justifies any such apprehensions. And I trust and believe that their fears will never be realized. At any rate, I never can consent to the expediency and policy, under the existing state of things, of organizing a military government or standing army to supersede or protect the civil authority of the new counties. Should a state of things unfortunately arise which may require military operations, why, then we must make short and prompt work of it. The enemies of the State who attempt insurrection must be punished or driven from the State. It will never do to sustain an army for the purpose of guarding an enemy pampered and nourished in our own bosom.

As the best means of defence and security, I have suggested to General M'Connell, and others, the importance of an immediate organization of volunteer companies throughout the new counties, where the population will afford it. And the corps thus organized should be supplied with good arms and ammunition from the Arsenal at this place. And, moreover, should any emergency render it necessary, General Bates has been instructed to furnish a sufficient force from his Division to quell any insurrection or disorder which may possibly arise. This state of things requires prudence and forecast on the part of every patriotic and intelligent citizen of the State, and especially of those who reside in the new counties. We should closely watch the movements of the enemies of the State who have long been engaged in the unholy work of exciting the prejudices of the natives against the authorities of the State. These individuals, and not the Indians, are the root of all the evils complained of. My principal object is to request your aid and influence in the organization of volunteer companies, and to teach the people to rely upon a faithful execution and enforcement of the laws of the State, and inducing our citizens to rely upon the civil measures, as long as practicable, assuring them that, if necessary, the militia will be called to the aid of the civil authorities. Upon the reception of this

you will please to let me hear from you without delay, in regard to the state of things in your section.

I am, respectfully, &c.,

WILSON LUMPKIN.

Col. S. D. Crane, Col. Wm. N. Bishop, Gen'l Jas. Hemphill, Col. Hargrove.

Cherokee County, May 17, 1834.

Dear Sir:—From the general excitement, caused by the frequent depredations committed on our good citizens of this County, I have ordered out a guard of twelve or fifteen men, under the command of Captain Robert Johnson, for their protection, not having arms to defend themselves.

He is ordered to take peaceably from the Indians their guns, *town by town*, from all the hostiles (sixes) of this County; or from such other hostile town of the Indians as may be known and proven to be unfriendly to the whites. This was the most efficient plan that suggested itself to my view. The arms will be taken good care of, and returned to the Indians when ordered by your Excellency, and we trust not before a regular guard of at least thirty men, either of the United States or State troops, are known to the Indians to be stationed with us. This step will promote emigration. The lives and property of the citizens demand a guard.

With much respect,

Yr. obt. servt.,

HENRY M. TERRELL.

Executive Department, Ga.,

Milledgeville, May 24, 1834.

Major General Henry M. Terrell,

Cherokee Court House.

Sir:—Yours of the 17th inst. was received this morning, in which you state that you had ordered out a guard of twelve or fifteen men, under the command of Capt. Robert Johnson, for the protection of the citizens of Cherokee County. You add that Captain Johnson has been ordered to take from the Indians their guns, "*town by town*, from all the hostile (sixes) of Cherokee County.

or from such other hostile towns as may be known to be unfriendly to the whites." You moreover urge that a military guard of thirty men, at least, be stationed in the County, &c., &c. I have nothing before me *whatever* in the nature of evidence that would justify the conclusions or measures which you have resorted to and recommended. If there be *hostile* towns of Indians within the limits of Georgia, they are unknown to me. And I feel myself compelled, by a sense of the highest obligation to the people and to the laws and Constitution of the State which I am sworn to support, not to violate and overturn the civil authority of the country by substituting and establishing a military and arbitrary government in lieu thereof. Two years ago, I recommended and urged the Legislature to authorize such a guard as you now recommend. But that body deemed it unnecessary, and declined doing so, even at that time. Now that our population has increased four-fold, and we have ten organized counties in the place of one, and the Indian population has greatly decreased, can it be reasonable to suppose that the military operations which you propose can be proper and expedient? We live in a country of laws, and the highest officer known to our Government is bound to obey the law. Officers must execute the laws as they find them, and not assume to say what the law shall be. It is true that the very extraordinary excitement which seems to prevail in the County of Cherokee, if kept up and encouraged, cannot fail, in a very short time, to produce a state of confusion which will unsettle everything like order and civil government. If the rights secured to the Indians by the laws of the State are wholly disregarded—their lives taken without law or legal trial; their property wrested from them by arbitrary force—then indeed we may expect to see the laws of the state prostrated and the advocates of revolution glorying in their success.

I hope before this reaches you you will have seen my communications to General M'Connell (who was requested to apprise you of my views) and you and he, I trust, after due deliberation, will concur in the measures which I have suggested, and lend your aid in carrying my views into effect. Be assured that nothing has yet been laid before me which will justify the measures which have been contemplated by those who are unfortunately laboring under feelings of strong and extraordinary excitement. Under the existing state of things, very much depends upon the course pursued by yourself and General M'Connell. It

requires great firmness to resist popular excitement; but every public man should make up his mind to do his duty, and trust the people for the rest.

In haste, yr. obt. servt.,

WILSON LUMPKIN.

Etowah, May 18th, 1834.

Sir:—The haste that was required in sending an express to you a few days ago, upon the subject of our Indian difficulties, made it necessary that we should send you the original papers. As they are wanting, we request you to enclose them to us by mail.

Yr. obt. servts.,

HOWELL COBB, Chairman.

D. R. MITCHELL, Secretary.

Governor Lumpkin.

Executive Department, Ga.,

Milledgeville, May 24, 1834.

Howell Cobb and D. R. Mitchell, Esqrs.

Gentlemen:—I have received yours of the 18th inst., requesting me to return to you the papers forwarded to me by you a few days ago (by express.) I should be pleased to oblige you, if it could be done consistently; but these papers have now become a record and file of this department, upon which your official acts and correspondence have been predicated. Therefore, your request cannot be granted.

Yr. obt. servt.,

WILSON LUMPKIN.

Cherokee C. H., May 22, 1834.

Sir:—We respectfully request the favor of your Excellency to return the letter we addressed you a short time since (on the subject of our difficulties with the Cherokee Indians), as a committee on behalf of the citizens of Cherokee County.

Respectfully, yr. obt. servts.,

D. R. MITCHELL,

JNO. BREWSTER,

R. M. HOLT,

Committee.

Governor Lumpkin.

Executive Department, Ga.,
Milledgeville, May 31st, 1834.

To D. R. Mitchell, John Brewster and R. M. Holt, Esqrs.,
Cherokee County.

Gentlemen:—I have received your request contained in your note of the 22d inst., that I would return your letter addressed to me some time past, and sent by express, on the subject of our Cherokee relations, &c. I am under the necessity of respectfully declining a compliance with your request, because that letter is now on the files of this department, as one amongst other papers upon which official acts and correspondence have been predicated, and must remain here for the justification of the course pursued by the Executive.

Very respectfully, gentlemen,

WILSON LUMPKIN.

Correspondence on the subject of the intrusion and settlement of some of the Creek Indians among the Cherokees resident in Georgia.

Cedartown, Paulding Co., Ga.,

May 27, 1834.

Dear Sir:—We hasten to inform your Excellency that recently a large number of Creek Indians who have disposed of their reservations in the State of Alabama have moved to and settled in this county, near the line of Alabama, and continue to come in daily.

We have held a friendly talk with them on the subject of their removal here. They say the Creeks have sold their lands to the white people, and that they are not willing to go to Arkansas, and that they have come to reside permanently among the Cherokees, who are willing and wish them to do so. Since their arrival here the Cherokees have become much more impudent and hostile than they were before, and say the Creeks are willing to aid them in killing up the white people, and taking their lands back again. They have been continually robbing and plundering our citizens ever since they came here, and we do assure your Excellency that, unless the Creek Indians are speedily removed from this country, our honest white citizens must either remove from the country or submit to savage ambition and violence.

We then hope that your Excellency will adopt some speedy measure to have them removed from our country.

With the highest esteem, we remain, your Excellency's obedient servants,

M. S. EDMUNDSON,
S. F. BURGESS,
JOHN KIRBY,
WADDY THOMPSON,
TURMAN WALTHALL,
HIRAM WRIGHT,
HENRY PEEK,
LACY WITCHER,
JESSE STEPP,
JOHN WITCHER.

Executive Department, Ga.,
Milledgeville, June 7, 1834.

Hon. Lewis Cass,

Secretary of War.

Sir:—I herewith enclose you the copy of a communication received this morning from a number of highly respectable citizens of Paulding County, Georgia, from which you will perceive the immediate necessity of using the most efficient means to correct the evils complained of. Under the existing state of things in the Cherokee part of Georgia, it cannot be permitted for the Creek Indians, of Alabama, to think of taking up their abode within the limits of Georgia (even for a short time) if they manifest the most friendly disposition towards the citizens of Georgia. But, on the contrary, while they manifest a hostile spirit, accompanied by the most daring and insolent assumptions of menace and threats towards the whites, not a moment should be lost in suppressing the dangers which must be anticipated.

I shall apprise the citizens of Paulding County of having made this communication to you, and shall venture to assure them that you will promptly resort to the most efficient means within your control to remove the cause of complaint. In the meantime, I shall have in preparation such measures as will enable me to meet the depre-

ciated necessity of using the militia of Georgia to meet any emergency which may demand a resort to such means. I will not conceal from you that the interest, peace and quiet of the citizens of Georgia and Alabama require that we should, if possible, avoid calling upon the militia to suppress Indian menace or irregularity. Should such a necessity occur, you can readily conceive how very difficult it may be to restrain such force within the limits which prudence and humanity would inculcate on the feelings of the disinterested. Of late I have received many communications from highly respectable citizens of the Cherokee part of Georgia, complaining of the hostile feelings indicated by the Cherokees who reside amongst them. And in some cases the excitement has been very strong, and I have been urged to use military force to guard against and suppress the evils complained of. I have continued to rely upon the civil authority, and trust we shall be able to govern and restrain these people by a vigilant enforcement of our laws, unless they are stimulated to acts of desperation by a desperate political faction, who are ardently engaged in the unholy work of agitating the country with a view to confusion, if not revolution. In haste, I have the honor to be

Yr. obt. servant,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, June 7, 1834.

Gentlemen:—On the reception (this morning) of your communication of the 27th ult., I lost not a moment in communicating its contents to the Secretary of War, whom I have urged to use the most prompt and efficient means to correct the evils of which you so justly complain. It is the duty of the Federal authorities to attend to this matter, and many considerations induce one to place the responsibility and duty where it properly belongs. But you may rest assured, and also assure our fellow citizens, that they shall be promptly relieved and shielded from the evils complained of. I have entire confidence that the Secretary of War will promptly do his duty in removing these vagabond intruders. But, in case of failure, I shall take the proper steps to put in speedy requisition such militia force, and under such organiza-

tion, as shall insure a complete correction of the evils complained of.

You may rest assured that, if necessary, the full extent of my constitutional power shall be exerted to suppress the insufferable assumptions of which you so justly complain.

With great respect, &c.,

WILSON LUMPKIN.

To Turman Walthall, Hiram Wright, and others.

Executive Department, Ga.,

Milledgeville, June 9, 1834.

Brigadier General James Hemphill, of Floyd County, and
Colonel Z. B. Hargrove, of Cass County.

Gentlemen:—On the 7th inst. I received a communication, signed by ten of the citizens of Paulding County, wherein they state that a large number of the Creek Indians have recently disposed of their possessions in the State of Alabama, and have since intruded themselves as settlers in Paulding County; and, moreover, that the said Creek Indians state that they intend to reside permanently amongst the Cherokees within the limits of Georgia, upon whose invitation and desire they have thus taken up their abodes. And it is further stated that the Indians are daily becoming more insolent and hostile in their deportment to the whites; and even have the assurance to talk of killing the whites and taking their lands from them, &c. This communication was immediately made known to the Secretary of War by me, with an urgent request that he would forthwith resort to the most speedy and effectual means to remove the intruding and insolent Creeks, and the evils complained of. And further, I have explicitly stated to the Secretary of War that if these Indians were not immediately removed by the Federal authorities I should feel myself under the deprecated necessity of using the militia of Georgia for that purpose. My official course, herein detailed to you, I have communicated to the citizens of Paulding County, with the assurance that their grievances and complaints should receive the most prompt and energetic attention. Upon further reflection it has occurred to me that it would be expedient and proper, and perhaps prevent much evil and bloodshed, to warn these unfortunate remnants of

Indians of the impending evils which they will inevitably bring upon themselves, if they persist in the unlawful and insufferable course with which they stand charged. I have therefore, gentlemen, after full reflection, selected you jointly as the most suitable persons in that section of the State to visit the Indians complained of, both Creeks and Cherokees, and inform them fully and explicitly in regard to the evils which they will speedily and inevitably bring upon themselves by persevering in their present course. Every Creek Indian must quit the country instantly, and not be permitted to remain, under any pretence whatever.

And every Cherokee who shall be found guilty of encouraging the Creeks to settle and remain in Georgia may expect to suffer the penalty of such lawless aggression. You will inform them that military force, either from the United States or Georgia, will forthwith visit them, unless they immediately leave the State; and they will consider your notification as my official order for every Creek Indian to leave the State of Georgia without delay, and in case of refusal, they must abide the consequences.

Moreover, you will notify the Cherokees who are complained of that, if we are urged to the necessity of using military force, their lawless conduct will not escape proper scrutiny and punishment. Under all circumstances I hope, gentlemen, you will not hesitate promptly to comply with my request in performing the delicate duties herein pointed out, jointly if you can, but separately if necessary.

At any rate, let me hear from you immediately on this subject.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, June 9, 1834.

Major General R. M. Echols.

Dear Sir:—Through the ordinary channels of information you cannot have failed to discover the late excitements which have been engendered in various neighborhoods in the Cherokee part of the State. I assure you our good citizens in many neighborhoods are, and have been, under serious apprehensions of Indian hostility and outrage. While I have been slow to believe that these

deluded remnants of the Indian race could be so far misled as to venture upon any general plan of hostility, I must confess to you that we have sufficient indications of increased insolence and assumptions.

A number of our excited citizens, laboring under feelings of alarm growing out of individual Indian depredations, have called upon me for protection, and advised the organization of a military guard to protect our citizens in the new counties. Nothing yet, however, has occurred which would, in my opinion, justify military operations. So long as the civil authority can be enforced, it ought not to be superseded by the military. I have recently received a communication from a number of citizens of Paulding County, informing me that many of the Creek Indians from Alabama have, on the invitation of the Cherokees of that County, come over and settled amongst them, and with a view of a permanent residence. Moreover, they add that these Indians, Creeks and Cherokees, are insolent and hostile in their feelings; and that some of them have even threatened the extermination of the whites. I have communicated these things to the Secretary of War, and urged the immediate removal of these Creeks, as a duty devolving on the Federal authorities. I have informed him that, on the failure of the Federal Government to attend to this business promptly, the militia of Georgia would be used. I have assured the alarmed citizens everywhere that they should be protected at all hazards; and, when the occasion would justify it, we would make short work of it; that we could not think of the expense and degradation of guarding the ten new counties, to protect them from the outrage of this small remnant of Indians; that every citizen should consider himself a soldier and sentinel to protect his fire-side and family, and, when it becomes necessary, they should have aid from proper authority. I have to warn them of the evils which await them in case of refusal. My object in apprising you of these events is to prepare your mind for what may possibly occur. I have also written to our friend, General Bates, upon this subject (this recent excitement). Should it become necessary to use military force to chastise these unfortunate Indians, who are urged to acts of desperation by one of the vilest political factions that ever agitated our beloved country, our movements should be made with celerity. In case of such emergency, may I not rely that, from the two divisions, commanded by you and General Bates, you and he should

raise a sufficient number of volunteers who would at once mount their horses, seize their arms, and drive every Indian from Georgia, before the news extended over the country? Do not misunderstand me; I have no idea of any such rash and violent means, unless circumstances should actually justify and demand it. But, sir, we are not to be sported with on this subject. If a massacre of our people should take place, exemplary punishment must follow. Georgia must at once be relieved from her Indian perplexities.

You will please to let me hear from you on this subject; especially let me know, if force is demanded, what can be done in your division.

Yr. friend, &c.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, June 28, 1834.

Hon. Lewis Cass,

Secretary of War,

Washington.

Sir:—I have the honor to acknowledge the receipt of your letter of the 19th inst. informing me of the measures which you have adopted for the removal of the causes of complaint against the Creek Indians who have intruded themselves on the territory of Georgia, to the annoyance and injury of the citizens of this State. I approve of the direction which you have given to this subject, and hope that, in connection with the measures adopted by myself, it will prove effectual, and that these deluded people will yield to the friendly and united advice of both the Federal and State authorities, and thereby avert all apprehended evils.

In my former letter on this subject I omitted to inform you that, immediately on receiving the communication of the citizens of Paulding County complaining of the conduct of the Creeks, I, without delay, instructed and requested two of the most competent citizens of that section of the State to visit the Indians complained of, and to explain to them the impropriety and danger of their procedure; and to order them to abandon, without delay, the country upon which they have so lawlessly intruded. I have not heard yet from these agents, but indulge the hope that their report may be favorable to our

wishes and the quiet of the country. I learn from Washington that a treaty has been concluded and signed by certain Cherokee delegates now at that place. Will you have the kindness to keep me advised of everything relating to this subject, in any way connected with my official duties, and which may be proper for me to know?

I am, sir, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, June 28, 1834.

Sir:—Yesterday's mail brought me a communication from the Secretary of War, in reply to mine on the subject of the complaints of yourself and fellow citizens against the Indians in your section. As was anticipated in my former letter to you, I have the assurance of the Secretary of War that his prompt attention has been directed to the subject, and that the present agent of the Creeks (Mr. Tarrant) has been fully instructed on the subject; and that, if remonstrance should avail nothing, more efficient means will be immediately resorted to. Be assured, and assure your community, that proper means and vigilance will be used to shield their rights and guard their persons and property from savage depredations.

Very respectfully,

WILSON LUMPKIN.

To Turman Walthall, Paulding County.

Cassville, June 28, 1834.

Dear Sir:—Your favor of date 9th inst. was received by us. Immediately upon its reception we visited Paulding County, and the Creek Indians against whom complaints had been made. On our first approach to their habitations they manifested great hostility, and appeared prepared for battle. We had, in Floyd County, procured the services of Mr. Charles Vann, an intelligent Cherokee, to act as interpreter. Through him, we informed them of the object of our visit, the instructions which had been given to us, and the consequences of a refusal quietly to leave the country. They then made very little reply to us, but agreed to meet us the day following, when they would more fully hear our talk. We accordingly met

them, and fully explained to them the nature of the tenure by which the Cherokees held their homes and your determination that our citizens should not be intruded upon. They replied that they had come amongst the Cherokees in conformity to a usage which had long existed between the Creeks and Cherokees, that they were ignorant of having violated the rights of Georgia, and expressly disavowed any hostile intent. They further remarked that if the principal chief of the Cherokees was to order them to leave the country, they would do so. We informed them distinctly that they must not look to the chief of the Cherokees for authority to remain within the limits of Georgia, and that your orders must be implicitly obeyed. They required until the 24th inst. to answer us fully, which, with the consent of the citizens of Paulding in the immediate neighborhood, was granted. Their final determination was to have been made known to us on that day, at the head of the Coosa, but we heard nothing authentic from them. Turman Walthall and John Witcher, Esqrs., of Paulding, met at that place on the appointed day, by whom we were informed that the Creeks had not departed; and from all they could learn it was not their intention to do so. Mr. Vann thinks it will require but a small force to remove them; such is our opinion also. We therefore recommend that Capt. Peyton Randolph, of Floyd County, may be ordered to perform this duty. We consider the militia under his command fully competent, and we know that they are to be depended on, both for bravery and prudence. You will address Capt. Randolph, at Livingston, Georgia, care of James Hemphill. At our request, Mr. Vann collected as many of the Cherokees in Paulding as he could, and informed them of the charges made against them. They assured him that they had not participated in the controversy between the whites and Creeks, and that they were determined to keep themselves aloof from it. Mr. Vann said to us that he did not apprehend the least danger from the Cherokees.

Very respectfully, yr. obt. servts.,

Z. B. HARGROVE,
JAMES HEMPHILL.

His Excellency W. Lumpkin.

Executive Department, Ga.,

Milledgeville, July 5, 1834.

Gentlemen:—In acknowledging your favor of the 28th ult., permit me to express my sense of your being entitled to the public gratitude, as well as my individual acknowledgements, for the prompt and proper manner in which you have performed the delicate and necessary duty to which you were invited by my letter of the 9th ult. I entirely approve of the views and suggestions which you have submitted, and should immediately take the course which you suggest, but for the fact of having received a communication from the Secretary of War, assuring me that the most prompt means would be immediately put in operation to effect the withdrawal of the Creeks from the territory of Georgia. I have communicated the course determined on by the War Department to the citizens of Paulding County, through T. Walthall, Esq. Therefore, it will be necessary, under all the circumstances, for us to pause until suitable time shall elapse, for the action of the Federal measures; and then, if necessary, we will promptly resort to the means within our own command.

Very respectfully yrs.,

WILSON LUMPKIN.

Col. Z. B. Hargrove and Gen. James Hemphill, Cassville.

War Department,

July 6, 1834.

Sir:—I have had the honor to receive your letter of the 28th ultimo, and am happy to find that the measures taken by this department to obviate the anticipated difficulties from the removal of the Creek Indians meet your approbation.

During the recent session of Congress an arrangement was made with the emigrating portion of the Cherokees for the removal of their people to the country west of the Mississippi. This arrangement, in the form of a treaty, was submitted to the Senate for their ratification, but, not having been acted upon by that body, it still remains before them.

In the meantime, however, the efforts in Georgia for the removal of the Indians will be continued, though upon a plan somewhat changed. Books will be opened for enrollment in which the substance of the treaty will be stated,

and the assent of the signers will be given to it. If a majority of the nation should signify their acquiescence, it is presumed that no difficulty will occur in the ratification of the treaty. But, if not, then the enrolled persons agree to remove as soon after the 1st of January as the public agents may be prepared for operation.

The Indians will be assembled at some convenient place during the season for the purpose of taking their opinion, under a recent act of Congress, respecting the mode of paying their annuity. A convenient opportunity will then be afforded to ascertain their general sentiments respecting emigration. Major Curry will be instructed to report his progress and prospects from time to time to your Excellency.

Very respectfully, yr. most obt. servt.,

LEWIS CASS.

His Excellency Wilson Lumpkin, Governor of Georgia.

War Department,

September 10, 1834.

Sir:—I have the honor to transmit a copy of a letter recently received from the Sub-Agent of the Creeks, on the subject of the injuries committed by their people within the State of Georgia.

So far as this department is informed, no change has taken place in the Cherokee relations. Should anything important occur, I shall not fail to apprise your Excellency of it.

Very respectfully, yr. most obt servt.,

LEWIS CASS.

His Excellency Wilson Lumpkin, Governor of Georgia.

Mardisville, Alabama, Aug. 20, 1834.

Sir:—I have been to see the head chiefs of the upper and lower town, and communicated to them the information you had received from the Governor of Georgia, and stated to them the necessity of withdrawing their people from Georgia, and preventing any more from going into that State. I stated to them the consequences which would result from such a course of conduct as their people were charged with, and urged upon them to attend to this matter as early as possible. The reply of Neah-

Mico, the head chief of the lower towns, in presence of a council of the whole tribe, was that he had no knowledge of any mischief committed by the Indians in Georgia; but stated that he would inquire into the matter, and if he could ascertain where, and by whom, it was committed, he would exert his influence to put a stop to it.

I am, sir, very respectfully,

Yr. obt. servt.,

(Signed) LEONARD TARRANT.

Hon. Lewis Cass, Dept. of War, Washington City.

CHAPTER XII.

Official Letters, 1835.

Executive Department, Ga.,
Milledgeville, Jan'y 12th, 1835.

Hon. Lewis Cass,
Secretary of War.

Sir:—I have the honor to acknowledge the receipt of your favor of the 26th ult., enclosing a copy of the opinion of the Attorney General of the United States in relation to the act of the 30th of June last, providing for the investigation and payment of certain claims under the Creek Treaty of 1821. After examining the act referred to, in connection with the opinion of the Attorney General, I take pleasure in acknowledging the liberal and just disposition which I perceive is manifested by the Federal authorities to bring to a speedy and fair adjustment the long-delayed claims of the citizens of the State of Georgia connected with this subject. Under all the circumstances, I feel it my duty, and am therefore willing, to render every aid which may be placed under my control to bring to a proper close this long standing subject of complaint.

I have the honor to be,

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Jan'y 12th, 1835.

Col. C. H. Nelson,
Long Swamp P. O.,
Cherokee Co., Ga.

Sir:—I have received yours of the 3d inst., signifying your acceptance of a part of the agency contemplated by the late act of the Legislature entitled "An act to amend an act more effectually to provide for the government and protection of the Cherokee Indians residing within

the limits of Georgia," a printed copy of which is herewith enclosed, together with the order of your appointment.

The sure guide for all officers and agents under our Government is the letter and spirit of the laws which they are called to administer and execute. You will, therefore, consider your various duties as being best defined by the several acts of the Legislature under which you are called to officiate.

After filing your bond and taking the oath of office required by law, you will be ready forthwith to enter upon the duties of your appointment. A blank bond, with a "Dedimus Potestatem," directed to any two of the Inferior Courts of Cherokee County to administer to you the oath of your office, is herewith enclosed, and, when executed, may be returned to this department by mail.

The principal duties which will be required of you as Agent will be to examine and report to this department, when required to do so in terms of the law, all lots of land which are still subject to be granted, under the act of the 20th of Dec., 1833, and to deliver possession to all applicants who are the legal or rightful owners of all lots of land which have been, or may be, granted under the provisions of the act of 1833 above referred to. In performing the latter duty, to wit: placing the legal owner, holding claims under a grant from the State, in possession of his premises, you may, as has evidently been anticipated by the Legislature, meet with obstructions or resistance. Permit me, therefore, to suggest to you the importance of exercising a precedent forecast in making proper arrangements to meet any exigency which may be apprehended by you. In all cases where the law requires you to demand a change of possession, *the law must be sustained*. But I would advise, in every case, that you should, in the first instance, rely upon the moral force of the laws of the State, without menace, threat, or irritating discussion of any kind whatever. If, unfortunately, the moral force and authority of the State enforced by reason and right should fail, be prepared to do your duty, by the use of the forcible means provided by law. It is true the law confides the power of using force to the Executive, when, according to the report of the Agent, force may be deemed necessary; but you are an Agent, and upon your reports I should have to supply the force when deemed necessary. And I therefore deem it most expedient, economical and proper to authorize you at once

to exercise a sound discretion, and when you may deem it indispensable you will call to your aid such force as may be necessary to carry this provision of the law into immediate effect. Should any case, however, occur, which should, in your judgment, require a greater force than you may be able to command, you will, without delay, report the case to me, with all the circumstances attending the same. The Legislature having promised a per diem allowance for your compensation, will make it necessary for you to keep an accurate account of all the days you may devote to this particular service. In the execution of the delicate and important trust herein confided to you, permit me respectfully to urge the importance of your keeping me constantly advised of every important matter which may transpire in any way connected with your present agency. Should any difficulty occur which may be calculated to obstruct a due and faithful execution of the law, report the same to me, and you shall promptly have the aid of the best advice which I may be able to afford. The haste with which these instructions have been written will not justify the idea that nothing of importance has been omitted. You will, therefore, without hesitancy, call upon me freely for my further views upon any and all subjects connected with your official duty.

Very respectfully yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Jan'y 14th, 1835.

Col. M. St. Clair Clarke,

Washington, Dist. Columbia.

Sir:—Under the provisions of a joint resolution of the General Assembly of this State, approved on the 20th of December last, the Governor is authorized to employ some fit and proper agent to prosecute the claims of the State of Georgia against the United States, for services rendered and moneys paid by the State during the Revolutionary War. And, further, the Governor is authorized to stipulate with the agent who may be employed that he shall receive a sum not exceeding ten per cent. on the amount received from the United States, which may be as a full compensation for his services. Under all the circumstances connected with the investigation of this

subject (and with which you are fully acquainted) I feel authorized to say to you that I am pleased to have it in my power to tender to you the agency contemplated by the Legislature, and deem it unnecessary to use the formality of inquiring whether you are willing to accept the appointment. I shall therefore herewith enclose to you the necessary order of appointment, which will suffice as your credentials for entering upon the investigation as soon as may suit your convenience. Any preliminary arrangements which may be deemed necessary will, on my part, receive prompt attention. Upon the reception of this an answer will be expected.

I am, sir, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Jan'y 26, 1835.

Hon. Lewis Cass,

Washington, D. C.

Sir:—I regret the necessity of having again to complain of the lawless depredations of a party of vagabond and strolling Creek Indians (who yet remain in the State of Alabama), on the property and persons of some of the citizens of this State, who reside in the Counties of Lee, Irwin, &c. On the 5th day of Feb'y last I wrote you on this subject, and had the honor to receive your satisfactory answer, dated the 17th of the same month. Since that time there has been but little disturbance on the subject, until very recently.

I have learned recently, however, through communications entitled to entire credit, that the scenes described in my letter above referred to are again disturbing the repose of the country. Indeed, I have reason to believe that several lives have been lost, both by whites and Indians, growing out of the intrusions and depredations of these savage vagabonds and robbers. If anything can be devised by you to put a final stop to these evils, it will relieve the authorities of Georgia from the painful necessity of resorting to the severe measures of chastisement which the growing insolence of these outlaws calls for.

With great respect, I have the honor to be

Yr. obt. servant,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Jan'y 30, 1835.

Gen'l John Coffee.

Dear Sir:—I have this day written to our Senator in Congress, Mr. King, and the Secretary of War, on the subject of the present aspect of our Indian affairs. The immediate inducement for my doing so originated from having seen in the published proceedings of the Senate of the United States the report of a memorial presented by Mr. Frelinghuysen, of New Jersey, in the name of John Ross, on the subject of Cherokee claims, interest, &c. The assumptions contained in this memorial cannot be countenanced for a moment by the people and authorities of Georgia. Without reiterating what I have said to the gentlemen named on this subject, you and our friend Schley will please excuse me for referring you to Mr. King, and request him to show you my letter. You can then see the Secretary of War and the President, if you find it convenient, and let my views be distinctly understood by the Executive Department of the Federal Government, which I have every reason to believe will concur in my conclusions on this subject. I should like to hear from you and Judge Schley on this or any other subject of interest, and have the honor to remain,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Jan'y 30, 1835.

Hon. John P. King,

Washington, D. C.

Dear Sir:—In the published proceedings of the Senate of the United States I perceive that, on the 21st inst., Mr. Frelinghuysen, in presenting the petition of John Ross, the principal manager of the Cherokees, and who is under the control of a most infamous faction of selfish white men, amongst other things stated to the Senate "that the controversy which existed between the Cherokees and the State of Georgia had reached a crisis, which required the interposition of the United States. They proposed that the part of the territory which they occupied should be purchased by the United States and ceded to the State

of Georgia, and, as to the rest of the territory, they wished it to be confirmed to the Cherokees in fee simple; that, under this state of things, the Cherokees would submit to the laws of the State of Georgia, provided they had conceded to them those equal civil and political rights which were conferred on other citizens of Georgia," &c. Now, sir, I feel it my official duty not only to call the attention of the Senators and Representatives of the people of Georgia who represent them in the Congress of the United States at this time to this deeply interesting subject, but, through you, most respectfully to suggest the expediency of the Congress of the United States being informed at once what is the true state of the question to which their attention has been invited by Ross and his friends and counsel. I know that it would be superfluous for me to enter upon the details of this subject, with a view of giving any new light or information to the Georgia delegation on this subject. Every Georgian of ordinary information is familiar with the whole history of this subject. Suffice it to say that Georgia, upwards of thirty years ago, ceded to the United States the garden spots of the Union, now known as the flourishing States of Alabama and Mississippi, for a most paltry consideration, the principal part of which was that the Government was bound to extinguish the Indian title to the residue of the lands of Georgia, as embraced in her present admitted boundaries, as soon as it could be done on reasonable and peaceable terms. I regret the necessity of saying that the United States has been wanting in good faith to Georgia on this subject. Instead of a faithful and honest compliance with the terms of this compact, some one or other of the departments of the Federal Government have constantly aided, if not created, the insurmountable obstacles which have hindered and continue to hinder and incapacitate the Government from a faithful compliance of a contract deliberately entered into with one of the old thirteen States of this Union.

Bad faith and the want of honesty on the part of the Federal Government have alone created the perplexities and deep injuries with which Georgia has been embarrassed and calumniated on account of her Indian population. Moreover, to the same cause may be fairly traced the whole of the unparalleled assumptions of the Cherokee Indians and their aiders and abettors in and out of this State. Finally, the assumptions of the Cherokees, urged on as they were by a desperate political faction,

forced the people and authorities of Georgia to take the management of her Indian affairs and territory under their own control. And, whatever may be said to the contrary, more has been accomplished by the people and authorities of this State, during the last three years, towards a final and advantageous adjustment of all these long-standing conflicts between the red and white men than has been accomplished for thirty years before. In the policy which has been pursued by Georgia, not only has the interest of the State and its citizens been greatly advanced and promoted, but the Indians themselves have been enlightened to a sense of their true interest. They are convinced that there is no resting place for the foot of an Indian, or prosperity in store for them, so long as they remain in the midst of a white population. Their only remaining hope of salvation is by turning their eyes to the West. And why do we see enlightened men engaged in the ruinous work of keeping these people back from entering the promised land? They will not let the people go until they fleece them of their last dollar.

Ross and his advisers well know that their proposals to Congress are wholly inadmissible, as well as highly insulting to the people and authorities of Georgia. What right has the United States to cede to Georgia her own territory? What has she to do with the fee simple title to lands in Georgia? What arrogance on the part of Ross and his counsellors to propose conditions to the Congress of the United States upon which they will *submit to the laws of Georgia!* Now, sir, I assure you that there is not a Cherokee Indian proper within the limits of Georgia who would be willing to become a citizen of the State upon any terms or conditions whatever. The object of the proposed arrangement is twofold, at least. First, Ross and his counsellors know that he (Ross) can control and dictate to the whole of his party or followers. If, therefore, he could secure to them fee simple, instead of occupant rights, he and his lawyers would immediately make their fortunes out of these resources. Secondly, They know such an arrangement would conflict with the existing laws of Georgia, as well as the rights of many of the citizens of the State.

With the favorable opinion which I entertain of the moral rectitude and intelligence of Mr. Frelinghuysen, and many others who are evidently the dupes of Ross and his Georgia counsel, I would take the liberty of suggesting to you the expediency of taking some pains to explain

this whole subject, as it is, to such individuals. So far as Ross is concerned, it is impossible for the Federal Government to effect any just arrangement with him on this subject. His sole object is to provide for himself, his counsel and his friends. You are at liberty to make any use you may think proper of this communication. I shall, as heretofore, faithfully endeavor to protect the legal rights and promote the best interest of the Indian population who yet remain in Georgia by a due execution of the laws of the State. Submission to the laws of the State will be expected from every caste of our population, without asking the consent of John Ross, or his counsel, or even the Congress of the United States.

I am, sir, with very great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Jan'y 30, 1835.

Hon. Lewis Cass,

Secretary of War.

Sir:—Being apprised that delegations from the Cherokee Indians who still reside in Georgia are now at Washington on business connected with their territorial and other claims, and having seen a statement of the contents of a memorial laid before the United States Senate, in the name of Jno. Ross and other Cherokees, I think proper to communicate to you, and through you, to the President, that, anxious as the people of Georgia still are for a final adjustment and termination of all conflicting claims with this remnant tribe of Indians, neither the people nor authorities of Georgia can ever be induced to accede to the arrogant and assuming terms proposed by Ross and his advisers to the Congress of the United States. Georgia can never submit to the degradation of purchasing submission to her laws, within her own limits and constitutional jurisdiction, from any *caste*, or portion, of her population whatever.

The occupant rights of the Indians will be duly respected; but fee simple rights will not be granted to them under any conditions whatever. Ross is the *dictator* of his party amongst the Cherokees, and if fee simple rights were given to them, he and his *counsel* would derive the

entire benefit. I most ardently desire an arrangement which shall benefit the whole of the Cherokees, and forever and at once put to rest the disquietudes growing out of our present Indian relations. But I would prefer things remaining as they are to an arrangement which would increase existing evils.

I have the honor to be

Yr. obt. servant,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Jan'y 31st, 1835.

Major General Daniel McDougald,

Columbus, Ga.

Sir:—For years past a portion of the hunting, vagabond, or strolling Creek Indians, who still remain in Alabama, have been in the habit of crossing the line, and coming over to our State, to spend the cold season of the year for hunting and other more villainous purposes of a more objectionable character, very much to the annoyance and injury of our sparsely settled population in the lower part of your Division, and other adjoining counties. About a year ago the evil became so serious, and the complaints of the people so urgent, that I found it necessary to take efficient steps, with a view to remove the evil. Amongst other measures, I urged upon the Secretary of War the duty of the Federal authorities to take care of their own Indians, by controlling and confining them to their own limits, and thereby remove the evils complained of by the citizens of Georgia. I further suggested to the Secretary the proper use of the United States troops stationed at Ft. Mitchell as the most efficient means to effect the desired object. The Secretary of War approved of my views, and the evil complained of was promptly suppressed, so far, at least, that I have heard no further complaints on this subject from our citizens until very recently. Within the last ten days, however, I have received various communications from a number of highly respectable citizens of the Counties of Stewart, Lee, Randolph, and others, of that section of the State, informing me of increased depredations and outrages, accompanied by insolence and hostility on the part of these vagabond savage robbers, which calls for the most energetic measures which can be devised to chas-

tize the offenders, and put an end, if possible, to these insufferable depredations. Several engagements have already taken place between this savage band and our suffering population in these Counties, in which I deeply regret to learn that several valuable citizens of Georgia have been slain. My object in giving you these brief details is to explain to you the necessity of the call I now make upon you for your official aid in suppressing these enormities. And, first, permit me to request that you will, with the least possible delay, obtain an interview with the officer now in command of the United States troops in your vicinity, and also with the acting agent of the Creek Indians, and lay before them the existing state of things as herein detailed to you.

I presume, from communications heretofore received from the Secretary of War on this subject, these officers and agents of the Federal Government are still in the possession of sufficient orders and instructions from the War Department to act promptly and efficiently in this business. At any rate I hope they are and will be disposed to do their duty with all practicable despatch. The circumstances call for the most prompt and energetic measures, for the people of Stewart, Lee, Randolph, and other Counties, are sending expresses to me, which evince a state of great apprehension and alarm.

I sincerely trust that the officers and agents of the Federal Government will do their duty in this business, and control these Indians as they ought. A few days ago I again wrote fully to the Secretary of War on this subject. But, to prevent further alarm and mischief, I would advise that you immediately communicate the existing state of things to the subordinate officers under your command, in order that the regimental and battalion officers in the exposed counties may be on the alert, and ready to afford what assistance they may be able to command in case of any emergency which may occur. You will please to let me hear from you as soon after your interview with the Federal officers as practicable.

I have the honor to be

Yrs., &c.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Jan'y 31st, 1835.

To A. Prince and Wm. H. Disinukes, Esqrs., and other
citizens of Stewart and adjoining Counties.

Gentlemen:—With great surprise and unfeigned regret, I have read the statements which you have forwarded to me, by *express*, detailing the unsufferable outrages and depredations which have been committed on the persons and property of our unoffending citizens by a strolling and vagabond party of savage Creek Indians, who seem to have assumed the character of outlaws and robbers. As far as I can command the means, these evils shall be suppressed and the offenders shall be punished.

I have communicated the existing state of things to the Secretary of War, urging the duty on that department of the Federal Government of promptly attending to these matters, and have suggested the propriety of using the United States troops now stationed at Fort Mitchell for that purpose. I have also apprised Maj. Gen'l Daniel McDougald of all these matters, together with my views, and have, moreover, requested him immediately to see the officer who commands the troops at Fort Mitchell as well as the acting agent of the Creek Indians, both of whom I am apprised have heretofore been instructed by the Secretary of War on this subject, and urge upon them the necessity of energetic and immediate measures being taken by them to remedy the evils of which you complain. I have, moreover, directed Gen'l McDougald to apprise the subordinate officers of his command to be prepared to protect and defend the citizens of your division in the best manner that can be devised, in case of any emergency, while more stable and effectual operations are in preparation. In the meantime, permit me to say to you and, through you, to all officers, citizens and soldiers residing in the exposed section, that, in order to defend the persons and property against the increasing and alarming depredations of this lawless banditti, some well devised concert of action should be immediately organized. If it is deemed necessary, let the Colonel or Colonels of the regiment or regiments, in the exposed section immediately call into requisition such portion of the militia as may serve to keep in check and chastise, if necessary, these abandoned and insolent savages. I presume a sufficient number of volunteers may be procured

for this temporary service, and should therefore be preferred to drafts. Any reasonable expense which may occur will justly devolve upon the Government, and without doubt will be provided for by the Legislature. While preparations are in progress to suppress and exterminate these robbers, let it be remembered that self-preservation, the first law of nature, admonishes every good citizen to take a prompt and efficient part in protecting the lives and property of that community of which he forms a component part. You may be assured of the aid, countenance and support of the Executive.

Very respectfully,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Feb'y 9th, 1835.

Gen'l John Coffee.

Dear Sir:—From the information which I daily receive from the Cherokee part of Georgia, I entertain but little doubt of the success of the late legislation of Georgia in conformity with my views (in putting grantees in the possession of their land, regardless of Hooper, his injunctions, and feed lawyers), having the most salutary and happy effect. Indeed, I have a growing confidence that the laws can and will be so administered as to ensure a happy termination of our Indian affairs. My impressions will be strengthened by the repeated arrival of Cherokee delegations at Washington, and, whatever may be the form or pretensions set forth in their memorials which have been presented to Congress, yet all go to confirm the fact that the Cherokees, as well as the people of Georgia, are tired of the long controversy. If a general arrangement can be made with the Cherokees, Washington is the place to effect and conclude it. The necessary Indian material is, and will be, there; for you may look for Martin shortly, who will join Ridge and his party. At any rate, I protest against any attempt being made to treat with the Cherokees in their own country, by commissioners who are unfriendly to the Federal and State administrations. Such a step would be most injurious to the friends of the country and Government. We should never condescend to use such instruments as Underwood & Co., while we have plenty of honest and capable men.

You will make a prudent use of this letter, and believe me to be,

Very sincerely, &c.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Jan'y 31st, 1835.

Hon. Lewis Cass,

Secretary of War.

Sir:—Since writing to you on the 26th inst., on the subject of the lawless and unsufferable depredations which had been committed by a strolling party of the Creek Indians on the citizens of Georgia, &c., I have continued to receive additional evidence of the magnitude of the evils complained of, and also the hostile spirit of these savages. To place you fully in possession of the information which I have received, I herewith enclose you copies of several communications which have been received at this department, *by express*. I trust the evidence now laid before you will be deemed sufficient to authorize prompt and efficient measures on the part of the Federal authorities to relieve the citizens of Georgia from the numerous depredations of this miserable band of ferocious robbers.

I am, sir, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Feb'ry 9th, 1835.

Majr. Benj. F. Curry,

Spring Place, Ga.

Sir:—I thank you for the information you have afforded me, by the hand of Mr. McCoy. I have sent for Col. Carter, and shall endeavor to effect the arrangement which you propose in relation to Martin's place; that is, I shall entreat Col. Carter to accommodate Martin, with a view to promote the public interest. I concur with you in the opinion that Martin's presence and influence at Washington can effect much in bringing to a final close our Indian perplexities. Indeed, your general views in relation to our Indian affairs, and the conspicuous men

connected therewith, generally coincide with my own. I was pleased with your letter to the President, and I have just written him on the subject of our Indian affairs, in which I protest against the appointment of the enemies of the administration as Commissioners to adjust and settle our Indian affairs. Indeed, I believe if an arrangement can be made at all, it can be done to greater advantage at Washington than anywhere else, for many obvious reasons which will no doubt occur to you.

I am, very respectfully,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'y 9th, 1835.

Col. Wm. N. Bishop,

Spring Place, Ga.

Dear Sir:—Yours of the 2d inst. was received this morning, by the hand of Mr. McCoy. You can readily believe that I was highly gratified to learn that so much success has thus far attended your agency and exertions to bring to a satisfactory close our Indian perplexities. I entirely approve of the prompt, energetic, yet mild, course which you have pursued. Indeed, its good effects must now be obvious to the whole country, as the Cherokees are so rapidly changing their tone, and are becoming more and more reconciled to the views and measures of the Government. I thank you for the various items of information contained in your letter in relation to our Indian affairs, some of which were new to me, and will be used with a view to promote the best interest of our State and country. I have sent for Col. Carter, and hope to see him in the course of the day, and shall entreat him to enter into the arrangement proposed, in relation to Martin's place, for I entirely concur with you in believing that his presence at Washington will greatly strengthen the probability of effecting a final arrangement with the Cherokees. I consider Washington the proper place for making the arrangement, for many strong and obvious reasons which might be named, and many of which will no doubt occur to you. Should it be necessary, however, to attempt making a treaty in the Cherokee country, I have and shall continue to protest against the appoint-

ment of Commissioners who are, or have been, opposed to the measures of the Federal or State Governments, in relation to Indian or other matters. I have no confidence in agents of such character; and as to Ross's lawyers being employed in such agencies, I consider the idea most preposterous, and therefore wholly inadmissible. The interest of the State in relation to our Indian affairs has been fully dwelt upon in my communications to Washington. Our Congressmen, as well as the Executive Government of the United States, are, and shall be, kept constantly apprised of my views, and the movements of the Cherokees in Georgia. The present state of affairs is well understood at Washington before now. I hope you will continue to let me hear from you frequently.

I am, sir, with great respect,

Yr. obt servant,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Feb'ry 10th, 1835.

Col. Wm. N. Bishop.

Dear Sir:—I am glad to have it in my power to inform you that our friend Col. Carter, without hesitancy, wrote to Judge Martin, by Mr. McCoy, informing him that he might continue to occupy his place the present year, by paying a reasonable rent, and provided he used his influence to bring our Indian affairs to a final issue, by the removal of the Cherokees. The Colonel also informed me that he should accede to your proposition, in regard to the place occupied by your brother, and should communicate to you accordingly.

Thus, you find we have done all we could here to promote your views, as we consider them connected with the public interest.

Very respectfully,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Feb'ry 12th, 1835.

Col. M. St. Clair Clarke,

Washington, D. C.

Sir:—Your letter of the 25th ult., formally accepting the agency tendered to you by me under the authority of

the Legislature of Ga., for prosecuting the claims of the State on the United States, was duly received, and would have been answered sooner but for the consumption of time which we found necessary to comply with your request, in making a full and satisfactory examination of the records of the Executive Department of Georgia, and preparing the documents which you requested. After full examination, and much reflection, on the subject of the claim of the State which you have undertaken to prosecute, as an honest man I find it my duty frankly to state to you that the further I have investigated the subject the more I am inclined to the conclusion that the justice of the claim is more than doubtful.

This impression, however, arises alone from the documents and papers which I herewith enclose to you, and which are taken from the files and records of this department. We have not been able to find the certificate of John Pierce, dated 18th May, 1785, for \$123,283.70, or such entries, papers, instructions, or correspondence upon the subject of this certificate as it appears to me our archives ought to afford. We send you, however, such papers and correspondence as we consider best calculated to throw clear light on this old, and now much obscured, subject, regardless of selfish considerations, wishing only that justice may appertain between the State and Federal Government. But for the letters of Mr. Baldwin, copies of which I send you, I should most fully concur with you in believing this claim a just and valid one. I cannot, under all the circumstances, however, comprehend how Mr. Baldwin, in 1806, could arrive at the conclusions which he did in his letter to Governor Milledge of that date, if a fair and full settlement had not been made with the State for her advances made for Revolutionary services, &c. As soon as you can afford the time, please favor me with your views in regard to Mr. Baldwin's letter to the Executive of Georgia, and any further impressions which you may entertain in regard to this subject. I regret the delay in forwarding these papers, but it has been unavoidable.

With great respect,

Yr. most obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'y 14th, 1835.

Hon. Lewis Cass,
Secretary of War.

Sir:—I have had the honor to receive your letter of the 7th inst., in which you request that I will designate some State officer to whose charge the balance of the appropriation of \$250,000 shall be intrusted, and that measures shall be taken to remit the same on the reception of my order. I therefore designate Henry W. Malone, Cashier of the Central Bank of Georgia, at this place, as the proper officer to receive said amount of money, to be placed to the credit of the Governor of the State of Georgia, and his successors in office, for the purposes intended by the acts of Congress in relation to the same; and you will please to consider this my order in compliance with your suggestion. I have to request that such views and instructions as the President may deem necessary may accompany the papers connected with this subject, when forwarded to this department.

I am, sir, very respectfully,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'y 18th, 1835.

Hon. John Forsyth,
Washington, D. C.

Dear Sir:—I have received yours of the 10th inst., and herewith enclose you a newspaper which contains the late act of the Legislature to which your letters refer, from which you will perceive that, so far as the execution of the law depends on the Executive, but little executive discretion is confided to me over the subject pointed out in your letter.

Permit me, however, to assure the President, through you, that I have taken great pains to prevent any just complaint growing out of the execution of the law. Moreover, broad as the law may appear to those who are uninformed in regard to the extent of its operations, I assure you that it will interfere with the interest of but very few of the Cherokees. Its chief object and bearing is on

Ross and a few of his co-workers and white allies, who were reservers under former treaties.

Every indulgence and lenity has been, and will be, extended by our citizens to Martin and others on whom the law might be brought to bear, and who are believed to be honestly disposed to bring to a close our Indian controversies, and prevent further litigation. Every proper indulgence will be extended to those who duly respect the authority of the State.

With great respect, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'y 17. 1835.

P. C. Gieu, Esq.

Sir:—Your remarks, contained in your papers of the 12th and 13th inst., upon the notice which issued from this department in relation to the postponement of the distribution of the Academy and Poor School Funds, calls for some explanation, both on account of your repeated notices of the subject and the evident misapprehensions under which you are laboring in regard to the subject. Nothing unkind is intended, when I assure you that your *zeal* in this matter has carried you *beyond your information*.

The Executive order which has been the subject of your several comments was intended merely as a notice that the funds specifically set apart by law for the support of academies and poor schools (being chiefly derived from the profits on bank stocks, as set forth in your paper of the 13th), had not, at this time, amounted to a sufficient sum to justify the usual annual dividend applied to these schools. The amount of this distribution depends in a very small degree on the will of the Executive, or his judgment and discretion.

The Executive is simply the organ of the Government, to declare the dividend, and pay the distributive share to each county; nor has he the power to make it one dollar more or less. Moreover, the law for the distribution of the Poor School Fund seems not to have been left to Executive discretion the time when these dividends should be declared, inasmuch as it provides that the dividend is to be declared when it amounts to the sum of \$20,000. In regard to academies, the law is silent in regard to the amount which shall be necessary for a distri-

bution. But it has been the uniform practice of all my predecessors, as well as myself, never to declare a distribution of these funds except when the amount was \$20,000, or nearly approached to that sum.

Under the act of the Legislature, passed in 1822, the first distribution took place in March, 1823, since which time an apportionment has been made every year, except the years 1827 and 1829. Finding from experience that the investments made by law for the support of these schools and academies were somewhat precarious, depending, as it does, entirely upon the profits of those investments, and being fully impressed with a sense of the evils which you seem so deeply to deplore, you will find at the annual session of the Legislature in 1833, I made it the subject of a special communication to the General Assembly, and urged the necessity of a legislative remedy—which, however, passed unheeded. For three years past an annual dividend has been made amongst the several counties of this State, of the Academy and Poor School Funds. The amount distributed from each fund has been about \$20,000 a year. At the beginning of the last year I found the amount which had accrued upon the school funds was insufficient to make the usual annual distribution. It was therefore postponed until May last (1834), when we were able to distribute the usual amount, having received the first half year's profit on the vested school funds; consequently these funds could not reasonably have been expected by this time to have yielded the amount of the usual annual distribution. And the object of the Executive notice which has given you so much trouble was intended to notify the public of the facts. It may be proper to remark that the tax on peddlers and other contingent incomes which by law was added to the Poor School Fund, has, from recent legislation, become wholly unavailable in keeping up the former amount of this fund.

Believing you unwilling intentionally to mystify a plain subject to the injury of any man, public or private, I have been induced to make you this communication, affording you the means of re-examining and comparing your public articles with this plain statement of facts.

Very respectfully, I am, sir,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'y 19th, 1835.

Major Gen'l Daniel McDougald,
Columbus, Ga.

Sir:—I have just received a communication from the Secretary of War, in reply to my communications to that department, on the subject of the depredations of the Creek Indians on our citizens, as heretofore communicated to you by me. The President of the United States concurs with me in believing that he has no power over the Indians living within the States which have extended their jurisdiction over them; but he is nevertheless disposed to afford every aid and protection to the citizens of the States which may be in his power. Therefore, orders have been given by the Secretary of War to the commanding officer of the two companies of the United States troops in the Cherokee Nation to proceed to Columbus, in Georgia, there to receive and carry into effect any instructions which I might give for the support of the civil authority, and for the purpose of enabling the proper officers of the State to prevent these depredations, and to secure the offenders. The commanding officer of these companies has been directed by the Secretary of War to report himself to me, immediately on his arrival at Columbus.

But, in order to save time and expense, I have thought proper at once to give you such instructions as I deem best calculated to meet and dispose of the present state of things. As before stated, I fully concur with the President that he has no power over the Indians in the States which have extended their laws and jurisdiction over them, and therefore fully appreciate his good intentions in placing these troops at my disposal. But I was wholly unprepared to anticipate the course which has been taken; nor have I made any communication to the War Department, requesting this kind of aid to the State. My communications to the War Department have set forth the complaints of our citizens against the Creek Indians, as they exist; and I have urged upon the Federal authorities the duty of taking care of and controlling their own Indians, to wit: the Creeks who reside on the territory of the United States; but it seems that whatever is done in this matter is to be done by State authority, and you are apprised that my official authority does not extend beyond

the limits of our own State line. Moreover, we need no assistance from the United States to punish these vagabond Creeks within our own borders. If we cannot apprehend them and bring them to punishment before the civil authorities of the State, we must treat them as outlaws and robbers, and make short work of the matter. I had supposed that the United States might use their own troops to keep these Indians within their own limits, and in that way relieve our citizens from further annoyance and injury, and that these troops might be useful in apprehending such Creeks as may have been guilty of crimes in Georgia, and thus aid in bringing the guilty to legal punishment—provided our citizens may be able to identify such. But I have no use for these soldiers in Georgia, nor have I any right to direct their operations in the State of Alabama on the soil of the United States. I have for some days been anxiously expecting to hear further from our citizens of the exposed counties, when I have expected to learn that these Indian depredators had fled from Georgia, and passed over into the State of Alabama—indeed, I have verbal information from travelers to that effect. Fully appreciating the good intentions of the Federal authorities in this matter, I feel bound and disposed to treat the public authorities, as well as the officers and men intended to be placed under my authority, with every mark of respect and politeness; but I cannot, under the circumstances which I have explained to you, accept of the honor proposed, and therefore have to request the favor of you to communicate these my views to the commanding officer of these troops, as soon after his arrival at Columbus as may suit your convenience. You will also please to inform that officer that I shall immediately inform the Secretary of War of my determination in regard to this matter, and request that his immediate orders may be given to the commanding officer at Columbus.

I have the honor to be, very respectfully,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'y 19th, 1835.

Hon. Lewis Cass,

Secretary of War.

Sir:—I have had the honor to receive your letter of the 11th inst.

I most fully concur with the President in the opinion so often expressed by him that he has no power over the Indians being within the States which have extended their jurisdiction over them, and fully appreciate his desire to protect the citizens of Georgia from the annoyance and depredations of the Creek Indians, which has so often been a subject of complaint. Moreover, I duly appreciate the good intentions which have induced you to order the commanding officers of the two companies of the United States troops in the Cherokee Nation to proceed to Columbus, in Georgia, there to receive and carry into effect any instructions I may give for the support of the civil authority, &c. Nevertheless, under the actual existing state of things at this time, I have no use for the troops thus kindly placed at my disposal. Had these troops been at Columbus, at the time the depredations complained of were committed on the citizens of Georgia, they might have been used efficiently and to great advantage in apprehending these Indians; but at this time I have reason to believe that most, if not all, of these Indians have recrossed the Georgia line, and are now in the State of Alabama, and what is more to be deplored is that we have not the means of identifying the guilty in but very few instances. The object of my communications heretofore made to you on this subject has been to urge upon the Federal authorities to take care of the Indians supposed to be in some degree under Federal control and influence, and, if practicable, to restrict them to their own bounds, and the soil of the United States Government. If this cannot be done by Federal authority, it is obvious that the action of the authorities of Georgia must be confined to the limits of the State, and that I have no use for troops in Georgia at present. I have already adopted temporary measures, to be resorted to for the protection of our exposed citizens; and, if these strolling Creeks continue to annoy the citizens of Georgia, I perceive that we must take care of ourselves, and they must abide the consequences for their crimes. Permit me, sir, however, to repeat the assurance of my confidence in the disposition of the President and yourself to afford every relief in your power to the exposed citizens of Georgia, and to suggest the expediency of the companies which you have ordered to Columbus remaining in the neighborhood, for a short time at least, subject to my instructions, in the event of any occurrence which may demand their services. Should these Indians again disturb the repose of

the citizens of Georgia, in the course of the approaching spring, these troops, being in the vicinity, might be used efficiently, and without loss of time, in apprehending the guilty. Moreover, if we can identify those who have already committed crimes, the troops might be useful in apprehending and bringing to justice these fugitives, now supposed to be in the State of Alabama.

Through Maj. Gen'l Daniel McDougald, who resides at Columbus, in Georgia, the officer commanding the United States troops will be requested to await your further orders in that neighborhood. At the same time, receive the necessary explanations, and be assured of the respectful consideration of the authorities of Georgia.

I have the honor to be, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Feb'y 23d, 1835.

Col. H. R. Ward.

Sir:—Being apprised that you are about to leave this place for the southwestern border of Georgia, and your being aware of the various and contradictory reports which have reached this department, in regard to the intrusions and depredations of the Creek Indians on our sparsely settled population in the Counties of Lee, Stewart, &c., I very gladly avail myself of the opportunity of procuring your services to the State, in taking upon yourself the duty and trouble of procuring and communicating to this department all such information as may enable me to take a just view of the subject and form a correct opinion in regard to the measures which may be proper for me to adopt, in order to relieve our citizens of this exposed section of the State from further annoyance from these strolling savages, of whose depredations they have so often complained.

First. I would desire to be informed whether the Indians complained of consist of those who have been in the habit of coming over into Georgia for the purpose of drinking or trading with our white population; or whether they are of that class of Indians who have but little intercourse with the whites, and who depend on hunting, and other savage pursuits, to procure subsistence?

Second. I would desire to know whether the Indians complained of are chiefly such as remain for a considerable length of time in Georgia, under the pretence of hunting, &c., or whether they are composed of those who come over to trade, &c., with our population?

Third. What has been the largest number of these Creeks known to have taken up camp in Georgia, with a view of remaining a considerable time, at any one place; and how far they have advanced into the State for that purpose?

Fourth. What amount of property have these Indians taken, destroyed, or carried away from our citizens; and from whom?

Fifth. What personal injuries have they committed on our citizens, such as murders, wounding, &c.?

Sixth. Have the Indians at this time all left the State; or are there any at present believed to be encamped on our territory? If yea, where?

Seventh. Do our citizens encourage the Indians to come over and trade, or not? And would they desire a strict enforcement of the statute of the State, passed some years ago, to prevent their intercourse with the citizens of our State?

Eighth. After obtaining all the information you can on the subject, will you please to communicate to me your opinion in regard to the necessity of military force to restrain these Indians from further depredations. If you should deem military force necessary, please to define the manner and places when this force can be employed to most advantage. If you should come to the conclusion that the evils complained of can be suppressed by a rigid enforcement of our existing laws, and a faithful co-operation on the part of the Creek Agent of the United States, now residing in the Creek country, aided, as he probably will be, by the Creek chiefs, I should like for you to communicate that opinion to me. If the Indians who have committed crime can be identified, so as to authorize a demand of the guilty being made, I am desirous that it should be done without delay.

You perceive, sir, my object is correct and general information on the subject, and I shall anxiously await your report.

I am, sir, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, Feb'ry 27th, 1835.

Hon. Lewis Cass,

Secretary of War.

Sir:—I herewith enclose you a copy of a letter received this morning from Maj'r Gen'l Daniel McDougald, of Columbus, Ga., which coincides with my views on the subject of the Creek Indians, upon which it is written.

I regret the necessity of so often troubling you on the subject of our Indian embarrassments, but I consider it my duty to keep you constantly advised upon a subject of so much importance to the country, and upon which our constituents feel so deep an interest.

I have the honor to be, with great respect,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, 27 Feb'ry, 1835.

Major General Dan'l McDougald,

Columbus, Ga.

Sir:—I have had the honor to receive your favor of the 21st, and fully coincide with the views which you have submitted in relation to the Creek Indians, and shall, without delay, forward a copy of your letter to Washington, to be laid before the President of the United States, which will no doubt be useful at this moment, and greatly strengthen the communications heretofore made by me on this subject. We shall never be wholly exempt from the annoyance of the Indian population, so long as a remnant remains in the States.

You have doubtless discovered, from my communications to you on the subject of the depredations of the Creeks, that I have been at a loss to determine on a definite course of measures to meet the present state of things. This, sir, has arisen from the fact that the information received at this department has been so vague and con-

tradictory that I have really been at a loss to form a decided opinion in regard to the prospects before us relative to these Creek Indians.

Moreover, I am, and have been, embarrassed by reason of the anomalous situation in which these Indians are, and have been placed.

It is difficult to determine to what government they are accountable. The President denies the jurisdiction of the Federal Government over them. The State governments are restricted to their own limits, and the Indians seem to consider themselves vagabonds and outcasts, without law, and without rule, or guide.

From your contiguity to the scenes of complaint, you are, no doubt, able to form a more correct opinion as to the most expedient measures than any one at a distance. I shall, therefore, consider it a public favor if you will keep me fully any freely advised of your views, in regard to the best measures which can be devised by me to meet such exigencies as may occur.

In order to obtain correct information from the exposed counties, I have sent my Aide-de-Camp, Col. Ward, to that section, with instructions, in detail, to procure and forward correct information to this department. In the meantime, I should like for the United States troops (if they arrive) to continue in the vicinity of Columbus until I hear from Col. Ward.

While I am disposed carefully to protect the persons and property of our exposed citizens, I do not like the idea of any unnecessary parade over small matters. I have thought that a faithful execution of the existing laws of the State, to prevent the intrusion of the Creek Indians, might probably put a stop to further depredations, until they can be removed to the West. I am fully assured of the President's earnest anxiety to remove the whole of the remnant tribes from the States with all practicable dispatch; but, like myself, he encounters opposition at every step, and every attempt to promote the public interest is embarrassed with opposition.

I have the honor to be

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 6, 1835.

Henry W. Malone, Esq.

Dear Sir:—Your letter informing me that the present state of your health renders it altogether impracticable for you to continue to discharge the duties of the office of Cashier of the Central Bank has been received.

Considerations connected with the public interest induced me to feel a deep interest in your continuance in office to the close of my administration, at least; but the dispensation which creates this vacancy in the public service demands from us a spirit of calm submission. Without a spirit of irreverence to Divine dispensations, I may, however, be permitted to say your loss from the public service will be deeply felt by all that portion of your fellow citizens who are connected with you in the public service, as well as by a large portion of the community who have so long witnessed your unwavering fidelity and integrity of character, in the discharge of every duty, private and public.

The highest earthly reward of a well-spent life is the approbation of the generation for whose benefit our lives have been spent; this may well be your present consolation. And I trust, my dear sir, a more desirable reward and inheritance awaits you.

I am, very sincerely,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 14th, 1835.

Hon. Lewis Cass.

Sir:—I have had the honor to receive your letter of the 2d inst. The papers in relation to the claims of the citizens of Georgia, confided to the care of Col. Foster, have not yet been received, but, when received, shall be duly acknowledged.

The copy of the letter of the 2d Auditor, which accompanied yours, showing the amount which has been heretofore remitted to my predecessors, for the purpose of be-

ing applied to these claims, as well as the balance which has been remitted by the Secretary of the Treasury to Henry W. Malone, Esq., Cashier of the Central Bank of Georgia, at this place, corresponds with the records of this department, and is therefore satisfactory; and Mr. Malone has received the necessary check for the amount now due.

The President having confided the adjustment and settlement of these claims to my discretion and judgment, you will please assure him that a sufficient portion of my personal attention shall be devoted to the subject to ensure the ends of justice, as contemplated by the act of Congress which must be my guide. It will be indispensable, however, for me to procure the assistance of a competent and well qualified individual of character to assist in the investigation and adjustment of these claims, as no such individual is officially attached to this department who can spare the time from other official duties.

I have the honor to be

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, March 14th, 1835.

Hon. L. Cass,

Secretary of War.

Sir:—I have had the honor to receive your letter of the 28th ult., informing me you had given orders for the two companies of the United States troops ordered to Columbus, Ga. to be stationed for the present at Fort Mitchell. I approve of this arrangement, as I entertain no doubt of its having a favorable effect on the conduct of the Creek Indians, if we should find no active service for them.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, 16th March, 1835.

Rev. E. Sinclair.

Sir:—Having been apprised of your willingness to accept the appointment of Commissioner to receive and apply the fund appropriated by the General Assembly for the education of the deaf mutes in this State, I take pleasure in presenting you herewith the order of your appointment, together with a copy of the resolutions of the Legislature under which it is made. I also present you with on Public Education and Free Schools, in relation to the subject, which was adopted by the late Legislature, and which contains much valuable information that may aid you in the performance of the duties connected with your agency. You will, as the occasion may require, draw from the Treasury, by warrant from this department, such sums as may be found necessary to effect the object confided to your superintendence.

I am, sir,

Yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, March 16th, 1835.

Hon. Lewis Cass,

Secretary of War.

Sir:—I have this day received the trunk of papers, confided to the care of Col. Foster, on the subject of the claims of the citizens of Georgia, under the Creek Treaty of 1821. As soon as the papers referred to shall be compared with the schedule furnished by Peter Hagner, Esq., Third Auditor, a formal acknowledgment shall be made to that officer.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 17, 1835

John A. Cuthbert, Esq.

Sir:—The President of the United States having thought proper to commit to my judgment and discretion the final adjustment of the claims of the citizens of Georgia, provided for by act of Congress of the 30th of June, 1834, to carry into effect the Fourth Article of the Treaty of the 8th of January, 1821, with the Creek Indians: In order, therefore, to carry effect the provisions of the act and Treaty referred to, which is so deeply interesting to many of the citizens of Georgia, after due consideration, I have deemed it indispensably necessary to confide the most laborious and important part of this business to some individual who may be highly qualified for this complicated and difficult, yet interesting, duty—of investigating these claims upon principles of justice and impartiality, duly regarding the provisions of the law under which the claims are to be adjusted; and have, therefore, this day appointed you Commissioner for that purpose, and you will herewith receive the order of your appointment. You will also receive from my secretary, Mr. Greene, a trunk of papers, transmitted to this Department from the Executive Department of the Federal Government at Washington; also all such records and documents as the archives of this Department will afford, and which may be calculated, in connection with the papers received from Washington, to put you in possession of every important fact connected with these claims. You are apprised of the public notice which I have caused to be given to claimants of the arrangements now in progress for the final adjustment of their claims, with a request that all further claims which have not heretofore been presented should be laid before this Department without delay. When we take into view all the circumstances under which these claims have originated, and the procrastination and obstructions which have heretofore been placed in the way of every attempt at a final adjustment, we ought not to be surprised at any derangement or confusion which may obscure many of these claims, in the form of their presentation. Therefore, while some settled rule of presentation and testimony may be necessary to secure the ends of justice and impartiality, I nevertheless deem it necessary and expedient to exercise a patient attention to every description of claims contemplated under the late act of Congress, and to receive and examine

the best testimony which the nature of the case will admit of, when properly taken by affidavits before a competent civil officer. I shall expect you to keep a fair and satisfactory record of your proceedings and decisions, and report the same to me for my approval, before the claims are paid. Every thing which can be done to expedite this business is very desirable indeed—especially when we take into consideration the long delay which has hitherto attended their prosecution, the frequent disappointments which the claimants have encountered, and, finally, that none can receive their dues until the whole are adjusted. I consider it my duty not only to afford you all the facilities of the records and files of this Department, but at all times it will afford me pleasure to confer with you freely and fully upon all matters connected with the prosecution of your agency. Therefore, anything of importance which may have been omitted in this hasty communication can at any time be supplied in personal interviews, or by writing, as you may think best.

A suitable and adequate compensation for your services may, without doubt, be expected, the payment of which will necessarily and properly devolve on the Federal Government. But I am not authorized to say what the precise amount of that compensation will be, relying, however, that it will be proportionate to the importance and advancement of your labors.

I am, sir, with great respect,

Yr. Obt. Servt.,

WILSON LUMPKIN.

Executive Department Headquarters,
Milledgeville, Ga., March 21st., 1835.

Lieut. E. Phillips, Fourth Infantry,

Fort Mitchell, Alabama.

Sir:—I have received yours of the 18th inst., reporting to me your arrival at Columbus, in command of two companies of the United States troops, in obedience to the orders of the Adjutant General of the United States, and that you now await my instructions, etc. Such orders and instructions as may be deemed expedient you will receive through Maj. Gen. D. McDougald, of Columbus, whom I have selected to carry into effect my views, etc.

Very respectfully, sir, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 21st., 1835.

Maj. Gen. Daniel McDougald,
Columbus, Ga.

Sir:—I have had the honor to receive your favor of the 17th inst. The same mail reported to me the arrival at Columbus of Lieut. E. Phillips, in command of two companies of United States troops who are now awaiting my instructions or commands at Fort Mitchell. After due reflection, I have deemed it most expedient to notify Lieut. Phillips that he would receive through you such orders and instructions as may be deemed proper; and herewith enclose for your inspection my communication to him, which you will please to transmit to him.

You will, therefore, perceive that I have confided to your judgment and discretion all the authority which I have a right to exercise in the command and use of these troops, to prevent further depredations being committed upon our citizens by the Creek Indians complained of. The place of your residence and contiguity to the scene of complaint I trust will be a sufficient justification for my desiring to place this duty upon you. My general views coincide with those submitted in your letter.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 23d, 1835.

To Messrs. Tomlinson Fort, Richard K. Hines and Robert McComb, President and Directors of the Central Bank of Georgia.

Gentlemen:—Justice to myself, and to prevent misapprehension on the part of others, induce me to lay before you, in writing, my views in connection with the subject of filling the vacancy of Cashier of the Central Bank, occasioned by the resignation of Mr. Malone.

By law, the duty of filling said vacancy devolves on you, and I, therefore, disclaim all right of dictating to you in making the appointment. It may not, however, be improper for me to remark that the official relation in which you stand to myself in connection with this subject makes me responsible to my constituents for your official act, and I, therefore, take the liberty of suggesting to you my views,

without reserve. As I have stated to you in conversation, I now repeat: That I have no name to offer, or individual to recommend. Our first and only consideration should be to secure the public interest, and thereby secure the public confidence and approbation.

Since this vacancy occurred, much has already transpired to impress my mind with the great difficulty which you have to encounter in a faithful discharge of the duty which now devolves on you.

If the choice is to be made from amongst the applicants who reside in this town, permit me to say my personal feelings are kind towards them all, and that, from all the circumstances and investigations which have come under my own notice since their names have been before you, I have no advice to offer. I leave you to choose upon your responsibility and shall acquiesce in your choice.

But I will not conceal from you the conviction which rests upon my mind that, if you can make as good a selection of an individual who resides at a distance, wholly disconnected with the officeholders and officeseekers who are always found at the seat of Government, it would, in my judgment, be most advantageous and satisfactory to the public.

I am, gentlemen, very respectfully, &c.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, March 24th, 1835.

Col. H. R. Ward,
Starkville, Lee County.

Sir:—Your communication of the 14th inst., as well as your two previous letters, all on the subject of our Creek affairs, have been duly received at this Department, and add much to our stock of information on the subject. Having but little time to write at present, suffice it to say that two companies of United States troops have arrived at Columbus, and are at this time at Fort Mitchell, ready to obey any instructions or orders I may think proper to give. I have opened a correspondence with Gen. McDougald on the subject of using these troops, and instructed the officer in command to obey any orders he may receive from Gen. McDougald. Previous to the reception of your report, I was at a loss for such information as would authorize me to determine on any definite plan, and have, therefore, for

the present, left the matter to the judgment and discretion of Gen. McDougald. When you arrive here, we will consult further on this subject, and, in the meantime, I shall reflect on its various bearings in relation to this matter; for to the present moment the editors of the Georgia Journal, and those who support that print, cast ridicule upon the complaints of our citizens in regard to Indian depredations.

Respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department,
Milledgeville, April 2d., 1835.

Maj. Gen. D. McDougald,
Columbus, Ga.

Sir:—I have received a communication from the Secretary of War, informing me that the commanding officer of the United States troops now at Fort Mitchell has been directed to march into the Cherokee country, whenever I may inform him that the services of said troops are no longer necessary where they now are.

It is deemed important that these troops should be stationed at present amongst the Cherokees, and, believing as I do that we can without much inconvenience dispense with their services at present, I have to request that you will immediately notify the commanding officer that he may forthwith consider himself relieved from any instructions heretofore emanating from this Department, and proceed to execute the instructions of the War Department.

I am, very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, April 3, 1835.

Hon Lewis Cass,
Secretary of War.

Sir:—I have had the honor to receive your letter of the 23d ult., and have notified the officer in command of the United States troops at Fort Mitchell that the services of these troops can be now dispensed with in that quarter, and that any instructions emanating from you for their removal can be obeyed, without conflicting with my views.

Very respectfully, your obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, April 18th, 1835.

Jno. A. Cuthbert, Esq.,

Intendant of Milledgeville.

Dear Sir:—Since my confinement by indisposition, I am informed that it has been well ascertained that a case of *smallpox* has occurred in the center of this town, under circumstances which give just cause to apprehend that the alarming and infectious disease must be expected to extend and spread its desolating effects. At first I felt some relief from the confidence I entertained in the vigilance and intelligence of the police officers, physicians and citizens of the town, not doubting but prompt and efficient measures would be devised and resorted to to avert, as far as possible, the apprehended evils of this most alarming disease. But while I am still confined to my room I daily hear the complaints of the community that no other measure, except a resort to vaccination, seems to be deemed necessary at present.

Moreover, it is stated that no restraint in regard to intercourse with the afflicted patient, except it be the *mere discretion* of the thoughtless multitude, is imposed upon the community.

Under these circumstances, I address you, officially, urging upon your consideration and that of our fellow citizens generally the deep and vital importance of the subject, and trust that joint consideration and counsel may result in the best measures of security of which the nature of the case admits. The state of my health forbids my leaving my room, but, as far as may be practicable, both as a citizen and as the Executive of the State, I feel myself in duty bound to give every aid in my power to avert the desolating effects of so great and impending an evil as I consider that of an extensive inoculation of this alarming disease.

Respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, April 25th., 1835.

Wm. G. Springer.

Dear Sir:—I have just read your favor of the 10th inst. with much interest. Your general views in relation to our Indian affairs fully coincide with my own. I doubt whether

the very liberal terms proposed to the Cherokees in the late Treaty will be accepted by them. Ross and his feed counsel are not satisfied, because they are not authorized by the Treaty to have the entire control and disposition of the whole of the patrimony of the Cherokee people. A more wicked, selfish and unprincipled combination of men never existed in this or any other country than the faction who is and has been combined to prevent Gen. Jackson and myself from promoting the best interest, both of the whites and Indians, by an amicable and final adjustment of all our Indian perplexities.

The great injustice done to the President, as well as myself, on this subject has received a certain degree of countenance and support from many of our pretended friends, which goes very far toward disgusting me with political men. Posterity, however, will do us both ample justice. The efforts of this feed fraternity may be seen in their tampering with ignorant Grand Jurors and other pliable machinery to procure *false* statements and unsupported denunciations, which are published and sent abroad for effect upon popular opinion.

Public opinion forced a majority of the last Legislature to pass the act which alone at this time prevents Hooper and his lawyers from depopulating our new counties and re-establishing the dominion of Ross and his party. But it is a most surprising fact that this same Legislature has suffered itself, through the majority of a *select committee*, to be placed in the attitude of condemning their own solemn act of legislation, and of puffing and applauding an officer of the Government who had just been most severely rebuked by their own enactments. I have not been furnished with the proceedings of the Committee in the Hooper case—all that I have seen was a paper (which I hastily read) purporting to be the report of a majority of the Committee, which may be considered a strong and lawyer-like effort to *whitewash* Hooper at *my expense*. This paper indicates that I had charged Hooper with corruption; and the report several times, in the most emphatic manner, declares the conviction on the minds of the Committee of his innocence and purity. My message will always prove the falsity of this report, for nothing in that message charges Hooper with corruption—indeed, at the time it was written I did not intend to charge him with corruption. I thought him imbecile and arrogant, and under the influence of artful, designing and bad men, and felt it to be my imperative duty, as Chief Magistrate

of the State, to lay the matter fairly and fully before the representatives of the people, and recommend such measures as might be best calculated to restrain the Judge in his assumptions. The majority of the Legislature fully sustained my views by their act in relation to the Indian subject, yet a majority of the Committee of that body have, since the adjournment, thrown their whole weight into the scale of the Ross faction, in a fruitless attempt to sustain Judge Hooper. By reference to the evidence published by the Committee, no person acquainted with all the circumstances can place any confidence in the proceedings of this Committee. In regard to myself, I know, and could prove before a court and jury, that they have done me injustice, by an act of mutilation, which I consider inexcusable.

I use strong language, and, therefore, feel it my duty to give the proof. On page 128 of the printed document sent abroad by this Committee you will find what purports to be the interrogatories proposed to be exhibited to Wilson Lumpkin, as a witness in the case then before the Committee. This showing, as it stands in the document referred to, is a gross perversion of truth and fairness, and places me in an attitude of arrogance, if not sensitive petulance, altogether unbecoming the office which I hold. At the same time, the insulting insolence of Judge Hooper and his counsel to the Chief Magistrate of the State has been cautiously withheld from the public, thereby misleading the public mind and laying the foundation for the false and slanderous denunciations which have since been procured from a few ignorant and pliant majorities of Grand Juries. Instead of placing the matter in its true light, by making me appear on the defensive side of the question, as has truly been the case all the way through, this Committee, throughout, endeavors to place me in the position of aggressor, and of making war on the Judge. Will not every honest, sensible man, who may chance to read this document, emanating from a Committee of the Legislature, be surprised when he is informed that this Committee, instead of giving to the public the eight insulting and accusatory interrogatories propounded to me in writing and signed John W. Hooper, and upon which my communication to the Committee was predicated, actually withheld from the public the whole of these interrogatories, except the *fifth* and a part of the first (which were the least offensive or exceptionable), and numbered them one and two, and placed them in ordinary form? Here follows a copy of the interrogatories actually served on me, and signed

John W. Hooper, the original of which is now in my possession :

Interrogatories to be exhibited to Wilson Lumpkin, in favor of J. W. Hooper.

First. You are desired to state if the charges contained in your annual message against the Judge of the Cherokee Circuit are derived from facts resting within your own knowledge or from information or heresay ; if the latter, state from whom, and annex sworn copies of all these letters in your possession on that subject ?

Second. Were any of these letters written by Col. Hargrove, Wm. N. Bishop, or W. G. Springer ? If yea, annex sworn copies of all these letters to your answers.

Third. State particularly to what extent you have, directly or indirectly, counseled, advised or aided, by writing or otherwise, a disregard of the bill of injunction in the Indian cases, and with whom you have corresponded in reference to this subject, and furnish sworn copies of such correspondence.

Fourth. Have you in your possession, or under your control, any written information concerning Judge Hooper, participating in the fee of the counsel for the Indians, other than is contained in the letter of C. D. Terhune ? If yea, state what information at large.

Fifth. State all the facts resting in your knowledge in support of your charges against the Judge of the Cherokee Circuit, contained in your annual message.

Sixth. Do you know any thing of a meeting got up at Buffington's concerning Judge Hooper, at which the petition against him was framed ? If yea, state what part you took in getting up that meeting.

Seventh. Were the letters of Mr. Cuthbert, respecting the decision of the Judge at Cass Court and of the conversation, in your possession and before you when you wrote your annual message ?

Eighth. Are you conversant with the practice of the courts of equity in granting injunction ? If yea, state if bills of injunction are not always granted on the statement of the complainants on oath, and whether such a course in any way impairs the trial by jury ?

After the Committee were informed that I considered the foregoing interrogatories in the light of a direct and personal insult offered to me while seated on the Executive chair, by Hooper and his advisers, and that I was determined to treat all such insults with merited contempt, one of the

members of that Committee then informed me that the Committee would order the whole of the interrogatories to be stricken out, except that part which they have ordered to be printed. But this information only served to confirm me in the opinion first formed: that the dignity of this Department should not be prostrated at the feet of insolence and assumption.

It was obviously the design of Hooper and his advisers, by these insulting and indecorous interrogatories, to degrade and bring into public contempt both the Executive and Legislative Departments of the Government. These accusatory interrogatories (which the Committee have carefully withheld from the public view) amount to nothing more nor less than the most degrading charges against me, and I am called upon by Hooper and his counsel to purge myself from guilt by my own oath, before a Committee of the Legislature.

This proceeding was clearly intended to turn away the public indignation from the object of its just censure, and criminate the Executive for a faithful discharge of constitutional duty, in communicating to the General Assembly the improper conduct of Judge Hooper. But I forbear to dwell further on this subject, the investigation of which has already revealed enormities in the human character which could never have been suspected in the absence of conclusive evidence.

Whether the Cherokees accept the late Treaty, or otherwise, is now a matter of comparatively small importance to Georgia. The great battle upon this subject has been fought and won, and, whatever may be the issue, I rely upon the records of the country to do me justice in regard to the part I have acted in the matter. Who was the first member of Congress that introduced the direct proposition for the removal of the Indians west of the Mississippi? Who was the first Governor of Georgia that ventured to recommend to the Legislature sovereign action in regard to the Indians within the limits of the State and the territory claimed by them? On whom was the responsibility of surveying the Cherokee territory, without a Treaty, thrown by the Legislature of Georgia? And how was the responsibility met? On whom was the responsibility of proceeding with the lottery, and granting the lands, thrown by the Legislature? And how has that responsibility been met? On whom devolved the responsibility of exposing a miserable faction, combined to overturn the laws of the State in the new counties, and how has that responsibility been met and discharged? Sir,

I leave the records of the Executive and Legislative Departments of the Government to answer these questions.

After four years' successful labor, by day and night, at home and abroad, to the almost entire neglect of my own private affairs, I see myself daily and hourly slandered, reviled, and misrepresented, in every form which perverted talents and ingenuity can possibly devise, in regard to the deeply interesting matters connected with our Indian relations. But, sir, I am generally placed by the side of my co-worker, Andrew Jackson, which, if I possessed the humility of Mr. Van Buren, I might perhaps consider glory enough for me. By nature, I am averse to strife and personal litigation, and have never had any but what has grown out of public duty. But I never could have sustained the interest of the State in carrying into effect the Indian policy which I have long since marked out, if I had cowered before the selfish and daring enemies who have combined together for the purpose of perpetuating the Indians on the soil of Georgia, rather than see Jackson and Lumpkin the efficient agents in relieving the people from this long standing and complicated evil.

I am, sir, very sincerely, yr, obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 4th, 1835.

To Eli S. Shorter, J. P. H. Campbell, and Alfred Iverson,
Esqrs.

Gentlemen:—I have had the honor to receive your communication of the 1st inst., accompanied by a copy of the proceedings of a meeting of the citizens of Columbus, on the subject of the unpleasant state of affairs which now exist between the citizens of Georgia and Alabama and the Creek Indians.

Before I commence a reply to your address, it is proper for me to state that the proceedings of the meeting in Columbus, as well as your address to me, is well calculated to produce a mistaken impression upon the public mind, so far as the Executive of Georgia is connected with the subject. These papers indicate that the complaints set forth have not yet attracted the attention of the Executive of Georgia. If this be the impression, I have to regret the misapprehension. I have, for years past, on every fit occasion, pressed this

subject upon the consideration of the authorities of the Federal Government, which Government alone has the power and ability to bring these Indian perplexities to a final issue. It is true the President of the United States disclaims all right to intermeddle with the Government and jurisdiction of States, in regard to our Indian population, where the States have extended their laws and jurisdiction over these people. And while I most fully concur with the President, in denying the right of the Federal Government to impede or control the State authorities in any manner whatever in relation to the government of these unfortunate people, I have, nevertheless, contended, and still believe, that it is the duty of the Federal Government to co-operate with the States in all just measures which may be calculated to speedily remove the evils of an Indian population from the States. In regard to our own State, it is wholly unnecessary for one, when addressing Georgians, to advert to the strong obligations which rest upon the Federal Government to relieve the State from the long-standing embarrassments and deeply injurious effects of an Indian population.

It has been the settled convictions of my own mind, for years past (although not sustained by the public opinion of the country), that existing circumstances demanded from the Federal Government a radical change of policy in regard to the remnant tribes of the Cherokee and Creek Indians who still remain within the limits of the States. I consider it a perfect *farce* and degrading to the Government of the Union, under existing circumstances, to pretend any longer to consider or treat these unfortunate remnants of a once mighty race as independent nations of people, capable of entering into treaty stipulations *as such*. These conquered and subdued remnants deserve the magnanimous and liberal support and protection of the Government, and should be treated with tender regard, as orphans and minors who are incapable of managing and protecting their own patrimony.

This course of policy, if pursued by the Federal Government, would soon relieve the States from the inquietudes of an Indian population, and settle the Indians in a land of hope where they would be shielded and protected from the enormous and degrading frauds which have been so often perpetrated on these sons of the forest by an avaricious and selfish portion of our white population. Complaints of the intrusions and depredations of the Creek Indians upon the territory and property of the citizens of Georgia are frequently made at this Department, and such as now exist

have run through both terms of my administration of the Government of Georgia, as also that of my two immediate predecessors. During Gov. Forsyth's administration, such complaints became so urgent as to induce the Executive at one time to issue orders for the organization of a military force to repel the intrusions and depredations complained of; but before these orders were carried into effect such information was received at the Executive Department as to induce the Governor to countermand these orders and stay further proceedings. The subject was brought to the consideration of the Legislature following, and a law was passed to prevent Indian intrusions, &c.

Since I entered upon the duties of this Department, the correspondence held upon this subject would make a volume; and I am compelled to say that the contradictory character of the communications which I have received has been such as to leave me at a loss to determine upon any definite course of measures in regard to the subject. An attempt to follow the advice offered the Executive would result in a *monthly* change of measures, at least. Indeed, the same mail often brings me the conflicting statements of individuals equally entitled to the public confidence. Some time ago I opened a correspondence with the Governor of Alabama upon the subject of depredations committed within the limits of Georgia by Creek Indians residing in that State, and apprising him that a demand for the offenders would probably be made. But after using every effort in my power, and sending a special agent to the neighborhood where Powell and others were killed, I have been unable to identify the perpetrators of crime in Georgia, so as to make a demand in terms of the law.

A correspondence of the character which you suggest that the Governor of Georgia should open with the Governor of Alabama is entitled to that consideration which its importance and novelty demands. My present impression is that a tender of the services of Georgia to the authorities of Alabama, before such aid is sought, might justly be considered premature. No man can more sincerely regret the unpleasant and hazardous situation to which many of the good citizens of Georgia and Alabama are exposed under our existing relations with the Indians than myself; and you may rest assured that no lawful and constitutional effort shall be wanting, on my part, to protect and defend the citizens of Georgia.

But I concur with you in believing that "The great body of the Creek nation is not involved in the controversy, but the complaints are urged almost exclusively against two towns." Indians who have sold their lands have spent the money which they had received, and now refuse to emigrate—too indolent to work, they have become robbers and vagabonds. These guilty outlaws ought to be punished; but the peace and security of the unoffending portion of the Indians ought to be scrupulously regarded and protected. The innocent ought not to be punished for the crimes of the guilty. We should, therefore, hesitate and consider well before we resort to measures which may be calculated to produce a state of hostility which would result in the general extermination of this remnant tribe of Indians. I trust that before the necessity of such a course shall arrive—for the extermination of the remnant tribes of Southern Indians—the Government of the United States, in all its departments, as well as the people in every section of the Union, will see the necessity of removing them at once beyond the limits of the State, and plant them in permanent abodes, where the white man will cease from troubling, and where these wasted sons of the forest may be at rest.

I deeply regret the outrages committed in Alabama, as well as Georgia, but beyond the limits of Georgia I can exercise no legal authority. The perilous and unpleasant situation of the new settlers in Alabama is obvious, and might have been anticipated. Nor is it in the power of Government to remedy all the evils complained of. They are necessarily incident to the circumstances in which these citizens are placed.

Under all the circumstances, I do not at present feel myself authorized to organize and station a military force to protect the whole western border of Georgia, three hundred miles in extent, from apprehended Indian depredations. And I verily believe many, very many, other places in Georgia are at this time in more danger from Indian depredations than the vicinity in which you reside. Our citizens are not only exposed, but actually annoyed, by the remnant Indians remaining in our own and adjoining States, on our entire northern and western boundary; and I am decidedly of the opinion that a military force to guard these extensive borders of the State is wholly out of the question. If these people cannot be controlled and punished for their crimes by the civil authorities of the country, we must resort to more efficient and energetic means than that of keeping

up military stations and guards. The perplexing evils with which we are embarrassed can only be removed by the entire *removal* or *extermination* of the Indian race; and I hope and trust that efficient measures for their removal will be speedily resorted to by the Federal Government. In the meantime, we must meet the contingencies of the times as they arise in the best way we can. Until a state of war actually occurs, we must rely upon the civil authority, aided, when necessary, by the military; but we must not hastily familiarize our minds with the idea of superseding the civil authority by that of the military.

I am, gentlemen, with great respect, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 28, 1835.

Col. Wm. N. Bishop,

Spring Place, Murray Co., Ga.

Sir:—I have received your letter of the 15th inst., on the subject of our present relations with the Cherokee Indians, and other matters connected with your official agency. By the same mail I have also received various other communications from respectable citizens of the Cherokee Circuit, coinciding with the views which you have submitted in relation to the organization of a guard for the protection of that portion of the Cherokee population known to be friendly to the Treaty with Ridge, and to the policy and laws of the State.

After the most deliberate consideration, I am forced to the conclusion, under all the existing circumstances connected with the present state of our Indian affairs, that every legal effort should be made at the present time to avert the evils and calamities which seem to be apprehended by you and many others. The only legal discretion confided to the Executive upon this subject is to be found in the resolution of the last Legislature, which authorizes the Governor, "when he may deem the exigency to demand it, to call out such force, under such command, and for the time he may consider necessary, for the security, relief and protection of our own citizens and the friendly Cherokees." I believe the time has arrived that a wise and prudent use of the contemplated force may be made to great advantage; but every thing depends upon a prudent organization and use of such force

—whether for good or evil, will chiefly depend upon a judicious and discreet exercise of the power conferred by the Legislature. Having determined to organize a small force to meet the present exigency, and having determined to tender to you the command of it, I have many suggestions to make to you in connection with the delicate and important trust, which renders it highly necessary that I should see you at the seat of Government as early as practicable, when you will receive your orders and instruction, and make other arrangements for carrying into effect the objects contemplated by the Legislature. As you will be fully advised of my views upon your arrival here, it would seem unnecessary in this communication to enter upon the details of the plans and operations which may be deemed proper for the occasion, yet, as I consider it important that you should have the earliest intimation of my opinions upon this subject, I have thought it might not be amiss thus early to present you with a hasty sketch of the views which I entertain of these important affairs. The object of the contemplated force is “the *security, relief and protection* of our citizens and the friendly Cherokees.” How shall this object of *security, relief and protection* be attained? We shall find that a strict regard to the laws of the country, by affording every aid in our power to secure the ends of civil justice, will most effectually secure, relieve and protect the weak and innocent portion of the community. In determining on the organization of the contemplated force, it has been my earnest desire that we might have no duties to perform which might be considered strictly military. So far as events have yet transpired, we have nothing to justify the belief that the crimes which have been committed in the Cherokee part of Georgia may not be punished by a faithful enforcement of the civil authority of the country. We should, therefore, look to that branch of the Government which the Constitution has provided for the arraignment and punishment of offenders. The inefficiency of the civil authority in that section of the State is chiefly owing to the peculiar circumstances which at this eventful crisis seem to be arrayed against the regular administration of the law, and which tend to favor the escape and rescue of the proper victims of legal punishment. As I understand the views of the Legislature, it will be your duty, with the force at your command, to aid in bringing to justice the violators of the law in the weak and exposed sections of the State in which you will be called to act. The criminals who have heretofore

evaded justice, whether by force or artifice, will, I trust, by your vigilance, be apprehended and brought to condign punishment. The murders, robberies, and thefts which have already been committed in Georgia upon some of our own citizens, as well as some of the friendly Cherokees, should not be overlooked. It should be considered a primary object of the force intended to be organized to apprehend these offenders to the proper civil authorities, to be further dealt with as the law directs. Further, it is represented to me that, through the influence of John Ross and his advisers, many of the natives who are in favor of the late Treaty, as well as some of our white citizens, are believed to be in great danger of personal violence, if not assassination and massacre. Moreover, it is stated that councils and meetings are held by Ross and his adherents, for the purpose of combining and organizing an opposition and influence to prevent the Cherokee people from accepting the liberal terms of the late Treaty, and that many of said Cherokees are actually intimidated from freedom of action, by and on account of the threats and menaces of Ross and his friends. Should the present controversy and excitement amongst the Cherokees result in the murder of Ridge and others, who are honestly and patriotically supporting the best interest of their deluded people, by urging upon them the necessity and advantages of accepting the Treaty, the magnitude of so great an evil could not fail to be felt by the whole nation and would leave a foul blot upon the Government of the Union, as well as that of Georgia. Ridge and his friends have espoused the policy of the Government. They see and feel the unfortunate condition of their people, whose miseries are daily increasing, on account of the obstructions which are thrown in the way of their acceptance of the proposed Treaty. Ridge is a man of enlarged views, one of nature's great men, who looks beyond the present moment and seeks the good of his people with an eye to their posterity. He comprehends the whole subject at issue, in all its various bearings; and, therefore, hazards life and every thing dear to him as a man, to effect a great public object of deep and lasting interest to his native race, the Cherokees. Now, sir, under these circumstances, John Ross and his friends, *whether white or red*, must not be permitted on the soil of Georgia, to commit another outrage upon a single individual who has the right to claim protection from the Government of Georgia. If any outrage is hereafter committed by any who are known to be under the influence of Ross, either

upon Ridge or his friends, or any other citizen of Georgia, Ross should be held personally responsible for such act. If Ross and his party do not obey and respect the laws of the State, or should they be guilty of instigating murders or other outrages within the limits of this State, further forbearance on the part of Georgia towards them would cease to be a virtue. They must be punished for their audacity, or they must abandon the State. Under all the circumstances, these deluded people should not be permitted to remain in Georgia another year. It is the duty of the Federal Government to take them firmly by the hand, and in a kind, but imperative, language, say to them: "My children, you must be preserved from the impending ruin that awaits you. You cannot longer remain where you are. You must go to the homes provided for you. Your national character in your native land is lost, is fled forever; and it is our settled purpose to re-establish, exalt and elevate your character, and restore your condition in the new land of *hope and promise* whither we lead you." These general and hasty suggestions and remarks, without much regard to arrangement, will serve to aid you in comprehending my views, which will more fully be detailed in the orders and instructions which I design hereafter to prepare for your guidance.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 20th, 1835.

Hon. Andrew Jackson, President of the United States,
Washington.

Dear Sir:—I should have written to you some time ago upon the subject of our present Indian relations, but for the expectation of seeing Mr. Forsyth, on his way through this place to Columbus, with whom I had intended to converse freely and fully on this subject, without troubling you with a direct address. But Mr. Forsyth having passed here, without my having an opportunity of seeing him, I have deemed it necessary, without further delay, to apprise you of the present posture of our affairs with the Indians, and also place you in possession of my views in regard to this deeply interesting subject. From the last information I have been able to obtain, I incline to the opinion that John Ross and his associates will have the address and influence to prevent

the majority of the Cherokees from accepting at present the very liberal terms of the Treaty arrangement recently provided at Washington under your direction. A large majority of the people and the public authorities of Georgia, however, are fully satisfied that you and the authorities of the Federal Government have done every thing that ought and could in reason be done to settle this business, and to promote the interest and preserve the lives of this unfortunate remnant of deluded Indians. I have nothing further to ask in behalf of Georgia from the Executive authorities of the Union in the character of treaty proposals to the Cherokees; indeed, I have and do protest against any further efforts to treat with John Ross and his white advisers, by any modification or alteration whatever in the Treaty lately negotiated by Ridge and others at Washington. I have not failed to let these, my views, be known extensively throughout the Cherokee part of Georgia. And I herewith enclose you a paper received this day, signed by many of the most respectable and influential citizens of that section, by which you will perceive that they coincide in opinion with the views which I have herein submitted. It is worse than useless to make any further effort to coax and flatter Ross and his associates; nothing short of bribery and corruption can induce them to come to an amicable adjustment of our Cherokee perplexities, and these are conditions which neither you nor myself can consent to be instrumental in consummating. Any honorable sacrifice in the bounds of reason ought to be made to settle these embarrassing Indian perplexities; but no result can be worse than for the public authorities of the country to sanction and foster the corrupt selfishness of base men. Ross and his friends would be perfectly satisfied with the proposed Treaty, provided they could be entrusted with the disbursement of the consideration money. I have carefully read the Treaty, and was glad to perceive that its liberal provisions secure the interest of every individual attached to the Cherokee people, affording but limited opportunity for the aristocratic leaders of this unfortunate race to defraud them of their national inheritance. This is as it should be; and cannot fail to receive the approbation of every honest man in the whole country. If any thing can induce the Cherokees to accept the Treaty, it is a decisive, unwavering adherence to its provisions as they now stand. If the door is once opened for modifications, Ross and his friends will secure to themselves fortunes at the expense of the common Indians. The Indians, as well as the whites, are tired of the present state of things, and

would, if left to themselves, most gladly embrace the liberal offers of the Government and remove without delay. But there are *white men*, as well as Ross, who oppose the Treaty, because they are not provided for by its stipulations.

Under all the existing circumstances, I take the liberty of suggesting to you the expediency of your causing it to be immediately and distinctly understood by the Cherokees that no modification of the late Treaty whatever may be expected. Should this course fail to produce the desired effects, other measures must then be resorted to, with a view to the adjustment of our perplexities with the Indian population.

The present condition of both Creeks and Cherokees who still remain in the States is most deplorable. Starvation and destruction await them if they remain much longer in their present abodes. Indians cannot live in the midst of a white population and be governed by the same laws. I am truly disgusted when I reflect upon the enormous frauds which have been committed upon the Indians by a small but abandoned and selfish portion of our white population, and I regret to say, under existing laws and circumstances, we are unable to restrain and punish these enormities. On the other hand, very many of our unoffending citizens who have settled amongst these Indians, both in Alabama and Georgia, under the legal sanction of both the State and Federal Governments, are living in a state of constant apprehension. Our white citizens are daily insulted, menaced, and injured by the depredations committed on their stock and property by the perishing, vagabond portion of these savages, many of whom, at this time, have no legal home in the country. Several murders have actually been committed, and the lives of our citizens, in many places, are at the mercy of these reckless and lawless vagabonds. It is true that the laws of Georgia and Alabama have been extended over these Indians, but it is equally true that, in far the greatest number of cases, they cannot be enforced against offenders, for the want of an adequate white population; and because, in nine cases out of ten, the offending Indian cannot be identified. The daily strifes which now exist, and which are increasing between these Indians and the citizens of Georgia and Alabama, must continue, with aggravated mischief, so long as they remain in the States. Have not these Indians lost all just claims to national character? Ought not these Indians to be considered and treated as the helpless wards of the Federal Government?

I am, dear sir, with great regard, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department,
Milledgeville, May 21st, 1835.

Hon. Lewis Cass,
Secretary of War.

Sir:—I have this day concluded to limit the time for the presentation of claims of the citizens of Georgia, under the Creek Treaty of 1821, to the 1st day of August next, by which time I hope to be able to bring this troublesome business to a final close. From the progress made, I have ascertained that the amount of money set apart will be sufficient to pay the whole of the principal and a small portion of the interest provided for. Perceiving that the principal and interest of the claims will exceed the amount of the appropriation, and having incurred the obligation of compensating a commissioner, appointed to examine and adjust them, I have to request that I may be informed whether the allowance to the commissioner—whose services have been so important and indispensable—will be defrayed by the Federal Government, there being no fund out of which I feel myself authorized to make the allowance.

I have the honor to be, very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 16th, 1835.

Col. Wm. A. Bishop,
Spring Place, Ga.

Dear Sir:—I have received your favor of the 5th inst. The information it contains, in regard to the prospects of the late Treaty proposed to the Cherokees and being accepted by them, coincides with the information heretofore received from my best informed correspondents in your section of the State. It is most unfortunate for this remnant tribe of Indians that they still adhere to the dictation of Ross and his more selfish white advisers. But whatever misfortune may hereafter come upon them, on account of their obstinacy in refusing to accept the kind and liberal offers of a beneficent Government, we, who have endeavored to save them from the impending ruin which inevitably awaits them if they remain in the midst of our white population, will at least have our own minds relieved from guilt. Their ruin must be charged by the impartial eye of posterity to Ross and his associates.

If they reject Ridge's Treaty, nothing further ought to be proposed to them as a substitute. No modification, for the accommodation of Ross and his *feed council*, should be made by the Government. Those who reject the liberal terms of the late Treaty, and refuse to emigrate, deserve no further favor or forbearance from Georgia or her authorities. Your letter satisfactorily explains the delay in my hearing from you on the subject of the complaints published against you, over the signature of Spencer Riley, and which you state were written by *Samuel Rockwell*. While you were attending to an important official agency, in a wilderness country, where neither newspapers nor letters could reach you, of course, you could not be informed of the shafts of malice and misrepresentation which were levelled against you, through the medium of a portion of the public press—which really appears to be opposed to every interest of the State. I am glad to learn that you will have it in your power to satisfy an honest public that you have only done your lawful duty, and that you have been grossly misrepresented. Indeed, sir, it must be obvious to every enlightened and impartial citizen of Georgia that the duties which have devolved upon the Executive branch of the Government of the State for several years past, in the management of our Indian affairs, have been most responsible, arduous and difficult of execution, while it must be admitted by all that unparalleled success has attended our efforts, and every danger and difficulty has been promptly and successfully met. The prompt and efficient discharge of your present agency cannot fail to receive the reward of public approbation. Under existing circumstances, we cannot expect to escape the censure of the selfish; but we must rely upon a strict and fearless discharge of official duty, and trust to our constituents and posterity to do us that justice which has never failed, sooner or later, to be the reward of honesty, and integrity. Please keep me advised of passing events in relation to our Indian affairs.

I remain, sir, very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, May 28th, 1835.

To Col. Z. B. Hargrove and Col. Wm. Harden,
Cassville, Ga.

Gentlemen:—I have received your letters, and the papers signed by yourselves and many other respectable citizens of the Cherokee Circuit, requesting an organization of a military force for the protection of the citizens of said district, and more particularly for the protection of that portion of the Cherokee population who are known to be in favor of emigration and the late Treaty entered into by John Ridge and his associates with the authorities of the United States, &c. The great importance and gravity of the subject which you present calls for the most mature and deliberate consideration. The consequences involved in the course which you recommend is inseparably connected with the character, honor, and best interest of the State, and that to an extent not apprehended by the hasty and inconsiderate. The necessity, and, consequently, the expediency of the measures recommended by you and others are supported, as appears from the communications which I have received, by detailing the violent offenses which have, from time to time, been committed by that portion of the Cherokee Indians who are opposed to emigration, and the inefficiency of the civil authority to punish these offenders, as well as the apprehensions of that portion of the community who consider themselves in personal danger from the apparent excitement which at this time prevails in the country on the subject of the proposed Treaty.

And you, therefore, call upon the Executive for the execution of the late laws and resolutions of the State, &c. No vigilance has been, or shall be, wanting on my part to see that the laws are faithfully executed, wherever their enforcement has been confided to the Executive. But I have no power to change existing laws—that belongs to the Legislature. I cannot control or interfere with the constitutional and legal powers of the judiciary. I am not responsible for the fidelity or integrity of that Department of the Government. Its defalcations and abuses of power I may properly lay before the Legislature—there my duty ends.

The strongest apprehension of danger which I indulge is chiefly limited to that portion of the Cherokee population who are known to be favorable to the late Treaty and emigration. But Ridge and his friends may rest assured

that I feel myself and the Government of Georgia as strongly bound to protect and defend them in their persons and property from the violence and outrage of their enemies as I would any portion of the white population of the State. If John Ross, or any of his party, commits any violence or outrage upon Ridge, or his friends, be assured the full extent of the Executive power of Georgia shall be exerted to punish all who may be justly implicated in such unsufferable crimes. I am bound by the laws and Constitution of the State. I cannot punish or exterminate the *suspected enemies* of the State, before conviction. You will not consider these hasty impressions as indicating the result of my final decision in relation to the subject which you have presented for my consideration. All that the laws of the State authorize me to do, to prevent the evils which you apprehend, may be expected. What is proper, however, to be done, should be done in the best way to effect the desired good—all of which will be duly considered and acted upon without delay.

I am, gentlemen, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,

Milledgeville, May 29th, 1835.

Mr. John Ridge, Rome, Floyd County, Ga.

Dear Sir:—I have received, and read with feelings of deep interest, your favor of the 18th inst. You have taken an enlarged and enlightened view upon the highly important subject on which your letter is written. My views coincide with yours on every important point. Instead of replying to your letter in detail, I deem it most advisable, under all the circumstances, to refer you to Col. Bishop, to whom I have just written at large on the subject of your letter—without, however, intimating to him that I had received any communication whatever from you. Request Col. Bishop to show you my letter to him, and you will then feel assured that prompt and energetic measures have been adopted, suited to the present emergency. I have invited Col. Bishop to visit this place, with as little delay as possible. You will, therefore, do well to lose no time in seeing the Colonel.

I am, sir, with great respect, yr. friend and obt. servt.,

WILSON LUMPKIN.

(Instructions.)

Executive Department, Ga.,
Milledgeville, June 17th, 1835.

Col. Wm. N. Bishop.

Sir:—In pursuance of your appointment to the command of such force as may be called into service, under the provisions of a joint resolution of the General Assembly, approved the 20th December, 1834, for the security, relief and protection of our own citizens, as well as the friendly Cherokees who reside in the Cherokee Circuit of this State, you will proceed, with as little delay as possible, to organize a force, not exceeding forty men, the whole, or any part, of which may be called into immediate service, as circumstances may hereafter require. They will be engaged to serve until the first day of December next, unless sooner discharged by orders from the Governor. None but able-bodied men, qualified for the most effective service, must be admitted, and who must furnish themselves with good horses, at their own expense.

In contracting for members to compose the contemplated force, you will be careful to select men of approved courage only—of sober habits and accustomed to endure with patience the greatest fatigue.

You will be supplied with public funds, for the payment and support of your men, as circumstances may require. The necessary supplies for men and horses must be provided for in that manner which will ensure the greatest economy which may be consistent with comfortable subsistence.

The nature of the contemplated service not admitting of the idea of much stationary duty, I have not deemed it necessary or expedient to point out particular stations for the deposit of rations or supplies, but shall leave all these arrangements to your own efficiency and skill in the execution of your duty, relying as I do much on your own judgment and fidelity to the public interest. It may, however, be proper to suggest that you will find it most convenient and economical to have engagements for supplies, for both men and horses, with individuals on whom you can rely, always ready at given points to prevent inconvenience and actual suffering.

Indeed, some suitable point as your headquarters will be indispensable, and there your chief supplies may be deposited, and where some kind of barracks to shelter your men and to

meet the contingencies of sickness, &c., must necessarily be provided.

From the nature of the service, you cannot restrict your men to the ration of the regular soldier; yet it will be expected that every thing like extravagance and waste will be prevented.

The men you may engage will furnish their own horses, and will receive twenty dollars per month each, when in actual service. They will be paid quarterly, if they require it.

The efficiency and utility of this force will, in a great degree, depend upon their strict and cheerful obedience to your orders. If they can be brought to obey your orders implicitly and of choice, you will then have prepared them for the duties which are to be discharged. You will find constant employment in the contemplated service. You will appoint an orderly sergeant, who will make regular and daily reports to you of the state, &c., of your force, and you will make similar weekly reports to this Department. You will also make duplicate quarterly reports of your expenses incurred in supporting your men, accompanied by vouchers for each item, one of which reports will be forwarded to this office, and both signed and certified by you upon honor.

And you will make similar reports of all incidental and contingent expenses. The object of the force to be organized under your command is to afford *security, protection, and defence* to our sparsely settled population of the Cherokee Circuit, and particularly to the friendly Indians who are disposed to obey and respect the laws of the Federal, as well as the State, Governments. Let it be constantly borne in mind that, under the existing state of things, your military command is designed only to aid the civil authority in carrying into effect the laws of the State.

First. You will diligently enquire for, and ascertain as far as you possibly can, all the violations which have been or may be committed against the criminal laws of this State, by persons who have evaded and still evade a legal trial, for the offences with which they may stand charged—wherever you find that an offence of any magnitude has been committed, and the offender or offenders cannot be apprehended by the ordinary officer or officers, or where such offenders have broken jail, or escaped from the custody of a proper officer, you will immediately cause all such persons to be arrested, and use all legal means placed at your com-

mand to secure their apprehension, trial and punishment according to law.

Persons suspected of violent designs against the peace and good order of society—upon the affidavit of a respectable person or persons, setting forth or charging such apprehension of violence as being meditated against any one or more persons, or where the individual apprehends personal injury or violence to himself—you will, on procuring a proper warrant in terms of the law in such cases made and provided, consider such warrant your legal authority for arresting the person or persons so charged, and cause them to be brought before some proper officer, in order that they may be dealt with as the law directs. Having just grounds to apprehend that John Ridge and his friends, who are favorable to the late Treaty, are in danger of secret, if not open, violence from John Ross and his party, I feel myself in duty bound to charge you most earnestly to be strictly vigilant and watchful in *protecting* and *defending* said Ridge and his friends from the malignant violence of their enemies. And, after holding a consultation with Ridge and his friends, if any respectable person or persons can take the necessary oath, you will not fail to procure a warrant, and take with you a civil officer to execute the same, and arrest John Ross, and see that he is brought before the Judge of the Superior Court of the Cherokee Circuit, in order that he may give good and sufficient security for his good and peaceable behavior, not only toward the individual named in the warrant, but towards all the good citizens of this State and all the friendly Cherokees residing therein. The distinction and character of John Ross is such as to fully justify these my instructions in having him brought before the highest judicial officer within the Cherokee Circuit.

Moreover, you are particularly enjoined and instructed to prevent the exercise of any authority by those who are considered as Cherokee chiefs or headmen. They must not be permitted to make and enforce any rules or regulations for the government of the Cherokees within the limits of Georgia, or to hold meetings, or councils, for illegal purposes. Every Cherokee who has offended or may offend against the laws of the State, especially every headman or chief, must be arrested and delivered to the judicial authorities, let it cost what it may.

Your men must be accustomed to secrecy and dispatch in relation to many of the duties which are to be performed. A knowledge of your plans adopted to ensure the faithful

discharge of your duties will often defeat your objects, if known to the community in general.

You may find it necessary to send trusty members of your command into various parts of the Circuit, for the purpose of collecting and reporting to you the state of the public mind in regard to our Indian relations, and other matters connected with the public service. Such duties can safely be confided to none but men of sense and firmness.

Trust nothing to men who continue to excite the Indians to resist the operation of the laws of the State over them, or who encourage their appealing to other authority than that of Georgia for protection.

Under all the circumstances it will be most prudent, in all cases where arrests are to be made, to obtain warrants from some judicial officer, charging the person to be arrested with some crime, and at the same time to be attended by a civil officer, duly authorized to execute such warrant. Thus you will, in most cases of arrest, only aid the civil officers who have warrants authorizing them to make arrests.

Persons, however, who have committed crimes, and who would probably escape without an immediate arrest, or in cases of violence on the part of any Indian or Indians, or in cases of resistance to the laws of the State, must be considered cases of exception to the general rule of obtaining a warrant and civil officers.

You may safely arrest all persons who may be found in the commission of offenses against the laws of the State; but when the information comes from others, require warrants, and take authority and arrest in the presence of a civil officer.

Should any resistance to the laws of the State become so formidable as to render you unable to suppress it by the force placed at your command, you will immediately inform me of the same by express; and in the meantime call in the aid of any regiment or regiments of the militia most convenient. Make this call upon the Colonels, by issuing orders to that effect.

Very respectfully yours,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, June 18th, 1835.

Maj. B. F. Curry,
Calhoun, Tenn.

Sir:—I have duly received your letter of the 10th inst., as well as your former communications to which you refer. Your general views in relation to our Cherokee affairs coincide with my own, and on the most important points to which you have adverted, and particularly that of the organization of a military force, I have a train of measures now in preparation to carry into effect that object.

I cannot conceal from you how deeply I regret the present state of things in relation to our Indian affairs, as they now seem to exist (from your letter) in your immediate neighborhood.

Be assured that, if your apprehension in regard to the mischievous influence of Ross and his friends, and its dangerous extent, be well founded, that influence ought and must be promptly checked. If the Rosses are permitted to control, or influence in any degree, the forces of the United States stationed in the Cherokee country, then, indeed, will that military arm of the Federal Government be wielded to the destruction of all the plans and efforts of the Executive Department of that Government.

Until the reception of your letter I had not the slightest apprehension of your want of ample and full power to govern these troops. I protest against these troops remaining in the country a single day, if there be the least just grounds to suspect either officers or men with a spirit of hostility to the policy and measures of the Federal Government in regard to the removal of the Indians.

In determining to organize a force in Georgia for the protection of the Indians who are friendly to the late Treaty, as well as our exposed white population, I calculated most confidently on the cordial co-operation of the United States forces in arresting murderers and outlaws, and thus aid in bringing to justice offenders who have long remained unpunished; and have intended to address you on that subject previous to the reception of your letter. But unless you or some other person, in whom I have entire confidence, have the command of these troops, I want nothing to do with them. No man who is suspected of siding with the Ross party ought to remain in that country a single day, with the arms of the Government in his hands. If your apprehen-

sions be well founded, mischief will inevitably result from these troops remaining in the country, and the sooner they are removed the better.

I would most cheerfully, and at once, comply with your suggestion in regard to the command of these troops being transferred, &c., but for the fact of not feeling myself at liberty, from the tenor of your letter, to use the facts which you communicate. I, therefore, can say nothing to the President upon the subject of your letter, unless I am first authorized by you to do so. I perceive the delicacy of your position, but you must at once perceive that my position forbids my intermeddling with the command of these troops, unless I have authority to predicate my suggestions upon.

I am, very sincerely yrs.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, July 23, 1835.

Col. Wm. N. Bishop.

Dear Sir:—I have had the satisfaction of reading your letter of the 14th inst. It contains much that is interesting, and will be useful in aiding my further efforts to promote the public interest. Your arrangements, as far as you have communicated them, appear to me to be judicious, and merit my approbation.

Immediately after you left here, I turned my attention to the subject of procuring, with as little delay as possible, the swords and pistols deemed necessary for the service in which you are engaged; and ascertained that there could be procured but twenty good swords and three braces of pistols within the limits of our own State. I, therefore, immediately sent to New York for the necessary supply, and am daily expecting to hear of their arrival at Savannah, from which place they will be forwarded here with all practicable dispatch. The twenty swords and three pairs of pistols are here, and ready at your call, and I every day hope to be able to advise you of the arrival of a full supply.

As I before informed you, we have plenty of good muskets and cartridges here which await your call. Musket flints have been ordered, but have not yet arrived. The first moment after we receive all the articles here which you need, you shall be advised of the fact. When you send, make out a bill of all you want, specifying the number of each article, and it shall be filled, if possible. Previous to the

reception of your letter I had heard through Maj. Curry and Col. Nelson of the violence of Ross, in endeavoring to prevent the census of the Indians from being taken, and, through Mr. Curry, I had also heard of the outrage committed on Col. Turk, and others, by the Ross or hostile part of the Cherokees. These acts of violence beyond our limits do not come under our jurisdiction, and we can only aid (should it be necessary) in apprehending these offenders in cases where they may happen to be found within the limits of our State. The measure of taking the census is a measure of the Federal Government, with which we have no right to interfere, unless opposition to it should be carried to an extent of personal violence, threatening the safety of our citizens, or the peace of our community. It is always best to keep within the bounds of our respective official spheres—usurping no power or authority—but promptly and fearlessly discharging our obvious and well defined official duties. You have the undoubted right, however, to suppress all violent measures on the part of Ross and his party, let that violence arise from whatever cause it may—when on the soil of Georgia, he must be made to know that he is answerable for his peaceable and good behavior. Moreover, he should be held accountable for all acts of violence committed by the ignorant Cherokees, supposed to be instigated by him in opposition to the laws of the State. I hope you will continue to keep me constantly apprised of your movements and operations, as well as your own wants.

I am, sir, very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Ga., June 24, 1835.

Col. W. N. Bishop.

Sir:—In anticipation of the general meeting of the Cherokees at New Echota—when the late Treaty will be presented by the Commissioners of the United States for the acceptance or rejection of these people—I have thought it best to apprise you in due time that it will be expected of you and your entire force to attend that meeting. On your arrival at that place, you will report yourself to the United States Commissioners, and inform them that you are instructed by me to communicate to them the deep interest which I feel in the successful issue of their mission, and of

my disposition to render any aid which may be within my control to further the views of the Government under which they act, in regard to the policy and measures which relate to the Cherokees. Moreover, you will apprise them of your instructions to attend the contemplated meeting, with the force under your command, for the purpose (if necessary) of aiding said Commissioners in preserving peace and good order amongst all persons who may attend said Treaty, whether they be whites or Indians.

And, in case of any disorderly or riotous conduct, you will be vigilant and careful to aid and assist the civil authority in suppressing the same.

You will be particularly careful to impress upon your men the importance and absolute necessity on their part of conducting themselves with the greatest propriety and exemplary good order and cheerful obedience to your commands. No just occasion must be given by any individual under your command for the complaint of any individual whatever.

It will be a most favorable occasion for you and your men to make a deep impression on the minds of all your beholders, that the object of your command is the preservation of peace and good order, and you are not to be considered as a terror to any but evildoers.

I am, very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, August 16, 1835.

Col. Wm. N. Bishop, Agent,
Spring Place, Ga.

Sir:—I have had the satisfaction to receive your letter of the 5th instant, enclosing your weekly reports up to the 26th ult. The information you give me in relation to our Cherokee affairs corresponds with that which I had previously received from Maj. Curry and Mr. Schermerhorn. Both of these gentlemen speak in the most flattering terms of the ability and prudence with which you have thus far discharged the duties of your agency, and of the good conduct of the men under your command, Mr. Schermerhorn expresses his entire conviction of the utility of your command, and adds that you have already done much good in advancing the object of Indian emigration. I have entire

confidence in the character of Mr. Schermerhorn, as well as that of Maj. Curry.

I do, however, very much regret the anticipated delay in effecting a final arrangement with the Cherokees. I did entertain the hope that the business would be brought to a final close before the expiration of my present term of office—not that I consider a final adjustment of any great consequence *now* to the people of Georgia, or because I believe a treaty would add anything to my own fame; but my strongest and most ardent desire arises in true philanthropy to these deluded Indians, who have so long been the dupes of John Ross and his white co-workers and lawyers. Since I came into the Executive chair, by my special recommendations, and at my special responsibility, thrown on me at every stage of our legislation, I have moved straight forward, until the Cherokee part of Georgia has been changed from a howling waste of savage bands and wild beasts to that of a settled and cultivated country, populated by thousands of civilized men, now enjoying all the blessings of our Constitutional Government. Having effected all this without a treaty, why should Georgia, upon selfish considerations, care about a treaty? What remains to be done, so far as Georgia is concerned, can be better done by state legislation than any treaty. I shall do my duty, and recommend the proper measures to the next Legislature, and trust that the representatives of the people will also do their duty. I wish you faithfully to co-operate with Mr. Schermerhorn and Maj. Curry, but I shall not interfere with the details of any plans which are to be consummated after the first day of November next. The guns, pistols, swords and ammunition are here, awaiting your order, of which you have been notified some days ago by one of my secretaries. Continue to keep me apprised of your operations, as I take much interest in the details which you have heretofore given me.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, August 24, 1835.

Col. Wm. N. Bishop,
Agent.

Sir:—I have this day caused to be delivered to Samuel Weir forty good muskets and accoutrements, sixty brace of

horsemen's pistols, sixty swords, one box (840) cartridges, one keg (28 pounds) powder, one hundred pounds of bar lead, and 500 of the best flints in the arsenal, for the use of the guard under your command.

I regret that your written and specific order did not, as I had requested of you, accompany the application for these articles; but, from the statement of Mr. Weir, I cannot entertain a reasonable doubt of his application being made under your direction, and, therefore, send the articles, trusting their safe delivery to the confidence I repose in the applicant, and have to request that you will acknowledge their receipt at the earliest day. I have exercised my best judgment in anticipating your wants in the absence of any specification from you, and have sent them accordingly. Upon opening the box containing the pistols, I was astonished to find no holsters. It is a strange and singular omission, for which I cannot account; but, under all the circumstances, I concluded it was best to send the pistols on, and hope you may be able to find a workman in your country who can make such holsters and coverings as may answer your purpose. From their appearance, I hope you will find the articles sent of a good quality.

Mr. Weir states to me that you promised to write me in time for his arrival at that place. I have received no such communication. Should it come to hand, it shall be acknowledged. If Mr. Weir does his duty faithfully, you ought to pay him a fair price for the number of days he may be engaged in your employ. As the articles will fall short in weight of making an ordinary load, I have sent you sixty, instead of forty, brace of pistols, and sixty swords. You will take care of those you do not immediately use. Since writing the foregoing, I have received your communication, by the hand of Mr. Underwood, which will be immediately answered.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, August 26, 1835.

Mr. Elias Boudinot,
New Echota, Ga.

Sir:—Your letter of the 19th inst. is before me. In reply, I have to inform you that lot No. 124 in the Fourteenth District and Third Section has not been granted. Application

for the grant has more than once been made, but believing, as I did, that the grant could not issue without violating the true interest and spirit of the laws of Georgia, I have withheld the grant. Therefore, the intrusions which have been made upon your rights, as secured to you by the laws of Georgia, are illegal, and deserve the punishment of the law.

It is, however, the duty of the Judiciary, and not the Executive, to sustain you in your rights.

I will, however, write to Col. Bishop, the present Agent, on the subject, in the hope that he may be able to render you some service, as I very sincerely regret that any citizen of Georgia should, under such circumstances as exist in the present case, be so lost to every principle of justice and humanity as to act oppressively to you, or other Cherokees, under similar circumstances. I will herewith enclose to your care my letter to Col. Bishop, and leave it open for your perusal.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, August 26, 1835.

Col. Wm. N. Bishop,

Agent.

Sir:—In compliance with your request contained in your letter of the 19th inst., by the hand of Mr. Underwood, I have drawn a warrant in your favor for the sum of five hundred dollars, also one in your favor for Mr. Weir for one hundred and thirty dollars, that being the amount you have agreed to pay him for the transportation of the arms, &c. I am gratified to learn that you are actively engaged in every part of the country embraced in your command, and of the service in which you are engaged. I some days ago heard of the apprehension of Took, the murderer. Your statement coincides with the information previously received. I entirely approve of your having arrested Adair and his associates for a violation of our laws, by assuming official functions under Cherokee authority.

But of this matter the Judiciary must determine. It is evident that Adair and his associates must be acting under the authority of Ross, but you may fail to procure the necessary proof before the court. They certainly have no authority for their insolent assumptions, either from the

Federal or State Government. It appears to me your proper course would be to take these men before a civil officer, and have them bound for their appearance at the next Superior Court, to answer for the allegations set forth in your letter, and that it will be the duty of the Solicitor General to prosecute, &c. I am wholly opposed to the idea of Judge Underwood having any official agency with Cherokee concerns whatever, because I believe him to be entirely unworthy of public confidence in this or any other matter whatever. He is an instrument I would not use on any occasion whatever, even to effect a public good, so long as I could find an honest man in the country. From all I have been able to collect, from every source, I see no immediate prospect of the Cherokees accepting the Treaty. Indeed, from the communications which I have received from Maj. Curry and Mr. Schermerhorn, I have lost sight of a treaty before the first of November, when my term of office will expire.

Therefore, as far as Georgia is concerned, I feel entirely indifferent whether the Cherokees ever enter into a treaty or not. I no longer look to the Federal Government, or its agents, to relieve Georgia from her Cherokee perplexity.

All that has been done towards ridding the State of this troublesome population has been done by State authority; and what remains to be done we must rely upon ourselves.

I shall do my duty to the last moment of my official term. If the approaching Legislature sustain my views, Georgia will be entirely relieved from her Indian population.

Do your duty firmly, but do not transcend your legal bounds, or my instructions.

Respectfully, yr, obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, August 26, 1835.

Col. W. N. Bishop,
Agent.

Sir:—I have this day received a letter from Mr. Elias Boudinot, on the subject of the lot of land embracing his present residence, in which he complains of intrusions already having been made on his rights, and of further prospective aggressions. This lot of land, No. 124, in the Fourteenth District and Third Section, has not and cannot be legally granted. I, therefore, have to request that you will, without delay, investigate this case, and use your best

exertions to have speedy justice done to Mr. Boudinot. It would be a disgrace to the State to permit the legal rights of this man to be trampled on by unprincipled white men. If you cannot legally interfere with the case, as Agent, you are hereby authorized to institute such judicial proceedings as will sustain the rights of Mr. Boudinot, at the expense of the State.

Very respectfully, &c.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Sept. 17, 1835.

Mr. John Ridge,

Head of Coosa.

Dear Sir:—I have received your favor of the 7th inst., signed by yourself, as well as the emigrating and appraising agent. After duly considering the same, I have to state in reply that, as far as official obligations would permit, I have, from the time I entered upon the duties of this office, endeavored to keep up a harmonious action between the State and Federal Governments upon all subjects, and especially upon the subject of the relations of Georgia with the Cherokees. I shall continue to do so. If I understand, however, the object of your present communication, it will require legislative and not executive interposition to meet the case presented in your letter. I am bound by the highest obligations to execute the laws *as I find them*, and, until changed by the Legislature, I cannot stop the execution of a law, although I may regret the effects of its operation.

If the late Treaty proposed to the Cherokees could have been accepted by your people before the meeting of the approaching session of the Legislature of Georgia, I should have felt myself in duty bound to have urged most earnestly upon the Legislature such enactments as should have secured to the Cherokees all the advantages in regard to time and other things which a fair construction of the Treaty would authorize them to expect; but I have discovered a spirit of opposition, procrastination, and obstinacy on the part of those who seem to have the destiny of a majority of the Cherokees in their keeping that, I confess frankly to you, has produced a conviction on my mind that, under all the existing circumstances, the Government of Georgia, as well as that of the United States, should at once convince the

Cherokee people of the impotency of John Ross and his associates.

I have held correspondence with Mr. Schermerhorn, Maj. Curry, Col. Bishop, and others, on this subject for months past. I see no certainty of any desirable result. Every thing appears to be vague and uncertain.

The best interest of the Cherokee people, as well as the whites, demands that the subject should be brought to a close; and it must and will be done, so far as Georgia is concerned.

Permit me, in conclusion, to assure you of my entire confidence in the zeal, ability and patriotism with which you have labored to promote the best interest of your people.

Sir, you and myself have no object in view, in the final adjustment of all difficulties between our people, except it be their good, their peace, their happiness, and prosperity. But other and very different motives influence those who are endeavoring to procrastinate and lengthen out the embarrassing perplexities which we have to encounter. If any thing definite is agreed upon before the meeting of the Georgia Legislature, the interest of all concerned requires that it should be communicated to this Department.

I am, sir, very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Sept. 26th, 1835.

J. F. Schermerhorn, Esq.,

Commissioner, Calhoun, Tenn.

Sir:—I have the honor to acknowledge the receipt of your favor of the 15th inst., and thank you for the information and suggestions it contains. You will please keep me advised of the state of affairs in connection with your official duties up to the meeting of the Legislature, on the 1st Monday in November next, and I will endeavor to make the best use of all the information derived, in furtherance of the very desirable and important object of bringing to a final and equitable issue our perplexed Indian relations. I am much gratified to find from the tenor of your letter, and other correspondence, that the speedy acceptance of the Treaty by the Cherokees is becoming more probable. So far as regards the interest of this unfortunate remnant, it is of great importance to them that what they do should be done quickly.

Prompt action on their part would enable me to effect much in guarding their interest while they remain in Georgia, and in making the necessary preparations for emigration. If they would accept the Treaty at once, every indulgence guaranteed to them in that instrument would no doubt be secured to them by the legislation of the State. But, sir, under all the circumstances, they may rest assured that the idea that the people of Georgia will any longer submit to the annoyance of John Ross and his associates is wholly preposterous.

The list of reserves, as requested by you, was forwarded without delay. The case of Mr. Boudinot has been duly attended to, by giving the proper instructions to Col. Bishop. In every case the rights of the Cherokees, as recognized by the laws of Georgia, will be scrupulously respected and guarded, as far as the power of this Department may extend.

With great respect, yr. obt. servt.,

WILSON LUMPKIN.

Executive Department, Ga.,
Milledgeville, Sept. 26, 1835.

Col. Wm. N. Bishop.

Dear Sir:—I have duly received your favor of the 16th inst., accompanied by your weekly reports, &c. Your letters give me much detailed information which will be useful, and I hope you will continue to keep me advised of every important matter connected with your official duties up to the meeting of the ensuing Legislature. I was gratified to learn the case of Mr. Weir, and the letters and money entrusted to the care of Mr. Underwood, had been duly received by you.

Your arrangements and proceedings in connection with your official duties, as reported in your letter, appear to be judicious, and have my approbation.

I am much pleased to learn that the views which I entertain, and the course which I have pursued, is effecting a salutary change in the feelings of many of the Cherokees and are appreciated, and I shall certainly persevere in the policy which I have heretofore suggested to you to the termination of my official functions. Before this reaches you, I hope you will have attended to the case of Mr. Boudinot, and that you will, in every case, be particularly vigilant to see that

justice is done to the well disposed portion of the Cherokee people.

Very respectfully, yr. obt. servt.,

WILSON LUMPKIN.

Having extended the selections from my official correspondence, while in the Executive Office of Georgia, far beyond the point which I had anticipated when I entered upon the work of making these selections, I deem it proper to make the following explanation:

Unimportant and uninteresting as many of these letters, when read single and alone, will doubtless appear to most readers, yet, when read in consecutive order, as I have arranged them, no attentive, sensible reader will fail to see their connection from the beginning to the end of my official labors as Governor of Georgia. It will be seen that each and every day brought with it arduous, complicated and variegated labors, such as have rarely fallen to the lot of any Governor of any State of the Union. These letters contain the official, uncontroverted evidence of the manner in which these duties were disposed of.

Moreover, they are indispensable to sustain the chain of Georgia's history in connection with her Indian affairs for four of the most trying and critical years of her whole history in connection with her Indian affairs.

This was the period which tested the question of sovereignty between one of the States of the Union and the aboriginals of the country. This was the period when the great political party opposed to the administration of Gen. Jackson took sides with John Ross and his followers, in favor of Cherokee sovereignty within the limits of Georgia and other States. This party, too, was aided, countenanced, and encouraged by a majority of the Judges of the Supreme Court of the United States. This was the period, too, which tested the strength, success, and practicability of carrying into effect the emigration plan. Hence, the necessity of giving to the reader, somewhat in detail, the progress of these four years. The numerous letters written to Gen. Coffee, Col. Bishop and other agents of the Government of Georgia, under the authority of the then existing laws, and to many other individuals, may, to the superficial reader, appear to be monotonous, and exhibit very much sameness in substance, but, when critically examined and scrutinized, every

letter will be found to contain something different from all others, and, at the time, highly expedient and necessary to have been communicated.

Moreover, they are necessary links to the one unbroken chain, the first link of which I had attempted and succeeded in forming, in the House of Representatives of the United States, in the year 1827, by obtaining an appropriation of \$15,000 to defray the expense of Commissioners appointed to explore and find a suitable country for the Indians, then in the several States, in the wild lands of the West. The labor of these years was much more hazardous, delicate, and difficult, because most conscientiously performed, as I have always declared. No man among the living more ardently sought to benefit the Indians than myself.

While I viewed John Ross and a few of his prominent followers as very selfish, bad men, the Ridges, Boudinot and many others had gained my confidence as high-minded, honorable and patriotic men—men devoted to the best interest of their people; men whose civilization and intelligence justly entitled them to a place in the confidence and brotherhood of the first statesmen and philanthropists of the age. Therefore, persevering as I was in all my official duties, I was sometimes almost paralyzed in my progress on account of the necessity of doing justice to and guarding so many conflicting interests at the same time.

Should any of my survivors ever take the time to make themselves fully acquainted with the history of Georgia during the four years of my Chief Magistracy, and examine critically all my official acts, I feel assured that their minds will be impressed, as mine now is, while I write these pages, that God, in His wisdom, accomplishes His purposes by means of His own choosing; that the glory, power and wisdom shall be ascribed to His own name and not to the humble instrumentality of poor, mortal, erring man. In all these matters I only claim to have been the clay in the hands of the potter.

