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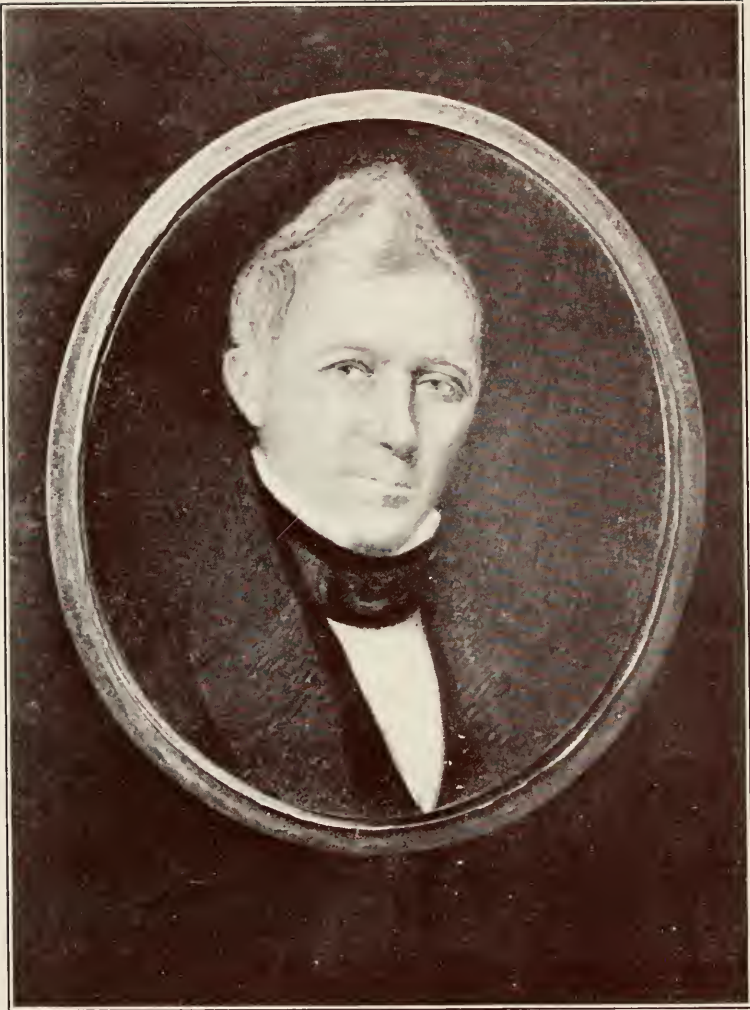
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THE
CHEROKEES

VOL. II

EDITION LIMITED
TO
FIVE HUNDRED COPIES



WILSON LUMPKIN

TAKEN FROM A MINIATURE, PAINTED WHILE UNITED STATES SENATOR
WASHINGTON, 1838.

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 Correspondence on the Removal of the Cherokees during his two terms as Governor of Georgia, and later as United States Commissioner to the Cherokees,

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 II

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Contents.

VOLUME II.

	PAGE
CHAPTER XIII. Including the Period from the 1st of November, 1835, When He Closed His Second Gubernatorial Term, to July, 1836, When He Entered Upon the Active Duties of Commissioner of the United States to Execute the Cherokee Treaty of December, 1835	7
CHAPTER XIV. Including the Period from the 1st of July, 1836, to the 1st of November, 1837, Embracing a Large Portion of the Official Correspondence, and Other Official Transactions Growing Out of the Duties of the Office of Commissioner as Afore-said	36
CHAPTER XV. The Same Period as in Chapter XIV, but Embracing Various Other Transactions, and Comments on Subjects Connected With the Cherokee Treaty and the Affairs of the Cherokee People	146
CHAPTER XVI. Including the First Periods of My Senatorial Service from December, 1837, Announced Speeches and Other Interesting Matters, Principally on Indian Affairs	180
CHAPTER XVII. Continuance of Senatorial Service, Also Embracing Much Information on Indian Affairs, Speeches, Etc	221
CHAPTER XVIII. Including My Correspondence With the Rev. George White, Historical Facts and Information Connected with Georgia and Her Church Affairs, Composed in the Year 1853	250
CHAPTER XIX. 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. Omitted. (See Preface.)	

5-245-

- CHAPTER XX. Continuance of Senatorial Service, Speeches and Remarks on Deeply Interesting Subjects, Together with Frequent Notes and Comments by the Author. Omitted. (See Preface.)
- CHAPTER XXI. On the Western and Atlantic, or State Road, Containing Official Reports, Comments, Etc., by the Author, on the Subject of Internal Improvements in Georgia 267
- CHAPTER XXII. Embracing Letters to Children, the Notice of the Death of a Beloved Son, and the Peculiar Affection of Another Son, Caused from Fright of Being Lost in the Woods When a Child—Omitted (See Preface.)

CORRECTIONS

- Page 113, line 27, for J. M. Kennedy, read John Kennedy.
- Page 180. Gov. Lumpkin names John Henderson as a Senator from Mississippi in 1837; but he did not enter the Senate until 1839, succeeding Senator John Black.

CHAPTER XIII.

At the close of my last Gubernatorial term in November, 1835, my generous friends gave me a parting feast, very numerous attended, at McComb's Hotel, in the close of which I made them an address, offering them my most affectionate advice, and bidding them a final adieu as Governor of Georgia.

I had the pleasure of seeing my political friend, Governor Schley, inaugurated as my successor in office, before I left the seat of government, and then repaired to my home and family, in Athens, Georgia.

I am at a loss to describe adequately my feelings and reflections upon this sudden change from all the turmoils and tumults of political life to the quietude of a peaceful home.

Once more in my life I was relieved from official responsibility and its unceasing cares. Nothing was left of an official nature, except the discharge of the pleasant duty of a Trustee of the University of Georgia, to which I had been called some years previous to my becoming Governor of the State. And as I was now located in my home, at the site of the University, my official duties could chiefly be performed without absence from home, or loss of time from my private affairs. I considered the duties of my Trusteeship in the nature of recreation rather than a burthen. My principal inducements in selecting Athens as my permanent home may be summed up as follows:

This place (Athens) is within twenty-five miles of the spot where I had spent the happy days of my infancy and childhood; the well-tested healthfulness of the location; its fine situation and climate, the highly intellectual and cultivated state of society; the education of my three youngest children, then just of the proper ages to require good schools.

I procured me a delightful situation, in the margin of the town, in full view of the State University, together with six or seven hundred acres of good productive land, finely timbered and watered, bounded on one side by the Oconee river. My design was to make this my permanent home, and live by the cultivation of the land.

My circumstances were moderate, neither rich nor poor, but very comfortable. Free from debt and embarrassment, I had, as I then thought, closed my public life

forever, in a manner highly satisfactory to the public. I met the kind greetings and salutations of my fellowmen wherever I turned. In this state of mind, and with these prospects before me, I enjoyed the feast of rest and quietude, enlivened and cheered by those social and family enjoyments which can only be duly appreciated by those who have passed through the fiery furnace of political strife and conflicts.

But it was but a very short time before I was again forced to acknowledge that man may decide his own way, but most assuredly "the Lord ordereth his steps."

On the 17th of July following I was commissioned to execute the Treaty of Dec., 1835, with the Cherokee Indians.

Without previous consultation or notice of any kind, I found this commission sent to me by President Jackson, accompanied by instructions, as well as a private letter, in his own handwriting, urging me to accept the commission, appointing me a Commissioner by and with the advice and consent of the Senate of the United States, to examine all the claims arising under, or provided for, in the several articles of the Treaty concluded with the Cherokee Indians on the 29th of December, 1835, and authorizing and empowering me to do and perform all the various duties appertaining to said office of Commissioner as aforesaid.

This appointment was to me wholly unexpected and undesired. And but for the reasons urged by General Jackson, in his private letter, why I ought to accept the appointment, I should certainly have declined it.

I had contributed much more than any one man in bringing this Treaty into existence; and although exceedingly liberal and advantageous in all its provisions to the Cherokee people, yet it had been and still continued to be opposed most violently by John Ross and his numerous followers. The various provisions of the treaty in favor of individual Indians—embracing the valuation and payment of each individual for his improvement, the final settlement of all claims, in favor of, or against each individual Cherokee—all these matters required great care in their examination, final adjustment and payment. Their claims for spoliation committed upon their property by the whites of the surrounding States for many years past required great care and most critical scrutiny in their adjudication. Indeed, whoever may study this treaty, and comprehend its provisions in

all its parts, will find that the duties which devolved on the Commissioners, under its provisions, embraced subjects of great complication and importance. Its faithful execution required qualifications of the highest order of both executive and judicial talents. Very many vastly important cases were brought to the consideration and decision of the Commissioners.

Nevertheless the impression resting on my mind, that I could efficiently aid in having the treaty faithfully executed, without injury or destruction to the Cherokee people, and hasten the period of their departure from Georgia, induced me once more to embark in this most hazardous and rugged field of public labor. While there was danger to the Cherokees, on the one hand, and to the whites of Georgia, on the other, I felt it to be my duty to occupy any post which might be assigned me which promised the reward of usefulness to my fellowman.

My commission and notification of my appointment as a Commissioner under the Cherokee Treaty of 1835 is dated the 7th of July, 1836, and on the 25th of the same month I entered on the duties of that office so far as to open a correspondence with Gov. Carroll, of Tennessee, my co-commissioner, and from that time I carried on a considerable correspondence, in writing and answering numerous letters connected with my new position, until the 18th of August, when I left home and proceeded to the Cherokee country, and visiting several important settlements of the Cherokees, I arrived at New Echota on the 2d of September, where I remained until the 8th, at which time I held a meeting with the Cherokee Committee—a committee provided for and their duties assigned under the provisions of the treaty. This committee consisted of John Ridge, Elias Boudinot, William Rodgers, John Gunter and William Chambers. From that time to the 15th of September I continued at New Echota, making arrangements and holding correspondence with various agents of the Government, engaged in duties connected with the execution of the Treaty, and hearing nothing from my associate Commissioner, Governor Carroll, I determined to give public notice and to invite all persons having claims arising under the treaty—whether Indians or citizens—to prepare their claims for presentation on or before the 10th day of October, when their claims would be duly received and attended to. I had received from Major B. F. Curry, the Superintendent of Cherokee Emigration, a list of his Appraising Agents, all of whom were re-

ported to be actively engaged in the discharge of their several duties.

On the 15th of Oct. John Ross and his party met at Red Clay, where General John E. Wool had been directed to attend with his military escort of United States Troops, to prevent any disorder or improper conduct which might probably occur.

On the same day, according to notice, various claims were presented, docketed and filed in proper order. And on the next day (being the Sabbath) we had Indian preaching in the old council chamber of the Cherokee Nation, to a very large and attentive congregation of Cherokee people. I continued thus to receive papers, and prepared for every class of business which could possibly be done by one Commissioner, and making myself personally and more fully acquainted with the Cherokee people, and in endeavoring to reconcile all malcontents with the liberal provisions of the treaty. I also visited the Indians in various parts of the country, keeping up at the same time all necessary correspondence, both with the Federal and State Governments, their officers and agents, until the 1st day of Dec., 1836, when Judge John Kennedy, of Tennessee, arrived and reported himself to me as Commissioner in the place of Governor Carroll, resigned.

I will not attempt to describe the trouble, labor and perplexity which had been devolved upon me alone for several months—all on account of the want of a co-commissioner. It is out of the line of my object to expose the faults of others unnecessarily, but this long suspense and burthen thrown on me was a gross deviation of duty on the part of the Federal Government.

All things considered, however, I figured that Judge Kennedy was by no means the inferior of Gov. Carroll in qualifications for the office. He had not the same weight of character and influence with the Indians, while he possessed a much greater stock of legal knowledge. I found Judge Kennedy throughout a pleasant colleague, and I believe he was from principle conscientiously disposed to discharge his official duties with honesty and uprightness.

It would be altogether inadmissible to encumber the mind of the reader with the various details of business performed by the Commissioners in the course of the next twelve months. Suffice it to say that no men ever labored with more untiring assiduity, met with, subdued and overcame more obstructions, some of which will be

illustrated hereafter by official documents and correspondence connected with the discharge of these duties.

From memorandums taken from the Books of Record, kept by the Commissioners, on the 23d day of October, 1837: The last judgment entered upon what we termed the Common Law docket was numbered 3801. On the same day we had decided favorably on 396 Indian claims for spoliations. On the same day we had made advances under the Treaty to 3030 emigrating Indians, besides examining a vast number of claims for spoliations which had been rejected. On the same day, from the register of payments, it appeared that we had made advances to nearly one thousand Indians who had actually emigrated. On Register B the first name was Thomas Sawgy, or Thomas McCoy, and Boiled Corn; the last being page 485. On the same Book B are entered the advances to persons who claimed to have rendered services to the nation, such as lawyers. The first advance to a lawyer was made to Spencer Jonakin, of Tennessee, on the 6th of Feb'y, 1837, and the last to James W. McClug, of Alabama, on the 19th of Oct., 1837. The whole number of advances made for lawyers' fees was to 21 different lawyers. On Book C the first valuation entered is to William Downing and the last to John Bean and Potato, page 477. The requisitions of the Commissioners may be seen on Book C, at the beginning of the Book—whole number of requisitions 16, the first in favor of myself and the last in favor of James Starr, dated the 4th Oct., 1837. The first dated March, 22d, 1837. Decision Book on the subject of valuations: the first is the case of George Still, and the last the cause of the Gunters: the first dated the 15th of May, 1837, and the last Oct. 1st, 1837, in my own handwriting. Decision Book on reservations: the first claim, Susannah Guarreneau on the 1st of June, 1837, the last the claim of the heirs of Joseph Phillips, dated Oct. 19th, 1837, having decided only six cases of this character.

My last official letter in this office was to C. A. Harris, and dated Oct. 23, 1837.

Dear reader, be not surprised at my placing what to you may appear strange and unintelligible memorandums in this place. These memorandums were taken from the books of the Commissioners' office, on the last day of my service in that office. And for the acts of the Commissioners up to that date my character is responsible. Up to that date my official act of that office will not only bear the most rigid scrutiny, but, if ever examined carefully by

competent judges, will bear testimony to the care and fidelity with which the business was transacted.

From the stage of the business and its progress to the time of my leaving the office, and from the extraordinary time this office was kept open after I left and from information which I have received on the subject, I entertain no doubt that much fraud and corruption found their way into this very office after I left it. I do not say that the Commissioners who succeeded me were corrupt; but I do say the office was kept up and a door left open for fraud sufficient to give just cause to believe that there was fraud and corruption somewhere in connection with this business.

I have been informed that many of the claims which were fully examined and rejected by Judge Kennedy and myself were reopened, and large sums allowed to the claimants. If these things be so, they were wrong. I fear some shared spoils which they were not justly entitled to receive. Thus it will be seen why I put these memorandums here. It is to shield my character from censure which is justly chargeable to others. Moreover, I would in this connection observe that the various record books to which I have referred ought now to be found deposited in the office of the Commissioner of Indian Affairs, at Washington; and if they are all in their proper place, free from mutilation, they will go far to detect many frauds which may hereafter be attempted on the Government.

The arrangement of these books, to suit all the various branches of business which devolved on the Commissioners, was planned and organized by myself, and if nothing like them can be found in any other office under the sun, yet I will venture to say they were well devised to prevent fraud, and easily understood by even Indians and plain common sense men.

I believed when I left that office that most of the important business connected with it had been transacted, and that what remained to be done was comparatively unimportant. And my opinion remains unchanged. I felt, however, considerable reluctance in resigning the office before a final consummation of the discharge of every duty appertaining to the office.

But I had been elected by the Legislature to the Senate of the United States, and felt it to be my duty to enter upon the discharge of the duties of that important appointment, and accordingly resigned the office of Commissioner.

At the request of Judge Kennedy, before I left New Echota I submitted to him the following suggestions in writing—and here follows that document.

Commissioners' Office,
New Echota, Oct. 24, 1837.

Views and opinions of Wilson Lumpkin, submitted at the request of his associate Commissioner, John Kennedy, Esq.

From experience and close observation, I am clearly of the opinion that the Commissioners ought to be more and more guarded in the exercise of their discretion in making advances of money under the provisions of the treaty. No advance should hereafter be made to any native whatever who is not actually ready, or earnestly engaged in speedy preparation for departure to the West. Nor should any advances be made upon powers of attorney to any person whatever, except in cases where the necessity of that course is obvious and manifest to promote the interest of the recipient. In all cases prosecuted by attorneys-at-law, or in fact, the Commissioners should cautiously guard the interest of the claimant from the avarice as well as the fraud of his attorney. And should fraudulent intent clearly manifest itself in the attorneys of absent claimants, from thenceforth such attorneys should not be permitted to prosecute claims before the Commissioners. The evidence given to the actings and doings of the Indian Committee ought to be curtailed—claims hereafter presented for spoliations ought to be scrutinized with the severity of a court of justice. Indeed, all claims hereafter presented will require the most rigid investigation, because the spirit of fraud is every day becoming more manifest. There cannot now remain very many omitted valuations. The attempts to establish such hereafter will in nine cases out of ten prove to be fraudulent. And changes in valuations already made should be admitted with great caution, and upon clear and satisfactory proof only. In all cases represented by white men, fraud may justly be suspected. Applications for increase of valuations should be resisted in ninety-nine cases out of every hundred—because in that proportion they are unfounded.

The books of the Commissioners' office should be perfected with all practicable dispatch, by carrying every proper entry which records will justify to the register of

payments. When that is accomplished, then, and not till then, the estimates can be correctly and fully made up and prepared for the use of the disbursing agent West, and the requisitions of the Commissioners be made on him accordingly in favor of the emigrants. According to the instructions of the Commissioners one complete copy at least of all their principal books of record ought to be made out as soon as practicable—to-wit: a copy of the Register of Payments, a copy of the Judgment Book, or common debt docket, a copy of the Spoliation Book, a copy of all decisions made by the Commissioners in other cases not herein before designated. I am confident that but a short lapse of time will be necessary to produce another rush upon the Commissioners for further advances of money, under the pretense of an increased spirit of emigration. This attempt, when it is made, should be cautiously considered, and prudently but sternly resisted, so far as it may be intended to mislead. This spirit will be gotten up by every description of persons who wish more money in circulation to answer their selfish purposes during the present winter—although they know that there will be but little emigration during the winter. The committee will most zealously endeavor to contribute to this state of things. Many of the white people, official and unofficial, will do the same thing. It will require an Argus eye to detect attempts at deception which will be made. Most of the blank books necessary for copying our records are already purchased and paid for, and are now in our office. We have three books of large size and excellent quality—just such as Register Book C, which will be amply sufficient for copying the whole of our judgments for debt, and perhaps all our decisions allowing spoliations claims. Our other decisions, upon all other subjects, might be embraced and placed on the books which we have already devoted to that purpose.

WILSON LUMPKIN.

Intending to submit a portion of my official correspondence in connection with this office. I have deemed it most expedient, for the information of those who may feel an interest in understanding and investigating this Indian subject, to insert in this place the last Treaty (of 1835) with the Cherokee Indians. It has been so often adverted to, and its liberal provisions asserted, that it is due to the reader, to have the Treaty itself before him.

Here follows the Cherokee Treaty of 1835.

ANDREW JACKSON,
President of the United States of America,

To all and singular to whom these presents shall come,
Greeting:

Whereas, a Treaty was concluded at New Echota, in the State of Georgia, on the twenty-ninth day of December, eighteen hundred and thirty-five, by Gen. William Carroll and John F. Schermerhorn, Commissioners on the part of the United States, and the Chiefs, Head Men, and people of the Cherokee tribe of Indians;

And whereas, certain articles supplementary to the said Treaty were agreed upon between John F. Schermerhorn, Commissioner on the part of the United States, and a delegation of the Cherokee people, on the first day of March, one thousand eight hundred and thirty-six, which treaty and supplementary articles are in the following words, to-wit:

Articles of a Treaty concluded at New Echota, in the State of Georgia, on the 29th day of Dec., 1835, by General William Carroll, and John F. Schermerhorn, Commissioners on the part of the United States, and the Chiefs, Head Men and people of the Cherokee tribe of Indians.

Whereas, the Cherokees are anxious to make some arrangements with the Government of the United States whereby the difficulties they have experienced by a residence within the settled parts of the United States under the jurisdiction and laws of the State Governments may be terminated and adjusted; and with a view to reuniting their people in one body and securing a permanent home for themselves and their posterity in the country selected by their forefathers, without the territorial limits of the State sovereignties, and where they can establish and enjoy a government of their own choice, and perpetuate such a state of society as may be most consonant with their views, habits and conditions, and as may tend to their individual comfort and their advancement in civilization;

And whereas, a delegation of the Cherokee Nation composed of Messrs. John Ross, Richard Taylor, Daniel McCoy, Samuel Gunter and William Rogers, with full power and authority to conclude a treaty with the United States, did, on the 28th day of February, 1835, stipulate and agree with the Government of the United States to submit to the Senate to fix the amount which should be

allowed the Cherokees for their claims and for a cession of their lands east of the Mississippi river, and did agree to abide by the award of the Senate of the United States themselves, and to recommend the same to their people for their final determination;

And whereas, on such submission the Senate advised "that a sum not exceeding five millions of dollars be paid to the Cherokee Indians for all their lands and possessions east of the Mississippi river;"

And whereas, this delegation, after said award of the Senate had been made, were called upon to submit propositions as to the disposition to be arranged in a treaty, which they refused to do, but insisted that the same "should be referred to their Nation and there in general council to deliberate and determine on the subject in order to insure harmony and good feeling among themselves;"

And whereas, a certain other delegation, composed of John Ridge, Elias Boudinot, Archilla Smith, S. W. Bell, John West, William A. Davis and Ezekiel West, who represented that portion of the Nation in favor of emigration to the Cherokee country west of the Mississippi, entered into propositions for a treaty with John F. Schermerhorn, Commissioner on the part of the United States, which were to be submitted to their Nation for their final action and determination;

And whereas, the Cherokee people, at their last October council, at Red Clay, fully authorized and empowered a delegation and committee of twenty persons of their Nation to enter into and conclude a treaty with the United States Commissioners then present at that place, or elsewhere, and as the people had good reason to believe that a treaty would then and there be made, or at a subsequent council, at New Echota, which the Commissioners it was well known and understood were authorized and instructed to convene for said purpose; and since the said delegation have gone on to Washington City, with a view to close negotiations there, as stated by them, notwithstanding they were officially informed by the United States Commissioner that they would not be received by the President of the United States; and that the Government would transact no business of this nature with them, and that if a treaty was made it must be done here in the Nation, where the delegation at Washington last winter *urged that it should be done* for the purpose of promoting peace and harmony among the people; and since these facts have also been corroborated to us by a

communication recently received by the United States and read and explained to the people in open council, and therefore believing said delegation can effect nothing, and since our difficulties are daily increasing and our situation is rendered more and more precarious, uncertain and insecure, in consequence of the legislation of the States; and seeing no effectual way of relief but in accepting the liberal overtures of the United States;

And whereas, General William Carroll and John F. Schermerhorn were appointed Commissioners on the part of the United States, with full power and authority to conclude a treaty with the Cherokees east, and were directed by the President to convene the people of the Nation in general council at New Echota, and to submit said propositions to them, with power and authority to vary the same so as to meet the views of the Cherokees in reference to its details;

And whereas, the said Commissioners did appoint and notify a general council of the Nation to convene at New Echota on the 21st day of December, 1835, and informed them that the Commissioners would be prepared to make a treaty with the Cherokee people who should assemble there, and those who did not come they should conclude gave their assent and sanction to whatever should be transacted at this council, and the people having met in council according to said notice;

Therefore, the following articles of a Treaty are agreed upon and concluded between Wm. Carroll and John F. Schermerhorn, Commissioners on the part of the United States and the Chiefs and Head Men and people of the Cherokee Nation, in general council assembled the 29th day of December, 1835.

Article 1. The Cherokee Nation hereby cede, relinquish and convey to the United States all the lands owned, claimed or possessed by them east of the Mississippi river, and hereby release all their claims upon the United States for spoliations of every kind, for and in consideration of the sum of five millions of dollars, to be expended, paid and invested in the manner stipulated and agreed upon in the following articles. But as a question has arisen between the Commissioners and the Cherokees whether the Senate in their resolution, by which they advised "that a sum not exceeding five millions of dollars be paid to the Cherokee Indians for all their land and possessions east of the Mississippi river," have included and made any allowance or consideration for claims for spoliations, it is therefore

agreed on the part of the United States that this question shall be again submitted to the Senate for their consideration and decision, and if no allowance was made for spoliations that then an additional sum of three hundred thousand dollars be allowed for the same.

Article 2. Whereas, by the Treaty of May 6th, 1828, and the supplementary treaty thereto of Feb'y 14th, 1833, with the Cherokees west of the Mississippi, the United States guaranteed and secured to be conveyed by patent to the Cherokee Nation of Indians the following tract of country: "Beginning at a point on the old western territorial line of Arkansas Territory, being twenty-five miles north from the point where the territorial line crosses Verdigris river; thence down said Verdigris river to the Arkansas river; thence down said Arkansas to a point where a stone is placed opposite the east or lower bank of Grand river, at its junction with the Arkansas; thence running south forty-four degrees west one mile; thence in a straight line to a point four miles northerly from the mouth of the north fork of the Canadian; thence along the said four mile line to the Canadian; thence down the Canadian to the Arkansas, thence down the Arkansas to that point on the Arkansas where the eastern Choctaw boundary strikes said river, and running thence with the western line of Arkansas Territory, as now defined, to the southwest corner of Missouri; thence along the western Missouri line to the land assigned the Senecas; thence on the south line of the Senecas to Grand river; thence up said Grand river as far as the south line of the Osage reservation, extending if necessary; thence up and between said south Osage line, extended west if necessary, and a line drawn due west from the point of beginning to a certain distance west, at which a line running north and south from said Osage line to said due west line will make seven millions of acres within the whole described boundaries. In addition to the seven millions of acres of land thus provided for and bounded, the United States further guarantee to the Cherokee Nation a perpetual outlet west and a free and unmolested use of all the country west of the western boundary of said seven millions of acres, as far west as the sovereignty of the United States and their right of soil extend.

"Provided, however, That if the saline or salt plain on the western prairie shall fall within said limits prescribed by said outlet, the right is reserved to the United States to permit other tribes of red men to get salt on said plain in common with the Cherokees; and letters patent shall be

issued by the United States as soon as practicable for the land hereby guaranteed."

And whereas, it is apprehended by the Cherokees that in the above cession there is not contained a sufficient quantity of land for the accommodation of the whole Nation on their removal west of the Mississippi, the United States, in consideration of the sum of five hundred thousand dollars, therefore, hereby covenant and agree to convey to the said Indians and their descendants by patent, in fee simple, the following additional tract of land, situated between the west line of the State of Missouri and the Osage reservation, beginning at the southeast corner of the same and runs north along the east line of the Osage lands fifty miles to the northeast corner thereof; and thence west to the west line of the State of Missouri; thence with said line south fifty miles; thence west to the place of beginning, estimated to contain eight hundred thousand acres of land; but it is expressly understood that if any of the lands assigned the Indians shall fall within the aforesaid bounds the same shall be reserved and accepted out of the lands above granted, and a pro rata reduction shall be made in the price to be allowed to the United States for the same by the Cherokees.

Article 3. The United States also agree that the lands above ceded by the Treaty of Feb'y 14, 1833, including the outlet and those ceded by this Treaty, shall all be included in one patent executed to the Cherokee Nation of Indians by the President of the United States, according to the provisions of the act of May 28, 1830. It is, however, agreed that the military reservation at Fort Gibson shall be held by the United States. But should the United States abandon said post, and have no further use for the same, it shall revert to the Cherokee Nation. The United States shall always have the right to make and establish such posts and military roads and forts in any part of the Cherokee country as they may deem proper for the interest and protection of the same, and the free use of as much land, timber, and fuel and materials of all kinds for the construction and support of the same as may be necessary; provided that if the private rights of individuals are interfered with a just compensation therefore shall be made.

Article 4. The United States also stipulate and agree to extinguish for the benefit of the Cherokees the titles to the reservations within their country, made in the Osage Treaty of 1825, to certain half breeds, and for this purpose they hereby agree to pay to the persons to whom the same

belong or have been assigned, or to their agents or guardians, whenever they shall execute, after the ratification of this treaty, a satisfactory conveyance for the same, to the United States, the sum of fifteen thousand dollars, according to the schedule accompanying this Treaty of the relative value of the several reservations.

And whereas, by the several treaties between the United States and the Osage Indians, the Union and Harmony Missionary reservations which were established for their benefit are now situated within the country ceded by them to the United States, the former being situated in the Cherokee country and the latter in the State of Missouri: It is therefore agreed that the United States shall pay the American Board of Commissioners for Foreign Missions, for the improvements on the same, what they shall be appraised at by Capt. Geo. Vashon, Cherokee Sub Agent, Abraham Redfield and A. P. Chouteau, or such persons as the President of the United States shall appoint, and the money allowed for the same shall be expended in schools among the Osages and improving their condition. It is understood that the United States are to pay the amount allowed for the reservation in this article, and not the Cherokees.

Article 5. The United States hereby covenant and agree that the lands ceded to the Cherokee Nation in the foregoing article shall in no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory. But they shall secure to the Cherokee Nation the right, by their national council, to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country, belonging to their people or such persons as have connected themselves with them; provided always that they shall not be inconsistent with the Constitution of the United States and such acts of Congress as have been or may be passed regulating trade and intercourse with the Indians; and also that they shall not be considered as extending to such citizens and army of the United States as may travel and reside in the Indian country by permission, according to the laws and regulations established by the Government of the same.

Article 6. Perpetual peace and friendship shall exist between the citizens of the United States and the Cherokee Indians. The United States agree to protect the Cherokee Nation from domestic strife and foreign enemies, and against intestine wars between the several tribes. The

Cherokees shall endeavor to preserve and maintain the peace of the country, and not make war upon their neighbors; they shall also be protected against interruption and intrusion from citizens of the United States who may attempt to settle in the country without their consent; and all such persons shall be removed from the same by order of the President of the United States. But this is not intended to prevent the residence among them of useful farmers, mechanics and teachers for the instruction of Indians according to treaty stipulations.

Article 7. The Cherokee Nation having already made great progress in civilization, and deeming it important that every proper and laudable inducement should be offered to their people to improve their condition, as well as to guard and secure in the most effectual manner the rights guaranteed to them in this Treaty, and with a view to illustrate the liberal and enlarged policy of the Government of the United States towards the Indians, in their removal beyond the territorial limits of the States, it is stipulated that they shall be entitled to a delegate in the House of Representatives of the United States, whenever Congress shall make provision for the same.

Article 8. The United States also agree and stipulate to remove the Cherokees to their new homes, and to subsist them one year after their arrival there, and that a sufficient number of steamboats and baggage wagons shall be furnished to remove them comfortably, and so as not to endanger their health, and that a physician, well supplied with medicines, shall accompany each detachment of emigrants removed by the Government. Such persons and families as, in the opinion of the emigrating agent, are capable of subsisting and removing themselves, shall be permitted to do so; and they shall be allowed in full for all claims for the same twenty dollars for each member of their family; and in lieu of their one year's rations they shall be paid the sum of thirty-three dollars and thirty-three cents, if they prefer it. Such Cherokees as also reside at present out of the Nation and shall remove with them in two years west of the Mississippi shall be entitled to allowance for removal and subsistence as above provided.

Article 9. The United States agree to appoint suitable agents, who shall make a just and fair valuation of all such improvements now in the possession of the Cherokees as add any value to the lands; and also of the ferries owned by them, according to their net income, and such improve-

ments and ferries from which they have been dispossessed in a lawless manner, or under any existing laws of the State where the same may be situated. The just debts of the Indians shall be paid out of any moneys due them for their improvements and claims, and they shall also be furnished, at the discretion of the President of the United States, with a sufficient sum to enable them to obtain the necessary means to remove themselves to their new homes, and the balance of their dues shall be paid them at the Cherokee Agency west of the Mississippi. The missionary establishments shall also be valued and appraised in a like manner, and the amount of them paid over by the United States to the treasurer of the respective missionary societies by whom they have been established and improved, in order to enable them to erect such buildings and make such improvements among the Cherokees west of the Mississippi as they may deem necessary for their benefit. Such teachers at present among the Cherokees as this Council shall select and designate shall be removed west of the Mississippi with the Cherokee Nation, and on the same terms allowed to them.

Article 10. The President of the United States shall invest in some safe and most productive public stock of the country, for the benefit of the whole Cherokee Nation who have removed or shall remove to the lands assigned by this Treaty to the Cherokee Nation west of the Mississippi, the following sums, as a permanent fund for the purpose hereinafter specified, and pay over the net income of the same annually to such person or persons as shall be authorized or appointed by the Cherokee Nation to receive the same, and their receipt shall be a full discharge for the amount paid to them, viz: the sum of two hundred thousand dollars, in addition to the present annuities of the nation, to constitute a general fund, the interest of which shall be applied annually by the Council of the Nation to such purposes as they may deem best for the general interest of their people. The sum of fifty thousand dollars, to constitute an orphans' fund, the annual income of which shall be expended towards the support and education of such orphan children as are destitute of the means of subsistence. The sum of one hundred and fifty thousand dollars, in addition to the present school fund of the Nation, shall constitute a permanent school fund, the interest of which shall be applied annually by the Council of Nation for the support of common schools and such a literary institution of a higher order as may be established in the

Indian country. And in order to secure as far as possible the true and beneficial application of the orphans and school fund, the Council of the Cherokee Nation, when required by the President of the United States, shall make a report of the application of those funds, and he shall at all times have the right, if the funds have been misapplied, to correct any abuses of them and direct the manner of their application for the purposes for which they were intended. The Council of the Nation may, by giving two years' notice of their intention, withdraw their funds, by and with the consent of the President and Senate of the United States, and invest them in such manner as they may deem most proper for their interest. The United States also agree and stipulate to pay the just debts and claims against the Cherokee Nation held by the citizens of the same, also the just claims of citizens of the United States for services rendered to the Nation, and the sum of sixty thousand dollars is appropriated for this purpose, but no claims against individual persons of the Nation shall be allowed and paid by the Nation.

Article 11. The Cherokee Nation of Indians, believing it will be for the interest of their people to have all their funds and annuities under their own direction and future disposition, hereby agree to commute their permanent annuity of ten thousand dollars for the sum of two hundred and fourteen thousand dollars, the same to be invested by the President of the United States as a part of the general fund of the Nation; and their present school fund, amounting to about fifty thousand dollars, shall constitute a part of the permanent school fund of the Nation.

Article 12. Those individuals and families of the Cherokee Nation that are averse to a removal to the Cherokee country, west of the Mississippi, and are desirous to become citizens of the States where they reside, and such as are qualified to take care of themselves and their property, shall be entitled to receive their due portion of all the personal benefits accruing under this Treaty for their claims, improvements and per capita as soon as an appropriation is made for this Treaty.

It is stipulated and agreed between the United States and the Cherokee people that John Ross, James Starr, George Hicks, John Gunter, George Chambers, John Ridge, Elias Boudinot, George Sanders, John Martin, William Rodgers, Roman Nose Situwake and John Simpson shall be a committee on the part of the Cherokees to select the missionaries who shall be removed

with the Nation; and that they be hereby fully empowered and authorized to transact all business on the part of the Indians which may arise in carrying into effect the provisions of this Treaty and settling the same with the United States. If any of the persons above mentioned should decline acting, or be removed by death, the vacancies shall be filled by the committee themselves.

Article 13. In order to make a final settlement of all the claims of the Cherokees for reservations, granted under former treaties, to any individuals belonging to the Nation by the United States, it is therefore hereby stipulated and agreed and expressly understood by the parties to this Treaty, that all the Cherokees and their heirs and descendants to whom any reservations have been made under any former treaties with the United States, and who have not sold or conveyed the same, by deed or otherwise, and who in the opinion of the Commissioners have complied with the terms on which the reservations were granted, as far as practicable in the several cases, and which reservations have since been sold by the United States, shall constitute a just claim against the United States, and the original reserve, or their heirs or descendants, shall be entitled to receive the present value thereof from the United States, as unimproved lands. And all such reservations as have not been sold by the United States, and where the terms on which the reservations were made, in the opinion of the Commissioners, have been complied with as far as practicable, they, or their heirs or descendants, shall be entitled to the same, they are hereby granted and confirmed to them; and all such reserves as were obliged by the laws of the States in which their reservations were situated, to abandon the same or purchase them from the States, shall be deemed to have a just claim against the United States for the amount by them paid to the States, with interest thereon, for such reservations, and if obliged to abandon the same, to the present value of such reservations as unimproved lands; but in all cases where the reservees have sold their reservations, or any part thereof, and conveyed the same, by deed or otherwise, and have been paid for the same, they, their heirs or descendants or assigns, shall not be considered as having any claims upon the United States under this article of the Treaty, nor be entitled to receive any compensation for the lands thus disposed of. It is expressly understood by the parties to this Treaty that the amount to be allowed for reservations under this article shall not be deducted out of

the consideration money allowed to the Cherokees for their claims for spoliations and the cession of their lands; but the same is to be paid for independently by the United States, as it is only a just fulfilment of former treaty stipulations.

Article 14. It is also agreed on the part of the United States that such warriors of the Cherokee Nation as were engaged on the side of the United States in the late war with Great Britain, and the Southern tribes of Indians, and who were wounded in such service, shall be entitled to such pensions as shall be allowed them by the Congress of the United States, to commence from the period of their disability.

Article 15. It is expressly understood and agreed between the parties to this Treaty, that after deducting the amount which shall be actually expended for the payment for improvements, ferries, claims for spoliations, removal, subsistence and debts and claims upon the Cherokee Nation, and for the additional quantity of lands and goods for the poorer class of Cherokees, and the several sums to be invested for the general national funds, provided for in the several articles of this Treaty, may the balance whatever the sum be, shall be equally divided between all the people belonging to the Cherokee Nation east, according to the census just completed; and such Cherokees as have removed west since June, 1833, who are entitled by the terms of this enrollment and removal to all the benefits resulting from the final treaty between the United States and the Cherokees east, they shall also be paid for their improvements, according to their approved value, before their removal, where fraud has not already been shown in their valuation.

Article 16. It is hereby stipulated and agreed by the Cherokees, that they shall remove to their new homes within two years from the ratification of this Treaty, and that during such time the United States shall protect and defend them in their possessions and property, and free use and occupation of the same, and such persons as have been dispossessed of their improvements and houses, and for which no grant has actually issued previously to the enactment of the law of the State of Georgia of December, 1835, to regulate Indian occupancy, shall be again put in possession, and placed in the same situation and condition, in reference to the laws of the State of Georgia, as the Indians that have not been dispossessed, and if this is not done, and the people are left unprotected, then the United

States shall pay the several Cherokees for the losses and damages sustained by them in consequence thereof. And it is also stipulated and agreed, that the public buildings and improvements on which they are situated at New Echota, for which no grant has been actually made previous to the passage of the above recited act, if not occupied by the Cherokee people, shall be reserved for the public and free use of the United States and the Cherokee Indians, for the purpose of settling and closing all the Indian business arising under this Treaty between the Commissioners of claims and the Indians.

The United States, and the several States interested in the Cherokee lands, shall immediately proceed to survey the lands ceded by this treaty; but it is expressly agreed and understood between the parties that the agency holdings and that tract of land surveyed and laid off for the use of Col. R. J. Meigs, Indian Agent, or heretofore enjoyed and occupied by his successors in office, shall continue subject to the use and occupancy of the United States, or such agent as may be engaged specially superintending the removal of the tribe.

Article 17. All the claims arising under, or provided for, in the several articles of this Treaty shall be examined and adjudicated by such commissioners as shall be appointed by the President of the United States for that purpose, and their decision shall be final, and, on their certificate of the amount due the several claimants, they shall be paid by the United States. All stipulations in former treaties which have not been superseded or annulled by this shall continue in full force and virtue.

Article 18. Whereas, in consequence of the unsettled affairs of the Cherokee people, and the early frosts, their crops are insufficient to support their families, and great distress is likely to ensue; and whereas, the Nation will not until after their removal be able advantageously to expend the income of the permanent funds of the Nation; it is therefore agreed that the annuities of the Nation which may accrue under this Treaty for two years, the time fixed for their removal, shall be expended in provision and clothing for the benefit of the poorer class of the Nation; and the United States hereby agree to advance the same for that purpose, as soon after the ratification of this Treaty as an appropriation for the same shall be made. It is not, however, intended in this article to interfere with that part of the annuities due the Cherokees west by the Treaty of 1819.

Article 19. This Treaty, after the same shall be ratified by the President and Senate of the United States, shall be obligatory on the contracting parties.

In testimony whereof the Commissioners and Chiefs, Head Men and people whose names are hereunto annexed, being duly authorized by the people in General Council assembled, have affixed their hands and seals for themselves and in behalf of the Cherokee Nation.

I have examined the foregoing Treaty and, although not present when it was made, I approve its provisions generally, and therefore sign it.

Wm. Carroll,	L. S.
J. F. Schermerhorn,	L. S.
Major Ridge, his X mark,	L. S.
James Foster, his X mark,	L. S.
Tesa-ta-esky, his X mark,	L. S.
Charles Moore, his X mark,	L. S.
George Chambers, his X mark,	L. S.
Tah-yeske, his X mark,	L. S.
Archilla* Smith, his X mark.	L. S.
Andrew Ross,	L. S.
William Lapley,	L. S.
Cae-te-hee, his X mark.	L. S.
Te-gah-e-ske, his X mark,	L. S.
Robert Rogers,	L. S.
John Gunter,	L. S.
John A. Bell,	L. S.
Charles F. Foreman,	L. S.
William Rogers,	L. S.
George W. Adair,	L. S.
Elias Boudinot,	L. S.
James Starr, his X mark,	L. S.
Jesse Half-breed, his X mark,	L. S.

Signed and sealed in presence of

Western B. Thomas, Sec'y.

Benj. F. Curry, Special Agent.

M. Wolf Bateman, 1st Lt. 6th U. S. A. Ind. Disbg Agt.

John L. Hooper, Lt. 4th Inf.

C. M. Hitchcock, M. D., Assist. Surg. U. S. A.

G. W. Curry.

W. H. Underwood.

Cornelius D. Terhune.

John W. H. Underwood.

* So written in the manuscript, but probably intended for Ashel R. Smith, who was an original settler of Gwinnett County Georgia, as stated by Rev. Geo. White, in his Statistics of Georgia, p. 297.

In compliance with instructions of the council at New Echota we sign this treaty.

STAND WATIE,
JOHN RIDGE.

March 1, 1836.

Witnesses :

Elbert Herring.
Alexander H. Everett.
John Robb.
D. Kutz.
Wm. Y. Hansell.
Samuel I. Potts.
John Little.
S. Rockwell.

Whereas, the Western Cherokees have appointed a delegation to visit the Eastern Cherokees, to assure them of the friendly disposition of their people and their desire that the Nation should be united as one people and to urge upon them the expediency of accepting the overtures of the Government, and that, on their removal, they may be assured of a hearty welcome and an equal participation with them in all the benefits and privileges of the Cherokee country west, and the undersigned, two of said delegation, being the only delegates in the Eastern Nation from the West at the signing and sealing the Treaty lately concluded at New Echota, between their Eastern brethren and the United States, and having fully understood the provisions of the same, they agree to it in behalf of the Western Cherokees. But it is expressly understood that nothing in this Treaty shall effect any claims of the Western Cherokees on the United States. In testimony whereof we have, this 31st day of December, 1835, hereunto set our hands and seals.

JAMES ROGERS, (L. S.)
JOHN SMITH, his X mark, (L.S.)

Delegates from the Western Cherokees.

Test :

Benj. F. Curry,
Special Agent.
M. W. Bateman,
First Lieut. 6th Infantry.
John L. Hooper,
Lieut. 4th Infantry.
Elias Boudinot.

Supplementary articles to a Treaty, concluded at New Echota, Georgia, December 29, 1835, between the United States and Cherokee people.

Whereas, the undersigned were authorized at the General Meeting of the Cherokee people, held at New Echota as above stated, to make and assent to such alterations in the preceding Treaty as might be thought necessary; and whereas, the President of the United States has expressed his determination not to allow any pre-emptions or reservations, his desire being that the whole Cherokee people should remove together, and establish themselves in the country provided for them west of the Mississippi river:

Article 1. It is therefore agreed that all the pre-emption rights and reservations, provided for in articles 12 and 13, shall be and are hereby relinquished and declared void.

Article 2. Whereas, the Cherokee people have supposed that the sum of five millions of dollars, fixed by the Senate in their resolution of — day of March, 1835, as the value of the Cherokee lands and possessions east of the Mississippi river, was not intended to include the amount which may be required to remove them, nor the value of certain claims which many of their people had against citizens of the United States, which suggestion has been confirmed by the opinion expressed to the War Department by some of the Senators who voted upon the question, and, whereas, the President is willing that this subject should be referred to the Senate for their considerations, and if it was not intended by the Senate that the above mentioned sum of five millions of dollars should include the object herein specified, that in that case such further provision should be made therefor as might appear to the Senate to be just:

Article 3. It is therefore agreed that the sum of six hundred thousand dollars shall be and the same is hereby allowed to the Cherokee people to include the expense of their removal, and all claims of every nature and description against the Government of the United States not herein otherwise expressly provided for, and to be in lieu of the said reservations and pre-emptions and of the sum of three hundred thousand dollars for spoliations described in the 1st article of the above mentioned Treaty. This sum of six hundred thousand dollars shall be applied and distributed agreeably to the provisions of the said Treaty, and any surplus which may remain after removal and payment of the claims so ascertained shall be turned over and belong to the education fund.

But it is expressly understood that the subject of this article is merely referred hereby to the consideration of the Senate, and if they shall approve the same then this supplement shall remain part of the Treaty.

Article 4. It is also understood that the provisions in Article 16, for the Agency reservation, is not intended to interfere with the occupant right of any Cherokees, should their improvement fall within the same. It is also understood and agreed that one hundred thousand dollars, appropriated in Article 12 for the poorer class of Cherokees and intended as a set off to the pre-emption rights, shall now be transferred from the funds of the Nation and added to the general national fund of four hundred thousand dollars, so as to make said fund equal to five hundred thousand dollars.

Article 5. The necessary expenses attending the negotiation of the aforesaid treaty and supplement, and also of such persons of the delegation as may sign the same, shall be defrayed by the United States.

In testimony whereof, John F. Schermerhorn, commissioner on the part of the United States, and the undersigned delegation have hereunto set their hands and seals, this first day of March, in the year one thousand eight hundred and thirty-six.

J. F. Schermerhorn,	L. S.
Major Ridge, his X mark,	L. S.
James Foster, his X mark,	L. S.
Tah-ye-ske, his X mark,	L. S.
Long Shell Turtle, his X mark,	L. S.
John Fields, his X mark,	L. S.
James Fields, his X mark,	L. S.
George Welch, his X mark,	L. S.
Andrew Ross,	L. S.
William Rogers,	L. S.
John Gunter,	L. S.
John A. Bell,	L. S.
Jos. A. Foreman,	L. S.
Robert Sanders,	L. S.
Elias Boudinot,	L. S.
Johnson Rogers,	L. S.
James Starr, his X mark,	L. S.
Stand Watie,	L. S.
John Ridge,	L. S.
James Rogers,	L. S.
John Smith, his X mark,	L. S.

Witnesses :

Elbert Herring,
 Thos. Glascock,
 Alexander H. Everett,
 John Garland, Major U. S. A.
 C. A. Harris,
 John Robb,
 Wm. Y. Hansell,
 Sam'l J. Potts,
 John Little,
 S. Rockwell.

Now therefore, Be it Known, that I, Andrew Jackson, President of the United States of America, having seen and considered the said Treaty, and also the Supplementary Articles thereto annexed, do, in pursuance of the advice of the Senate, as expressed in their resolution of the eighteenth day of May, one thousand eight hundred and thirty-six, accept, ratify, and confirm the same, with the following amendments thereto, as expressed in the aforesaid resolution of the Senate, "Article 17. lines 2 and 3, strike out the words 'by General Wm. Carroll and John F. Schermerhorn,' or in the 4th line of the same Article, after the word 'States,' by and with the advice and consent of the Senate of the United States." "Strike out the 20th Article, which appears as a supplementary article."

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the city of Washington,
 this twenty-third day of May, in the
 year of our Lord, one thousand eight
 hundred and thirty-six, and of the In-
 dependence of the United States the
 sixtieth.

ANDREW JACKSON.

By the President :

John Forsyth,
 Secretary of State.

After my repeated avowals for many years past, when in various high official stations, and before the whole people of the United States, that I considered myself amongst the most devoted friends and benefactors of the Cherokee

Indians, and that I would favor no measure or policy which was not designed or calculated to promote their best and permanent interest; and having acted the most efficient part in bringing about and consummating the foregoing treaty, I feel it my duty thus to submit the entire treaty, in connection with my own official acts on the subject, that an impartial posterity may have an opportunity of judging from deeds, as well as my words, in regard to my true spirit towards this deeply interesting people, the Cherokee Indians.

As an official mediator between them and the whites, in various instances of great importance, and deeply excited feelings on both sides, duty has called upon me to decide and act between men of these different castes. I never shrank from responsibility; I always acted promptly. I do not claim infallibility from error. My action on some occasions may have borne oppressively on the one side or the other, but none of my survivors, who may faithfully examine the whole history of the controversy between Georgia and the Cherokee Indians, will deny to me the just claim of having been as much devoted to the true interest and the just and reasonable rights of the Cherokees as to that of my own beloved Georgia, to whom I owe the deepest debt of gratitude for placing me in various positions of usefulness.

As will more fully appear from the correspondence which I intend to submit in connection with the discharge of my official duties as Commissioner under the Treaty of 1835, it is proper to state in this place something explanatory of the nature and causes of the extraordinary labor and responsibility which devolved on me. I had been instrumental in bringing about this Treaty. It had been negotiated and entered into by the most enlightened and best men of the Cherokee people. But it was bitterly opposed by John Ross and all his followers. Ross opposed it because it was negotiated by his rivals and because it did not recognize him as anything more than a *common Indian*. Moreover, he knew the popularity of his course with many of the popular men of the United States, as well as the ignorant and deluded fanatics everywhere. He therefore determined to make the most of his position. He determined to secure for himself and friends more money, and by these means gain the position to re-instate himself after the emigration to the West. And this he has effected by the bold stroke

of murdering the Ridges, Boudinot, and many others who were known to be opposed to his promotion.

The President and authorities of the United States determined honestly and faithfully to carry this Treaty into full effect, and so they declared upon all proper occasions; but in doing this, from first to last, the officers and agents of the United States, with the single exception of General Jackson himself, performed their duty in connection with this subject in a manner and in a spirit to conciliate and purchase the good will of John Ross and his associates.

They therefore treated Ross and his party with great deference and respect. Their deportment was such as to elevate Ross and his friends at the expense of prostrating the Treaty party. This to me was exceedingly offensive. Ross had been divested of his kingly reign as principal chief by the action of the State Government of Georgia; by the same action the majority of the Cherokees, including the larger portion of their intelligence, had become favorable to emigration, and had formed a very advantageous treaty accordingly. The treaty had been formally and duly ratified—which consequently made John Ross to all intents and purposes a *private* man. Yet all the officials of the United States, except General Jackson and a few of his personal friends, were Ross men at heart, and as far as their official position would allow they endeavored to elevate and strengthen Ross at the expense of the best interest of the Cherokee people. The military commanders who were sent to preserve the peace of the country, and to aid in the peaceable emigration of the Cherokees, in almost every instance took sides with Ross as far as they dared to go.

At the expiration of General Jackson's Presidency there was an obvious change in the tone of the authorities at Washington in regard to the execution of the treaty. "It is true," they continued to say, "the Treaty must be executed." But John Ross had now become principal chief. He was no longer a dethroned chief. He must be conciliated, not forced. I soon discovered that Mr. Van Buren was *too short in his stride "to tread in the footsteps of his illustrious predecessor."* The true state of this case is such as has never occurred before or since. Georgia had forced this state of things, not only upon the Indians but upon the Federal Government, before that Government was quite ready for this rapid ad-

vance to the consummation of Indian difficulties. The adjoining States to Georgia, interested as most of them were in the success of Georgia, rather reluctantly fell into ranks after Georgia had fought the battle solitary and alone. And yet Georgia had by many years' toil and exertion succeeded in bringing matters to a point where retreat was impracticable—wholly out of the question. Georgia now had the commanding position, and was resolved to hold it. I could have executed this Treaty, if I could have had the sole control, at one-third of the expense incurred, with more justice to all concerned and much greater benefit to the Cherokee people, by the single arm of the State of Georgia, with my friends General Coffee and Col. Bishop in the command of a few hundred sons of Georgia. Again and again I urged upon Mr. Van Buren and the Secretary of War, Mr. Poinsett, the necessity of using the imperative tone with John Ross and his followers. And they as often plead the great delicacy of the subject and the necessity of conciliating so great a man, with all his political associates throughout the United States. They were sustained in these views by their chief commander General Wool, and others, and I was viewed as rough, rank and uncourteous to the great Indian Prince, John Ross. Finally, after I took my seat in the Senate of the United States, I reluctantly yielded to their buying up Ross with more money and the parade of General Scott and his troops in the Cherokee country. Nothing induced me to yield thus far but the conviction that their bad management had produced a state of things which would end in blood and the extermination of a portion of the Cherokees, if their dallying policy was further pursued. And the result of this conciliating temporizing policy ended in the murder of the Ridges and Boudinot.

And after they were murdered I urgently pressed the President and Secretary of War to have their murderers punished. I was replied to with fair promises and expressions of deep regret. But here the scene closed; and the sun set in darkness on these base and horrid tragedies. But I will give portions of my correspondence, which will more fully elucidate and bear me out in all the statements made in connection with this subject. Many of my political friends and foes in Georgia censured me for my course in the Senate, in yielding what I did to Ross and the administration. Moreover, falsehoods were added to facts, by endeavoring to make the people of Georgia

believe that I was privy to an arrangement designed to keep the Cherokees still longer in Georgia. But all these false impressions I corrected on the floor of the Senate of the United States, as will be fully shown hereafter by my remarks made in the Senate at the time.

It is due to the cause of truth for me here to state that the disposition to misrepresent me on this subject is chargeable to those who had always acted with me in politics. The object of a few aspirants was evidently to force me from the political field, to make room for themselves. They felt like Mordecai had occupied the gate long enough. But their efforts only recoiled upon themselves, without injuring me in the slightest degree. For it was admitted from one end of the Union to the other that I had been the unfaltering and efficient instrument in removing the Cherokees to the West, as well as carrying into effect the general plan of Indian emigration from all the States to their new homes in the West. But without further anticipating what I am prepared to submit in an official and indisputable form, I will here introduce such portions of my official correspondence as Commissioner to carry into effect the provisions of the treaty as may be deemed necessary to establish beyond all doubt the truths of all the assertions I have made in connection with this subject. And when I have thus presented the official testimony I feel assured that every one capable of reading and comprehending what he reads will be convinced that I could in no other way have done myself justice on this subject. I encountered difficulties and obstructions at every step of my progress, which can be described in no other way but that of giving a larger share of my most important official correspondence.

CHAPTER XIV.

Official correspondence connected with the execution of the Cherokee Treaty of 1835.

Letter of leading Cherokees to Gov. Lumpkin.

New Echota, Ga., July 8, 1836.

To His Ex. Wilson Lumpkin.

Sir:—The undersigned have heard with pleasure that the President has appointed you one of the Commissioners under the 17th article of the Treaty with the Cherokees. Permit us to congratulate you in this instance of the President's confidence in your intimate knowledge and connection with our affairs for several years. Under this appointment, we think a most suitable one, and we have every assurance in the belief that the trust imposed upon you will be most faithfully executed to the *relief* and advantage of our suffering people. We need not apprise you that our situation calls for the most speedy measures. Our people are now in a wretched condition, and must have relief, and as the most suitable season for removal is fast approaching, it is very necessary that their affairs should be settled soon, and means placed within their power to effect their removal. We feel happy in assuring you, sir, that the Treaty has been well received, and that a large portion of the Cherokees are now very desirous to get off this fall, or quit so soon as their affairs and claims can be settled with the Government. We trust, therefore, that there will be as little delay as possible, and that we shall, ere long, hear that you and your associate are in this country, prepared to commence your arduous duties.

We are happy to add further, that the apprehensions entertained by some of hostilities by our people, have had no foundation. There have been many surmises and rumors calculated to prove injurious both to the whites and the Indians, but there have been no grounds for them from anything that the Cherokees have done or meditated. Our people have no idea of committing hostilities, or making trouble, either from anything they hear from the Creek

Indians, or anything resulting from the ratification of the Treaty.

We are, Sir, your friends and brothers,

A do hee X his mark.
 Stand Watie.
 Elias Boudinot.
 Major Ridge X his mark.
 James Foster X his mark.
 David Watie X his mark.
 De Satie dar ske X his mark.
 Bear Meat X his mark.
 Tru-nah-stoode X his mark.
 Walter Sanden X his mark.
 Jesse Half-breed X his mark.

Athens Ga. August 21st, 1836.

To the President of the United States.

Hermitage, Tenn.

Sir:—The nature of the official business upon which I address you, not admitting of delay, has induced me to forward this communication to your private residence (where I learn you are at this time on a visit) instead of sending it to the seat of the Federal Government. Since my appointment as one of the Commissioners under the Cherokee Treaty, I have heard nothing from my associate Gen. Carroll, although I wrote to him on the subject about one month ago, and have therefore been in suspense for some time past, in regard to the necessary arrangements preparatory to the discharge of our joint duties, the nature of which urgently requires vigilance and all practical promptitude on our part, in order to the best success in carrying out the provisions of the Treaty.

I have received several communications from the leading men of the Cherokee people, respectfully urging the necessity of a speedy adjustment of their unsettled affairs, referred to the Commissioners under the late Treaty. Having an associate, I have not been as definite on many points, in my replies, as I could have desired.

I was much pleased with the idea of having General Carroll for my associate—which lessened my reluctance in entering upon a business which from its nature must be troublesome and perplexing. I now have some apprehension that I shall not have the pleasure of his aid in this business, as I learn that he is engaged in other business

in the State of Mississippi, which will claim his first attention. The duties of the Commissioners in this Cherokee business cannot be longer delayed without detriment to the country. It must be attended to with fidelity and untiring perseverance, to effect the objects of the Treaty and prevent ultimate mischief.

Although I cannot decide upon a single claim of any description *alone*, I have arrived at the conclusion that my immediate presence and services in the Cherokee country are indispensibly necessary to the preparatory discharge of the public duties to which I have been invited, and shall therefore proceed to the country, with a view of discharging all such duties as may devolve on me, and which may be legally discharged without the co-operation of my associate. The claims of every description arising under the Treaty may be received and registered—all written testimony going to sustain claims may be received and placed on file. The supervising care over other Agents may be exercised by one of the Commissioners, to a prudent extent, &c. I hope in the meantime, however, that I may not be disappointed in my present anticipations, and that I may before long find General Carroll in this field of labor; but should any cause whatever prevent him from entering upon the immediate discharge of his duties as Commissioner, I must urge upon your consideration the importance and necessity of his vacancy being immediately filled by a gentleman, like himself, of high standing and qualifications.

Being desirous of seeing Maj. Curry, I shall proceed from this place to the Cherokee Agency and from thence proceed to New Echota, which will be my headquarters until I hear from you or the Government on this subject.

With the highest consideration and respect,

I am your most obt. servt.,

WILSON LUMPKIN.

Athens, Ga., August 22, 1836.

Hon. Lewis Cass.

Secretary of War.

Sir:—I leave here to-morrow for New Echota and the Cherokee Agency, with a view of entering more fully on the discharge of my duties as one of the Commissioners under the late Cherokee Treaty. The interest of the Cherokees and of the country will not admit of further delay in

this business. The duties of the agents of the Government under the Treaty must be discharged with fidelity and perseverance, or mischief will ensue. I have to regret that I have not been able to hear from my associate, General Carroll, although I addressed him on the subject of our joint appointment, &c., about one month ago. In order to prevent delay, I have this day written to the President of the United States and directed to his private residence (where I learn he is at present on a visit), informing him of my views and arrangements, and requesting that a suitable person may be appointed to supply General Carroll's vacancy, in case he has, or shall decline the appointment of Commissioner. I am fully aware that I cannot *alone* decide upon any claim under the Treaty. I may however receive and register claims, and the written testimony to sustain such as may be presented. Moreover, to a prudent extent I can pay some attention to the actings and doings of the different agents of the Government connected with the discharge of various duties under the Treaty, as I find the Cherokees are very desirous to have my presence and aid in furthering the objects of the Treaty. I have considered it my duty to enter as fully as may legally be done on the discharge of my duties and await the presence and co-operation of my associate.

I have the honor to be

Very Resp'ly Yr. Obt. Servt.,

WILSON LUMPKIN.

New Echota, Cherokee Nation, Ga.,
Sept. 9, 1836.

Hon. Lewis Cass,

Secretary of War.

Sir:—On the 25th of July last I entered upon the necessary correspondence to ascertain when and where the more formal and operative duties of my appointment as United States Commissioner under the late Treaty with the Cherokee Indians might be successfully prosecuted. Being unable up to the 30th ult. to hear anything whatever from my associate General Carroll, and having received a number of letters from Maj. Curry and many of the intelligent Cherokees, urging the necessity and importance of the presence and services of the Commissioners in this part of the country, I have accordingly proceeded to this place, having in my route obtained interviews with most of the

agents of the Government charged with duties connected with the execution of the late Treaty. I regret that I have not yet heard from my associate, although I have been writing to him for six weeks past, desiring to be informed of his intentions and views in regard to entering upon our official duties. Under my instructions, Col. Wm. H. Jackson, the gentleman appointed as secretary to the Commissioners, has accompanied me to this place. A prudent forecast admonishes me of the great importance and many advantages which will result from a systematic and well defined arrangement in transacting the business confided to the Commissioners under the Treaty. It would seem that the Treaty contemplated that the whole of the business of the Commissioners should be transacted at this place, and I will add, in point of geographical location and Indian population, it is unquestionably as eligible as any other point whatever. But neither this nor any other central point in the Cherokee country can at this time afford that reasonable and necessary accommodation which the nature of the business would seem to require. If the business is transacted here, it will become indispensable to have some repairs made to the dilapidated Cherokee buildings (one at least), to afford shelter and lodging to the Commissioners and secretary while they remain here engaged in transacting the business. These repairs, however, could be made at a moderate expense—perhaps for a sum not far exceeding one hundred dollars. Moreover, we find the expense of subsistence at this place, and indeed everywhere in this part of the country, greater than could have been expected. Traveling, sending expresses, employing interpreters, &c., will all add something to the daily expense of transacting this business. Upon all these matters I do not feel myself at liberty to enter upon any definite arrangements, until I can have an opportunity of consulting my associate, and ascertaining from the Government *how, when and where* these expenses are to be defrayed. Under these circumstances I have to request that I may be informed whether any allowance will be made for the expenses and subsistence of the Commissioners and their secretary and for the subsistence and expense of interpreters and expresses. I would further remark that none of the Cherokees named in the Treaty, to superintend the settlement of the claims arising under the Treaty, are able or willing to do so without compensation, while their services will be indispensable to a proper adjustment of their affairs,

It is therefore necessary that these men should be distinctly informed upon this subject. I have, and shall, in everything connected with my duty, have the most rigid regard to economy, and have not made the foregoing suggestions with a view of opening a door for the unnecessary expenditure of a single cent, but with a view of having a distinct understanding, which may prevent all difficulty in making a final settlement at the close of this business. So far I have used my private funds to meet the small expenditures which have occurred, but have to request that I may be instructed upon the subject of obtaining the necessary public funds. It is greatly to be desired that no further delay shall be permitted in the discharge of the duties which devolve on the Commissioners under the Treaty, and I very much regret the necessity of remaining here a single day in suspense.

I have the honor to be

With respect Yr. Obt. Servt.,

WILSON LUMPKIN.

New Echota, Sept. 10th, 1836.

Hon. Lewis Cass,

Secretary of War.

Sir:—I am still here in suspense, awaiting some information upon the subject of my associate Commissioner under the Cherokee Treaty, from whom I have not yet heard.

I have had frequent interviews with five members of the Cherokee committee, appointed in the late Treaty to transact the business of their tribe. I have some apprehension that the balance of the committee, being under the influence of Mr. John Ross, will decline serving. I however entertain the belief that if a faithful execution of the Treaty was in progress, it would soon overcome all prejudice and opposition, and finally be carried into effect without the aid of those strong measures which have become necessary elsewhere. It is very desirable that a majority of the Indian committee named in the Treaty should act, but I take it for granted that the execution of the Treaty cannot depend upon the uncertain contingency of the majority of an Indian committee performing the duties assigned them, and consequently shall feel myself authorized to transact business with the aid of such as will serve,

and such persons as may be appointed by them to fill vacancies.

The members of the Cherokee committee with whom I have conferred, and many other intelligent Cherokees, state that before the arrival of the disbursing officer of the Government in this country, they found many of the Cherokees suffering for the want of food; whereupon they have furnished their suffering people, until the arrival of relief through the Government was obtained. The value of the provisions thus furnished is estimated not to exceed three thousand dollars. For this timely act of liberality the Cherokees request that they may be reimbursed, and suggest that it might by your order be done out of the funds set apart in the 18th article of the Treaty for the subsistence of the indigent Cherokees. Upon an approach to the duties which devolve on the Commissioners, I daily find new questions arising, upon some of which I deem it necessary to trouble the Executive Government. In order to a proper adjustment of Indian claims under the late Treaty, and to facilitate the transaction of their business, it is deemed most expedient to assemble the claimants at this place, many of whom are poor and destitute, and must have subsistence while attending to the settlement of their claims. Therefore, I would respectfully inquire, is there any fund which could be placed under the control of the Indian Committee and Commissioners for the above purpose of subsistence? The Cherokees suggest that there are funds under prior treaties which might be thus applied. But whether there be any funds, and what funds that may be applied to this object, you can best judge. I deem the object of subsisting the Indians while here on business one of great importance to the poorer classes. There are many of the most intelligent and influential Cherokees who are fully competent to the management of their own affairs, and who are very desirous, as soon as their claims are settled, to receive all that may be due them under the Treaty. I will add, that if this desire can be granted, it will have a happy influence in favor of the Treaty with that entire class of the Nation.

I have the honor to be

Your obedient servant,

WILSON LUMPKIN.

New Echota, 12th Sept., 1836.

Brigd'r Gen'l Wool.

My Dear Sir:—I have just had an interview with your express, Mr. Rogers. I have received nothing from the President. From what I can learn from Mr. Rogers, I entertain no doubt in regard to the course advised by the President. He will not be trifled with by John Ross. He will sustain your strongest views in regard to your rightful power to arrest all men and measures *palpably calculated to prevent the execution of the treaty*. Now is the auspicious moment to serve your country effectually in the important trust confided to your charge, and make yourself honored and respected by your whole country, and especially by all concerned with the late Cherokee Treaty.

In haste, yours very sincerely,

WILSON LUMPKIN.

General Wool:—I herewith inclose you sundry papers placed in my hands by Mr. Garrett on the subject of Ridge's Ferry. From these papers it would seem that Garrett is disposed to yield his claims to the civil authority and yet to obey and respect any military order to him directed by you. Garrett alleges that he will cease to run his ferry boat, provided Ridge will keep up the ferry and not disappoint travelers. But further states that Ridge is like the dog in the manger—that he will neither run his own boat, nor suffer him to run one. The papers, however, will place you in the possession of the facts, and may relieve you from further trouble in the case.

With great respect, your obedient servant,

WILSON LUMPKIN.

Athens, Ga., Sept. 24th, 1836.

To Andrew Jackson, President of the United States.

Sir:—I have just returned to this place, after spending a month in the Cherokee country, in efforts to render service connected with the discharge of duties confided to me as one of the Commissioners under the late Treaty with the Cherokees. You are doubtless apprised that my associate Commissioner, General Carroll, has not yet entered this field of labor, nor is he expected until some time next month (Oct.) The want of co-operation of my associ-

ate, from the nature of the duties *being joint*, has greatly retarded the progress and efficiency of my efforts to have in a successful train of progress the execution of the Treaty. No claim whatever under the Treaty can be adjudicated by a single Commissioner. And not a single Indian or family will emigrate until their claims are adjusted and settled. Many of the Cherokees (especially those having property) are very desirous to be on their way to Arkansas at as early a period as possible. They wish to remove this fall, before the commencement of the severe cold weather of winter. I have received and registered such claims as have been presented for the decision of the Commissioners, and placed the papers appertaining thereto on file, ready for the examination and decision of the Commissioners. Major Curry, the Emigration Agent, has all his appraising agents in the field, and I believe they are generally making as good progress in their business as circumstances will permit. The Emigration Agent appears to be devoted to his duty, with the requisite energy and ability. Without any direct information from General Carroll, in anticipation of his attendance, I have ventured to give public notice that the Commissioners will be in attendance at New Echota, on the 10th of Oct. next, for the purpose of entering more fully on their official duties, and have invited the attendance of claimants, &c. This step was deemed to be indispensable in order to the support and encouragement of the treaty making party of the Cherokees and their friends who are desirous to emigrate. Further delay on the part of the agents of the Government cannot fail to produce the most unfortunate results, by strengthening the opposition to the late Treaty.

Through General Wool, and other channels of information, you are fully apprised of the mischievous efforts of John Ross and his white associates to prevent a speedy and faithful execution of the late Treaty. This man Ross, sir, has already been the instrument in the hands of bad men to bring more than enough evil upon his unfortunate race — *the Cherokees*. I cannot believe the Federal Government so destitute of power as to permit a single individual to thwart and overturn its treaties, involve the Nation in war, blood and massacre, and produce a state of things which must eventuate in the certain destruction of a remnant tribe of the aboriginal race, to whom the United States stand pledged by every consideration of honor and duty arising under the strongest and most explicit treaty

stipulations. If the laws of the United States do not provide for the arrest and punishment of such men as Osceola, John Ross, &c., it is the solemn duty of the approaching Congress to take the subject into serious consideration.

Although the service is from its nature unpleasant and perplexing, I should feel that I was usefully and therefore advantageously employed in the business with which you have thought proper to honor me, as one of the Commissioners under the late Cherokee Treaty, provided a power could be somewhere lodged, and prudently exercised, to prevent the selfish, ambitious and lawless from thwarting the efforts of the agents of Government in carrying the Treaty into effect. The statements of Ross and others, that the late Treaty was made contrary to the will of a majority of the Cherokee people, is entitled to no respect or consideration whatever. In truth, nineteen-twentieths of the Cherokees are too ignorant and depraved to entitle their opinions to any weight or consideration. Moreover, their long established customs prevent the common Indian from exercising his intellectual powers upon such subjects. They have been and are still governed by the opinions of their leading men. If Ross could have effected a treaty last winter, to suit his own selfish purposes, on his return home his whole party would have received him with acclamations of approbation. Even the Treaty that was made was well received by the Cherokees, and would have been cheerfully acquiesced in by an overwhelming portion of the people, but for the late effort of Ross and his confederates of the white race. Ross received the countenance and support of many of the political men of the country. He is countenanced and sustained in his opposition to the Treaty by officers and agents of the Federal Government, and therefore his arrogance is not a matter of surprise. I have not yet heard the result of Ross' Council (which he should never have been permitted to hold), but I entertain no doubt of the result. It will be to delude the Cherokees, and throw obstacles in the way of executing the Treaty. He wishes again to figure at Washington, during the approaching session of Congress, and act the political part which may be assigned him. Under this state of things we may expect some difficulty in the Cherokee country; and, to check and prevent mischief, and to protect the red and white population in their respective rights, a military force of a full regiment at least ought to be kept up in the Cherokee country. If

United States troops cannot be spared for this service, the force should consist of volunteers from the respective States having Cherokee population—proportioned to the number of Indians in each State. Excuse me for the liberty thus taken, for I assure you I am actuated from motives of prudence and forecast, which, if duly considered, may prevent much evil. When I entered the Cherokee country of Georgia I assure you I felt some alarm at the excited state of feeling amongst many of the Georgians, on account of prejudice which they had imbibed against General Dunlap, of Tennessee, and some of his subordinates in command. Without expressing an opinion as to who was wrong or right, be assured that *stationary volunteers* from one State should not be quartered in another State. The contemplated service will not afford such employment to volunteer officers as to keep them from intermeddling with matters with which they have not been charged. I should be reluctant to attempt to discharge the duties of Commissioner assigned me in the Cherokee country, encountering the daring and cunning opposition of Ross, and have no force or protection at my command but men and officers believed to be more friendly to the schemes of Ross than they are to the objects of my mission, or that of the Government and administration under which I am acting. To prevent misapprehension, I deem it proper to state that I have entire confidence in the honor, integrity and ability of General Wool to discharge the duties of commanding general, which have been confided to him, and if he and the Commissioners can be sustained in the discharge of their respective duties—and be clothed at the same time with the necessary discretionary power and responsibility—the Cherokee Treaty *will be executed*. If we have to rely upon subordinate officers of the Federal Government for our rule of action, this Treaty will never be brought to a happy issue.

I have the honor to be, &c.,

WILSON LUMPKIN.

Athens, Ga., Sept. 24th, 1836.

General Wool. Dear Sir:

I have the honor to acknowledge the receipt of your favor of the 16th inst., for which I thank you. I have heard nothing further as to the result of Ross' council; but from the contents of your letter I can anticipate nothing

favorable to the quiet and prosperity of the Cherokees while under the pernicious control and influence of Ross and his partisans in mischief.

The late Treaty, however, will be executed, or it will be recorded "*that Georgia was.*" The rights of the Indians as secured by the Treaty will be scrupulously respected by the people and authorities of Georgia, but modification, abrogation or procrastination will not be listened to in this State. As a member of the Union, Georgia will lend her ready aid to any extent to the Federal authorities in aid of the execution of this Treaty, but if the Federal authorities should fail to sustain its own Treaty, and permit the factious opposition of Ross to retard the emigration of the Cherokees, the evils of such a result will not be justly chargeable to the long forbearing and much reviled State of Georgia. To protect the rights of all, and keep peace in the country, I have recommended to the President of the United States the policy of keeping up a considerable military force (sufficient to awe all opposition), until the hope of resisting the Treaty shall be entirely abandoned. It afforded me pleasure to state to the President my entire confidence in your ability and prudence for the command of such force. I did not, however, shrink from declaring my conviction of the impropriety of posting subordinate officers and agents of the Federal Government in the Cherokee country, whose sympathies and conduct was calculated to encourage the mischievous opposition of John Ross to the Treaty. Since I parted with you at New Echota I have become more fully impressed with the necessity of keeping up a larger military force than was then deemed necessary.

An efficient and well directed force, at this time, will prevent such catastrophes as we have witnessed with the Seminoles and Creeks.

I therefore deem it much better to encounter the expense at the beginning, and thereby prevent the effusion of human blood, than to expend the treasure of the country in the removal of these unfortunate people, after all the calamities of an insurrectionary war have afflicted the country.

If a sufficient number of U. S. troops cannot be detailed for the contemplated service in the Cherokee country, I have suggested to the President the expediency of calling for volunteers from the States in such proportions that it may not be necessary for the volunteers from one State to be stationed in another.

The indications of evil which we have already witnessed should admonish us of the inexpediency of raising volunteers in one State to protect the soil and people of another under the circumstances which are presented in the contemplated service. I trust this necessity will be avoided.

I have the honor to be, with high consideration and respect, your obt. servt.,

WILSON LUMPKIN.

Athens, Ga., Sept. 24th, 1836.

Benj. F. Curry, Esq.

Dear Sir:—After ascertaining that I should not be met by General Carroll until some time in October, I returned to this place, and have given notice through the public prints that I shall attend at New Echota on the 10th of next month, when I hope to be met by my associate. I have directed a paper containing my notice to be sent to you at the Agency, with a request that the notice may be inserted in an Athens (Tenn.) paper.

Since I saw you, I have written fully and without reserve to the President of the United States on the subject of the present state of Cherokee affairs. I did not fail to let the President know that you were faithfully engaged in the performance of your part of the public duty connected with the execution of the late Treaty. I have apprised him of the injury which has and will result from the absence of my associate, &c. I have not failed to enter my protest against the employment of men or officers in the military service connected with the execution of the Treaty whose sympathies are with John Ross and others who are opposed to a faithful execution of the Treaty. I have urged upon the President the expediency and my conviction of the necessity of keeping up a sufficient military force in the Cherokee country, to awe all opposition to the Treaty, so long as Ross and his party shall speak or think of hindering or retarding its faithful execution. I have spoken favorably (as I think he merits) of General Wool, but have not shunned to declare my want of confidence in many of the subordinate officers of the United States Army. I have also protested against the arrangement of volunteers from one State being stationed in another, so long as each State has a superabundance of men desirous of protecting and defending their

own soil and people. I have protested against Ross being permitted to hold councils intended to produce opposition or dissatisfaction amongst the Indians against the late treaty; and in case he should continue such a course I have urged the necessity of his arrest.

Moreover, if existing laws will not justify measures sufficiently strong to carry out treaties, I have suggested the necessity of legislation as soon as the approaching Congress shall be in session. I have apprised the Governor of Georgia of my views and the course I have pursued, &c., and informed him that Col. Nelson would willingly take the command of a Georgia regiment of volunteers, and that I would prefer him to any other officer for that service. Be assured we need force, and a force that feels disposed to support the administration and its agents.

I deemed this hasty sketch necessary to keep you apprised of my views, and hope we shall continue, as heretofore, to act with that concert and unity of feeling and action which may most effectually promote the public interest.

Very respectfully your obedient servant,

WILSON LUMPKIN.

Athens, Ga., Sept. 24th, 1836.

Governor Schley.

Dear Sir:—I have spent the last four weeks in the Cherokee country, on the business with which I am charged as one of the Commissioners under the late Cherokee Treaty. So far, the progress I have attempted has been hindered and embarrassed by the absence of my associate, who has not yet entered the field in this service, but is expected early in October.

I found the Cherokee party of Georgia in a state of general excitement, produced by various causes. The Tennessee troops under the command (in the first place) of General Dunlap gave much just cause of excitement to every man who feels the true spirit of a Georgian. His successor, General Wool, is a meritorious man and officer, and has healed some of the wounds inflicted by Dunlap and his subordinates. Before I left the Cherokee country every Tennessean and United States officer of the Army had left the soil of Georgia, and I trust (except General Wool) they will not again return to Georgia to insult the feelings of our people by abusing and slandering the Gov-

ernment and people of Georgia, and extolling John Ross and his political associates in iniquity.

You have doubtless heard of the high-handed opposition of Ross to the late Treaty. He tells his people that he still entertains the hope that the late Treaty will be abrogated and set aside—indeed he speaks of the late Treaty as a thing called a Treaty, but declares, that it is *no Treaty*, being, as he alleges, obtained by corruption and fraud—and broadly intimates that if his political friends should gain the ascendancy that the Cherokees will yet be re-instated in all their former rights and immunities. As ardently as I desire peace and quiet, I am constrained, from a deep sense of duty, again to embark in whatever strifes may be encountered in having the late Treaty fully executed and carried into complete effect. This business must now be settled and brought to a final close, let it cost what it may.

The situation of our people, as well as that of the Indians, demands the utmost promptitude and decision. A vacillating policy cannot fail of resulting in similar scenes to those which we have witnessed with the Seminoles and Creeks. Now is the auspicious moment to prevent these evils, and save the Indians, as well as the whites, from blood and massacre. I have this day written fully and without reserve to the President of the United States on this subject, and have volunteered my opinions and advice, and am ready to stake my reputation on the solidity of my views. I have said nothing to the President which can in any special manner claim any share of your official action, except the urgency with which I have desired the President to keep up a respectable and efficient military force in the Cherokee country. And if this force cannot be detailed from the United States Army, I have urged that the force which may be necessary in the Georgia part of the Cherokee country may consist of Georgians. I have protested in strong terms against Tennesseans being sent here to guard the people of Georgia. This step is absolutely necessary to prevent a much greater evil than that of Indian War. If I could have a Regiment of Georgians, commanded by Col. Nelson (and he is ready for the service), I could have the Treaty rapidly in a progress of execution and the Cherokees on the road to Arkansas.

Ross is still *all powerful* with the Indians, and he is a man that cannot be coaxed, but is very easily commanded, when he is sure that you have the power to con-

trol him. If a military force of the right material is not kept up in the Cherokee country—and that force properly employed—we shall have trouble in that quarter before the trees shed their leaves. Col. Nelson informed me a few days since that he believed there were upwards of a thousand Creek Indians at this time amongst the Cherokees; and I would suppose that the Cherokees have three or four thousand fighting men of their own, besides *white* allies amounting to a much greater number than the uninformed can suppose. This is an important subject of interest to the people of our new counties, and indeed it ought to be so, for a great portion of the population are liable to the massacres of the Indians at any moment. After the Presidential election is over, the present show of insolence and opposition to the late Treaty will subside—provided Mr. Van Buren is elected.

Most respectfully your obt. servt.,

WILSON LUMPKIN.

The following Address of Governor Lumpkin was submitted to the Cherokees assembled at New Echota, October 12th, 1836.

My Brethren of the Cherokee Tribe:

I have invited you to meet me here, in order to settle and adjust your business according to the terms and provisions of the late Treaty, entered into by a highly respectable delegation of your own people and the President of the United States.

I come not to negotiate a new Treaty, but to *execute* that which has already been made. If the duty which devolves on me is not faithfully performed, the failure shall not be chargeable to me, but to those who throw obstacles in the way of its faithful execution, and upon its faithful execution, be assured, my friends, greatly depends the prosperity of the Cherokee people.

Should any one advise you to delay in availing yourselves of the terms of the Treaty, demand of such person plain and substantial reasons to support the advice given; should any one advise you to resist the Treaty altogether, believe me, my friends, such advice, if followed, will end in evil; upon this subject procrastination is the thief of time, and cannot fail to operate to the prejudice of your best interests.

Although the terms of the Treaty cannot be changed

by us, its stipulations under which we are called to act is a proper subject for our consideration. The positive advantages which this Treaty holds out to the Cherokee people are many, and very important in their consequences. It settles a long standing and vexatious controversy—a controversy in which the Cherokees have already lost much, and were obviously by its continuance destined to lose everything valuable to man. This Treaty relieves your minds from uncertainty, and that painful state of suspense which is even worse than the positive evils of life. It secures to you a new and permanent abode, where I trust the white man will cease to trouble, and where the weary sons of the forest will be at rest. In place of this land of strife and vexation you receive a country very far superior in soil, production and many other natural advantages suited to the habits and condition of your people.

In your new homes you will be placed in a condition to revive and carry out your enlightened plans of self-government, which you commenced in this country, and which were arrested and overturned by the conflicting claims of Governments and people more powerful and strong than yourselves. The late Treaty provides for the payment of all your just debts, whether private or public; it provides the means for your removal and support in your new homes. You are to be paid for all your improvements of every kind. Moreover, a very large sum of money over and above all that has been named is set apart for your use as a national fund, which will be vested in profitable stock for the use of the Nation, and finally applied by your own wisdom to purposes of education, and such other public improvements as the good of your people may require. In a word, if this Treaty can be faithfully executed, it will enable the Cherokee people to commence anew their national existence under circumstances the most auspicious to their prosperity and national elevation.

Your new career may now be entered upon cheered by the hopes of all good men for your permanent prosperity. Suffer no despondency to bear upon your minds from a recollection of the ills of life through which you have heretofore passed; a door of hope and land of promise now lies before you; look not behind you, *look forward*. The native independence of your once mighty race, chastened as it has been by adversity, will only prepare you the better for that rank and condition among the bordering States which I trust at some future day may make you an ornament in the bright constellation of American States.

I very much regret the failure of General Carroll to meet me here, because it delays the settlement of your business. When I have certain information of the cause of his failure, it shall be explained to you; in the meantime I shall continue here, using my best exertions and constant labor to hasten the day when I may be able to say to you: Here is your money; your affairs are settled; depart in peace.

WILSON LUMPKIN.

New Echota, Oct. 18th, 1836.

Hon. Wm. Schley,
Governor of Georgia.

Dear Sir:

I am here, using my best exertions in furthering the execution of the late Treaty with the Cherokees.

My progress, however, has been very much impeded thus far, on account of the absence of the President of the United States and other officers from the seat of the Federal Government, and from the failure of General Carroll, my associate Commissioner, to meet me in this country.

But for these hindrances I could before this time have had a large company of the Cherokees on their way to their new homes in the West; as it is, I fear that but very few will emigrate this season, for we are now approaching the door of winter; my associate Commissioner not here, and I can get no reply to my communications to the Government at Washington. My determination to succeed, however, always gains strength, in due proportion to the difficulties and obstacles I have to encounter. This Treaty must be executed, and the sooner it is done the better for all the parties in interest. I have said this much to you, sir, in order to justify myself in calling your particular attention to the expediency and necessity of appropriate legislation on the part of Georgia in furtherance of the execution of the Treaty.

I find nothing short of proper legislation will restrain many selfish speculating men from obstructing the removal of the Cherokees. I allude to men who are and have been trading with the Indians to a very unreasonable and considerable extent. Men who for the sake of making large profits in trade have credited a great many of the Cherokees, under the expectation of pocketing what money may be coming to them under the late Treaty.

According to the provisions of the Treaty, the just debts of the Indians, contracted before the conclusion of the Treaty, can and will be paid. But it is debts contracted since to which I have reference, and which of course cannot be settled by the Indians here, because they can only receive before their removal a sufficient amount to discharge their debts which were contracted at the conclusion of the Treaty. Common sense and the nature of things forbid the idea that a treaty should provide for the payment of debts which indiscreet individuals of a whole country might contract in all future time. The same spirit of speculation and selfishness which have involved the Indians in these late created debts will not fail, under the existing laws of Georgia, to harass and oppress the poor naked Indian, when about to take his departure for the far West. Those disposed to emigrate are already threatened with bail writs, bail warrants, attachments, &c., &c.

Now, sir, humanity, justice, honor, every consideration, demands of our State such legislation as will sustain and carry out the late Treaty with the Cherokees. Should the laws of Georgia be used to oppress and hinder the Indians from emigrating when they are ready and willing to go, it will be a blot upon our beloved State which cannot be effaced by time. I beg leave to press this subject upon your consideration, and, through you, upon the consideration of the approaching Legislature. I am clearly of the opinion that our State Legislature ought to sustain the Treaty in all its parts. This course is due to justice. It is due to our character as a State. It is due to that portion of the Cherokee people who have taken the responsibility of making the Treaty. It is due to the present administration of the Federal Government, and therefore ought not to be overlooked by the authorities of the State. John Ross and his delegation are again going to Washington on an embassy of mischief, where he will act the part which may be assigned him by more wise and designing politicians. Should the Presidential election go into the House of Representatives, such auxiliaries as Ross may render some service in the casting vote of some one of the States.

I am, Sir, with great respect and consideration,

Yr. friend and humb. serv't,

WILSON LUMPKIN.

New Echota, Oct. 20th, 1836.

Governor Schley.

Dear Sir:—In my letter of yesterday's date, I omitted to call your attention, in a special manner, to the importance of extending the time specified in the act of the last Legislature for the grantees under said act taking possession of their lands, &c. I have not the act before me, nor have I ever examined its provisions carefully, but I understand that all natives may thereby be dispossessed of their homes some time in the month of November next. This provision should by all means be so changed as to harmonize with the provisions of the Cherokee Treaty—in-
deed, as I remarked in my letter of yesterday, our State Legislature should sustain the Treaty in all its provisions.

Respectfully, &c.,

WILSON LUMPKIN.

New Echota, Oct. 28. 1836.

Governor Schley.

Dear Sir:—I have been informed through Gen. Wool that my views as submitted to you and the President of the United States on the 24th ult., on the subject of the description of military force to be kept up in this country, has been sustained by the President of the United States, and that Gen. Wool has been instructed accordingly. The views of the General coincide with my own, and will without delay be communicated to you. Two companies of Georgia volunteers will be received for this service, and, as heretofore communicated to you, I am very desirous that they should be placed under the command of Col. Nelson, who enjoys the confidence and respect of the General. Some time past I received a letter from Col. Nelson, informing me that he had been authorized to raise a Regiment of volunteers for twelve months, and report himself to General Jesup; for what service he did not name, but I presume for the Florida service.

Having heard nothing from Col. Nelson since, I am at a loss to know anything further of his movements or destination, but incline to the opinion that he and his volunteers have not been called for in Florida. If Col. Nelson is not employed elsewhere, and in a service which he would prefer, I am very desirous that he should command the Georgia volunteers who may be detailed for

service in this country. If this arrangement can be effected, permit me to suggest the expediency of allowing Col. Nelson such companies from the volunteers, which he may have raised and organized, as he may deem best suited to the service contemplated. I have great confidence in his judgment and discretion in this matter, and should very much regret any unfortunate selections of officers or men, after having been instrumental in producing the contemplated change. Should you have an opportunity of conferring with Col. Nelson without delay, I feel assured that it will contribute much to the good order and harmony of the whole arrangement connected with this subject.

In the meantime, I shall write to Col. Nelson, provided, I can ascertain where he is. His rank and pay will probably be that of a major in the United States Army, and for twelve months. I feel great confidence that this contemplated arrangement will contribute much to the sustaining and faithful execution of the late Treaty.

If our Georgia laws, as heretofore suggested to you, can be so modified as to prevent all conflict with the provisions of the Treaty, I feel great confidence that much good will result from such legislation. Indeed, a peaceable and successful issue of all our Indian perplexities still depends, as heretofore, very much upon the action of our State authorities. And I therefore again suggest to you the importance of some further legislation, which in my opinion could not fail to crown the whole struggle with final and complete success. Let the Treaty be fully sustained by our Legislature, and let the same statute provide effectually for the prompt arrest and punishment of all persons, within the limits of the State, who may be found engaged in aiding, abetting, or encouraging in any manner, opposition to the due and faithful execution of the Treaty. Humanity and justice to the ignorant part of the Cherokees imperiously demands that their leaders should no longer be permitted to lead them to ruin and destruction. To advise, counsel or influence the Cherokees to resist the Treaty should be deemed and made a highly penal crime. If our laws could be so modified as to authorize the agents of the Government who are engaged in executing the Treaty to prevent all persons from furnishing the Indians with intoxicating drink of every kind, it would contribute much to the interest of every description and complexion of our population. If the Legisla-

ture will authorize destroying drinks, we will soon empty every keg and whiskey barrel designated to supply Indians. Small as this subject may appear to one situated as you are, I assure you we find it here a case of magnitude resulting in vile enormities.

I am, Sir, with great respect, yr obt serv't.,

WILSON LUMPKIN.

New Echota, Oct. 20th, 1836.

C. A. Harris, Commissioner of Indian Affairs,
War Department.

Sir :

I have this day had the honor to receive your letter of the 27th ult., in answer to my several letters therein referred to. I am still here with my secretary, Col. Jackson, engaged in all the various duties with which I have been charged by the Government, as far as those duties can be performed by a single Commissioner. I have no information from my associate, except what is contained in a letter of 9th Sept. which I had the honor to receive from the President of the United States, in which I am informed that General Carroll had assured the President that he would be here by the first inst. This delay of the other Commissioner is to be deeply regretted, from various considerations. The Indians who were disposed and anxious to remove the present autumn will be wholly disappointed, many of whom are men of property and large families. They have sold out their grain and provisions, purchased horses and wagons to emigrate themselves, and have now been waiting for weeks, to have their affairs adjusted and settled, in order that they might receive their dues under the Treaty, and embark for their new homes in the West. Maj. Curry is using his best exertions to have the valuations of their improvements completed, and has that branch of business already in such a state of forwardness that all those who are anxious to remove immediately could have their business adjusted at once—provided the other Commissioner was here, and the funds were here ready to make the payments in terms of the Treaty. Although much of the business confided to the Commissioners requires the joint action of both, and but little can be *completed* without the Commissioners, I assure you, sir, I have not been idle while here alone. I have re-

ceived and examined a great mass of papers and claims arising under the Treaty. I have made my notes on many of these papers, registered, arranged and filed them. I have had the Indian Committee here in session for ten or twelve days past, and have a great portion of the business in which they were expected to render aid in a state of preparation and forwardness.

If my associate was now here we could discharge the business of those Indians who are desirous to emigrate immediately with great expedition, the tedious and laborious part of their business being already in a state of forwardness and preparation. I know not who the disbursing agent will be to make payments to the emigrants and their creditors, in terms of the Treaty, but it is necessary that such agent should be in the country immediately. Being unapprised of the kind of funds in which payments may be made, I will take the liberty to suggest that I find funds of the banks of the several States are most acceptable to citizens, when on the banks of their own State. Some arrangement, therefore, to make payments to suit the recipients under the Treaty may be advisable. The Branch of the Bank of the State of Georgia (at Athens) would be acceptable to all the citizens of Georgia, and most convenient to much the largest portion of the Cherokee country. If I could have a suitable associate, and have the means afforded me of discharging my duty according to my instructions, this business should progress with all the dispatch and correctness of which its nature is susceptible, and such a course will best ensure a successful execution of the Treaty. Could the opposing part of the Cherokees witness the example of their more discerning brethren—availing themselves of the provisions of the Treaty—it would have the most powerful influence in inducing the ignorant to follow their example and yield cheerfully to the Treaty. I find from my correspondence with your Department that, under the existing mail arrangements, it is at least one month before I can get an answer to any communication which I may make. I would therefore respectfully suggest the great inconvenience which must necessarily arise in the execution of this Cherokee Treaty, if we are under the necessity of communicating to Washington every time a few hundred dollars may be wanting to meet the demand of payments under the Treaty. In regard to Mr. Boudinot's house, I will only remark that I regret to have requested any accommoda-

tion connected with my personal comfort which should have been deemed inadmissible.

Very respectfully, your obedient servant,

WILSON LUMPKIN.

New Echota, Oct. 26th, 1836.

Hon. B. F. Butler,

Acting Secretary of War, &c.

Sir:

Having perceived through the newspapers that you are now at the head of the War Department, I have deemed it expedient to invite your attention to the subject of the execution of the late Treaty with the Cherokee Indians, being connected with that branch of the public interest as one of the Commissioners under the Treaty for settling claims, &c. I should be pleased for you to examine my several communications to the War Department and the President of the United States on this subject, from which you will perceive that I have been corresponding on the subject since July last, and am to the present day here in suspense and in want of the necessary aid and means to have the business in that train of advanced and successful operation which the best interest of the Cherokees and the good faith of the Government so obviously require.

The specific duty assigned the Commissioners under the Treaty, of deciding on claims, has been wholly retarded thus far for the want of an associate Commissioner. And various other duties with which the Commissioners have been charged in their instructions have, from their nature and a sense of delicacy towards others, been performed with less efficiency and promptitude than would have attended my progress if the entire responsibility had been placed on me alone.

Nevertheless, I have faithfully endeavored to effect all that could be done under the circumstances. And most of the duties assigned the Commissioners are in a state of preparation and forwardness which would greatly facilitate the completion of a large portion of the business, if I could have the immediate co-operation of an associate. A great mass and variety of claims and papers have been received, partially examined, registered and filed. The committee of Cherokees recognized by the Treaty have already performed a considerable share of labor referred to them,

under my supervision and advice, in regard to their proceedings. The valuing or appraising Agents have made considerable progress, and will in a few weeks more probably complete their returns. If my associate was now here, and the disbursing officer who is to make payments under the Treaty, I think we should be able still to emigrate a large company of the Cherokees this season, before the severe cold of winter will commence in this climate. I have no doubt but several thousand Cherokees are anxious to remove the present season, and would have gone, if their business could have been settled in terms of the Treaty. I still trust that all opposition to the Treaty will be overcome by mild or energetic measures; but Mr. John Ross, as you are apprised, is still engaged in plans of mischief. His Council, which he never ought to have been permitted to hold, has resulted in a plan to disturb the peace and quiet of the Western Cherokees. He will use every exertion to get his Western brethren to unite with him in an embassy to Washington, where he will again act the part which may be assigned him by wise, if not better, men. He should receive no countenance from the Government whatever, so long as he continues to persevere in his plans of hostility to the views and measures of the Government, as connected with Indian affairs.

To settle the affairs of the Cherokees under the provisions of the late Treaty is a most arduous and important undertaking. You will please to review my instructions, send me the aid of another Commissioner, and afford me the means of obeying my instructions, before I become wholly discouraged in an undertaking in which nothing but a sense of duty and a desire to promote the interest of the perishing Cherokees induced me to embark.

I have the honor to be, with great respect,

Your obedient servant,

WILSON LUMPKIN.

New Echota, Oct. 26th, 1836.

C. A. Harris, Esq.

Sir:—I have the honor to acknowledge your letter of the 3rd inst., enclosing a copy of General Wool's letter of the 12th ult., on the subject of reimbursing the Cherokees who have furnished their suffering poor with subsistence (to prevent their starvation) previous to the arrival of the disbursing agent of the Government charged with the duty

of attending to the wants of these suffering people ; also on the subject of providing for the subsistence of the poor Indians who might attend on the Commissioners for the purpose of settling their business on terms of the late Treaty with the Cherokees. I will remark upon this subject, that at the time I wrote to the War Department on the subjects referred to, the contents of my communications were made known to General Wool, who was then at this place, and to the best of my recollection my letters were read to him, and if he had been as communicative to me as he has been to the War Department, a better understanding and greater concert of action would have been the result. From the instructions given to the Commissioners, greatly increased responsibility is placed upon them, by clothing them with the supervisory duties contained in their instructions. As one of the Commissioners, I feel great solicitude that this Treaty should be faithfully executed, and but for the interest which I have felt on the subject I never would have entered on the duties of the appointment. I am ready to risk my reputation in having this Treaty executed to the general satisfaction of the country, and of all the parties concerned, if I could be freed from the embarrassment of too many intermeddling and incompetent agents in the business, and have a suitable associate to co-operate with me, as was contemplated when I entered upon this business. General Wool's letter to which you refer, and a copy of which is now before me, clearly evinces to my mind, that while he takes a correct view of the necessity and importance of scrutinizing with vigilance all claims, amounts and disbursements connected with this business, in order to guard against frauds and impositions being practiced upon the Government, he has nevertheless overlooked the views and considerations to which I attach great importance in furthering and promoting in the most desirable manner the execution of the Treaty. I still believe, upon the strictest principles of justice and a fair construction of the Treaty, that my suggestions in favor of re-imbursing *Indians* who had subsisted the poor, and providing for the subsistence of the same description who may attend this place on business, can be most fully sustained by reason and sound policy. In recommending the course which I did upon this subject, I was influenced by considerations of *sound policy*, as well as justice. General Wool had informed me that the *Indians* who were opposed to the Treaty, although in a state

of suffering, generally refused to receive the subsistence provided for in the Treaty. I therefore concluded that they ought not to be permitted to act the part of the "dog in the manger;" that the better plan, yea, duty, demanded that the just wants of those who were disposed to comply with the Treaty should be attended to, and by this course I entertain no doubt that much of the opposition to the Treaty would be overcome; that its opponents would be influenced by the example of their yielding brethren, who were receiving advantages under the Treaty. Moreover, I entertain no doubt but the same policy ought to be pursued in relation to the clothing and blankets. I think it would be altogether wrong to press the reception of blankets and clothing upon that portion of the Indians who express a determination never to yield to the terms of the Treaty. I should deem it more wise and prudent to restrict the distribution of clothing to such as are actually preparing for emigration.

My plan is to disburse the seventy-two thousand dollars, chiefly and economically, extending over the two years, to the poor emigrants. I consider this provision in the Treaty connected with the emigration of the Indians. And if no preference is given to emigrants, the result will be that the whole of this provision will be used for the purpose of keeping the Indians in their present unpleasant abodes, instead of encouraging them to embark for the West. Those Indians and their leaders who are opposed to the Treaty have so far appeared to be inclined to peace, and unless they are encouraged, directly or indirectly, by white men, I do not believe they will ever think of hostile operations against our white population. Indeed, I have no doubt but the whole Cherokee people will peaceably yield to the late Treaty, if the Government and its agents perform their duty in executing the same. But it cannot be denied or concealed that up to the present day much has been omitted, and much done, which has been well calculated to retard and hinder the faithful execution of this Treaty. For two months past both of the Commissioners should have been here with all the means afforded them to discharge every duty with which they stand charged according to their instructions. But so far from that being the case, I am, after three months' suspense and correspondence, up to the present day, here alone, trying to effect all I can to sustain and carry out the Treaty. Yet my labors and operations remind me of a cart with but one

wheel. And the remedy is beyond my control. I have seen and felt the impropriety and mischievous effect of the course of things in this country, with nothing but nominal control over the evils complained of. Mr. Ross has received more respect and attention from the officers and agents of the Government sent here to aid in executing this Treaty than all other natives of the country put together. I am very far from desiring or advising harsh or unkind measures towards Ross and his followers, but I do protest, most solemnly protest, against the policy of officers and agents of the United States deporting themselves in such a manner as to impress the Cherokees with the belief that no Treaty can be made or executed without the sanction of Mr. Ross. I thought it wholly wrong to permit Ross to assemble his people for the express purpose of preventing them from yielding to the late Treaty, if the Government really intends to execute and carry it out. But I was still more mortified that during his Council of mischief he should have had a military guard thrown around him and his followers and receive from the officers of the Government respect and consideration which, under all the circumstances, I consider humiliating to the Government of which I am proud to be a citizen.

Very respectfully, your obedient servant,

WILSON LUMPKIN.

Spring Place, 20 miles north of New Echota, Ga.,

November 4th, 1836.

C. A. Harris, Esq., Commissioner of Indian Affairs,
War Department, Washington, D. C.

Sir:—Your two letters of the 10th and 12th of last month (October), together with the copies and extracts therein referred to, I received from the postoffice at this place yesterday. The frequent failures of the due arrival of even the weekly mails at New Echota induced me to visit this place in search of news from Washington and elsewhere connected with my official duties in this country. I was gratified to find your communications above referred to at this place, and more especially after reading and duly considering their contents. But for the fact that I have not yet the slightest information from General Carroll, I should now indulge the hope of a successful progress in executing the Treaty. I have never received a word from General Carroll on the subject of our joint duties, although

I opened correspondence with him first in the month of July last.

Your instructions to General Wool and myself have my most hearty concurrence and approbation, and so far as I am concerned, you may assure the President my duty shall be promptly discharged. I will not consume your time by reiterating anything which I have heretofore suggested or urged upon the subject of executing the Cherokee Treaty, more than barely to remark that my opinions upon every point heretofore communicated remain unchanged; and I am happy to find that my views upon every important point coincide with the views and opinions of the President.

Having left most of my official papers and correspondence at New Echota, I am not able to quote precisely what I have heretofore expressed to you on the subject of funds and a disbursing officer to make payments under the direction of the commissioners, and in terms of the Treaty. In your letter of the 12th ult. you request me to forward an estimate of the sums that may be required for the payments which may come under the direction of the Commissioners. My want of a correct knowledge of the regulations, mode and manner of making such disbursements, I fear may have induced me to clothe my ideas heretofore expressed to you on this subject in language which may be construed into a desire on my part for the Government to depart from its usual regulations upon such subjects. Should this have been the case, permit me to remark that I had not intended to assume any suggestion on this matter which may be deemed incompatible with the fiscal duties of the Government. My only object is, and has been, that such arrangements might be made that no delay in the emigration of the Cherokees might occur for the want of funds being at command in this country to meet payments promptly as the demands of the claimants under the Treaty may require.

I had supposed, and believe I have heretofore suggested, that a sufficient amount of funds might be placed in two banks, one in Georgia and one in Tennessee, subject to the requisitions of your disbursing officer, and perhaps sanctioned by the Commissioners. In this arrangement the necessity of estimates, it would seem to me, might be dispensed with, and the difficulty of making anything like a near approach to accuracy in these estimates be avoided. With a view of simplifying the subject, permit me to re-

mark that if you will take a view of the present position of things, as I have communicated them to you, you will find it utterly impracticable for me to say, with any approach to accuracy, what amount will be necessary to make the legal payments in any given time. I don't yet know when my associate will be in the country.

With the procrastinations, disappointments, and near approach of winter, I am wholly unable to say what number of the Cherokees (if any) will be emigrated the present winter. My object, sir, is to prevent ruinous delay to the Cherokees. I have no partiality or preference to express in favor of any particular mode of transacting this business so that it may be consistent with justice and a faithful execution of duty.

Let the funds be placed within the reach of the officers and agents of the Government, and let not a dollar be drawn, except when needed to make immediate payments under the Treaty. But I beseech you to let us be relieved from forms of business which will produce further delay and procrastination, and I shall be content.

I am, Sir, very respectfully

Your obedient servant,

WILSON LUMPKIN.

Spring Place, Ga.,
Nov. 22d, 1836.

C. A. Harris, Esq.,
War Department.

Sir:—Your several communications of the 17th and 25th of October, and of the 4th and 5th inst., I have had the honor to receive, and they would have been acknowledged at an earlier day but for the continued non-attendance of my associate Commissioner. But having heard nothing to the present moment from Mr. Kennedy, except through your communications, I deemed it my duty thus to acknowledge your communications and to renew to you the assurance of my continued solicitude for a better progress in the execution of the Cherokee Treaty. Your letter of the 17th October, together with its enclosure, confides new duties to the Commissioners, to which I attach great importance; from the nature and responsibility of which I have deemed it expedient to suspend the exercise of any immediate action, until I can avail myself of the co-operation of my associate. You will, however, please to assure

the President that, so far as I am concerned, I cheerfully take the responsibility and "will try" to carry out his views (which coincide most fully with my own) in executing this Treaty. In the early part of this month, being in suspense on the subject of the non-attendance of my associate and the disbursing agent, I left New Echota on a tour of business connected with various branches of my official duty, in which tour I had the good fortune to meet with Doctor Minis, on the 8th inst., at Gainesville, in Georgia, on his way to New Echota, when and where I communicated to him verbally my views in connection with his official duties. From that place (look at the map of Georgia) I proceeded to Athens, in Georgia, for the purpose of making the necessary arrangements with the banks at that place to obtain readily the kind of funds which will become necessary in making satisfactory payments to the recipients under the Treaty. And I now have the satisfaction to inform you that Treasury drafts on the deposit Bank of Augusta, Ga., as suggested in your letter of the 5th inst., will, through the arrangements which I have made with the banks at Athens, be promptly cashed with funds to suit the payments under the Treaty (any part in specie which may be demanded). Therefore, Treasury drafts, as you have suggested, is all that is deemed necessary on this subject. And I have only to regret that this arrangement had not been made before so large an amount was authorized to be drawn from the deposit Bank of Tennessee, because much the greater portion of the recipients would prefer Georgia money to that of Tennessee. The reasons for this preference will readily occur to you from your own knowledge of business and commercial transactions. If you will examine the subject, you will readily perceive that my views are not founded in selfish or State considerations. From my present understanding of the subject, and the measures which have been taken to meet the payments under the Treaty, I trust a better understanding of the subject will hereafter enable us to progress without procrastination or difficulty on the subject of funds.

But while I perceive the propriety and duty of the Commissioners complying with your request, in regard to monthly estimates being furnished by them, I am, nevertheless, still laboring under the same difficulties heretofore pointed out to you. My associate is not yet here. Winter is at our door—the greater portion of the Indians who are desirous to emigrate immediately may not be able to get off before spring.

I readily perceive and entirely approve of the plan which you have suggested, in making the disbursements to claimants under the Treaty, and shall adopt the most speedy arrangement within my control to have the blank Book of Certificates which you suggest printed.

But when you take into consideration our location, the distance we are placed from a printing press, where such jobs can be speedily and well executed, and the causes which have heretofore paralyzed all my efforts in progress and preparation, your mind will readily be prepared for making all due allowance for the contingencies which may render the formal part of executing our duties less perfect than would under more favorable circumstances have claimed more consideration.

However, everything that my means can control shall be done to have this business not only correctly performed, but in conformity with the views and instructions which I have received from the Government.

The remittances which you have made are deemed sufficient for the present, and should Mr. Kennedy meet me shortly I will endeavor hereafter to furnish you with the estimates which you have requested. Under a view of the whole subject, you will please to express to the President of the United States my deep sense of the imposing obligations under which I am placed to the country by the confidence which he has reposed in the Commissioners, and to assure him of my unabating confidence that the present arrangement will in due time overcome every obstacle which may be in the way of a faithful execution of the Treaty, and that he shall be constantly advised of the actings and doings of the Commissioners in all matters, the importance of which may claim his attention and advice.

Very respectfully, &c.,

WILSON LUMPKIN.

Spring Place, Nov. 23rd, 1836.

Brigadier General John E. Wool,
Commanding in the Cherokee Nation.

Sir:

On my arrival at this place, amongst other communications, I find one of the 17th ult., addressed to General Carroll, accompanied by the copy of a letter of the same date to you from C. A. Harris, Esq., Acting Secretary of War.

I presume you have been furnished with a copy of the communication to the Commissioners above referred to, which will supersede the necessity of giving you extracts. Suffice it to say that I am fully impressed with a sense of the delicacy, difficulty and responsibility of the trust which has been confided to the Commissioners by the President of the United States. I shall, nevertheless, as one of the Commissioners, enter upon the discharge of the duties which have been assigned, with renewed hopes of succeeding in a faithful execution of this Cherokee Treaty, and saving these unfortunate remnants from the destruction which evidently awaits them, if they fail to avail themselves of the liberal provisions of the Treaty. My increased confidence of success arises from the fact that under the present arrangement I anticipate more unity and concert of purpose and action amongst all the officers and agents of the Government who are connected with the service of carrying into effect the Treaty. Although duly impressed with the magnitude of the responsibility which is assigned to the Commissioners, nevertheless I shall enter upon those duties sanguine of success—relying, as I do, upon my fixed determination to discharge my duties in that manner which will clearly prove to all that my intentions *at least* are right, and that I will be satisfied with nothing less from others than what I practice myself.

Of your good intentions, sir, in discharging your official duty in this country, I have never entertained a doubt. Therefore, I trust that in the exercise of the discharge of the duties assigned to me no jealousy will be indulged that I am disposed to cast censure upon those with whom I may differ in judgment upon any point connected with my duty. My duty will be discharged respectfully, but fearlessly, towards others.

Next to that of the Commissioners, your official position is the most important to the country in this whole matter—under the present arrangement all just cause for conflict of opinion is removed. Your legal military duties will be unshackled with civil interposition.

While the *plans* of executing the Treaty will devolve exclusively on the Commissioners, it affords me pleasure, however, to know, from the free and unreserved conversations which we have so frequently held on this subject, that our views upon the most important points seem so nearly to coincide. We both know that our business in this country is to execute a Treaty that has been already

made and ratified by the highest constituted authorities of our country. We have nothing to do with negotiation in this matter. We should hold no parly, nor give the least countenance to those who are disposed to set aside or weaken the stipulations of the Treaty. We owe it to ourselves, our Government, and every individual of the Cherokee tribe, to use our best exertions to strengthen the bands of the Cherokees who are friendly to the execution of the Treaty, and to suppress all opposition to it, emanating from caste and condition. We should say to all, the faith of our Government is pledged to execute the Treaty, and our duty is to sustain that pledge.

Permit me now, sir, to suggest some of the best means within our present control to effect our object as above set forth. The power of the sword is committed to your hands; you are placed in the position to coerce obedience to the legal mandates of the civil authority. Every officer and private under your command may by his deportment contribute his mite in causing the coercive power of the Government to be respected, and thus prepare and familiarize the minds of the whole Cherokee people to the necessity of yielding implicitly to the terms of the late Treaty. All this ought to be done in a spirit of parental authority and kindness.

In order to afford an opportunity to make the proper impression as last suggested, and to perform a duty which I deem to be important, I would suggest the expediency of your detailing such portions of the men, and under such commands as you may deem best, for the service and purpose of visiting, as soon as may be practicable, every Indian town or neighborhood in the whole Indian country. The object of this visitation is for the purpose: First, of communicating to the whole Cherokee people correct information in regard to their present condition—the Treaty must and will be executed, their rights respected and preserved according to the stipulations of the Treaty, and no further; the suffering poor amongst the Indians provided for, fed and clothed—upon the condition of their repairing to Headquarters, and placing themselves under the direction of the emigrating agent, and hold themselves ready for emigration whenever that can be done in the manner provided for by the Treaty. No subsistence or clothing should be furnished to any Indian who refuses to yield to its provisions.

Secondly, I deem it to be a matter of great importance that the military under your command should, with all

practicable dispatch, arrest and bring to Headquarters any Creek Indians who may be found in the Cherokee country who of right ought to be emigrated as Creeks; in order that they may be turned over to the proper officers or agents of Creek emigration. Should any Cherokee be found engaged in harboring, concealing or preventing the apprehension and delivery of the Creeks, as above suggested, upon proper proof of the same, such Cherokee will be considered and proceeded against as a person guilty of illegal opposition to the Treaty. From the information which I have received from various persons, entitled to credit, I cannot entertain a doubt of there being many Creek Indians at this time within the limits of the Cherokee country. I consider this an evil of great magnitude, and one which claims energetic measures.

My associate Commissioner not having yet met me, you will please to receive the foregoing frank and friendly suggestions in the good spirit in which they have originated. It may prepare your mind for my general views on the most important points which will hereafter come before us. I communicate to you as a unit in this business, and not authoritatively as a Commissioner legally authorized to enter upon duties which are joint.

I have the honor to be, with great respect,
Your obedient servant,

WILSON LUMPKIN.

Spring Place, Nov. 27th, 1836.

Dr. Philip Minis, U. S. A.,
Disb'g Agt. Ind. Dept.

Sir:

Yours of the 25th inst., by express, I have this moment received. I consider the amount of twenty-five thousand dollars entirely too small to justify the loss of time and expense which will attend the mode which you suggest for transporting that amount to New Echota. When payments are commenced under the Treaty, I shall not be surprised if we pay out one hundred thousand dollars the first week. The communications which I have received from the War Department, dated the 5th inst., assure me that two hundred and fifty thousand dollars will be immediately placed at Athens, Tennessee, for the purpose of making payments under the Treaty, and subject to your drafts, countersigned by one of the Commissioners.

Under the above view of the subject, I have deemed it most expedient for your express to return with the draft for twenty-five thousand dollars, without my signature, and suggest to you, as the best mode to effect the object which we both have in view (the speedy payment of the Indians who are ready to emigrate), that you immediately apprise the bank at Athens that it will be necessary for you to be furnished with one hundred thousand dollars, in ten days at farthest, or we shall be under the necessity of seeking funds through a different channel.

Should there be any hesitancy on the part of the bank, you will please to communicate it to me without delay. I can obtain funds elsewhere.

I entirely approve of your plan of having a sufficient escort, and as large a portion of the funds as may be reasonable in specie, and will request General Wool to furnish you with a suitable escort for the purpose set forth in your letter. I will send your letter to Mr. Tarvin immediately by a safe hand, and will forward anything that may be in the postoffice at this place for you by your express, who will immediately return with this communication.

I am very respectfully, your obedient servant,

WILSON LUMPKIN.

Spring Place, Nov. 30th, 1836.

Doctor P. Minis, U. S. A.,
Disb'g Agent, &c.

Sir:

Your favor of the 28th inst., by express, I have just received, and without loss of time have written to General Wool, by your express, requesting him to furnish you with a sufficient military escort to ensure the safe transportation of a large amount of funds from Athens, Tenn., to New Echota, and to report to you at the Agency without delay.

I approve of the present arrangement which you have made with the bank, and trust you will meet with no further difficulty in regard to funds; the banks must discharge their duty without defalcation.

I entirely approve of all the suggestions contained in your letter, and shall fill up and endorse the blank drafts forwarded by you for the sum of one hundred and fifty thousand dollars, that being the entire amount placed in the Athens Bank, Tennessee, subject to the control of the

Commissioners. The other hundred thousand dollars (making the amount named in my former letter to you on the subject) is subject to your drafts, when countersigned by Maj. Curry. Your express, on his return from New Echota, will be charged with this communication enclosing the draft, filled and endorsed by me for one hundred and fifty thousand dollars. In regard to the other hundred thousand dollars, you will do well to consult Maj. Curry.

I have the honor to be, respectfully,

Your obedient servant,

WILSON LUMPKIN.

Spring Place, Nov. 30, 1836.

Brig. General John E. Wool.

Sir:—You will please to furnish Dr. P. Minis, U. S. A., Disbursing Agent Indian Dept., with a sufficient military escort to insure the safe transportation of a large amount of funds from Athens, Tennessee, to New Echota. The escort will, with all practicable dispatch, report to Dr. Minis, at the Cherokee Agency East, Calhoun, Tennessee. Please to give me an answer by the express.

I have the honor to be, very respectfully,

Your obedient servant,

WILSON LUMPKIN,
U. S. Commissioner.

Spring Place, Dec. 1st, 1836.

Dr. P. Minis, U. S. A., Disb'g Agent, &c.

Sir:—General Wool refuses to furnish an escort to guard the transportation of the public funds, in conformity with my request as communicated to you in my letter of yesterday's date.

We shall therefore be delayed in progressing in our public duties, which I sincerely regret.

Very respectfully, your obedient servant,

WILSON LUMPKIN.

Spring Place, Ga., Dec. 1st, 1836.

To Andrew Jackson, President of the United States.

Sir:—I submit for your consideration and my instruction copies of communications which have recently passed

between Doctor Minis, General Wool and myself, marked from No. 1 to No. 3 inclusive. I have communicated to Dr. Minis the result of my call upon General Wool for an escort to insure the safe transportation of the funds referred to in the correspondenc. To General Wool's communication I have made no reply, verbal or written, considering it as I do, not only uncalled for, but as an indirect insult offered to the President of the United States as well as the Government and all its civil agents engaged in efforts to execute the late Cherokee Treaty. From my first introduction to General Wool in this country up to yesterday morning, I had considered our relations, official and personal, of the most amicable character. I have heretofore, at all times, conceded to General Wool the best motives and intentions. And when I have dissented from his opinions and official conduct, as connected with his public duty, I have been silent except in cases when I conceived my own official duty demanded a different course.

In General Wool's letter of yesterday's date, a copy of which is enclosed and marked No. 3, he commences: "I return to you the enclosed letter and order to furnish Dr. Minis at the Agency with an escort, &c." No other paper was enclosed or handed to me by General's Wool's express, except the letter, a copy of which I now furnish you, marked No. 2. Nor have I made any communication to him on the subject of furnishing Dr. Minis an escort, except the courteous note, a copy of which is hereinbefore referred to, being marked No. 2. The General's object is obviously a childish controversy upon the question, who shall stand at the *head of the class*. For myself, I am now growing old, in a long and careworn public service, and am therefore wholly disinclined to enter upon such boyish controversies.

I am most cheerful in conceding to the General all the rank and superiority of grade which may not be exercised in opposition to a wise administration of the affairs connected with our public duty in carrying into effect the late Cherokee Treaty. My confidence in the General's judgment, however, has been greatly weakened, ever since he suffered himself to be the organ through which Mr. John Ross communicated the insulting result of his mischievous Council to the Government of the United States.

Notwithstanding your instructions through the War Department of the 17th of October last to the Commis-

sioners, as well as to General Wool, you will perceive from the copy of the General's letter herewith submitted, that he still reserves to himself the right of judging whether the *requests* of the Commissioners will be acquiesced in or not. Now, sir, if the General continues to assume *this right*, contrary to your instructions of the 17th of October, I assure you that the stipulations of the Treaty will never be executed. My associate Commissioner not yet having been heard from, although I have sent an express for him several days ago, I have remained at this place as the best position to co-operate with Maj. Curry and carry on my correspondence, awaiting the arrival of Mr. Kennedy. In the meantime I have forborne communicating with General Wool on many points connected with what should be considered the joint duties of the Commissioners and himself. And according to my best judgment one of the most important duties (according to your instructions) which will devolve on the Commissioners will be that of planning and directing the operations of the military in aiding the civil authority to carry into effect the Treaty.

It will readily occur to you that public funds, stores and provisions, to a considerable amount, must be transported, guarded and protected by the military. When emigration commences, frequent escorts will be needed. Persons using illegal opposition to the Treaty ought to be arrested or turned over to the civil authority. From the best sources of information, I feel assured that a large number of Creek Indians are at this time in the Cherokee country. They ought to be arrested by the military, and turned over to the agents of Creek emigration.

All these, and various other duties, might be adverted to, to sustain your views in regard to preventing collision between the civil and military authority, as set forth in the communication of the 17th October, from the War Department. Let the Commissioners direct, and let the General execute, the legal requisitions they may make, **unshackled** by any authority which may be incompatible with military usage, and the regulations of the Army. I disclaim all disposition to assume any authority in this business which does not clearly devolve on me, and which is not demanded by the nature of the duties which are to be discharged. General Wool's temper appears to have undergone an entire change ever since he ascertained that you disapproved of his conduct in relations to Ross and his Council. Upon this subject, almost the whole country

sustains your views, and the General has been using every exertion to throw the blame from his own shoulders on yourself and the War Department. Of the correctness of this course you can best judge. Your instructions to the Commissioners, through the War Department, dated the 5th ult., on the subject of removing intruders from the Agency reservation when taken up by them, require the aid of the military in the execution of your orders. And I presume that General Wool will treat the Commissioners, if called on, as he has heretofore treated Major Curry on the same subject.

You will perceive that General Wool gives to my note, requesting of him an escort for Dr. Minis, the appellation of *order*, and may use as a subterfuge that the exception taken to my requisitions is predicated on the fact of my acting officially without the joint authority of the two Commissioners. Should such quibbles be attempted, I trust it will be recollected that the banks are directed to make advances on the drafts of the disbursing agent, countersigned by *one* of the Commissioners.

Therefore, if one Commissioner can unite with the disbursing agent, and legally procure money for making payments under the Treaty, it would seem to follow as a matter of course and reason that the commanding General should afford protection to the funds thus drawn. You will pardon the liberty which I have taken in addressing you directly, instead of through the usual channel of the War Department, from the consideration of the urgency and importance of the subject submitted.

I am, Sir, with the highest regard and consideration,

Your obedient servant,

WILSON LUMPKIN.

New Echota, Dec. 10, 1836.

C. A. Harris,

Commissioner of Indian Affairs.

Sir:—Herewith we enclose for the consideration of the President of the United States, or such officer or officers of the Government as he may direct, a communication submitted to us by the committee of Cherokees appointed under the Treaty of December, 1835.

We are destitute of the means of forming an opinion whether the committee are correct in the belief which they have expressed, in relation to the funds which they sup-

pose to be now due to their tribe, under former treaties. Of this matter the Government at Washington is doubtless prepared to make a correct decision. Should it be found on the proper examination that a sum exceeding fourteen thousand dollars is now due the Cherokee Nation under former treaties, as the Cherokee committee suppose, we do not hesitate in uniting with the committee, who are now acting as the recognized representatives of the Cherokee people, in recommending to the Government of the United States that these funds may be so used and directed as to further the views of the Government in aiding the faithful execution of the late Treaty.

Under every view of the subject it will be necessary for the Government of the United States to be guarded against any attempt John Ross and his party may make to avail themselves of the funds of the Cherokee people, to enable him and them the more efficiently to keep up their mischievous opposition to the late Treaty.

Should Mr. Ross again present himself at Washington, in the character of Principal Chief of the Cherokee Nation, the Government cannot recognize him as such, except at the hazard of casting censure on its own acts in the ratification of the late Treaty with the Cherokees. Mr. Ross not only pronounces the Treaty a corrupt fraud, but has declared it *null and void*. (Read his address to Gen. Wool at the close of his last council at Red Clay). Many claims have and will be presented for the consideration and decision of the Commissioners, the justice of which could be best decided by reference to the official records of the Cherokee people, and by the testimony of Ross himself, who has for many years past exercised all the essential and most important functions of the Government *himself*. He has in reality assumed to himself such powers as to make himself the Government of the Cherokee people. In establishing a claim against the Cherokee Nation, nothing more has for several years past been deemed necessary by claimants but to have the authority and sanction of Mr. Ross. The Commissioners feel the want of access to the Cherokee records, as well as information which can be obtained alone from Mr. Ross, on many claims predicated on services rendered the Cherokee Nation under the direction of Mr. Ross. But this individual keeps the records of his country closed from the inspection of every one who may not be disposed to coincide with his present views in opposition to the Treaty. And as to Mr. Ross' giving infor-

mation to the Commissioners, his character is too well known to them to justify such an application. We are clearly of the opinion that the Indian Committee designated in the late Treaty are the only persons that can be properly recognized by the Government of the United States and its agents as the present legal representatives of the Cherokees East, and would therefore respectfully suggest the propriety of intrusting the committee with any funds which may be due their Nation under former treaties, as set forth in their communication to us, hereinbefore referred to. It is true, as they have represented, that many incidental expenses have been incurred by them, and other expenses must necessarily occur hereafter, of a similar character, expenses, too, which would stand justly chargeable to the Nation whose interest they have been called to represent.

All of which is most respectfully submitted by

Your obedient servants,

WILSON LUMPKIN and
J. M. KENNEDY.

New Echota, Dec. 14th, 1836.

Major B. F. Curry.

Sir:

We have received your favor of yesterday's date, and with much pleasure have complied with your request. We had advised Dr. Minis to fill your blank with the sum of *one hundred thousand dollars*, and to have the same safely transported and guarded from Athens, Tennessee, to this place, and have directed a strong guard here for security of the public funds. We enclose you three papers, handed to us by General Hemphill, containing the receipts and certificates of James Liddell and P. W. Hemphill, Esqs.

We have received from the hands of Col. McMillan the book containing the Tennessee valuations, in one bound volume.

Mr. Lumpkin recollects a conversation held with you on the subject of record books, for this office, which induces him to believe that the blank books needed may be obtained through your kind agency with more facility than through any other channel at our command.

First, we are in immediate want of a large blank book, spring back, paper of the best quality, ruled in double columns, for the purpose of exhibiting on the same page the

whole of the debts and dues of each Cherokee, after the form spoken of by you and Mr. Lumpkin at Spring Place, and the receipts to be taken on the same page by the recipient writing his name opposite the amount paid. If such a book can be sent to us without delay, we will meet any proper charge or expense, and acknowledge your kindness in the matter.

We also need four such blank books as the one returned to Col. McMillan, containing the Tennessee appraisements.

We also want one ream of best letter paper; one ream of foolscap, ruled. If your health will allow of your attending to this matter, through the agency of your brother, and the books can be sent to us without delay, it will do us a personal favor and promote the public interest at the same time. If it is not convenient for you to comply with our requests, please to notify us without delay.

We know your disposition and fidelity to public trust, and therefore admonish you to take care of your feeble health.

Very respectfully, your obedient servants.

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

New Echota,
Office of the Commissioners,
Dec. 14th, 1836.

Brigadier General John E. Wool,
Commanding in the Cherokee Country, &c.

Sir:

We find it indispensable to the most enlightened discharge of our official duty to have free and daily access to the papers and records of the Cherokee people, which we understood have been regularly kept for many years past, and are now in the possession of Mr. John Ross, or in the care of some other person selected by him for that purpose. Cases of deep interest are daily arising, connected with the general and individual interest of the Cherokee people, which, if the information given to the Commissioners is to be relied on, are involved in obscurity, for the want of the records herein referred to.

Indeed, many claims which are already before the Com-

missioners cannot be finally adjusted without access to these papers.

You are apprised that the Government of the United States, in the ratification of the late Treaty, have recognized the persons named in the Treaty as a Committee, and their successors in office as the legally authorized agents and representatives of the Cherokee Nation, to transact all the business of the Nation to the termination of the time that the Indians are to remain in their present abodes. Mr. John Ross is no longer recognized by the Federal Government as the representative of the Cherokees east, having declined to serve as one of the Committee under the provisions of the Treaty. Therefore, we recognize the Committee, or the members now engaged in transacting the business of the people, as the only legal representatives of the Nation, and as being entitled to all papers and records of the Nation which may be necessary to enable them to perform their official functions with facility and correctness. Moreover, we have just cause to believe that Mr. Ross will neither surrender these papers to us nor the Indian Committee, unless we use imperative measures.

We have, therefore, after mature consideration, deemed it our duty, under the plenary powers with which we have been clothed by the President of the United States, to use all prudent means to obtain the possession of all the papers and records hereinbefore referred to.

Now, sir, we are at a loss to devise any proper means for obtaining these papers without your official aid and assistance. To our minds, you hold the only prominent and proper position to obtain these papers. As to the mode and manner of discharging this duty, so as to produce the best effect in furthering the object of the faithful execution of the Treaty, we of course leave to your better judgment and discretion.

We are ready and willing to take the responsibility of the act of forcibly taking these papers, should force become necessary; and we hereby respectfully request that you will devise the plans and order the means which may be necessary to carry into effect the objects which we have hereinbefore set forth.

Our confidence in your judgment and ability to execute the desirable object of obtaining these papers induces us to forbear entering into any details in the way of advice to you. Suffice it to say, we consider this communication to you strictly confidential, and to be entrusted to none in

its execution but such as you fully confide in. Permit us, however, to add that the possession of these papers should first be respectfully sought by request to the person or persons in whose possession they may be found—prepared, however, at the same time, if the request be denied, to obtain them by force.

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

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners, &c.

New Echota,
Office of the Commissioners,
Dec. 16th, 1836.

C. A. Harris, Esq.,
Commissioner of Indian Affairs,
War Department, Washington.

Sir:

With a view of keeping you advised of the state of affairs connected with our official duties, we submit the following: For the first time, both of the Commissioners unitedly entered upon business at this place on the 8th inst., since which time they have been assiduously engaged in the discharge of the variegated duties with which they are charged by the Government. The valuations of the improvements of the Indians are chiefly completed by the agents appointed for that purpose, and the books have been returned to Major Curry, the Superintendent, and most of them have been transcribed, and one-half at least are now before the Commissioners. But, unfortunately for the public service, Major Curry has for the last two weeks been closely confined to his bed by severe and serious indisposition, which deprives us entirely, at this important juncture, of the valuable services of this vigilant, able and most useful officer, occupying, as he does, the most important post at this time to render us efficient aid in making progress in the most desirable branches of the trust confided to our care. Major Curry being wholly unable to examine and certify the books of the appraising agents, we shall, as far as possible, supersede that necessity by our own personal examination and scrutiny. We are still receiving, registering and attending to claims for spoliations

—claims against the Nation, and claims against individuals of the same, as provided for under the Treaty. We have caused to be transmitted to this place sufficient funds to enable us to enter upon the various necessary payments provided for by the Treaty, and Dr. Minis, the disbursing agent, is now here in the discharge of his duties. We find, however, that emigration and making payments must be simultaneous. They must go hand in hand. Emigration must immediately follow payments. Therefore, we are the more seriously impeded on account of the serious indisposition of Major Curry, the Emigration Agent. No other individual can at this moment supply the place of Major Curry to advantage. He is intimately acquainted with every branch of his official duty—able, persevering and untiring. Thus we have been retarded in preparing one most important book. The General Register, or book from which payments will be made, cannot be prepared faster than we can procure material for that purpose, to suit the proper returns from the Valuing Agents, claims against the Nation, against individuals, and claims for spoliation. Many of the Cherokees are anxious to emigrate immediately, and are still hanging on us and begging for subsistence. We should do everything we can to hasten emigration, and but for the indisposition of Major Curry you would soon hear of a detachment being off for the West.

The complicated difficulties attendant on the successful management of this business can scarcely be conceived of by anyone at a distance from the scene of action, but we are not disposed to indulge in any apprehension of ultimate success. Under our present powers and instructions from the Government we are sanguine of the best success that the nature of things will admit of.

Under the 9th article of the Treaty, the Indians are to be furnished, at the discretion of the President of the United States, with a sufficient sum to enable them to obtain the necessary means to remove themselves to their new homes. We suppose the Commissioners are now authorized to exercise this discretion, which will be exercised with great caution and due consideration in all the bearings on the subject. All the intelligent Cherokees, as well as those who assume to be such, are desirous of obtaining their dues as soon as possible. Therefore, we are fully aware of the necessity of being the more guarded in the exercise of this discretion, and shall extend it to none but with a

view to their individual benefit, and of furthering a faithful execution of the Treaty.

We have the honor to be respectfully,
Your obedient servants,

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners, &c.

New Echota, Dec. 17th, 1836.
Commissioners' Office.

Mr. John Ridge,
President of the Indian Committee.

Sir:

The conference held with you yesterday, on the subject of the official duties and rights of the Indian Committee provided for under the Treaty with the Cherokees, induces us to submit to you in writing the views which we entertain on the subject, and which were in substance communicated to you yesterday in convention.

The Committee are charged with all the duties and clothed with all the power expressly pointed out in the Treaty, and no more. They have no plenary power. We were, therefore, surprised that an idea should be entertained by you, or anyone else, that the Committee was vested with power to determine and make *final decision* of the proper application of the sixty thousand dollars set apart for the payment of persons claiming to have rendered service to the Nation, as well as for other claims the Nation held by citizens of the same.

There is no duty which devolves on the Commissioners more intricate and difficult to discharge than to arrive at a just and enlightened decision on the very class of claims herein referred to. In order to discharge our duty correctly, the investigation of these claims will require the best lights and most deliberate consideration of which the Commissioners can avail themselves.

From the conversation held with you yesterday, one of the undersigned, Mr. Lumpkin, deems it his duty to advert to several facts which have now become matters of record. Mr. Lumpkin first met you here early in the month of September last. At the very first conference which he held with five members of your Committee, the question of filling the vacancies of the seven absent members of the Com-

mittee arose, when Mr. Lumpkin expressed to you his strong desire that the Committee should faithfully discharge the duties assigned them under the Treaty, and explained to the members present his views of the importance of the Committee discharging all their duties with the utmost fidelity to these people.

But, at the same time, Mr. Lumpkin, in the most explicit manner, informed the members present that if any one or more of the members of the Committee should fail or refuse to discharge the duties assigned them by the Treaty, that it would by no means hinder him and his associate Commissioner from the discharge of their duties, and that the execution of the Treaty in no degree depended upon the fidelity of the Indian Committee. And these views of Mr. Lumpkin were without delay communicated by him to the Government at Washington, and have been fully sustained by the President of the United States, all of which has been fully made known to you, from time to time, and without reserve, and which of itself, when taken in connection with the explicit terms of the Treaty, would seem to be sufficient to forbid the preposterous idea that the Commissioners of the United States should surrender the discharge of an imperative duty which devolves on them to one of the parties in interest, or to their authorized agents. Moreover, we find it our duty to advert to the fact that the Treaty failed to provide for the payment of the compensation and expenses of your Committee, and that Mr. Lumpkin, one of the undersigned, with zeal and earnestness, urged upon the President of the United States the expediency, the justice and the necessity of your Committee being reasonably compensated for their official services to the Nation, in settling their affairs under the provisions of the Treaty.

And upon this representation of Mr. L. to the President of the United States, the Commissioners were authorized to allow the Committee a reasonable compensation, not exceeding four dollars per day to each member, while in actual service, requiring at the same time the certificate of the Commissioners that the services had been actually performed according to the charge. Your records will show the number of days you were in session during your first term, or meeting, which was adjourned to a given day, with the expectation of both Commissioners meeting you by the day designated. But Mr. Lumpkin, after separating from you, received information which convinced him that the other Commissioner would not be in attend-

ance on the day appointed for your meeting, and immediately notified you of the same, and requested that you would postpone your meeting until you should be informed by him that both Commissioners were in attendance at this place. This information and request, although received, was disregarded by you, and you met in the absence of the Commissioners and transacted business according to your own views of expediency and propriety. Now, sir, most assuredly the Commissioners are not assuming more than will be conceded to them by all enlightened men, when they retain to themselves the right of judging to what extent your proceedings thus had shall be considered entitled to their official sanction as Commissioners.

The President of the United States has thought fit to vest the Commissioners with plenary powers, in all matters connected with the execution of the Treaty, and they feel the full force of the delicacy and responsibility of the trust confided to them, and have therefore taken great pains, and have felt deep solicitude, as you well know, to strengthen the hands, and add to the weight of character of the Indian Committee, who are friends of the Treaty. Yea, more, in all our official acts, we have recognized the Committee alone as the legal authorized representatives of the Cherokee Nation East to transact the business of the Nation arising under the provisions of the Treaty.

And further, you are aware of the measures we have taken to enable you more effectually to represent and serve your people to their great benefit.

Holding ourselves accountable to our Government for the expenditures which may be incurred in the sittings, &c., of the Indian Committee, we feel bound to reserve to ourselves the right of judging and determining when a convention and session of the Committee may be necessary to a faithful discharge of their official functions. In the absence of a general meeting of the Committee, we would advise that the officers of the Committee, to-wit, your President and Secretary, be authorized to transact such business as is customary for similar officers to transact under the Cherokee government, when out of council. This communication you will consider intended for the Committee as well as yourself.

Very respectfully, your friends,

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

A due consideration of the last letter, hereinbefore recorded, like many others connected with this subject, will exhibit at once, and in a single letter, to the considerate and enlightened reader the variegated intricacy and importance of the duties which were devolved on the first United States Commissioners called to the work of executing the Cherokee Treaty of 1835.

First, this letter shows the difficulties which were devolved on me alone, for the want of a co-Commissioner. The whole labor and difficulty of organizing all the complicated machinery, books, &c., preparatory to the work of executing the Treaty, devolved on me alone. Moreover, the misconceptions of the Indians who were friendly to the Treaty had to be removed before any progress could be made. The Indian Committee, appointed to settle the business of the Cherokees, needed much instruction to prepare them for an enlightened discharge of their duty. Moreover, at the very threshold of studying the subject of this Treaty, I perceived the necessity of the Commissioners' being vested with plenary power from the Government, for in many cases the emergency required prompt action, a sound discretion, and a readiness to *take the responsibility*. All this, on being suggested, was cheerfully granted by President Jackson.

The foregoing letter will serve as one item of evidence to show the efforts which I made to raise and elevate the character of the Treaty party, by urging them to a faithful discharge of their official duty, as committeemen.

And while I shall never cease to bear witness to the honor and fidelity of Ridge and his party, when compared with any other portion of Indian people with whom I have had intercourse, it will be seen from this letter that it cost me great care, watchfulness and labor to prevent Ridge and his party from running into gross improprieties and extravagance. He and many of his friends had often been lobby members of Congress, and had acquired some taste for extravagance, especially when exercised at the expense of the Government. In a word, the Committee, instead of continuing to view themselves as a business committee, appointed to procure and investigate facts and report thereon to the Commissioners, aspired to the dignity of what they had witnessed in Congressmen. They wished the sessions of this Committee to be interminable. They admired the compensation of four dollars per day. They wished to get rid of the *tests* of the Commissioners

on their proceedings. They became pleasantly and gentlemanly assuming. It became necessary to correct their high notions and set them right.

The foregoing letter had the desired effect in accomplishing all that was desired. A few days only for reflection was all that was necessary for these noblemen of nature to love the friend who had chastised them in the true spirit and language of parental kindness. They laid aside their extravagant assumptions, returned to their sober duty, and no further difficulty occurred on that head.

Hastily written, Sep. 6th, 1853.

WILSON LUMPKIN.

New Echota, Commissioners' Office,
Dec. 18th, 1836.

Brigadier General John E. Wool,
Commanding in the Cherokee Nation.

Sir:—We find a growing disposition in the poor and needy Cherokees, who are now destitute of food and raiment, to flock to this place and press themselves on our consideration and care, as candidates for immediate emigration to the West. You are apprised of the serious indisposition of Major Curry, the Emigrating Agent, and the consequent want of preparation in that department for the immediate reception and enrollment of these persons.

We are clearly of the opinion that this is the important and almost exclusive point at which subsistence and clothing ought to be furnished to the poor and needy portion of the Cherokees. Such an arrangement would effect much in promoting emigration.

We therefore have to request that your skilful aid may be rendered us, by having as large an amount of rations as you can conveniently command transported to this place (without exceeding your funds for that purpose), and placed in store for the purpose suggested; and when we are prepared for their reception, we will say to them, "Come and partake of the bounty of the good," &c. We attach great importance to this arrangement, and shall confidently rely on your co-operation.

We have the honor to be,

Respectfully Yr. obt servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

New Echota, Sunday Evening,
Dec. 18th, 1836.

To Gen'l Andrew Jackson,

President of the United States.

Sir:—We have this moment received, by express, the painful intelligence that Major B. F. Curry departed this life on the 16th inst., after a serious and painful illness of several weeks. In the death of Major Curry the Government has lost one of its most faithful and valuable agents, and the loss comes at a time, and under circumstances, which makes it in some respects irreparable. His intimate knowledge of Cherokee affairs, as connected with his official station, cannot be imparted to another without loss of time; but his vacancy must be filled with the least possible delay. The present posture of Cherokee affairs, as communicated to the War Department a few days ago, produces at this time the greatest and most important press of business on the office held by Major Curry that has ever occurred or can again occur.

We are greatly at a loss to fix upon, or recommend, a suitable person for this important office at the present time. We therefore ask of the President, as a matter intimately connected with the discharge of the various duties assigned us, that no person may be appointed to succeed Major Curry who may not be acceptable to the Commissioners. The duties to be performed are too nearly allied to be well performed by conflicting materials. Under the powers already conferred on the Commissioners, they will not hesitate to make an immediate arrangement, not only for the safe keeping of the papers and records of Major Curry's late office, but for the transaction of business, until we are advised from the President.

The duties of the office not only require a gentleman of talents and business habits, but of untiring perseverance, energy and industry, as well as constitution to undergo great labor and fatigue, and above all, sound judgment and fidelity of character. We have the most entire confidence in the judgment of the President in this matter, but suffer us to say it might be better to fill the office temporarily, rather than to hazard any man not personally known to the President.

We are, with the highest regard and consideration,

Your obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

New Echota,
Dec. 18th, 1836.

George W. Curry, Esq.,
Cherokee Agency.

Dear Sir:—Mr. Hargroves has just arrived here from the Agency, and communicated to us the sad and melancholy intelligence of the death of your highly esteemed and much lamented brother, Major B. F. Curry. The subject is too serious for us to offer you the ordinary words of condolence. Suffice it to say for the present that we bear cheerful testimony to the official merit and fidelity of Major Curry's character, and mingle our sorrows with those of his family and kindred.

Under the authority of the President of the United States heretofore conferred on us, we feel ourselves fully authorized to, and do therefore, hereby confer on you the temporary charge and official care of all papers, books and records appertaining to the office of Emigrating Agent, lately held by your deceased brother.

Moreover, we would charge and advise you, in the most earnest and friendly manner, to be most scrupulously cautious and watchful over all papers and books confided to your care and keeping, and see that nothing be taken or withdrawn from said office which may be in any way or manner connected with said office, or the public interest.

We have communicated the occurrence of the vacancy to the President of the United States, and, till otherwise instructed, you will continue to discharge such official duties as appertain to the office as you were in the habit of discharging during the life time of your brother.

You will, in a special manner, give your attention to the making and completing the returns of the Valuing Agents, and have them forwarded to this place. If you received our communication on the subject of blank books and papers, please to let us hear from you on that subject.

We are,

Very respectfully yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

New Echota, Jan'y 23d, 1837.

C. A. Harris, Esq.,

Commissioner of Indian Affairs,

Washington.

Sir:—We have had the honor to receive your several communications of the 29th and 30th ult. and 3d and 6th inst.

The Cashier of the Augusta Bank has notified us of the reception of the \$250,000 referred to in your letter of the 29th ult., which will be drawn from the Bank as it may be needed for making payments under the Treaty. But for the affliction and death of Major Curry, several thousand of the Cherokees would by this time have been on their journey, or already in their new Western homes. These afflictions, however, unavoidably put a total stop to all preparations in the Emigrating Department for two months. During Major Curry's illness, for four weeks, uncertainty of the issue kept everything stationary. After his death we were apprised that we could do nothing more than we have done, that is, have the office and papers taken care of, and have the returns of the valuations completed, transcribed, &c. If we had placed a person in the general discharge of the duties of the office, it would only have increased confusion, and have lessened the responsibility of the permanently appointed agent, without hastening the most desirable object of speedily emigrating the Indians.

Gen'l Smith, the newly appointed Emigrating Agent, has not yet reported himself to us, but we learn he is at the Agency, and have therefore directed Geo. W. Curry, Esq., to turn over to Gen'l Smith all papers and records appertaining to the office. We are ready and desirous to render any aid in our power to the Superintendent of Emigration, as well as to all other officers and agents engaged in this business, and shall do all that can be done by our efforts to promote the service in which we are embarked.

Your views of the necessity of concentrating all the offices connected with the execution of the Treaty at *one point* most fully coincide with our own views; and the preparations already made at this place for winter quarters and for transacting the business here seem to us to forbid the idea of any change from that place at the present. Therefore, the office of the Emigrating Agent and the records of the Agency ought to be removed to this

place without delay. Towards the approach of summer we shall probably find it expedient to remove higher up the country, as we hope by that time to have gotten off most of the Indians who reside convenient to this place.

We are gratified at the confirmation of Dr. Young's appointment, believing it to have been a judicious one.

The services of an additional disbursing officer are now necessary in this country, as payments will commence being made here to-day to a considerable extent, to persons capable of emigrating themselves and managing their own affairs with discretion. These persons have for some time past been anxious to depart. We also have some hundreds of the poor and destitute now here, ready to depart the moment that comfortable means of transportation are provided, and the necessary agents are ready to take charge of them.

These poor emigrants must be accompanied by a physician and disbursing agent.

We have done, and are still ready to do, all that can be done to expedite and push forward every branch of this perplexing business; but we now have before us some thousands of claims for adjudication arising under the Treaty, and while we are engaged in personal attentions to the discharge of duties confided to others, our legitimate business must of necessity stand still. Moreover, notwithstanding the plenary powers conferred on us by the President of the United States, it is too obvious to be concealed that the United States officers attached to the military are indisposed to co-operate harmoniously with our views and suggestions. These officers have not the interest which we have in this matter. This is the land of our homes, wives, children and friends. If troubles grow out of our Indian relations here, that which is most dear to us must suffer. The contents of your letter of the 6th inst., on the subject of Cherokee funds, shall be communicated to the Cherokee Committee.

We are,

Very respectfully yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

New Echota, Jan'y 23d, 1837.

Gen'l Nathaniel Smith,
Cherokee Agency,
Calhoun, Tennessee.

Sir:—We have been notified from the War Department of your appointment to the office of Superintendent, &c., to fill the vacancy occasioned by the death of Major B. F. Curry; also of the appointment of John S. Young, to conduct the first detachment of emigrating Cherokees to the West.

We have been requested to render you every aid within our power to promote the efficiency of the service in which you are about to embark; and further, it has been recommended that your office and papers should be kept at the same place with that of the Commissioners and other offices attached to this service. Therefore, under all these circumstances, we have to request that you will, with all practicable dispatch, report yourself in person to the Commissioners at this place, in order to a free and full conference on all the various subjects connected with the official duties which now devolve on you. We shall cheerfully do anything in our power to render you efficient aid in the discharge of your official duties.

Let it be kept in mind that your office must be removed and kept at this place during the present winter at least.

In great haste,

Respectfully yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

New Echota, Jan. 24th, 1837.

Dr. Philip Minis.

Sir:—We have already daily complaints that the recipients under the late Treaty cannot obtain the kind of funds which are required to suit their convenience and interest. If these complaints continue, you, as well as the Commissioners, will incur the public censure. In order to a justification, we have to request that you will report to us, in detail, what kind of funds you received from the Tennessee banks, and also a detailed statement of the kind of funds you now have on hand, to wit: what

amount of specie you have on hand, and what amount of bills, and on what banks. If the deposit banks have forced unsuitable funds on your hands, it must be corrected. As to the funds hereafter to be drawn from banks, we must be consulted.

The payments under the Treaty must be made in funds to suit the recipients.

Very respectfully yr. obt. servts.,

WILSON LUMPKIN,
JOHN KENNEDY,
Commissioners.

New Echota, Jan'y 24th, 1837,
Commissioners' Office.

Brigadier Gen'l John E. Wool.

Sir:—As far as time and circumstances would allow, we have examined the list of names submitted to you by the Indian Committee as persons entitled to receive the benefit of the fund set apart for the benefit of the poor classes of Cherokees by the 18th Article of the Treaty of 1835.

We have great confidence in your judgment and discrimination in this matter, and frankly admit to you that other imperative duties have prevented us from scrutinizing this list so far as to place any great reliance on our conclusions in regard to the persons recommended to your favorable consideration.

Under all the circumstances, however, we would advise that the recommendation of the Committee be sustained.

Very respectfully yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

New Echota, Jan'y 27th, 1837,
Commissioners' Office.

Gen'l Smith.

Sir:—In reply to your note of this date we have to inform you that we found what is termed the public buildings at this place in such a state of decay and delapidation as to render them wholly unfit for public offices, and

have, therefore, been under the necessity of procuring such rooms as we could obtain from private citizens to transact the public business in.

Such repairs, we understand, have been made to the old public buildings at this place, by some of the officers of the Government, as to render them habitable, but, as this has been done by our assent, we cannot now, with propriety, incommode those who have had the buildings repaired. Therefore, we can only advise you to the course which we have pursued ourselves.

Procure the best and most convenient accommodation you can for your office, and rely upon the Government to reimburse you for any necessary additional expense. If we had accommodations suited to our own wants we would cheerfully divide with you, but we have none under our control. We shall be pleased to see you at our lodgings, and confer with you more fully on the subject of your note, at any time which may suit your convenience.

Very respectfully yr. obt. servts.,

WILSON LUMPKIN and

JOHN KENNEDY,

Commissioners.

Commissioners' Office,

New Echota, Jan'y 30, 1837.

C. A. Harris, Esq.,

Indian Dept.,

Washington.

Sir:—In your letter of the 10th of October last, you state that the President has decided that the Indian Committee, under the 12th Article of the Cherokee Treaty of 1835, may be paid such a sum as the Commissioners may fix, not exceeding four dollars per day, for every day of actual service, the necessity for which will be certified by the Commissioners, or one of them, upon the accounts.

The Committee having gotten through with the greater portion of the services assigned them under the Treaty, and being now in great need of their compensation, they request that some arrangement may be made for them to receive their respective dues, before their departure for the West. The amount necessary to pay the Committee, including contingencies, paper, &c., will not exceed four

or five thousand dollars. We also enclose you a paper addressed to us by the Committee, on the subject of the expenses attending the execution of the Treaty, which we submit for the purpose of eliciting information, without remark or comment, on our part.

A great number of the most wealthy and intelligent men of the Cherokee Tribe have reported themselves to us as ready for emigration, and have requested the privilege of emigrating themselves and families in terms of the Treaty—perhaps 7 or 8 hundred souls. The good character, intelligence and standing of these persons clearly entitle them to the privilege which they desire under the Treaty, and consequently could not be denied.

We have not, therefore, hesitated to make them prudent advances to enable them to emigrate themselves and families comfortably. A large number of these persons are attached to both parties—many of the most reputable friends and adherents of Ross are amongst the number. There are also now at this place at least three hundred souls, of the common Indians, under the charge of the Superintendent of Emigration, and ready for their departure to the West. And many more in different parts of the country, we entertain no doubt, may be readily collected and brought to join this first emigrating party, under the provisions of the Treaty. Gen'l Smith, the Superintendent, is now here, and we have held frequent conferences with him, and endeavored to put him in full possession of all our views and information connected with his office; and we shall continue to communicate to him freely, whenever our opinions are sought.

Payments have already been made, to an amount exceeding one hundred thousand dollars, and will for some time to come continue to be heavy; therefore, a disbursing agent to accompany the emigrants is now wanting, and we trust will be furnished without delay. We have assured the emigrants, who are now about to leave for their new homes, that the Agent of the Government West would be ready to receive them, take them by the hand, and discharge every duty incurred by the Government under the stipulations of the late Treaty; and we trust in this we may not be disappointed, for much of our future success will depend on the fidelity of the Government in this matter. All the men of intelligence, character and property who are now about leaving for the West have been very urgent to get every dollar they could here, from the consideration above that they may

be delayed in receiving their just dues promptly after their arrival at the West. We have assured them that their apprehensions were groundless. The present company of emigrants is composed of many wealthy men, and we shall, at an early day, furnish you with an estimate of the amount which will be due the present party, on their arrival in the West.

Under all the circumstances in which we find ourselves placed, we consider it due to ourselves, as well as the Government in whose service we are engaged, to ask your attention to our present situation. The Cherokee Treaty of 1835 assigns to us, as Commissioners, the duty of deciding on all claims which may arise under the Treaty. Our instructions, from time to time, especially those of the 17th of Oct. last, have assigned to us greatly enlarged powers and duties; indeed, we are clothed with plenary powers, to supervise and direct anything connected with the execution of the Treaty. We have certainly neither sought nor declined any extra service imposed upon us in connection with the execution of this Treaty. The incidental duties, however, assigned to us in connection with our legitimate duties, we would have gladly waived but for the ardent desire which we have felt to witness the consummation of a treaty so important in its consequences to all the various parties in interest. In attempting, however, in the most unassuming and modest manner, to avail ourselves of the services of the military in carrying forward our views, we have found ourselves repulsed, if not insulted, in every attempt which we have made to obtain the co-operation of Gen'l Wool in execution of our views. When we had politely requested, as we conceived and intended, the aid of an escort to guard the public funds in their transportation from one place to another, our communication was treated with contempt—sent back, accompanied with a querulous, peevish insult, intended to insult the President as well as ourselves. When we have advised Gen'l Wool in regard to the disbursement of public funds under his control for the subsistence and support of the poorer classes of the Cherokees, and respectfully asked for information touching the disbursements made by him, the information has been withheld, and answers to our communications refused. We have received letters from Gen'l Wool on the most trivial subjects relating to the mode of issuing rations, &c., intended, as we believe, to produce controversy on subjects of no importance to the public interest. The

truth of all these statements is fully sustained by the correspondence itself, herein referred to, a part of which correspondence was forwarded by one of the undersigned to the President of the United States, and to which no official answer has been received from Washington. Our present object in calling your attention to the foregoing facts at this time is to justify ourselves in asking that we may be wholly relieved from the responsibility of the military operations in this country, as well as the discharge of the duties of the Emigrating Agent. Otherwise, let it be distinctly understood that the officers and agents of the Government referred to are not to be permitted to treat with insult and contempt our official efforts to discharge duties with which we have been charged by the President of the United States. We cannot, and will not, consent to be held responsible for the acts of those over whom we have no control. We would greatly prefer, after the 4th of March next, for it to be distinctly understood that our duties are restricted to what sums are to be assigned to the Commissioners under the provisions of the Treaty.

Under any circumstances, whether we are private citizens, or agents of the Government, we shall use our best efforts to have this Treaty faithfully executed, keeping constantly in view the obligations of the Government to the Cherokees, as well as the honor of the Federal Government, and the deep interest which people of the several States feel, in whose limits these remnants of the Cherokees now reside. This communication is made from a sense of duty, and not with a view of officially arraigning others, with a view to condign punishment. We are by no means singular in not being able to co-operate with Gen'l Wool, as it is well known here that he has constantly complained of every officer and agent of the Government here, since he entered this country, from the President down, who has had the misfortune to have to advise or instruct him in his operations. He seems never to understand things in the light in which they are intended, except, indeed, when he happens to be complimented or applauded.

Very respectfully yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

New Echota, Feb'y 6th, 1837.

John Ridge, Esq.,

President of the Cherokee Committee.

Dear Sir:—Under existing circumstances, we feel it to be our duty to call your attention, and that of your friends in whom you confide, to several subjects worthy of your serious consideration, all of which have been duly considered by us.

And first, we have, in the exercise of a most responsible discretionary power, made considerable advances to many of the Cherokee people who have reported themselves as being ready for immediate emigration, those advances being made out of their respective valuations, and being persons recommended to us by you and your Committee as persons of ample prudence and capacity to manage their own affairs to advantage.

It has been reported to us through various channels, some of which we are compelled to credit and respect, that the effect of these payments has been to increase drunkenness, gambling and disorder amongst the Cherokee people. Indeed, Gen'l Smith, the Emigrating Agent, has sent us a message requesting that no further advances be made to the Cherokees, until the moment for their departure to the West.

Moreover, it is reported to us that many of those who have enrolled for emigration are still here, spending their time and money in manner worse than useless. If these things be so, and we presume they cannot be denied, it is obvious that advances have been made to unworthy recipients, and will not a perseverance in such a course of making advances to unworthy and incompetent persons, deeply injure the friends of the late Treaty, as well as those who are charged with its faithful execution?

Those to whom advances have been made cannot be permitted to remain here in dissipation. Those who have enrolled for emigration must go, and no longer charge the Government with their detention.

No further advances will be made by us to any one, except it be such as have a right clearly to demand it under the Treaty. And we trust we shall not hereafter be annoyed and importuned by persons of doubtful pretensions to these advantages. You will please to read the Treaty and forbear from encouraging your people to ex-

pect more from us than the letter and the spirit of the Treaty authorizes.

Very respectfully your friends,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

New Echota, Feb'y 10th, 1837.

Hon. B. F. Butler,

Atty. Gen'l U. S.,

Washington.

Sir:—In pursuance of our duty as Commissioners for settling claims under the Cherokee Treaty of 1835, we wish to avail ourselves of the aid of your opinions in regard to the true and proper construction of that provision of the Treaty which provides for the payment of claims of citizens of the United States *for services rendered the Cherokee Nation*. We are not able to find any provision in the Treaty for claims of the above description, except what is contained in the 10th Article of the Treaty—which limits the amount which may be thus applied to the sum of sixty thousand dollars. The opinions of the Commissioners on this subject perfectly coincide. But our difficulty arises from the fact that attorneys at law, claiming to have rendered legal services to the Cherokee Nation, have already presented claims against the Cherokee Nation to an amount greatly exceeding sixty thousand dollars (none of which have as yet been allowed or paid). These lawyers urge that no limit, less than three hundred and sixty thousand dollars, can be found in the Treaty, to circumscribe their demands, and they appeal to Mr. Schermerhorn, who negotiated the Treaty, as authority to sustain their construction of the instrument.

We do not ask your opinion because of a doubt which exists in our own minds in regard to this subject, but we desire it as the highest legal opinion of the country, and therefore will be respected and yielded to as the highest authority. Allow us further to request that you would carefully examine the Treaty in reference to this particular class of claims, and suggest to us your views. First, what constitutes a proper claim for legal services rendered the Cherokee Nation under the Treaty. Second, to constitute such a claim, is it necessary that the claimant

should have been employed by the authority of the Nation?

We are greatly surprised at the number and complexion of the claims of this class which have already been presented for our consideration. Sixteen attorneys-at-law have already presented their claims for services alleged to have been rendered the Cherokee Nation, their demands varying in amount from one to upwards of thirty thousand dollars each. We are not alarmed at this unreasonable and dishonest attempt to defraud Cherokee people out of their national patrimony, and we mention these things alone to place you on your guard in making up your opinions on this subject.

We have the honor to be,

Very respectfully, yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

Commissioners' Office,
New Echota, March 9th, 1837.

C. A. Harris, Esq.,
War Dept., Washington.

Sir:—We have received your letter of the 14th ult., acknowledging the receipt of our three letters therein referred to.

Gen'l Smith, the Superintendent of Emigration, has not yet returned to this place from Tennessee River, where he has been engaged for some time past in providing for, and starting, emigrant Cherokees to the West. We are therefore unprepared, until we receive his report, to give you a correct report of the emigrants who have actually left the country. Consequently we cannot at this time make up an accurate estimate for the War Department, or the Western Agents of the Cherokees. This can only be done after we have our accurate roll of the emigrants and their families who have departed for the West.

We have, however, in a train of completion the final settlement of all the business and claims of the emigrants which are to be adjudicated by us, which are already in such a state of preparation and forwardness as will enable us to prepare and forward at an early day all that

is desired, after receiving the report of the emigrating agent. Our work is in as great advance as the material afforded would allow.

As heretofore suggested to you, we are very desirous that the Government should promptly discharge its obligations to the emigrants, upon their arrival at their new homes; therefore, we shall strive to discharge promptly every duty which devolves on us, calculated to effect that very desirable object.

Dr. Minis did not arrive here until the 4th inst., which we apprehend will produce some embarrassment and expensive delay to the Superintendent of Emigration. On his arrival here with the \$250,000 received from the Bank of Augusta (as he reports verbally to us), we requested him to place these funds in the care of General Wool, after taking out the necessary amount to meet the estimates of the Emigrating Agent, and then proceed to Gunter's Landing, on the Tennessee River, to the immediate relief of Gen'l Smith. To this arrangement he assented, and accordingly left here on the 6th inst. Capt. Bennett, the disbursing officer, has reported himself to us by letter, and we are daily expecting his arrival at this place. In his absence General Wool has politely attended to such disbursements as were deemed absolutely necessary at this place, and will turn over the funds to Capt. Bennett on his arrival.

Upon the subject of our business location at this place, it is only necessary to state that imperative duty compels us to remain here for the present; and we are wholly unable to say anything definite at this time on the subject of a change. We now have the necessary records from the Agency to enable us to progress and transact our business. Since the late emigrants left here we have quite a calm.

Our future success, in regard to emigration, greatly depends on John Ross and his delegation now at Washington. If Ross receives such countenance at Washington as to induce him on his return to advise emigration, most of the Indians will gladly go; but if he is caressed and flattered at Washington he will retard emigration, and give the Government and its agents much trouble.

We still entertain the belief, however, that the Treaty can be fully executed, and the Cherokees removed in the face of all possible opposition, and without the effusion of human blood. From information already acquired,

we anticipate considerable difficulty in the adjudication of claims for compensation for reservations.

Whatever aid can be obtained from the records of the War Department going to establish the relinquishment of the claims of reserves would be useful to us. An heir of a reserver, Lewis Milton, has presented a large claim for the payment of a reservation, which you will find pointed out in the Double-head Treaty of 1806, providing for Lewis Milton and Charles Hicks. Our impression is that this claim is barred by the Treaty of 1817. Whatever evidence the records at Washington may afford calculated to aid in arriving at a just conclusion we would gladly avail ourselves of, as a great effort will be made by interested persons to impose upon the Government, and practice fraud. We are therefore preparing at every point to meet the expert showings of claimants and lawyers.

We have thus far postponed our decisions upon all the claims for reservations, with a view of collecting all the information we can upon this branch of our duty. Any information calculated to elucidate this subject will be useful to us.

We are, very respectfully,

Yr. obt servts.,
 WILSON LUMPKIN and
 JOHN KENNEDY,
 Commissioners.

New Echota, March 13th, 1837.

Hon. B. F. Butler,

Sec'y of War, *ad interim*.

Sir:—We have the honor to acknowledge the receipt of your letter of the 20th ult., accompanied by a copy of your letter of the 9th of January last, to Gen'l Wool. Your views, as expressed in your letter to Gen'l Wool, are precisely such as we understood to be the views of the President of the United States and Secretary of War. Judging as we do from all the communications heretofore made to us and Gen'l Wool on the several subjects to which they refer, our views coincide fully with your own, on every point.

At this time the personal relations between Gen'l Wool and ourselves are harmonious, and we trust will remain so.

Your letter to Gen'l Wool has doubtless had its desired effect; but we were not apprised of its contents, as you desired we should be, until the reception of the copy, which you have just sent.

We are deeply impressed with the importance of harmonious action amongst all the agents and officers of the Government engaged in this service of executing the Cherokee Treaty. Therefore, we have done, and shall continue to do, all that ought to be done by us to conciliate, so far as such a course may tend to promote the success of the service in which we are engaged.

By profession and practice we are men of *peace*, and nothing but a deep sense of public duty will induce us to complain of others, or take up arms in self-defence. We disclaim all unkind feelings to any one, but duty compels us to report to the Government such facts as stand connected with the public interest. An official responsibility to the Government necessarily compels us to report facts which, if concealed, would impede a successful issue of our official labor. This duty, however, of complaining of others, you may rest assured, is as painful to us as it can be unpleasant to the Government at Washington.

We are, sir, with very great respect,

Yr. obt servts.,

WILSON LUMPKIN and

JOHN KENNEDY,

Commissioners.

Commissioners' Office,

New Echota, March 22, 1837.

Sir:—We have the honor to submit the following report and estimates, as the nearest approach to accuracy which the data in our possession will enable us to make.

Under the superintendence of the Emigrating Agent, 500 Cherokees embarked on board of suitable boats, at the Cherokee Agency, about the 1st inst., for Arkansas. The Indians were well provided for and left in good health and spirits.

A larger company of the most wealthy and intelligent have availed themselves of that provision of the Treaty which authorizes them to emigrate themselves and families, and set out for Arkansas a few weeks ago, by land. We estimate the number in this company at 600 souls,

which will sufficiently explain the cause of the heavy advances made to so small a number of persons.

They are persons, too, of undoubted prudence and economy, and in no instance within our knowledge have they made an indiscreet use of the money which has been advanced to them.

The settlement of the business and affairs of these emigrants has received our first attention, and has enabled us to complete, as far as practicable, a final adjudication of their business. With the exception of a few cases of litigation, their affairs may be considered finally settled.

From the time which has now elapsed since we first invited creditors to present their demands against the Cherokees, we presume that nearly all the just demands against the emigrants have been presented and adjusted.

The payment of individual debts which has been allowed against these emigrants will all be paid in the course of a few weeks. We can, therefore, with an approach to accuracy, estimate the amount of funds which will be necessary to make the required payments under the Treaty to those who have actually emigrated. We deem it indispensable to the attainment of the greatest accuracy that we should prepare and forward to your department, as well as to the proper agents out West, accurate duplicates from our register of payments, which will plainly exhibit the true state and standing of each emigrant's affairs, properly certified and officially signed by us. We are apprised that the mode herein suggested will give great additional labor to this office, but we deem it indispensable to our object to which we attach great importance, to wit: placing responsibility in the right place; and the speedy payment of the Cherokees after their arrival at their new homes. In the winding up of this business it will be our duty, and we have made our arrangements accordingly, to furnish complete duplicates of our books to the War Department and Western agents, which will enable each office to exhibit, at one view, the credits and debts of each individual Indian; what has been paid out by us, and to whom paid; as well as the amount which remains due to each individual after his emigration.

The money already disbursed under our direction has been to the following objects: First, the largest portion has been allowed to persons deemed capable of emigrating themselves and families. A large portion of these have already gone, and the balance are now making their preparations for departure in the course of the present

year. The policy of making prudent advances to the wealthy and intelligent has gone far to remove all opposition to the Treaty among the most influential classes of the people. The great body of the intelligent who have been reimbursed, with the opponents of the Treaty, have now become recipients under its provisions, and consequently their tone and temper have been greatly changed.

Second. We have made advances of one-half their dues to some forty or fifty persons who have determined to become citizens of the States, and the balance now due these will have to be paid in a short time, in conformity with the stipulations of the Treaty in reference to such persons. These are also in good circumstances, and consequently the payments to them consume funds pretty fast.

Third. We have adjudicated and paid a portion of the national debts.

Fourth. We have paid for a part of the missionary establishments.

Fifth. The expenses and compensation of the Indian Committee and a portion of the expenses attached to our office have been paid.

The aggregate of the whole of these advances amount to about the sum of \$300,000, which leaves a balance of the \$400,000, subject to our order and disbursement, of \$100,000. This sum, however, will, every dollar, be disbursed very soon. It is now applicable to the payment of \$100,000 of individual debts which have already undergone final adjudication, and stands charged against the respective individuals against whom they have been adjudged. Moreover, we shall continue to make advances to such Cherokees as are capable of emigrating themselves and who are actually preparing to go, as well as to those who may be allowed citizenship in the several States. Under this view of the subject as herein presented, we request (without delay) that the further sum of \$400,000 be placed within our reach and control, subject to our order, for all of this amount will probably be needed on or before the middle of May next. We shall continue to forward you our estimates, as time and circumstances may require.

It would greatly add to the facility and convenience of all who are concerned in these disbursements if the funds were placed, by order of the Treasury Department, in the Georgia Railroad Bank, at Athens, Georgia, and the branch of the Planters' Bank of Tennessee, located

at Athens, Tennessee. It is desirable that equal portions of the sums which may be disbursed here should be placed in the banks herein designated, simultaneously.

It is attended with great inconvenience to this service to be under the necessity of drawing funds from Nashville, Tenn., and Augusta, Ga., both on account of distance and hazard. We would suggest the expediency of \$150,000 being ready in the West, to meet the payments there, as soon as our abstracts exhibiting the just dues to each emigrant can reach the agent and officers of the Government, West, who are charged with the duty of making these payments.

The Indians are a slow and tardy people in the transaction of business, but we still entertain the hope that the Cherokee Treaty will, in due time, be fully executed without a resort to those vigorous measures which have been found necessary elsewhere. A great deal, however, yet depends upon the course of John Ross, after his return from Washington. A short time more will develop his course. We shall keep a close watch on all his movements, and shape our measures accordingly. At present we are moving on here harmoniously, and have concluded to avail ourselves of the present calm to make a short visit to our families and return to our labors with renewed energy.

We are, very respectfully,

Yr. obt servts.,

WILSON LUMPKIN and

JOHN KENNEDY,

Commissioners.

C. A. Harris, Esq.,

Commissioner of Indian Affairs,

War Department, Washington.

New Echota, May 4th, 1837,

Commissioners' Office.

To C. A. Harris, Esq.,

Washington.

Sir:—Having received no reply to our communication of the 22d of March last (a copy of which is herewith forwarded to you), we have to urge your immediate attention to the subject of funds as therein referred to.

Our public funds here are nearly exhausted, and we see no reason to change our opinions or estimates as heretofore presented in our letter hereinbefore referred to.

Very respectfully yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

Commissioners' Office,
New Echota, May 20, 1837.

C. A. Harris, Esq.,

Washington.

Sir:—Your several communications, together with the enclosures therein referred to, of the 20th and 24th ult. and two of the 25th, and one of the 29th ult., we now have the honor to acknowledge.

Lieut. Richard Bennett informs us that his entire time will be occupied in making payments to the army at the several places where the troops are stationed. He says, however, that he will make an arrangement which will enable us to draw the necessary funds from the Tennessee Branch Bank, at Athens, where you inform us the funds will be deposited, and by our checking in favor of Capt. Simonton, who has for some time past been engaged at this place in making payments under the Treaty, under our requisitions and under our supervision. We shall give the necessary instructions in relation to this subject and hope to have no difficulty or delay in the procurement of funds.

In relation to the long absence of Dr. Minis, when on his trip to Augusta, and upon the subject you now ask for information, we must refer you to our several letters stating the facts at the time, which embrace all the information we have upon the subject. The copies of the letters accompanying yours of the 24th we were pleased to receive, as they afford us the official means of rectifying many false rumors and reports which have been circulated amongst the deluded Cherokees. The course of the Government at Washington, if steadily adhered to, cannot fail to produce a good effect on Ross and his adherents, if, indeed, anything can operate on their own ruin and destruction. We incline to the opinion, however, that Ross's obstinacy remains unsubdued, and we are not without apprehension of the evil consequences which

may finally result from the unconquerable ambition of this most extraordinary man.

We were gratified to receive the opinion of the Attorney General of the United States on the point of the Treaty therein referred to. It is ample and highly satisfactory.

We are pleased to learn that prompt measures have been taken to make all proper payments to the Cherokees who have emigrated, and we shall, without loss of time, comply with the request contained in your letter of the 25th ult., on that subject. We shall furnish you with a full copy of all the communications and instructions which we may send West connected with the emigrated Cherokees under the late Treaty. We have carefully read the letter of Captain Armstrong (a copy of which you enclosed), and fully concur in the opinions which he has expressed, and shall therefore endeavor to have his views on the subjects adverted to sustained.

In a subsequent communication we intend giving you detailed information in regard to the progress and prospects of our labors here.

We are, very respectfully,

Your obt. servts.,
 WILSON LUMPKIN and
 JOHN KENNEDY,
 Commissioners.

Comsrs. Office, May 21st, 1837.
 New Echota, Georgia.

To Lieut. Van Horn,
 Fort Gibson, Arkansas.

Sir:—We have received information from C. A. Harris, Esquire, Commissioner of Indian Affairs, that (\$150,000) one hundred and fifty thousand dollars has been remitted and placed in your hands at Fort Gibson, for the purpose of paying claims under the late Cherokee Treaty of 1835. We have also been requested to notify you when and where these payments will be expected to be made, in order to enable you to make your arrangements accordingly. We have also been requested to furnish you with such information and instructions as may be necessary to enable you to take the proper receipts, &c., so as to prevent any difficulties hereafter in the settlement of your accounts. In conformity with the foregoing in-

structions from the War Department, we herewith send you a list of the names of the emigrants who are authorized at this time to receive payments at your hands, under the provisions of the Treaty of 1835, together with the amount due to each individual, carried out opposite to his name. The amount due to each individual is the residue due to him, or her, after having finally adjusted all their business which has come before the Commissioners. These several amounts have been taken from our book, termed *Register of Payments*, which is made up in a form which will exhibit the true standing of each individual's affairs, in form of debtor and creditor. We show by this record the amount of valuations, spoliations and claims which have been allowed to each individual, as well as the advances in cash and claims which have been allowed, and which stand charged against each person. Therefore, the amounts which you have to pay are the clear and uncontroverted balances which are due to each person, as is shown by the list which we herewith furnish you.

Our object in being thus full and explicit upon this subject is to relieve you from all embarrassment, and to enable you to make the necessary explanations to the recipients, as some of them may be under some misapprehension in regard to the amounts due them, arising from the fact that some of the claims against the emigrants have been adjudicated and allowed as just debts, since their departure to the West, and some cases of litigation have been decided which may vary the amounts both for and against individuals who have emigrated. However, these discrepancies in the expectations cannot often occur, as their business in the general was finally settled before their departure. To prevent all embarrassment and error, as far as practicable, we subjoin the following form of receipts, to be taken by you on the payment being made to each individual. You will take duplicate receipts; on the return of one of which you can make your settlements, and the other will afford the means at the Cherokee Agency, West, to make and carry out the proper entries upon the copy of the Register of Payments with which we intend to furnish that office in the conclusion of our duties here.

(Form of Receipt.)

No. Received of (here insert the name of the Disbursing Agent)dollars, being

the amount now due me, as appears from the certificate of Messrs. Lumpkin and Kennedy, Comrs. for deciding on claims under the Cherokee Treaty of Dec. 29th, 1835, as per number on book, Register of Payments, made out under the direction of said Commissioners. This day of 183...

The first blank number will be filled by simply putting the number of the receipt which you take from the recipient. The second blank number in the proposed form will be filled with the number of the individual on the Register of Payments (and that number will provide the name of each person on the list which we propose sending to you), which we have prepared each individual is distinguished by his number and not the page of the book. We would suggest the expediency of your having blank receipts printed, and the duplicates intended to furnish the means of completing the entries on the Register of Payments might be bound, or stitched together in a cheap form, suitable for the files of the office of the Cherokee Agency, West.

In regard to the time and place of making these payments, it is only necessary to remark we are apprised of no reason why these payments should not be made immediately. As to the place where they should be made, we would recommend that point which may be most convenient to the emigrants, and at the same time not incompatible with the interest of the Government and your official duty. You will do well to bear in mind that this communication has no reference to, or connection with, the subject of the transportation or subsistence of the Cherokees. The whole of that branch of the disbursements has been confided to Gen'l Smith, the Superintendent of Emigration, and he being absent from this place we are unable to furnish you with the necessary information on that branch of the business. We shall, however, request Gen'l Smith, without loss of time, to report to us a full and detailed statement of the advances which he has made to the emigrants for transportation and subsistence, and when we obtain his report you shall be furnished with the same, together with the necessary instructions.

We are, very respectfully,

Yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

New Echota, May 23d, 1837,
Commissioners' Office.

Capt. I. P. Simonton,
Disbursing Agent, &c.

Sir:—In conformity with our understanding in the interview held with you this morning we would suggest the amount of \$100,000 as the proper sum to be brought to this place at present from the Branch Bank of Tennessee, located at Athens, to meet the anticipated payments under the Cherokee Treaty.

To insure the safe transportation of the same, we would advise that you procure from the commanding officer at this place a sufficient military escort to secure the safe transportation of the funds.

The existing embarrassments which pervade the whole country in relation to the currency induces us to suggest to you the expediency of your being very guarded as to the kind of funds you receive from the bank.

We are desirous that twenty-five per cent. out of the \$100,000 should be procured in gold, or silver, as the interest of the Indians requires specie payments in many cases.

The balance may be paid in the bills of the Tennessee bank, made payable at its branch in Athens, or at Nashville.

Very respectfully,

Yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

New Echota, May 30th, 1837,
Commissioners' Office.

Capt. I. P. Simonton,
Disbursing Agent, &c.

Sir:—Being apprised that you have been instructed to consider yourself relieved from duty at this place and join your military station and report yourself for duty there, "as soon as you shall have performed the duties in which you are now engaged, in the Indian Department," we deem it proper to state to you that the duties in which you are now engaged, as Disbursing Agent, under the Cherokee Treaty of 1835, will necessarily require the con-

stant services of a competent agent to the close of the present year ; and we take pleasure in adding that, if consistent with the public interest, we should be much pleased at your continuance at this place.

Very respectfully,
Yr. obt servts.,
WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

Commissioners' Office,
New Echota, May 31st, 1837.

C. A. Harris,
Comsr. of Indian Affairs,
War Dept., Washington.

Sir :—Herewith we enclose for your information copies of the communications and papers which we have this day forwarded to Lieut. Van Horn, on the subject of making the necessary disbursements to the emigrating Cherokees, West, under the provisions of the Treaty. We have forwarded these papers by the hand of a trustworthy emigrant who intends going direct to Fort Gibson.

You will please to examine our communications to Lieut. Van Horn, and inform us whether our instructions meet the approbation of the War Department.

This business would have been attended to much sooner, if we could have procured from the Superintendent, Gen'l Smith, the roll embracing a list of the late emigrants.

Very respectfully,
Yr. obt. servts.,
WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

Commissioners' Office,
New Echota, June 5th, 1837.

C. A. Harris, Esq.,
Comsr. of Indian Affairs,
Washington.

Sir :—Mr. John Ross has at length returned to this country, and being the Master Spirit of opposition to

the execution of the late Treaty, we have not failed to keep a constant eye upon all his movements, as far as the circumstances in which we are placed would allow. He is, however, a very reserved, obscure and wary politician. We know of no overt, direct act of opposition to the execution of the Treaty that legally criminales him, but we do know, since his return home from Washington, and his grand Northern tour, that the spirit of emigration has greatly subsided.

Those of the Cherokees who a few months ago were expected to have been off before this time now say they intend going in the fall, and those who some time past spoke of going in the fall now say that Mr. Ross will attend the next session of Congress, and they still hope he will be able to obtain some change, or modification, of the Treaty.

A third and numerous class, who are enveloped in gross darkness, who know nothing, and will hear nothing, except it comes from Ross, say they will never leave this country—that they intend to die here.

The intelligent and wealthy are zealous in settling all their affairs, and getting all the money they can under the Treaty, looking exclusively to their own interest, and with the most perfect and apparent indifference to the interest of the ignorant portion of their people. The Indians commit daily depredations on the live stock and other property of the white population. Never, at any former period, has there been so much theft committed by the Indians as at present.

The reports which you probably see in newspaper paragraphs, boasting of the great success which is now attending the Emigrating Department, is altogether unfounded, fallacious and false. We see it stated that the Indians are daily enrolling in great numbers for emigration. We suppose this is intended to designate persons amongst the Cherokees who are condescending to receive provisions from the Agents of the Government, and who promise that they will emigrate next fall. These persons are fattening on the bounty of the Government, in order to act as circumstances may hereafter incline them, either for good or evil. Our plan now is, and always has been, to carry off emigrants as fast as a sufficient detachment can be collected, and, if necessary, subsist them at the West instead of here. If we continue to feed and clothe these ignorant people here, they remain content, and will never be willing to change for another home.

We would still hope this Treaty may be carried out without the effusion of human blood; but we are compelled to say since the return of Ross we consider the issue much more doubtful than heretofore. The military force in this country has not had the slightest effect in maintaining the quiet and good order of the Indians. It has probably had some effect in restraining the white population from committing depredations on the Indians, but, as heretofore stated, the Indians have been guilty of increased depredations on the property of the whites, and manifest but little regard or respect to the military officers of the Government. Indeed, we fear that the ignorant Indians construe the kind protection extended to them by the civil and military officers of the Government—shielding their rights, property and persons—as indications of a want of power to carry out the late Treaty without the consent of Ross. Ross is at the foundation of all this mischief, and we apprehend his ambition may lead him to destroy his people, rather than let it be said that he had yielded in the least to the most powerful government on earth. The amount of debt against individual Cherokees will far exceed our anticipations. We discover few attempts at fraud, except by those claiming to be natives.

Very respectfully,
 Yr. obt. servts.,
 WILSON LUMPKIN and
 JOHN KENNEDY,
 Commissioners.

New Echota, Georgia,
 Comsrs. Office, June 19th, 1837.

To Martin Van Buren,
 President of the United States,
 Washington.

Dear Sir:—After much reflection, we have considered it our duty to address you directly, on the subject of our present relations with the Cherokee Indians. You may consider the communication either private or official, as your judgment may determine best.

It is made from a sense of duty to the country, and from a desire to render you every aid in our power which may in any degree promote the success of your administration.

That portion of the execution of the Treaty confided us has been attended with many difficulties and embarrassments; but so far as regards the object of this communication it may suffice for us to state, and our records will sustain the statement, that no business of similar magnitude and importance and complication (when all the circumstances are taken into consideration) was ever in so short a period adjusted, systematized and, to a great extent, settled and brought into a form which now renders its completion comparatively a plain and easy duty.

Under the provisions of the Treaty, the Commissioners were made the administrators of the affairs of the whole Cherokee people—a population probably amounting to 18,000 souls. At this time the individual debts and credits of this whole people have been pretty nearly all brought upon our books and records, and final settlements have been made with all who could be induced to attend to their affairs, as authorized to be settled under the Treaty. All claims of a national character which have been presented to us are either adjusted or in a train of adjustment, as far as the circumstances will allow.

After the foregoing brief statement—reference to what appears to be the legitimate business of the Commissioners under the Treaty—we beg leave to advert to other duties connected with the execution of the Treaty with which we were charged by your immediate predecessor, Gen'l Jackson. We allude to the general supervisory care over the whole business with which we were entrusted. The importance and delicacy of this task did not deter us from making many and faithful efforts, in rendering the best aid and service in our power to promote the best interest of the country in connection with this business, in conformity with the desire of President Jackson. The great importance of having this Treaty faithfully and harmoniously executed, and to the interest of all the parties in interest, was duly appreciated by us, and reconciled us to the discharge of many unpleasant duties, in order to carry into effect this great national object. Moreover, we were urged and encouraged to this delicate and arduous undertaking because we believed, and still believe, that by wise and judicious measures, and unity and concert of action amongst the agents and officers connected with the execution of the Treaty, the work might have been triumphantly accomplished, and this remnant tribe of Indians saved from the dreadful consequences

which we have witnessed elsewhere with the Creeks and Seminoles.

But it is now only necessary to say that this supervisory care confided to us, so far from producing harmony, has been a constant source of discord, the commander of the military forces being chagrined at the confidence placed in us by the President of the United States. The moment that the Commissioners were presented in the new light of being clothed with plenary powers to supervise the whole business of executing the Treaty, the military stationed here to secure the peace of the country have been worse than useless. The Commissioners and other authority have been disregarded, if not contemned, and nothing but their standing and weight of character in the country, in connection with a most faithful and persevering discharge of all and singular their public duties, has sustained them. For some time we persevered in devising and urging plans calculated to promote emigration under the Treaty; and, in order that our advice might be more acceptable, writing was avoided and verbal conversations resorted to, but all to no purpose. Nothing was done by the military which we advised to be done. In the meantime, Ross, who is the soul and spirit of all opposition to the Treaty, repaired to Washington, and, although faithfully informed by the Government that the Treaty would be scrupulously and faithfully executed, he seems nevertheless to have gained strength and confidence amongst his adherents, from the respectful and kind treatment which he received at Washington and elsewhere. He has returned home with increased weight of character. His brother's house is now the headquarters of many of the officers and agents of the Government, about the Agency. He, Ross, feels secure in the courtesy and respect which he receives from every officer of your administration, and the kind feelings entertained for him, in a special manner, by the Army agents. Sir, under this state of things, the Cherokees will not emigrate under this Treaty, except by force of arms, and when that is applied the result may be war. Nothing now can preserve the peace of the country and emigrate the Cherokees but such movements on the part of the Government as shall convince Ross and his adherents of the utter imbecility of their great *idol*. If you will read the memorial of Ross and his associates to the Congress of the United States, in Feb'y last, in connection with his written communication to the War Department, you will not fail to per-

ceive a spirit of arrogance and opposition to the late Treaty of a startling character. If the presumptions of this man are permitted to proceed unchecked, the result may already be written. His opposition to the Treaty, in the face of every branch of the American Government, will prevent the execution of the Treaty by that Government, except at the point of the bayonet. If Mr. Ross, aided by the ingenuity and sophistry of legal men, can so manage his opposition to the Treaty as to avoid legal personal liability and punishment, he and his advisers will then have accomplished the object for which they have so long labored, viz: to bring on the Government the odium of forcibly removing the Cherokees from the land and graves of their fathers, and thereby revive the noisy sympathies of the deluded fanatics, from one end of the Republic to the other. In conclusion, we assure you that this man Ross is sporting with the lives of thousands of human beings. Has not the Government power to prevent such a catastrophe? We think it has.

Very respectfully,

Yr. obt. servts.,

WILSON LUMPKIN and

JOHN KENNEDY,

Commissioners.

Commissioners' Office,

New Echota, June 16, 1837.

C. A. Harris, Esq.,
Washington.

Sir:—With a view to keeping you fully advised of the progress made and in preparation in furtherance of the execution of the Treaty, we submit the following facts: All demands against individuals of the Cherokee Nation which have been presented to us since we entered upon the duties of our appointment up to the present date (with the exception of a very few cases, postponed to procure testimony), have now been fully investigated, and our decisions have become a matter of record.

Of these claims against individual Cherokees many have been rejected. Yet the number which have been allowed, and the larger portion paid, amount to upwards of three thousand cases.

We now have upon our Register of Payments the name of every Cherokee in the Nation who has undis-

puted assets coming under our cognizance, whether for valuations, spoliations, or other claims arising under the provisions of the Treaty. Therefore, our books and records now begin to assume a tangible and official-like form. We can, upon any call, without delay, exhibit the true state and condition of the affairs of each individual Cherokee, except in the comparatively few cases where litigation still exists. We still find, however, some old valid claims occasionally coming in, especially debts originating amongst the natives themselves. The citizens of the United States, we presume, have generally brought forward their demands.

We have also decided upon all the claims of the Cherokees for spoliations, so far as they have been presented through the Indian Committee, or otherwise, with the exception of a few cases which require further proof and investigation. We entertain no doubt, however, but that many of the Cherokees have just claims for spoliations which have not yet been presented. This arises from opposition to the Treaty. Mr. Ross and many of his adherents still stand off. And it is to be regretted that this omission to attend to their interest bears most heavily on the most ignorant class of Ross's following, for we find no men more vigilant in attending to their claims under the Treaty than the intelligent friends of Ross.

We shall now have time and opportunity, and shall devote ourselves to the investigation of the more important class of cases arising under the Treaty, to wit: claims of citizens of the United States for services rendered the nation, claims for reservations, &c. Some claims of the last named description, however, have been already adjudicated and settled.

The whole of the missionary establishments were valued and returned by the different Valuation Agents in whose districts they were located, under the direction of Major Curry, and we have, in one instance, given our certificate for the payment of the valuations, in terms of the Treaty, to the Secretary of the Missionary Board.

Please to let us know whether or not we shall continue to make these settlements? We still find ourselves embarrassed upon the subject of funds to meet our payments here. We have heretofore apprised you of our failure to obtain the funds from the deposit bank in Tennessee.

We are now here in suspense, upon the subject of funds. Indeed, we have neither funds nor information

in regard to the prospect before us, except what we gather from the public prints. In a word, sir, we have, by untiring exertion, brought our part of this business to a point which will hereafter enable us to discharge all of our duties with the greatest promptitude and dispatch. We can hereafter send with emigrating parties (if indeed we have any to send) a full and complete statement of all their affairs.

As we suggested to you in our last, the prospect of emigration is by no means encouraging, and if anything is doing to promote emigration, except what we do ourselves, it is unknown to us. We very seldom see or hear anything from the Emigrating Agent, and we have so devised and suggested plans of operation to promote emigration and further the execution of the Treaty which have been wholly unheeded that we have of late tried to be content with a faithful discharge of our own duty. These Indians might have been peaceably taken away under this Treaty, but we are almost ready to despair of it now. Trouble will grow out of the present state of things. Everybody, except ourselves, so far as we can learn, is trying to persuade and coax Ross, and he is still full of the spirit of resistance, and, as we learn he intends being a lobby member of the next Congress. This, the time stipulated for the removal of the Indians, will soon expire, and a great portion of them still here. Then will come the evil day. The white population will no longer forbear. The Indians must then go—yes, go quickly! No good man can now witness the unusual state of things here and fail to desire the speedy removal of these people. Every day they remain here is pregnant with evil. The daily strifes and thefts which occur afford renewed cause for apprehension that some outrage will terminate in the effusion of human blood.

We have incidentally heard that there was some change in the command of the Army at this place, but we have no official notice on the subject, and are therefore unapprised who has the command of the Army here at present.

But let the command devolve on whom it may, it is obvious to us that the officer in command should be instructed by the War Department to watch vigilantly the movements of John Ross, and instead of the troops remaining stationary, as they do, that they should keep in constant motion, and visit every part of the country, and

suppress any rising spirit of insubordination which may show itself amongst the deluded followers of Ross.

Very respectfully,
Yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

Commissioners' Office,
New Echota, June 26, 1837.

Gen'l Nathaniel Smith,

Superintendent of Cherokee Emigration.

Sir:—Your letter of the 23d inst. is now open before us, and, in reply to that part which informs us of the general dissatisfaction of the Cherokees in North Carolina in regard to their valuations, and the expression of your opinion that their improvements had not been valued as high, by 50 or 100 per cent., as those of the balance of the Nation, we have to inform you that their complaints are wholly unfounded, and that your opinions might have been formed without a proper knowledge of the facts in relation to the subject upon which you have expressed them. We are satisfied that the valuations of the Indians in North Carolina are as liberal, all things considered, as those of any other portion of the Cherokee people. Their cleared lands are valued at from seven to eleven dollars per acre, and much the larger portion at eight dollars per acre. Their cabins and fruit trees are put down at prices equal to the average prices allowed in other parts of the country. We have before us the means of knowing, and state to you the facts from our record—the books of the Valuing Agents deposited in our office.

Therefore, these people should not be countenanced or encouraged by you in their unfounded complaints and dissatisfaction.

We are fully apprised of the obstinacy and indisposition of these Indians to yield to the terms of the late Treaty. And we feel it our duty to add that we have too much experience and knowledge of the character of these Indians to flatter ourselves that we can coax or hire them into a compliance with the terms of the late Treaty, so long as Ross and his partisans are permitted to assume the stand which they now occupy. The duties which devolve on us will be discharged with fidelity to the coun-

try, but with due forbearance and humanity to these unfortunate and deluded Indians.

But, sir, if that man Ross is permitted to use his influence in opposition to the execution of the Treaty to the end of the time allowed for the removal of the Indians, we will not now undertake to record the melancholy catastrophe which awaits the ignorant portion of this people. Stationary as the nature of our office compels us to be most of the time, yet we have not failed to avail ourselves of all the information which could be obtained connected with the prospects of emigration, since the return of Ross from Washington; nor have we failed to communicate our views weekly to Washington. We have long since anticipated the very state of things which you now suggest, and concur with you most fully that your prospects of emigrating the Cherokees, under the existing circumstances and state of things, are by no means flattering.

We are, respectfully,

Yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

Commissioners' Office,

New Echota, June 26, 1837.

To the President and members of the National Committee to aid in settling the business of the Cherokee Indians, under the provisions of the Treaty of 1835.

Gentlemen:—Having invited your attendance here at this time, to sit in council on business connected with your official obligations to your people, it may afford you some satisfaction to be informed that, during your long recess, much has been done and accomplished by the Commissioners in furtherance of a faithful execution of the Treaty. Indeed, every duty devolving on the Commissioners which, from its nature, was susceptible of completion, will be found in a finished state. Every individual of the Cherokee Nation, having assets coming under the cognizance of the Commissioners, whether for valuations, spoliations, or other claims, may now find his, or her, name and amounts registered and recorded upon our books, and each individual may, at a moment's warn-

ing, be informed of the state and standing of his individual affairs.

There is, however, a great mass of business, deeply interesting to the Cherokee people, which, from its nature, yet remains open for further investigation. But everything which remains in an unfinished state is in as great a state of forwardness and preparation as the nature of things and the circumstances would allow.

The Commissioners have given to the whole of their proceedings a permanent record form, and if the files and records of their office are preserved and handed down to the posterity of the Cherokee people (which ought to be done), these records will become a perpetual monument in the pages of history of the wisdom, forecast and patriotism of that much abused portion of the Cherokee people who have taken the responsibility of making and sustaining this Treaty.

We have found the duties to which we have been called arduous, delicate and often embarrassing; but we have discharged them so as to maintain the approbation of our own consciences, and fearlessly invite the most rigid scrutiny of gainsayers, if such there be. No complaints, however, have reached our ears, except from disappointed and selfish claimants, whose demands could not be sustained by our best judgments.

With an earnest desire to mete out justice to all, we have felt it to be our special duty, in every case, most vigilantly to guard the funds of the Cherokee people from unjust and unreasonable demands.

The claims which have been presented to us for spoliation, during your recess, are herewith submitted for your consideration and investigation, and the result of your deliberations on these cases you will please to report to us at your earliest convenience.

We regret to learn that a spirit of opposition to the execution of the Treaty is still abroad in the land, and we will not conceal from you our serious apprehensions that this spirit of delusion and infatuation may result in the most serious calamity to that portion of the Cherokee people who are the misguided dupes of aspiring, ambitious, selfish men. The intelligent men of all parties are availing themselves of the liberal provisions of the Treaty, and each one settling his own private affairs accordingly, while we find the ignorant and misguided stand off at a distance.

There can be no doubt that many of the latter class have just claims for spoliations which ought to be presented and adjudicated; but neither you nor ourselves have the power to overcome the prejudices which rest upon the minds of these misguided people, and, therefore, whatever of evil, loss, or suffering may fall upon them, the sin will rest upon the heads of those who are at this auspicious moment engaged in the unholy work of deceiving and misleading the ignorant.

We congratulate you most sincerely on the prosperous journey and safe arrival of our emigrating friends last spring at their new homes in the West, and take pleasure in adding that the Government of the United States have been prompt and vigilant in remitting the necessary funds to meet all payments due to the emigrants as fast as they arrive in the land of their new homes; and we have not failed to forward to the proper officers, West, the necessary data and estimates to enable them to discharge the duty of making payments with promptitude.

We have some further business to lay before you, which will be made the subject of a special communication.

Our incessant labors for three months past, without a single day's intermission, calls for relaxation. We therefore intend taking a short recess, as soon as the business of your present meeting can be accomplished.

We are, gentlemen, with unabating zeal for the happiness and prosperity of the Cherokee people, very respectfully, your faithful co-operators in endeavoring to execute the Treaty, and thereby save the Cherokee people from evil.

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

Commissioners' Office,
New Echota, June 26, 1837.

To the President and members composing the Cherokee Committee, under the Treaty of 1835.

Gentlemen:—We herewith lay before you the claims of various individuals against the Cherokee Nation for legal services alleged to have been rendered to the Nation.

Our object in submitting these claims for your examination and investigation is to avail ourselves of all the information which you afford us relative to these several

claims; therefore, you will please to report to us the result of your deliberations on these several claims, in writing.

We are desirous of obtaining all the facts in connection with these claims, whether in support of the claims, or otherwise.

Everything tending to throw light on these complicated and extraordinary demands will aid the Commissioners in making up a final judgment and decision between these claimants and the Cherokee Nation, in terms of the provisions of the Treaty.

By a careful examination of the papers which exhibit the demands of these claimants, you will not fail to perceive that it is wholly inadmissible to allow these several claims as they stand stated in these papers.

From this showing, it is obvious and clear that in many cases amounts stand charged several times over and over again by these different claimants for the same identical services.

If A has rendered services, he ought to be paid for them; but B, C and D must not be permitted, each one, to receive equal and separate compensation, as well as A who actually did the work. If a master workman should have a dozen assistants engaged with him in the accomplishment of any given undertaking, it is wholly inadmissible that the employer should first pay a full price for the work done to the undertaker, and then pay a full price for the very same work to each one of the subordinates of the principal undertaker. It is necessary for you to scrutinize and understand this subject. Moreover, in these claims it is apprehended that services rendered to individuals have been charged to the Nation; and in many of these cases it is believed the individuals have already paid a full compensation for all the services rendered. If you have any knowledge of payments having been made for services charged in these papers, it is desirable that the Commissioners should be correctly informed on the subject. In conclusion, we desire all the information you can give upon this subject at your earliest convenience.

We are, very respectfully,

Yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

John Ridge, Esq.,

President, &c.

Commissioners' Office,
New Echota, July 3d, 1837.

C. A. Harris, Esq.,
Commissioner, &c.

Sir:—We have received your letter of the 15th ult., on the subject of funds, &c. We have to regret that we are still out of funds to meet the requisite payments under the Treaty. This failure of funds has operated, and will continue to operate, most injuriously on the minds of the ignorant Indians who are already indisposed to emigrate soon to the West. Their leaders who are opposed to the Treaty find no difficulty in so misrepresenting this want of suitable funds as to induce the ignorant to give credence to all such statements as may be calculated to impress their minds with the belief that the Treaty is invalid and will never be executed by the Government.

In the Disbursing Department, with which we stand connected, we have found ourselves throughout embarrassed for the want of a Disbursing Agent, or funds. The first Disbursing Agent sent to our relief was Dr. Minis, and during his continuance here he always professed to be charged with so many more important duties that he could rarely be kept here long enough to make the necessary disbursements authorized by us. Since he left here to accompany the emigrants to the West, we have never had a Disbursing Agent under our instructions at all. It is true that after the departure of Dr. Minis Gen'l Wool politely and voluntarily did the business of Disbursing Agent, which prevented much delay and embarrassment in our department at the time.

Capt. Simonton, to whom Gen'l Wool turned over the business, discharged the duty of Disbursing Agent to our entire satisfaction, as long as he was in funds, but since the funds gave out and we were informed by you that \$200,000 had been placed in the Planters' Bank of Tennessee, and a like sum in the Augusta Bank of Georgia, to meet our estimates, subject to the draft of Capt. Bennett, when countersigned by us, we made the call upon the Tennessee bank, and of the result you are apprised. We were disappointed. As soon as we ascertained that the funds could not be procured from the Tennessee bank, it occurred to us to apply to the Augusta Bank, Georgia, to meet our payments, subject to the draft of Capt. Bennett, when countersigned by us, where we believed, and still believe, the draft of the Government

would be honored. We therefore immediately requested Capt. Simonton to go in search of Capt. Bennett, who is understood to be the Army Disbursing Agent, and obtain his order on the draft, to enable us to obtain the necessary funds from the Augusta Bank. We think Capt. Simonton left here nearly a month ago, and did not return till yesterday, and reports to us that Capt. Bennett declines giving his order upon the Government draft to another person, before he shall have first ascertained that the funds are ready in the Augusta Bank.

Thus, you have all the reasons which we are able to give you why we have been kept here in this painful suspense for the last month. None of these Disbursing Agents consider themselves either under our control or instructions, nor have we authority to say they are.

We know that the most important disbursements which have been, or are to be, made under the Cherokee Treaty, are immediately connected with our office, and we have never yet had a Disbursing Agent who considered this branch of the business his most important duty. The Disbursing Agents are chiefly occupied in paying a few military officers and volunteer companies, and in attending the Emigrating Agent in his department, although no Indians are at this time emigrating.

As to the kind of funds which would suit to make payments here at this time, it is proper to remark that every recipient would prefer specie because it is worth more than the paper of any bank. The paper of the suspended banks has all depreciated, yet all recipients who intend to use these funds in Georgia would take the bills of the Augusta Bank, rather than lie out of their dues. The recipients who wish to use these funds in the State of Tennessee will be satisfied with nothing but specie, and will not take the bills of any bank in Tennessee in payment for their demands against the Government.

Our only object in giving you this retrospective sketch is to afford you the means of having the evils of which we complain considered and corrected.

We are, very respectfully,

Yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

Commissioners' Office,
New Echota, July 3d, 1837.

C. A. Harris, Esq.,
Commissioner, &c.

Sir:—We have received your letter of the 14th ult., accompanied by a copy of a letter from the Hon. J. P. King to the Secretary of War, to which you refer us. In reply, we shall attempt to correct any improper impressions which may be entertained on this subject, by a simple statement of the facts connected with the case. In our general instructions of the 25th of July, 1836, we find the following: "The debts of the Cherokees are to be paid from the proceeds of the valuations of their improvements and of any claims they may have against the Nation. If the debts exceed the assets of any individual, a pro rata payment will be made to the several creditors."

These instructions have been invariably followed by the Commissioners. All the claims which have been allowed by the Commissioners have been considered as standing on an equal footing. No preference has been given to old debts, or even old judgments, over new ones equally just and well sustained by evidence. Claims based upon judgments from State courts upon written obligations, and upon open accounts, have all been placed upon the same footing upon our Judgment Docket, when the Commissioners have been satisfied of the justice of the demand, by satisfactory evidence. The Commissioners protest against the correctness of Mr. King's suggestion to the Secretary of War, that claims of a doubtful nature are admitted at all by the Commissioners.

The valuations of Elijah Hicks amount to \$2,852.50, and Hicks is still here, living in the country. The demands exhibited against Hicks, and which have been allowed by the Commissioners, amount, in the aggregate, to the sum of \$4,128.56¼, and the claim of the Kerrs & Co. (represented by Mr. King) upon the execution, and which has been allowed by the Commissioners, amounts to \$3,857.12½. The whole amount allowed to other claimants against Hicks is only \$271.43¾. Upon the application of Kerr, we have this day issued our certificate in his favor for the sum of \$2,665.63, being his pro rata allowance, according to our instructions. If, upon an examination of the facts herein stated, we shall hereafter be instructed from the War Department to pay the balance of Hicks' valuation to Mr. Kerr, to the exclusion

of the claims of all the small creditors of Hicks, and which claims have been allowed by the Commissioners, such instructions will be obeyed and respected by us; and we shall take it for granted that the same principle must be maintained in all similar cases. We are apprised that there are other outstanding demands against Hicks which have not yet been brought before the Commissioners for adjudication.

We are, respectfully,

Yr. obt. servts.,

WILSON LUMPKIN and

JOHN KENNEDY,

Commissioners.

Commissioners' Office,
New Echota, Ga., July 10, 1837.

To His Excellency

Newton Cannon,

Governor of Tennessee.

Sir:—The Commissioners appointed to adjudicate and decide on all claims arising under the Cherokee Treaty of 1835, with a view to a faithful discharge of their duty, are desirous of obtaining all the information (if any) which may be found on the files and records of any branch of the Executive Department of the Government of the State of Tennessee upon the subject of reservations allowed to Cherokee Indians within the limits of your State, under the Treaties of 1817 and 1819. Under the provisions of the late Cherokee Treaty (Article the 13th) in reference to reservations, we find the following clause: "In all cases where the reservees have sold their reservations, or any part thereof, and conveyed the same by deed, or otherwise, and have been paid for the same, they, their heirs, or descendants, or their assigns, shall not be considered as having any claims upon the United States under this article of the Treaty, nor be entitled to receive any compensation for the lands thus disposed of." Now, sir, if the Executive Department of the Government of the State of Tennessee, over which you preside, will afford any evidence of the relinquishment of any of the reservees, under the said Treaties of 1817 and 1819, we have to request of you the favor of such information, in a certified and official form, as will enable us to determine (as far as the

official information may justify) which of the reserves in the State of Tennessee have relinquished their claims, or any part thereof, as set forth in the foregoing clause of the 13th Article of said Treaty. Any expense which may be incurred at your department in procuring the information sought will be promptly remitted, whenever we are informed of the amount. You will readily see the object and the importance of the information sought by us in relation to this matter. It is to obtain the necessary evidence to form a correct decision between the claimants for reservations, of the one part, and the government on the other.

You will therefore please to excuse the liberty which we have taken, and permit us to request a reply to this communication at as early a day as may suit the convenience of your Excellency.

We are, very respectfully,

Yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

P. S.—If you have any personal information bearing on this subject, and feel at liberty to communicate the same, it will be gratefully received.

W. L. and

J. K.

P. S.—A similar letter, written at the same time, to Governor Dudley, of North Carolina.

W. L.

Commissioners' Office,

New Echota, Ga., July 13, 1837.

Capt. I. P. Simonton,

Disbursing Agent, &c.

Sir:—You will please to proceed, without loss of time, to the City of Augusta, Ga., and present the Government draft, which we have countersigned, for the sum of \$200,000, to the proper officers of the Augusta Bank, for payment. Not being informed in regard to the kind of funds deposited by the Government in said bank to meet the draft, and being fully apprised of the universal embarrassment which pervades the country in regard to the currency, as well as a sense of propriety, forbid any desire

on our part to make any unreasonable demand on the deposit bank of the Government, especially on this Augusta Bank, which has so long and so justly enjoyed the public confidence.

We have to request, however, that you will explain to the President and officers of the Bank our embarrassments in regard to funds in making the necessary Government payments, under the provisions of the Cherokee Treaty, and ask in our names, as well as your own, that as large a portion of the draft may be met in specie as can be afforded by the Bank, under all the existing circumstances. You are apprised that nothing but specie will suit the convenience of the recipients under the Treaty. If the Bank can furnish you with one-fourth of the amount of the draft in specie, and the balance in its own bills, we think the funds can be used in making payments to the amount of the draft, \$200,000. You will receive no paper from the Bank, except in its own bills. Should the Bank be unwilling to furnish you with the amount of specie proposed, you will be justifiable in receiving any amount of specie you can obtain, and the balance in the bills of the Bank, with the express understanding, however, that if the bills cannot be passed off by us in making the required payments under the Treaty, you will return the amount not disbursed to its present deposit, to the credit of the Government. Should you obtain funds, you will, in the exercise of a sound discretion, procure such means of transportation and guard as may insure the safe transmission of the funds to this place.

Very respectfully,

Yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

Commissioners' Office,

New Echota, Sep. 7th, 1837.

To the President and members of the Cherokee Committee.

We have this day received, and read with due attention, your communication of the 5th inst., protesting against the construction put upon the Treaty by us, touching the payment of the individual debts of the Cherokee

people. When an Indian has stolen the property of a white man, and the white man has received no remuneration whatever for the same, you deny the right of the Commissioners under the Treaty to consider such claims, however just in themselves, in the nature of just debts, and rely upon what you conceive to be the custom of the States for the support of the opinions which you have expressed. Moreover, you seem to consider no claim against an Indian in the nature of a just debt, except notes and proven accounts. We might here close our reply, by merely informing you that the claims against which you protest have been in every instance *proven accounts* for property taken without the consent of the owner, in preference to obtaining credit in the usual way.

But you are under a misapprehension in supposing that under the laws of the States recovery cannot be made from a person who takes his neighbor's property, without his consent. Most of the States have provided by special enactment of law for the recovery of the value of stolen property, by a civil action, as well as for the criminal prosecution of such offenders. We should deeply regret the state of morals in any political community where property might be plundered and the offender, if he could escape the whipping post and gallows by flight, should be considered a subject of so much sympathy that his effects which he had left behind were considered too sacred to be applied to the remuneration of his injured neighbor. You are wholly mistaken in supposing that the Commissioners allow any claim upon mere *allegation*. They do no such thing. Not a solitary claim of a white man against an Indian has been allowed but upon clear and satisfactory proof. Moreover, the whole amount of the claims of citizens of the United States against individuals of the Cherokee Nation, for stolen property which has been allowed by the Commissioners, now amounts to but a few hundred dollars (less than one thousand), while we have postponed claims amounting to many thousands of dollars which we believe to be just claims for property stolen by Cherokee Indians merely because the offender could not be identified to our satisfaction. We have not yet determined the question whether the Treaty provides for the payment of just claims of this description out of the funds of the Nation. While we have been thus scrupulous in guarding the funds of your people, both national and individual, we have daily witnessed claims of the Cherokee

people recommended to be paid by your Committee, for merely alleged thefts and depredations said to have been committed upon their property by citizens of the United States, without giving over the name of the offender, the time, or place, when or where the act was committed. We have, however, always put a liberal construction on your motives, and, in every instance where our conscience would justify, assented to your recommendations. We are truly glad to find a disposition on your part to guard the funds of your people against improper demands. And you may rest assured that if you will exercise the vigilance and fidelity on your part which we have always done, and shall continue to do, on our part, to prevent the admission of unjust claims, from whatever source they may emanate, no Treaty ever has been, or will be, executed with greater fidelity to any people than this Treaty will be to the Cherokee people.

The subject matter, as well as the formality of your communication, seem to us to call for this prompt and somewhat detailed reply.

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

New Echota, Com'rs' Office,
September 8th, 1837.

To the President and members of the Cherokee Committee.

We yesterday received from you various spoliation claims which you have acted upon. We herewith return those upon which we find the word "*admitted*" written, with a request that the President of your Committee will add his official signature, after the word "*admitted*," on the back of each claim.

This requisition is made to guard against fraud and imposition which might possibly be attempted by the word "*admitted*" being improperly written on a claim which had not been allowed by your Committee. We find this word "*admitted*" written in different handwriting, on different claims.

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

Commissioners' Office,
New Echota, Sep. 9th, 1837.

To J. Mason, Jr., Esq.

Sir:—Every day since your departure from this place we have desired to respond fully, in writing, to the inquiries addressed to us, through you, from the War Department; but each day has forced us to the discharge of new duties, of a nature so pressing that we have not heretofore found time for such a reply as would satisfy ourselves, and consequently not calculated to afford the information sought by you. As to anything contained in any of our correspondence with the officers of Government at Washington which may be considered in the nature of complaints from us, we must beg leave to refer to the correspondence itself. We have, upon all occasions, in our correspondence, written with candor and frankness, whether speaking of persons or things; never in a spirit of unkindness to others—unless truth is unkind—and always under a sense of duty to ourselves and the service of the country in which we were engaged. We are not now disposed to reiterate what may be termed our complaints. After the occasion for strong feelings and expression of opinion has passed and gone, we are indisposed unnecessarily to rekindle the expiring embers.

However, our views and opinions in regard to what would have been the best mode of executing the late Cherokee Treaty remain unchanged, and will be briefly submitted. We entered this country as the Agents of the Government, intrusted, in part, with the execution of a Treaty which we consider the supreme law of the land. We disclaimed all power or authority to negotiate—our business was to execute the supreme law. We considered all the old arguments in relation to Cherokee rights now settled, and the argument upon that subject *exhausted*. Where an argument called in question the validity of the Treaty, we entered our protest. Upon all proper occasions (and we sought to create such) we labored to convince the Cherokee people of the kindness and magnanimity of the Government towards them, as exemplified in the provisions and terms of the Treaty. Moreover, in the administration of the duties confided to us, and in the exercise of some powers of a disinterested nature which had been confided to us, we think we are not vain in believing that our efforts have produced a very general and satisfactory effect upon the intelligent

and wealthy portion of the Cherokee people, which has continued to spread and increase, until we are now convinced that most of the wealthy and intelligent will not only yield acquiescence to the Treaty, but they are openly, or secretly, well pleased with its provisions. Mr. Ross and his humble followers oppose the Treaty—first, because it was not made by Ross; and secondly, because the Treaty provides for the whole Cherokee people, of every grade and condition, *without conferring any special power over the public funds of the Nation upon Ross and his subordinates.*

Now, sir, if every other officer and agent of the Government connected with this service of executing the Treaty had, from the beginning, acted upon the principles we have briefly laid down, the Treaty would by this time have been carried out triumphantly. From the nature of our duties, we have necessarily been stationary the greater part of our time; but the military officers, and the Emigrating Agent and his assistants, have had abundant time and the best of opportunities to have visited every part and portion of the whole Cherokee country, and to have fully explained and to have informed the people, by kind and persuasive arguments, by such arguments as would have convinced the people of the necessity and expediency of their yielding to the Treaty. But this course has been omitted. Much the larger portion of the Cherokee country has not yet received the first visit from any of these officers or agents of the Government, for the purposes herein pointed out.

These officers and agents have passed from one part to another when other business or duty may have called them. But the idea of visiting the poor Indians in their obscure settlements, for the purpose of explaining to them, and thereby prepare their minds for emigration, has never been entertained by these officers or agents for a moment. It was altogether unreasonable to expect that the ignorant Indians, who are scattered over a country embracing five or six millions of acres of land, to come forward voluntarily and seek information upon the subject of the Treaty from persons whom they have been taught to believe were unfriendly and opposed to their interest. The Indians who have most intercourse with the friends of emigration have been, and will be, the first emigrants, and hence the propriety and expediency of the officers and agents of the Government pursuing the course which we have suggested. A great portion of the ignorant In-

dians who are opposed to removal hear nothing upon the subject, except it be from persons disposed to confirm them in their opposition and delusion. These views which we entertain have often been set forth and urged upon the officers and agents of the Government, in our free and friendly conversations with these officers and agents; and would long since have been reduced to system and in detailed and written form, and furnished to these officers and agents, but for the fact that experience had convinced us that there was no disposition on the part of the commanding officer, Gen'l Wool, to carry out our views and opinions, for fear he might lower his dignity as a military man by operating under the instructions of civil officers of the Government. This feeling on the part of Gen'l Wool seems to have originated from the moment he was instructed by the War Department to consult with, and respect the advice of, the Commissioners in all matters connected with his command. Our correspondence long since forwarded to Washington will most fully explain our situation in regard to all these matters. And it may be proper to add that, in the absence of replies to our correspondence upon this subject, we deemed it most prudent for us to decline urging a subject which might be construed into a desire on our part to assume more than had been legitimately assigned to us by the authorities at Washington. Our position in relation to these matters has been one of great delicacy and responsibility. We know that the military might have been more actively and usefully employed than they have been, by visiting, under the command of intelligent and prudent officers, every part and portion of the Cherokee country, acting towards the Indians in the true spirit of the Government, as communicated to us by you, through the War Department.

Our views most fully coincide with those of the Government, as communicated to us, through you, by the Secretary of War, in regard to kindness and forbearance towards the Cherokee people. But, at the same time, the minds of these Indians should be prepared for coming events. It is a fatal delusion for them to flatter themselves that they can remain quietly in this country a single day after the expiration of the time stipulated in the Treaty for their departure.

In the expression of our opinion that the military stationed here had rather been productive of evil than good, our minds were directed to the frequent complaints which

have reached us of the depredations of the soldiers upon the persons and property of the unoffending citizens of the country. Many of these complaints, we presume, have already reached Washington. And we again repeat that we have not been able to discover that much good has resulted from the military stationed in this country. For upwards of six months past it has been known that a large number of Creek Indians have taken refuge in the Cherokee country. Some of them, it is true, were apprehended and delivered over to an Emigrating Agent of the Government; but they chiefly made their escape from that officer, and returned to this country, and at this time it is believed by many that there are upwards of one thousand of these mischievous Creeks in the Cherokee country. The larger portion of them are supposed to be near this place, the heart of the country. We think these Creek Indians have a great influence in preventing Cherokee emigration, and that they ought long since to have been apprehended by the military and sent out of the country. Many of these same Creeks are believed to have been amongst the first hostile party in the State of Alabama. We have entire confidence in the intentions of the Government in regard to the execution of the Treaty; and in performing the duties assigned us we have most faithfully endeavored to act in conformity with the views of the Government, as well as in friendly concert with all officers and agents with whom we have in any way been connected. But truth and duty compel us to add, with all due deference and respect to others, that, from the time the late Treaty was ratified, it became a matter of paramount importance to convince Mr. John Ross and all his followers, aiders and abettors, that this Treaty was the *supreme law of the land*, and therefore should be executed. To have effected this object in the best manner, we think that the Cherokee Committee, provided for by the Treaty and thus placed in the responsible situation of representatives of the Cherokee people for the purpose of aiding in settling all the unsettled affairs of the Nation, should have been fully recognized by the Government as the only official agents of the Cherokee people. So long as Ross and his followers are recognized by the Government of the United States, and its officers and agents, as the principal authorities of the Cherokee people, the validity of the Treaty must necessarily be doubted. Every act and deed which tends to keep up the evidence of Ross's *chiefship* before the Cherokee people

tends, at the same time, to lessen the confidence of the ignorant Cherokees that the Treaty can be executed against the assent of their idol, Ross. His visits to Washington, his councils, his talk, the marked respect shown him by men high in office—all strongly tend to confirm his followers in their delusions in regard to his influence and power.

Since the ratification of the Treaty, Ross, in his memorials to Congress and in his correspondence with high officers of the Government—and indeed in all his actings and doings—has continued boldly to protest against the validity of the Treaty, declaring the Treaty to be a fraudulent attempt to divest the Cherokees of their just rights, &c. This course of Ross has had the strongest possible tendency to prevent the Cherokees from emigrating under the Treaty. And if this course be not considered in a legal point of view opposition to the Treaty, and calculated to defeat its execution, we confess we are at a loss to conjecture what would be so considered. The Government may not have the legal right to suppress this opposition; it may not be wise and expedient to do so; but the time must and will soon come when the people will be undeceived upon this subject. One of the States deeply interested in the execution of this Treaty (Georgia) has once heretofore measured strength with Mr. John Ross, and made him feel his impotence and tremble in the presence of her authority, and, when necessary, as a last resort, she will do so again.

Our plan is (in all kindness) yet with unflinching firmness, to use every possible exertion to prepare the minds of the Cherokees for that change of residence which certainly awaits them. And so much of the time for doing this has already elapsed that our principal reliance now is upon the necessary arrangements for ample force, that the Government may be prepared to use the imperative tone with effect when it shall become necessary.

This is now the only effective course, and will best preserve the peace of the country.

We are, sir, with great respect,

Yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

Commissioners' Office,
New Echota, Sep. 15th, 1837.

C. A. Harris, Esq.,
Com'r of Indian Affairs,
War Department,
Washington.

Sir:—Through your official agency we are desirous of obtaining the opinion of the Attorney General of the United States, at an early day, on the subject of claims for reservations, arising under the provisions of the Cherokee Treaty which we are engaged in executing.

The 13th Article of the Treaty, upon the subject of reservations, taken in connection with the supplementary articles upon that subject, we consider ambiguous and susceptible of conflicting and yet plausible constructions.

Some of the reservees under the Treaties of 1817 and 1819, residing on the unceded territory, on territory not ceded by any treaty until the present Treaty of 1835, have presented their claims to the Commissioners for pay for their reservations, and consider themselves upon equal ground and footing with the reservees residing on the ceded territory under former treaties. It is proper to remark that a majority of this class of claimants have already been allowed large sums of money by the valuation of their respective improvements, under the 9th Article of the Treaty of 1835. Some of these improvements have been valued and allowed, for sums of an amount equal to or surpassing the intrinsic, or fee-simple, value of the reservation claimed. But they still claim, under the construction of the Treaty which they put upon it, pay for the reservation as unimproved lands.

A claim has also been presented to the Commissioners under the late Treaty for compensation for a large reservation of land made to Moses Milton, in the Cherokee Treaty of 1806, it being a life estate reservation only. This Treaty is commonly called the Double-head Treaty. In examining this claim see Article the 10th of the Cherokee Treaty of 1817. Upon this claim the question is: Does the late Treaty of 1835 recognize or contemplate payments for reservations of this description, as far back as the year 1806? The larger portion of the claims presented for reservations arise under the Treaties of 1817 and 1819, and are principally from the State of Tennessee, when it appears, from an answer to a letter we had written to the Governor of that State for information,

from the records of the Executive Department of the State, that these records afford no information or light on the subject whatever.

From the States of Georgia and North Carolina the Commissioners have obtained record proof, from the Executive Department of those States, which will enable them to detect fraudulent attempts to establish unjust claims for reservations which have heretofore been relinquished by the reservees. We have also (as you are apprised) information on the subject of reservations lying in the State of Alabama. Many of the claims which have been and will be urged upon the consideration of the Commissioners for reservations are represented by able and interested counsel, persons of ample capacity and much influence in society, who have and will avail themselves of all their advantages in obtaining and taking their ex parte testimony upon which the support of their claims is based before the Commissioners.

It has long since occurred to us that it would be exceedingly difficult for us to arrive at just conclusions on these reservation cases if our judgments are formed upon the ex parte evidence of these claimants, or their counsel. So far the Commissioners have kept themselves uncommitted by avoiding hasty decisions on all claims for reservations, and we would now suggest the expediency and necessity of being authorized to have the services of some competent person, of adequate legal knowledge, to visit the various neighborhoods where the reservations are located, and collect such information and testimony as may enable the Commissioners to arrive at the true state of the facts in every case. In the State of Tennessee those reservations have been the subject of much legal and judicial investigation, and it is presumed that the records and proceedings of the courts would shed much light upon this obscure subject. Some difficulty may arise in the location or mode of laying out the reservations under the Treaties of 1817 and 1819. The Treaty of 1817, upon this subject, reads: "640 acres of land, in a square, to include their improvements, which is to be as near the centre thereof as practicable."

An opinion is entertained by some that the dwelling house, or residence, is to be made the center, in laying out the reservation. Others contend that the reservation should be laid out so as to embrace the whole or as much of the improvements of the reservee as possible,

not regarding the house as the central point of the 640 acres.

This question becomes important from the fact that many of the reservees erected their dwellings on the high lands bordering on the river bottoms, and have fields in the bottom lands. Therefore, if the dwelling house is made the centre, regardless of their cleared lands, in many cases one-half, or more, of their reservations would consist of poor ridge land; whereas, if their fields are included on one of the surveys, and their dwellings on the other, they will embrace chiefly good land. Therefore, the important questions submitted for the consideration of the Attorney General may be stated as follows: Are claimants residing on the unceded territory entitled to compensation for reservations lying in the territory ceded under the Treaties of 1817 and 1819? If yea, are they entitled to pay for their improvements also?

2d. Is Milton's claim for compensation, under the Double-head Treaty of 1806, a valid one, as brought before the Commissioners under the Treaty of 1835?

3d. How should reservations be laid out, in reference to the improvements of the reservee?

We are, very respectfully,

Yr. obt. servts.,

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

Commissioners' Office,
New Echota, Sep. 16th, 1837.

Capt. I. P. Simonton,

Disbursing Agent.

Sir:—We have carefully considered your letter of this date, in which you state that on your return from Augusta you had four hundred thousand dollars (\$400,000), and that you now have on hand \$220,000, which shows that you have, within the last twenty days, paid out \$180,000. If our impressions are correct, you have, in addition to the funds above stated, just claims on the Tennessee Bank for \$200,000. If we are correct in our impressions, the propriety of asking for a further supply of funds from Washington at this time must depend upon the contingency of making the funds in the Tennessee Bank avail-

able in our payments which we have to meet. If the funds due can be obtained from the Tennessee Bank, and added to the funds you now have in hand, we do not think the public service here will require an immediate call for more funds. Under all the circumstances, we think it would be most expedient to ascertain, first, what can be done at the Tennessee Bank. We will submit the whole subject of making an arrangement with the Tennessee Bank to your judgment and discretion, with the single remark that you must receive nothing in the way of funds that you consider unavailable in making the payments in which you are engaged. And upon that subject you must, from your experience and knowledge of the present state of the currency, and the estimation of different currencies of this place, be well prepared to judge correctly. Be sure and receive no funds from the Bank unless you have the privilege of returning the funds received from the Bank, in case you cannot make the funds received availing in making your payments here.

We are, very respectfully,

Yr. obt. servts.,

WILSON LUMPKIN and

JOHN KENNEDY,

Commissioners.

Commissioners' Office,

New Echota, Sep. 23d, 1837.

To John Ridge, Esq.,

Late President of the

Cherokee Committee.

Dear Sir:—Yours of yesterday's date is now open before us. All the business of interest to you and your people to which you refer shall receive our special attention.

And the confidence which you have been pleased to express, in regard to our fidelity to the interest of your people, shall never be disappointed, or lessened, by any act of ours. Whatever of error may have escaped us, we have designedly done no wrong. *We stand ready for trial* before high heaven, and all enlightened men. We shall live and die conscious of having discharged our duties connected with the Cherokee Treaty with untiring devotedness and fidelity to the best interest of the Cherokee people.

With feelings of very sincere friendship and personal regard for you, as a man, we mingle kindred emotions with those which you must feel at this moment from the peculiar circumstances in which you are placed.

Under no circumstances can a reflecting man bid a final adieu to the beloved land of his birth, and that of his fathers for generations past, without exciting the strongest emotions of the human mind.

But to command a sufficient stock of reason, fortitude, and energy to overcome not only the prepossessions of our minds in favor of our native land, but to be the leader and guide of a whole nation, in making a similar sacrifice upon the altar of Patriotism, in obedience to the force of irresistible circumstances, requires the most lofty efforts of man. Sir, you have made this sacrifice. You have made this effort, in the face of death and the most determined opposition from high sources, to save your people from certain impending ruin and destruction.

We trust—we hope—we think—success will crown your efforts. May the God of our fathers prosper your way! May you long live to be useful to your people! May you and they prosper, under the divine guidance of an all-wise Providence! May you and your family long be the honored instruments of usefulness to your people in the land which has been guaranteed to you and your people! And may the faithful pages of history hand down to posterity your noble acts to save your people, and do you that justice which, at this time, is denied to you by your vile enemies and opponents!

With mingled emotions of joy and grief, we bid you an affectionate farewell. We rejoice at the fair prospects before you, and yet, at this moment of separation, we feel sad.

May God bless you.

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

Commissioners' Office, Ga.,
New Echota, Sep. 28th, 1837.

To the Cherokee Committee.

Gentlemen:—We have for some time past desired the close of your present long session, and when we take into view the expense of your daily sittings, we are forced

to feel our own responsibility in being called upon to sanction such expenditures. We therefore earnestly, but respectfully, advise the close of your present session at the earliest practicable day.

We verily believe, under all the existing circumstances, that every day you remain in session is fraught with mischief to the Cherokee people.

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

The Cabins, New Echota,
Sep. 24th, 1837.

*Col. John H. S———,
Washington.

Dear Sir:—Being alone, on this good Sabbath day, when there is no church-going bell, you will pardon me for addressing you on a subject of national interest. Having read to you, when here, a copy of the communication of the Commissioners to Mr. Mason, which I suppose will be laid before the Secretary of War, as well as the President of the United States, and, I presume, will be accessible to your inspection at Washington. I shall omit at this time dwelling on the views therein submitted. Nor will I encumber this communication with a recapitulation of the difficulties and obstacles which I have encountered since I entered upon the business in which I am now engaged. Suffice it to say that the legitimate business of the Commissioners in settling and adjudicating all claims arising under the Treaty, is as nearly accomplished and completed as could possibly have been done under the circumstances. Upwards of five thousand cases have been passed upon, examined, decided, and recorded by the Commissioners, and a complete and full record of the whole may now be seen in good official order.

Not one solitary case is at this time suspended, except for the want of additional information, or testimony, which is in a train of procurement, and will be settled as soon as the nature of the case will permit, so as to secure justice to the parties. Moreover, every individual of the Cherokee people, high and low, rich and poor, male and female, so far as the best exertions of the Com-

*Name undecipherable in manuscript.

missioners could accomplish the object through the proper agents, now stands credited on the books of the Commissioners with all the individual dues arising under the Treaty, including the valuations of their improvements of every kind, as provided for in the Treaty, and all the demands against these individuals have been examined and finally adjudicated, and the demands which have been allowed charged and settled accordingly. I advert to this subject for the purpose of correcting a most erroneous impression, that the legitimate business of the Commissioners has by some means been obstructed, so as to impede the speedy execution of the Treaty. Nothing can be more false. If any Cherokee Indian could be removed to his new home to-morrow, the administration of his affairs, so far as they have been confided to the Commissioners, would be found in a state of completion which would secure the just interest of almost every individual as secured to him, or her, by the Treaty, and the exceptions would be found chargeable in every case to individual obstinacy, in refusing to attend to their own interest. It is true, however, that our labors are still incessant, arising from various causes, which may be explained as follows:

Persons deemed competent to remove themselves are urging that advances of money be made to them for that purpose. Every such application requires investigation, and the exercise of a sound discretion. Almost any intelligent Cherokee, although the valuations are believed in the general to be most liberal and equitable, complains before the Commissioners, and wishes valuations to be increased. We are in a position to have complaints from all who choose to make them, and upon all subjects to give a patient investigation of the complaints presented. These troubles, however, afford us the opportunity of correcting many misapprehensions, as well as of rectifying any errors which may have occurred. Thus, scarcely a day passes without an opportunity for us to produce some impressions favorable to emigration. The *drones* of the Government send all the complaining Indians to the Commissioners, and they patiently hear, and, as far as they can, administer to their relief. Hence it is that these *drones* think the Commissioners have much to do. But they are greatly mistaken in supposing that the legitimate business of the Commissioners cannot be accomplished at any moment when the Indians are ready to emigrate. Three-fourths of the burthens which seem to be press-

ing on the Commissioners consists in discharging duties which legitimately devolve on others.

We have had frequent complaints of the inequality of valuations, but, upon the most thorough investigation of these complaints, I am fully convinced that these complaints are chiefly groundless. I am quite confident that the valuations as returned by the Agents, which have been approved by the Commissioners, is the nearest possible approach to equality and justice that could be obtained, under all the circumstances attending this branch of the business.

This Treaty, sir, should be executed faithfully, to sustain the honor of the country, and to promote the best interest of the Cherokee people. And to secure this object no person should have been charged with any official responsibility in its execution who is a *Ross man*—who joins Ross in denouncing the Treaty as a corrupt fraud practiced upon the Cherokee people.

At a time like this, no person should be subsisting on the Government, in this country, whose feelings and views coincide with this man Ross. The open and avowed opponents of the administration of the Federal Government are not the persons to execute this Treaty harmoniously. Ross should be distinctly informed that the Treaty will be executed at all hazards; and he should not be permitted longer to encourage the delusive hopes of the ignorant Indians that, through his mighty influence, the Treaty will yet be abrogated, or modified. No officer or agent of the Government should spend an idle day here, until the emigration of the Indians has actually taken place.

The silly idea of erecting fortifications here has quite astounded me. Every dollar expended in this country in fortifications and defensive works to protect the whites from the Indians is an idle waste of the public money.

The only fortifications needed in this country, in any event is good soldiers, well armed, under proper commanders. With proper forecast and preparation, no war can possibly arise here that might not be terminated in four weeks. With one thousand militia volunteers, raised in Georgia, I can drive every Cherokee Indian in the Nation to Arkansas, without the loss of a man, except by the contingency of natural death, &c. If, indeed, fortifications were needed, it would not be at the Agency, where our military chieftains purpose, but, in such an event, we should erect forts, to protect our women and children; but noth-

ing of the sort will be necessary. Look at the map of this country! Here, where I have stood alone, as regards defensive preparations, for upwards of twelve months, is the very centre of the Cherokee Country, and in this County (Cass) and in the adjoining County of Cherokee, I presume we have at present 8,000 Indians, and in other bordering counties, in Georgia, 3,000 more, and in all these counties we have a very sparse white population. By way of instructing them into the nature of their true condition, I think the Government would do well, forthwith, to disarm every Indian in the country. The arms might be deposited at the proper point, ready to be returned to them again, on their departure to the West.

Let us never cease to urge upon the consideration of the Government its deep obligations to the treaty-making party. The Government cannot sustain its honor without sustaining these men. If Ross and his savage bands should murder these noble, patriotic men for their honest efforts to save their people, the lives of Ross and his associates would be the only adequate atonement.

Your old friend and obt. servt.,

WILSON LUMPKIN.

Note.—It is due to my associate Commissioner, as well as myself, that I should state the fact that during our official connection every official letter, paragraph and sentence which bears our official signatures jointly was composed and written by myself, and then signed by us both, Judge Kennedy invariably approving of the drafts of my official correspondence, decisions and other papers. These facts are known to Col. Wm. H. Jackson, of Walton County, who copied these official writings, and who is still living at the time of this writing, as well as to many others who are yet in the land of the living. Moreover, these original drafts, in my own handwriting, are still in my possession, in a good state of preservation. But as they are more liable to be scattered and destroyed than this volume, I have been induced to make this note. It is proper to add that Judge Kennedy was very competent to have discharged much of this labor, to the credit of the office which we held, but he invariably urged me to its performance, alleging as a reason my more intimate knowledge of all these matters.

CHAPTER XV.

Whoever reads understandingly the correspondence presented in the preceding chapter will be able to comprehend and appreciate, to some extent, the magnitude and hazards of both life and reputation which were devolved on me as United States Commissioner under the Treaty of 1835. They will also find, presented in an uncontroverted and official form, the transactions connected with the whole subject. For the failure of the Federal administration in discharging its share of public duty connected with the subject, I offer the following apology. The President of the United States, Gen'l Jackson, from age, bodily infirmity, and long continued labor and care, in stations of the highest responsibility, and being at that moment a declining, and not a rising, *sun*, on account of the near approach of the termination of his brilliant Presidential course, his energy upon this occasion was less efficient than on many other important fields of strife and contest. His views were correct in every point connected with this subject.

His instructions and directions to all officers engaged in this service were ample and good; but his subordinates in office, especially those in the Cherokee Country, were guilty of many delinquencies and failures to discharge their duties with that energy and fidelity which that important service required. They no longer felt the influence of the setting sun. The long suspense of three or four months, produced by holding the office of Commissioner in reserve for Gen'l Carroll while he was engaged in the discharge of another more lucrative office, was, altogether inadvisable, and justly subjected Gen'l Jackson, at the time, to some censure, by those who felt the injury of this delay. For the want of a co-Commissioner the execution of the Treaty was greatly retarded, and afforded time for Ross and his co-workers to do much mischief, by impressing the minds of the ignorant Indians with the belief and delusive hope that the Treaty was invalid, and could never be executed. While I did all that could possibly be done, by a single Commissioner,

for the want of a co-Commissioner very much that was most important to have been done promptly was greatly retarded.

After Mr. Van Buren and his new Cabinet came into office, I found them wholly destitute of the intimate knowledge of men and things connected with the then standing and condition of Cherokee affairs so actually necessary to carry forward to final consummation the emigration of the Cherokees, as provided for by the Treaty of 1835. Moreover, I found myself embarrassed and burthened at every step by the complexion of the military command, stationed in this country for the express purpose of aiding in the objects of my Commission. But I will not here enlarge upon this subject, but rely upon my official correspondence, submitted in the preceding chapter. Before I take leave of this part of the subject, however, I will, in this chapter, present that portion of the official proceedings of the Commissioners which will best exhibit the intricacy and importance of some of the subjects adjudicated by them, especially the claims of a host of lawyers, under pretense of having rendered great and important services to the Cherokee Nation. Although the Commissioners entertained not the shadow of a doubt but that these lawyers had, from first to last, from beginning to end, been nothing more nor less than one unmitigated curse to the Cherokee people, and that they had been the prime and moving cause of most of the evils brought upon this people, and that their motives had been selfish and base, in protracting the calamities of these unfortunate Indians; yet the Commissioners were forced to the conclusion, from the words of the Treaty itself, as well as the testimony of those who negotiated the Treaty, that it was intended to provide for the payment of what is termed these men's legal services—services calculated to destroy the Indians. However, it being the duty of the Commissioners to execute the Treaty as it was written, they endeavored to lay aside every prejudice and prepossession, and administer even handed justice to the unrighteous as well as the righteous, and to administer the laws confided to their charge in strict conformity to its letter and spirit; and, to this end, they consulted and advised with the then Attorney General of the United States, the Hon. B. F. Butler, and in no instance did they depart from his legal opinions, in regard to the claims of these lawyers. In the first place, these claims were scrutinized and thoroughly investigated and exam-

ined by the Commissioners, aided by all the light and evidence which could be procured, after which the Commissioners reduced their opinions to writing, and, in a formal way, made up their decisions on these claims. They then laid these claims against the Cherokee Nation before the Indian Committee, accompanied by all the information which had been procured in relation to them; and here follow the proceedings of the Indian Committee on these claims. The report of the Indian Committee is given in their own words, as written out by John Ridge, President of the Committee, and accompanied by the order of the United States Commissioners, confirming the report. As heretofore stated, the Commissioners did not assent to this report without reluctance, but deemed it best, under all the circumstances connected with the case, to acquiesce.

I will also give the decision of the Commissioners, as written out previous to laying these claims before the Indian Committee; and the amounts adjudged by the Commissioners to be due to these lawyers were some thousands of dollars less than that which was adjudged to be right by the Committee. Whereupon, the Commissioners, in respect to the opinions of the Indian Committee who were a party in interest, yielded something of their own opinions, and confirmed officially the opinions of the Indian Committee. It is my intention not only to submit to the reader of these pages the opinions of the Commissioners upon a portion of these lawyers' claims, but some extracts from the evidence upon which these opinions were based.

I would earnestly call the attention of the reader to what may be submitted in this chapter which has a strong political bearing in explanation of the history of Georgia. While Governor of Georgia, I often affirmed in my official communications to the Legislature, as well as in my official correspondence, that the difficulties which the State encountered in obtaining the consent of the Cherokees to their removal to the West was chargeable to a combination of selfish *feed* lawyers, imbecile or corrupt judges, political party aspirants, and deluded fanatics. Judge Wm. H. Underwood, when urging his claims before the Commissioners as the front leader of this combination of lawyers and politicians, is sufficiently explicit in his admissions to confirm the truth of my strongest accusations on this subject. Moreover, he admits that the Legislature of Georgia legislated him and his brother

lawyers out of legal employment in the Cherokee Country, and, as a matter of course, sent the Indians from the country; and it is known to every one who is familiar with the history of that legislation that it originated with me, and on my recommendation was enacted by the Legislature. At the time, my political opponents held me up to the country as rash, unfeeling and unjust to the Indians and their rights, and predicted the ruin and disgrace of the State; but now, when every one admits the wisdom of these measures, and the great benefits which have resulted to the State from the speedy acquisition and settlement of the whole territory, as well as the benefits and blessings which have resulted to the Cherokee people, we find many who reluctantly acquiesced in my Indian policy, after they saw its triumph, stand ready to claim a liberal share in these measures.

As I have said and written a thousand times, these very lawyers, who are now the principal subjects of consideration, together with party politicians and Northern fanatics, had gained the mastery over John Ross himself, and Ross had absolute control over the ignorant and consequently most numerous part of the Indians, and it being the interest of these several descriptions of men to keep the Indians in the States, for their own benefit, nothing but force could remove them from Georgia, and that force, I believe, I was the first man amongst all the living or the dead to recommend.

But let me here explain what I mean by the force which I recommended. It was a power used conscientiously to save the deluded from ruin, the helpless from destruction, and the enslaved from bondage. For many years I held and urged a doctrine in regard to the true policy of the States and Federal Government towards the Indians which received but little countenance *in high quarters*; but my policy was founded in wisdom and the greatest possible good to the aboriginal race, and therefore must and will prevail. The doctrine is this: That the intercourse and policy of the United States in general, with the subdued remnants of the aboriginals, has been unwise, deceptive, insincere and fraudulent.

Examine our Indian treaties — see their preambles. They carry the appearance, on their face, of the Indian being a sovereign and independent people, upon a perfect equality with the most civilized people. Yet no civilized government has ever recognized their *fee simple rights* to a large domain of land. No title to land, in a United

States Court, has ever been considered valid, except first patented, or granted, by a civilized power, or State. All the treaties which have ever been made with Indians have, in reality, been consummated by obtaining the influence of a very few individuals, and these few have been brought into the views of the civilized government treating with them, in most cases, by bribery, fraud and corruption. Their want of equality with civilized men unfit them, in the general, for the complicated duty of forming treaties. The various provisions contained in these treaties will be found, in many cases, not to provide so much for the mass of the Indian people as for select and favored individuals of paramount influence amongst their people.

You may ask then, what is to be done? My reply is: I believe the earth was formed especially for the cultivation of the ground, and none but civilized men will cultivate the earth to any great extent, or advantage. Therefore, I do not believe a savage race of heathens, found in the occupancy of a large and fertile domain of country, have any exclusive right to the same, from merely having seen it in the chase, or having viewed it from the mountain top.

Wherever a wild and savage race becomes so far reduced by a civilized people as to be considered subdued and unable to contend in battle with the Christian nation, immediately it becomes the duty of the superior race to look upon the inferior as children—minors—and incapable of protecting and providing for themselves; and, consequently, that benevolence, humanity and religion require the superior, with magnanimity and liberality, to take these *orphans and minors* by the hand, and do them all the good that the circumstances will allow.

And upon these principles, from first to last, have I acted towards the Cherokee Indians, as will more fully appear from my official acts and deeds, widely spread upon the records of the country from the years 1827 to 1840, inclusive. During those thirteen years I occupied the most important official positions connected with Georgia's strifes and conflicts in regard to Cherokee affairs. In the House of Representatives in Congress, in the year 1827, I commenced my operations for the remnant of these, as well as other Indians. I labored in that body four years, until all was effected in furtherance of my object that could be done by Congress. I was then called by the public voice of Georgia to the Chief Magis-

tracy of the State, where I remained for four years more, until I saw the unoccupied lands of the Cherokee Country settled by our intelligent freehold white population, and opposition to Cherokee emigration driven from the State, and the basis of a Treaty so deeply laid that it could not be prevented by any human efforts. A Treaty, too, of most extraordinary liberality to the Cherokee people. And after this Treaty was duly ratified and confirmed, I entered upon the duties of Commissioner, and performed that work as hereinbefore set forth. I spent about eighteen months in that office. Finding Ross and his Northern associates still struggling at Washington to detain the Cherokees from removal to the West, and apprehending that any detention of the Indians in Georgia, beyond the time stipulated in the Treaty for their removal, might produce fatal evils to the Cherokees, as well as injury to the white population, the Legislature of Georgia thought it best for me to be at Washington, and accordingly elected me to the Senate of the United States in November, 1837, where I remained, attending to everything connected with this Indian subject, till the whole of the Indians were removed to the West, without the shedding of human blood, and thus terminating the struggles of many years' conflict and strife, consummating most fully and completely the measures and plans which I had in view when I introduced my first resolution in Congress in 1827.

Let it be remembered that I frankly admit that my plan was, from the beginning, not to be "*palsied*" by the will of the Indians. I resolved upon carrying into effect such measures as I believed to be best for the happiness and welfare of these people whom I viewed comparatively as children, not competent to judge and decide on the measures best calculated to promote their interest. And now, in the presence of Almighty God, and before all mankind, I solemnly declare that, in all this business and the part I have acted in it, I have constantly kept in view the best and highest interest of these Indian people, and that in all my actings and doings in connection with the subject I have desired to benefit the Indians as well as the whites; and, in my conscience, this day feel assured that I have rendered the Indians a good and faithful service.

Moreover, all the intelligent Cherokees, except Ross and those under his influence, left Georgia with the strong-

est friendship towards me, and the most unshaken confidence in my fidelity to their interests.

But I must forbear to dwell further on this subject, and proceed to give the promised documents.

Commissioners' Office,
New Echota, July 8th, 1837.

Whereas, Wm. H. Underwood, Samuel Rockwell, Wm. Y. Hansell, Edward Harden, the heirs of Wm. Wirt, Barron and David Irwin, Henry L. Simms, Thomas Latham, Robert Mitchell, and G. W. Churchwell, did, at different times, present to the Commissioners their several claims and demands, in writing, against the Cherokee Nation, for legal services alleged to have been rendered and performed for the Nation, together with evidence tending to sustain their claims as aforesaid, and the Commissioners having procured all the information and testimony within their reach calculated to throw light on the subject of these claims; and after having considered said claims and proofs with great care and deliberation, as a necessary duty devolving on them, and duly considering their duty as defined by the Treaty, together with instructions from the Government of the United States, have determined to submit the aforesaid claims to the investigation and judgment of the Cherokee Committee, as provided for by the provisions of the Treaty; and after having submitted accordingly said claims, together with all the testimony in their possession, requesting said Committee to carefully examine and report thereon to the Commissioners;

And the said Committee having performed the duty thus required of them, and made their report in the following words, to wit:

"The select Committee to whom was referred the claims of sundry lawyers, and accompanying papers, by your honorable body, beg leave to report: The claims of lawyers submitted by the Commissioners embrace the legal counsel of the Nation who operated in the chartered limits of Georgia, and at the Supreme Court of the United States at Washington City, with the exception of G. W. Churchwell. Upon these lawyers devolved labors, trials and responsibilities far superior in every respect to those who acted in Alabama and North Carolina, upon whose services your honorable body have passed its judgment in regard to their services. The counsel to which we re-

fer we have every reason to believe will be satisfied with your award.

"On the present claims, now under consideration, it is our duty to do equal justice. Our nation promised it, and we are in honor bound to perform it. And in the performance of this duty there are no ambiguities to obscure our wisdom, no shadow of words to darken our counsels. What we know, we know as well as others, to the extent of our capacity to comprehend our own national acts, as expressed in the Treaty. It is true the Treaty may be susceptible of ambiguities and ungrammatical sentences. If so, it is not our fault, but that of the United States who presumed to write in a manner not as clear as it ought to be. The views, conversations, pledges and opinions of Mr. Schermerhorn are entirely gratuitous, and the arguments of Mr. Attorney General is founded on them.

"The arguments of the claimants are based upon the principle of interest; and he is a fool who cannot speak a good word for himself. This is not said to derogate from the just claims of these lawyers. But when a ship is loaded with freight, all of which cannot be admitted into port, and it has sailed far and wide into strange oceans, without rudder or compass, and the crew have not navigated harmoniously together, we, the representatives of the Nation who sold this our dear heritage—a domain which we yielded by force of circumstances—possess the rudder. We have the right to say what the compensation of these lawyers shall be.

"This right the Committee derives from a contract made by their Nation with the United States. In Article the 11th, after appointing the Committee, the Treaty says: 'And they be hereby fully authorized and empowered to transact all business on the part of the Indians which may arise in carrying into effect the provisions of this Treaty, and settling the same with the United States.' Now this means a great deal. If it has no meaning, then the Treaty has none, and is but trash.

"All business on the part of the Indians! On whose business were these lawyers employed? And whose business was it to see them paid? The Indians, certainly. Every article is designed to have some particular and independent meaning. Where it expresses a limitation of funds to pay for specific objects you cannot, without force, run into other funds to meet claimants. When the United States and our Nation, in Article the 10th, said: 'The United States also agree and stipulate to pay

the just debts and claims against the Cherokee Nation, held by citizens of the same, and also the just claims of citizens of the United States for services rendered to the Nation, and the sum of sixty thousand dollars is appropriated for this purpose,' we understood that both the Indian citizens of the Nation and citizens of the United States who had rendered services to the Nation should be paid out of the sixty thousand dollars. This is all that we appropriated out of the price of our country for this object, that is, claims of citizens of the Nation against the Nation, and of lawyers for services rendered to it. Justice is a term often explained according to the bias of those who apply for it. In this case we occupy a ground upon which the impress of our footsteps will discover whether we have walked in the right manner, not only towards our lawyers, but towards our own people. They are equally entitled to be paid out of the fund under consideration. We trust we shall satisfy the disinterested portion of the world that we have honorably acquitted ourselves in this matter. The papers connected with the claims referred to us for investigation are numerous, and to which we have devoted a careful examination. They are composed of the following claimants and charges as annexed:

Thomas A. Latham	\$ 350.00
George W. Churchwell	1,120.00
Robert Mitchell	1,475.00
Wm. Wirt	20,000.00
Henry L. Simms	6,675.00
Edward Harden	8,000.00
Barron and David Irwin	19,275.00
Samuel Rockwell	30,000.00
Wm. H. Underwood	36,402.00
Wm. Y. Hansell	30,075.00
Total	<u>\$153,372.00</u>

"All these claims, except Thomas A. Latham's, Wm. Wirt, and G. W. Churchwell, are based upon cases docketed in various courts in the Cherokee Circuit, and are of every nature and kind usually brought to the notice of the judiciary. Consequently, if you read Judge Underwood's cases on which he has charged, you have read the rest. Barron and D. Irwin, Rockwell, Underwood and Hansell are all partners in charging, in a majority of cases, and each one in the same case. Thus, the fees claimed

for one service rendered becomes an enormous charge, not tolerated by the Committee. How are they then to be satisfied? By graduating down these charges to a proportionate scale? This will not do, because he that has made the most unreasonable and largest charge would have the advantage. We can conceive of no rule by which these claims can be paid but the one contemplated by the parties when these lawyers were engaged. We know they were not hired by the year, by the job, or for each case to be paid according to the customary fees in such cases. We think that it is not so, because of the utter silence of the parties on this point. If each case had to be charged and paid for, it is probable that to each lawyer would have been assigned a certain district of country in which to perform and render service to the Nation. From Ross, ex-chief of the Nation, conclusive evidence might be obtained, but he feels so disgraced to the powers which have deposed him, and to the lawyers interested, we cannot expect any light from that source. In the examination of these papers, from Judge Adams' testimony, which is herewith submitted, and the general understanding of the people of the Nation, these lawyers were employed to render service for which each one of them was to receive compensation according to the good service, of justice, and discretion of the Nation.

"If any other method is adopted, the rights of our Nation will be vindicated, for that was the contract. To prove this, John Ross's letters to some of these lawyers are in evidence before us. Your Committee have then adopted this rule, and have impartially awarded the compensation to each lawyer the amount annexed opposite their names—this amount is made to only those whose national employments are proved, and of which the Committee have no doubt, and in proportion to the services that each one has rendered to our Nation. Judge Underwood is allowed more than others, because he was the first to defend us, and has been in the service of the Nation seven years. The sums previously allowed to the lawyers, which now follow, are not to be deducted:

Judge Underwood	\$ 2,200.00
Samuel Rockwell	1,000.00
Wm. Y. Hansell	1,000.00
Edward Harden	500.00
Barron & Irwin	250.00
Wm. Wirt	2,000.00
Total	\$ 6,950.00

“The value of the property contended for has been stated by these claimants as enhancing the value of their services and fees. The valuations of John Ross and his spoliation claims and that of Joseph Vann, two of our wealthiest men, are mentioned. Your Committee beg leave to state that these lawyers have made a mistake—these valuations were not in controversy, or endangered in the cases on trial. It was only the occupant rights of the improvements, at best for a few years in controversy, as far as our citizens were concerned. As an offset to this, we give one example of the charges which the lawyers have made—on Little Den’s case, indicted for murder, which was on the docket, but the nimble-footed Little Den fled, and his case was not tried. For this single case

Rockwell charges	.....\$	100.00
Hansell, in the same case	.....	100.00
Underwood, do do	.....	500.00
Barron & Irwin do do	.....	250.00
Simms do do	.....	100.00
		1,050.00
Amt. charged in this one case		.....\$1,050.00

“Your Committee would also remark that the Cherokee Nation has failed in the courts of law on this earth. We are not to enjoy the blessings of Heaven on the land of our forefathers. From this favored spot we shall shortly be exiled, by force of circumstances. How many thousands of our people will carry but a few dollars, compared to the sums which we have agreed to give these lawyers? How few of our wealthiest men can, after all the sacrifices they have experienced, count as their own as many thousands as we have allowed to these lawyers? But we have faithfully complied with our promises and our engagements. The Nation may hold up its head against all that may be said, if, indeed, anything can be said against her honor on this question. Your Committee are aware that the claimants have long and patiently waited for their compensation. We hope soon to see them paid, as we trust, to their satisfaction. Our lawyers were our friends in the day of our trials, and in the parting hour we shall still continue as such.

“In conclusion, the Committee beg leave to report that Robert Mitchell and G. W. Churchwell have not proved their employment by the Nation. They have gone overboard. Col. Simms has proved his employment and some services, by gentlemen of high standing and character,

of our Nation. The Committee, as directed by you, have the honor to report, as the result of their deliberations, the following compensation to be allowed to each of the following lawyers, without any deduction for former payments whatever:

To Wm. H. Underwood	\$11,000.00
Barron & D. Irwin	6,000.00
Wm. Wirt	5,000.00
Samuel Rockwell	5,000.00
Wm. Y. Hansell	5,000.00
Edward Harden	3,000.00
Henry L. Simms	1,000.00
Thomas A. Latham	300.00
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Total	\$36,300.00

"The foregoing report, having been first made by a select Committee of the Cherokee Committee, was then taken up by the whole Committee, and closed as follows:

"The Committee of the Whole have had the report of the Sub-Committee under consideration, and do hereby approve of all of it, and submit it to the Commissioners of the United States.

JOHN RIDGE,
President of the Committee.

"Committee Room,
7th of July, 1837.
Lovely Rodgers, Clerk."

And the Commissioners, having duly examined and considered the foregoing report, in connection with the claims and evidence upon which the report is based, have deemed it inexpedient at this time to express any opinion on the remarks and reasoning contained in the report of the Committee. But with a view of doing speedy justice to these several claimants, and with the impression that the Committee have faithfully endeavored to approach the standard of justice and equity in determining upon the merit of these several claims, the Commissioners do hereby assent to the conclusions at which the Committee have arrived, so far as to order and adjudge that certificates do issue in favor of the several claimants, in accordance with the report of the Indian Committee, the Commissioners reserving to themselves, however, the right at any subsequent time, upon a re-investigation of

the whole subject, to make such further decree touching the premises as a sense of justice and duty may seem to enjoin on them.

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

As an item in history, due to posterity, and tending to sustain and elucidate my often expressed opinions while Governor of Georgia, I herewith submit my official opinions, which were fully concurred in by my colleague, Judge Kennedy, as Commissioner under the Treaty of 1835. And first, on the claims of Wm. H. Underwood, Esqr., who was the commanding spirit in this combination of lawyers; also our decisions on a number of cases, jointly and severally, (the cases being connected in the form of their presentation) in the same decision, or decree, of the Commissioners, as attorneys for the Cherokee Indians during their struggles for sovereignty and political controversy with the State of Georgia, in which will be clearly seen the admissions of Judge Underwood, in a very ingenious and able paper presented to the Commissioners, in which is strongly marked his treasonable conduct to the State of Georgia, while he was enjoying all the advantages of citizenship under these laws. Those papers contain the unencumbered opinions of the Commissioners, whilst their opinions upon the same subject just recorded embrace also the opinion of the Indian Committee which was unavoidably framed to conform to the nature of the case.

It is proper, further, to state that while these deliberate and unencumbered opinions of the Commissioners were matured and written out, in due form, before the subject was submitted for the deliberation of the Indian Committee, it was done for the guidance of that Committee, and doubtless had much influence on their decisions, as will be seen by the careful reader, as the opinions of the Committee, in every important particular, coincide with those of the Commissioners. And, lest it should be thought that I erred in pressing my own opinions on the minds of the Indian Committee to an improper extent, it is proper to state that the Commissioners were fully aware of the fact that these lawyers were daily tampering with some of the members of the Indian Committee, and endeavoring to corrupt them, and thereby obtain a larger

amount of money for their alleged legal services. Hence the necessity of the Commissioners enlightening the Indian Committee.

As Judge Underwood admitted, and as will be fully sustained by the Executive and Legislative records of Georgia, from the time I became Governor of the State in 1831 to the close of 1835, the State was advancing from year to year in her settled policy to wind up all Indian controversies within her limits. Under this four years' progress, the Indians were not only removed from Georgia, and the heart-burnings of a thirty years' conflict put to final rest, but this combination of *feed stipendiaries* were driven into silence and obscurity. Their luxuriating state and condition while in the employ of the princely Ross was indeed greatly changed. Who can now reflect upon the then state and condition of the Cherokee Indians and still cast censure on those who encountered every difficulty and hazard to place these unfortunate Indians in a land of hope and promise, where these selfish lawyers might cease from troubling and the weary Indians might hope to rest. This noble work of being instrumental in removing the Indians from Georgia has verily carried with it an ample reward, more than compensating for breasting the many storms of calumny, detraction and reproach which, at the time, was cast upon the heads of those who were engaged in this work of necessity.

I deem it proper, further, to notice a particular and prevailing feature which was exhibited in the spirit of this numerous combination of lawyers towards each other. During the whole of the investigation of these claims these men were constantly engaged in attempts to invalidate and detract from the merit and justice of each other's claims, then pending before the Commissioners. And, for that purpose, in several instances were presented in writing statements going to establish the fraud and falsehood of each other's claims. Extracts from some of these statements it is intended hereafter to submit to the reader. They would seek interviews with the Commissioners, and when alone, each one would protest against the fraud and injustice of all the claimants, except himself. In the experience which I had touching the claims of these lawyers against the Cherokee Indians, I could not discover anything to sustain the belief that there was a particle of honor *amongst thieves*.

I will now submit the awards of the Commissioners: First, upon the claims of Judge Underwood. Secondly,

on the claims of Underwood, Rockwell, Hansell, Harden, and Barron and Irwin, taken up and decided, jointly and severally, all in the same award and on the same paper—awarding to each individual the amount which he should receive on his claims.

Commissioners' Office,
New Echota, Feb'y 10, 1837.

Wm. H. Underwood

vs.

The Cherokee Nation.

Claims for Legal Services
Rendered the Nation.

The claimant states that he was employed as the attorney of the Cherokee Nation, in a controversy of vital importance to said Nation, and which involved questions of the greatest magnitude, intricacy and difficulty; and for the services he expected to render he now alleges that he was to be paid to his entire satisfaction, whenever these controversies should be terminated and ended.

He further alleges that the controversies in which the Cherokees were engaged were not only difficult at first, but were rendered much more so from year to year by the continued legislation of the State of Georgia at every session from 1828 to 1835, inclusive. And that, for years, he succeeded by his individual efforts, unaided by other legal counsel, in thwarting and preventing the due execution of the laws of Georgia, by obtaining from the courts the most important decisions in favor of the Cherokee people. And that this service in which he was engaged required of him, in order to devise remedies to meet the new exigencies growing out of the legislation of Georgia, and to sustain the foregoing allegations, the claimant sets forth a brief history of the proceedings hereinbefore alluded to, and again adverts to his untiring efforts to obstruct and prevent the operation of the laws of the State of Georgia over her Indian population.

The claimant further alleges that he continued faithfully and successfully to sustain the hopes of the Cherokees against all the legislation of the State of Georgia, until the passage of an act by the Legislature of Georgia, divesting the courts of equitable jurisdiction over such cases as he had been employed in previously for the Cherokees. After the passage of the act last referred to (in

1834 or 1835), the claimant states that he became convinced that he could no longer sustain the Cherokees against the legislation of Georgia, and that he then repaired to Washington City, as the attorney of the Indians, and that he advised them to enter into a treaty with the United States with a view to emigration to the West.

And the claimant further states that he cannot resist the belief and conclusion that the Cherokees have obtained by treaty some millions of dollars more than they would have done had it not been for the protracted struggle which he enabled them to make, in resisting the policy of the States and that of the United States. The claimant further states that the service in which he was engaged for the Cherokees employed his whole time and talents, and caused him to abandon a practice of the law, worth more than four thousand dollars per annum.

To support and sustain the foregoing claim, as set forth, Alexander McCoy and William Rodgers (two prominent white blooded natives), certify to the regular employment of the claimant by the Cherokee authorities. Z. B. Hargrove, William Harden, C. D. Terhune, Henry Lightfoot Simms and Robert Mitchell, Esquires, all attorneys-at-law, have certified in corroboration of the services alleged to have been rendered by the claimant.

And further, these same lawyers have volunteered the opinion that a sum less than (\$25,000) twenty-five thousand dollars would be inadequate to the discharge of the payment of the extraordinary services of this claimant.

And upon this showing and proof the claimant submits his case to the Commissioners.

In the investigation of this case the Commissioners have not confined the range of their reflection to the consideration of the mere amount charged by the claimant—large as that amount is, it had seemed to be of small consequence, when compared with the principles which this case involves. It is in proof that the claimant was in the employ of the Cherokee authorities, and for the purposes hereinbefore set forth by the claimant himself.

And from the personal knowledge of one of the Commissioners, as well as from various other sources, in deciding on the correctness of the statements of the claimant in regard to the nature of his employment and his exertions to sustain the pretensions of the Cherokees to the right of sovereignty and independent government, within the acknowledged limits of one of the sovereign

States of the Federal Union, the claimant no doubt zealously endeavored to overturn the policy and laws of the State of Georgia. The 10th Article of the Treaty, under which this claim is presented, provides for the payment of services rendered the Nation. The claimant now states that the principal chief of the Nation, John Ross, assured him, that, at the termination of the controversy, he should be paid to his *full satisfaction*. This claimant, however, a few years ago, while this controversy was pending, was sworn as a witness, in exculpation of his friend, Judge Hooper, who was suspected of being too much under the influence and guidance of this same claimant, and he then testified on oath "that he was to receive nothing more from the Cherokee people than a *reasonable* compensation for his services."

Therefore, the duty which now devolves on the Commissioners is to determine what amount of compensation will be *reasonable*. Under all the circumstances of the case, as herein presented, the claimant estimates his *services* by an alleged loss of his professional practice, as an attorney-at-law, which he estimates as being worth to him upwards of \$4,000 per annum, and the success which he alleges attended his labors in protracting the controversy between the Cherokees and the State of Georgia, and thereby, as he conceives, the Cherokees have obtained, as he supposes, several additional millions of dollars in the late disposition of their claims to the country. And these opinions of the claimant seem to be sustained by the certificates of the persons hereinbefore referred to.

The services of the claimant, although presented as claims for legal services as a lawyer, obviously partake (as voluntarily stated by the claimant himself) deeply of a political character. The controversy in which the claimant was engaged originated and was carried on as a controversy between two political communities, contending for the right of sovereignty, jurisdiction and soil, as well as persons residing thereon, to a certain well defined district of territory.

The claimant was engaged for the Indians, much the weaker of the two contending communities in respect to strength and power, as well known to the whole country. They were, therefore, exposed to all the evils and hazards which necessarily endanger a weaker community when exposed to a long continued and violent controversy with a stronger one, in every point of view, both physical and intellectual. And, in view of the particular

case now before us, we are constrained to entertain the opinion that the best interest of the Cherokee people would have been promoted and greatly advanced by avoiding the conflicts and controversies into which he claims the credit of introducing and continuing for many years.

The Cherokees can never be remunerated in dollars and cents for the losses which they have sustained by being thus kept in conflict with the white population, for lo! these many many years. By the long continuance of this controversy, they have acquired all the vices of the most abandoned amongst the white population, while they have acquired but few of their virtues. Therefore, the obtaining of money, by protracting their strifes, entitles this claimant, in the estimation of the Commissioners, to no additional compensation for his services whatever.

As set forth by the claimant, he did all he could to increase the controversy, until forced to abandon it by the legislation of Georgia. That the labors and efforts of the claimant were arduous, long and often unpleasant may readily be admitted; but that these services were beneficial or advantageous, either to the Cherokees or whites, can by no means be admitted or believed by the Commissioners.

We believe his labors from first to last have been one unmitigated curse to the Cherokee people. If the claimant abandoned, as he has represented, a lucrative practice of the law, worth upwards of four thousand dollars per annum, to engage in a more laborious and less pleasant business, it was the voluntary act of the claimant himself, and one for which we cannot recognize any just claim to any more than *reasonable* compensation.

From the best lights which we have been able to obtain on this subject, in making up a judgment on the demands of the claimant, we have arrived at the conclusion that, by a fair and honorable practice of the law, two thousand dollars is a fair and reasonable compensation for attorneys of the best standing in this section of the country. And, further, we cannot admit, from any evidence before us, that the employment of the claimant by the Cherokees as counsel so far engrossed his whole time and attention as to preclude him from other legal employment as to justify the belief that the Cherokee Nation stands justly indebted to him for the full value of his professional services for the entire time that he was in the employ of the Nation. We there-

fore deem it just and right to make a deduction of one-fourth of the time alleged by the claimant, at least, to arrive at what we deem to be a fair and *reasonable* compensation.

We have therefore decided and adjudged that the said Wm. H. Underwood, for a full and reasonable compensation for all his claims against the Cherokee Nation for his legal services, shall be allowed the sum of fifteen hundred dollars per annum, for the term of seven years, that being the time he was in the employ of the Nation, making the aggregate allowance of ten thousand five hundred dollars, from which sum, however, there shall be a deduction of fifteen hundred dollars—that being the amount heretofore received by the claimant, by his own admission—leaving a balance now due to the claimant, Wm. H. Underwood, of (\$9,000) nine thousand dollars. And for which said sum it is hereby ordered that a certificate be issued in favor of said claimant.

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

Note.—Let it be understood that the foregoing decision, as well as the next which will follow, were never entered on the records of the Commissioners for the reason, as hereinbefore explained, that the Commissioners adopted the judgment of the Indian Committee, which, as it pretty nearly agreed with the opinion of the Commissioners, was assented to, from prudential motives.

WILSON LUMPKIN.

Commissioners' Office.

New Echota, July 1st, 1837.

The following claims of lawyers, alleged to have been rendered to the Cherokees, in the way of legal services, appear to the Commissioners to be so connected and commingled together as to render it most expedient and proper to investigate and present them in the same connection which they seem to bear to each other.

These claims are presented in items, but the aggregate amount claimed by each individual is as follows, to wit:

Wm. H. Underwood	\$ 38,602.00
Samuel Rockwell	31,790.00
Wm. Y. Hansell	31,075.00
Barron & Irwin	19,375.00
Edward Harden	8,000.00
Aggregate amount of these claims	<hr/>
—six lawyers	\$128,842.00

All the claimants in the above cases, except Barron & Irwin, have submitted satisfactory proof that they were employed by John Ross, the Principal Chief of the Cherokee Nation, and Ross alleges that he was authorized to employ them by the Council of the Cherokee Nation in all cases arising under the laws of the State of Georgia where a Cherokee Indian or countryman was a party in litigation, in any legal case which might come before the Courts of Georgia. The employment of Barron & Irwin is not so clearly proven, but they have produced letters from Ross to them, urging them to attend to Cherokee cases, and assuring them that they should be paid for their services.

The three first named claimants, to wit: Underwood, Rockwell and Hansell, have presented their claims both in a joint and separate form. First, they introduce the testimony of Mr. Schermerhorn, who negotiated the late Treaty of 1835 with the Cherokee Indians, to prove that the provision made in the 10th Article of the Treaty was made with a special view to provide for their claims for legal services rendered to the Cherokee Nation, and further that it was understood, at the time of negotiating the Treaty, that these individuals should submit to the Commissioners who might be authorized to settle claims arising under the Treaty a regular bill of fees and costs in all the suits in which they may have been engaged as counsel for the Cherokees; and, if lawyers' fees were not regulated by law, then they should be regulated by the usual charges of fees in similar cases, in the courts of the country where they practised as lawyers. And these claimants have accordingly made out and submitted to the Commissioners their several bills and charges, the reasonableness of which have been duly certified to by a number of practising attorneys. The case thus far would seem to constitute a regular firm, practising law for the benefit of the Cherokee people and in their behalf as a sovereign nation, in all cases whatsoever which might be brought against an individual of the Cherokee Nation.

But when the time arrives for making up the charges against the Cherokee Nation, then we find each of these lawyers drawing up his separate bill of charges and fees, and each one of this firm charging the Nation the full amount of fees which would have been charged if the whole services had been rendered by one individual, instead of the firm, and, in many cases, as will hereafter appear, additional auxiliary counsel claim to have performed the very same labor, and charge the full amount for having rendered said services.

The lawyers who have certified to the reasonableness of the charges of these claimants, we apprehend, are not apprised of the fact that each one of this firm has made the following separate and distinct charges, for their separate and individual benefit, in the very same cases, to wit: In a case of indictment for illegal residence, six defendants, each of these lawyers charges \$600.00 for his services. Again, in the case of trespass and false imprisonment, eleven defendants, each of these lawyers charges \$1,000.00. The State against eleven persons—false imprisonment—each of these lawyers charges \$1,200.00. Again, the State vs. Canotoo, an Indian, for digging gold, each of these lawyers charges \$1,000.00. Again, Lewis Ralston vs. Joseph M. Lynch, both native Cherokees, of the white blood, each of these lawyers charges \$2,000.00, &c., &c., &c., &c., &c.

If these claimants were really practicing as a firm in behalf of the Cherokee Nation, and the provision of the Treaty was made for their special and exclusive benefit, as Mr. Schermerhorn seems to understand the matter, then it would appear to us that no separate charges ought to have been made by them. We should suppose that all would have felt themselves bound jointly in every case, and ought therefore to have presented one consolidated amount against the Cherokee Nation, instead of these exorbitant and separate amounts. It further appears, from unquestionable testimony now before the Commissioners, that in very many of the cases in which these claimants have submitted their charges, separate and full, against the Cherokee Nation, other practising attorneys in the same courts have actually rendered the most important part of the services, and, we believe, in some instances, the whole of the services charged for by this firm, separately, each one for himself, and each an amount more than ordinary and sufficient to remunerate any attorney for attending to the whole case, solitary and alone.

If in a case of common assault and battery one hundred dollars be a reasonable fee, is it just, is it reasonable, that the Cherokee Nation should pay six lawyers one hundred dollars each for these services in such a case? Many such cases are before the Commissioners. It is not reasonable, and is not admissible, that a firm of three persons should have three times the value of the services of the whole firm, or that the firm should be paid for services rendered by others, instead of themselves, especially when those who actually rendered the services are standing at the door, claiming an exorbitant compensation for these services.

Upon the principle of allowing but one payment for services rendered in each individual case presented, the bills of charges by the six lawyers first herein named will be found to amount to something upwards of forty thousand dollars, which, without entirely disregarding the opinions of the attorneys who have certified to the reasonableness of these charges, will be greatly diminished by the following obviously just and necessary deductions: First, deduct the 25 per cent. which they have charged for delay in receiving payment for their services.

Second. Deduct all charges where both plaintiff and defendant were Cherokees in the cases, and in most of which it is believed that the persons now presenting the claims for legal services rendered the Nation have already been reasonably paid by the parties litigant themselves; because most of the litigation of this character has been amongst the intelligent and wealthy portion of the Cherokees, and deeply tinctured with the white blood. Indeed, they were often white men, entitled to native rights.

Third. Make a proper deduction where the defendants were numerous, and yet each defendant stands charged with full fees and charges, as though he stood charged for a separate offense from his fellows.

These deductions, in the aggregate, will be found to reduce the whole of the demands of these six claimants, upon the principles which we have laid down, to the sum of about thirty-one thousand dollars, which sum should be justly and equitably divided amongst these several claimants.

It satisfactorily appears in evidence that Edward Harden was as legally and regularly employed as one of the Cherokee counsel for the Nation as any one of his brethren of the bar, and for a time was considered quite a prominent associate of the firm hereinbefore alluded to;

but, from his showing, presented for services rendered by him, it appears that he attended but very few courts, as the advocate of the Cherokees, but that in important cases, where, we presume, the greatest legal efforts were deemed necessary, most of the charges of Col. Harden will be found to consist of items for mileage and for attending councils, &c. Under all the circumstances, we consider three thousand dollars a liberal compensation for Mr. Harden, for all the services rendered by him to the Cherokee Nation.

Barron & Irwin have submitted sufficient evidence to us to induce the belief that they performed much of the actual labor in very many of the cases in which the fees are claimed exclusively by Underwood, Rockwell and Hansell; but we do further believe that these services were considered rather as auxiliary to the firm than that of leading counsel; and, moreover, we have just reason to believe, from the evidence before us, that they have already received a fair compensation for a considerable portion of the services which they have rendered, and for which the Cherokee Nation has not been credited by them. It is therefore adjudged by the Commissioners that the sum of four thousand dollars, in addition to that which they have already received, is an ample and full compensation for all the legal services which they have rendered the Cherokee people and Nation.

It now remains to divide equitably between Wm. H. Underwood, Samuel Rockwell and Wm. Y. Hansell twenty-four thousand dollars (\$24,000); and, after the most full and careful investigation, we find it difficult to perform this part of the duty which devolves on us, because it cannot be performed, from its nature, with mathematical precision. The nearest approach which we have been able to make to that standard of justice and equity to which we have aspired has been to take into consideration the time which these several individuals have devoted to this Cherokee service, and this leads us to the conclusion that the claims of Messrs. Rockwell and Hansell stand upon an equal footing, and that the claim of Wm. H. Underwood is not inferior to both the others, when united.

We therefore award to Wm. H. Underwood twelve thousand dollars; to Samuel Rockwell six thousand dollars; and to Wm. Y. Hansell the like sum of six thousand dollars.

We are apprised that these six claimants have all received, heretofore, some compensation for their services—some more and some less. But as John Ross, the Principal Chief, declared to them, at the time of making them some small advances, that he wished them to consider these advances only as an earnest of what they should receive at the termination of their labors, we deem it improper to deduct the amounts heretofore received from the amounts which we may herein allow.

It is, therefore, after a full view of all the premises, ordered and adjudged that Wm. H. Underwood, Samuel Rockwell, Wm. Y. Hansell, and Barron & David Irwin, do each of them receive the following sums, as hereafter stated, in full for their several claims against the Cherokee Nation, for legal services alleged to have been rendered said Nation, to wit:

Wm. H. Underwood	\$12,000.00
Samuel Rockwell	6,000.00
Wm. Y. Hansell	6,000.00
Edward Harden	3,000.00
Barron & Irwin	4,000.00

And it is further ordered and adjudged that certificates do issue for the same accordingly.

Signed, &c.,

WILSON LUMPKIN and
JOHN KENNEDY,

Commissioners.

Commissioners' Office,

July 4th, 1837.

The Commissioners having made and recorded the foregoing decision, as their final judgment upon the claims of Wm. H. Underwood, Samuel Rockwell, Wm. Y. Hansell, Edward Harden, and Barron & David Irwin, have, after further and most mature consideration, felt fully confirmed in the correctness of the decisions and judgments which they have thus recorded in regard to the said several claims. Nevertheless, they are impressed with the belief that it is due to the magnitude of these cases, and the principles which are involved in their consideration, further to state that the Commissioners, in making up their opinions upon these several claims, did not fail carefully to examine all the allegations set forth

by these several claimants, whether presented in a joint or ex-parte form, especially those of Wm. H. Underwood, Esquire, who was obviously the leading and original counsel and adviser of the Cherokee people, his several associates having entered the Cherokee service at more recent dates, and all having practiced harmoniously together, and striving for the same leading object previous to the late Cherokee Treaty of 1835. And Wm. H. Underwood, Esq., alleges that he was employed as the attorney of the Cherokee people by their *prince*, John Ross, in a controversy of the most vital importance to them, involving questions of the greatest intricacy and difficulty, and for which, as he now alleges, he was to be paid to his full satisfaction, when the controversy was ended. He further states that the controversy in which he was engaged was rendered much more perplexing and arduous by the continued legislation of the State of Georgia, at every session of the General Assembly from 1828 to 1835, inclusive, and that for several years he succeeded by his individual efforts, unaided by the efforts of other counsel, in thwarting and preventing the due execution of the laws of the State of Georgia, by obtaining from the courts the most important decisions in favor of the Indians, and in contravention of the laws of the State. He further states that the service in which he was engaged required of him the deepest research and investigation, in order to devise a remedy to meet the new exigencies growing out of the legislation of Georgia; and further to sustain the foregoing allegations, this claimant again gives a brief history of the proceedings, hereinbefore alluded to, and again adverts to his untiring efforts to obstruct the operation of the laws of Georgia from being exercised over the Cherokee people. This claimant further states that he continued zealously and successfully to sustain the Cherokees in opposition to the laws of Georgia, until the passage of an act of the Legislature, divesting the courts of equitable jurisdiction over such cases as he had been advocating in favor of the Cherokee people; and that, after the passage of the act last referred to, he could no longer sustain the Cherokees against the legislation of Georgia.

(September 27th, 1853.—In the midst of copying this article, the reader will please to indulge me in remarking, just in this place, by way of parenthesis, that the very act of the Legislature last alluded to by Judge Un-

derwood, was passed by the Legislature of Georgia on my special recommendation, and was intended to effect the very object which was so effectually accomplished, as admitted by Judge Underwood. And this was the good result to Georgia for my bringing to the notice of the Legislature (in 1834) the conduct of Judge Hooper and this very combination of *fed* lawyers and party politicians for which I have been so often unjustly censured and abused.)

Whereupon, the claimant states that he repaired to the City of Washington, as the friend and attorney of the Cherokees, and advised them to enter into a treaty with the Government of the United States. And the claimant further states that he cannot resist the conclusion that the Cherokees have obtained by treaty some millions of dollars more than they would have done had it not been for the protracted struggle *which he enabled them to make*. The claimant further states that the service in which he was engaged for the Cherokees employed his entire time and talents for many years, and caused him to abandon a lucrative practice, as a lawyer, which was worth more than four thousand dollars per annum.

The next two claimants in order, Messrs. Rockwell and Hansell, together with Mr. Underwood, in a subsequent and joint communication to the Commissioners, represent their claims in the following words: "We encountered great difficulties, incurred much expense, and labored under constant expectation of personal violence, in consequence of the excited state of feeling, deep prejudice and odium which our espousing the cause of the Cherokees created against us. The importance of the principles to be settled, the magnitude of the questions discussed, the value of the property involved, as also the rights of the Cherokees, together with the vast extra services rendered to this people, when out of court, in discharging them from imprisonment, are urgent reasons in favor of our claims, and to support our charge of 25 per cent. for delay of payment, &c.

"We also ask a liberal compensation for our extra services at Washington, which resulted in the ratification of the present Treaty, for which we ask the Commissioners to fix a reasonable amount. It is considered by all, particularly by the Commissioner who negotiated the Treaty, that our services were most valuable, and without which the Treaty would not have been made or ratified. By it

the Cherokees are now made wealthy, and are fully and amply provided for, with a sum more than as large again as was ever before offered to them for their country."

In the investigation of these lawyers' claims, the Commissioners have by no means confined the range of their reflection and consideration to dollars and cents. To the mere amount charged by these claimants—*large as that amount certainly is*—it is deemed to be of but small importance, when compared with the magnitude of the principles involved.

Admitting the correctness, as we do, of most of the historical facts set forth by these claimants, and what have been the nature and character of the controversy in which they have been engaged? From their own showing the controversy has been a political one, from beginning to end, not only of vital importance to the Cherokee people, but of vital importance to Georgia, one of the sovereign independent States of our Federal Union.

The controversy in which these claimants have been engaged, in behalf of the Cherokees, originated and was carried on as a controversy between two political communities, contending for sovereignty and jurisdiction over territory and persons residing in a certain district of country, and hence arose all the excitement, hazards, and odium to which these claimants have been exposed, as set forth by them. Had they any reason to expect less? Yea; had they not good reason to have supposed that the part which they have acted in this matter would have exposed them to the severest punishment known to the criminal laws of every civilized State? They were citizens of Georgia, in the full enjoyment of all the advantages of the benefits of the legislation of the State, and all the immunities of other citizens. And they now come before us, and claim to have been the successful instruments of stirring up the Indian population of the State to rebellion against the laws of the State. They claim to have thwarted and impeded the laws of the State. They claim to have persevered, and they say, successfully, in this cause for seven years, to the great and constant annoyance of the State and all its peaceable and good citizens. Moreover, they openly boast of their influence over judges and courts so far as to obtain from these courts decisions favorable to their continuance in impeding and overturning the legislation of the State. Finally, they admit they were legislated out of their occupation of stirring up mischief and strife, and compelled to ground their arms,

by the legislation of Georgia in 1834. They then claim to have made a virtue of necessity, having as their showing exhibits, gained a complete ascendancy and control over the volition of the Cherokees, and, after exercising their influence, to keep them in strife with the State of Georgia for seven long years. And the State of Georgia, having become impatient and assuming an aspect of severity against such perfidious conduct of her unloyal citizens who had proved traitorous to her welfare and best interest, these same claimants posted off to Washington, as the safe depository of the best of the Cherokee people. And these claimants claim to be the inspiring cause of forming the Cherokee Treaty of 1835. But this is not all; it was, as they allege, through their influence alone that the Treaty was ratified by the Senate of the United States. Moreover, they fixed the consideration money which was to be given to the Cherokees for ceding their rights to the country. More yet, they fixed the price at several millions of dollars more than could ever have been obtained before. According to their showing, it would seem that they held in their hands the rights and destiny of nations and peoples.

Nothing seems to have been equal to a controversy with these extraordinary lawyers, except the Legislature of Georgia in 1834. These men, if they are to be believed, were the instruments to get up a controversy and strife between Georgia and the Cherokee Indians of a deeply vital character, they kept up and aggravated that controversy over seven long years, and, when forced to abandon it, they seem to think they ought to be rewarded most extravagantly for creating strife and deep injury to both the State of Georgia and the Cherokee people, and be liberally rewarded *for making a virtue of necessity*.

We admit the temporary success which attended the efforts of these claimants and their political associates, in thwarting the Legislature of the State of Georgia, as well as the policy of the Government of the United States, in their object of the removal of the Cherokees to the West. And, moreover, we admit that the perseverance of these claimants was checked alone by the face of public opinion expressed through the Legislature of Georgia. And, further, it is admitted that these claimants, by their aid in protracting this controversy, excited the sympathy of the country, and helped to turn away the impending evils which this delay was likely to bring upon this unfortunate remnant of a once mighty race, and thereby induced

the Government of the United States to give to these unfortunate people a most exorbitant price for the territory which they claimed. If these claimants really rendered any aid in making and ratifying the Treaty of 1835, it was when further resistance to the authorities of Georgia not only became hazardous but hopeless, and the claimants should be credited with having made a virtue of necessity.

WILSON LUMPKIN and
JOHN KENNEDY,
Commissioners.

Extract from a communication made to the Commissioners, in writing, Sep. 12th, 1837, and signed by Wm. H. Underwood, Samuel Rockwell, Wm. Y. Hansell and Barron and David Irwin, on the subject of the claims of General Edward Harden against the Cherokee Nation;

To wit: "We ought not, perhaps, to close these remarks without adverting briefly to the report of the Indian Committee which made the allowance of \$3,000.00 to General Harden, and \$1,000.00 to H. L. Simms, in order the more clearly to manifest its want of justice to ourselves.

"In the amounts of General Harden, it is worthy of remark, and should be specially noted, that he has not put down any specific services that form a just claim against the Cherokee Nation, except the case of Canatoo, and in that case the services (if any) were voluntary, and rendered before his employment. This is a fact known to one of us (Judge Underwood) and stated by his authority.

"Let us now analyze his account. In March, 1831, and in September following, the missionary cases were disposed of, for which he charges \$1,500.00. In this case, from the letters which his overweening vanity prompted him to exhibit, they voluntarily paid him \$100.00, as a donation for his services. Besides, these missionaries were white men, sent into the Nation by the Board of Foreign Missions, and were neither Cherokees nor the descendants of Cherokees, nor Indian countrymen. This certainly then can form no just charge against the Nation. We proceed with this account.

"The next item is for various cases, at different times, \$250.00. This probably was placed in general terms, because it would have been imprudent to specify. The next

item is for traveling to the Council of the Cherokees, at Red Clay. There is no pretense that he was ever requested to attend said Council, nor is there any evidence that he was there in any other capacity than that of a volunteer.

"The next item is: visiting John Ross at Cassville, \$500.00. This visit was also before his employment by the authorities of the Cherokee Nation, and made for the express purpose of procuring that employment. This, according to the dates in his account, was in December, 1833, and is the date of his employment. The next item is for obtaining injunctions, \$250.00. He prudently leaves to conjecture what he did to obtain these injunctions. The bills were drawn by one of the undersigned, Judge Underwood, and printed, for convenience. In his item for injunctions he carefully omits to give the cases.

"The next two items are for attending Cass Court, in March and April, 1834, \$1,700.00. Here again no specific case is stated, and a modest charge, truly, for a man to make for two visits to Cassville, who held himself incapable of charging more than he was entitled to for his services, by the judgment and opinions by men of the greatest legal talents and moral worth in the State, but whose names he cautiously and studiously conceals. Do these items exhibit what he did at Cass Court? They do not. The extent of his services is carefully concealed, doubtlessly from prudential motives.

"The next item is for furnishing briefs in injunction cases. It would be highly edifying to have the perusal of that vaunted brief, in four pages. It is somewhat singular, considering the character of the man, his great depth of research, *surpassing legal acumen*, and profound judicial knowledge, that this said brief has not before this found its way into some of the literary periodicals of the day, to cheer the poor Cherokees in the reflection that our great ancestor, Adam *was a red man*; for, if our memory serves us, this was the whole burden of this extraordinary brief. The next item is: attending the case of prisoners, 250 miles, \$250.00. The date is in August, 1834, and it is known that the General was then on his way to John Martin's, to obtain his \$500.00, appropriated to him by the Cherokee Council, at Red Clay. He accidentally, we believe, met with certain persons in the custody of the Georgia guard, and, for this, his tender conscience permitted him to charge \$250.00—rather a profitable trip! But he took no measures whatever for

the release of those persons. Two of the undersigned, W. H. Underwood and Wm. Y. Hansell, went to Spring Place, and effected their release, without aid or assistance from the General.

"The next item is: attending the courts of Cass and Cherokee Counties—charge, \$500.00. Yet he exhibits no specific service rendered at either of these courts at which he may have staid two or three days.

"The next item is: attending as a witness at Milledgeville—and from the date of the item, Dec., 1834, we presume the case in which he attended as a witness was that of Judge Hooper. The General must be hard run indeed to find charges against the Cherokees, when he resorts to such an one as this—\$250.00 for such service! This case is familiar to us all, and we are at a loss to conceive upon what ground the General charges the Cherokee Nation for this trip to Milledgeville; besides he received pay from the State. This, indeed, is standing "*on high ground.*" Why, if this be a just charge against the Cherokees, the General could with equal propriety charge for many a bootless trip which he has taken to the various courts in the circuit in which he resides! He should carefully have scanned his own accounts before he ventured grauitously to have attacked others.

"The next item is for again attending Indian Council, at Red Clay, \$500.00—in October, 1835. This was another volunteer trip of the General, for which we presume the Indians were expected to have been charged.

"The next item is for attending Lumpkin and Forsyth Courts, in October, 1835—\$250.00. Unfortunately for the General, the courts in neither County was held in that month. Here the omission of specification does not aid him, for by the court calendar of that year Lumpkin Court sat in August, and in Forsyth on the first Monday in September. This item must be placed to an hallucination of mind, in which the General sometimes indulges. The last item is a general retaining fee, \$1,000.00. In putting down this pregnant item he probably intended it to be a "*file closer,*" and so, indeed, it proved to be, since it rounded out his aggregate in round numbers, to \$8,000.00!!!

"This forms the sum of this amount which the General says was made out on the opinions of men of the greatest legal talents and moral worth in the State of Georgia. Of this sum he has actually received the sum of \$3,500.00! It may be gravely asked for what? Has he rendered any

specific legal services? If he has, where is the proof? Yet this is the man who professes himself to be the occupant of higher ground than to aid his suffering clients in effecting a treaty with the Government, and who has ventured to make a wanton and gratuitous attack upon those who were instrumental in procuring that happy result. But, while the General has placed himself in this awkward attitude, the glaring injustice of the Indian Committee is yet more manifest, in taking from others a portion of that sum set apart for the payment of accounts for specific services, actually rendered, and giving it to him who had already been more than compensated for all he had ever done." *

Here follows an extract from a communication received by the Commissioners from Wm. H. Underwood, Samuel Rockwell, Wm. Y. Hansell and Barron & David Irwin, dated Sep. 12th, 1837, relative to the claims of Henry Lightfoot Simms, attorney-at-law, against the Cherokee Indians:

"We shall now briefly notice the accounts of Henry L. Simms, presented for nearly \$7,000,000. When we first heard of this claim we were *amazed*, for we know that during the time of the Cherokee difficulties, and when they were thickening and deepening around them, this same man, Simms, occupied situations entirely adverse to their objects and interests.

"We find him a surveyor of the lands, the subject matter of controversy; Clerk of the Lottery which disposed

* Justice to the memory of General Harden, whose descendants cannot be heard in reply to this vituperative statement, demands that something be said as an offset to an attack in which so much bitterness appears. No attempt at a regular defence against the declarations in the foregoing paper will be made, but the following brief recital of facts will suffice to show that the good character of the General ever after remained as unsullied as it was before that paper was written, and that much of what was said about the extravagant bills of the lawyers named was exaggerated and uncalled for.

On the 23d day of July, 1846, nearly nine years after the letter of Messrs. Underwood, Rockwell, and others, was written, a commission was issued to General Edward Harden and Mr. B. H. Brewster, by the President of the United States, as Commissioners, under the 17th article of the Treaty of Dec. 29, 1835, "to examine claims arising under said Treaty." It should be borne in mind that the service thus required of these gentlemen was just what Governor Lumpkin was supposed to do during his eighteen months' service as Commissioner under the same Treaty, beginning early in 1836, and ending with his resignation when he was elected U. S. Senator from Georgia, in November, 1837.

The duties of General Harden and Mr. Brewster were faithfully performed, and their report, dated and filed July 23, 1847, was submitted to the President, and bears this endorsement:

"This report of the Commissioners under the Treaty of 1835-6, with the Cherokees, will be placed on the file of the Indian Bureau, where the other papers and records relating to the Commission will be deposited.

Washington, July 24, 1847.

(Signed) James K. Polk."

The report is No. 63, in Vol. VIII. of House Executive Documents, 1st Session 30th Congress.

of the lands; a member of the Legislature of 1834, and voted for the law of that session which destroyed the rights and abridged the equity power of the courts to relieve them; a member of the Committee to investigate the conduct of Judge Hooper—he voted censure on the conduct of that Judge, for extending the mantle of the law in protection of the Cherokees; and lastly, a public prosecutor, to convict and punish the Cherokees for offenses committed against the laws of Georgia. Yet during all this time he now claims to have been one of their counsel, and obtains a certificate from a Cherokee of having rendered extensive service to the Cherokee people. Nor is this tissue of inconsistencies all, for he claimed merit before the then Governor of Georgia, that he was in favor of all the Indian policy of the State, and would have nothing to do with those lawyers who were striving to prevent the execution of the laws of the State, yet, after the many cases, civil and criminal, were adjudicated and disposed of, and after the ratification of the Treaty, he placed his name on the dockets of the courts, and claims from the Commissioners compensation for legal services rendered the Cherokees, while all concerned well know this attempt to obtain money is a gross fraud.”

I might extend these extracts, and similar ones, going to prove the dishonesty and fraud of every one of this whole *pack* of lawyers, to an almost indefinite extent. But let it suffice to say that Judge Kennedy and myself entirely concurred in the opinion that these men, from first to last, had been nothing more than one unmitigated curse to the Cherokee people, and that not a man amongst them was worthy of credit.

The foregoing extracts from the voluntary written testimony of lawyers who were claimants under the Cherokee Treaty for services rendered the Nation, is but a moiety of the mass of testimony of the same character which was placed in the hands of the Commissioners, in order to detract from the merit and justice of each other's claims. I never conversed with one of these lawyers alone who did not declare to me the fraud and corruption of every *lawyer* claimant, except himself. Therefore, they all privately threw stones at each other. And this has been my reason for exhibiting, for the use of posterity, the corruption and perversity of this vile combination of *feed* lawyers, who acted as stipendiaries to John Ross, who would have utterly ruined and extinguished from the face of the earth the remnant of the Cherokee Indians

but for the interposition of the Government of the State of Georgia.

And much as Georgia has been reviled, persecuted, slandered and abused by both deluded and designing persons, for the course of her policy toward the Cherokee people, but for the untiring and persevering exertions of some of her sons, who were in the right position to exert influence in carrying out her policy, these Indians would have been utterly and hopelessly destroyed. I often officially denounced this *pack* of lawyers, while in the Executive Office of Georgia, and their baseness and perfidy have been established by their own testimony, one against another, which goes to prove their selfishness and dishonesty, while pretending to advocate the rights of the Indians.

I have but partially submitted to the reader the great mass of material in which I abound to develop my official transactions in connection with the execution of the Cherokee Treaty of 1835, as Commissioner on the part of the United States to discharge such duty; yet I fear that I have already presented more than sufficient for the patience of most readers. I am fully apprised that documentary history, even on the most interesting subjects, will not be read by most persons with that interest and perseverance which the importance of the subject may demand.

I trust, however, that I have dwelt sufficiently on this subject to preserve many of the important truths of an important portion of the history of the country, and to enable the patient reader to judge correctly on a portion of history much involved in obscurity, by misrepresentation and perversion. I have been resolved, at least, to afford the opportunity to all such as may take any interest in the matter to form a correct opinion of my own merit, or demerit, in connection with this important trust, and at the same time progress with that chain of Indian history with which a great portion of my life has been so closely identified. I have endeavored to confine myself to such portions of the subject as I deem to be most important.

CHAPTER XVI.

After my election to the Senate of the United States, by the Legislature of Georgia, my whole attention was directed to the consideration of the discharge of the new duties thus devolved on me.

I had often said and thought that the Senate of the United States, from its first organization as a body under the Constitution of the United States, had maintained a character which entitled it to the just claim of being one of the greatest assemblages of men on earth, unsurpassed in wisdom, dignity and moral worth.

In point of talents, learning, variegated cultivation, experience and statesmanship, I can think of no assemblage of men in any country who equal, or will bear a favorable comparison with, the Senate of the United States. No one individual is great in everything. Some are distinguished for their superiority in one thing, and some in another. But the body, as a whole, is exceedingly well qualified to contest the question of greatness, when compared with any other body of men on earth. And the particular time (Nov., 1837), when I entered the Senate of the United States as a member, I think may justly be considered the palmy days of that body. There were Calhoun and Preston, from South Carolina; Clay and Crittenden, from Kentucky; Webster and Davis, from Massachusetts; Grundy and White, from Tennessee; Wright and Tallmadge, from New York; Benton and Linn, from Missouri; King and Clay, from Alabama; Sevier and Fulton, from Arkansas; Buchanan and McKean, from Pennsylvania; Rives and Roane, from Virginia; Southard and Wall, from New Jersey; Pierce and Hubbard, from New Hampshire; Cuthbert and Lumpkin, from Georgia; Strange and Brown, from North Carolina; Allen and Morris, from Ohio; Tipton and Smith, from Indiana; Clayton and Bayard, from Delaware; Niles and Smith, from Connecticut; Walker and Henderson, from Mississippi; Young and Robinson, from Illinois; Prentiss and Swift, from Vermont; Mouton and Nicholas, from Louisiana; Lyon and Norvell, from Michigan; Robbins and Knight, from Rhode Island; Williams and Ruggles, from Maine.*

*The Senators from Maryland at this time were Messrs. Kent and Spence. The omission of their names by Gov. Lumpkin is presumably an oversight.

It is true that many of the Senators here named, like myself, never claimed for themselves the distinction of being considered great men; but there is scarcely an exception on the whole list who might not have claimed for themselves, justly, the distinction of being born useful men in the service of their generation. And it is a notorious fact that in all legislative bodies those who make the least pretensions to public display of any kind perform the largest share of labor in the useful business of legislation.

The most laborious and important work in all legislative bodies is performed by its committees, and thus prepared for the discussion and action of the body. And generally the members who make least display on the floor of the Legislature, in truth, render the most important service to the country.

But in such a body of men as the Senate of the United States I could but feel the magnitude of the responsibility of my position. Upon mature reflection, however, my embarrassments were measurably dissipated, and that, too, from the consideration of the character of the body with whom I was now officially associated upon terms of perfect equality. I felt confidence in the character and intellectual capacity of my associates. I felt that to each individual member was secured a perfect, reliable guarantee of justice, and that each member would have conceded to him, by that body, all the merit and credit to which he might have any just claims. I knew, moreover, that no man, however gifted, could pass himself off for one copper more than his true intrinsic merit and worth of character entitled him to. These considerations at once placed me in ease. And never have I acted in any assembly of men, before or since, with so little embarrassment.

Having made up my mind to be content with zealous, honest efforts to discharge my whole duty, and be content with the award of others, I had no further trouble, but to labor in my sphere.

In this spirit, and with these reflections, I took my seat in the Senate of the United States on the 18th day of December, 1837, and it will be seen from the report of the proceedings of the Senate, as given in the Congressional Globe, that I took no active part in the discussions of that body, until the third of January following, when Mr. Calhoun's celebrated resolutions on the rights of the States, especially in connection with the slave question,

was under discussion, when Mr. Lumpkin is reported to have addressed the Senate, for a considerable time, in favor of said resolutions, and in favor of retaining them, as originally presented by Mr. Calhoun. He believed that a larger portion of the North, at present, was opposed to the constant agitation of the question of slavery, as persevered in by the Abolitionists and took no part in the proceedings of these agitators, and although the Senate might not have the power to entirely suppress this spirit of fanaticism, it might, by the passage of these resolutions, check the proceedings of these excited and misguided people. Mr. Lumpkin then went into a constitutional view of the subject, after which the question was taken, on Mr. Morris' motion, to strike out the words "moral and religious," when there appeared 14 in favor of the said motion and 31 against it. And by these proceedings may be seen the rapid advance of abolition since that date.

The report says this is but a slight sketch of these proceedings, and that the remarks of the speakers will be given from time to time, as prepared from the reporter's notes. My own remarks on this subject were never written out, either by the reporter or myself, and too much time has elapsed since for me to attempt to repeat them accurately. I have no doubt, however, but I argued then, as I do now, and have always done, that Congress had no constitutional power to legislate on the subject of slavery, with a view to encourage or countenance the spirit of abolition: but that the subject should be left where the Constitution had placed it, and let each State act for itself on the subject of slavery.

It was the duty of Congress in this, as well as all other cases, to protect each State of the Union in her constitutional guaranteed rights, and, as far as practicable, to suppress all impertinent intermeddling with the domestic institutions of the States.

Therefore, by expressing the opinion of the Senate on these resolutions, some good might result, in staying the wild spirit of these Northern fanatics who seem to be much more concerned about the affairs of others than their own.

At least, the passage of these resolutions might place an effective weapon in the hands of our Northern friends who are for peace and the Constitution.

I have long believed that neither the aggrieved States nor Congress had the power to put an effective stop to

the impertinent intermeddling of the Abolitionist of the non-slave holding States with the institution of slavery. Ever since I have reflected upon this subject I have been convinced that the battle must be fought where the enemy is to be found—he must be met face to face, in striking distance. If the majority of the people of any State be sound on this subject, they have the power effectually to stay the progress of the Abolitionist. Let us, then, by the passage of these resolutions, strengthen the hands of the sound men of the North.

After due reflection, I have deemed it most expedient to give to the reader, in the next place, most of the prominent struggles which I encountered in connection with Cherokee affairs, in the order in which they occurred, in the Senate of the United States, and thereby, as far as practicable, close the history of my official connection with these Indians affairs. To do this, I will give, in consecutive order, the speeches made by me in the Senate of the United States. This kind of documentary history is the least liable to improper coloring, or misrepresentation; for these speeches were chiefly written out and published by the reporter of the Globe office, without any alteration or correction whatever from me.

It is my intention, hereafter, to advert to my senatorial course on various other subjects, but in this, from the time of life, being three score and ten, I may never accomplish my present purpose—in that case I must leave to posterity the labor of my unfinished work.

On the 22d of January, 1838. From the Congressional Globe:

Mr. Lumpkin rose and stated that, in compliance with a resolution of the Senate, that a communication from the War Department has been made, and has been lying on your table for a week or more, furnishing copies of correspondence held with department in connection with the subject of the execution of the Cherokee Treaty of 1835, which he now moves might be taken up. Mr. Tipton, of Indiana, inquired if the document which the Senator referred to was the memorial of John Ross and others, presented at the last session and laid on the table.

Mr. Lumpkin replied it was not, and again explained the nature of the document which he called for. My object, (continued Mr. Lumpkin) in rising at this time is to ask for the printing of the communication referred to, together with the accompanying correspondence.

Although I have not had the opportunity fully of examining what has been communicated on this subject, I take it for granted that the requirements of the resolution have been complied with; and, if so, I deem it important that the Senate and the country should, without delay, be put in possession of the information communicated. The importance which I attach to having this information diffused arises from the consideration that it will tend effectually to disabuse the minds of those who labor under the misapprehension which has been created by Mr. John Ross and his associates in regard to the validity of the Cherokee Treaty of 1835.

While Mr. Ross continues to protest against the validity of the Treaty, and is remonstrating to every department of the Government against its execution, this communication is expected to show that the Government not only considers the Treaty the supreme law of the land, but has steadily progressed in its execution, and that the Treaty has actually, to a very great extent, been already executed, that very much has been done in execution of the Treaty which can never be undone.

With me, sir, the execution of this Treaty is a subject of very great importance, in whatever light I may be viewed here or elsewhere. In regard to my feelings and policy toward this people, I am conscious that the day will come, and is not now far distant, when my course of policy towards this people, from first to last, will receive the approbation of all those who are well informed on the subject; at this moment, sir, nothing hinders the speedy consummation of this Treaty with the Cherokee people which would make them not only comfortable but would place within their reach the means of making them the most independent and best provided for people of almost any community in the United States, except the opposition of John Ross and his associates, aided, as they are, by influential and talented individuals whom I am forced to believe are still laboring under great misapprehension in regard to the true state and condition of this people, and the impending dangers which are threatening them at the present moment.

This Treaty, sir, has been made and ratified according to the forms of the Constitution. It was negotiated with a delegation of the Cherokee people, who, in point of intelligence, patriotism, education, morality and probity of character will not only bear a favorable comparison with Mr. Ross and his delegation, now, perhaps, in the

hearing of my voice, but they would gain by a comparison with any delegation of the aboriginal race who have ever negotiated and signed a treaty with the United States.

I have seen and read, sir, Mr. Ross's memorial, with its appendages, to the present Congress, which has been printed by the other branch of Congress, and laid upon our tables. In that memorial he greatly derogates from the character, and impunes the motives, of the individuals who negotiated and signed the Treaty of 1835; and, that document being printed and circulated by one branch of Congress, I will now notify the Senate that I have in my possession a document written by Mr. Elias Boudinot, late editor of the Cherokee Phoenix, and one of the principal agents who negotiated and signed the late Treaty of 1835. This document is in the nature of a reply to the various allegations contained in the writings in his memorials herein referred to. Mr. Boudinot is a man of education, refinement and high moral sense of propriety, and has at all times been the able, efficient advocate and defender of the rights of his people. He has been with them in their six troubles, and is not disposed to forsake them in their seventh. If left to his guidance, he would quietly lead them out of all their difficulties by which they are encompassed, and plant them in a land of excellent promise. Mr. Boudinot is not only a nominal Cherokee; he is fully identified by blood and feeling with these people, having but little, if any, of the white blood coursing in his veins. The propriety of printing the communication, together with the document referred to, arises from the fact that the Cherokee people are still kept in a state of delusion and misapprehension in regard to their present condition. Many of them, unfortunately, believe that Mr. Ross is doing *something* here to abrogate and overturn the late Treaty; and no doubt many of them believe a valid treaty cannot be made without the assent of Ross. This is a most dangerous delusion to these unfortunate people, for the time is now speedily drawing to a close when they must take their departure for their new homes in the West. The time stipulated for their final departure is in May next, and when the time arrives, go they must. It will be said to them, "take up your beds and walk." No earthly power can abrogate or prevent the execution of this Treaty; and these people, instead of being kept in dalliance by Ross and his associates, ought to yield to the advice of their better friends who stand ready to take them by the hand and lead them forth to their promised

land of rest, where the white man will cease from troubling. Payments have been made under the Treaty to a very large amount. Nine-tenths of the most intelligent and wealthy Cherokees have availed themselves of the liberal advantages of the Treaty provided for them, and have become recipients under its provisions, and have either gone, or are preparing to go, to the West. The only difficulty is with the ignorant and deluded, who are still looking to the operations of Mr. Ross, at Washington, and his delegation, who, I understand, still remain here, and some of whom may now be in our galleries, watching our movements like lobby members. They are also engaged in writing letters home that their prospects are very encouraging here. Now, every one here knows this Treaty will be executed. Yet these unfortunate Cherokees are still kept in a state of delusion through the channels suggested.

Mr. Tipton said he now understood the Senator from Georgia, and highly approved of his object, &c., and the question then being taken on printing 500 extra copies of the communication from the War Department, it was agreed to.

Mr. Lumpkin then offered the following resolution, which was considered and agreed to:

Whereas, a memorial, accompanied by various other documents, of a delegation of Cherokee Indians, remonstrating against the Cherokee Treaty of 1835, has been printed by order of the House of Representatives;

And whereas, said memorial and documents not only call in question the validity of said Treaty, but greatly derogate from the character and impunes the motives of these individuals of the Cherokee Nation who negotiated and signed said Treaty, on the part of the Nation;

And whereas, Elias Boudinot, late editor of The Cherokee Phoenix, and one of the principal agents of the Cherokee Nation who negotiated the Treaty, has written a reply to the various allegations set forth in the memorial hereinbefore referred to; therefore be it

Resolved, That fifteen hundred copies of the reply of Mr. Boudinot, herein referred to, be printed for the use of the Senate.

Which was agreed to by the Senate.

In Senate, Wednesday, 18th of April, 1838.

The bill to provide for the security and protection of the emigrant and other Indians West of the States of Missouri and Arkansas was taken up, as in Committee of the

Whole, when Mr. Tipton addressed the Senate at length on the merits of the bill.

After which Mr. Lumpkin expressed a desire that every member of the Senate would turn his attention to the importance of this bill. He felt convinced that when Senators came to look into the merits of this bill it would not only meet the approval of the Senate but of every intelligent, considerate man of the country. Mr. Lumpkin had no scruples as to the power of the Government to extend to remnants of this once mighty and chivalric race all the lasting benefits of civilization which can be enjoyed by an agricultural people. Yea, he even looked forward to the day when these unfortunate sons of the forest—these children of Nature—might possibly become a part and parcel of ourselves, advancing with the same rapid strides in the pursuits of knowledge, wealth, civil liberty, and all the other requisites of human comfort and happiness.

The same bill was again called up April 27th, 1838.

When Mr. Lumpkin urged the Senate to proceed at once to the consideration of this important measure which he looked upon as the best which could be devised, not only for the protection of the frontier States of Missouri and Arkansas, but for the Indians themselves, and as eminently calculated to elevate and improve the condition of the Indians. The objects embraced in this bill, Mr. L. said, were not new—the subject had been before the country from the days of General Washington till now, and, by a reference to public documents, it would be seen that Mr. Jefferson and all of his successors in office had viewed it as a subject worthy of the consideration of Congress to civilize and improve the condition of our native Indians. In the course of his remarks Mr. L. adverted to the two able reports made on the subject by Mr. Monroe and Mr. Calhoun, and said the subject had been discussed until it would seem that it ought to be familiar not only to every member of Congress, but to all the reading portion of the country.

He said that the information presented at the present session of Congress, and the able speech of the honorable Senator from Indiana (Mr. Tipton), so replete with information and detail, would be sufficient to gain the attention of any Senator to this subject. Mr. Lumpkin said he would not now attempt to enter into an argument in support of the bill, for he concurred with his friend from Indiana (Mr. Tipton) that this would be unnecessary, un-

less some more plausible objection should be urged against it than had yet been advanced.

Should it become necessary, he felt confident that the friends of the bill would be able to answer fully all objections which might be made to it; and he, himself, would most cheerfully contribute his mite.

Neosha Territory again. In Senate, April 30th, 1838.

The Senate resumed the consideration of the bill to provide for the security and protection of the emigrant and other Indians West of the States of Missouri and Arkansas, the question being on the amendment proposed by Mr. King, of Alabama, to set apart the territory of the United States north of the Missouri and west of the Mississippi, to which the Indian title has been extinguished for the Northern Indians.

Mr. Lumpkin addressed the Senate as follows:

Mr. President: When I consider the magnitude of the question, in all its various bearings, and how deeply it concerns the honor and character of the Government of my country, I can but approach it with a due sense of the responsibility which devolves on me. I regret that the consideration and progress of this very important measure should be embarrassed by the proposed amendment of the honorable Senator from Alabama, an appendage calculated, in my judgment, if sustained, to defeat the original measure itself. This amendment, in connection with the remarks made in its support, which have fallen from several honorable Senators, gives to the proposition a sectional character which cannot fail, if the amendment be incorporated in the bill, to defeat the entire measure. I represent a portion of the Southern people who have as deep an interest in the sectional question alluded to as any other portion of the Union—a people who well understand their political rights; a people who will never demand more, or be satisfied with less, than their equal and just rights. My life, my interest, my every feeling, are strictly identified with the people whom I represent. My obligations to watch over, protect and defend that portion of their interest confided to my care on this floor can never be forgotten or neglected by me for a single moment. No, sir; my obligations to the people of Georgia are engraven on my heart, and are peculiarly strong. But still, sir, I am not to be alarmed, or frightened from the pathway of duty, by an illtimed cry of Southern rights, when there is no just ground for such an alarm, and when that sectional interest is unnecessarily

introduced in a way calculated to defeat a favorite national measure which I have for many years past labored to sustain and consummate to maturity. The bill on your table, for the organization of an Indian territorial government in the West, in its first section, defines the territory designed to become the scene of Indian reform and civilization. This territory embraces a country of about six hundred miles by two hundred, and may be stated to contain a surface of 76,800,000 acres of land. The population settled, and intended to be settled, on this surface is estimated at 133,883, of which number about 76,000 are already located in the country. The territory embraced in the bill are directly west and northwest of the States of Arkansas and Missouri, and from north to south extends over eight or ten degrees of latitude, the highest northern point being 43 degrees, North.

This, sir, is an accurate description of the geographical position of the country embraced in the bill, according to the map which I now hold in my hand, and which is thought to be a very near approach to accuracy.

Thus, it will be seen, upon the evidence here presented, that more than two-thirds of the territory designated in this bill is north of latitude $36^{\circ} 30'$, the compromise line agreed upon at the agitation and discussion which took place in Congress upon the question of the admission of the State of Missouri into the Union. It is true that I never did, nor never shall, approve of that compromise; but so it is, and it seems to be a settled compromise, and I will not now disturb its repose. I am averse at this time, and upon this question, to disturbing and agitating that question.

The South has no just cause of complaint in regard to the location of these Indians from which she will be finally and forever relieved under the provisions of this bill. The Indians have emigrated and will emigrate from all the Southern States; will be located something north of their former places of abode; and, from the provisions of this bill, it is not proposed to locate a solitary tribe of the Indians from any one of the North and Northwestern States south of $36^{\circ} 30'$.

And what is the proposition of my honorable friend from Alabama (Mr. King)? Why, sir, he proposes to add to the territory designated in the bill all the Northwestern domain of the United States to which the Indian title has not heretofore been extinguished and which is not embraced in any of the present States and Territories of the United States —

a country undefined in extent, and thought by many well informed gentlemen on the subject to embrace a country containing a larger surface than one-half of the organized States of the Union.

Sir, my high respect for the intelligence and entire confidence in the purity of the motives of the mover of this amendment (Mr. King) would leave me in surprise, but for the assurance which I feel that the error into which my friend had fallen on this subject is chargeable alone to his not having duly examined and considered the measure now under consideration.

Who can seriously expect to succeed in the organization of a Territorial Government for the emigrating and half-civilized Indians where the territory embraced in the proposed government spreads over a country so vast in extent, and the greater portion of it populated by savage and wild men who have had little or no intercourse with civilized men? Moreover, sir, the Indians who inhabit the country proposed to be added by this amendment are wholly incapable and unprepared to avail themselves of the benefits extended to the more enlightened tribes by the provisions of this bill. It would be casting pearls before swine. The adoption of the proposed amendment cannot fail to destroy every reasonable prospect of accomplishing the beneficent and kind objects designed by its friends for the benefit of those tribes which have been removed from the several States and located in the West. It would, under the bill, be an inefficient and useless measure, and change the entire prospect of benefiting those upon whom it is designed to operate.

I regret to find the honorable Senator from South Carolina (Mr. Calhoun) withholding his support from this important measure, and advocating the proposed amendment offered by the Senator from Alabama. I feel assured if the Senator from South Carolina had brought his gigantic mind to bear upon this deeply interesting subject, he would feel prepared to give it his support. I am justified in this conclusion from the fact that the very plan, in all its most important bearings, embraced in this bill, was, in the year 1825, the favorite policy of that honorable Senator. He, at that time, as Secretary of War, made an able and lucid report on this subject, which may be seen in the volume of State Papers now before me, and which, substantially, to my mind, recommends any important feature contained in this bill, as reported by the Committee on Indian Affairs. The

very tribes embraced in the bill, as well as the territory, together with an entire change of Indian policy approaching the provisions of this bill, are recommended in the report of the honorable Senator to which I refer.

And yet, he now desires more time to reflect and make up his mind on this very important measure, and seems not to be familiar with the provisions of the bill, or the policy of the measure.

A slight examination of this bill must at once remove most of the objections suggested by the Senator from South Carolina.

The bill forces nothing upon the Indian tribes who are intended to be benefited by its provisions. Each tribe will still be free to make its own laws and regulations for the government of its own people within its respective limits. The Confederacy proposed to the different tribes may be entered into, or not, at their own discretion.

It is true that most of the tribes who have emigrated to the West have been consulted on the subject of this contemplated organization and form of government which is the subject of our present consideration, and have expressed their opinions in favor of the measure. It is also true that several of the most enlightened and largest tribes have not yet expressed a formal opinion on the subject, and it is known that many of their leading men have expressed an opinion adverse to the measure. It is, therefore, a subject still open for investigation and consideration, and I indulge the belief that full investigation will not fail to counteract the opinions of the few selfish leaders among the Indian tribes who have been disposed to create opposition to the policy of the Government in regard to this matter.

I regret that this bill has not received a greater share of the attention of honorable Senators who have manifested opposition to the measure. In the opening discussion it was ably supported by the Senator from Indiana (Mr. Tipton), in a speech chiefly composed of facts and figures. In that speech, most of the material historical facts necessary to the support of this measure, together with a considerable collection of statistical information, was laid before the Senate in a condensed form, which placed within the reach of any Senator the means of correct information, without the toil and research which it must have cost the Senator who had the honor to submit it for the use and information of others. This bill advances one step towards the consummation of a most important object which has long engrossed

the minds and exertions of some few individuals scattered through a long course of years, whose knowledge of the true character and condition of the aboriginal race awakened their sympathy to a sense of the necessity of some vigorous effort to arrest the extermination and total extinction of these sons of the forest.

In a retrospect of the past, we may, with hearts overflowing with gratitude to a kind and beneficent Providence, congratulate ourselves at the unparalleled advancement and prosperity of our beloved country, since the first settlement of our European fathers on this continent. Our onward progress as a people is truly amazing—it is justly the admiration of the whole civilized world! Our good form of government, our arts, our science, our cities, our towns, our agriculture, our commerce, our manufactures, our internal improvements, all, all these, have sprung up out of the wilderness in a few hundred years. In vain we search the annals of the world for progress like our own. And still our course is onward and onward—to the summit of our destiny.

And, sir, we have wrested this delightful and magnificent land from the hands of its native lords; and whether it has been effected by force, or fraud, the obligation which now devolves on us to rescue and save from oblivion the remnants of the aboriginal race is not changed or altered. We should make an honest, sincere effort.

The allusion made by Senators to my long and untiring efforts in support of the policy which is now the subject of consideration, and attributing to me the parentage of this offspring—I should, if supported by the history of the past—I should consider a compliment worth all the toil of my humble life. But, sir, I have no pretensions to the honor of having originated this measure. Gen. Washington was the first public man from whom I recollect to have seen evidence to satisfy my mind that he looked forward to the plan which I now have so much solicitude to see consummated. Mr. Jefferson, Mr. Madison, Mr. Monroe, Mr. Calhoun, and Mr. Adams, with many other enlightened statesmen, had given official evidence of their approbation of the policy now under consideration, before I had the honor of a position which authorized me to move in this matter.

But, sir, it is a subject of the highest gratification to me to have been the first member of either house of Congress to make a distinct and systematic move in this matter, and that gratification is greatly increased by the

share of success (although short of my desire) which has attended my persevering efforts. My first year's labor, in the other branch of Congress, in 1827, resulted in getting an appropriation of \$15,000 to defray the expense of an exploring expedition to the West by competent agents of the Government, accompanied by delegations of several tribes of the Indians then residing in the States. That duty was performed to the satisfaction of the Government, and the report made by these exploring agents tended to remove the idle impression that a suitable country could not be obtained for the emigration of the Indians. They not only found a country, but a most delightful one—one among the garden spots of America, a country possessing all the natural advantages to make a people prosperous and happy. If is true, sir, I did not stop here; that was only my first step, and my march has been onward ever since.

I have been inclined, and have done all that I could, to produce a radical change in our Indian policy. I have long since been disgusted, and with shame and confusion of face looked at the policy pursued by this Government towards the Indians. Look at your large volume of Indian Treaties! What do you there see? One recorded farce after another, couched in language of high official and formal mockery! One continued tissue of deception and deceit! I rejoice, sir, that I never aided in negotiating, or writing, one Indian treaty, although I have been mainly instrumental in bringing about more than one treaty, because the Government would not work in any other harness! And now, while I am here, urging the due execution of an Indian treaty, at this session of Congress, I only do so because this Government will not comply with its obligations to the State which I represent through any other channel. My opinion has been, for the last twelve years, that we should never make another of these farcical treaties with a poor, subjugated tribe of Indians.

As a substitute for this pretense of making treaties with the poor remnant of these subjugated Indians, my plan is and has been for many years past, that the States and Federal Government should legislate directly for the Indians under their respective jurisdictions, in the same manner that we legislate for minors and orphans, and other persons who are incompetent to take charge of their own rights. And, as far as I have been concerned, I have acted upon the principle here laid down in my own State, and have more than once urged it upon this Government to pursue

the same course. But, sir, in my legislation for a dependent and needy people—a people incapable of maintaining their own rights—my liberality, my care for their true benefit, my magnanimity, shall be surpassed by no Senator in this hall. If in any of these instruments called treaties injustice may appear to have been done to any, let us speedily repair the wrong. I would gladly restore them fourfold for all the wrongs which have been brought upon them by civilized society.

Although the policy of the Government toward the Indians is, in many respects, marked by too little regard for the interest of the Indians, yet a critical examination into the history and settlement, as well as policy, of all the American colonies, in many cases, may plead justification.

In the first instance, a plea may be founded on the weakness of the colonies and the then strength of the natives which put into requisition that first law of Nature, self-preservation. This weakness on the part of the first European settlers introduced this treaty-making policy which I now so earnestly condemn. The conciliatory policy, in the absence of power, was resorted to by the colonies.

Nor do I condemn, or regret, the success of our race on this continent. No, sir. I have none of that spirit of fanaticism, or sickly sympathy for these interesting people that induces me to regret that they have been supplanted by a superior race—by husbandmen for whom the God of Nature designed the more appropriate use of the earth. I cannot desire that this flourishing land of light and liberty—

“The home of the free, and the land of the brave,”

with all of its variegated and beautiful improvements, should be retroceded to the control of uncivilized man, and again become a wild wilderness and dense forest, for the wild man to roam and hunt in, from place to place.

Thus, sir, while I see much to regret and condemn in the past policy of Europeans toward the native race, I feel it my duty to say that it requires examination, reflection and much consideration, in order to form a correct judgment on the past.

Up to the present period of our history as a people, I think it must be admitted that our intercourse regulations over the Indians have been most prejudicial to their best interest. If they had been left to a state of nature, they would probably have been in a much better condition, as a whole, than they are at this time.

It does appear to me that the policy of this Government has rather had a tendency to encourage than to restrain the barbarous habits of these people. At any rate, we have progressed in a policy that to my mind has become insupportable. Until the emigrating and colonizing policy was commenced by the Government, no general effort had been made to benefit the Indians of our country, and the disabilities under which they now labor are of a most perplexing character, under which they are perishing, and cannot long survive. Unless we speedily change our policy, the day is not far distant when there will not be a solitary one left to tell the sad story of his progenitors. But should success speedily crown the plan for which I have so long labored and toiled, in the face of a most powerful and talented opposition, my hopes will then be revived for the salvation of a remnant of this peculiar race of people—a people for whose real and permanent welfare I feel all the solicitude of which I am capable of feeling for any portion of the human family.

Most of those who, from religious motives, made efforts to benefit the Indians and better their condition, have become fully convinced that without colonization and civil government, without laws, most of these people will perish. These conclusions have been confirmed by two hundred years' experience in the Eastern States of this Union.

The hopeful beginnings of Eliot, Brainerd and others, soon disappeared. Their converts, I hope, got to a better world than this; but what was the condition of their congregations very soon after their decease? Why, most wretched, depraved and perishing.

Missionaries have continued to labor for the New England and New York Indians ever since; but, notwithstanding all these efforts, those tribes have been constantly sinking deeper and deeper in degeneracy and wretchedness, and perishing away into insignificance and nothing. I entertain no doubt but the efforts of these good missionaries have benefited a few individuals; but, take them as a whole people, and their condition has constantly been becoming more and more deplorable. The better prospects and condition of the Southern tribes, and particularly the Cherokees, cannot be justly attributed to missionary operations or labor. No, sir; the glory belongs to Him who overrules evil, and brings good out of the evil.

During the Revolutionary War, and at its close, there were Tories who fled from the just indignation of their countrymen, to escape the punishment due to their crimes.

and joined the Cherokee Indians and fought by their sides, amalgamated with them, took their daughters for wives, and took up their permanent residence amongst them. (One of these was a Scotchman, by the name of Daniel Ross, and the father of the celebrated John Ross.) Some of these men had property, education and intelligence, and soon acquired great influence amongst the Indians, and in many cases were careful to educate their children from their Indian wives. These men and their descendants taught the Southern Indians many of the arts of husbandry and industry, and imparted to them their first ideas of a system of government and laws which would secure individual rights and property. Thus they acquired a knowledge of the first principles of human prosperity; and civil order and law being thus introduced, they, by slow degrees, continued to improve. The circumstances, too, of their having for a long time a very large territory unintruded upon by the whites was favorable to their imbibing lofty feelings of character and independence which is indispensable to the political advancement of any people. These improvements, thus made in the condition of the Southern Indians, greatly facilitated the operations of the missionaries who settled in their country at a subsequent period. These missionaries were not placed among a people altogether savage, but always took their abodes in neighborhoods far advanced in civilization.

Many of the Indians and Indian countrymen had good houses and farms and large herds of cattle, sheep and hogs, besides household furniture, implements of husbandry, besides a number of negro slaves. The missionaries, in settling among such a people as I have described, found a state of society not widely differing from that which, in former days, might often be found in countries now settled by civilized men. Some of the missionaries who settled among the Cherokees were good people, and were very useful to the natives; but, at the same time, most of them advanced their own circumstances and comfort, and improved their own conditions from what they had been accustomed to full as much as they improved the churches.

These missionary efforts in the Cherokee country have been greatly exaggerated, and gone forth to the world in religious magazines and various other forms, and will most likely be handed down to posterity, and pervert the truth on the historic page when the present generation shall have passed away. Be assured, sir, that the greatly improved condition of the Cherokee people cannot be primarily

attributed to missionary labor, but to the establishment of law and civil order, produced by means to which I have already adverted. Had the Cherokee people been in a location where they could have remained undisturbed, they might, and no doubt would, have prospered and done well. But this was not the case. The Southern States, as their white population increased—but following the example of the Eastern and Northern States, and by the exercise of their constitutional and inherent rights—found it expedient and proper to take such steps as should change their Indian population for that of the white, which they considered superior. Moreover, they deemed it expedient to exercise a right, common to all the States, and which the older States had done before them, to take entire control and government of their Indian population into their own hands. Such a course was in accordance with the common cause and policy of all the States of the Confederacy from the time of the first European settlement on this continent up to the present period. It was most unreasonable to expect that an exception with a few of the Southern States should occur to that which had been the invariable practice everywhere else in America for upwards of three hundred years. For many years, I plainly foresaw that the Southern tribes, as they became crowded by a white population, must, of necessity, change their residence, as most of the Northern tribes had done, or, like those who still remain, become subject to a state of things which would inevitably cause them to dwindle, perish and pass away from the face of the earth.

In view of this state of things, I have been forced to the conclusion that the plan which I now advocate merits the support and approbation of the wise and the good from every section of our Union. It appears to me to be a measure so vastly important to a very peculiar and interesting portion of the human family—a people, too, to whom we are under the strongest of all human obligations—that every honorable Senator on this floor should for once forget all party names and distinctions, disregard sectional or party interest, and each one strive to do most to preserve and save these people who have so many strong claims on our friendship and favorable consideration. I have often been surprised at the unbelief of many intelligent and well informed persons in regard to the practicability of the civilization and improvement of the Indian race of this country. Give them the same opportunity, and they will improve just like other people. Let us henceforth consider them

as human beings, of like passions and propensities with ourselves, and in thus considering them, I know, from my own knowledge and observation, we shall only do them justice. Give them liberty and law, and at no distant day they will exhibit a community which will do honor to the legislation which we now urge for their benefit and advancement in civilization.

They are not only endowed with all the necessary faculties for mental cultivation and improvement, but whenever the proper opportunity of proper training and instruction has been extended to them they have as rarely failed to make good use of these opportunities as other people and other nations. I will not dwell upon the many cases which might be individually referred to, for the purpose of establishing the fact of the natural capacity of this race of people being as well adapted to acquire all the blessings of a civilized state as that of the people of other nations, because the reflection and knowledge of my fellow Senator here must bear testimony to the correctness of my statements in this House.

Let us give these people a fair trial, as provided for in the bill now under consideration. Let us take the first step towards elevating them as human beings. This bill violates no existing law or treaty; but goes far to carry out and fulfill many of the obligations of this Government, as contained in its treaty stipulations with these poor, dependent, subdued remnants of the aboriginal race.

This bill places these harassed people beyond the reach of State interference, and the right of soil should be as securely guaranteed to these people, to them and their posterity, forever, as it is to the people of any State in this Union.

The institutions of these people should, as far as practicable, be assimilated to our own, in every respect. Let us bind them to our great confederacy of States by the ties of union and family fraternity. Let us ever look to the day when they may become a bright star in the American confederation of States.

Let these people receive from our hands all the liberality and encouragement which will promote their true interest. Let us prudently aid them in the formation of suitable and good laws for their government. Let us watch over and guard them from indiscreet legislation in the first stages of their new government. The course suggested is the proper one to obliterate the remembrance of past injuries; and new

pursuits, and new prospects, of a cheering and encouraging nature, will help to turn their minds from the painful recollections of the past, and cause them to look forward to the prize set before them with that hope which gives joy and peace. Increasing comfort, progressive improvement, prospective preferment and distinction, will nourish a laudable enterprise and ambition in this interesting race of long neglected people.

Such a course as the one suggested would, I trust, extinguish every unkind feeling which any of them may have carried with them to their new Western homes. Let us endeavor to obliterate from their memories all past strifes and animosities. I was desirous myself that these people should have been allowed, at once, a delegate of their own choosing on the floor of Congress—one of their own people. I know that they have competent men for such high trust—native Indians, who could not fail to be respected on the floor of Congress for their intelligence and genteel deportment. From such a policy they could not fail to feel that their relations to us were not only amity and peace, but they would soon learn to feel a family and kindred interest in the welfare and prosperity of the nation and government of which they formed a part. Then, sir, we should no longer need a military force to preserve peace and good order amongst this portion of the American race, whose common origin from the same great Father with ourselves entitles them to our tender care and kind consideration. Wretched, indeed, will always be the state and condition of any people who must be kept in subordination by a military force.

Instead of further delay and consideration on this subject, as has been recommended by the honorable Senator from South Carolina (Mr. Calhoun), to my mind now is the auspicious moment for the Government to move forward and make a vigorous effort and do something for the permanent interest and benefit of these people, by at least extending to them the advantages contemplated by this bill. Now is the accepted time for action. The Indians stand at your door and knock. Now is the most favorable time to make the best possible impression on the minds of these people. If we do not proceed now, a retrograde movement may be apprehended. Many intelligent men among these Indian tribes have long been looking forward to the state of things which this bill proposes. Let us not disappoint their long delayed hopes. Justice calls for this last effort to serve

these people. Humanity requires it; conscience demands it; posterity will admire it, and Heaven will award its blessing to those who shall be instrumental in consummating this beneficent plan to redeem from ruin an interesting—but helpless, without our aid—portion of our fellow men.

After some further remarks from Messrs. Calhoun, Lumpkin and White, of Indiana, the bill was ordered to be engrossed for a third reading. Yeas, 38; nays, 6.

IN THE SENATE, TUESDAY, MAY 15th, 1838.

THE CHEROKEE TREATY.

Mr. Davis, of Massachusetts, presented several memorials in relation to the Cherokee Treaty, praying for its revision and repeal. Laid on the table.

Mr. McKean, of Pennsylvania, presented several memorials on the same subject, which were disposed of in the same manner,

When Mr. Lumpkin, of Georgia, arose and addressed the Senate as follows:

Mr. President: I hold in my hand a letter addressed to me by Mr. John Ridge, a Cherokee man, of the country, West. This letter contains much interesting and detailed information in regard to the present state and condition of the Cherokee people, and affords a fair view of the prospects which await these people, if they could be permitted to enter into the advantages secured to them by the Treaty of 1835. It is my wish, sir, to read this letter for the information of the Senate and of the country. I will add that I have numerous letters from other intelligent Cherokees who have emigrated to the West, which go fully to sustain all the views and statements of Mr. Ridge. The propriety of introducing and reading this letter I trust will not be controverted, when we take into consideration the actual state of our Cherokee affairs at present.

It is known that the Government of the United States, in December, 1835, entered into an arrangement, or treaty, with a numerous and intelligent delegation of the Cherokee people, under which arrangement it was stipulated and agreed that the whole people should emigrate from the East to the West, under the care and supervision of the Govern-

ment of the United States, on or before the 23rd of the present month, May, 1838, and several thousand of them, including the most intelligent, have already emigrated and taken up their abodes in their new country, where they are quiet, happy and contented, and are anxious to see the balance of their tribe join them in the West, and participate in their rich inheritance. Among these emigrants are Mr. Ridge, the writer of the letter to which I have referred, who is a man of strong native mind, improved by education and cultivation. He is a man of great integrity of character, whose lofty spirit became restless under the conflicts and controversies of his people with the Government of the State of Georgia and other States, which terminated in the annihilation of the Cherokee Government.

Under these circumstances, Mr. Ridge and his friends yielded to the force of circumstances, choosing to abandon their country rather than be deprived of their native rights, which they had long been accustomed to exercise—self-government. Therefore, Mr. Ridge became the open advocate of emigration as the best hope of securing to his people the boon of liberty and independent self-government. And now, with an intelligent and prudent forecast, he looks to a more honored and endeared relation to the Government of the United States as the only rational hope of perpetuating the existence of his native American race. But, sir, by the indulgence of the Senate I will read the letter of Mr. Ridge referred to, and to sustain the truths of which I have the most ample corroborating testimony in my possession.

Leave being granted, Mr. Lumpkin read as follows:

South Lee, Berkshire County, Mass.,

May 7th, 1838

My Dear Friend:—

While I was in New York, I received your kind letter of the 25th ult., in answer to mine, for which I am greatly indebted to you. It was my desire to have visited Washington, in order to have had the pleasure of a personal interview with you, and also to have seen the result of the great Indian bill, now in a course of discussion in the Senate. But the period I have set apart to return to my country is the first of June, and I have but a short time to spend amongst my wife's relations. I did not write as fully as the interesting subject of Cherokee removal and the nature of

the country demanded, as I then believed that I should see you.

Now, you will allow me to relate my opinion of our country in the West, and the situation of our people. The Treaty is so liberal in its provisions for the comfortable removal of the Cherokees that I have heard no complaint on that head, but the highest satisfaction. Those who went by water, in steamboats, in the spring of the year, passed with so much dispatch that most of them planted corn and raised considerable crops. You know that good and exemplary Christian, Mr. Charles Moore. He said that he planted in the month of June and raised a greater crop of beans, pumpkins and corn than he ever did in Georgia, under the most favorable circumstances. He said that the land in the West was so rich that he could compare it to nothing else but a fattened hog, which was so fat that he could not get up. I have traveled extensively in that country—once, from my residence, near the corner of Missouri and Arkansas, to Fort Smith, through Flint District, where I had the pleasure of beholding fine springs of water, excellent farms and comfortable houses, and mills, and mission schools, belonging to the Cherokees; and every evidence of prosperity and happiness was to be seen among the Cherokees as a people. I saw a number who had previously arrived, and had arrived since I had, and I heard but one sentiment—that they were happy and contented in their new country. Indeed, the soil is exceedingly rich and well timbered, and the navigation of the Arkansas River affords them superior commercial advantages to what they enjoyed in the East. I joked with the people, and asked them if they wished to return to Georgia, even if they could be re-established in their ancient rights and locations in that country. They invariably said, "No; by no means. Nothing would induce them to return." But they sincerely wished that the eyes of their countrymen might be opened, and break from the delusions of John Ross and his political tools and escape to this good land. I think in this direction I traveled over eighty-eight miles, in a straight direction. After this, I visited the newly acquired land, called Neutral Ground, which was added to our country, west, by the Treaty of New Echota. I rode over it, about two days, and I there found Mr. Joseph Rogers, our Cherokee friend, from the Chattahoochee, pleasantly situated in the finest region of country, I ever beheld in any part of the United States.

The streams here of all sizes, from the rivers to the

brooks, run swiftly over clean stones and pebbles, and the water is clear as crystal, in which excellent fish abound in vast numbers. The soil is diversified from the best prairie lands to the best bottom lands, in vast tracts. Never did I see a better location for settlements and better springs in the world. God has thrown His favors here with a broad cast. In this region are numerous mills, and it is of itself capable of supporting a larger population than the whole Cherokee Nation, East. On my return, I traveled toward Fort Gibson, seventy-five miles in another direction, and I found the richness of the soil and natural advantages far superior to any country which I had seen in all my travel. In this trip I visited Park Hill Mission, where the Rev. Mr. Worcester and Mr. Boudinot are located, and are engaged in the translation and publication of useful religious books in the Cherokee language, and also Choctaw books, prepared by the Choctaw missionaries.

But what pleased me more, and was a new thing here in this country, those gentlemen had published a Christian almanac, in Cherokee and English, calculated for the meridian of Fort Gibson. I found this extensively in circulation amongst the Cherokees, and, in fact, I was pleased to find that religious tracts, in the Indian language, were on the shelves of full-blooded Cherokees, and every one knew and seemed to love the messenger, as they call Mr. Worcester. I very often met with new emigrants from the Eastern Nation, either arriving or settling the country, or on their way to Fort Gibson, to draw the balance of their dues for their lands and improvements. These newcomers were formerly of opposite portion in the old nation. There was no disposition to quarrel, but every disposition manifested to cultivate friendship and rejoice together in the possession of this fine country.

I had the pleasure of being introduced to Gen. Arbuckle, commanding at Fort Gibson, and I found him to be an excellent man, of fine personal appearance, and intelligent. He informed me that the country next to the Ossages, on the Verdigris, was the best in the country, and was yet unsettled; so you perceive that I am greatly pleased with our new country. Most all the intelligent men of our nation, our Supreme Judges, and Sheriffs, and Marshals, our Legislators, and our National Treasurer, are, you are aware, already removed, and are engaged in building of houses, and the opening of farms. Many of the Cherokees have turned their attention to merchandising, and some have supplied

themselves with goods from New Orleans and New York, besides other places more convenient to the nation.

Many of the Christian Cherokees are engaged in the organization of schools and temperance societies, and there is no danger, as some supposed, that the Cherokees would retrograde and turn to the chase, instead of the pursuits of civilization. And I have the pleasure also of informing you that the utmost friendship and tranquillity prevails between the Indians and the citizens of the United States, not only those who live at the military stations, but those of your citizens who reside in Missouri and Arkansas, near the Cherokee Nation.

In the best state of friendship they visit and trade together, on both sides of the line, to their mutual advantage. In addition to this, we have excellent saline springs, where salt is made by the Cherokees. I was told that Judge Martin was about to commence work at one of these salines. In regard to the health of the country I find it good, on the small waters, and it is only on the larger water courses that the fever and ague prevails among new settlers. But it is somewhat singular that whenever a Cherokee arrives in the country, wherever that may be, he cannot be induced to change his location for a better. He will either say there is no better, or that it is as good as he wants it to be.

If the people of the United States could only see our condition in the West, they would no longer assist John Ross to delude the poor, ignorant portion of our people to remain in the East, where he can speculate on their miseries.

The Cherokee Government in the West is very much like it was in the old nation, before it was suppressed by the States.

They have an Executive, Legislature and Judiciary, and trial by jury.

I feel happy to ascertain that a majority of the Senate of the United States entertain such magnanimous views towards the well being of the Indians in future, removed as they are from the State jurisdiction and conflict. With the rich advantages of the Christian religion and cultivation, the Choctaws, Cherokees, Chickasaws, Creeks and other nations are destined to become a great and mighty people in the great West. I am truly pleased to find that our neighbor, Senator Sevier, stands by your side in the great undertaking. That was a happy thought of his in calling the Indian Territory "*Neosho*." It means, in the Ossage language, the "*Clear Waters*."

I should be glad to receive the documents connected with that bill, and all the important speeches on the subject.

While I was in New York, I found that the religious community were entirely bewildered by John Ross, and in the party slang of their papers. Instead of receiving the late Treaty as a blessing to the Cherokees, and as a measure of relief to them, they considered it the source of all their afflictions. I attempted to explain John Ross's position in the papers; and many of them are now convinced that the Treaty and its friends are in the right; but a great many are still bewildered. They believe that John Ross is the nation, and, could be succeed in breaking the Treaty, that the whole of the Southern States would retire from their jurisdictional charters.

I sometimes feel afraid that all is not right in these editors of newspapers. It would seem that they would be willing to have the Indians resist and shed blood, and produce a Florida scene, in order to render their Government odious.

They seem pleased to have money expended to suppress Indian hostilities, and then blame the Government for the expenses. They well know that the Indians cannot exist in the States; and all they can possibly accomplish by their memorials is to assist John Ross to effect a Treaty, the character of which is buried in his breast.

They all know that in the East the Cherokees have no government, and have had no elections for nine years past; and yet John Ross is, in their estimation, a constitutional chief over all the Cherokees, and if the President refuses to recognize this preposterous claim, and determines to see that all the Cherokees shall share alike from the avails of their land, then they proclaim him a monster, and John Ross the Cherokee Christian.

I shall remain here to the first of June, and I shall be obliged to you for another letter before I leave for the West.

I am your friend,

JOHN RIDGE.

Gov. Wilson Lumpkin.

Mr. Lumpkin then continued: Thus, Mr. President, you have the views of a man than whom none is better qualified to judge, or more entitled to full credit. Now, sir, what a contrast does this letter of facts present, when compared with the idle, silly, and false sympathy set forth in the

memorials and petitions with which we are daily inundated—coming from a distant people who are obviously ignorant of the merits of the subject with which they are so impertinently intermeddling. Yes, sir, these memorialists are made to complain upon a subject upon which, from the nature of things, they care but very little.

Sir, these good, religious memorialists are brought in as auxiliaries to a political cause, the obvious object of which is to bring odium and censure on the administration of your Government. I aspire not to the honor of those who are the organs of such petitioners. Sir, I am the friend of liberty and individual rights. To petition, speak, write, and publish is guaranteed to the American citizen by the Constitution of our country. I would not abridge one of those rights. But I am the avowed opponent of the impertinent intermeddling of the people of one section of our country with the local concerns of another and far distant section.

And, sir, when, in the secret recesses of my closet I sometimes tremble for the ultimate destiny of my beloved country, when I trace the progress and movements of these "busy-bodies."

We are justly and properly considered a Christian nation of people. Our Federal and State Constitutions all recognize the Bible as a book of Divine origin and revelation, and none, I trust, has a higher regard for that standard of religion than myself. But in the formation of our Constitutions great care was taken not to blend Church and State; a religious party in politics, such as these petitioners on Cherokee affairs, was never contemplated by the framers of our Constitution. But, with all our guarantees to secure liberty of conscience, what is the present state of facts in the present case?

Look at the journals and proceedings of both houses of Congress during the present session of Congress! All other business dwindles into mere *items* when compared with the mass of matter forced on the attention of Congress by a concert of professed Christian spirits who are continuously encouraged and sustained by highly talented gentlemen who stand opposed to the present administration of the Federal Government. And these pious people take the liberty, "in season and out of season," in dealing out denunciations and condemnation to the government of this country. And yet, when conclusive evidence is introduced to expose their errors, the Senator from Massa-

chusetts (Mr. Davis) complains of the want of respect to these petitioners. The letter from Mr. Ridge, which I have just read, has nothing in it unkind or uncourteous to these people, unless the exposure of their errors and ignorance on the Indian subject may be so considered. Compare the severity and sentiments contained in these memorials levelled against the Government to help out a political party with the letter of Mr. Ridge, and I may confidently appeal to any enlightened tribunal for an award in favor of Mr. Ridge, when compared with this Northern Christian party in politics.

Mr. Ridge's letter not only gives him much the strongest claims to a Christian spirit of moderation, but demonstrates his thorough knowledge of the subject on which he writes.

But the gentleman from Massachusetts undertakes to justify his complaining constituents and memorialists upon the ground that their complaints are confined to the question of the validity of the Treaty. Moreover, the Senator informs us that he has never considered the Treaty a valid one, and that it was made by a small number of unauthorized Indians, and that fifteen or sixteen thousand of the Cherokees have remonstrated against the Treaty during the present session of Congress. Upon this subject, allow me to give the Senator and the Senate correct information. I wish the whole truth on this subject to be known to the country. The numerical majority of the whole Cherokee people has, for many years past, been under the influence of Mr. John Ross and his stipendiaries, and I, therefore, have no doubt that a majority of the Cherokees would have joined Ross in his dissent to the Treaty.

But it is equally true that a large majority of the Cherokees, who possessed sufficient intelligence to comprehend the subject, were decidedly in favor of the Treaty, and are now happy and contented in the enjoyment of the benefits and advantages secured to them and their people under the provisions of the Treaty.

My opinions in regard to Indian treaties are known to this Senate.

But I would ask, when was the validity of an Indian treaty, before this, tested as to its validity, by being submitted to the whole mass of our Indian people—men, women and children? A new test is introduced to decide on the validity of this Indian Treaty. The gentleman's extraordinary love of Democracy and Democratic principles I suppose causes

him to decide that this Treaty shall be tested upon the broadest basis of pure Democracy.

It ought to be sufficient to satisfy the wise and the good anywhere that this Treaty was negotiated on behalf of the Cherokees by the most enlightened and patriotic Indian men who ever negotiated a treaty, and that it secures to the whole people more signal advantages than were ever before secured to an Indian people by treaty entered into with this Government.

This Treaty dispenses equal justice to the rich and the poor, without the slightest partiality to a single individual. One word, sir, upon the subject of the remonstrance of the fifteen thousand Cherokees against the execution of the Treaty. Including every Indian soul now in the Cherokee Country, East, their number cannot amount to fifteen thousand. Including the whole (men, women, and children, with the infants at the breast), and they do not amount to so large a number. Here, then, Mr. President, we have a forcible illustration of the impositions practiced on honorable Senators who become the popular organs of the fashionable petitioners and memorialists of the present day.

Sir, the facts which I state are susceptible to proof before any tribunal whatever. I, therefore, hope we shall hear no more about the fifteen thousand Cherokee complainants.

But, sir, I could bear with patience and composure all this delusion and ignorance, and impertinent intermeddling, but for the apprehended mischiefs and evils which the opponents of the Government are likely to bring upon the poor Cherokees themselves, and for whom they profess to feel such strong sympathy.

The opponents of the Government and their pious, petitioning, praying friends, will not let the Indians go. Every expedient has been resorted to for the purpose of keeping these people back from entering into their promised and goodly inheritance. I fear nothing will satisfy the tender mercies of those who are intermeddling with this subject but another *Indian War*. It requires an extraordinary share of philosophy to exercise composure under such repeated provocations as are directly addressed to the Southern people, from day to day, in this chamber, under the humble garb of petition.

But, sir, I will not indulge in further remarks on this subject at present, for I cannot do so without feelings which I do not wish to cherish.

IN SENATE, TUESDAY, MAY 22nd, 1838.

A message from the President of the United States, accompanied by various documents on the subject of the removal of the Cherokee Indians under the Treaty of 1835, and recommending a liberal course in affecting the same, was read, and which produced considerable discussion. The following are the few remarks submitted by Mr. Lumpkin on the above day. His general remarks on the subject were on a subsequent day, and will be given hereafter :

Mr. Lumpkin said he occupied rather peculiar ground on this subject to that of other Senators whose general views coincided with his own. From time to time, he had been consulted and conferred with on this subject by the President of the United States and Secretary of War.

He had communicated with the present and late President of the United States on this subject at every stage of its progress. He had never entertained but one opinion on the point of the present discussion, and that was to execute the Treaty, with fidelity and promptness, and yet in a spirit of liberality and kindness to the Indians. Mr. Lumpkin said he was aware that many of the Indians (the Ross party) were opposed to the Treaty. The President was disposed to treat them with all possible kindness and humanity. The Executive wished something done to sooth their present excited feelings. Mr. Lumpkin had always said to the Indians, in a spirit of the greatest candor, "*This Treaty must, be executed.*" He had always thought the imperative tone preferable to the persuasive in this matter. He understood the power with which we had to contend.

It might be due to the Secretary of War, however, for Mr. Lumpkin to state that he (Mr. Lumpkin) had been consulted in the matter now before the Senate. This document contained the views of the Secretary, and, as construed and explained by him, was not absolutely objected to by Mr. Lumpkin. While the Treaty remained firm and un mutilated, he would go as far as any other Senator in additional liberal acts to the Cherokee people. He made various written communications to the Executive Department on this subject, which he presumed could be found there, and by which it will be seen that my ground has ever been, "Be absolute in executing the Treaty, and then be as liberal and accommodating to the Cherokees as you please."

Mr. Lumpkin said it was with reluctance, but duty compelled him to say that the countenance which Ross and

his party had received from the heads of the Government here had been the sole cause of delay and excitement in the remnant of the Indians. As to any delay in the removal of the Cherokees, none can be tolerated. The decree has gone forth, and go they must.

IN SENATE, JUNE 7th, 1838.

INDIAN HOSTILITIES.

On motion of Mr. Wright, the Senate proceeded to consider the House Bill, making appropriations for the prosecutions and suppression of Indian hostilities for 1838, and for the payment of arrearages in 1837.

On ordering this bill to its third reading, Mr. Webster addressed the Senate, and was answered by Mr. Wright, when Mr. Preston spoke at length, reflecting generally on Indian wars and their causes, and attributed the fault of such wars to the administration. After which, Mr. Lumpkin, of Georgia, addressed the Senate as follows:

Mr. President: I had indulged the hope that the Senate would be permitted to act promptly on this appropriation bill, without bringing into its discussion the exciting topics of the Florida and Cherokee Treaties, as well as the Florida War.

The service of the country and the character of the Government are at this time suffering for the want of the passage of this bill. Debts amounting to hundreds of thousands of dollars are at this moment pressed upon the Treasury of the country, and cannot be discharged till we pass this bill. Citizens of the country who have given full and fair consideration for official and legal drafts on your Treasury, ought not to be delayed in receiving their just dues.

It is, therefore, with extreme reluctance that I feel myself called upon to take some notice of the remarks of the honorable Senator from South Carolina (Mr. Preston). I shall not, however, follow the gentleman in the wide range which he has taken of the Florida campaign, or the merit, or demerit, of the distinguished officers who have had command in Florida. For the present, I leave all these gentlemen's affairs, with my kind regards, to the justice of that public opinion to whom we, as public men, all stand

amenable. There is but one point touching the Florida War to which the gentleman has directed which I feel myself called upon to notice.

The gentleman, with his usual flowing eloquence, has eulogized, in high strains of praise, that fiendish savage, Osceola. When I hear such eulogies pronounced in the Senate, upon such a subject, I can but recollect the treachery of this much indulged Indian Chief. He is apparently forgetful of the many deeds which led to the final catastrophe of this extraordinary man. When I hear Osceola eulogized on the floor of this Senate, I can but recollect the treachery of this much indulged man to his friend and benefactor, Gen. Wiley Thompson, of Georgia, with whom I was long associated in public life, and who was long a highly respected member of the other branch of Congress. Yes, this blood-thirsty man, Osceola, not only murdered Gen. Thompson, but was and has been the principal organ of all the horrors of the Florida War, indiscriminately hurled against every age, sex and condition. Sir, if I fail to express my sympathy in strains of equal eloquence with the Senator from South Carolina for the suffering of the deserving portion of the native race, I will not yield to the gentleman's claims of feelings as refined, enlarged and sympathetic for suffering humanity, even when a savage is the victim of distress. I avow myself, upon all proper occasions, the advocate and defender of the just rights of the native race. But I am far, very far, from being the eulogist, or apologist, of Osceola. I can but hear his name with horror and disgust.

But, sir, my anxiety for the speedy passage of this bill would have induced me to note in silence, after all the remarks of the gentlemen on the Florida part of his speech, if the gentleman had stopped at that point. But, sir, he has approached nearer to my home. He has invaded my own territory; and I feel myself bound to defend my own premises. The gentleman has given a history of his support and defence of the Cherokee Treaty of 1835, and has manifested marked zeal in the defence and welfare of my own beloved State, Georgia, and a portion of its public functionaries. I thank the gentleman for all this voluntary service. It is a free-will offering which I feel assured will be duly appreciated by the friends of the Treaty, and especially by the public functionaries for whom his compliments are intended.

But, sir, we find mingled with all this zeal and support a spirit and bearing in the remarks of the gentleman which,

to my mind, is calculated to do great injustice to the administration which made and sustained this Treaty, as well as the friends of the administration who have borne the heat and burthen of the day in bringing our Indian relations to their present favorable attitude.

The gentleman reminds me of what I have often seen before in the course of a life which is *now* not a short one. That is to see persons vociferous in a cause, after the victory had been achieved by others—and persons, too, who stood aloof from all danger, while the battle raged.

Sir, I will never permit the Senator from South Carolina, uncontested, to step in at this late day and carry off whatever meed of praise may be due to those who have struggled so long and so faithfully to relieve my own beloved State from the incumbrance of an Indian population. Upon this subject, sir, I am perfectly at home. I truly thank the Senator for all his kind feelings and services to my State and her citizens, whether they be private or public men. But all this fresh zeal for my State and her citizens in high places shall not induce me silently to acquiesce in direct or indirect censure, when improperly cast on me or the administration of the Federal Government which I support. My position in relation to this matter shall not be misrepresented, or misunderstood, without receiving merited correction. I am fully apprised of the fact that the late communication of the President of the United States to Congress, upon the subject of Cherokee affairs, together with the letter of the Secretary of War to John Ross, is, at this time, a most fruitful subject for excitement and misrepresentation. I, therefore, deem it my duty to go into a brief history of this transaction, and put the matter right before the public, by a brief statement of the facts connected with the case. These facts cannot be controverted, and will do justice to myself and the administration which I support.

The Cherokee Treaty of 1835, after all that has been said to disparage the Government and Indians who negotiated it, I repeat, as I have often done before, here and elsewhere, is a monument of the magnanimity of the Government, on one side, and a standing record of the capacity, honesty and pure patriotism of the Cherokees who negotiated it, on the other side.

I was invited, at an early day after the ratification of this Treaty, to aid, as one of the Commissioners, in the due execution of this Treaty, and have been familiar with every important transaction connected with the subject ever since, up to the present day. The authorities of the Executive

Government have uniformly, and at all times, expressed an unwavering determination to execute and carry into full effect all the provisions of the Treaty. The public authorities have as uniformly expressed a strong desire to discharge this duty in a spirit of the utmost kindness and liberality to the Cherokee people.

In all this I have concurred and co-operated with the views of the Government.

But it is nevertheless true that from the time I entered upon the duties of Commissioner until I took my seat in this Senate—yes, sir, and since, up to the present day—some difference of opinion between the Federal authorities here and myself have existed upon some important points as to the best mode of accomplishing the object which we all had equally in view. I united in the views of the Government as to using every effort within my official range to reconcile the opposing part of the Cherokees to the Treaty, and have, to a considerable extent, succeeded.

But I have uniformly dissented, as all my official correspondence will show while acting as Commissioner, to that part of the policy of the Government which has permitted Ross and his followers, while constantly protesting against the validity of the Treaty, receiving so much countenance and courtesy from the officers of the Government. I have always entertained the opinion that the best and safest way to have executed the Treaty would have been kindly, but firmly, to have used imperative language to Ross and his adherents. To have said, "The argument is exhausted" in regard to this Treaty. *It must, and shall be, executed!* I believe that no propositions should ever have been entertained for a moment, from Ross to the Government, without being accompanied by a pledge to cease from all opposition to the removal of the Cherokees in terms of the Treaty. But I believe this difference of opinion originated more from differences of position from whence we made our respective observations than from any difference in object. There was perfect unity of desire to carry out and execute the Treaty with the least possible injury to all the parties in interest. From my intimate knowledge of the character and temperament of Ross I had not the least confidence that he would be conciliated by making concessions to him. Grant one demand, and it would only pave the way for another, still more objectionable.

The strong desire of the Government, however, to conciliate Ross and his party has been constantly increasing,

from the communications received from many of the officers and agents of the Government, as well as from the opinions of many highly respectable citizens of several of the States, communicated to the Government here, that the Treaty could never be executed peaceably, without the assent and aid of the opposing party of the Cherokees; therefore, to avoid the evils of an Indian war, which must terminate in the destruction of the Cherokees, as well as some loss of the white inhabitants, the Government has, with a patience unparalleled, kept an open ear to the untiring perseverance of this man Ross.

, On taking my seat in this Senate, I found Ross and his delegation all here, memorializing Congress and making propositions to the Executive branch of the Government. My mode and manner, in meeting this state of things, is known to the Senate and to the country, by my frequent efforts on this floor to put a stop to the assumacy of this man Ross.

In the month of March, I discovered, from information derived from various sources, that the President of the United States was still urged from various sources, and by gentlemen in high official stations, to the policy of conciliating Ross, by increased liberality in money. Amongst the communications of this character I will read an extract from a letter from Gov. Gilmer, of Georgia, to the Secretary of War. This letter is dated March 5th, 1838. The Governor says: "The best informed persons residing among the Cherokees express the opinion that Ross can, if he will, remove his people at once to avoid the great expense to the Government, and to preserve the lives and property of our citizens and the Indians which may be sacrificed if the Treaty is executed by force. The Government can well afford to pay a very liberal price for the voluntary and immediate removal of the Indians. To enable Ross and the Chiefs to effect this object, I believe it to be necessary for them first to return home, see their people, and let them be satisfied that their efforts to change the Treaty have been honest, though unavailing. The Cherokees are so suspicious of their Chiefs that even Ross, as entirely as he has their confidence, might lose all power to serve them, if he attempted to make a contract for their emigration before they were consulted and their approval of the measure obtained.

"If the Government should ascertain upon Ross's return home that he had the power, and was willing to undertake the removal of the people, the terms of contract could be

agreed upon without difficulty or delay. If the pertinacity of Ross should create any difficulty, it might be obviated in his contract by making no reference to the Treaty."

Very many other letters from persons of high respectability and official standing, to the same purport of that of Gov. Gilmer's, may be found on the files of the War Department. Indeed, I have long since anticipated mischief growing out of the execution of this Treaty, unless the influence of Ross was neutralized by force, or purchase. Under this aspect of the subject, and after both branches of Congress had given sufficient evidence of a determination to execute the Treaty, regardless of the remonstrances of Ross and the silly petitions of persons wholly ignorant upon the subject upon which they were petitioning, I came to the conclusion that Ross might possibly be in a situation to yield to the true interest of his people, and let them emigrate to the West in peace.

And hence my reluctant assent was given to the views of Gov. Gilmer, as expressed in the extract from his letter just read. And while I have uniformly protested against any arrangement calculated to retard the removal of the Cherokees in the slightest degree, I have, nevertheless, as uniformly expressed the opinion that the moment when Ross and his party ceased all opposition to the fulfilment of the Treaty, and a disposition clearly manifested to emigrate with all reasonable dispatch, from that moment the Indians would be secured from unreasonable pressure on the part of the people of Georgia.

I repudiate the idea that my constituents would, under such circumstances, act with inhumanity towards the suffering Indians, or refuse to grant every indulgence which the true interest of the Indians and humanity may require. No Senator on this floor has a more intimate knowledge and acquaintance with his constituents than I have with mine. They are generous, just and liberal. This magnanimity can never be appealed to in vain.

But, sir, they can never be forced into base and slavish submission, or withdraw from a doubtful controversy.

But, Mr. President, I now come to the important object which I had in view in desiring to address the Senate at this time. I am fully apprised of the great excitement which has been produced in my own State, and elsewhere, arising out of the propositions of the Secretary of War to John Ross, lately submitted to Congress. I am not only apprised of the excitement, but of the misapprehension which seems to

exist on this subject. I perceive, from the newspapers of Georgia and other States, as well as from the letters which I receive from my constituents, that an impression has been made on the public mind that the Government was desirous, and had unreasonably *proposed*, to delay the emigration of the Cherokees for two years to come. Every one here knows this to be a mere fabrication—it is not a misapprehension arising from ignorance.

The extension of time proposed to the States interested in the removal of the Indians, and that in the most delicate and respectful manner, was never intended to embrace a longer period than that which might be required by a due regard to the common dictates of humanity—it being expressly stated that the Indians should be removed as speedily as was consistent with health and comfort. Moreover, Gen. Scott is instructed to continue the prosecution of the measures which he has adopted for the speedy removal of the Indians; and, whether their removal is to be effected by compulsion or voluntary emigration under their own agents, so to conduct his operations as to place the proprietors of the lands in the possession of their property, with as little delay as possible. These instructions do not warrant even a supposition that the Government consents that Ross and his friends shall remain two years longer in the country.

On the contrary, the orders of the Government are most positive that the Indians are to be removed first from Georgia, and from the others as speedily as practicable. This is the plain meaning of the letter of the Secretary of War to John Ross, as intended, understood, and interpreted by the author himself.

I admit that the propositions made by the Secretary of War to John Ross might have been expressed in a form less liable to misapprehension. But I am utterly at a loss to account for the widespread misapprehension on this subject, unless it be accounted for in the fact that it took its rise in both branches of Congress, and through that channel was quickly spread to the four quarters of the Union. For what purpose this great mistake occurred among men in high places this is not the time nor place to explain. "But that which is done in secret shall yet be made manifest on the housetop."

I know positively that the exposition given by the Secretary of War of his letter to Ross is perfectly consistent with the views which he expressed to me before making his

proposition to Ross. The Secretary had ample reasons to believe that Congress entertained the most liberal feelings to the Cherokees, and would willingly soothe them, as far as could be reasonably done, by additional appropriations of money, to be applied to their comfort in the journey of their removal to the West. He had just cause to believe, and did believe, that the high-minded, generous States of Georgia, Tennessee, Alabama, and North Carolina, would act with becoming forbearance and indulgence towards the poor, deluded Cherokees; and that the people of those States will not fail to do the present administration justice on this subject, when the excitement and misapprehension of the present hour shall have passed away, cannot be apprehended by any reasonable man.

The position of the Federal Government in relation to Indian affairs had for many years past been most peculiar and embarrassing. The administration had not only to encounter the united opposition of political party opponents, known as open and avowed opponents, but many of the less informed friends of the administration have always been used as opponents of the Indian policy of the administration, even in the States most deeply interested in the late Indian policy of the Federal Government in the removal of the Indians from the East to the West. And we have often seen the strong feelings of self interest waived for the moment to accommodate party feelings and party interest. For many years past, I have found the measures and policy of Gen. Jackson and myself, in our respective official spheres on this Indian subject, discountenanced and sometimes thwarted, by our political opponents, as far as public opinion would tolerate opposition to measures clearly calculated to promote the common interest of the country. The newspapers of the day, in Georgia and elsewhere, will show that I was for many years traduced, abused and censured for the straight-forward course which I pursued in paving the way for a speedy removal of the Indians from Georgia. Yes, sir, I and my friends have borne the heat and burthen of the day in this Indian controversy. And now, in the moment of success, on the day of glorious triumph and victory, when the smoke of the battle has passed away, what is the exhibition which we witness even in this hall? Why, sir, we see the honorable Senator from South Carolina, with his characteristic zeal and eloquence, rise up (not to call us blessed) in his place, and address this Senate, in a mode and manner calculated to produce the impression abroad (not here) that the

executive officers of the Government, with the aid and assistance of your humble servant, had suddenly, all at once, without rhyme or reason, abandoned our long cherished policy, and gone over to the enemy; and that, too, after we had fairly and fully achieved the victory of a hard and well-fought battle.

Sir, can the Senator believe, by his wordy eloquence, that he can thus far mislead the public mind? Sir, he is an utter stranger to my constituents, if he believes that any man living can make them believe that I have proved recreant to their interest on this Indian subject. They too well know my toils and my labors, my perseverance, my constancy, upon this most important subject connected with my public life. No, sir; no! The Senator cannot make Georgians believe that I have abandoned their rights and interest! They have tried me for forty years—and “mene tekel” has not yet appeared on the wall!

In Georgia, at this time, we have but one party on this subject. The whole people anxiously desire the speedy removal of the Indians, in terms of the late Treaty.

And, sir, the opponents of the administration are greatly deceived, if they put so low an estimate upon the intelligence of the people of Georgia as to suppose they will find special favor with them for their loud cries of victory at the close of the Indian fight, when they have only entered the field of battle at the eleventh hour. I am willing that these newcomers should receive their penny, but I cannot consent to the withholding a fair and just reward for those faithful servants who have borne the heat and burthen of the day.

Sir, I again thank the gentleman for the zeal which he now exhibits in behalf of the interest of the people of Georgia, and for the high compliment which he has paid to the present Governor of Georgia.

I concede to the Governor of Georgia good intentions in his efforts to conciliate John Ross, and have yielded something of my own opinions to his commanding position, in order to co-operate with the views of the Governor of my own State, as well as those of the executive officers of the Federal Government.

I shall always do the Chief Magistrate of my State ample justice, whatever political difference of opinion may exist between us. I do most solemnly, however, protest against the effort of the Senator from South Carolina to cast censure and blame upon the President of the United States and Secretary of War, as well as myself, for yielding some-

thing of our opinions to the plainly expressed opinions and wishes of Gov. Gilmer and his political friends, especially his Northern Whig friends.

If there be any sin in yielding a trifle in this matter, it all lies at the door of the opponents of the administration; and yet the Senator from South Carolina (Mr. Preston), as the organ of the Southern wing of the opposition, upbraids the administration and its friends with the throwing heavy obstacles in the way of the Governor of Georgia, by pursuing the very course which the Governor advised.

Sir, I would inquire what are the heavy responsibilities thrown upon the Governors of the four States where some of the Cherokees still remain?

Even under the misapprehension which has been indulged that these States had been applied to for two years more time for the emigration of the Cherokees, why, sir, the duty of the Governor would be easy and plain, freed from all responsibility, is to give an answer in accordance with the wishes of the whole people of these States. Where is the Governor who need be bothered with such responsibility as this?

Moreover, the Senator from South Carolina contends and urges that the proposition from the Secretary of War to John Ross amounts to a new treaty, and to an infringement of the Treaty of 1835. I am not able myself to put any such construction upon the proposals of the Secretary. I know that such was not his intention. The President of the United States and Secretary of War have uniformly and firmly assured John Ross and his friends that the Treaty of New Echota would be faithfully executed without infringement or change in its provisions.

The Secretary, in his proposals to Ross, in the very first sentence, disclaims all right on the part of the Federal Government to enter into any treaty stipulations which might affect the rights of the States. And we have a reiteration of the same sentiments and sacred regard to the rights of the States throughout the document under consideration. I consider myself an unwavering, well-settled States' Rights man; but I see not the slightest ground to complain of this document on that score.

The present administration of the Federal Government belongs to the good old Republican school of 1798 and 1799, and, therefore, cannot be disposed to infringe on the rights of the States.

That temporary mischief here grows out of the misap-

prehensions spread over the country in relation to this subject, I am fully aware. But, from the nature of things, this excitement must very soon abate. The constant and daily movements and operations of the Government will certainly correct, and without delay, the mistaken impressions made upon the public mind through the false communications fabricated here and circulated far and wide.

The Government is regularly moving forward in the discharge of its duty. Gen. Scott's instructions remain unchanged. His character is a sufficient guarantee that his duty will be discharged with ability and fidelity. From the various accounts which I receive from the scene of action, the preparation and movements connected with the emigration of the Cherokees is going on quietly and harmoniously, and with as much promptitude as the nature of the service will permit.

In conclusion, I would beg leave to request the Senator from South Carolina (Mr. Preston) to be assured hereafter of my fidelity to my constituents, especially upon this Indian subject. I can assure the honorable Senator that he is wholly mistaken if he supposes that the bearing of his own remarks will ever induce the Southern wing of his own party to believe that I have no more self love than to give a victory up to my opponents which has been achieved by my friends and myself, in the face of their aid and comfort extended to the enemy. No, sir; the Senator wholly misapprehends my relation to this whole subject, as much as he does the communication of the Secretary of War to John Ross; or he never would have permitted himself to get in the lead of my friends and myself, in zeal and earnestness, for the speedy and faithful execution of the Cherokee Treaty of 1835.

Mr. Lumpkin was followed in the discussion by Messrs. Clay, of Alabama; Strange, of North Carolina; Southard, of New Jersey; and White, of Indiana, when the bill was ordered to be engrossed, by a unanimous vote.

CHAPTER XVII.

Athens, Ga., Oct. 8th, 1853.

Deeply impressed with a sense of duty to sustain the truths of history, and without the slightest spirit of rendering evil *for evil* in recording, for the information of those who survive me, the foregoing speech, made in the Senate of the United States, in reply to Mr. Preston, it is due to those for whom I write for me to make the following further explanation:

My political opponents had opposed and censured me, in every possible form, during the four years that I was Governor of Georgia, for that cause of the legislation of Georgia which tended to force the Cherokee Indians to emigrate from the State to that excellent country which had been procured for them in the West, principally through my exertions and instrumentality, while I was a member of the House of Representatives in Congress.

The legislation referred to was certainly the prime cause of bringing into existence the Cherokee Treaty of 1835. The Cherokees were fairly legislated out of a desire to remain longer under the laws of civilization. This was more especially the case with the most enlightened portion of the Cherokee people.

And in the shaping and formation of that Treaty I used all my influence (which was not inconsiderable at that time) to make it a treaty fraught with lasting advantages and benefits to the Cherokees. It was my ruling desire to frame the Treaty so as to confer the most marked benefits on every individual Indian, the poor and the rich, and, further, to make it the most magnanimous treaty ever framed with an Indian tribe. It was so shaped as to be most liberal to all, without bestowing any special favor on a single individual.

In order to secure the application of these benefits and advantages to every Indian, in accordance with the provisions of the Treaty, it was provided that two Commissioners should be appointed by the President of the United States, by and

with the advice and consent of the Senate, to see that the Treaty, in its various provisions, was faithfully carried out.

Being, as is already known to the reader, one of the Commissioners thus appointed, and that I remained in that office until all the most important duties of the office were fulfilled and discharged, and most of the intelligent Indians had been emigrated to the West, in accordance with the provisions of the Treaty, nothing now remained to be done to consummate the objects of the Treaty except the removal of Ross's ignorant portion of the Indians, being that portion who yielded implicit confidence in their principal Chief, Ross. And I entertained not the least apprehension but that these ignorant people, if taken firmly by the hand, and told that they must go and join their people in the West, and at the same time assure them that Ross was a deposed ruler, by the laws of Georgia, and that he was powerless, they could have been taken away peaceably and quietly, without hazard, or loss, either to the Indians or white population of the country.

Moreover, I was deeply adverse to the policy and views of the Government at Washington, as well as to those of the then Governor of Georgia, as hereinbefore given to the reader. Their plan was to conciliate Ross by money, flattery, and restoring to him, by such conduct, the importance of his former chiefship. I then thought, and I still think, that was the auspicious moment to have divested Ross forever from having further power for mischief, and consummating the ultimate ruin of the Cherokee people. He ought to have been put in strings and banished from the country. Although a large slave holder, Ross was well qualified to have filled a prominent place amongst the New England Abolitionists, or in the Republic of Hayti—and to one of these places I wished to see him emigrate. I deplored the idea of seeing so great a curse planted in the West.

If my policy in regard to Ross had been adhered to and carried out, the Ridges and Boudinot, with others—the very best blood of the Cherokee people—would never have come to the tragical deaths which they did, of being massacred in their own houses, in the dead and dark hour of night, by the vagabond savages of John Ross, to satiate the deep hate and revenge of Ross; and that, too, after the Indians had all emigrated and were peaceably and prosperously settled in their new homes in the West.

And let me give the reader a few facts connected with the murder of the Ridges and Boudinot, lest it may be

thought that I have no just cause for indignation towards this man Ross and his *stipendiaries* who ever stood ready to execute his dirty work and decrees, while he wore all the calmness in appearance of a summer's morning. And, first, as I have often said, the Cherokee Treaty of 1835 was negotiated by a delegation of the most enlightened and patriotic men that ever negotiated an Indian treaty. The Treaty was ratified in due form by the Government of the United States, and sustained and supported by an overwhelming portion of the intelligence of the Cherokee people. Nevertheless, John Ross and his followers appealed to the passions of the ignorant masses of the Indians, in opposition to the execution of the Treaty. But, after much labor and effort on the part of the Government, all obstacles were so far removed and overcome as to remove the whole tribe, including Ross and all his family and friends, under the provisions of the Treaty, without the use of actual applied force on the part of the Government, or the shedding of one drop of human blood.

On the arrival of the whole tribe in the West they were welcomed to their new homes by their brethren, the old settlers. The emigrants of the treaty-making party considered themselves private citizens, amenable to the laws and regulations which they found in operation in the country, and deported themselves accordingly; and were well satisfied with the existing government of the country, and sought no change, except such as might be introduced by a regular course of legislation, emanating from the whole people, now united as one people, in their Western homes.

But Ross and his associates, who had been principal rulers and chiefs while they remained in the East, on their arrival in the West insisted that they were still the legitimate and rightful rulers and chiefs of the Cherokee people, wherever they might be found; and that the Cherokee code of laws and form of government, as it existed in the East, should, in all its parts, be the supreme law of the land over the whole Cherokee people, now united in the West as one people.

A general Council was called, and the subject freely discussed. The Council broke up in some confusion, and, without hope of adjusting the matter satisfactorily, each party firmly maintaining their ground, the treaty-making party taking a decided stand in favor of the old settlers.

Shortly after this Council adjourned Ross called together a *mock* convention, composed exclusively of his own parti-

sans, which meeting, in a formal manner, proceeded to adopt the laws which existed among the Cherokees in the East previous to their removal to the West, and declared these laws to be the form of government which should be enforced in the West over the whole tribe as now united, and that said laws were from that date in full force and virtue, and should be executed accordingly. And, further, they reinstated all their former Chiefs, with John Ross at their head; and at one stroke nullified the whole government of the Western Cherokees, which had been in peaceable and successful operation for upwards of thirty years, except such amendments as their progress had introduced from time to time.

Moreover, it was by this same meeting decreed, in a special and separate form, that a very ancient law, remaining on their Eastern statute book, should be revived, declaring that every Chief or other Indian of the Cherokee tribe who should assent to the sale of their country (East) or any part thereof should suffer death, without the benefit of clergy, &c. And, further, that this law should now be executed on the signers of the New Echota Treaty of 1835. And accordingly a number of persons were forthwith selected and appointed to go forth and execute said decree; and accordingly they did execute it—so far as to butcher and murder old Maj. Ridge and his son, John Ridge, and his nephew, Elias Boudinot, in the most cruel, shocking, and savage manner; after which Ross and his associates still continued together, maintaining a warlike attitude, with arms in their hands, until they took up the subject of the murderers of the Ridges and Boudinot, and, by a shameful act of pretended legislation, passed a general act of amnesty and pardon, extending to all past crimes, murders, thefts, &c., up to the day on which they acted, and thus legalizing the murders of the Ridges and Boudinot; to which act follows a proviso that the surviving signers of the Treaty of 1835 shall be pardoned, on one occasion only, to wit: that they shall appear before that council in fifteen days and take and subscribe an oath of allegiance to the assumed power of Ross and his associates. And three of the individuals who signed the Treaty were in Washington when I made the memorandums from which I now write, and these individuals made a solemn appeal to the Federal Government for protection and redress, as the circumstances of the case so greatly demanded. But this relief, although promised again and again, to the shame of the Government, and

especially to the administration of Mr. Van Buren, was never applied or extended. The Government did pretend, through its officers and agents, to make a demand of the murderers of the Ridges and Boudinot, but they were never given up or punished, and here ended this horrid and gloomy tragedy. And to the lasting disgrace of the Federal Government, in sorrow I record these melancholy facts.

I remonstrated again and again, and received promises that these murderers should be punished, but it was never done. I am forced to look to God for retribution.

But to return from this long digression from the subject that I was more particularly dwelling on—that is, the closing scenes in the Senate of the United States, in connection with Cherokee emigration. As before stated, I yielded to the policy of Ross as the agent to emigrate his followers to the West and his receiving a fortune for the performance of the duties of that agency, with great reluctance, and under protest made to the President of the United States, the Secretary of War, and before the Senate of the United States. But the circumstances at the time left me no opportunity to choose. It was the policy of the powers *who then ruled*, both Federal and in my own State. And further resistance on my part would only produce ruptures which might end in the shedding of human blood in that part of the country where Ross's Indians still remained.

My great success, for twelve successive years, in carrying forward my sternly determined policy never to cease my efforts while an Indian remained in Georgia, being now fully consummated beyond the shadow of a doubt, why controvert any longer the comparatively unimportant question as to the *method of raising the capstone* to its proper place? In the progress of these arrangements, much as I had seen of the depravity of poor human nature, I was perfectly astonished at the magnitude and ingratitude of human depravity. It burst forth in great, but secret, violence on my own devoted head, from men of my own political party (some of them mainly elevated from obscurity to a seat in the councils of the nation through my friendship and influence) in combination with my Whig opponents. They wrote letters containing gross falsehoods, to detract from my merit and fidelity to the interest of my constituents. They endeavored to produce the belief that I had abandoned and set at naught all the past labors of my life—had changed sides and taken Ross by the hand, &c. And all this was based upon the single fact that I had assented to the favorite

plan of the Federal Government and Gov. Gilmer, to let Ross emigrate his own Indians, when it was well known that even this assent was given under my protest of disapproval. The newspapers of Georgia were filled with these gross and malicious fabrications.

It all originated from *envy*—the basest passion of the human heart—of my prominence, from first to last, in ridding the State of Georgia from the incumbrance of her Indian population, while so many in equal position to have aided in this important work had stood idle all the day long, predicting that my efforts would end in evil; or, if they used any effort, it had been to defeat the success of my efforts, so that they felt the horrors of self-condemnation.

But all these attempts to rob me of the hardest and dearest-bought earnings of my public life passed away like the morning dew or summer shower. But "Truth is mighty, and will prevail." When "Crushed to earth, it rises again."

A short time, and the smell of their fire was not left on my garments. The people of Georgia have done me justice on this Indian subject.

They kept me in the House of Representatives, in Congress, six years, when elected by a general ticket of the whole State. Having done all that could be done there preparatory to the removal of the Indians, before my last term of service had expired their voice urged me, reluctantly, to abandon my seat in Congress and enter upon the duties of Chief Magistrate of the State, where they continued me four years up to the moment of the formation of the Cherokee Treaty of 1835. I then entered upon and discharged all the most important duties of Commissioner, in the execution of the Treaty, when, by the voice of the people, through the Legislature, I was transferred to the Senate of the United States, for the express purpose, mainly, to meet John Ross and see that he and his Indians should speedily take up their march for the West, all of which has been done to the entire satisfaction of the people of my own generation. I only ask of posterity to read, examine and understand this subject.

Being requested by Mr. Poinsett and Gen. Scott, on the 7th of April, 1838, before any arrangement had been made with Ross for him to emigrate his Indians, and just at the moment when Gen. Scott was about to leave Washington for the Cherokee country, with a sufficient command to collect and remove the remaining Indians from the States to the West, to submit to them my views in regard to the

best plan of operations on the part of Gen. Scott, in the discharge of duties which were devolved on him, together with such information in regard to the people and country as I might consider important to be known by Gen. Scott. I very hastily put together the following notes, a connected copy of which, after a full and free conversation I handed to Gen. Scott, in the Senate Chamber of the United States, and I now place them here, with all their imperfections, because they are confirmatory of much that has hereinbefore been given to the reader :

Senate Chamber,
Washington, April 7th, 1838.

First. The basis of every other movement connected with the removal of the Indians and the execution of the late Treaty should be an inflexible adherence to all the provisions of the Treaty, especially as to the time for their removal as stipulated in the Treaty. Whatever relaxation may become necessary on this subject should be extended as gratuitous favor, and founded on no new stipulation on the part of the Government.

Second. It will be altogether inexpedient to listen to any proposition from Ross which may conflict with the course I have indicated. But if Ross would pledge himself, in an unequivocal written form, to use his best exertions to emigrate his Indians peaceably, and in conformity with the provisions of the Treaty, in my opinion that would justify the Government in hearing any propositions which Ross may choose to submit.

All propositions coming from Ross should be received and treated as the propositions of a private individual of the Cherokee people, and not as the propositions of a Principal Chief of the Cherokee people. And any arrangement which may be entered into by the Government with Ross ought obviously to be conditional and not binding on the Government of the United States, or the Cherokee people, until the subject has been fairly and fully discussed by the existing authorities of the Cherokee people, West, and approved of by them. Otherwise, you will reinstate Ross to his chiefship and assumptions to govern and control the Cherokee people in the West, *after his arrival there*, and you may rest assured such assumptions will be resisted by the old settlers and treaty-making party now in the West.

Third. I consider it indispensable to the best success of Gen. Scott that it should be understood here, before his

departure for the Cherokee country, that the Executive Government *here* will entertain no proposition from Ross which shall, in the slightest degree, impede the discharge of his duties, as he now stands instructed, in carrying out the Treaty by the removal of the Indians according to the stipulations of the Treaty. Indeed, I should deem it most appropriate that any propositions which Ross may hereafter think proper to make to the Government should be made alone through Gen. Scott. My object in this last suggestion is to prevent Gen. Scott from being embarrassed by false reports which may reach him in the country of what Mr. Ross is doing here and which may to some extent impede the speedy removal of the Indians.

Fourth. Although I do not apprehend any serious danger in the removal of the Indians, I would advise an imposing military force to be placed at the disposal of Gen. Scott. And, if such an arrangement would be admissible, I would advise the use of military officers not heretofore employed in the Cherokee country—such should be preferred to those who have heretofore committed themselves by taking sides with Ross in opposition to the Treaty. The commanding General, Scott, will, on his arrival in the Cherokee country, find a great want of unity of feeling and concert of action amongst the civil and military officers now employed in that country. He will find them divided as *Ross* and *anti-Ross* men. And the General may do well to be guarded against the prejudices of those who have indiscreetly committed themselves to a cause incompatible with the duties of the service in which they have been employed.

Fifth. If the contemplated military force of six or seven thousand men is placed under the command of Gen. Scott, it may be so stationed as to afford the most perfect security and protection to the people of every exposed section of the country, and, at the same time, prevent any general gathering or concentration of the Cherokees for hostile purposes, if, indeed, it should be possible to engender such a spirit.

Sixth. If the Indians should continue to resist emigration, and it becomes necessary to collect and gather them at such points as may be thought most advisable, and the military used for that purpose, I should consider it best for that operation to commence on the southern border of the country and progress North, taking the whole of the scattering Indians in abreast before the army.

This plan would not only remove, first, the Indians who are most liable to interruption and difficulty, but it will be

found the most advisable plan to secure the necessary supplies for the army, as well as the Indians—that is, from the Tennessee River—and will also tend to collect the Indians at the point on the Tennessee River from which they must take their final departure for the West.

I submit this idea for consideration: In the event of being under the necessity of taking the Indians forcibly from the country, would it not be expedient to precede that movement by disarming all the Cherokees? Most of the men have guns and plenty of ammunition; and if their arms were taken from them, and deposited at the intended point, or points, of their departure for the West, ready to be taken with them and delivered to them again at the proper time and place, would it afford any just cause for complaint against the Government? The object of such a measure would be solely to prevent mischief and evil results from a state of things forced upon the Government by the obstinacy of Ross and his Indians.

Again, I would suggest the propriety of collecting the Indian women and children, and treating them with special care and kindness, where the men may happen to be out of place, either by design or accident—and a doubt can scarcely be entertained that the absent men will soon follow their women and children.

No man in the Cherokee country is better acquainted with the Indian character and country than Gen. Charles H. Nelson. He is a gentleman of honor and probity of character, a *soldier* and an *officer*.

Col. C. D. Terhune is well qualified to give correct information both in regard to the Indians and the country where they still remain, and is entitled to confidence. His residence is in Cass County, Georgia.

Unfortunately, many of these Indians have acquired all the *vices* and but few of the virtues of the *white man*. But few of them, *very few* indeed, will be found entitled to your confidence under existing circumstances. They will consider it justifiable in them to practice the most gross deception on any white man.

Ross is the *soul* and *spirit* of his whole party, and they will act in accordance with his views. In regard to Ross himself, he is a sagacious, subtle man. Under the guise of an unassuming deportment, his arrogance is unsurpassed. He always takes high ground, and maintains his assumptions with the utmost pertinacity and obstinacy. When he deems it necessary, he maintains the most dignified reserve, and

never communicates freely and without reserve even with his best friends. He has the art of acquiring credit for talents and wisdom which he never possessed.

He writes well, but has had the credit of being the author of many able productions which were written by others, and not himself. Some of the first writers of the age, such as Sergeant, of Philadelphia, Wirt, of Virginia, &c., &c., have long been his *feed* counsel, and have suffered their pens to be brought into requisition in aid of this man Ross. Amongst the treaty-making party their ablest and best men have all emigrated to the West, under the provisions of the Treaty, and are now peacefully enjoying the blessings of their promised inheritance.

The extent to which the Treaty is already executed may be readily seen by reference to the books of the Commissioners at the Cherokee Agency, Calhoun, Tennessee; and, upon examination, it will be found that but little of great importance remains to be done in executing the Treaty, except the removal of Ross and his Indians to the West.

Respectfully submitted,

WILSON LUMPKIN.

I am fully apprised that I have already submitted so much of what I have said and written upon the subject of Indian affairs, embraced in my official correspondence in various offices which I have occupied, and my speeches in Congress, that but few, *very few* readers will ever have the patience to read and consider all that I have said and done in connection with this very important and interesting subject, and will scarcely give credence to the fact which I now state, to wit: That I have given but a limited portion of the whole of my labor of this sort connected with the subject.

It is true, however, that it has been my constant aim to select that which I deemed to be most important and best calculated to keep up the chain of my connection with the subject.

I feel, however, that I am now near the close of what I had intended to present at the commencement of this work of compilation.

I will give one more of my speeches on the subject of Indian affairs, made in the Senate of the United States, and then it is my intention at present to turn my attention to other subjects with which I stand officially connected in the history of the past.

SPEECH

of Mr. Lumpkin, of Georgia.

In Senate, March 19th, 1840, in Executive Session, on the Treaty With the New York Indians.

Mr. Sevier (Chairman of the Committee on Indian Affairs) having made a report and speech against the ratification of the Treaty,

Mr. Lumpkin rose and said:

Mr. President: In rising to advocate this Treaty, and desiring, as I do, to reverse the report of the Committee on Indian affairs, I am duly sensible of the magnitude and responsibility of my undertaking.

The admitted ability and great ingenuity with which the Chairman of the Committee (Senator Sevier) has sustained his report, in opposition to the Treaty, and the indications of approbation manifested by Senators in every part of this hall to the speech and views, is well calculated to make me feel the full force of my position. Yes, sir, my position appears to be that of leading on a forlorn hope. But, sir, a sense of duty urges me on to this unequal contest, and nothing less than my taking the lead will satisfy my friends in the Senate who concur with me on this subject.

As a member of the Committee on Indian Affairs, at the last session of Congress (heavy as the task was) I had examined this subject in all its parts and bearings, so far, at least, as I was capable of investigating a subject so difficult and complex to be comprehended. At the present session I had not supposed it necessary to enter upon an entire re-investigation of the subject, not deeming it necessary to go further back in the investigation than to the action of the Senate at its last session. The Senate then expressed its sanction of this Treaty, with the single proviso that the President of the United States should first be satisfied that the assent of the Seneca tribe of Indians had been given to the Treaty according to its true intent and meaning. And if we now sustain the views of the Senate, as expressed at its last session, our duty is narrowed down to the single question: Has the assent of the Seneca Chiefs been thus obtained, or not? This, sir, is now the true issue before the Senate, and the friends of the Treaty should not suffer themselves to be diverted from that issue.

But, sir, the Chairman of the Committee (Mr. S.) having occupied the whole ground connected with this Treaty from

the beginning, and especially every historical part and circumstance connected with the subject calculated to invalidate and bring it into disrepute, it, therefore, becomes the imperative duty of those who support the Treaty to travel over all the ground occupied by the Senator.

The Senator from New York (Mr. Wright) having yesterday replied to that part of the Chairman's speech in reference to matters antecedent to the Treaty of June the 11th, 1838, I do not deem it strictly necessary for me to go further back than the President of the United States has done in communicating the Treaty to the Senate. It may, however, be proper to state very briefly how we have such a variety of parties in interest connected with this Treaty. Well, sir, as stated by the Chairman of the Committee, the States of Massachusetts and New York, in the year 1786, in adjustment of their conflicting territorial claims, finally agreed that while New York should have the jurisdiction and government of a certain district of country, being the country in part embraced in this Treaty, Massachusetts should have the right to the soil, subject, however, to the occupant rights of the Indians then inhabiting the same. The pre-emptive rights to these lands were sold by Massachusetts to Robert Morris, of Philadelphia, on the 11th of May, 1791, and are now represented by Ogden and Company, of New York. This, sir, accounts for the agency of Massachusetts in connection with this Treaty, and will cause me to be understood hereafter, when I speak of Gen. Dearborn as the agent of Massachusetts superintending the negotiation of this Treaty, in connection with Mr. Gillett, who acted as Commissioner of the United States in making this Treaty.

And now, sir, in the language of the President of the United States, in communicating the Treaty to the Senate, let me express my decided conviction that the Treaty will be alike beneficial to all the parties concerned; to the Indians, to the State in which the land is situated, and to the more general interest of the United States, in consummating her policy in relation to Indian affairs.

Now, sir, if I can demonstrate that this Treaty is beneficial and a blessing to all the parties in interest, shall we still refuse to sanction it? If I prove that its rejection will be highly detrimental to the best interest of the Indians, to the State of New York, and the United States, shall we still refuse to ratify it? Sir, when I consider the moral degradation of these Indians and reflect that they cannot escape from the attendant destruction which awaits them in their

present abodes, I cannot estimate the value of immortal beings by dollars and cents. I cannot be altogether as strict in my inquiry in regard to the propriety of the United States incurring some expenditure in an object so essential to the preservation of the remnant of a once powerful race.

The President of the United States informs you in his message that this Treaty presents the only prospect for the preservation of these people. He says, "Surrounded as they are by all the influences which work their destruction, by temptation they cannot resist, and artifices they cannot counteract, they are rapidly declining;" and, "That where they are, they must soon become extinct." And, sir, these statements of the President of the United States are fully sustained by both the honorable Senators from the State of New York, as well as by Gen. Dearborn and Mr. Gillett, and by every other gentleman with whom I have conversed who is acquainted with the present and true condition of these people. And yet, sir, we find persons professing all that is Christian and benevolent, pious and good, unwilling to let these poor, suffering Indians go to a land of hope. This Treaty is truly recommended by its liberality to the Indians. It gives them 1,824,000 acres of land in the Indian Territory, West, and the sum of \$400,000 for their removal, and subsistence, for educational and agricultural purposes, the erection of mills, and other necessary buildings, and the promotion of the mechanic arts, besides some other minor, but advantageous, provisions. From the enumeration of the specific objects to which this money is to be applied, it is proper for me to remark here that I take it for granted that while these provisions of the Treaty are munificent and bountiful to the Indians the expenditure must be gradual and, therefore, will not be burthensome to the Treasury.

It is believed that ten thousand dollars will not be required from the Treasury for the next twelve months to carry out the provisions of this Treaty. A small sum will be required at first, and probably will gradually increase as the migration progresses.

In exchange, the Government obtains 435,000 acres of the best lands near Green Bay, lying on Fox River, and near the best port in Wisconsin. This land is said to be now in demand, and disconnects the white settlements which are already made in that country. The public interest would be greatly promoted by the early settlement of this 435,000 acres of land with a white population, and if it could be brought into market no doubt is entertained of its being

readily sold, and speedily settled by an industrious and enterprising population. At the Government price, (and it is believed that most of it would sell for more), it would not only reimburse the Treasury for the necessary appropriations to carry out the Treaty, but it would exceed it by one hundred and fifty thousand dollars. Indeed, it is believed the demand upon the Treasury to carry out this Treaty might be supplied from these lands. It has been suggested by those opposed to the Treaty that the land might be declared forfeited to the Government; but the supplement to the Menomonee Treaty of 1831 gives no definite time for its occupation, and the President has prescribed none. Moreover, the New York Indians paid a large consideration for these lands by their Treaties with the Menomonees in 1821 and 1822, which Treaties were approved of by the President of the United States. But their purchase from the Menomonees, amounting to about 1,500,000 acres, in regard to its justice and policy being called in question, in the year 1831, Treaties were made for the purpose of reconciling all the conflicting claims by which the United States acquired the territory in dispute, giving the New York Indians, however, 500,000 acres of the disputed lands; and the Menomonees 20,000 for their acquiescence—all of which may be seen by references to the Treaty with the Menomonees of 1831. Under these circumstances, the titles of these Indians cannot be justly disturbed till another home is provided for them. And, sir, the tract of country set apart for the New York Indians by this Treaty is not so serious a consideration to the Federal Government as gentlemen seem to suppose. A territory west of the Mississippi has been procured and sacredly set apart by the Government, amply sufficient for the location of all the remnant tribes of Indians which are still remaining in all the States and Territories of the Union east of the Mississippi. It is the settled policy and wish of the Government thus to locate these Indians.

And, sir, if these poor, perishing people were entirely destitute of all the necessary means to contribute to their own comfort and settlement, even in the slightest degree, the duty in that case would become more imperative on this Government to provide for and take kind and parental care of them.

I understand the Government to have assumed the parental and guardian care of these remnants of the aboriginal race; and its duty and honor require that it

should, at all times, stand ready and prepared to render a satisfactory account of its stewardship to a civilized and Christian world. The wise and enlightened policy of collecting, removing and settling these remnant tribes in permanent homes in the West, and thereby relieve the States altogether from the perplexing incumbrance of an Indian population, and, at the same time, make a last and honest effort to save from extinction a remnant of the native race, has always had my warmest support and approbation.

I have no claims to the honor of having originated this scheme, or plan. No, sir, this was done before I entered my present field of public labor.

The plan was first brought to my notice by observing the recommendation of Mr. Jefferson, and has since been sustained more or less by most of his successors.

Mr. Monroe most earnestly recommended to Congress efficient action to carry out this plan for emigrating Indians from the States and settling them permanently out of the limits of all the then States and Territories of the Union.

The then Secretary of War, Mr. Calhoun, sustained the views of the President in a very able report on the subject of Indian affairs. Not being a member of Congress at that time (1825, I believe), I was surprised that no member of Congress made a direct effort at legislation on the subject; and in 1827, when a member of the other branch of Congress, I did not fail to bring the subject, in a direct manner, to the consideration of Congress. And, sir, it will continue to be a source of gratification to me that I was the first member of either branch of the American Congress to urge this beneficent plan of salvation to the Indians, as well as relief to the States, upon the consideration of Congress.

Mr. President, you will remember the violent opposition my first effort met with from various quarters; but that effort has been perseveringly followed up, and in its progress constantly gained friends and increased support.

The history of its progress and success is familiar to this Senate, and to the whole country. And, sir, I consider it now, as I have done from the beginning, one of the most important measures connected with the history and character of the Government of our beloved country.

Shall we then dally and falter in the consummation of a policy which now, from experience, has forced itself upon the approbation of the wise and the good not only of our own country, but upon all who appreciate the blessings of civilization in every land?

Sir, we are Senators, representing sovereign States of this Union—not only our own States, in a special manner, but all the States. And the people of New York, very naturally and properly, feel a deep interest in this matter. And the Federal Government, by its policy and action, has become so connected with this subject that we cannot honorably, if so disposed, abandon the connection which the Government has, by its own acts, assumed in relation to this matter. The views of the Government in regard to these Indians has been too fully developed, in various official acts, and also in the legislation of Congress, for us at this late day to stand justified in assuming the ground that this affair all belongs to the State of New York, and that this Government has no concern in the issue now before us.

Shortly after the close of the Revolutionary War, the six nations of Indians of New York became convinced that the increase of the white settlements around them would make it necessary for them to seek a new home in the West; and, in council held by these people as early as 1810, they resolved, and did send a memorial to the President of the United States, inquiring whether the government would consent to their leaving their habitations and their removing into the neighborhood of their Western brethren; and, if they could procure a home there, by gift, or purchase, whether the Government would acknowledge their title to the lands so obtained, in the same manner it had acknowledged it in those from whom they might receive it; and, further, whether the existing Treaties would, in such a case, remain in full force, and their annuities be paid, as heretofore. The President answered by saying their request should be granted.

And under this appropriation the Treaty of 1831, between the New York and Menomonee Indians, to which I have heretofore adverted, was made and concluded. Under all these circumstances, is it matter of surprise that any person who pretends to be acquainted with the history of these transactions should rise up and say that the Federal Government has nothing to do with these matters; that it all belongs to New York and Massachusetts?

Sir, it has clearly and obviously become our duty to act in this matter; and, for one, I shall neither waive my right nor shrink from my responsibility. Does not the interest of New York require that we should act in this matter? The answer is found in the following language of the President of the United States in his message on this subject:

"The removal of the New York Indians is not only important to the tribes themselves, but to an interesting portion of Western New York, and especially to the growing city of Buffalo, which is surrounded by lands occupied by the Senecas; and to this portion of our country the extraordinary spectacle is presented of densely populated and highly improved settlements, inhabited by industrious, moral and respectable citizens, divided by a wilderness, on one side of whom is a city of more than 20,000 souls, whose advantageous position in every other respect, and great commercial prospects, would cause its rapid increase in population and wealth, if not retarded by the circumstances of a naturally fertile district remaining a barren waste, in its immediate vicinity."

And, sir, what does the President say in regard to those persons who are entitled to the reversionary right of these lands? His language is: "Neither does it appear just to those who are entitled to the fee-simple of the land, and who have paid a part of the purchase money, that they should, from the waste which is constantly committed on their reversionary rights and the deterioration consequent upon such depredations, without any corresponding advantage to the occupant Indian."

In and out of the Senate I have found persons strangely opposed to this Treaty, because they seem to think it confers special favors upon the persons known as the pre-emptioners; these individuals seemed to be viewed in the light of speculators, who are endeavoring to defraud the Indians out of their lands. Now, sir, nothing, so far as I can discover, can be more unjust to these deeply injured individuals. The quotation which I have given from the President's message, as well as the reports from Gen. Dearborn and Mr. Gillett, United States Commissioner, together with all the mass of documentary evidence which we all have seen on our tables, in a printed form, on this subject—yes, sir, all this mass of testimony goes to establish and confirm the merit and good character, liberal conduct and fair dealing of these pre-emptioners, and especially their agents, Messrs. Ogden, Fellows and Wordsworth. Gen. Dearborn says the gentlemen just named "have afforded me every facility for an agreeable and thorough discharge of my duties."

That those pre-emption owners of the lands should be desirous to hasten the time of going into the possession of their just rights is altogether natural, right and proper. They neither claim nor desire any advantage which has not been

fairly derived from the State of Massachusetts, and their good conduct and fair dealing have obviously secured to them the respectful consideration of many of our most distinguished public men and citizens, as may be seen by a careful examination of the documents which accompany this Treaty. It is true that I duly consider the interest of these individuals, but, at the same time, view it as a minor object in the provisions of this Treaty—yet it is an interest entitled to some consideration.

To remove, however, unjust and improper prejudice, growing out of a want of correct information against these pre-emptive claimants, and consequently against the Treaty, I will, contrary to what I had intended to say on this branch of the subject, enter more fully on an explanation on the nature and history of the merits of these pre-emptive claims. It will be found, sir, by examining the history of the proceedings of the Federal Government, that the Convention held in 1786, between New York and Massachusetts, which resulted, as heretofore stated, in a cession to the last named State of the territory since called the Genesee Country. The right and sovereignty of jurisdiction being reserved to New York, was held under the sanction of Congress; and, by the deed of cession, Massachusetts is authorized to hold treaties with the native Indians for the extinguishment of their title, and for this purpose to employ such armed force as should be necessary; also, to grant the right of pre-emption to others, with the like powers, but under a provision that purchasers from the Indians by the grantees of Massachusetts should be made in the presence of a superintendent, and subject to the approval of that State.

And the lands embraced in the Treaty now under consideration were conveyed by Massachusetts to Robert Morris, and by him to what was called the Holland Land Company. Under these cessions and conveyances, Morris extinguished the Indian claim to the greater part of the territory which he had purchased. In 1810, the Holland Land Company sold and conveyed all the lands now occupied by the Seneca and Tuscarora tribes to David A. Ogden, who afterwards sold them to the present pre-emptive owners. In 1826, these owners extinguished the Seneca claim to part of these lands, and to the residue they still hold a legal estate, in fee-simple, subject only to the possessory right of the native Indians.

For many years past these claimants, or, rather, rightful owners of these lands, have been looking to this Government

to carry out its policy in the removal of all the remnant tribes still remaining in the States to the permanent home provided for them in the West. And when, in the year 1837, a Commissioner was appointed by the United States to hold a treaty with the New York Indians, these preemptive claimants procured the attendance, and, at their own expense, of an agent, on the part of Massachusetts, to superintend any sale growing out of a treaty which the Indians might be inclined to make. And this Commissioner on the part of Massachusetts was Gen. Dearborn, whose report has been, and will be again, adverted to, in support of the ratification of this Treaty.

Mr. President, if I have succeeded in demonstrating the advantages of this Treaty to all the parties in interest, and that I have I think will scarcely be denied, why should I then dwell longer on this branch of the subject? For, sir, it is obvious to every one that if the execution of this Treaty be beneficial to all the parties concerned, its rejection will consequently be prejudicial to all. Let me, then, turn to another consideration connected with this Treaty, by asking the question, Do these Indians wish to remove? This question is answered in the most satisfactory manner by an attentive examination and consideration of the actings and doings of these Indians for the last thirty years. Their various efforts, with but little aid and encouragement from any Government influence, either State or Federal, sustains the belief that they are unhappy, and very dissatisfied with their present abodes, and are truly anxious to emigrate to the West. The inclination of the Indians in all the States, for many years past, when left free to the exercise of their own volition, has been a constant, earnest looking to the West for new homes, where they might be relieved from that thralldom of State legislation which deprived them of their unrestricted liberty so essential to the nature of the child of the forest.

Yes, Mr. President, they have long desired a country where the white man might cease from troubling, and where the poor, weary Indian might be at rest.

Mr. Gillett and Gen. Dearborn both declared themselves to be perfectly satisfied that were it not for the unmerited and dangerous exertions of a certain number of interested white men, who are actuated by their private interests to induce the Chiefs not to assent to the Treaty, it would immediately be approved by an immense majority—an opinion which we find repeatedly reiterated by these gentlemen. The

President of the United States expresses the opinion that the same influence which was exerted in opposition to the Treaty, if exercised with equal zeal on the other side, would show a large majority of these Indians in favor of emigration. But, sir, we will endeavor to arrive at a correct conclusion in regard to the wishes of the Senecas on the subject of removal, by examining and scrutinizing the conduct and action of their Chiefs on the subject of the ratification of the Treaty. Well, sir, the Commissioner for holding the Treaty was appointed in the year 1837, and, attended by the Superintendent on the part of Massachusetts, met the Indians in council; and from the first commencement of the negotiation, we discover the interference of white men, assuming the character of friends to these Indians, strenuously opposing this negotiation, and greatly retarding its conclusion.

Indeed, it appears that every art was employed to defeat the objects of the Government in effecting a Treaty.

The country beyond the Mississippi was declared to be unproductive, and the climate unhealthy. The prospects held out by the Government to the Indians was declared to be delusive and deceptive, and, in case of removal, they were told they might look forward to want, privations and suffering.

These officious advisers were composed of white men pretending to have influence with the Indians, and seeking to force themselves into the service of the pre-emptive owners, at extravagant rates of compensation, but most of them deriving immediate advantage from a traffic carried on with these Seneca Indians; some in the sale of rum, tobacco, and blankets; others from the occupation of their lands at low rents; from the employment of saw mills on their lands; or from extensive contracts from the purchase of timber to be rafted and sent to market.

In addition to these, there were others who, possibly, were actuated by better motives—persons who had, for many years, been professedly engaged in endeavors to improve the condition of the Indians by religious and other instruction, and who, unwilling and reluctant to believe in the inefficiency of their labors, were loath to abandon the enterprise in which they had so long been engaged without any adequate success. Consequently, this combined opposition to the Treaty addressed every argument they could to the passions and cupidity of this ignorant people, to incline them still to be content in the continuance and indulgence of their

accustomed habits; and such efforts, under such circumstances, could not fail to produce great effect.

Even the more sober and sensible part of the Indians, who had long desired a change of residence, with a view of relieving themselves from the evils inseparable from their present condition, were, many of them, no doubt brought to hesitate, while those opposed to emigration became more determined in their opposition, and more strenuous to defeat the Treaty, regardless of the liberality of its provisions.

However, after a tedious and protracted negotiation, characterized by extraordinary violence and opposition on the part of the opposing Chiefs and their auxiliaries, finally a treaty was concluded on, and signed by the Commissioner of the United States, Mr. Gillett, and all the tribes of the New York Indians.

In June, 1838, the ratification of the Treaty, although strenuously opposed by the dissatisfied parts of the Senecas, aided by a powerful combination of white men, was advised and assented to by the Senate, with certain amendments, designed, as was, and is still, understood by me, to render its provisions more conformable to the policy and legislation of the United States; and this Treaty, as proposed to be amended by the Senate, was sent back to all the tribes who negotiated the same, for their assent, which assent was duly and satisfactorily obtained, as will fully appear by the message of the President of the United States to the Senate, of the 21st of January, 1839.

The President says: "I transmit a Treaty negotiated with the New York Indians, which was submitted to your body in June last, and amended." He adds: "The amendments have, in pursuance of the requirements of the Senate, been submitted to each of the tribes assembled in council, for their free and voluntary assent, or dissent, thereto. In respect to all the tribes except the Senecas, the result of this application has been entirely satisfactory. It will be seen by the accompanying papers that of this tribe, the most important of those concerned, the assent of only forty-two out of eighty-two Chiefs has been obtained. I deem it advisable, under these circumstances, to submit the Treaty, in its modified form, to the Senate, for its advice in regard to the sufficiency of the assent of the Senecas to the amendments proposed."

Mr. President, do you not perceive, is it not clear and obvious, that the only question presented to the Senate in the message of the President, upon submitting this amended

Treaty, was to ascertain the opinion of the Senate, and to obtain its advice upon the single point of sufficiency of the assent of the Senecas to the amended Treaty?

Sir, the President raises no question in this message as to whether a majority of the Chiefs had signed the Treaty, or not. He could not do this, when communicating to intelligent men, who understood simple numbers; for he tells you that forty-two Chiefs, out of the whole number of eighty-one, had assented to the Treaty, and, therefore, no one could doubt the assent of a majority of the Seneca Chiefs to the Treaty. That majority being small, the object of the President was, the advice of the Senate whether so small a majority should be considered sufficient. The Senate accordingly took into consideration the message of the President of the United States, and, on the 2nd of March, 1839, agreed to the following resolution:

“Resolved, That whenever the President of the United States shall be satisfied that the assent of the Seneca tribe of Indians has been given to the amended Treaty of June 11th, 1838, with the New York Indians, according to the true intent and resolution of the Senate of June 11th, 1838, the Senate recommend that the President make proclamation of said Treaty, and carry the same into effect.”

Now, sir, I have always thought, and still think, this resolution of the Senate (no doubt well intended), was inexpedient and injudicious, and that it unnecessarily laid the foundation for all the difficulties which we find ourselves this day involved in.

If the Senate had, at its last session, taken upon itself the reasonable responsibility of responding, yea or nay, to the proper and respectful request of the President, in regard to the *sufficiency* of the assent of the Seneca Indians, we should not now have found ourselves embarrassed with these difficulties of our own creation.

And, sir, I commend the President for not permitting the Senate to excel him in modesty and diffidence, in deciding alone a question, the decision of which jointly devolves on him and the Senate.

I admit, sir, that we have no additional evidence that we had not at the last session of Congress to authorize the Senate to say now what it declined saying at the last session, to wit: that the assent of the Seneca Indians is *sufficiently* evinced in favor of the Treaty.

But I believed then, and am still more confirmed in the opinion now, that a majority of the Chiefs of the Seneca

tribe have freely and voluntarily given their assent and signatures to this Treaty.

And whether they did so in general council, at a town-house, or whether it was done in part, as is alleged, at other times and places, after the several councils had been held, and the Treaty fully and fairly explained, in the face of day, to the whole tribe, as is fully and satisfactorily proven to us by the evidence now before us, I do not consider a matter of any great importance.

I can readily believe that those who signed, after the adjournment of the council, are as justly entitled to our respect and consideration as meritorious Chiefs and faithful representatives of the Indians as those who signed more hastily—they took “the sober second thought.” Indeed, sir, persons who are deliberate and slow in making up their opinions on important questions are generally more to be relied on than those who act more hastily.

Mr. President, I deem it important for the satisfaction as one governed in the formation of their opinions in regard to the validity of this Treaty by the official dignity of the several respective signers, to state a few facts which I derive from an official communication from Gen. Dearborn to Gov. Everett of Massachusetts. Well, sir, I find this Seneca tribe has eight great *Sachems* who are also Chiefs. This title of *Sachem* is the highest rank known to the tribe, and the office is hereditary, besides partakes of all the dignity of royal blood, and ancient family aristocracy. Gen. Dearborn gives the names of the eight *Sachems* of the tribe at the time of the signing of the Treaty, and then adds: “Six out of *eight* of these *Sachems* signed the Treaty.” And that half of them are *Christians*, and the others *Pagans*. That an actual majority of the Seneca Chiefs have assented to the amended Treaty seems no longer to admit of a doubt. The official and personal standing of Mr. Gillett and Gen. Dearborn, who have certified to the fact, settles that question. I consider this question heretofore settled by the action of the Senate.

In respect to the mode of the assent of the Chiefs, I consider that altogether immaterial. The fact of assent is wholly a matter of evidence, and, in the present case, that evidence is, to my mind, entirely satisfactory. That the Chiefs who have subscribed to this Treaty did so voluntarily and understandingly is attested by Gen. Dearborn and Mr. Gillett, whose testimony is unimpeached, and, as I understand and believe, unimpeachable.

I doubt, sir, whether the whole history of our country will afford more than one instance of an Indian treaty which will bear the test of comparison with this much-abused Treaty for fairness, liberality, honest negotiation, and requirements approaching to similar transactions when conducted by equals of civilized nations. (My exception, of course, is the Cherokee Treaty of 1835.)

But, sir, I would emphatically ask, what has been the history of our Indian treaties generally from the first discovery of this country up to the present day? When and where have we required that more than a majority of the Indian Chiefs should sign a treaty in open council, to give it validity? When and where have we required higher evidence than that of Gen. Dearborn and Mr. Gillett, in respect to the number, character and authority of Indian chiefship to form a treaty?

The history and origin of Indian treaty-making on this continent, down to the present time, I consider one of the most unpleasant, if not painful, recollections of the high-minded, honorable American citizen. In the early settlement of the country, our ancestors effected by artifice in the form of Indian treaties what they were unable then to effect by force. This treaty-making system, originating in physical weakness, pretended to do nothing in acquiring the Indian lands except by obtaining the voluntary assent of the Indians. Yes, sir; even under the government of that good man, William Penn, we find in the same statute which made it a crime for any citizen to furnish an Indian with intoxicating drink of any kind, nevertheless, that statute allowed the Commissioner of the Government to administer a prudent portion of intoxicating drink to Indians, when assembled to form a treaty for lands.

But, sir, I will forbear from entering further upon the history of our Indian treaties. I cannot allow myself to pursue a subject so little calculated to elevate the character of my country. But this much I will say: If any gentleman will bestow the time and labor which I have done in investigating this subject, he will rise from the task fully satisfied that this Treaty is one amongst the most fair and honorable transactions of the kind which is to be found in our recorded history as a people. I assert, sir, that many Indian treaties have been obtained, ratified, and carried into effect that were never signed by a majority of the Chiefs in open council.

Indeed, sir, with all my dislike to Indian treaties—because

they carry on their face forms which are not justified by the facts—yet I am not disposed at this ripe stage of our progress in negotiating such treaties with the Indians to insist upon unreasonable requirements which are new and extraordinary, for the express purpose of defeating the objects of this particular Treaty, admitted to be exceedingly advantageous to all the parties in interest, and especially so to the Indian people themselves, whose benefit we wish to promote by this Treaty.

Sir, I have never been the direct agent to negotiate an Indian treaty. I have more than once had the offer of being honored with such commissions, but have always declined it. The official stations which I have from time to time occupied, for many years past, have frequently made it to be my duty to have much to do with carrying out and executing these treaties. This connection has caused me to reflect much upon the subject of these Indian treaties in all their various bearings. And the result upon my mind is a settled conviction that the several State Governments, as well as the Federal, have greatly erred in so long countenancing the policy introduced by our colonial ancestors from necessity. Now that the remnant Indian tribes in our respective limits and jurisdiction have become a conquered and subdued people, wholly dependent upon the will and power of those who have supplanted them, we have not, sir, even the poor plea of the tyrant—*necessity*—for adhering to the farcical forms of diplomacy, originating in causes, and under circumstances which no longer exist.

We should long since have supplied the place of Indian treaties by wise, liberal and judicious legislation.

Whenever the Indians, in point of fact, become subject to the control, legislation, and jurisdiction, of the Federal, or any one of the State Governments, it becomes the duty of such Government to exercise its right of governing all the population under its jurisdiction by direct, ordinary legislation, regardless of origin or complexion.

We should legislate for these unfortunate remnants of Indians in the same spirit of kindness and liberality that we would for the helpless and destitute minor and orphan whose only friend is the Government—and I trust that all the Governments of our country, both State and Federal, will ever be the refuge of the helpless and destitute.

These, sir, are my views of policy and duty in relation

to these remnant tribes, and upon these views I have acted for several years past, as far as circumstances would allow.

I would now ask, Mr. President, how can any Senator expect to put the negotiations of Indian treaties upon the principle and footing of similar transactions with civilized, foreign, enlightened nations?

Are not these Indians in a state of dependence and pupilage? Are we not in the place of parents and guardians to them? Shall we, then, overlook all the facts connected with the subject under consideration? Shall we imagine a state of things which we know has no existence? Has not the difficulty in regard to this Treaty been produced by interested white men? Is not every charge of fraud urged against this Treaty refuted by the fact of the liberal and beneficent terms of this instrument? A charge of fraud can scarcely be sustained against a transaction which confers great benefits on many and injury upon none.

But, sir, we have no complaints that this Treaty will injure the Indians, or any one else. Indeed, it is impossible that the Indians can sustain injury from this Treaty, because if they do not choose to emigrate under its provisions, they have the right secured to them of remaining where they are during life; and yet the ingenuity of designing white men has produced the impression upon the minds of many for whom I entertain the highest respect, in and out of this Senate, that there is something very alarming in the provisions of this Treaty. The whole alarm and danger apprehended by those who oppose this Treaty seems to be based upon the doubt whether it has fairly received the assent of a majority of the Chiefs of the Seneca tribe, and the great importance which they seem to attach to these Chiefs' making their *cross-marks* to the Treaty in what is called *open council*. These are the questions which preplex the judicial minds of statesmen and American Senators.

Under the existing circumstances of these poor, perishing Indians, and with a view to the history of Indian treaties, which I have heretofore adverted to, I am entirely relieved from all these vexatious and trying perplexities. Moreover, Mr. President, I have no doubt in regard to the assent of a majority of the Seneca Chiefs having been fairly obtained to this Treaty; and the Senate of the United States settled the question on the 11th of June, 1838, when they ratified the Treaty. It was the action of the Senate upon the Treaty, as a treaty, and as the act of the Seneca Nation of Indians. The Senate must have viewed the instrument, as executed

by a majority of the nation, or else have considered a majority not necessary for the purpose of making a valid Treaty. Is it to be believed that the President of the United States, Gov. Everett, Gen. Dearborn, Mr. Gillett, and various other public functionaries, who have had an agency in bringing this instrument before the Senate for confirmation, would have said and done all that we find in these documents before us, and which we have in our hands, if they entertained opinions adverse to the fairness and validity of this Treaty?

No, sir, this Treaty would never have reached this Senate if these public functionaries had considered it liable to the formidable objections which we have heard advanced on this floor. Mr. President, much as I have said on this subject, I have greatly abridged what I would have said but for the confidence which I feel in both the ability and disposition of both the Senators from New York to supply all my omissions on this subject.

Allow me, sir, once more, in the conclusion of my remarks, to advert to the bearing of this question pending before the Senate, on the destiny and lasting interest of this remnant of the aboriginal race.

To me, sir, these people are a peculiar, interesting portion of the human family. I consider them human beings; I wish to treat them as such.

I cannot, in my conscience, assign them a place half way between man and beast. I wish to save them from destruction. Hence, I urge their speedy removal from the degrading and demoralizing situation in which we now find them. Their unrestrained intercourse with the licentious portion of the populous cities and villages by which they are surrounded is prejudicial alike to the Indian and white population. Deprived as these people are of the right to acquire and hold property in severalty, they are destitute of those incentives to industry and frugality which animate and reward every white man in our happy country.

Being debarred all political rights, they naturally consider themselves a proscribed and debased race; and the individual exceptions of worth and intelligence amongst them, while it seems to evince their capacity for improvement under more favorable circumstances, and to become a civilized people, will not, however, shield them from becoming a nation of vagabonds and paupers in their present abodes.

During forty years, they have made no perceptible advance in the arts of civilized life, so that it is impossible

longer to resist the conviction that their preservation from increasing misery and ultimate extinction can alone be found in their separation from the white population, and by conferring on them those rights and privileges which in all countries where they are enjoyed, have been gradually found to lead to civilization, and to prepare the way for the introduction of Christianity, with all its happy influences. It is a striking and most important fact, which I have observed amongst various Indian tribes since I have advocated the emigration of the Indians to the West, that the best educated, the most moral and intelligent who are inclined to embrace and have embraced Christianity, the most sober, industrious and thriving, are generally the friends and advocates of emigration; and it is as uniformly resisted by the ambitious and selfish leaders who carry in their train the most ignorant and degraded, and those who are least capable of appreciating the advantages of civilization.

In connection with the best interest of these Indians, Mr. President, let us also bear in mind the important interest which the State of New York has in this question. True, New York is already great and prosperous; the Empire State of the Confederacy; but, sir, may we not all rejoice at her increasing strength and prosperity? Are we not all Americans? Do we not all belong to the same confederacy of sovereign States? Are we not members of the same great family? Shall we, then, in being co-workers together, endeavor to promote the interest of each and all the States? And, still further, sir, shall we forget that the great interest of all the States requires that the country now occupied by these unfortunate Indians should be densely populated by good white citizens?

The geographical situation of the country or territory now in question requires its settlement in aid of the defense and strength of our common country.

But, sir, I will not detain the Senate longer upon the subject of this Treaty. I think that what I have said will induce those who have not already done so to examine and investigate this subject carefully. And, sir, overwhelming as the opposition to this Treaty has appeared to be, yet if it can have a full and fair investigation, by this enlightened Senate, I still indulge the hope that impressions not well based may give way to the force of evidence and reflection, and that this Treaty may yet receive the expression of the Senators' approbation.

I have the satisfaction to state that my labor was not in vain, upon the subject of the Senate's sanction to this New York Treaty. When the final vote was taken in the Senate, by yeas and nays, there was a tie, an equal division of the Senate.

Whereupon Col. Richard M. Johnson, then presiding as Vice President of the United States, gave his vote in favor of reversing the report of the Committee on Indian Affairs, and in favor of confirming the Treaty. Accordingly, the Treaty was agreed to, and sustained, and, with it, my views on the subject, as presented in the foregoing speech.

CHAPTER XVIII.

Before taking my final leave of this Indian subject, I must seek the indulgence of the reader to bear with me patiently while I add one more *addendum* in the nature of an apology for having said so much on this subject.

I admit that I have already been guilty of seeming tautology, and very frequent repetitions of the same ideas and arguments; but the nature of the subject, from its long continued controversy and my connection with it in so many different and important official stations, produces this seeming redundancy in what I have written.

My correspondence and speeches which I have given plainly show that I met with, and had to encounter, attacks from various quarters when in different official positions, and consequently my policy and measures all tending to support the same principles; my reasoning and arguments wear something of the appearance of sameness.

In a long protracted war, over many fields of battle, in reporting the incidents of each encounter, we are necessarily compelled, in the details, to maintain the verbiage suited to the subject in every report.

My views and plans in connection with Indian affairs were first developed when a member of Congress, in the year 1827, and, for four years in that body, those views were constantly urged and pressed, and, I may add, with great success.

During this time provision was made for emigrating and colonizing the whole of the remnant tribes of the Indians then remaining in the States to the west of the Mississippi. But notwithstanding the liberal provision made by Congress for the removal and comfortable settlement of the Indians in the West, the Cherokees of Georgia, influenced by John Ross and bad white men, were generally opposed to emigration, when, in 1831, I was called to the Chief Magistracy of Georgia, by the unsolicited voice of the people of the State, with a special view to the then existing Indian relations of the State, and I remained in that office (by a second election) for four years. And during that time my views and policy in relation to the Indian affairs of the State were, in the

main, sustained by a majority of both branches of the Legislature.

And while I solemnly aver, before God and man, that my whole policy in connection with these Indian affairs originated and was prosecuted with a view to the promotion of the best interest and permanent welfare of the Cherokee people, as well as the white population, I admit that I assumed ground and pressed forward in my plans of opposition imperative in their nature towards the Indians. And although violently opposed, at home and abroad, not a month passed which did not carry with it evidence of ultimate success in all my measures.

I admit that it was the policy of my measures to legislate the Cherokees into a peaceful willingness to leave the States, and avoid that gradual destruction which was daily consuming them and their substance, while they remained in the States of Georgia, Alabama, Tennessee and North Carolina. And finally they yielded to my views, most of them with great cheerfulness, and strong hopes of an improved condition. And all this was effected without war or bloodshed, but not without much controversy, toil, and labor on my part.

After my executive labors had resulted in the New Echota Treaty of 1835, as Commissioner of the United States in executing that Treaty, I had to encounter the opposition of Ross and his followers and *stipendiaries*. After which, I was transferred, by the public voice of Georgia from my Commissionership to the Senate of the United States, to meet the efforts of Ross and party politicians who were at Washington, striving to prevent the emigration of the remaining Cherokees under the beneficent and liberal provisions of the New Echota Treaty.

The careful and patient reader will find in what I have recorded for his information and that of posterity, that the foregoing references to the official stations which I occupied for twelve successive years necessarily forced me in different positions to occupy again and again the very same ground, with such variations only as the different positions required.

I first fought the great Indian battle on emigration in the House of Representatives, in Congress, in the years 1827, 1828, 1829 and 1830-31; then in the Executive Office of Georgia, in the years 1831, 1832, 1833, 1834-35; then as United States Commissioner, in 1836 and part of 1837; and then in the Senate of the United States, commencing in 1837, and ending in 1841. I was, throughout these years

constantly defending the policy of collecting the small remnants of the Indians then remaining in the States, and settling them in an excellent country provided for them to the west of the Mississippi, and outside of the limits of all the States and Territories of the Union; and to secure to these remnants, thus removed, a permanent, fee-simple title to the country of their adoption, and, if possible, to elevate them by all the arts of civilization and the religion of the Bible; and, finally, when prepared for such education, to admit them to a full participation in all the advantages of our great confederacy of States. And, to further this policy, and educate the character of our intercourse with these people, I, throughout the years referred to, in every station which I occupied, denounced the policy which had been so long adhered to by the Government of the United States of pretending and appearing to do nothing, except through negotiation, and the assent of these poor subdued remnant tribes.

I as constantly urged and advocated the honest, manly and benevolent policy of considering and acting towards these subdued remnants as children, orphans, the minors of our charge and care, and as justly entitled to all that parental regard and consideration of both the Federal and State Governments where these people still remained as if they were indeed, and in truth, bone of our bone and flesh of our flesh. And though my views were never avowedly and fully sustained by these Governments, in many instances, and to a great extent, they have prevailed, and have been acted upon; and greatly to the benefit and advantage of the aboriginal race.

In magnanimity and liberality towards the Indians, no man has surpassed me. And to the records of the country I appeal for testimony for the verification of this my assertion.

The policy of my political opponents in Georgia widely differed from mine throughout the struggles of the twelve years hereinbefore alluded to.

First, they considered me in haste and premature in introducing my emigration policy in Congress in 1827. Moreover, they said it was a subject of too great importance and magnitude for a man of my talents. They said it was attempting more than the great Troup had accomplished in relieving Georgia from the Creek Indians. And my opponents in Georgia came to my relief only as they saw success attend my efforts.

When I became Governor of Georgia, and recommended the immediate survey and occupancy of the whole of the Cherokee lands, reserving to the Indians their improvements, with a sufficiency of land to sustain them, my opponents in politics agreed with my immediate predecessor, Gov. Gilmer, that it was altogether wrong to proceed to the survey and occupancy of the country until the consent of Mr. Ross and his followers should be obtained by a good, old-fashioned treaty (which everybody had reason to believe could never be done), and then survey and settle the country. Moreover, they declared that I was pursuing a policy which would produce an Indian war and disgrace the State.

And after the country was surveyed and settled by a white freehold population, and the Indians left in the occupancy of their improved lands through a combination of *feed* lawyers, sustained by pliant judges and political partisans, the laws of Georgia in relation to these Cherokee affairs were declared to be unconstitutional, and, by every art and device of pettifogging, the execution of the laws of the State was often impeded, and great exertions made to *nullify* them, producing much strife and confusion, and encouraging the poor Indians to many acts of indiscretion. I, therefore, found it necessary, in my annual message to the Legislature in 1834 to strike fearlessly and boldly at this combination of selfish men, whether official or unofficial. This produced the desired effect. The Legislature and the people sustained my recommendations, and this combination was legislated into silence and insignificance. And then, and not till then, the Cherokees entered into the Treaty of New Echota of 1835.

While all these important matters were transpiring and in progress, I was the prominent and unceasing subject of misrepresentation and abuse by a powerful and talented political party, at home and abroad. And it was not only the newspapers of the day that were levelled against me, but I was often assailed and misrepresented in religious newspapers, in magazines, pamphlets, and books written especially on this Indian subject. These efforts, together with the tens of thousands of petitions and memorials, sent to both branches of Congress, made a false impression on a large portion of the public mind throughout the country in regard to my every official act in connection with this subject, as well as against all those who supported and sustained me.

And believing as I do that this immense mass of published matter, disseminated throughout the country, has, to

some extent, left a false impression on the public mind, as I have often seen evinced by articles in various forms, of a more recent date, I have, therefore, and for these reasons, taken upon myself the heavy and arduous labor, in my old age, of compiling this immense mass of official matter, mostly in consecutive order, as all the means within the reach of posterity to correct the errors which have been widely propagated on this subject, as well as to check the errors which may hereafter go forth to the world on this subject.

I am unwilling to go down to the grave with the impression resting on any portion of the public mind that my life and labors have been prejudicial to any portion of the human family, of whatever complexion or origin they may happen to be. It has been my desire, from early youth up to this day, that at the close of my earthly pilgrimage it might be said of me, in truth: "*He served his generation with fidelity.*"

A recent occurrence has greatly stimulated me to press forward in this massive compilation of my official connection with these Indian affairs.

It is known to the public of Georgia, at least, that the Rev. George White, of this state, a few years ago compiled and published a book, entitled, "White's Statistics of Georgia."

My acquaintance with this reverend author commenced when he was engaged in collecting material for his statistical work. Considering his effort laudable, I commended and encouraged it. And the book, although not free from inaccuracies and errors, has received a large share of public approbation and patronage, and has been useful to the public.

The author, encouraged by this first effort of the kind, determined to publish a second volume, in the nature, I believe, (though I may be mistaken), of an improved edition of his first work.

Something over twelve months past, Mr. White requested me to prepare an article for his book on the subject of the Georgia controversy with the Cherokee Indians. I promptly declined the service proposed: First, because justice could not be done to such a subject in so limited an article as the one proposed, and, secondly, to have prepared an article in the nature of a review of that controversy, if guided by historical facts and official documents, I should necessarily be led to speak of myself and others in a manner that would not suit the object of Mr. White's book—that is, to make his book agreeable to everybody and offensive to none—in

doing which it would become necessary to avoid unpleasant truths, no matter how important to the subject.

However, it afforded me pleasure to furnish him with various public printed documents, intimately connected with the subject of his proposed article, with the understanding that he desired to submit his article, before publication, to my examination and correction in regard to facts. I heard nothing further on the subject of his Indian article, until some time in the month of July last, when I received a kind and flattering note from the gentleman, accompanied by his Indian article, in manuscript, containing thirty-three pages, with a request that I would examine his article, and make such corrections and modifications as I might deem proper and requisite to perfecting the article. I very deliberately read, and re-read, the article which he had prepared, and was forced to the conclusion at once that the article was an *entire failure*, inappropriate and improper for such a work. And, without loss of time, I communicated to Mr. White, in kindness but with frankness and candor, my views in regard to his article (a copy of which letter I will give to the reader at the close of this article). In a perfectly kind spirit, Mr. White thanked me for my candor, and appointed a time to visit me, and remain in my office until he could remodel his article so as to meet my approbation. I immediately invited him to make my house his headquarters, and to be assured that it would afford me pleasure to render any service in my power. However, he entirely failed to make the promised visit, and proceeded to New York, to superintend the publication of his book, and from there requested me, by letter, to take full liberty in modifying his article, and then send it on to him, at New York. I entirely declined attempting any improvement or modification of his article, but immediately forwarded him his manuscripts as I had received them (accompanied by a letter which I will give the reader at the close of this article). Whereupon he wrote me again, and again returned the manuscripts, with sundry mutilations which he had made and still urging me to lend a helping hand in modifying his article.

I immediately returned him his papers, by the first mail—without any further communication from me.

It will be readily conceded by any sensible person that it is impracticable to remodel an article which is entirely destitute of the most material matter connected with the subject under consideration.

In his last letter which I have received, he intimates

some intention of declining the publication of his Indian article, and here the matter rests for the present. I suppose by this time (middle of October, 1853) his book is out of the press. Whether his Indian article is embraced in his book or not I am not prepared to say. And whether it be, or not, is a matter of no concern to me.

It is true such articles will mislead many uninformed, honest people; but persons of research and general intelligence will from time to time rise up in our progressive country, and bring to light the important truths of history, especially where the official records of the country are open and free for the examination of the competent historian.

I should by no means have deemed it necessary, in this place, to have taken such an extensive notice of the literary career of the Rev. Mr. White but for the fact that I am fully aware that with all his good intentions, his credulity is such that he is liable to be greatly misled by selfish and designing men.

Sketches of biography is a favorite class of reading to people who read but little; and Mr. White's works abound with sketches of men more or less distinguished—hence the temptation to individuals and their special admirers to show off and shine in such works as Mr. White's.

The man who feels that his biographical fame will end with the puffs received in ephemeral works is always more anxious to receive those posthumous notices than men whose biographies are already written on the official records of the country. To place the reader on his guard, I will only add that Mr. White's "Statistics of Georgia" affords sufficient evidence of the undue influence of living individuals to take to themselves those things which belong to *Cæsar*.

Here follow the two letters which I have promised to lay before the reader, written by me to the Rev. George White on the subject of an article written by him, and intended to be inserted in his new book of 1853. His article was submitted to me for correction, but, after examining it, I deemed it so inappropriate and calculated to mislead and pervert, rather than to enlighten, that I declined having any connection with the article, under the impression that he wholly misconceived himself the merits and importance of the subject upon which he undertook to compile and write.

Athens, July 25th, 1853.

To the Rev. George White,
Marietta, Ga.

Dear Sir:—I thank you for the opportunity which you have afforded me for the perusal of your article on Cherokee affairs, intended for publication, in a permanent form, in your forthcoming book.

While I duly appreciate your laudable efforts to collect and publish facts in the enlightenment of the people, and the perpetuation of historical truth, friendship, frankness and regard for my own character, force me to say that I consider your present effort, in this article, a *decided failure*. I will modify this sentence, however, by adding that no man can do justice to such a subject in so brief an article as you have prepared, especially when arranged on your plan of compiling extracts from voluminous documents.

Your article entirely fails to keep up the consecutive chain of events connected with the true history of the subject, as may be readily seen from the official records of the country.

Your selections from documents are very unimportant, in most cases, when compared with the more important events connected with your subject. Upon the whole, I consider your extracts so arranged as to be well calculated to mislead, instead of instructing, your readers. Your article, to my mind, increases the cloud and fog which already hangs over the history of Georgia, in connection with her Indian affairs—a cloud which only requires the whole truth, plainly set forth, to banish forever the prejudices which now exist against the fair fame of the history of Georgia, in connection with her Indian affairs.

However, you will be governed by your own judgment, and the advice of more competent friends than myself, in regard to the merits and publication of your article.

I must, however, claim the favor of you to exclude my name entirely from your Cherokee article; for, if in the land of the living, I could never see such an article, go to the public and remain silent. Tens of thousands are yet numbered with the living who would rise up and call for the records of the country to refute the impressions made by your article.

In 1827, 1828, 1829 and 1830-31, I was a member of the House of Representatives, in Congress, from Georgia, and in 1830 I was again elected a member of the next succeeding Congress; but before I entered upon the duties of the last

named election, public opinion in Georgia forced me, reluctantly on my part, to resign my seat in Congress, and enter upon the duties of the Chief Magistracy of the State; and by re-election a second time I continued in that office four years, and very shortly after the close of my last executive administration the Treaty of 1835 was concluded with the Cherokee Indians. The then state and condition of the Cherokees called for many provisions in that Treaty which required much skill and a familiar knowledge of all their complicated affairs to carry that Treaty fully into effect, in securing the individual rights of the Indians. Therefore, the Treaty provided for the appointment of two Commissioners by the President of the United States, by and with the advice and consent of the Senate, to attend to the settlement of all the affairs of the Cherokee people, and see that the Treaty was faithfully executed.

Gov. Carroll, of Tennessee, and myself received the appointment of Commissioners, as aforesaid, in the fore part of the year 1836.

The appointment on my part was unexpected, and unsought; but Gen. Jackson, in a private letter to me accompanying my commission and instructions, was pleased to say that his only apology for urging me to this arduous and exposing labor was that he knew of none so well qualified for the duty as myself, because of my intimate knowledge of all the matters in charge, and my long and persevering struggles in bringing about this long sought consummation. I spent about eighteen months in this service, as Commissioner, in the midst of the Cherokee people, and in settling and adjusting all their affairs, in terms of the Treaty, preparatory to their removal to the West. Indeed thousands of them had already gone before I left this service.

During these eighteen months I had visited almost every town and village in the whole Cherokee country, and had, perhaps, formed a more general personal acquaintance with the Cherokee people than any white man had ever done before. My object in this intercourse was to prepare their minds, and reconcile the opposing party to their speedy removal to the West, which I knew must soon follow, in fulfilment of the provisions of the Treaty.

All the most hazardous and difficult parts of this business having been completed, and John Ross and some of his principal followers, assisted by their white friends in and out of Georgia, having repaired to Washington, for the

purpose of memorializing Congress, and attempting some new treaty arrangement, by which some delay in the removal of the Indians might be obtained, and, as I believe, mainly for the purpose of obtaining an additional sum of money for the special use of Ross and his particular friends and associates; under this state of things, the Legislature of Georgia, in November, 1837, elected me to the Senate of the United States; and thus it became my duty to resign my Commissionership and repair to Washington without delay.

The President of the United States and Secretary of War consulted me daily on all matters relating to the then posture of Cherokee affairs.

I communicated with them without reserve, and found that the same spirit pervaded the councils of the Cabinet at Washington which had manifested itself from the commencement of Mr. Van Buren's administration, to wit: They were resolved to carry into full effect the Cherokee Treaty of 1835, but, at the same time, if possible, to conciliate Ross and his party by placing within the control of Ross, as emigrating agent of his Indians, a very large amount of the public funds, and thus enable Ross and his friends to enrich themselves from the public chest.

From the beginning, as my official correspondence will fully demonstrate, I believed it to be wrong in principle and policy for the Government to make any further attempt, after the Treaty of 1835, to conciliate Ross and his party. I believed that the cup of conciliation was exhausted, as to Ross, and that the time had fully arrived when it was the duty of the Government to assume the imperative tone with Ross, and say to him: "The Treaty is unbounded in its magnanimity and liberality to the Cherokee people, and that it *must* and *shall* be executed, in all its parts, and that you (Ross) are no longer entitled to any public consideration by the Government."

I still believe that, if my advice had been adhered to, it would have been the greatest of all blessings to the Cherokee people, and would have prevented the subsequent murders of the best men of the country—the Ridges, Boudinot and others.

But, finally, with a view of hastening the departure of the Cherokees from Georgia, and to prevent further strife and apprehension of danger, I reluctantly assented to the Government arrangement with Ross. That was for him to emigrate his own party of Indians, and to receive a

compensation for that service so liberal as to enable him to make an independent fortune for himself out of this Government contract. Gen. Scott was already in the field, with an adequate force to maintain the peace, and guard all the parties in interest; and thus, soon after, the Treaty was consummated by the removal of the Indians, and the strifes and heart-burnings of Georgia in regard to Indians put to final rest.

Now, my dear sir, you may perceive from this hasty and brief narrative, every word of which is fully sustained by the records of the country, that for twelve years, commencing with the close of our Creek difficulties, in 1827, I was placed in the lead upon every important measure connected with our Cherokee difficulties. I was the first in Congress to introduce, urge, and sustain the emigration policy by appropriate legislation to the final consummation of that branch of the subject. From Congress, I was transferred, by the voice of the people of Georgia, to the Chief Magistracy of the State, where, after four years' unceasing labor, in the face of a most powerful and talented party opposition, I left that office with the work so far completed, and the opposition silenced, that the Treaty with the Cherokees was immediately concluded. I was then, by President Jackson, invited to the arduous work of executing and carrying out the provisions of the Treaty. The important parts of that work being completed, I was called to the Senate of the United States to aid in putting the capstone on the work of many years' toil.

Now, sir, the twelve years to which I have hereinbefore alluded will be found to embrace most of the severe trials of Georgia in relation to Cherokee affairs. And, sir, you must perceive the increasing confidence of the people of Georgia in your very humble servant, and that it went to an extent that it was constantly transferrng me from one place to another, wherever the heat of battle raged, and the point of danger was apprehended.

The opposing newspapers of that day said all that was possible to be said by a violent party press to detract from my merit as a public man, and to pervert my every act. But I was fully sustained by public opinion, at home and abroad, and retired from the Senate of the United States with the approbation and greetings of my countrymen generally. These twelve years to which I have alluded was the great crisis in the political history of Georgia which settled her last Indian and territorial conflicts, and the record of

my official acts, including my official correspondence, is spread over thousands of pages.

It is my duty to myself and to my country to see that these pages are handed down to posterity, without mutilation.

I have to request, once more, my dear sir, that you will leave my humble name out of your Cherokee article; and if you really wish the country to know my connection with that subject, please to let official records speak for themselves, by inserting after your Indian article, my speech in Congress in January, 1830, on this Indian subject, and my first message to the Legislature of Georgia, on the same subject, in 1837, and my speech in the Senate of the United States, in reply to Senator Preston, in 1838. I recollect to have furnished you with all these documents, in printed and pamphlet form.

In great haste, I remain, respectfully yrs.,

WILSON LUMPKIN.

Athens, Ga., August 25th, 1853.

To the Rev. George White,

New York.

Dear Sir:—I am in receipt of your letter of the 17th inst., which apprises me of the change which has taken place in your arrangements (as communicated to me in your letter of the 28th of July last), in regard to visiting and conferring with me on the subject of your Cherokee article. I had taken much pains to prepare as far as possible to lay before you every important item of information connected with the subject of your article; but, while it would have afforded me pleasure to have been useful to you in this matter, my services were not tendered unsought, and I am, therefore, not disposed to complain, when they are declined. Upon this whole subject you and myself occupy entirely different positions; and, therefore, we find it impracticable to harmonize, when writing for the public, on the subject.

You say, in your letter to me of the 17th inst., that you do not wish your readers to know your opinions on the points at issue, in the controversy between Georgia and the Cherokee Indians.

Now, sir, my opinions on all subjects of conflict and controversy through which Georgia has passed for the last thirty years in connection with her Indian relations have

long since been officially known, and widely spread on the records of the country.

I have spent the prime of my life in vindicating the Indian policy of Georgia. I have often said, and now most conscientiously believe, that no State in our widely extended confederacy has acted with equal magnanimity and liberality to her Indian population as Georgia has. And if Georgia has at any time appeared to act with rigor and harshness towards the Indians, having the appearance of a want of humanity, it will, in every instance, upon due examination, be found that those acts were forced upon her by the improper conduct and bad faith of the Federal Government, or by the wicked and insolent impertinent intimidating of strangers and foreigners. Her Indian population (although now removed from her borders) are at this day more numerous, more prosperous, further advanced in civilization, and in a far better condition in every respect than the Indians of any or the whole of the rest of the States of the Union. Moreover, this prosperity commenced, and its broad foundations were laid, and its structure greatly advanced, while these Indians remained in Georgia.

Notwithstanding all this, volume upon volume (if all was put in volume form) has been written and published to degrade and cast odium upon the character of Georgia, for the injustice and cruelty of her Indian policy.

Under these circumstances, I desire the publication of the as yet unpublished portion (in the form of books) of Georgia's official actings and doings in connection with her past Indian affairs. This would be her triumphant vindication against the old State slanders which have appeared from time to time in Northern publications.

And in your Indian article we find several extracts from these Northern publications, which you dignify with the title of facts, to wit: Your long extract from the bill of injunction so plausibly drawn up by Messrs. Sergeant and Wirt, to restrain the State of Georgia from exercising her constitutional jurisdiction over the Cherokee Indians within her jurisdictional limits. The ignorant and uninformed reader of your book will be greatly misled and biased against Georgia by reading the plausible contents of such legal perversion of plain truth. The extracts which you give in connection with this part of your subject is nothing more nor less than the ablest legal arguments which could be fabricated with a view to the condemnation of Georgia.

My first message to the Legislature of Georgia on this

subject, *given in full*, and to which you but briefly refer, would be a sufficient refutation to the baneful influence of your extracts herein referred to. And let me ask you, should not the antidote accompany the poisonous draught?

In regard to the missionary cases, the whole history may be correctly given, in very few words, sustained by the executive records of the State, without the aid of Northern publications, or perversions of truth.

Under the laws of Georgia, these missionaries were convicted and sentenced to confinement in the penitentiary for refusing to yield obedience to the laws of the State. The Governors of Georgia regretted the wilful obstinacy of these men, and always openly declared their readiness to pardon and set these men at liberty, whenever they would yield a compliance to the laws of the State, and respectfully ask for executive clemency; and this determination was strictly adhered to in every instance.

Sir, I do not call every party newspaper statement *la fact*; nor do I care to examine the minutes of the Missionary Boards, in connection with this Indian subject; nor do I consider extracts taken from the proceedings of Indian Councils and talks of Commissioners appointed to negotiate Indian treaties suitable material to compose the prominent part of a select article in a Georgia book, designed to enlighten the people in regard to the past history of the State on Indian affairs. It is true it gives a compiler but little trouble upon this Cherokee subject to make extracts from Northern compilations condemnatory of Georgia in regard to her Indian policy; but the compilation and proper arrangement of the abundant material which exists, and which would exonerate Georgia above the slander and censure which had been unjustly heaped upon her in regard to her Indian policy is a work which is yet to be performed.

The position in which you have placed me forces me to say that I consider your article, as it now stands arranged, and composed as it is chiefly of extracts from the pens of writers deeply prejudiced against and adverse to the true interest of Georgia, tends to do injustice and injury to the welfare and character of our State.

I view your article rather in the nature of a supplement to the Northern publications on this Indian subject which have heretofore been placed in the hands of our people. My pamphlet speech, made in the House of Representatives in January, 1830 (and with a copy of which I furnished you) contains more of the truths of history on this Indian subject

than can be found in any volume yet published on the subject.

You will please to not misunderstand me. I make no pretensions to literary or oratorical distinction, but I do claim to have given facts, and to have arranged them so as to be easily understood—this is all I claim for the speech referred to.

It is true, as stated in your Cherokee article, that the farce of pretending to impeach Judge Hooper ended at the point which you have suggested, *in nothing*. Yet it is a very important fact, and one which you have omitted, that the conduct of Judge Hooper, as presented by the Governor and commented on in his message to which you have referred, caused the Legislature to pass a law which clearly evinced their condemnation of the conduct of the Judge, and their approval and support of the views of the Governor. The law alluded to most effectually paralyzed the efforts of the combination of lawyers who had been engaged in thwarting and overturning the laws of the State, and contributed mainly in bringing about the subsequent Treaty with the Cherokee Indians, their lawyers and judges having been legislated into insignificance and silence. I refer you to the legislation of that session, 1834. As you state in your article, I introduced the subject of Indian emigration to the attention of Congress in the year 1827, but, in regard to the progress on that subject, you labor under some confusion of ideas and misapprehension.

I will give you a very brief statement of the progress in that matter:

My resolution was referred to the Committee on Indian Affairs, of which I was a member, as you state. The bill reported to the House at that session by the Indian Committee (not by me individually, but through my agency and influence) provided for the appointment of Commissioners by the President of the United States to search out and find a suitable country to the west of the Mississippi, for the emigration of all the remnant tribes of Indians then residing in any of the States and Territories of the United States, and to make their report to the President to be laid before the next session of Congress. The bill also appropriated \$15,000 for the purposes above named. This bill received violent opposition, but was passed at the same session that I introduced the subject. In conformity with the provisions of said act, Commissioners were appointed, discharged their duty and reported very favorably in regard to the country, &c.

In 1829 provision having been made for the emigration of the remnant tribes generally, by the procurement of a suitable country, the Committee on Indian Affairs made a lengthy and detailed report upon Indian affairs and policy, generally, in which they strongly recommended the emigration plan, together with a bill appropriating \$500,000, to defray the expense of any and all Indians on the east side of the Mississippi to that of the west. And, after a violent and powerful opposition, this bill finally passed in 1830; and it was under the provisions of this bill that the Government of Georgia, aided by the Federal Government, used every exertion to induce the Cherokee Indians to emigrate to the West. The success, however, was but very partial.

Nevertheless, these efforts convinced the Ridges and Boudinot and a large majority of the most intelligent men of the Cherokees that their only hope of prosperity and salvation was to be found in emigration to the West, and this induced them to enter into the Treaty of 1835, in opposition to Ross and his ignorant followers.

It was while these efforts were making to induce the Cherokees to emigrate that the literary pursuits of the celebrated John Howard Payne led him to visit the Cherokee people and country and he was known to be strongly opposed to the views of the Government in regard to Indian emigration, and this led to his arrest, by Col. Bishop, the State's agent. The arrest was both premature and illegal, but the impertinent intermeddling of Payne was very unbecoming a stranger, a gentleman, or an author professedly collecting facts for history. He was the partisan, if not the agent, of Northern fanatics, whose avocation is to repent for the sins of everybody except themselves.

What would you think of a man who should attempt to compile history and biography from the partisan political newspapers of the present day?

Should all his extracts be strictly correct that are copied word for word from his author, yet his author grossly incorrect—would the compiler and publisher be free from error? Is a historian justifiable to select and publish portions of truth which will make a very different impression upon the minds of his readers to that which would be made if the whole of the truth which was pertinent to the subject should be published?

In conclusion, I again repeat, I wish it to be known everywhere that in regard to this Indian subject I am by no means *neutral* I am on the side of Georgia. I have

prominently advocated the leading measures of her Indian policy. I believed at the time, and I believe yet, that her policy for which she has been most censured was wise, humane and philanthropic towards the Indians.

To the vigorous policy of Georgia in hastening the removal of the Cherokees, and which was violently opposed at every step, do that people owe their present tranquil enjoyments and future prospects of advancement and success.

If the policy of their leader, Ross, and his Northern fanatical friends could have prevailed, before this day they would chiefly have perished from the face of the earth.

But it is useless for me to dwell further on this subject. I feel that I have discharged my duty to you, as well as the country, touching this matter.

Respectfully, yr. obt. servt.,

WILSON LUMPKIN,
of Georgia.

Note.—It is proper to state that the two foregoing letters have been copied from my original drafts to Mr. White, and, therefore, may not be exact copies; but I am confident there is no material difference.

WILSON LUMPKIN.

*October 18th, 1853.

*White's "Historical Collections of Georgia" was published in 1854. In it there is a long chapter on "Difficulties with the Cherokees," in which Gov. Lumpkin's name is freely used, but whether his consent was finally obtained is not known.

CHAPTER XXI.

STATE OR WESTERN AND ATLANTIC RAILROAD

During my public employment as a member of Congress, as Governor of Georgia, Commissioner of the United States to execute the Cherokee Treaty of 1835, and as United States Senator in Congress, my positions necessarily afforded me the most favorable opportunities to become well-acquainted with the operations and working of both the Federal and State Governments; and these opportunities were improved to the greatest possible advantage that my ability afforded. During the whole period that I was passing through the various duties appertaining to these several positions, I was a watchful, vigilant working man—a close and laborious student. My time and mind were almost exclusively engrossed with the public affairs of the country, to the great neglect of my family and private interest.

And elaborately as I have already dwelt upon subjects connected with these several public positions, with a view of exhibiting in a true and unquestionable light the mode and manner in which I discharged my individual duties in these several official stations, yet I have by no means exhausted my resources upon any one of the subjects upon which I have dwelt; because I have from time to time preserved a great deal of the most important material connected with the political history of Georgia, as well as of the United States, or Federal Government, for the last fifty years. And should I be spared and blessed with my present good health a few years longer, it is my present intention to continue my sketches of the past, in a manner that will afford to the future historian an unerring index to many important truths which now lie obscured from public view.

Many things connected with the Federal Government during the administration of Mr. Van Buren, which my situation as Senator in Congress made me familiar with,

seems to be already forgotten, which I think ought to be brought to the light of day, and impressed upon the public mind; more especially on the minds of the people of the Southern States, especially the course and conduct of the two great political parties of the country at that period.

But, for the present, I will let what I have already written suffice, touching these matters, by simply stating that my Senatorial term expired with the close of Mr. Van Buren's administration, on the 4th of March, 1841; and I repaired to my beloved home and quietude (Athens, Georgia), now fully resolved to spend the balance of the days which might be allowed me free from the turmoils and strifes of political life and office. I felt that I had finished my public course, and that nothing but an imperious sense of duty should again draw me from my retirement.

And with but slight exceptions, I have adhered to and maintained my resolutions. Patriotism imperiously demanded whatever departures from the plan laid down for myself may hereafter be noted.

Near the close of the year 1841 was a time of general embarrassment throughout the whole country—greater, perhaps, than ever has been witnessed before, or since, in the United States, in regard to financial matters. From 1837 up to this time (1841) the total suspension of specie payments by most of the banks of the Union; the immense amount of debt contracted by many of the States, to carry forward their various schemes of internal improvements, as well as the indebtedness of private rail companies, and various other corporations, together with the individual debts of the country, seemed at this period to threaten universal bankruptcy and distress.

Georgia's great railroad project had then been in progress of construction, from the year 1837, upon a most liberal and magnificent scale of expenditure. At that date, the State had already expended about two and a half million dollars, and not a single mile of the road was finished and ready for use; indeed, not a mile of the superstructure of the road had been laid.

This vast amount of money had been expended, more or less, on the whole line of road, of 140 miles, and the policy of working upon the whole line at the same time, without finishing any part thereof, necessarily greatly increased and added to the expense of the work which had been accomplished; first, because this policy required a vastly increased corps of engineers, officers and agents, of

various kinds and grades, to superintend and carry on the work; and, secondly, the whole line of road, being located in a country not only far removed from the sea coast, and large navigable rivers, but in a rugged, new country, destitute almost of passable wagon roads. Hence the great expense and increased difficulty of transportation, and, of course, of building a road economically, under such circumstances.

In the locating of this road, great difficulties were necessarily encountered on account of the topography of the country, being a country of ridges and valleys, and some of the ridges rising to elevated mountain height. And the very recent settlement of the country by a civilized population caused the peculiar localities of the country to be but very little known and understood. Except to a very few persons, indeed, the topography of the country was a sealed book.

Taking all these circumstances into view, Col. Long, the Chief Engineer who located the road, certainly displayed much scientific skill and good judgment, mingled with a far-seeing forecast, highly creditable to his professional standing as an engineer. But truth requires me to say that from the beginning to the end of his official connection with this road I have not been able to discover a single trace of economical or financial skill. The value of money seems to have had but little influence on the mind or consideration of this highly respected gentleman. Under all the circumstances which I have suggested, when the Legislature of Georgia met, in the latter part of the year 1841, the State two and a half millions in debt; her credit below par, and constantly sinking; her Central, or State, Bank, ate out and exhausted to supply funds to carry on the road, until her bills were greatly depreciated, and no funds to redeem them; the prospective advantages and utility of the road to the people still far distant from realization, it was indeed a gloomy prospect to the friends of the State Road, and to railroads in general. Many of the good people of Georgia were really about this time disgusted with all railroad projects. They had seen much of the evil things attendant on building railroads, while they had scarcely tasted of the good things to be derived from them.

Many anxiously and honestly desired that the Legislature should sell out the State Road altogether, and wind up its affairs to the best attainable advantage.

But wiser and better counsels prevailed. The Legislature

determined to provide for the liquidation and settlement of the affairs of the State Road, and, as far as practicable, to ascertain the true standing of its affairs, and to curtail the expenditures on the road, and to put, if the means could be procured, fifty-two miles of the road into active operation; and, for that purpose, provided by law that the Governor should appoint a competent agent to attend to all and singular the affairs connected with the road, which had heretofore devolved on three Commissioners; and, further, that all existing contracts for work to be done on the road should be rescinded, if the consent of the contractors could be obtained, by payments being made for that portion of the work which was done on the several contracts, and authorized the dismissal from the public service of all *supernumeraries*, engineers, officers and agents then in the employ of the road, &c.

The foregoing provisions having been made by the Legislature, some time in the month of December, 1841, I very unexpectedly received a communication from Gov. McDonald, tendering to me the appointment of the agency provided for in the foregoing enactment of the Legislature. My impression was that it was a mere agency for disbursing public funds, and making settlements of all unsettled affairs appertaining to the road, &c., and that it only required a man of good business qualifications, and of integrity and probity of character, and capable of paying some general attention to all the various interests of the State connected with the road. I, therefore, without hesitancy, wrote Gov. McDonald a few lines, thanking him for the confidence reposed in me, but in absolute terms declining the office tendered, upon the ground that I had no desire for public employment, and that he could find many other citizens equally well qualified for the office, who would be pleased to receive it. I wrote this reply under the full impression that I should hear nothing further from the Governor on the subject. However, but a few days elapsed before I received a second and more extended communication from him, in which he informed me, more in detail, of the importance and responsibility of the office to which he had invited me, and of the great interest and honor of the State which was involved in the faithful discharge of the duties of that office. He magnified the importance of the proposed trust to an extent which caused me seriously to doubt whether I could justify myself in declining the appointment; for, strange as it may seem to others, I can say in truth that

from early boyhood I had a strong disposition to encounter great difficulties, if the work was laudable in itself, and a probability that extraordinary exertions might secure success. The Governor said in his second letter that although the office, by the terms in legislation used, did not seem to indicate anything more than a common agency, the performance of its duties required rare and superior qualifications, and was pleased to add that his best apology for wishing to press me into this service was that he knew of no one so well qualified to discharge its highly responsible and complicated duties.

Not having given myself the trouble to make myself fully acquainted with the affairs of the State Road for several years past, with any degree of precision, and not having the slightest expectation of ever again being officially connected with it, I confess this second letter of Gov. McDonald opened my eyes to the then critical condition of the affairs of the State in connection with the road, as well as the credit of the State, then rapidly sinking. Moreover, I perceived that it was the object of the Legislature to correct and reform existing errors and abuses, and maintain the character and credit of the State, and, if possible, sustain our great work of internal improvement.

Under these impressions, I answered Gov. McDonald's second letter by saying: "Christmas is at hand, and while my people are enjoying their holidays, I will visit you at the seat of Government, when I hope to have the opportunity of conferring with you, freely and fully, on the subject of the State Road, and the important affairs of our State generally.

Accordingly, I repaired to Milledgeville at the appointed time, and held a satisfactory conference with the Governor. I said to him: "Sir, the reformatations authorized and contemplated by the Legislature, for their success, must depend more upon the executive than all other officers and agents connected with the road, and the financial affairs of the State. The efficiency of the agency to which you invite me is wholly dependent on your aid." He replied: "I know that; but if you will accept the appointment, in all matters connected with your duties your opinions and judgment shall have a controlling influence with me. Engineers and officers are to be dismissed, and many changes made. The rescinding of contracts, and many other important matters connected with our financial affairs, will throw great responsibility on those who direct and manage the affairs of the

road during the next year. The salvation of the road itself depends upon it. If I had the aid of your services where you could personally look after, and attend to, and direct all these matters, I have great confidence that all would be well; and you may rest assured that your judgment, in all these matters, will be duly respected by me," &c.

Under the foregoing circumstances, as I have presented them, I accepted the agency of the management of the affairs of the State Road, called by the law disbursing agent, but in reality and practically clothed with a controlling power never before exercised by any officer, or officers, except that of Col. Long, in the first years of the progress of the road. Gov. McDonald, to be sure, manifested great confidence and respect in confiding to me so much power and control touching these matters, and leaving so much implicitly to my judgment and discretion. And I must admit that nothing short of this respect and confidence could have induced me to accept an appointment which I plainly foresaw was embarrassed by many of the most unpleasant duties, and which must be rigidly performed to secure the interest of the State.

I knew at the time that I accepted the appointment I was taking upon myself extraordinary responsibility. And, furthermore, I knew, and so did Gov. McDonald, that my acceptance of the office relieved him of responsibility in the same proportion that I assumed it. Neither of us was ignorant of the fact that I had sufficient character before the country to bear the entire responsibility of all my own acts at least; and that the Governor would rarely be censured for my acts in dismissing unworthy officers, and of exacting from persons the full and faithful discharge of every proper duty.

The details of the various duties which devolved on me in this office, and a presentation of the manner in which they were severally discharged, are of a character and nature, in many cases, that cannot be made interesting to the reader at this distance of time. And if I were prepared to give the details of every transaction minutely, as it actually occurred, it would only serve to develop a large share of the depravity of poor human nature. And it is not proper for me to give the names and defalcations of those who were dismissed from public trust and confidence, and of some who had been guilty of peculations in defrauding the State—which could be of no public utility, now that these transactions have passed from the minds of most persons. I, therefore, pass over all such unpleasant details.

Suffice it to say that a vast amount of public money was squandered on this State Road, for purposes worse than useless; and that the books and records of the railroad office, in regard to many of its financial affairs, have been kept in a manner, during its early stages of progress, that will forever render them unintelligible to the present or future generation.

I never, after examining the affairs of the road, would have accepted any agency in connection with its affairs but for the purpose of correcting existing abuses, and introducing salutary reforms, and thereby prevent the abandonment of the road and a sale of the same, before it was completed. Although I have always entertained doubts in regard to the expediency of States, or Governments, conducting and managing railroads and similar works, to the ultimate interest of the State and people, yet I was amongst the first in Georgia to suggest and urge the propriety of the State constructing a great State Road, from the Atlantic coast of Georgia to the Tennessee River, running diagonally through the entire State. And I was never for a moment disposed to leave so essential a work to the great interest of the State to the uncertainty of individual enterprise. That fine portion of the State west of the Chattahoochee, generally called Cherokee, in a very special manner imperiously demanded this great highway. The whole plan of this railroad was well matured in my mind in the year 1826, while taking a general reconnoissance of the State, with a view to entering on works of internal improvement, in company with Mr. Fulton, our first State Engineer, and before I commenced my systematic plan for the removal of the Cherokee Indians from Georgia, in the year 1827, in the House of Representatives, in the Congress of the United States. If I were censured and blamed for any of my official acts while conducting the affairs of the State Road, in 1842, because they were adverse to the public interest, it is unknown to me. As far as I do know, it was universally admitted that I discharged every duty which devolved on me with entire fidelity to the interest of the State. But I had never before occupied a public position which so often brought me into conflict with individual interest.

Upon my judgment, engineers were dismissed from the public service, and others brought into service to supply their places. It was often my duty to detect and reject fraudulent claims against the State. Just and fair settlements were exacted from all officers, agents, and contractors. And, on

account of the miserable state of the currency, I encountered much embarrassment and perplexity from shavers, brokers and money-changers of various descriptions. I was forced to suppress the interference of officers and agents of the road, and, in selecting stations and depots, I could not satisfy the cupidity of the selfish and interested competitors. And in the discharge of my duty I was forced virtually to condemn many of the acts of my predecessors.

Upon the whole, I incline to the opinion that the stern discharge of my duty while in the management of the affairs of this road made me more enemies than friends. Indeed, my best reward in this office, from beginning to end, was my consciousness of having rendered much useful service to my State; for the compensation which I received was wholly inadequate to the services and responsibility of the office.

For the present, however, I will close this article, and proceed to give to the reader perhaps my first quarterly report to the Governor, and final report to the Legislature, at the close of my administration of the affairs of the road, and, possibly, a few other documents connected with the subject. These papers will put the reader more fully in possession of the knowledge of the duties performed by me than any thing which I could now write on the subject; and, being official documents, long since laid before the country, are, consequently, more reliable than my present recollection of these transactions. The law under which I acted as agent of the Western and Atlantic Railroad required of me to make quarterly reports to the Governor; and the following is a copy of my first quarterly report to the Governor after I entered upon the duties of my agency, and will serve to give the reader a more satisfactory idea of the duties of the office than anything which I have heretofore said on the subject:

Marietta, April 13th, 1842.

W. & A. R. Office.

Hon. Charles J. McDonald,

Governor of Georgia.

Sir:—In discharge of the duty which devolves on me under the provisions of the act of the General Assembly of December last, and previous acts of the Legislature, to which I look for my guidance in the discharge of my present agency, I respectfully submit to you the following report,

embracing the information required of me by law since I entered upon the discharge of the duties of this office in January last.

On the 19th of January, I received from Messrs. Liddell & Irvin, two of the late Commissioners, a transfer of the books, papers and assets embraced in the schedule which I have heretofore transmitted to the Executive Department, in terms of the late act of the Legislature, together with such vouchers and papers as I could find in the office, and which I deemed to be necessary accompaniments to the reports previously made by the Commissioners. Before entering upon a statement of the disbursements, the amount of work finished, and the condition and progress of the road since the commencement of my agency, I consider it necessary to a clear view of this branch of the public interest that a few brief remarks should be submitted in elucidation of the expenditures of the present year. These expenses are by law restricted to the necessary disbursements for the payment of existing contracts in December last, and the putting into complete operation fifty-two miles of the eastern portion of the Western and Atlantic Railroad. These contracts, however, are found to be dispersed on nearly the whole line of the road, about one hundred and fifty miles in extent, and to embrace contracts for works of great magnitude and very heavy expenditure, consisting of masonry, bridges, grading, superstructure, &c. By reference to the estimates of the Chief Engineer, made in October last, it will be seen that to fulfil the then existing contracts, for masonry, bridges, grading, and superstructure, not including iron rails, chains, and spikes, it would require the sum of \$408,764.11.

From the same estimate, it will be seen that the further sum of \$254,640 would be required for the purchase and laying iron rails, chains, and spikes, for the road south of the Etowah River, being about fifty miles; and from the best estimate which I have the means of making at this time it will require the further sum of \$80,000, for the masonry, locomotive engines, passenger and freight cars, water stations, store houses, machinery and work shops, to put in operation that part of the road designed to be completed by the late act of the Legislature. A further item of \$35,660, being the usual estimate of 5 per cent. for pay of engineers, superintendents and contingencies, being added to the foregoing items, presents the sum of \$779,064 as the amount of expenditure required to carry into effect the

work authorized to be executed by the late act of the Legislature. But this large amount of expenditure may be greatly diminished: First, by rescinding many of the existing contracts which existed at the time of making the estimates herein referred to; secondly, by using iron rails of less weight—nothing but necessity, however, justifies this change; and, thirdly, by greatly diminishing the number of the engineer corps and other agencies connected with this service, as well as contingent expenses. This can only be done effectually after the entire amount of abandoned work shall be ascertained, and the cost of iron and other articles shall have been settled by actual purchase. Therefore, it is not practicable at this time to approximate with accuracy to the precise amount of diminution of the present year's expenditures. All that can be saved by rigid economy and strict adherence to the public interest will be constantly kept in view.

The work, however, which is still in progress, being spread over a line of great extent, renders it necessary to continue in the public service a much larger number of engineers than would be required to superintend the same amount of work on a short, or limited, line. The expense, too, on the superstructure, will be greatly increased by the adoption of the plan of carrying the timbers through Doctor Earl's mineralizing process. This plan, however, had progressed beyond my control before my connection with the road, or I should certainly have arrested it. It was not only determined on, but its execution provided for, in several of its most expensive parts. The timbers which I found already provided for the superstructure, having been sawed from the common sap pine of the up country, cannot last long, unless they are greatly improved by the process to which they are intended to pass through.

Therefore, we are under the necessity of carrying out this plan, and I trust the success of the experiment may greatly exceed my most sanguine expectations; for candor compels me to say I consider the whole theory and plan an entire *humbug*.

I am required by law to make quarterly returns to the Governor of the disbursements of the current quarter; but, under all the circumstances, I consider it my duty, in this my first report, to go still further and embrace not only the current quarter, but to include my entire financial transactions in connection with this office, which will exhibit, at one view, not only my official acts, but the present and

prospective means of accomplishing the duties assigned me, as heretofore communicated to you. I received from the late Commissioners, Messrs. Liddell and Irvin:

In State bonds.....	\$ 65,500 00
Cash funds	5,000 00
Central Bank notes.....	500 00
	<hr/>
Whole amount	\$ 71,000 00
Received from the Governor subsequently.....	100,000 00
Scrip issued and put in circulation by me.....	71,260 00
Checks on the Central Bank.....	17,659 23
	<hr/>
Aggregate amount	\$259,919 23
Whole amount of disbursements made by me, on all accounts, including the redemption of outstanding scrip is.....	155,428 80
	<hr/>
Which leaves a balance of assets now in the vault	*\$101,490 43

But it is proper for me here to remark that the liabilities of this office at the time that I received it was for outstanding scrip \$113,530, which exceeded the whole of the assets which came into my hands \$42,530, and, of the above stated amount of outstanding scrip I have already redeemed, with State bonds, \$16,000, which still leaves a balance of old scrip outstanding of \$97,530, and of scrip which has been issued by me and put in circulation \$56,010. These two amounts added, make the present amount of outstanding scrip \$153,540, and exhibits the present liabilities of this office, over and above its assets, to be \$52,049.57.

In explanation of this report, and the vouchers which will accompany it, allow me to remark that the plan of book-keeping which I have adopted will necessarily leave every thing plain, and easy to be understood by my successors—to wit: I charge to cash account all the assets of every description which come into my hands for disbursement, although the different kinds of funds are designated, whether they consist of cash, State bonds, scrip, or checks upon the Central Bank, they all stand charged against this office, in the order of dates that they are received. And not one

*By actual calculation, this should be \$104,490.43, but the figures are given as they appear in the manuscript.

cent is disbursed, or paid out, except upon a legal voucher, and duplicate receipts are taken, in every case, and the vouchers placed on regular files. Yet a considerable portion of the vouchers on which payments have been made cannot be taken from this office, with propriety, and sent to the Executive Department with my quarterly reports. I have reference to such as the estimates of the Engineer Department, which are my pay rolls, and cannot be dispensed with at this office until final settlements are made with each contractor, as I often find it necessary to refer to these documents. However, they shall all be presented at the Executive Department in due time. Again, I have no voucher for the scrip redeemed by me, except the scrip itself.

The whole of my disbursements, however, you will find accompanied by the proper receipts, and numbered from 1 to 216, and from 1 to 23, inclusive. For the aggregate of the work done on the Western and Atlantic Railroad during the first quarter of the present year, I beg leave to refer you to the report of the Chief Engineer. The contractors on that part of the road designated for completion are respectable, efficient and responsible men, and I still indulge the confident belief that we can have the cars running on the fifty-two miles suggested before the close of the present year; provided we can obtain the iron and other necessary appendages to enable us to progress with the work without further delay. But you will perceive that the present liabilities of this office exceed its assets \$52,049.57, and I shall not feel myself authorized to increase the circulation of scrip until I am furnished with the means to redeem it. Indeed, I do not feel myself authorized to issue one dollar more in scrip than I have bonds in hand to redeem it with. Our State paper should not be further degraded by depreciation. And an effort will be made thus to degrade it, if a failure to redeem the scrip issued at this office, promptly, in bonds, should again occur. I can but consider it a great misfortune that the credit of such a State as Georgia should ever have been disparaged by an injudicious use of her credit. *Credit*, however good, will never supply the place of a sound currency for any length of time without depreciation. It is a hazardous condition for either individuals or governments to place the value of their credit in the safe-keeping of shavers, brokers, and speculators. And it is with the deepest mortification and reluctance that I am compelled to witness the estimation in which the credit of our beloved State is held at this time by these speculating

gentry. They are here every pay-day for the express purpose of depressing our State securities.

This state of things must not be permitted to continue. It is artificial, and has grown out of financial indiscretion and derangement. Why should not the credit of Georgia be equal to that of any other government on earth which depends on human agency? Upon a financial adjustment of all the unsettled affairs of the State, our State debt if, indeed, we would have any, would be so small as to make its total extinguishment a matter of no inconvenience at all.

When I reflect upon the great natural resources and advantages of our great State, of our soil, climate, mineral wealth and geographical position, together with our good and rapidly increasing population, I am ready to say: *It is enough!* Time and wise management alone is all that is necessary to relieve our people from every present embarrassment. It is but a few days of distress, and a glorious future awaits us. Let the people have good laws, wise rulers, and they will prosper. The sober sense of the great body of the people wants nothing but equal laws and equal rights in such a land as ours.

As you know, sir, it was with reluctance that I entered upon this railroad service, not that I was insensible to the honor you did me in the invitation to co-operate with you in sustaining our great State enterprise in connection with the State Road, but from the apprehension that, under all the existing circumstances, I should not be able to render much efficient service to the public. And candor compels me to say I still feel that I am struggling in a field where the glory of victory hangs upon an uncertain tenure. But without enumerating the causes which cast a thick cloud over our great State enterprise at present, allow me to say my present position has caused me to reflect much upon the whole subject of our road enterprise, and that success is completely within our grasp. If you and myself fail of victory, yet victory will come! This enterprise will succeed!

The day, sir, is not far distant when a railroad, from the navigable waters of the Mississippi, through our line of State Road to the Atlantic Ocean, will be in complete and successful operation.

I speak not in the spirit of prediction—my views are based on reason and the spirit of the age. And when I take into consideration the vast importance of a railroad communication between our Southern and Western States, in a commercial, political and social point of view, I feel

assured that nothing can occur which will long impede the completion of our great State work, if we continue to be under the guidance of that wisdom which has already made us a distinguished people. If the law will authorize you to afford us the means to complete the fifty-two miles of road, the superstructure of which is now in rapid progress of completion, my best exertions will be used to have it in successful operation before the close of the present year. And this being accomplished, will, ere long, bring up the Monroe and Georgia Railroads to our eastern terminus, which will give to the country railroad communication from our Southern Atlantic cities to the fertile valleys of North-western Georgia. And from thence the power of steam cannot be arrested until it reaches the Father of Waters, the great Mississippi.

I have the honor to be yr. obt. servt.,

WILSON LUMPKIN

REPORT OF WILSON LUMPKIN,
AGENT OF THE WESTERN AND ATLANTIC
RAILROAD,
TO THE LEGISLATURE OF GEORGIA.

Western and Atlantic R. R. Office,
Marietta, Ga., Nov. 4th, 1842.

To the Senate and House of Representatives of the State of Georgia, in General Assembly met.

In the discharge of a duty which devolves on me, under the provisions of the laws of the State of Georgia, I respectfully submit to the General Assembly a report of my official transactions in connection with the Western and Atlantic Railroad, commencing January last, and embracing all such information as the several acts of the Legislature, defining my duty, appear to require.

Under the provisions of the act of the 4th of December last, on the 18th of January of the present year two of the late Commissioners, Messrs. Liddell and Irvin, transferred to me the books, papers and assets of their office, as set forth in a schedule taken at the time, a copy of which was transmitted to the Executive Department shortly thereafter.

The assets received from the hands of the Commissioners amounted to the sum of \$71,000, and consisted chiefly of 6 per cent. State bonds; and the demands against the office, for outstanding scrip put in circulation by the Commissioners previous to my connection with the office, and redeemable in State bonds, exclusive of other evidences of debt against the office, amounted to \$113,530. I have since received from the Executive Department, in 6 per cent. State bonds, \$265,000, and have checked on the Central Bank for \$47,632.20; and the amount of scrip issued and put in circulation by me, now outstanding, is \$24,540. The interest on scrip, and other debts due the office which have been collected, is \$9,842.29, from which it will be seen that the aggregate of assets chargeable to me during my agency amounts to the sum of \$418,014.49 and that I have actually disbursed out of the aforesaid sum, upon legal requisitions and proper vouchers, the sum of \$409,841.87, as will satisfactorily appear from the receipts and vouchers which have accompanied my several reports to the Executive Department; and from which it may be seen how every dollar confided to my hands has been disbursed, and leaves a balance, now in the vault of my office, of \$8,172.62, all of which will more fully appear by reference to a tabular statement, marked Document No. 1, which is herewith submitted.

According to the last report of the President of the Board of Commissioners of the Western and Atlantic Railroad, made to the General Assembly, and dated on the 4th day of November, 1841, the aggregate expenditures on the road, up to the 10th of October preceding, amounted to the sum of \$2,164,326.34, exclusive of \$60,000, which had been disbursed in the survey of the road, previously to the formation of the Board of Commissioners. From the 10th of October last, up to the date of my entering upon the duties of disbursing agent, the Commissioners continued to discharge the duties of their office, and to make payments accordingly; and from the best evidence which this office affords, which is the receipts taken for the amounts paid out, it appears that the payments made by them during this time, under every head, amount to \$94,491.85, the receipts and vouchers for which payments I forwarded to the Executive Department in the month of February last. The whole of these several items of expenditure on the Western and Atlantic Railroad, under every head, up to the 10th of October of the present year, exhibits the aggregate sum of \$2,728,405.92.

Tabular statement No. 2 will show the whole amount of work done, and materials procured, expenditures for construction, engineer service, "Earlizing" timber, concessions of the right of way, individual damage to private estates, and various contingent expenses. It may be proper to remark here that some disbursements have been made during the present year for the purchase of iron, and other articles for the road, under the direction of the Governor, and through the agency of the Chief Engineer, which is not embraced in my financial transactions and tabular statements, but are nevertheless chargeable to the road.

I would respectfully ask the attention of the Legislature to these interesting financial transactions, so far, at least, as I have been connected with the same, with entire confidence that I am fully prepared to evince to the perfect satisfaction of the Legislature the care, economy and correctness with which I have discharged every duty confided to my charge. I am the more desirous that this subject should receive the early attention of the Legislature, as various considerations combine to induce me to relieve myself, at the earliest day practicable, from any further official connection with this service—a service in which I should not have embarked but from a sense of my obligations to the people of Georgia. The work authorized to be executed on the road during the present year being limited by the act of December last to the existing contracts at that time, and to the completion and putting into operation fifty-two miles of the eastern portion of the road, the duties of the officers and agents of the State have been principally confined to the objects designated by law. The larger portion of the contracts on the western portion of the road have been rescinded in conformity with the provisions of the act of December last, and the few who are still operating (not more than three or four) will, by law, be compelled to close their operations on the first day of December next.

Nothing but the want of available funds to purchase iron, locomotive engines, cars, and other necessary appendages, has prevented the fifty-two miles of road, commencing at the eastern terminus, from being at this time in successful operation. Yet, there has been an extraordinary and incalculable delay, extra expense and labor, to which the State has been subjected in carrying the timber for the entire superstructure of fifty-two miles of road, and of several bridges, through what is termed Dr. Earl's preserving process. The materials employed in this process are certain propor-

tionate mixtures of the sulphates of iron and copper, applied in solution, properly heated by the aid of boilers constructed for that express purpose, all of which materials, together with a part of the boiling apparatus, had been procured by my predecessors, previous to my connection with the service. Whatever theorists may say on the subject of thus preparing timbers for the superstructure of railroads, I have the most entire confidence that no man of practical, common sense will ever again make the experiment, after witnessing this splendid failure (such an experiment as our State has made in this case), involving as it does the unavoidable labor and expense which must attend such wild projects; and what is still more to be deprecated, it is most confidently believed that the most faithful and persevering effort to carry out the plans and views of the inventor of this process, but little, if any, durability will be added to the timbers thus prepared. For some purposes, small timbers may possibly be improved in durability by this process, but not such timbers as are used for the superstructure of railroads. The solution cannot be made to penetrate and saturate large timbers.

It is believed that the work authorized to have been done on the road during the present year has been accomplished, as far as the interest of the State and other circumstances would allow. Under the provisions of the act hereinbefore referred to, it necessarily required some time to enable the Governor to reorganize a suitable corps of engineers to discharge the duties of that department of the service.

The gentleman selected as Chief Engineer, Charles F. M. Garnett, Esquire, did not enter upon the duties of his appointment until the month of February last; but it is due to him for me to bear testimony to the zeal and ability with which he has devoted his time and services to the State throughout his official connection with the same.

The state and progress of the work upon the road, in connection with the consideration that but little remains to be done to complete all existing contracts, leaves the Legislature free from those embarrassments which have heretofore existed—that is, of providing the ways and means to carry out large existing contracts for work contracted on the road, or of violating the faith of the State by rescinding contracts made with citizens by the authorized agents of the State.

The entire work authorized to be done by the act of December last would, as hereinbefore stated, have been completed by the close of the present year, at furthest, but

for the want of available funds to carry on the work. Our resources have been, to check upon the Central Bank, to a limited amount, and the use of State bonds; and our great reluctance to use the credit of the State, at its depreciated value, induced us in our contracts to complete and put in operation the road at the sacrifice of the interest and credit of the State, to stop short of much which might have been accomplished but for these embarrassments.

It now devolves on the Legislature to determine what shall be done with this great public interest and enterprise of the State. The question of embarking in this enterprise is not now before us. That question has not only been decided, but the decision acted upon, so far as to expend upon this great work near three millions of dollars. By a reconsideration of the subject we cannot expunge what has already been done. The record must stand, as long as our statute books remain. At the present embarrassing moment perhaps but few of us would be disposed to embark in this great enterprise. We might perhaps prefer to see such improvements under the care and charge of private companies, and be content with the State patronizing such companies. We can all now see errors connected with the progress of this great work. The great and obvious one to all reflecting men has been the expenditure of all our resources upon the entire line of 140 miles of road—in grading, masonry, bridging, &c., without putting a single mile of the road into operation. The haste and precipitation in locating and putting the entire line of road under contract was a policy which few will now attempt to vindicate. From the beginning, the work on this road has extended over a line of such length as to make it necessary to keep up a very large and expensive corps of engineers (never less than twenty at one time), as well as numerous officers and agents of various grades.

But I am neither disposed to dwell upon nor conceal the errors which have been committed in connection with this subject, further than may be necessary to a brief, but clear, exposition of my own views. It is too late now to obliterate what has been done, and the interest of the State requires that we should not underrate the value of what has been accomplished, because time and experience have demonstrated errors in our past progress.

The amount of money already expended by Georgia and her enterprising citizens, in the construction of railroads, will not fall short of \$10,000,000, and the investment of so

large an amount of capital in railroads, at a period when the financial affairs of the whole country have become deranged, so as to produce universal embarrassment and severe pressure in money matters, could not fail to press heavily upon all those who have made such investments. Our progress thus far has been that of constructing and building roads. We have experienced much of the toil and expense of railroad enterprise, without having entered but to a very limited extent on the more pleasing part of receiving remuneration, either in the way of dividends or the facilities of travel and commerce. And even admitting that these railroad investments may never yield an adequate recompense to those who have made them, may we not take courage and consolation from the conviction that our State and common country cannot fail to derive incalculable benefits from our labor? When patriotism demands it, let us willingly bear the heat and burthen of the day, that posterity may derive the benefit.

The financial condition of the country, in connection with the worthless paper currency which has expelled the better currency (gold and silver) has caused the present available resources of our State and railroad companies to be pretty nearly exhausted, and many of the pioneers who have labored and toiled to accomplish these works will likely pass away before they are completed. But the present generation will not pass away before complete lines of railroad will be in successful operation from Charleston and Savannah, through the length and breadth of Georgia, to the great Mississippi. Nothing can possibly retard long this great consummation. The utter abandonment of our present great work by those who have heretofore sustained and prosecuted them would not retard their progress to any great extent. Destiny must be obeyed.

Notwithstanding the extraordinary times through which we have passed, and the embarrassments thereby brought upon railroad companies, in common with the rest of the community, nevertheless the companies most intimately connected with our State enterprise have still persevered and progressed. In the course of twelve months, it is claimed that the Central and Monroe Railroads will be in complete operation, and the fifty-two miles of the eastern portion of the Western and Atlantic Railroad being in operation, will give to our people a continuous line of railroad of 350 miles, commencing at our largest sea port town, Savannah, and running diagonally through the State to the rich and beautiful valleys of Northwestern Georgia. The fifty-two miles

of the State Road being in operation, will be able to sustain itself under proper management, as soon as it is intersected by a road from the Atlantic. The Central and Monroe Railroads are entitled to all the aid and encouragement which the State may be able to extend to them. The State now has a direct interest in their speedy completion. And the Georgia Railroad will certainly be completed at a day not far distant. The importance of that work, its present progress, and the enterprise and capital enlisted in its accomplishment, insures its speedy success. Of the speedy and ultimate completion of these roads I do not entertain a doubt. It is true that the State, as well as private stockholders in such works, is at this time severely pressed, and a state of dependency overspreads the minds of many of our most valuable citizens. Nevertheless, the state of our common country will be permanently benefited and elevated in character by the present sacrifices of our enterprising and patriotic citizens. The name of Gordon, in connection with the Central Railroad, will live in honor on the pages of Georgia's history, so long as the English language shall be read; and the patriotic and successful exertions of Dearing and Griffin, in accomplishing so much in carrying forward the Georgia and Monroe Railroads, will survive any detraction from their efficient services in connection with these works.

Our railroads connecting our Southern Atlantic cities with the navigable waters of the great West may justly be considered amongst the most important railroad connections that have enlisted the enterprise of this progressive age.

In a political, social and commercial point of view, our works are unsurpassed in importance; and, in a pecuniary point of view, cannot fail to be highly advantageous.

The railroads of Georgia being completed will effect more for the general defense of our common country, both from internal and external enemies, than fifty millions of dollars expended upon fortifications on our extensive sea coast.

These roads will overcome space, and bring distant places nigh. The mail facilities alone will be an item of vast importance to the country. Our seaboard and mountain population will no longer be strangers to each other; they will become one people. And our fellow citizens of the Far West will no longer be strangers and aliens from our commonwealth. These roads being completed will give to the country new channels of commerce, and exchange of agricultural and other products and fabrications. They will

greatly hasten the deve'opment of the great natural resources of our State, and add at least 100 per cent. to the value of the real estate of our interior population.

New productions will be created, not heretofore thought of. New enterprises and greatly increased habits of industry will follow in the train of these improvements. The amount of travel and freight on these roads must be immense. How can it be otherwise? An examination and close deliberation of this subject will remove every premature doubt. Our impatience under the pressure of temporary burdens should not be allowed to mislead our sober judgments. I have made myself familiar with the brief history of railroads, and I believe that no road of any importance has yet been put into operation, and kept in proper repair and well managed, the business of which has not greatly increased.

Moreover, most of the railroads which are in operation and free from debt throughout our whole country are now yielding satisfactory dividends to the stockholders.

It cannot be concealed that the vitality of railroads depends upon their good management, and I confess that my only doubt of the triumphant success of the railroad enterprise in our section of country is a fear that they may not be well managed.

It not only requires a master spirit, endowed with ability and fidelity of character, to conduct and manage these enterprises, but it requires, in addition, untiring vigilance, watchfulness, industry and perseverance. Nothing short of sleepless vigilance and constant attention to small as well as great matters can insure success; and from these considerations I have sometimes doubted the policy of Government engaging largely in works of this character.

The management of banks and railroads generally succeeds best when under those who have a direct interest in their success. It has been often remarked that the only prerequisites for public trust were capacity and honesty; but I am greatly mistaken if I have not very often seen men of undaunted capacity and honorable reputation in high trust, where public interest and their duty were most shamefully neglected. Indolence and love of ease often disqualify men for public trust, while they cannot be justly charged with ignorance or dishonesty. Under these considerations I hope to see the State, at the proper time, relieved from the management of both banks and railroads. But it will require time and the exercise of wise deliberation to effect these

objects in a manner which shall best promote the interest of the State and people.

The State, as well as individuals in general, has made investments of her capital in times past which scarcely any one would advise under our existing embarrassments, with our present lights and experience. But the State is bound by the most sacred obligations to sustain all her contracts, institutions, and works of internal improvement to their final completion. Whatever she has brought into existence must be sustained until a judicious disposition can be made of her investments. The Western and Atlantic Railroad should never be abandoned. It is a noble and invaluable work to the State and to the country, and must be very profitable to its owners at a day not far distant. When the proper time shall arrive, let the State, if it should be thought advisable, dispose of the road; in the meantime, let us take care of what has already been done. It is a most valuable public property. The interest, honor, and prosperity of the State require that our expenditures should be brought and kept entirely within the available means and resources of the State; and this state of things can only be attained by a well organized financial system. Financial matters cannot be well conducted without the most rigid system and accurate calculation. No individual, or government, should ever contract debts, without first devising the ways and means to meet their payment with promptitude and punctuality. In money matters it will not do to depend upon kind fortune alone, without doing our own duty.

The two great measures of policy out of which has arisen the present crisis in the financial affairs of our State may be traced to our State banking system, and our large and rapid expenditures on our great State Road, as may now be seen, developed in the present condition of the Central Bank, and the Western and Atlantic Railroad; and these operations have all been conducted under the direction of the Legislature. In regard to the policy which has been pursued in regard to these, it is useless now to criminate or recriminate. That which is now necessary to be done is to sustain the honor and secure the interest of the State, and this will require the united exertions of the intelligence and patriotism of the State. By legislation, the Central Bank has been deprived of its capital and resources, so far as to wholly incapacitate it to discharge the duties for which it was originally established. The capital of the Bank has been exhausted upon the Western and Atlantic Railroad,

while a large amount of its bills are outstanding and depreciated as a currency. And I consider these bills now a part of the public debt, and that they ought to be redeemed as speedily as circumstances will allow. As no further appropriations made by the Legislature can be paid by the Central Bank without still further depressing its credit, would not an entire divorce between the State Treasury and the Bank be a wise and expedient measure? Why should further drafts be made on the Bank, when it is known that its means are insufficient to meet its present liabilities?

Appropriations cannot be made with propriety unless the means are provided at the Treasury to meet the appropriations. If the assets of the Central Bank cannot be made available to meet its liabilities and sustain its credit, it is then obviously the duty of the State to sustain the credit of the Bank, by such legislation as the wisdom of the Legislature may devise for that purpose. This being done, and the punctual payment of the interest of our public debt being provided for in manner which shall be perfectly satisfactory to the creditors of the State, and Georgia will again be *herself*.

When I contemplate the vast resources of our great State, her climate, soil, variegated productions, mineral wealth and rapidly increasing population, our present State debt and financial embarrassments produce no despondency on my mind. Wise and judicious legislation, stimulating the industry and enterprise of the people in all the various arts of life—combining the operative energies of Nature with science, capital and physical power, is all that is necessary to make our State happy, prosperous and honored by all the world. We should practice the strictest economy in the expenditure of public money, and thereby render oppressive taxation unnecessary. But we should not shrink from any burthen of taxation which may be necessary to maintain the honor and credit of the State in meeting its obligations already incurred.

The service in which I have been engaged has given rise to the reflections and opinions which I have taken the liberty of submitting to the Legislature on the several subjects adverted to in this report. And if an apology be necessary for having expressed myself so freely on these several subjects of vital interest to the State, it must be found in the abiding conviction resting on my mind that a *sound currency* and *high credit* are as necessary to the prosperity of a State as good blood is to the physical system of man.

My views are most respectfully submitted to the Legislature, not as one having authority, but as a citizen in common with the great body of the people.

I have the honor, gentlemen, to be, yr. most obt. servt.,

WILSON LUMPKIN,
Agent, &c.

Athens, Nov. 25th, 1853.

The present generation, especially its junior members, who have never bestowed the necessary time and research to make themselves acquainted with the early political history of Georgia, labor under many misapprehensions in regard to numerous subjects of much interest and importance to the present enlightened generation.

Such persons are often much surprised at the ignorance and stupidity of their ancestors, without stopping to ascertain and reflect on the true state and condition of those who have preceded them, or even to know what was really attempted and accomplished by them. They remain strangers to the history of their immediate progenitors.

Such persons will doubtless be still more surprised when I express to them the opinion that the people of no state or country can be found who have from their first settlement of a wild wilderness, more than a century past, up to the present date, uniformly and at all times exhibited a larger share of enlightened zeal or steady perseverance in every branch of civilization and human improvements than that of the people of Georgia; and more especially as regards education, and what is now familiarly termed internal improvement.

Therefore, after closing what I had intended to say for the present on the subject of our great State Road (the Western and Atlantic), I deem it to be not inappropriate to give the reader a very brief and much abridged sketch of some of the early efforts of Georgia to improve her facilities of commerce and navigation, by means of that which would at this day be termed internal improvements, and thus attempt to sustain the opinion which I have expressed in regard to the industry, enterprise and intelligence of those who have preceded us.

I will go back as far as the recognition of our independence as a sovereign state; but, in advance, I must admonish the reader constantly to bear in mind the true condition of

our people; the paucity and sparseness of our population; the general poverty of our people, and the dark day of the world, when compared with the present, in regard to the application of many of the arts and sciences to the useful purposes of man. We were truly in a state of infancy. Nevertheless, we were children of *promise*.

It would be both tedious and uninteresting to the reader for me to recite and trace all the various provisions of the acts of the Legislature of Georgia, from the earliest times, to sustain my assertions. However, the reader who will take the trouble and labor to examine the legislation of Georgia in detail, from the year 1783, down to the present date, 1853, will find that scarcely a session of the Legislature has intervened between the two periods named without some legislation designed and intended to improve what was once supposed to be our navigable water courses, or to construct canals, to build bridges, to improve or make wagon, turn-pike, plank, or railroads.

Georgia has never been idle. She has been incessantly striving, the whole time, for most of a century, to improve and extend her commercial facilities by such means as I have suggested. It is not necessary to tell me that the means whereby she attempted to effect her desired objects were wholly inadequate, or that her plans of improvement were based on ignorance.

It is admitted that she neither had the knowledge nor the means to carry into effect such works as adorn the country at the present day; but that same spirit of high aspiration and perseverance has neither slumbered nor slept in the people of Georgia, since the capture of Cornwallis, at Little York.

A very large proportion of all the wealth and intelligence which we now behold in active operation in Georgia—checking our State with railroads; rearing up magnificent buildings for colleges and high schools in almost every county; erecting comfortable churches in every city, town and neighborhood, as temples for the worship of the living God—all this has been extracted from the fertile and productive fields of Georgia, and we are now enjoying the luxuries and blessings which have flowed to us in copious showers from the toil and sweat of our care-worn ancestors. Let us not despise the day of small things.

And dare any of the present generation look back with a sneer of contempt upon the Legislatures of 1798 and 1799, for incorporating a company for cutting a canal from the

Altamaha through Alligator Swamp, to a creek of the same name, to the City of Brunswick, in Glynn County?

It is true that the means set apart by the Legislature to carry into effect this grand project was very limited, indeed. They authorized the Commissioners of Glynn County and the Town of Brunswick to apply to that object £279.3s. of the proceeds of the sales of confiscated property, whenever that amount could be realized from the aforesaid sales, and further authorized them to sell certain vacant pine lands lying in the County of Glynn (then thought to be worthless) to aid in their canal project.

Again, in 1799, a company was incorporated by the Legislature, with a capital of \$40,000, for the improvement of the navigation of the Savannah River, from the Town of Augusta to Petersburg, at the mouth of Broad River.

And about the same time a lottery was authorized, and Commissioners appointed to superintend it, to raise \$1,000 to open the navigation of Broad River, from Petersburg to the forks of the river.*

About the same time provision was made (upon a small scale, to be sure) to improve the navigation of the Savannah, Altamaha and Ogeechee Rivers, together with almost the whole of the multiplied tributaries of these several rivers which were large enough for good mill creeks, including the three forks of the Oconee, in the neighborhood of my present residence. And from that time to the present day scarcely a session of the Legislature has passed at which appropriations of money, upon a larger or smaller scale, have not been made to improve, in some way or other, such of our rivers as were thought to be navigable, or to make and improve roads, build bridges, or do something else in the way of internal improvement. At first, appropriations for these objects were exceedingly small, necessarily so on account of the leanness of our Treasury; and as the State advanced in wealth, and increased in population, these appropriations were greatly enlarged; and any person who will now take the trouble to examine the records of the State, and ascertain with precision the aggregate amount which the State expended, from first to last, on our water courses, common roads, canals, bridges, &c., previous to commencing

* This is probably the act assented to Feb. 21, 1796, authorizing the raising of \$4,000, by lottery, for the purpose of "Opening and clearing the River Savannah, and extending the navigation thereof from the Town of Augusta to the mouth of Lightwood Log Creek and Broad River, from its mouth to the south fork."

our railroad system, will rise from the task better instructed on that subject than almost any citizen in the State.

It was my intention to have made the examination myself, but want of all the necessary material at hand caused me to decline it.

But, from the data which I have before me, I will venture the opinion that Georgia expended millions of dollars, with a view to commercial facilities and transportation, previous to her entering upon her great enterprise of the Western and Atlantic Railroad. And, to sustain this opinion, I will here remark that notwithstanding the insignificant appropriations for such objects which I have hereinbefore referred to, in the year 1817 the Legislature, in one act for the improvement of the navigation of numerous rivers, appropriated the respectable sum of \$250,000.

Although we can now all see the almost utter loss and inutility of most of the expenditures, we were learning wisdom in that good old school of experience. We were following slowly, but surely, in the footsteps of those who had preceded us, in other States and countries. We tried improving the navigation of small serpentine rivers, until we were convinced that such rivers were only fit to feed canals; and, before we had made much progress in digging canals, some of us had heard, read and thought of wooden railroads, the cars propelled by horse power; and before we got a wooden railroad under way, to be propelled by horse power, at the rate of four or six miles per hour, the fire horse and the iron rail were announced to be in operation, on a limited scale. And this was our condition a little more than a quarter of a century ago.

But from the time, in 1798, that we were plodding over the subject of making a canal from the Altamaha, through Alligator Swamp, to the City of Brunswick, and making Broad River navigable up to its forks, and making our Oconee branches navigable even above Athens, and including the Appalachee, all this time Georgia has constantly had her thinking, investigating, intelligent, sensible men—men gaining knowledge from experience and standing already sufficiently enlightened, and ready to take hold of and improve upon all the improvements of the day. The men who were educated in the schools of danger, difficulty and adversity are not yet quite all gone.

In conclusion of this article, may I not be allowed to say that in the relative elevation of Georgia in the midst of her sister States, in relations to her internal improvements

at the present time, I do not assume exclusive merit over others for this high attainment of my beloved State. No; let the masses of the people of Georgia share the honors, as well as the benefits, of her achievement. Their industry, virtue and intelligence alone could have placed Georgia where she now stands.

I trust I may, however, without a charge of indelicacy, be permitted once more to advert to my official connection with the internal improvements of Georgia for many years past, which may serve unerringly hereafter to point to the true history of these transactions. I will not go further back than the year 1825, when I was elected a member of the Board of Public Works by the Legislature of Georgia, and, being selected by my colleagues of that Board and Governor Troup, for the purpose, spent the year 1826, in company with Mr. Fulton, the State Engineer, in taking a general reconnoissance of the State, with a view to a systematic plan of internal improvements. While in this service I devoted my whole time and all the capacity I possessed to acquiring information connected with the business in which I was then engaged. And suffice it to say, in this place, that I then came to the conclusion that railroads would prove to be the best possible investment for Georgia, and that they would at some day chiefly supersede the navigation of all small rivers and the most of the canal projects of that day. Moreover, I then thought whenever Georgia should find herself prepared to embark in any great work of internal improvement she should commence at Savannah, from thence to Milledgeville, and from thence to some point on the Tennessee River, near where Chattanooga is now located. These opinions were not only entertained but freely expressed, officially and unofficially, upon proper occasions. It is proper to state, however, that, at that time, there was but a few miles of road in the world with iron bars on the superstructure. Nor was there a locomotive engine in existence—as far as was known to the Chief Engineer, Mr. Fulton, and myself. And we both thought iron quite too expensive to be laid on long lines of railroad. But we both concurred in the opinion that even wooden railroads, and the freight propelled by horse power, was preferable in Georgia to all other modes of internal improvement upon a large scale.

In the year 1831, when I entered on the duties of the Executive Office, we had advanced much in our knowledge of building railroads. We had now found that it was both

expedient and practicable to lay iron rails on roads, and that in the end it would be economy to do so, in preference to relying on a wooden road. The idea of horse power, also, had vanished before the iron horse, or locomotive, &c. During the four years that I was in that office I exercised my best influence to enlighten, encourage, and prepare the way for my project of a great State railroad, as may be seen by my several messages to the Legislature, and in my official correspondence connected with the subject of railroads.

My great aversion, however, to individual or State indebtedness was such that I did not urge immediate action on the subject, until we should first prepare the way by a well organized and defined system of finance, which would ensure the ways and means to prosecute to success so great a work. My next official connection with the internal improvements of the State is that which is partially presented in the preceding part of this chapter.

By references which I have already made, it will be seen that two entire years of the prime of my life, with a very moderate compensation, was devoted almost exclusively to the subject of the internal improvements of Georgia, when in the most important official positions in connection with the subject.

Besides, during the four years that I was Governor of Georgia, a due share of my time was devoted to the same subject; and I did all that could be done at that time to keep the subject alive, and prepare the public mind, until the removal of the Cherokee Indians, which event I had long believed should be the signal for the commencement of our great State Road.

While in the Executive Office of Georgia, I had some experience in the direction of the improvement of our great market roads, by slave labor, the property of the State; and my convictions then were, that it might have been made a highly beneficial policy to the people for that system of improvement to have been perfected, and kept up. But the Legislature thought differently, and the system was abolished.

I leave this record in connection with this subject to those who will survive me.

HON. WM. H. CRAWFORD.

Some time in the latter part of the summer, or early

part of the fall, of 1831 (I have not the precise date before me), when I was first a candidate for Governor of Georgia, in opposition to Mr. Gilmer, the Hon. Wm. H. Crawford published in various newspapers an address to the people of the United States, purporting to be a vindication of his own conduct in relation to various political matters. But, from the large share of attention paid to myself in that publication, it was obvious to every one who read it that the principal design of that address was to injure me in my then approaching election for Governor. And this induced me to reply to that part of the address which assailed me with injurious intent.

I preserved the papers in which these publications appeared, but cannot at this time find them. But I have my original draft of what I did publish, in my own handwriting, and am quite confident that it varies but little, if at all, from what I did publish. And after due reflection, and reading Gov. Gilmer's lately published volume on matters and things in general, I have felt it to be my duty to place my reply to Mr. Crawford on these pages, for the purpose of affording to posterity the means of vindicating my character from false charges, even when emanating from such men as Mr. Crawford and Mr. Gilmer. Like most of the prominent political men of the day, I have been falsely accused of very many political sins of which I was entirely innocent. The verdict of the people, throughout my life, has vindicated me from such falsehoods. And I hope posterity will not be misled by newspaper or book perversions of truth.

For the Georgia Journal, 1831.

Messrs. Editors:—In the Georgia Journal of the 25th inst. I have read an address, To the Citizens of the United States, signed Wm. H. Crawford, in which I perceive that the venerable gentleman has used my name in rather an unfriendly and uncourteous manner—more so than I presume he would have done at a more calm and lucid moment. Was this publication located and confined in its circulation to the people of Georgia, where Mr. Crawford and myself are and have been best known throughout our lives, I should deem it entirely unnecessary on my part to pay the slightest attention to his denunciations. But the notoriety and standing which Mr. Crawford once held throughout the whole country may cause this publication to mislead some portion of the reading public.

I deny, in the most positive terms, the whole of Mr. Crawford's unfounded charges which he has arrayed against me. And he knows them to be false.

He knows that I have been an undeviating Democratic Republican throughout my whole life. He knows that I am no turn-coat. He knows my firmness and independence, from the most mortified experience. He knows that, in my youth, I was attached to him, and supported him for various offices. He knows that I abandoned him greatly against my popular interest, and contrary to the wishes of many of my personal friends and nearest relations.

I discarded Mr. Crawford, as a public man, because, from a long and intimate acquaintance with him, I became fully satisfied that he was wholly unworthy of that share of public confidence to which he aspired. And this is the *somerset*, this is the *turning* with which Mr. Crawford and a few of his subservient presses and friends attempt to reproach me, because, in my youth I had supported him as a candidate for the State Legislature, and other offices. And afterwards, when he aspired to the Presidency of the United States, I preferred and supported Andrew Jackson, I am denounced as a political apostate, and charged with a want of Republicanism. Time *was* in Georgia, when Mr. Crawford had the art and means to make the people believe that Republicanism consisted in supporting him in all his ambitious schemes of self-aggrandizement. But his magic arts have long since been unveiled. His caucus schemes of political juggling are at an end. The people of Georgia are now free; the passports to honor and distinction are now *merit* and *intrinsic worth of character*. I disregard Mr. Crawford's attempts at oppression. Denunciations from that quarter are now without effect. The people of Georgia will not, at present, believe me to be a Federalist, because I supported Andrew Jackson in preference to Wm. H. Crawford for the Presidency. Mr. Crawford's letter to Mr. Balch, a copy of which passed through my hands to Mr. Calhoun, was not known to have been in existence by me until I received it from Gen. Newnan. After reading it, I entertained no doubt that Mr. Crawford was engaged at his old tricks of mischief-making between the President and Vice President—the two highest officers of the Government, for both of whom I entertain the highest regard and friendship. If I was mistaken in regard to the relations which had existed between the President and Vice President and Mr. Crawford, so was the whole country. Every one knew that Mr. Calhoun's

friends generally had contributed to the elevation of Gen. Jackson to the Presidency; and that amongst the most distinguished friends of Mr. Crawford the General had found his most bitter and violent opposers upon the subject of the Seminole War, and every other question where his fame was involved. Moreover, I wrote with the more freedom to Mr. Calhoun, because I knew that Gen. Jackson had, years before that, expressed his firm convictions to me of the unworthy course of Mr. Crawford and his friends upon this subject of the Seminole War. If I was under some misapprehension on this subject, so was Gen. Jackson himself, and the whole country besides. Mr. Crawford is entirely mistaken in regard to my humble pretensions. I make no pretensions in regard to the gift of *prophecy* or extraordinary sagacity; I am amongst the number of those citizens of Georgia whom he brands with the mark of ignorance for having sustained Gen. Jackson against the most slanderous persecutions of Mr. Crawford and his co-workers in Georgia. I never was so humiliated in my own eyes as to set up the political creed of Wm. H. Crawford, Geo. M. Troup, or John Clark, as my standard of political orthodoxy. I have always had a much higher standard, and that has been the Constitutions of my country—first, State and then Federal. In interpreting these instruments, I avail myself of the lights of those who have preceded me, and arrive at my conclusions accordingly.

As Judge Crawford has, throughout his life, manifested a peculiar fondness for newspaper controversy, and as his friends have always boasted of his great powers in that line, and as my utter aversion to controversy is well known to all my acquaintances, I trust that his honor will hereafter select some other person for the revengeful portion of his essays, and leave me to use my best and entire efforts to fill up the measure of my duty to the public, in whatever position may be assigned me.

I will close by addressing a few interrogations to Mr. Crawford, which he may answer whenever it may suit his convenience:

Interrogatory 1. Did you not draft, and sanction, the Augusta resolutions, in 1789, expressing the *most* unbounded confidence in the firmness, *justice* and *wisdom* in the administration of John Adams, Sr.? If yea, what was your age at that time?

Interrogatory 2. Was not one of your first acts, when you went into the Senate of the United States, in 1807,

to vote against the embargo, recommended by Mr. Jefferson, to save our commerce and mercantile capital from the desolating sweep of the French decrees and British orders in council? And was not that measure then considered the touchstone of Republicanism? And was not your vote then recorded with a Federal minority, with Timothy Pickering, of Massachusetts, at your head?

Interrogatory 3. When Mr. Jefferson and the Republicans determined to abandon the embargo, and prepare for more decisive measures, were you not then opposed to the repeal of the embargo? And do you not now think it was expedient in its incipient stage when you voted against it, and unwise in its continuance, when you voted for it?

Interrogatory 4. Did you not, about the time you went into the Senate of the United States, set your eye upon the Presidential chair, by a courtship with the Federal party?

Interrogatory 5. Did you not treat Mr. Madison's war message sneeringly, and admonish the Senate against preparation for war, pretending then that the embargo ought to have been continued and adhered to? And did you not afterwards, when the war became inevitable, pronounce it worse than ridiculous to think of supporting our commerce by a navy?

Interrogatory 6. When the question of the War of 1812 finally came direct before Congress (though you finally voted for the measure) was not your support cold, equivocal and inefficient, during the long and dubious contest in the Senate of the United States, and did you ever raise your voice in its support?

Interrogatory 7. Did you not, soon after the war was declared, take refuge from responsibility and danger in a foreign court, and there remain in undistinguished and unprofitable security, until the storm of war had subsided?

Interrogatory 8. Although you shrunk from the responsibility of sustaining the war, were you not found, soon after the return of peace, ambitiously aspiring, by the most censurable means, to that high office which a grateful people had almost unanimously designated as the reward of the great and efficient services and recent self-devotion of Mr. Monroe?

If Mr. Crawford will answer the foregoing interrogations, directly and truly, I think the old gentleman, with all his *fluency* when he *figures* again before the American people, will not venture to accuse me of political "*Apostasy*" from the Republican party, for having abandoned and discarded

him, as being wholly unworthy of the Presidential chair.

WILSON LUMPKIN.

Note.—Mr. Crawford, in his address referred to in the foregoing article, not only accused me of political *apostasy* because I supported Gen. Jackson for the Presidency in preference to himself, but he said this *change* of mine, *as he termed it*, took place after I was forty years old, and that any man who changed his politics after that age was not influenced by principle, but some selfish design. And this explains my reason for inquiring into his age, in my first interrogatory. I will here add that, in drawing up my accusative interrogatories, I felt confident that Mr. Crawford would never attempt to answer them, as he well knew that I was able to establish his guilt, as intimated in my questions, before the whole country. From the time of this publication of mine, to the death of Judge Crawford, he never again to my knowledge attempted to disparage my character.

January 1st, 1855.

W. L.

Athens, January 1st, 1855.

GOVERNOR GILMER'S BOOK.

After glancing hastily over this unique production, I feel assured that its inimitable sketches of past events will afford a rich treat to the hearty *laughers* of Georgia. Its contents, of course, can never be brought fully under regular review by any *thinking* competent writer. Indeed, it is difficult to treat of a *thing* which is without *form* and void. Nevertheless, there are ebullitions *gumboed* up in this highly seasoned dish of political party prejudice which require modification and correction.

The author's direct personal *hits* at his former political opponents were to have been expected by all those who are at all acquainted with his peculiar temperament and excitability. He can neither speak nor write of those with whom he differs, without manifesting a superlative degree of prejudice. Yet I sincerely hope that Gov. Gilmer may so far survive his prejudices as to forgive those whom he thinks have trespassed against his *superior claims* to political distinction. And that he also may be forgiven for his many trespasses against others.

On page 566 he says: "When Mr. Lumpkin, my successful opponent in 1831, came into the Executive Office on the morning when he was to be inaugurated, when I was still in possession officially, I forgot the mortifying circumstances of my own situation, upon witnessing his own confusion. Previous to his becoming a candidate he assured me that he approved of my recommendations to the Legislature that the gold mines should be preserved for the use of the State, and the Indians protected against injustice; telling me that he should not avail himself of the unpopularity which had followed what I had done to become Governor, though he had been greatly urged to do so. But the temptation to office increased with the increasing probabilities of success, until the assurance which he had given to me unnecessarily was necessarily forgotten."

In noticing the foregoing quotation from Gov. Gilmer's book, it is proper, first, to state that the deep mortification of Gov. Gilmer at being ejected from the Executive Office was the constant subject of remark in every circle; so much so that he had a large share in the sympathy of many good men who had contributed to his defeat. Indeed, they pitied him in his agony of confusion and distress. I confess he had a large share in my own sympathy, for I had no unkind feelings towards Gov. Gilmer.

Moreover, I always gave him full credit for honest intentions to administer the government of the State to the best of his ability. As to my approval of his recommendations to the Legislature, and my assuring him that I would not become his opponent for Governor, &c., I solemnly declare that I have not the slightest recollection of ever having spoken to him, or of having written a single line to him upon the subjects to which he adverts.

I know that I never did believe that it would be either a wise or practicable policy for the State to reserve and work the gold mines for the use of the State, as recommended by Gov. Gilmer. And as regards *justice* and *protection* to the Indians, I claim to have been their best and most constant friend for forty years past.

From the 1st of December, 1830, to the first of August, 1831—eight months—I was constantly receiving letters from my part of the State, urging me to become a candidate for Governor at the next October election in opposition to Gov. Gilmer. In all my replies to these letters I declined yielding to the proposed honor in the most appropriate manner of which I was capable. I was really averse to exchanging

my position at that time, as a member of Congress, for that of Governor of Georgia. I had just been elected to a new Congress by a large and general vote of the whole State; and I thought that the experience which I had there gained in Congress was such as to enable me to render my State more efficient service in Congress than I had ever before been able to do.

Moreover, although I already saw the inefficiency of Gov. Gilmer's policy and measures in bringing our long-standing Indian difficulties to a happy close, yet I was apprised of the fact that my old friend, Gen. Jackson, and Gov. Gilmer were acting in perfect concert in regard to our Indian matters at that time. They both still retained the old idea that nothing could be done effectually in furtherance of the removal of the Cherokees from Georgia previous to making an old-fashioned Indian treaty, in which the Cherokees should relinquish their claims to the country then occupied by them. They both entertained great confidence that extending the State laws over the Indians would induce them to leave the State, by laying hold of the emigrating policy of the United States, &c., &c. And hence my reluctance in becoming a candidate for Governor was greatly increased; for, whatever efficiency there might be in the policy of Gen. Jackson and Gov. Gilmer, I knew that my position as a member of Congress, in relation to Indian affairs, would enable me to render useful service in co-operating with them; but I must confess that my hopes of removing the Cherokees by the policy and means then in operation was so small that my mind was fully made up that, if I was Governor of Georgia, I would pursue altogether a different policy and different measures from that which was then in a course of inefficient progress—a policy which I believed to be more just and honorable to all the parties in interest, and which could not fail in the end to benefit the Indians, as it would be certain to expedite and hasten their removal to the West. Under all these circumstances, in resisting the appeal to become a candidate for Governor, for at least eight months, although greatly pressed, I necessarily said all that my conscience would allow me to say to reconciling my friends to the continuance of Gov. Gilmer in office for another term. And we now have in this book a specimen of his gratitude for my kindness towards him. And after all this, why did I yield my assent to become a candidate? Answer: Because nothing else would satisfy my beloved friends and constituents who had stood by me

through evil and good report, for upwards of thirty years. They finally commanded, and I obeyed. At the college commencement, at Athens, in August, 1831, I gave my assent for my name to be used as a candidate, and I was elected on the first Monday in October following.

And no person can at this time form a correct opinion in regard to the difference in the views of Gov. Gilmer and myself, upon the then state of our Indian affairs, without first reading his last annual message to the Legislature, in November, 1831, and then reading my views upon the same subjects, communicated to the same Legislature, in the same journal, a few weeks thereafter, at the special request of the Legislature. By reading these two documents carefully it will be plainly seen that our Indian affairs had arrived at a crisis which demanded a change of both men and measures. It was necessary to the enforcement of our laws, as well as the peace of the State. And yet, it will be seen that Mr. Gilmer thought of no change of policy. Experience had proved that our laws could not be maintained over a half-civilized, half-savage people, of some 10,000 souls, scattered over five millions of acres of land, and not disposed to obey or enforce our laws. A country, too, containing great mineral wealth in the precious metals. Therefore, it became necessary to introduce into this country a settled freehold white population, both capable and disposed from motives of interest to aid in a faithful administration of the laws of the State. No other remedy was left but to place our citizens on the unoccupied lands of the country, or to establish a military despotism which should be deprecated by all who love liberty and equal rights. The Judiciary of the country, from our inferior courts up to the Supreme Court of the United States, had declared our laws unconstitutional, and had fully taken sides with the Indians. And these courts were aided by most of the lawyers of Georgia, as well as by distinguished lawyers from various other States. Therefore, at the close of Gov. Gilmer's administration the Indians were not only more averse to removal and leaving the State, or making a treaty, but felt assured that their cause was every day gaining strength throughout the country.

The Indians had become accustomed to Mr. Gilmer's hightened, spicy "*paper bullets.*" They disregarded his *splutter.* They viewed him as a man of words, but not of deeds. And I must confess that this state of things in connection with our Indian affairs had so greatly changed

for the worse from the time that I was first urged to become a candidate for Governor to the time when I assented to it, that my own feelings had undergone a considerable change. In December, 1830, I indulged a favorable hope that Mr. Gilmer, by the aid of Gen. Jackson, might carry the State through its then existing difficulties with the Cherokee Indians. But the progress of things from that time to the following August produced serious apprehensions for the ship of state with a helmsman so feeble in the time of a violent storm. Confused and embarrassed as Mr. Gilmer represents me to have been when at the threshold of my executive duties, without one faltering step, I took the command, in the midst of the whole official crew of State—my decided political opponents—and my first official step was to give my views plainly and fully in regard to what was necessary to be done to sustain the ship of state in its then hazardous condition in relation to our Indian affairs. And many of Mr. Gilmer's friends and supporters who were members of that Legislature came to the aid of my friends who were in a minority in that Legislature. And my views were sustained in the most important points by that Legislature, although so very different from the views of my predecessor.

In accordance with my views, the Cherokee lands were shortly thereafter surveyed, and in less than one year commenced being populated and settled by good freehold white citizens. And at the meeting of the next Legislature the country was laid out into ten new counties which were organized in the second year of my administration, and the civil and criminal laws of the State in regular operation in these ten new counties. I was then elected to another gubernatorial term of two years, and before the end of that time the most respectable portion of the Cherokee Indians had been brought to see and acknowledge that the best interest of their people required their emigration to the West, without loss of time, and were anxious to enter into a treaty for that purpose—which treaty was concluded and entered into a few weeks after the close of my last term, December, 1835. All this was effected, too, in the face of a most violent opposition, composed chiefly of Mr. Gilmer's political partisans and associates. It was an opposition of the most violent bitterness. All this was effected, too, without violence, or bloodshed. During my four years administration of the Government the whole Cherokee country was run out into small lots, properly surveyed and marked, and thousands of our white citizens went into the country, and settled as the

near neighbors of the Cherokee people, the Indians all having their improvements reserved to them, with the necessary wood land to sustain their improvements.

Notwithstanding all this was accomplished, I venture the opinion, and facts will sustain me, that there was not more murder, robbery and theft committed in the Cherokee part of Georgia during these four years than in the same extent of territory in some other parts of the State.

This last Treaty with the Cherokee Indians was negotiated by a very large portion of the intelligence of that people, but was still opposed by John Ross and his *kinfolks* who had become the wealthy aristocracy of the Cherokee people—not like Gov. Gilmer's Broad River *kinfolks*, by honest industry, labor and economy—but by swindling the poor Cherokees out of their Government annuities, and applying them to family aggrandizement. Ross and his party governed a large portion of the ignorant and savage part of the Cherokee people who were incapable of judging of these matters for themselves.

This Treaty of December, 1835, provided, amongst other things, for the appointment of two Commissioners by the President of the United States, by and with the advice and consent of the Senate of the United States, to superintend and carry into effect the various important provisions of this Treaty, preparatory to their removal to the West. The whole of the Indian improvements were to be valued and paid for—every cabin, every acre of cleared land, every fence rail, every fruit tree of every kind, was to undergo this inspection and valuation. Moreover, all persons having claims against any one or more of the Cherokee people, whether large, or plain, or complicated, submitted their claims to these Commissioners for adjudication and final settlement. Amongst other claims, lawyers from Georgia and several other adjoining States presented claims against the Cherokee nation and people, for legal services, amounting to near two hundred thousand dollars. Millions of dollars depended upon the court adjustment and settlement of all these complicated matters. Besides all this, the Indians had many cases of litigation amongst themselves touching their improvements, and other matters.

Moreover, these Commissioners were invested by their instructions from President Jackson with full power over all the operations, civil and military, connected with the execution of the Treaty and the removal of the Indians. And what rendered the discharge of their duty very unpleasant

indeed in regard to the military operations was that Gen. Wool would not co-operate in the discharge of his duty with the views of the Commissioners—to which cause I attribute the whole difficulty of the removal of the Indians. Gen. Wool was in reality a Ross man at heart.

Gov. Carroll, of Tennessee, and myself were the first Commissioners appointed to the discharge of these important duties; but Gov. Carroll, from bad health and other causes, never entered upon the duties of his appointment, and Judge John Kennedy, of Tennessee, was appointed to fill Gov. Carroll's vacancy, who, after his appointment, acted as my colleague during the time I was engaged in that service, which was from July, 1836, to November, 1837. And although Gov. Gilmer speaks of my official service as connected with this business as a very small affair, and intimates that I was called to its discharge by President Jackson for the purpose of promoting the election of Mr. Van Buren to the Presidency, I can assure Gov. Gilmer that nothing but his ignorance of the duties performed and his malignant party prejudices could have induced him thus to speak, and write, and publish in his *model book*. I would stake my reputation as to being a man of sound mind and judgment, that, if a board of the best qualified judges would thoroughly investigate the whole subject, and examine all the record proof appertaining thereto, they would unhesitatingly come to the conclusion that it required a higher order of talents to discharge all the duties that I did perform while in this office than any other office which I have ever occupied, although I have served for years as a member of both branches of Congress, as well as in the Executive Office of Georgia at its most eventful period. And, as to the ability and fidelity with which I discharged these duties, I invite the most scrutinizing investigation. Ample records of my actings and doings were deposited in the War Department, and if preserved, as they should be, will redound to my credit as long as they exist. Gov. Gilmer has not the slightest idea of the hazards, labor, and exposure which I passed through during this service, or, impudent and impetuous as he is, he would never speak lightly of such services which were witnessed from day to day by thousands of the people of Georgia, as well as of other States, for the term of nearly eighteen months—much less would he give his misapprehensions a place in his book of *old wives' fables*. His great hazard in crossing the Savannah River in a flat boat, and his memorable tour through the country, from

Columbus, Georgia, to Montgomery, Alabama, and home again, while there was still remaining a remnant of Indians in the country over which he traveled, although a country settled by a white population, would certainly be left out of his next edition of fables. Gov. Gilmer ought to know that he has nothing to gain by attempting to get up a new rivalry between himself and myself. During my service as United States Commissioner for executing the Cherokee Treaty (the accurate and official details of which I have given elsewhere) the whole of the Indian improvements were valued, returned, examined and recorded in well-bound books. All the claims for and against the Indians were investigated, determined and recorded, amounting to thousands of cases. Most of the payments were made, and proper receipts and vouchers taken, and filed, and recorded, of all the Indians who had emigrated and who were preparing for speedy emigration, embracing a large majority of those who were pleased with the Treaty, as well as many of the Ross faction.

In performing the various duties herein adverted to, I constantly kept in view the great importance of convincing and reconciling the Indians that their best interest would be promoted by a speedy removal—indeed, that their only hope of peace and prosperity was to be found in emigration; and, in all cases, assured them that they would not be permitted to remain in the country a single day beyond the time stipulated in the Treaty. Many cases arose in the transaction of this business which made it necessary for me, from time to time, to visit almost every neighborhood of Indians in the whole country. And in discharging this duty I often performed long *zigzag* journeys from place to place, on horseback, solitary and alone, without firearms, or guard of any kind, and that at the very time, too, when the greatest excitement existed in the country—often meeting bands of Indians alone, in the wilderness and caves of the mountains, and sometimes lodging at the houses (from necessity) of those known to be most hostile to the Treaty and emigration.

I only mention these facts to show that I am not disposed to magnify the dangers through which I have passed in crossing rivers in Indian flats and canoes, traversing mountain trails through a country in which there still remained a large number of poor, dissatisfied, angry and yet desponding Indians. Moreover, I knew my situation to be more perilous on account of the daily sympathy which John Ross and his friends were receiving from my political opponents, as well

as from many individuals attached to the United States Army then stationed in the country, with Gen. John E. Wool at their head. But none of these things moved me from a fearless discharge of my whole duty. I knew that murder was reeking in the hearts of John Ross and his leading friends towards me and the Ridges, and Boudinot, and the rest of the leaders of the treaty-making party.

But I operated on the fears of Ross and his party by having them assured, in a proper manner, that if the blood of any friend of the Treaty was shed an awful retribution awaited him and all his adherents. He believed me, and remembered that some years before that time he was very near being brought in chains to Milledgeville to atone for his many transgressions.

And this is the great secret why myself, the Ridges and Boudinot remained unharmed during these exciting times. While the Ridges and Boudinot remained in Georgia they were safe. And they would have remained unharmed to this day if the Federal Government had done its duty in protecting them after their removal to the West, as I often urged upon the Federal authorities.

Although I have stated the facts elsewhere in my writings, I will here repeat, as a part of the refutation of Gov. Gilmer's insidious attempt to revive an old refuted falsehood, to wit: that while I was a Senator in Congress I had countenanced an attempt of Mr. Van Buren to reconcile John Ross and his party to emigration by an indirect bribery, and a faint show of allowing further time to the Indians for emigration than that stipulated in the Treaty. Complete refutation to all such dark insinuations may be found in the whole of my official correspondence with Gen. Jackson, Mr. Van Buren, Gen. Cass, Mr. Poinsett, and anybody else with whom I corresponded as Commissioner for executing the Treaty, and all of which is on record. From first to last, in my every word and act in regard to executing the Treaty, I acted the part of immutability *itself* in unyielding opposition to the slightest compromise with John Ross, as regards the slightest modification of the Treaty. I always urged upon the Federal authorities the use of imperative language to Ross, to wit: that the Treaty must and shall be faithfully executed. I always thought, and have often written as well as said, that during the progress of executing this Treaty, instead of requiring all the disposable force of the United States Army to remove these Indians, as recommended by Gov. Gilmer himself, I would select a few hundred Georgians

who would accomplish the removal of the Cherokees, in the best possible manner, without the slightest aid or assistance from the Federal Government (see note at the close of this article). The letter of Messrs. Owens, Cleveland and Towns, to which Mr. Gilmer gives a place in his book, I have no doubt was written with an intent to do me an injury. Although they do not mention my name, I am doubtless the person they allude to as being in the daily councils of Mr. Van Buren and his Cabinet; for these gentlemen were all deeply mortified, at the respect and attention that I was daily receiving from that quarter, while they were not considered worth consulting upon important matters of state. And it is well known that these same men had been honored with seats in Congress on my popularity, rather than their own; and why they and others of my own political party should have conspired together to do me injury is quite unaccountable, unless it be charged to the depravity of the human heart, which cannot bear to see others more confided in and respected than themselves. Many such letters were written about the same time, from Washington to Georgia, by those who owed all their political consequence to the public labors of my life. I afterwards ascertained to my satisfaction that this political conspiracy was formed for the express purpose of inducing me to retire from public life. I know of no cause for this movement, up to the present day, except that a few aspiring men of my own party came to the conclusion that forty years was quite long enough for any one man to be more prominent than all others of his party for high offices. Perhaps they were right for thinking it time for me to withdraw from public life and leave the way open to others. At any rate, this hint was amply sufficient for me. I at once resolved to serve no party which embraced a faction combined to do me injustice and disparage my public efforts to promote the public interest. I have not since allowed myself to be a Mordecai in the gateway of promotion to any aspirant of my old party friends. And I have supported some of these same men since for high offices, and have never allowed myself to retaliate on any of them in any way whatever. I contented myself by exposing all who were concerned in this matter, in a speech made in the Senate of the United States about the time of these occurrences. The speech was made in reply to Senator Preston, of South Carolina, and was published in the Washington Globe, and widely circulated at the time, as well as republished in many other papers. And

I have recorded it again in its regular order in giving a documentary history of my official acts in connection with Indian affairs. No one can read this speech understandingly and take into consideration the time and place when and where it was delivered, without being astonished at the folly and perfidy of the originators, aiders and abettors of this scheme to falsify and injure an individual so little deserving such vile assaults.

Gov. Gilmer happening again to be the occupant of the Executive Office of Georgia when the day for the final departure of the last Cherokees was at hand, set himself to work, in his usual way, to get up a great *ado* about nothing. He determined to raise one of his *teapot storms*, and assume to himself great credit in the removal of the Cherokees from Georgia. I have for several years past been apprised that Gov. Gilmer was making a great effort to pervert the truths of history in regard to this Cherokee subject. The publication of the Rev. Geo. White's "Statistics" gave me the first reliable evidence of Mr. Gilmer's movements. And when Mr. White was getting up his second book he applied to me, in a flattering and friendly manner, and requested me to write him an article for his books on Georgia's difficulties with the Cherokee Indians. I promptly declined doing so, but informed Mr. White that I would furnish him with ample printed documentary evidence of my official connection with that subject, in various important offices, and accordingly furnished him with the documents suggested. And when I explained to him these documents, and pointed out the order in which they should be taken up and read, and showed him that each consecutive document would corroborate and explain the preceding one, I plainly discovered his great embarrassment. I saw that he was too far committed to his patrons and friends to have any use for plain documentary historical facts. Since that I have put the gentleman in possession of some of my views on this subject, and have in my own writings assigned to him his true position as an author.* Those who may unfortunately form their opinions in regard to the history of Georgia in connection with her Cherokee difficulties from the mere reading of what can be gathered from the books of White and Gilmer will neces-

* See chapter XVIII of this work for Gov. Lumpkin's explanation of this matter. This further reference to it seems to indicate that Gov. Lumpkin reluctantly consented to the publication of the chapter on the "Difficulties with the Cherokees" in Mr. White's "Historical Collections of Georgia."

sarily be led to the most erroneous conclusions for all that is given in these books is intended to present Mr. Gilmer to posterity as the man who had done much, if not most, to relieve the State from the incumbrance of her Indian population. Mr. Gilmer was a member of Congress for years, at the proper time to have taken an active part in the great plan of Indian emigration—a plan for removing all the remnant tribes from the States east of the Mississippi to the west of that river to a suitable location. And if he ever said or did anything to effect this great object, except to give his vote, it is unknown to me. Well, after the long and arduous battle in Congress resulted in the consummation and triumph of this policy, and a good country was provided for the Indians, west of the Mississippi, and \$500,000 appropriated to defray the expense of the removal of the Indians, Gov. Gilmer was elected, and went into the Executive Office of Georgia, in November, 1829, and was supported in all his official policy and measures in regard to Indian affairs, to the end of his official term. And what was the result? Why, long before the expiration of his term a majority of the people of the State, notwithstanding his political party were largely in the ascendancy in the State, decided that Mr. Gilmer was not the man for such a crisis—that he would not do for the lead. The laws of the State had been extended over the Cherokee country, and a military guard had been provided and organized for the purpose of maintaining good order and peace in the Indian country, and to aid the civil authority in executing the laws, by apprehending and bringing to justice all offenders against the laws of the State. A law had been passed to prevent intrusions on the gold mines. And a law had also been passed requiring all white men residing in the Cherokee country to take and subscribe an oath to support the laws and constitution of the State, and in cases of refusal to do so, they were required to leave the country, and in case of failure to do so, they were then liable to prosecution, and, on conviction, were to be sentenced to confinement in the Penitentiary. And a number of missionaries in the Indian country obstinately made themselves obnoxious to the penalties of this last recited act, and were accordingly sent to the Penitentiary. And this is the great missionary case which produced the great fanatical excitement at the North. As will be seen by Mr. Gilmer's correspondence, as given in his book, I believe he was constantly trying to do the best he could with these various and complicated matters. But it is obvious from his own showing in these letters, as well

as his last annual message to the Legislature, that *confusion more confused* was daily increasing in the Cherokee country, and that the laws were not, and could not be, executed under all the then existing circumstances. The courts were still controverting the constitutionality of the laws of the State in governing the Cherokee country, at every step of the Executive which was taken to execute the laws. And notwithstanding the great military campaign of Gen. J. W. A. Sanford, under the direction of Gov. Gilmer, and his bombastic report of his battle with the gold diggers at Leathersford, on the Chestatee River, gold digging was still carried on to a very large extent. Indeed, the mines were so scattered and dispersed over the country that they could not be protected from intrusion by any reasonable amount of force. This state of things—indeed, the whole condition of our Indian affairs, at the close of Gov. Gilmer's administration—was such as to force every thinking, rational man who was well informed on the subject to despair of ever terminating our Indian perplexities by such agents and such means as then had the control of these vital affairs. And thus it was that I was made Governor of Georgia, to supersede Gov. Gilmer. And the policy which I at once recommended to the Legislature in regard to these vital matters of interest to the State may be seen in my communication to the Legislature, about the 1st of December, 1831 (which, I think, will be read by every person in Georgia, at least); for these measures then recommended were steadily adhered to, and pursued, in the midst of the greatest difficulties and opposition, at home and broad, until the consummation and final settlement of all our embarrassments and perplexities with the Cherokee Indians, and in their entire removal from the State of Georgia, in terms of the Treaty of December, 1835. But, in pressing the inquiry as to what Gov. Gilmer has done for the people of Georgia in regard to Indian affairs, it is proper to state that, after a lapse of six years, we find him again the occupant of the Executive Office of Georgia from which he had been expelled by the voice of the people, in October, 1831. He entered upon this executive term about six months previous to the removal of the last Cherokee Indians from Georgia, and immediately resumed his old practice of endeavoring to get up *a much ado about nothing—of raising a teapot tempest*; and after having laid the foundation, by his letters, of inducing Mr. Van Buren to make the attempt to conciliate John Ross by coaxing and money, he all at once became greatly excited and alarmed,

for fear that Mr. Van Buren would make a new treaty with Ross, and that the Indians would not be removed in terms of the Treaty of 1835. And all his official correspondence on the subject, which was very extensive, goes to prove that he was endeavoring to impress the public mind with the belief that he had again fallen on most perilous times, and that the great issue in Cherokee affairs was just at hand. How fallacious and insincere was all this blast of bugles and trumpets! For every sensible and well-informed man in the whole country knew just as well then as now that every thing had been done and fully carried into effect to settle forever our Indian perplexities, except the final departure from the State of a portion of the Ross party of the Cherokees who manifested an obstinacy upon the subject of removal, for the purpose of aiding Ross in getting more money from the Federal Government. The way having been prepared by others, and Mr. Gilmer happening to get in command, as Governor of Georgia, when the great battle in relation to Cherokee affairs was commenced in Georgia, he seems to assume much credit to himself for having brought on that battle. But the sagacity of the people very soon discovered that he was unequal to the task which had been devolved upon him, and, therefore, superseded him in the command by another who had been prominently instrumental in bringing about the then present state of things, and one in whom they had more confidence than they had in Mr. Gilmer. And he was for six years thereafter a quiet spectator of a controversy never before equaled in the annals of Georgia. He had seen him who now stood in the breach to effect the important change then in progress exposing himself to every hazard of person and character, in the midst of the Cherokee people, carrying into effect faithfully the provisions of the Cherokee Treaty of December, 1835, which had been brought about chiefly through his own instrumentality. Moreover, Mr. Gilmer had seen this same individual, after having secured the execution of the Treaty, transferred by the voice of the people to a seat in the Senate of the United States, to become the advisor, in many cases, of the Chief Magistrate of this great Republic. Furthermore, Mr. Gilmer is well apprised that when I took my seat in Congress, in the year 1827, that, without delay, I urged upon that body (being the first attempt of the sort from any one) the propriety of a general plan for the emigration of all the remnant tribes of Indians from the States to the west of the Mississippi River, and that I followed up that first move

with the most untiring zeal and constancy, until a suitable country was provided for the settlement and location of the Indians; and that, in 1830, five hundred thousand dollars was appropriated by Congress to defray the expenses of emigrating Indians. During the years 1827, 1828, 1829, and 1830, Gov. Gilmer is fully apprised of my extraordinary labors in Congress, as well as the success which attended them. He knows, too, that when I set this ball in motion all my Georgia colleagues then in Congress (himself included) considered my effort hopeless, and I have understood that more than one of my colleagues pronounced my effort nothing more than a popularity-seeking affair. But time and events have rectified all these slanders. In 1830, I was again elected to a new Congress, but before I entered upon that service I was forced by public opinion to the Executive chair of Georgia. I remained there for two terms—four years—the actings and doings of which years are spread upon the executive records of Georgia. I was there one year and a half engaged as Commissioner in carrying into effect the Cherokee Treaty of December, 1835. I was then four years a Senator in Congress, making, in all, thirteen and a half successive years, without any intermission, in the pursuit (as a prime object) of happily settling and winding up, and consummating all that could be desired by Georgia in relation to her Indian affairs.

And in this constant battle of thirteen years and a half public opinion kept me constantly in the lead, in regard to these Indian affairs. I was transferred from one high position to another, wherever the greatest difficulty and danger were to be met. And all this was passed through with a constantly increasing popularity, and the enlarged confidence of the people. And all that I have written upon these pages is amply and fully sustained by the records of the country. And now let me cite whoever may be the reader of this article to a few of the principal documentary evidences which will sustain all my statements. And, first, read my speech in the House of Representatives of the United States of February 20th, 1828, very imperfectly reported in the National Intelligencer. Secondly, read my speech, in the same body, delivered in May, 1830, but very incorrectly reported in the same paper—a paper which never failed to do me injustice in its reports. In this last case, however, by way of correction, I wrote out my speech, and it was published in pamphlet form, and was very extensively circulated in every part of the United States by numerous members

of Congress, as well as myself. I have retained only one copy of this speech; but have had it recorded, in manuscript, amongst my writings for posterity.

These speeches, and others, in connection with the journals of Congress, will fully sustain this article in regard to these four years in Congress. The next four years, while I was Governor of Georgia, will every word be sustained by the records of the Executive and Legislative Departments of the Government of that period. What I have said in regard to my acting as United States Commissioner for executing the Cherokee Treaty will be fully sustained by the records filed in the War Department at Washington. The most important parts of these records may now be seen on my private records, as taken from the originals. My course in the Senate of the United States may be pretty fully understood by reference to the Congressional Globe during my service in that body. But in a very special manner I request whoever may be the reader of this article to read and consider my speech, made in the Senate of the United States June 7th, 1838, in reply to Senator Preston, of South Carolina, on the then state of Cherokee affairs, which may be found correctly reported in the Congressional Globe.

In conclusion, it is due to Mr. Gilmer for me to say that I have never impugned his official motives when in public trust. But I have long considered him very deficient in the necessary qualifications to make an efficient, useful, public man. His undying prejudices and prepossessions have never allowed him to examine and judge calmly and impartially of men or measures.

His *kinfolks* (Broad River) and his special partisan friends seem to constitute his whole world of *good*. And when he looks upon his political opponents his *green-eyed* prejudice is such that very honestly, *as he thinks*, no good thing can come out of such a Nazareth of degradation. The foibles of those whom he dislikes are, by his telescope, magnified into mountains of iniquity. Let any impartial, sensible person read his book, and I think he will be forced to the conclusion that my opinions of Mr. Gilmer are fully sustained; or why has he so unnecessarily and spitefully trampled upon the *ashes of the dead*? For no other purpose than that of harrowing up the most painful feelings of the living. Would it not have been more becoming the character which Mr. Gilmer aspires to to have let the dead have buried their dead, and for him to have passed on, proclaiming the fame of his own friends to succeeding generations?

But Mr. Gilmer has always boasted of his *frankness* and *open candor*, and professed the greatest abhorrence of every thing like *trickery* and *deception*. But this book of his—in connection with the two volumes of his friend and co-operator, the Rev. Geo. White, whom he has aided and assisted in paving the way before him for his own literary advent—to my mind stamps upon his character the indelible stain of a deliberate and well-considered attempt insidiously to place himself on the pages of history of Georgia in a *false light*, by making himself the subject of admiration and distinguished usefulness in connection with matters where the seal of public disapprobation and condemnation had long since consigned to him an abiding place. And what is not less censurable in Mr. Gilmer is his attempt to detract from the merit and usefulness of his successful rival. He would gladly take from that rival the toil-earned merit and fame of a long life devoted to the service of his country. Should Georgia's history of the nineteenth century ever be written by a *competent author*, I here *warn* that author to search the records of the country for his facts. Let him place no reliance on party newspapers, essays, reviews, and periodicals, and to be still more especially guarded against looking for facts *in books of falles*, such as those of White, Gilmer, &c. These works are admirably adapted to the purpose of preventing the truths of history.

WILSON LUMPKIN,
of Georgia.

Note.—Let me here note, lest it be forgotten, that Mr. Gilmer, in his book, page 525, says: "A citizen who had held the highest office in Georgia, and was then very popular, and always very conciliatory, had been sent into the Cherokee country by Mr. Van Buren (where political opinions and party connections were less fixed at the time than elsewhere) previous to the election, with some *little commission*, which kept him there while the canvass was going on." Now, it is evident that I am the individual alluded to in the sentence quoted; and it is equally clear that when Mr. Gilmer penned this sentence he knew it to be wholly false and unfounded. My office of Commissioner, to which he alludes, was bestowed on me by Gen. Jackson, and ratified and confirmed by the Senate of the United States nine or ten months before Mr. Van Buren's election to the Presidency. And I received my commission and instruc-

tions, through the Postoffice, without the slightest previous intimation or expectation of receiving the appointment. It was accompanied by a private letter from Gen. Jackson, urging me to the acceptance of the unsought and unexpected appointment. And although Mr. Gilmer speaks of the office as a small affair, designed for electioneering purposes, an investigation of the subject will satisfy any sensible man that the magnitude of that office, and the discharge of its duties, would have crushed and extinguished a dozen such men as Geo. R. Gilmer. That office required a grade of qualifications to meet the various emergencies that would have completely overwhelmed such men as Geo. R. Gilmer.

WILSON LUMPKIN.

Athens, January 8th, 1855.

Note.—This Volume, as well as the preceding one, is composed almost exclusively of my own writings and speeches, extending through many years of my life; and have, in the course of a few years past, been compiled and brought into their present form by myself, at such intervals as could be spared from other duties. And, from the want of a copyist, it will be seen that much the larger portion of these volumes are in my own handwriting. I am fully apprised that, in a literary point of view, my writings are defective—my want of scholarship must necessarily make it so. But it is proper for me to state, for the information of those in whose hands these volumes may happen to fall, that many of the verbal and transcribing errors which will be seen, and which I am capable of correcting, have been postponed for the want of time and opportunity, and which I will still make, if time is allowed. I have read but a small portion of these writings, since brought into their present form, and what has been read was not with a view to making corrections. It has been a toilsome labor for a man of my age to write so much. I have some days written as much as twenty pages a day on this book, seldom taking time to mend my pen. No doubt in copying I have often omitted words, misspelt, and sometimes omitted whole sentences. But the intelligent reader of these pages will make the proper allowance for these defects, and not subject the work to illiberal and unjust criticism.. The attempts which have been made, and are still making, to prevent many historical facts with which the labors of my life are closely identified, has induced me to extend my labors in the way of writing

far beyond what I had in the commencement anticipated.

The same cause has induced me to change my first intentions in regard to the character of my writings. Instead of writing on general and various subjects, for the use of the future historian, and pointing out, where documentary facts might be found, self-defense, the first law of nature, has forced me to labor chiefly to place the labors of my own life in their proper and true position before posterity.

WILSON LUMPKIN,
of Georgia.

Note.—To repel false impressions, and to relieve my character from the appearance of contradictory statements, it is proper for me to state that, although it was my settled and still unchanged opinion that it required no large military force to remove the Cherokee Indians in terms of the Treaty of 1835, and that they could have been removed, peaceably and quietly, by the aid of only a few hundred and well-selected Georgians, under proper command, nevertheless, circumstances and the bad management of the affairs connected with the execution of the Treaty, finally produced a state of things which made it necessary and proper to have a considerable military force—all of which is fully explained by the following statement of facts: After the Treaty was entered into, in December, 1835, it was the policy of the Federal Government to station a large number of its troops under the command of Col. Dunlap, of Tennessee, on the border of Georgia, in the Tennessee portion of the Cherokee country, for the purpose of maintaining the peace and quiet of the country. And this naturally led the timid portion of the white settlers in Georgia to magnify the danger of their exposed situation.

Moreover, very soon after Col. Dunlap and his command entered upon this duty they became very obnoxious to the people of Georgia, on account of their zealous advocacy of Ross and his party, as well as their open abuse of Georgia and Georgians, for their conduct towards the Cherokees. Under these circumstances, when I entered on the discharge of my duties as Commissioner to execute the Cherokee Treaty, much of my official correspondence might be produced to prove than I had, from time to time, favored the idea of employing a large military force. I urged upon the Federal authorities the propriety of the people of Georgia being guarded and protected by Georgians, instead of Ten-

nesseans. I urged a change of Dunlap for some other officer of the United States Army, and my views received *on paper* the full sanction of the Federal authorities, and Gen. Wool very soon superseded Col. Dunlap in the command, and some Georgians were introduced into the service. But the whole of these military affairs were badly managed. It is true that, by the instructions of President Jackson to the Commissioners for executing the Treaty, the military were placed under the control of the Commissioners, yet it is equally true that Gen. Wool would not carry out the views of the Commissioners, but often thwarted them in their plans of operation. Thus, the exposed people of the Cherokee country, as well as the Indians, became greatly excited and alarmed—especially after Gov. Gilmer got into the Executive Office and commenced his old trade of getting up a great excitement over small matters.

INDEX.

- Abbott, Col., i, 222.
 Abolitionists, i, 164; ii, 183.
 Academy fund, i, 113, 317, 318.
 Adair, Geo. W., i, 258; ii, 27.
 Adair, Walter S., i, 38, 238.
 Adair family, i, 38.
 Adams, John, i, 14, 29; ii, 192, 298.
 Adams, John Quincy, i, 36, 41, 64, 73.
 A-do-hee (Indian), ii, 37.
 Alabama and Georgia boundary line, i, 39, 248.
 Alabama Indians, troubles with, i, 167, 288-299, 302, 308-312, 319-325, 327, 330, 331, 332, 333, 339-343.
 Alabama, railroad through, i, 246.
 Alday, Wm., i, 229.
 Allen, John W., ii, 180.
 Arbuckle, Gen. Matthew, ii, 203.
 Armstrong, Capt., ii, 107.
 Ashley, Wm., Jr., i, 195.
 Athens, Ga., ii, 7.
 Athens, Ga., railroad to, i, 246.
 Atlantic and Mississippi Railroad Co., i, 230.
 Balch, ii, 297.
 Baldwin, Abraham, i, 315.
 Baldwin, Henry, i, 93.
 Bank of Augusta, ii, 66, 89, 100, 124, 125, 128.
 Bank of Macon, i, 117, 131.
 Bank of the State of Georgia, ii, 58.
 Bank of Tennessee, ii, 66, 106, 139, 140.
 Bank of the United States, i, 21, 22, 155.
 Bank examinations, i, 214-216.
 Barbour, James, i, 23, 46, 51, 64.
 Barbour, Philip P., i, 23, 24, 25, 26.
 Barron & Irwin, ii, 152-179.
 Bateman, M. Wolf, ii, 27, 28.
 Bates, Gen. John, i, 278, 279, 284, 293.
 Bayard, Richard H., ii, 180.
 Bean and Potato, John (Indian), ii, 11.
 Bear Meat (Indian), ii, 37.
 Bell, John, i, 49, 57, 59, 84.
 Bell, John A., ii, 27, 30.
 Bell, S. W., ii, 86.
 Bennett, Capt. Richard, ii, 100, 106, 124, 125.
 Benton, Thos. H., ii, 180.
 Bibb, Wm. W., i, 24.
 Bill, —, i, 190.
 Bishop Col. Wm. N., i, 219, 266, 271, 272, 285, 313, 314, 337, 343, 349, 352, 353, 358, 359, 360, 361, 363, 364, 366, 367, 368; ii, 34, 265.
 Bleecker, H., i, 201.
 Boiled Corn (Indian), ii, 11.
 Boudinot, Elias, i, 38, 182, 187, 190, 192, 193, 250, 362, 364, 365, 367, 369; ii, 9, 16, 23, 27, 28, 30, 34, 37, 58, 185, 186, 203, 265, 308.
 Bowman, —, i, 210.
 Brainerd David, ii, 195.
 Brewster, B. H., ii, 177.
 Brewster, John, i, 277, 278, 287, 288.
 Bronson, G. C., i, 201.
 Brown, Bedford, ii, 180.
 Brunswick, Ga., i, 138.
 Bryant, Moses, i, 274.
 Buchanan, James, i, 49; ii, 180.
 Burges, S. F., i, 289, 291.
 Burnes, Dr. James, i, 275, 277.
 Burney, John W., i, 195.
 Burwell, Wm. A., i, 24, 28.
 Butler, Benjamin F., i, 201; ii, 59, 98, 101, 147.
 Butler, Elizur, i, 93, 103, 146, 202-207, 238.
 Cae-te-hee (Indian), ii, 27.

- Calhoun, John C., i, 23, 24, 25, 26, 29, 31, 51, 62, 64; ii, 180, 181, 182, 190, 192, 199, 200, 235, 297, 298.
- Campbell, J. N., i, 201.
- Campbell, J. P. H., i, 339.
- Cannon, Newton, ii, 127.
- Canotoo (Indian), ii, 166.
- Carroll Wm., i, 264; ii, 9, 10, 15, 17, 27, 31, 38, 39, 43, 44, 53, 57, 63, 67, 146, 258, 303.
- Carson, Samuel P., i, 56.
- Carter, Col. —, i, 312, 313, 314.
- Carter, Faris, i, 173.
- Cass, Lewis, i, 195, 196, 207, 222, 225, 235, 242, 289, 294, 298, 299, 300, 303, 307, 312, 316, 320, 324, 326, 327, 328, 333, 349; ii, 41, 308.
- Central Bank, i, 107, 108, 131, 155, 156, 173, 174, 175, 223, 251, 316, 326, 327, 331; ii, 269, 277, 284, 288, 289.
- Central Railroad, ii, 285, 286.
- Chambers, George, ii, 23, 27.
- Chambers, Wm., ii, 9.
- Charleston, S. C., i, 138, 246.
- Chattahoochee Falls, i, 117.
- Chattanooga, Railroad to, i, 39.
- Cherokee Indians, treaties with, and removal of, i, 31, 38, 42-48, 50-81, 88, 89, 94, 95-103, 105-107, 166, 182-223, 224-228, 240, 243-245, 260-269, 299, 301, 316, 317, 319-325, 333, 335, 339, 340, 343, 347, 349, 351, 355, 357, 359, 360, 364, 365, 366, 369; ii, 8-179, 181-266, 300-319.
- Cherokee Intelligencer, i, 237.
- Cherokee Phoenix, i, 276; ii, 185, 186.
- Chester, —, i, 226.
- Chickasaw Indians, i, 61; ii, 204.
- Choctaw Indians, i, 61, 62, 81; ii, 18, 203, 204.
- Chouteau, A. P., ii, 20.
- Churchwell, G. W., ii, 152-179.
- Clark, Gen. Elijah, i, 14, 15.
- Clark, John, i, 32, 33, 37; ii, 298.
- Clarke, Matthew St. Clair, i, 169, 263, 302, 314.
- Clay, Clement C., ii, 180, 220.
- Clay, Henry, i, 23, 24, 25, 26, 29, 36; ii, 180.
- Clayton, Thos., ii, 180.
- Cleveland, Benjamin, i, 195.
- Cleveland, Jesse F., i, 195; ii, 309.
- Cobb, Howell, i, 276, 278, 280, 287.
- Coffee, John, i, 195, 239, 243, 304, 311, 368; ii, 34.
- Compact of 1802, i, 54, 224.
- Cone, Francis H., i, 168.
- Couper, James Hamilton, i, 248.
- Crane, Col. S. D., i, 285.
- Crawford, Simmons, i, 195, 248.
- Crawford, Wm. H., i, 14, 27, 28, 29, 32, 36, 37, 41; ii, 295-300.
- Creek Indians, i, 31, 33, 41, 42, 60, 61, 62, 167, 240, 241, 291-298, 300, 319-325, 327-329, 331, 332, 339-343, 348, 349; ii, 50, 51, 74, 135, 252, 260.
- Crittenden John J., ii, 180.
- Currency, i, 117.
- Curry Benjamin F., i, 224-228, 233, 234, 235, 238, 264, 269, 298, 312, 357, 359, 360, 361, 364; ii, 9, 27, 28, 38, 39, 44, 48, 57, 72, 74, 75, 77, 80, 81, 86, 87, 88, 89, 117.
- Curry, G. W., ii, 27, 88.
- Cuthbert, Alfred, i, 20; ii, 180.
- Cuthbert, John A., i, 135, 157, 169, 213, 252, 253, 258, 270, 329, 334, 337.
- Darien, Ga., i, 138.
- Darien Bank, i, 155.
- Davis, John, ii, 180, 200, 207.
- Davis, Wm. A., ii, 16.
- Day, Joseph, i, 270.
- Deaf Mutes, education of, i, 159, 170, 328.
- Dearborn, Gen. Henry, ii, 232, 237, 239, 243, 244, 247.
- Delaware Indians, i, 81.
- De-satie-dar-ske (Indian), ii, 37.
- Desha, Joseph, i, 23.

- De Witt, Simeon, i, 201.
 Dismukes, Wm. H., i, 310.
 Dix, John A., i, 201.
 Downing, Wm., ii, 11.
 Dudley, Edward B., ii, 128.
 Dunlap, Gen. John H., ii, 49, 318, 319.
 Earl, Dr., ii, 276.
 Eaton, John H., i, 64.
 Echols, Gen. R. M., i, 292.
 Edmundson, M. S., i, 289, 291.
 Education, Gov. Lumpkin's views on, i, 112-115, 153.
 Eliot, John, ii, 195.
 "Era of Good Feeling," i, 36.
 Everett, Alexander H., ii, 28, 31.
 Everett, Edward, ii, 243, 247.
 Fair, Peter, i, 92.
 Fellows, —, ii, 237.
 Ferris, Isaac, i, 201.
 Fields, James, i, 190; ii, 30.
 Fields, John, i, 190; ii, 30.
 Flagg, A. C., i, 201.
 Florida, acquisition of, i, 34.
 Florida War, ii, 210-220.
 Flournoy, John J., i, 159.
 Foot, Samuel A., i, 159, 268.
 Foreman, Charles F., ii, 27.
 Forman, Joseph A., i, 190; ii, 30.
 Forsyth, John, i, 20, 23, 26, 27, 200, 208, 239, 249, 261, 346; ii, 31.
 Fort Gibson, ii, 107, 111, 293.
 Fort Mims, i, 19.
 Fort Mitchell, i, 308, 310, 327, 330, 331, 332, 333.
 Fort Moses, i, 127.
 Fort Smith, ii, 202.
 Fort Tomlinson, i, 331.
 Foster, James, ii, 27, 30, 37.
 Foster, Col., i, 326, 328.
 Franklin College (University of Ga.), i, 133, 154, 178, 179.
 Frelinghuysen, Frederick, i, 304, 306.
 Fulton, Hamilton, i, 39, 40; ii, 273, 294.
 Fulton, Wm. S., ii, 130.
 Gaines Gen. E. P., i, 230, 245-247, 263.
 Garland, John, ii, 31.
 Garnett, F. M., ii, 283.
 Garrett, Mr. —, ii, 43.
 Gaston, Wm., i, 23, 25, 26.
 Gayle, John, i, 229.
 Georgia and Ohio Valley R. R., proposed, i, 176.
 Georgia Courier, i, 214-216.
 Georgia, Internal Improvements in, i, 137, 151, 177; ii, 290-295.
 Georgia Journal, i, 333; ii, 296.
 Georgia Railroad Bank, ii, 104.
 Georgia Railroad Co., i, 150, 178.
 Georgia State Railroad, See Western and Atlantic Railroad.
 Gillett, Ransom H., ii, 232, 237, 239, 241, 243, 244, 247.
 Gilmer, Geo. R., i, 91, 94; ii, 214, 215, 226, 253, 296, 300-317.
 Glascock, Thos., i, 195, 220, 223, 225, 226, 227; ii, 31.
 Gordon, William W., i, 168; ii, 286.
 Greene, Mr., i, 329.
 Grosvenor, Thos. P., i, 23, 25, 26.
 Grundy, Felix, ii, 180.
 Guarrneau, Susan, ii, 11.
 Guerry, James P., i, 229.
 Guess, George (Sequoyah), i, 78.
 Guieu, P. C., i, 317.
 Gunter, John, i, 190; ii, 9, 11, 23, 27, 30.
 Gunter Samuel, i, 190; ii, 15.
 Gunter's Landing, ii, 100.
 Hagner, Peter, i, 328.
 Half-Breed, Jesse (Indian), ii, 27, 37.
 Hall, Bolling, i, 20, 27.
 Hamilton, Alexander, i, 143.
 Hansell, Wm. Y., ii, 28, 31, 152-179.
 Harden, Gen. Edward, ii, 152-179.
 Harden, Col. William, i, 228, 234, 351; ii, 161.
 Harding, Geo. R., i, 175.
 Hargrove, Z. B., i, 256, 257, 258, 285, 291, 296, 297, 337, 351; ii, 161.
 Harris, Carey A., ii, 11, 31, 57, 60, 63, 65, 67, 75, 80, 89, 93, 99, 102-107, 111, 116, 124, 126, 137.
 Hemphill, Gen. James, i, 285, 291, 296, 297; ii, 77.

- Hemphill, P. W., ii, 77.
 Henderson, John, ii, 180.
 Herring, Elbert, i, 223; ii, 28, 30.
 Hicks, Charles, i, 38; ii, 101.
 Hicks, Elijah, ii, 126, 127.
 Hicks, George, ii, 23.
 Hill, —, i, 229.
 Hines, Richard K., i, 331.
 Hitchcock, C. M., ii, 27.
 Holland Land Co., ii, 238.
 Holt, R. M., i, 277, 278, 287, 288.
 Hooper, John L., ii, 27, 28.
 Hooper John W., i, 238, 239, 243, 244, 253, 254, 259, 265, 270, 273, 311, 335, 336, 337, 338; ii, 171, 264.
 Hopkinson, Joseph, i, 24, 25, 26.
 Hopson (maiden name of Gov. Lumpkin's mother), i, 9.
 Hopson, Joseph, i, 10.
 Howard, H. V., i, 223.
 Hubbard, Henry, ii, 180.
 Hubbard, Levi, i, 25.
 Hulbert, John W., i, 23.
 Hunter, James, i, 195.
 Indian Springs, Treaty at, i, 33, 41.
 Ingham, Samuel D., i, 23.
 Internal Improvements in Georgia, i, 116, 117, 137, 150, 151, 176-178, 214, 245-247; ii, 290-295.
 Irwin, Barron, ii, 152-179.
 Irwin, David, ii, 152-179.
 Iverson, Alfred, i, 339.
 Jackson, Abram, i, 13.
 Jackson, Andrew, i, 15, 36, 37, 41, 48, 64, 73, 74, 75, 79, 82, 83, 86, 181, 183, 193, 194, 195, 216-218, 335, 339, 346, 368; ii, 8, 31, 33, 37, 43, 72, 85, 87, 114, 146, 217, 258, 260, 297, 298, 300, 301, 304, 305, 306, 308, 316, 317.
 Jackson, Gen. James, i, 13.
 Jackson, Wm. H., ii, 40, 57, 145.
 Jefferson, Thomas, i, 14, 60, 61, 73, 125; ii, 187, 235, 299.
 Jesup, Gen. T. S., ii, 55.
 Johnson, Launcelot, i, 195.
 Johnson, Richard M., i, 23, 195; ii, 249.
 Johnson, Capt. Robert, i, 285.
 Jonakin, Spencer, ii, 11.
 Jones, Aaron, i, 171.
 Kennedy, John, i, 183; ii, 10, 12, 13, 65, 67, 74, 75-145, 306.
 Kent, Joseph, ii, 180.
 Kerrs & Co., ii, 126.
 Kickapoo Indians, i, 62.
 King, Cyrus, i, 24.
 King, John P., i, 195, 239, 304; ii, 126.
 King, Wm. R., i, 24; ii, 180, 188, 189, 190.
 Kirby, John, i, 289, 291.
 Knight, N. R., ii, 180.
 Kutz, D., ii, 28.
 Land Lotteries, i, 107, 128.
 Lapley, Wm., ii, 27.
 Latham, Thos., ii, 152-179.
 Lawson, Hugh, i, 137.
 Lawyers employed by Cherokees, i, 194, 217, 238, 265, 266, 281, 282, 350; ii, 148-179.
 Lewis, Jonathan, i, 171.
 Liddell, James, ii, 77.
 Liddell & Irvin, ii, 275, 277, 280.
 Little Den (Indian), ii, 156.
 Linn, Lewis F., ii, 180.
 Little, John, ii, 28, 31.
 Lochead, Wm., i, 201.
 Long Shell Turtle (Indian), ii, 30.
 Long, Lt. Col. Stephen H., i, 263; ii, 269, 272.
 Lott, Arthur, and his son, murder of, i, 19.
 Lowndes, Wm., i, 23, 24, 25, 26.
 Ludlow, John, i, 201.
 Lumpkin, George, i, 9.
 Lumpkin, John, i, 9.
 Lumpkin, Joseph H., i, 135, 213.
 Lumpkin, Wilson, birth of, i, 9; education, i, 11, 12; marriage, i, 12; teacher, i, 13; church member, i, 13; in Legislature, i, 13, 17, 20, 32; assists his father as Clerk of Superior Court, i, 10, 13; magistrate, i, 16; trip to the West, i, 18;

- farmer, i, 30; Commissioner to fix limits under Creek Treaty, i, 31, 33; Commissioner under Cherokee Treaty, i, 31; ii, 8, 251, 258; member of Congress, i, 20, 40, 46, 49, 90; ii, 250, 257; death of first wife, i, 32; Commissioner to fix line between Georgia and Florida, i, 33; second marriage, i, 34; member of Board of Public Works, i, 37; declines Commissionership to establish boundary line between Georgia and Alabama, i, 39; declines office in Florida Territorial Government, i, 34; suggests railroad from Milledgeville to Chattanooga, i, 39, 40; Indian policy, i, 40, 45, 47, 50; member of Committee on Indian Affairs, i, 44; Governor of Georgia, i, 91-180; ii, 251, 260; inaugural address, i, 91-92; messages to Legislature, i, 93-94, 95-102, 103-125, 126-141, 141-143, 144-162, 162-180; Trustee of University of Georgia, ii, 7; address to Cherokees, ii, 51-53; United States Senator, ii, 12, 180, 181, 251; speeches in Senate, ii, 181-249, 259.
- Lunday, McLin, i, 171.
- Lyman, Wm. C., i, 157, 229, 249, 251, 259.
- Lynch, Joseph M., ii, 166.
- Lyon, Lucius, ii, 180.
- McBride, John, i, 248.
- McClug, James W., ii, 11.
- McComb, Robert, i, 331.
- McConnell, Gen. Eli, i, 274, 278, 284, 286.
- McCoy, A., i., 312, 313, 314; ii, 161
- McCoy, Daniel, ii, 15.
- McCoy, Rev. Isaac, i, 46, 64.
- McCoy, Thos., ii, 11.
- McCrary, John T., i, 229.
- McDonald, Chas. J., ii, 270, 271, 272, 274-280.
- McDougald, Gen. Daniel, i, 308, 310, 319, 322, 324, 330, 331, 332, 333.
- McKean, Samuel, ii, 180, 200.
- McLean, Wm., i, 23, 52.
- McMillan, Col., ii, 77, 78.
- McNair, —, i, 38.
- Macon, Nathaniel, i, 24, 25.
- Macon, Ga., railroad to, i, 137, 247.
- Madison, James, i, 22, 23, 28, 64; ii, 192.
- Malone, Henry W., i, 223, 316, 326, 327, 331.
- Marcy, W. L., i, 201.
- Marlor, John, i, 236.
- Martin, Judge John, i, 311, 312, 314, 317; ii, 204.
- Martin, John, ii, 23, 175.
- Mason, J., Jr., ii, 132, 142.
- Meigs, R. J., ii, 26.
- Menomonee Indians, ii, 234.
- Merchants and Planters Bank of Augusta, i, 132.
- Meriwether, James A., i, 157.
- Middleton, Henry, Jr., i, 23.
- Militia, i, 110, 111, 157, 158, 171, 172.
- Milledge, John, i, 13, 315.
- Milledgeville, railroad from, to Chattanooga, i, 39.
- Mills, Chas. C., i, 158, 195.
- Mills, Elijah Hunt, i, 25.
- Milton, Lewis, ii, 101.
- Milton, Moses, ii, 137, 139.
- Minis, Dr. Philip, ii, 66, 70, 71, 72, 73, 77, 81, 91, 100, 124.
- Missionaries to Indians, imprisonment of, i, 93, 103, 146, 198-200, 201-207, 209; ii, 174.
- Mitchell, D. B., i, 276, 277, 278, 287, 288.
- Mitchell, Robert, ii, 152-179.
- Mobile, Ala., i, 34.
- Mohican Indians, i, 80.
- Monroe, James, i, 24, 28, 29, 31, 36, 41, 51, 62, 63, 64, 65; ii, 187, 192, 235, 299.
- Monroe Railroad Co., i, 175; ii, 280, 285, 286.
- Montgomery, Col. Hugh, i, 233, 264, 265.
- Moore, Charles, ii, 27, 202.
- Morris, Robert, ii, 232, 238.
- Morris, Thos., ii, 180, 182.
- Mouton, Alexander, ii, 180.

- Narragansett Indians, i, 81.
 Navy, i, 21.
 Nelson, Col. C. H., i, 300,
 359; ii, 49, 50, 51, 55, 56,
 229.
 Nelson, Thos. M., i, 23.
 Neosho Territory, ii, 188, 204.
 New Echota, Treaty at, i,
 359; ii, 9, 15, 28, 29, 38, 39,
 41, 43, 47, 48, 51, 53-145,
 202, 224, 251, 253.
 Newnan, Daniel, i, 195; ii,
 297.
 New Orleans, i, 34.
 New York Indians, Treaty
 with, ii, 231-249.
 Nicholas, Robert C., ii, 180.
 Nichols, Wm., Jr., i, 139.
 Niles, John M., ii, 180.
 Norvell, John, ii, 180.
 Nott, Eliphalet, i, 201.
 Nullification, i, 124, 125, 142,
 196, 197, 205, 208.
 Ogden & Co., ii, 232.
 Ogden, David A., ii, 238.
 Ogden, Fellows, and Words-
 worth, ii, 237.
 Ohio Valley, railroad from, i,
 176.
 Osage Indians, ii, 18, 19, 20.
 Osceola, ii, 45, 211.
 Owens, George W., i, 212; ii,
 309.
 Payne, John Howard, ii, 265.
 Peek, Henry, i, 289, 291.
 Penitentiary Inspectors, i,
 108-110, 158, 174, 195, 260,
 261.
 Penn, Wm., ii, 244.
 Penobscot Indians, i, 80.
 Pensacola, Fla., i, 34.
 Phillips, Lieut. E., i, 330, 331.
 Phillips, Joseph, ii, 11.
 Pickering, Timothy, i, 23; ii,
 294.
 Pierce, Franklin, ii, 180.
 Pierce, John, i, 315.
 Pinkney, William, i, 24, 25,
 26.
 Planters Bank of Tennessee,
 ii, 104, 124.
 Pleasants, James, i, 23, 26.
 Poinsett, Joel, ii, 34, 226, 308.
 Polhill, John G., i, 137.
 Political parties, i, 36, 37, 41,
 142; ii, 297, 299.
 Polk, James K., ii, 177.
 Poor School Fund, i, 113, 317,
 318.
 Pope, John, i, 230.
 Porter, P. B., i, 64.
 Potts, Samuel I., ii, 28, 31.
 Powell, Dr. N. B., i, 157, 195,
 214, 249, 259.
 Prentiss, Samuel, ii, 190.
 Preston, Wm. C., ii, 210-212,
 217-221, 261, 309, 315.
 Prince, A., i, 310.
 Public Lands, i, 115.
 Public roads, i, 115-117, 229.
 Ralston, Lewis, ii, 166.
 Randolph, John, i, 23, 24, 25.
 Randolph, Peyton, i, 296.
 Rawlings, Isaac, i, 230.
 Red Clay, Council at, ii, 10,
 16, 76, 175, 176.
 Redfield, Abraham, ii, 20.
 Reese, Dr. D. H., i, 195.
 Revill, Randolph, i, 195.
 Revolutionary War Claims of
 Georgia, i, 169, 302, 303, 314,
 315.
 Ridge, John, i, 38, 182, 187,
 190, 192, 193, 311, 343, 345,
 347, 350, 351, 352, 355, 365,
 369; ii, 9, 16, 23, 27, 28, 30,
 33, 34, 82, 85, 97, 122, 123,
 140, 148, 200-205, 207, 222,
 224, 225, 226, 308.
 Ridge, Major, i, 38, 192, 193;
 ii, 27, 30, 33, 34, 37, 222,
 224, 225, 265, 308.
 Ridge's Ferry, ii, 43.
 Rives, Wm. C., ii, 180.
 Roane, Wm., i, 23; ii, 180.
 Robb, John, ii, 28, 31.
 Robbins, Asher, ii, 180.
 Robinson, John M., ii, 180.
 Robinson, T. B., i, 23.
 Rockwell, Samuel, i, 350; ii,
 28, 31, 152-179.
 Rodgers, Lovely, ii, 157.
 Rodgers, Wm., i, 38, 190; ii,
 9, 15, 23, 27, 30, 161.
 Rogers, James, i, 38, 190; ii,
 28, 30.
 Rogers, Johnson, i, 38, 190;
 ii, 30.
 Rogers, Joseph, ii, 202.
 Rogers, Robert, ii, 27, 43.
 Roman Nose Situake. See
 Situwake, Roman Nose.

- Ross, Andrew, ii, 27, 30.
 Ross, Daniel, i, 186; ii, 196.
 Ross, James, i, 230.
 Ross, John, i, 38, 76, 182, 186, 187, 190, 192, 207, 208, 216, 225, 238, 261, 265, 304, 306, 307, 314, 335, 336, 345, 346, 347, 352, 355, 357, 359, 361, 363, 366, 367, 368, 369; ii, 8, 10, 23, 32, 34, 41, 43, 44, 45, 46, 47, 48, 50, 54, 60, 63, 73, 76, 78, 79, 94, 100, 105, 106, 111, 112, 113, 115, 116, 117, 118, 119, 133, 135, 136, 144, 146, 149, 155, 159, 165, 170, 175, 183, 184, 185, 186, 196, 202, 205, 207, 209, 212-220, 222-230, 250, 251, 253, 258, 259, 265, 305, 306, 307, 308, 312, 313, 318.
 Ruggles, John, ii, 180.
 Saffold, A. G., i, 195.
 Sam, negro, his heroic act, i, 161, 236.
 Sanden, Walter (Indian), ii, 37.
 Sanders, George, i, 190; ii, 23.
 Sanders, Robert, ii, 30.
 Sanford, Gen. J. W. A., ii, 312.
 Savage, John, i, 201.
 Savannah, Ga., memorial of citizens of, i, 212.
 Savannah, Ga., proposed railroad from, i, 137, 138, 247.
 Sawgy, Thos., ii, 11.
 Schermerhorn, John F., i, 360, 361, 364, 366; ii, 15, 16, 17, 27, 30, 31, 98, 153, 165, 166.
 Schley, Philip T., i, 157.
 Schley, William, i, 135, 213, 239, 304; ii, 49, 53, 55.
 Scott, Gen. Winfield, ii, 216, 226-228, 260.
 Seminole Indians, i, 61; ii, 50, 298.
 Seneca Indians, ii, 18, 237, 238, 240-246.
 Sequoyah (See Guess, Geo.)
 Sergeant, John, i, 23, 25, 26, 93, 230; ii, 262.
 Sevier, Ambrose H., ii, 204, 231.
 Sewall, Dr. Thomas, i, 267.
 Shawnee Indians, i, 62.
 Sheffey, Daniel, i, 23, 25.
 Shorter, Eli S., i, 339.
 Simms, Henry L., ii, 152-179.
 Simonton, Capt. I. P., ii, 106, 110, 124, 125, 128, 139.
 Simpson, John, ii, 23.
 Sinclair, Rev. Elijah, i, 170, 328.
 Situwake, Roman Nose (Indian), ii, 23.
 Six Nations, i, 80.
 Smith, Ashel R., ii, 16, 27.
 Smith, John, ii, 28, 30.
 Smith, Gen. Nathaniel, ii, 89, 91, 92, 94, 97, 99, 100, 109, 111, 119.
 Smith, Oliver H., ii, 180.
 Smith, Perry, ii, 180.
 Southard, Samuel L., ii, 180, 220.
 Spalding, Thomas, i, 176.
 Spence, John S., ii, 180.
 Spencer, Ambrose, i, 84.
 Sprague, Wm. B., i, 201.
 Springer, Wm. G., i, 232, 236, 239, 242, 250, 252, 253, 256, 334, 337.
 Stand Watie (See Watie, Stand).
 Starr, James, i, 190; ii, 11, 23, 27, 30.
 State rights, i, 83, 85, 104, 121, 123, 124, 143, 145, 162, 163-165, 199, 206, 255, 266.
 State Road, Georgia (See Western and Atlantic Railroad).
 Stepp, Jesse, i, 289, 291.
 Still, George, ii, 11.
 Stone, Francis M., i, 157, 171, 172, 173.
 Storrs, Henry R., i, 58, 87.
 Strange, Robert, ii, 180, 220.
 Sutherland, Jacob, i, 201.
 Swift, Benjamin, ii, 180.
 S——, Col. John H., ii, 142, 30.
 Tah-ye-ske (Indian), ii, 27, 30.
 Tallmadge, Nathaniel P., ii, 180.
 Tapp, Robertson, i, 230.
 Tariff, i, 21, 120, 122, 180.
 Tarrant, Leonard, i, 295, 299.
 Tarvin, Richard, ii, 71.
 Taylor, Richard, ii, 15.
 Tassels, George, i, 156.

- Tazewell, L. W., i, 23.
 Tecumseh, i, 18.
 Te-gah-e-ske (Indian), ii, 27.
 Telfair, Thomas, i, 20.
 Tennessee, railroad from, i, 245, 246.
 Terhune, C. D., i, 238, 239, 255, 337; ii, 27, 161, 229.
 Terrell, Gen. Henry M., i, 283, 285.
 Tesa-ta-esky (Indian), ii, 27.
 Thomas, E. L., i, 248.
 Thomas, Western B., ii, 27.
 Thompson, Waddy, i, 289, 291.
 Thompson, Gen. Wiley, ii, 211.
 Tipton, John, ii, 180, 183, 186, 187, 191.
 Took, ———, i, 363.
 Towns, Geo. W., ii, 309.
 Troup, George M., i, 37, 38, 39, 40, 41, 42; ii, 252, 294, 298.
 Troup, Dr. James, i, 195.
 Tru-nah-stoode (Indian), ii, 37.
 Tuckabatchee, Indian Council at, i, 18.
 Tucker, Henry St. George, i, 23.
 Turk, Col. H. K., i, 359.
 Tuscarora Indians, ii, 238.
 Underwood, John W. H., ii, 27.
 Underwood, Wm. H., i, 238, 259, 266, 311, 362, 364, 367; ii, 27, 148-179.
 University of Georgia (Franklin College), i, 33, 154, 178, 179.
 Van Buren, Martin, i, 339; ii, 33, 34, 113, 147, 225, 259, 267, 268, 306, 308, 312, 313, 316.
 Van Horn, Lieut, ii, 107, 111.
 Vann, Charles, i, 38, 296.
 Vann, David, i, 38.
 Vann, Joseph, i, 38; ii, 156.
 Van Rensselaer, Stephen, i, 201.
 Van Vechten, Abner, i, 201.
 Vashon, Geo., ii, 20.
 Vinton, Samuel F., i, 50, 51.
 Walker, Elizabeth, marriage to Gov. Lumpkin, i, 12.
 Walker, Robt. J., ii, 180.
 Wall, Garrett, D., ii, 180.
 Walthall, Turman, i, 289, 291, 295, 296, 297.
 Walworth, R. H., i, 201.
 War of 1812, i, 20.
 Ward, Col. H. R., i, 322, 325, 332.
 Warner, Hiram, i, 270.
 Warren, Lott, i, 220.
 Washington City, Treaty at, i, 31.
 Washington, George, i, 14, 127; ii, 187, 192.
 Waters, ———, i, 190.
 Watie, David (Indian), ii, 37.
 Watie, Stand (Indian), ii, 28, 30, 37.
 Wayne, James M., i, 195, 208, 238.
 Wea Indians, i, 62.
 Webster, Daniel, i, 23, 25, 26; ii, 180, 210.
 Weir, ———, i, 362, 363, 367.
 Welch, B. T., i, 201.
 Welch, George, ii, 30.
 Weld, Lewis, i, 159, 268.
 West, Ezekiel, ii, 16.
 West, John, ii, 16.
 Western and Atlantic Railroad (Georgia State Road), ii, 267-295.
 White, Albert S., ii, 200, 220.
 White, Rev. George, ii, 254-266, 310, 316.
 White, Hugh Lawson, ii, 180.
 Wilde, Richard Henry, i, 20.
 Williams, Reuel, ii, 180.
 Williamson, Wm. W., i, 195, 210, 218.
 Wilson, John, i, 9.
 Wirt, William, i, 93; ii, 152-179, 230, 262.
 Witcher, John, i, 289, 291, 296.
 Witcher, Lacy, i, 289, 291.
 Wood, Jacob, i, 195.
 Woods, John, i, 51.
 Wool, Gen. John E., ii, 10, 43, 44, 46, 49, 55, 60, 61, 62, 67, 71, 72, 73, 74, 75, 76, 78, 86, 92, 95, 100, 101, 102, 124, 134, 306, 308, 319.
 Worcester, Samuel A., i, 93, 103, 146, 202-207; ii, 203.
 Wright, Hiram, i, 289, 291.
 Wright, Silas, ii, 180, 210, 232.
 Wright, Silas, Jr., i, 201.
 Yancey, Bartlett, i, 23.
 Yazoo Fraud, i, 10, 14, 15, 17, 86.
 Young, John S., ii, 90, 91.
 Young, Richard M., ii, 180.

