

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING DOCUMENTS

IN RELATION TO HOSTILITIES OF CREEK INDIANS.

JUNE 6, 1836.

Laid upon the table.

WAR DEPARTMENT,
June 6, 1836.

SIR: In obedience to the resolution of the House of Representatives, of the 3d instant, I have the honor to transmit reports of the Adjutant General, the Commissary General of Subsistence, and the Commissioner of Indian Affairs, transmitting copies of the papers in their respective offices, selected in accordance with the views indicated by the Committee on Indian Affairs.

Very respectfully,
Your most obedient servant,
LEW. CASS.

Hon. J. K. POLK,
Speaker of the House of Representatives.

EMIGRATION OF INDIANS,
Off. Com. Gen. Sub. June 6, 1836.

SIR: I have the honor to transmit herewith, copies of, and extracts from, the correspondence and documents in this office, in compliance with the requisition of the Committee on Indian Affairs, made in pursuance of a resolution of the House of Representatives, of the 3d of June instant, so far as appertains to the emigrating Indians' bureau to answer said requisition.

I have the honor to be,
Very respectfully,
Your obedient servant,
GEO. GIBSON, C. G. S.

Hon. LEWIS CASS,
Secretary of War.

WAR DEPARTMENT, OFFICE INDIAN AFFAIRS,
June 6, 1836.

SIR: I have the honor to submit copies of papers on file and on record in this office, relating to the execution of the treaty with the Creeks, of March 24, 1832, prepared in conformity with the resolution of the House of Representatives of the 3d instant.

In accordance with the suggestions of the Committee on Indian Affairs, I have substituted, for new copies of the same papers, tabular statements, referring to letters printed in Senate documents 512, session of 1833 and 1834, volumes 8 and 9. These embrace the correspondence from April 5, 1832, to December, 1833.

From the records since that time, I have selected the leading papers connected with the execution of the several provisions of the treaty. The instructions for the certifying of contracts for the sale of the Creek lands, and the investigation of alleged fraud in these conveyances, form the greater part of this selection. The instructions for the removal of intruders, taking the census, locating the reservations, investigation and payment of claims, are in the documents above referred to.

A condensed statement of the measures taken in the progress of the execution of this treaty, may not be without its use, and is submitted, in consequence of an intimation from the committee.

The treaty with the Creeks was ratified on the 4th April, 1832. The 1st article ceded all their lands east of the Mississippi river. The 2d provided for the survey of these lands, which was completed at the close of the year 1832. It also provided reservations of one section each for ninety of the principal chiefs, of a half section for each head of a family, and of twenty sections for orphans. It further provided for a census of the whole tribe. The 3d article indicated the mode in which these reservations might be conveyed. The 4th directed patents to be issued to those who should remain five years. The 5th required all intruders to be removed, excepting however from this provision: "those white persons who have made their own improvements, and not expelled the Creeks from theirs." The 6th article placed twenty-nine sections at the disposal of "those persons, being Creeks, to whom the same may be assigned by the tribe," and assigned a section and a half to two individuals. The 7th prescribed that the locations should conform with the sectional lines of the survey. The 8th gave an additional annuity. The 9th provided for the payment of debts to the amount of one hundred thousand dollars, which sum was to "be in full consideration of all improvements." The 10th secured the payment of the expenses of the delegation, with whom the treaty was negotiated. The 11th allowed certain sums for ferries and bridges, for losses, for judgments against the chiefs, for improvements relinquished under the treaty of 1826, for expenses of persons removing themselves, and for annuities to the blind Uchee king, and two principal chiefs. The 12th article provided that the United States should remove the Creeks, when they were willing to go, and subsist them for twelve months after their arrival at their new residence. The 13th authorized donations of rifles and blankets, and assigned a certain sum for the education of the young. The 14th guaranteed the possession of the country set apart for the Creeks, west of the Mississippi.

The orders for the removal of intruders, which were given to the marshal of the southern district of Alabama, on the 5th of April, 1832, gave rise to a correspondence with the Executive of the State of Alabama, in

which the duty of the President, under the treaty, and the extent of his authority under the act of March 3, 1807, were fully discussed, and occasioned an excitement of feeling; during which a citizen was unfortunately killed by a soldier. Prosecutions were instituted against the officer in command and the soldier, which were sometime afterwards dismissed by the State authorities. Upon the representations made to the Department by Messrs. King, Clay, and Mardis, on the 6th December, 1832, the removals were suspended; and settlers who had obtained peaceable possession of the land on which they lived, and did not retain it to the exclusion of any Indian, were permitted to occupy those tracts till the several locations were made.

The instructions for taking the census, were given to Messrs. Parsons and Pickett, on the 14th May, '32. The census of the upper towns was completed on the 1st May, 1833, and showed the population to be 14,142, exclusive of slaves, 13,697. That of the lower towns was completed on the 13th of May, and showed the population to be 8,522; exclusive of slaves, 8,065. Total number of the Creek Indians, 31,762. Soon after these reports were received, it was alleged that at least two thousand persons had been improperly enrolled, and that some had not been registered; who should have been. The locating agents, Colonel Abert and Colonel Bright, were directed, when they were appointed in October, 1833, to verify the census rolls, and to strike from them all persons not entitled. The other class, which is supposed to have embraced about one hundred, were reserved for the action of Congress; and the subject was submitted to a committee of that body at the last session. In regard to the first class, Colonel Abert reported, on the 24th November, 1834, that the census was much more correct than had been supposed; and it was doubtful if it could be done better, if it were done over again.

For a detailed account of the proceedings upon the subject of the locations generally, I beg leave to refer to the letter of Col. Abert, of January 14, 1836.

It will be perceived the agents were instructed, that it was the object of the Government to do full justice to the Indians, and to assign to them neither all the choice tracts in the country, which gave to it its principal value, nor such land as they would be unable to cultivate. They were accordingly directed to preserve a just medium; and, when the selections were not governed by improvements, to assume the average quality of the land in the country, as the standard of that which should be assigned to the Indians. The entire amount of the Creek lands was stated by Colonel Abert, on the 11th of November, to be about 4,800,000 acres, and the amount of the reservations to be about 2,150,000 acres. The whole number of reservations is 6,696. Allegations of error in these locations have been made in a few cases, but it is believed they have been substantiated in no one instance.

The investigation of claims or debts was committed to General Parsons, Major Parsons, and Colonel Crowell, on the 24th of June, 1832. These, and the several sums provided for in the 10th article of the treaty, with the annuities, were paid by Col. Abert, under the instructions given to him on the 2d of May, 1832. It gives me pleasure to add, that no dissatisfaction was manifested, either at the investigation or the payment.

The greater part of the reservations for orphans have been recently sold upon favorable terms, at public sale, and the balance will be offered again,

as soon as circumstances will permit. The average price per acre was eight dollars and twenty-two cents. Colonel Abert, Colonel Bright, Mr. Tarrant, Doctor McHenry, and General Sanford, have been selected at different times to certify contracts for the sale of the reservations under this treaty. It would be difficult to say whether the execution of this branch of the business had given most dissatisfaction to the Indians or to the purchasers. At different periods, petitions have been addressed by the former to the President, alleging that great frauds had been practised upon them. Investigating agents have been immediately appointed, but the result of their examinations has not, to this day, been presented in such a form that the President could finally act upon the subject. On the other hand, many of the purchasers have charged the Government with undue partiality to the Indians, and a disregard of their rights and interests,

It may be briefly observed, that the alleged frauds were stated to consist in the personation of one Indian by another, the non-payment of an adequate consideration, or the exaction of its return by the Indians, after it had been paid. The investigations were directed to be made in each town, in the presence of the chiefs, by whom the Indian who had sold a particular tract was to be identified as its owner, the fact of the payment and reception of the purchase money established, and ample opportunity afforded the Indian to secure his rights, but no inducements held out to him to complain.

The regulations for certifying contracts, adopted at various times, and the instructions to the certifying agents of April 28, 1835, and those to Colonel Hogan, of which the substance is incorporated in the letter to him of January 15, 1836, will show whether any proper precaution has been omitted for insuring to Indians and purchasers their respective rights. And the letter of March 11, 1836, to Messrs. Hogan, Burney, and Anderson, will further show, in which manner the principles laid down in those papers have been applied by the Department, in the only instance in which its action has been called for in relation to this subject.

It will be perceived, from the letter to Colonel Abert and Colonel Bright, of May 2d, 1833, and the instructions to Judge Benson and Mr. Fitzpatrick, that two unsuccessful efforts have been made, since the conclusion of the treaty of 1832, to purchase the reservations of the Creeks.

It is proper for me to add, that it is possible the papers now transmitted will not present a continuous correspondence. Understanding it to be the wish of the Committee on Indian Affairs, and the expectation of the House of Representatives, when the resolution of the 3d instant was passed, that the answer should be transmitted to-day, it has not been my aim to present a connected series of papers; but, in accordance with the views expressed by the committee, to select those which would best illustrate the nature of the difficulties and complaints which have attended the execution of that section of the treaty under which reservations are claimed. I cannot, without longer time being afforded, state exactly the number of half sections which have been located, or the number that have been sold.

Since the commencement of hostilities, the certifying and investigating of contracts have been discontinued. But upon receiving the proposition made by the chiefs in Captain Page's letter of May 9, 1836, General Jesup was authorized to detail an officer to superintend the payments for the remaining reservations, and to appoint an agent to certify the contracts.

Many of these reservations were sold before allegations of fraud were

presented, and investigations instituted, and the owners of them have received, and probably expended, the proceeds. In this state of destitution they have seized the property, and attacked the persons, of citizens of the States.

This correspondence, herewith communicated, furnishes all the material information in the possession of this office, concerning the origin of the present hostilities of the Creek Indians. How far these may be traced to the difficulties attending the transfer of their lands, and how far to other causes, I have not the means of ascertaining. It is worthy of remark, that Captain Page, the present superintendent of the Creek removal, reports in his letter of the 9th ultimo, that the lower Creeks, who have commenced hostilities, are those who have the least to complain of, respecting the sales of these lands; as the sales took place "soon after the locations were made, and before frauds were practised among them." It is probable, that a variety of motives may have operated upon them. An indisposition to emigrate, a scarcity of the means of subsistence, inducing dissatisfaction and leading to depredations, and those sudden impulses to which the Indians are liable, conjoined with the causes of complaint before alluded to about their lands, may have driven them to hostilities. These views, however, are, in a great degree, conjectural, as no exposition of the causes of the present state of things has been received at this office.

Very respectfully,

Your obedient servant,

ELBERT HERRING.

Hon. LEWIS CASS,
Secretary of War.

COLUMBUS, GEORGIA, *May 7, 1836.*

DEAR SIR: When I saw you the evening before your departure for Milledgeville, I promised you, as soon as I returned from my plantation, to inform you what the Indians were doing, or likely to do. While I was there, they had a dance and ball play, but I did not attend it. I saw Jno. Sims on my return home, who told me that he was there, and that they *professed* the greatest friendship for the white settlers. His own opinion, however, was, that it was an empty profession. He further informed me, that they had latterly had an *unusual* number of dances and ball plays; he *thought* for the purpose of collecting them together. The *rumor* that they had sent a deputation to the upper Creeks, is gaining ground among the citizens of this place. The chiefs of the upper and lower Creeks are to have a meeting in a few days—the object of which, I do not pretend to divine; but I think it augurs us no good. I think we would feel safer to know that we had you at the head of your battalion when that meeting takes place. News has just been brought here by one of Billy Flournoy's negroes, that he has been murdered by the Indians. There can be no doubt of the fact; a carriage is about to be started to bring in the body. He was shot about seven miles from his plantation, on his way to Columbus. From the same source we learn, that one of Mr. Glenn's nephews was murdered on Tuesday morning. No one here doubts for a moment that they are both murdered. The settlers on Hatchachubee and Cowagee have entirely abandoned their crops. Negroes and all are now on the road to this

place. My overseer has left me, and I shall have to pursue the same plan. Isaac Mitchell told me this morning that he should bring his negroes out; every body, and every thing, is in confusion. We have not yet heard from Gen. Shearer, of Selma, but my own impression is, that he will write to the Governor, and the Governor to the Secretary of War, to know what is to be done. We look for nothing from that quarter. The Indians are taking what they please, and we are told to protect ourselves. An increase of your force will not be amiss; there are not provisions enough in the nation to feed the Indians two months if it was all given out and distributed among them. The settlers have lived all the year in anticipation of this event, and consequently have kept provisions to last only from hand to mouth. And so soon as they have exhausted what they have, they will be compelled to cross the river. If I am compelled to move my hands across the river, I shall move, if possible, my corn and fodder. *If I find I cannot do it, I shall burn it.*

I am yours truly, in great haste,

WM. H. MITCHELL.

Major J^{no}. HOWARD.

WASHINGTON CITY,
May 24, 1836.

SIR: From letters received from gentlemen of high standing, and in whose statements I place the most implicit confidence, my attention has been called to the wretched condition of a very large proportion of the inhabitants that have fled from the savage barbarities that are now going on in Alabama. The most of them have abandoned their homes in such haste that they were unable to remove either furniture or provisions; and the consequence is, that hundreds who were but yesterday happy, secure, and provided with every comfort of life, are now thrown upon the charity of strangers, their property mostly, and in very many instances entirely, destroyed, and themselves without the means of commanding the ordinary comforts. This state of things should be provided for. I have been requested to present this brief statement of facts, which is well known to exist, to the immediate consideration of the President and the Secretary of War, with the full confidence that whatever can be done, should at once be recommended to Congress. I have in this matter, as in all others connected with the unhappy state of things on the frontiers of Georgia, brought the subject before the Department for consideration, before I would attempt any movement in Congress. I shall now wait your answer to this before I do so. At the same time, I pray you, let it receive your immediate attention, as the distressed should know on whom they are to rely to meet their pressing wants. I would suggest that prompt measures be taken to separate the friendly from the hostile Indians; and to that end, if an agency was at once established within the limits of Georgia, with means to furnish rations to all such friendly Indians as would come in and take protection within a limited time, the effect would be at once to separate the friendly from the hostile. If some such measure is not adopted, those that are now neutral, will be compelled to take part against the whites; the advantage of a camp or post within the limits of Georgia would be to inspire those that are friendly with confidence in the security of their retreat, this

has been suggested to me by an intelligent correspondent, and meets my entire concurrence.

I have the honor to be,
Very respectfully,
G. W. B. TOWNS.

Hon. LEWIS CASS,
Secretary of War.

WAR DEPARTMENT, *May 25, 1836.*

SIR: I have this morning received your letter of the 24th, and in answer beg leave to observe, that there can be no doubt of the justice of the claims of the suffering population of Alabama and Georgia, driven from their homes by Indian depredations, to relief in the same manner that relief was extended to the inhabitants of Florida under similar circumstances.

I observed yesterday, among the proceedings of the Senate, that a resolution for this purpose has passed that body, and as I presume it will be taken up in the House to-day, it seems unnecessary for this Department to take any farther measures on the subject.

I have anticipated your suggestions with respect to the issuing of provisions to friendly Indians. General Jesup has been directed to adopt this measure. The letter of Judge Shorter is herewith returned.

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

LEWIS CASS.

Hon. GEO. W. B. TOWNS, *Ho. Reps.*

MILLEDGEVILLE, *May 9, 1836.*

Hon. LEWIS CASS,
Secretary of War:

DEAR SIR: I am at this place on a visit to my family, and for the additional purpose of procuring a supply of money to subsist the troops under my command. The Governor informs me that the funds of the United States in his hands, are nearly exhausted, and that he is unable to advance me more than two thousand dollars. This sum will answer our present exigencies as our credit is good, but it is to be regretted that funds have not been provided for all the accounts already contracted, as those who were so kind as to credit us, are now demanding payment. It is very desirable that the Department should make the earliest provision which its convenience will permit, not only for the payment of the remaining balances, but for our future supplies. Our term of service expires on the 10th of June, and if convenient to the Department, it would be very acceptable to the troops to receive their pay on the day of their discharge. Should it not be deemed officious, allow me to call your attention to the peculiar delicate and exposed situation of the people of Alabama, who reside within the influence and power of the Creek tribe of Indians; not only their property, but their lives are in a precarious condition, being wholly dependent upon the savage impulses which surround them. If the Government was fully informed of the true state of feeling existing, at least with many of

the Creeks, I should not take the liberty of urging upon it more energetic action in securing its citizens from violence, plunder and massacre. But I am persuaded that the various and diversified interests of the white population, have produced representations which may induce the Department to underrate the dangers reasonably to be apprehended. I will not say we are in danger of a general war with the tribe, but will take upon myself the responsibility of stating the facts, leaving it to the Department to judge whether it be not necessary to adopt, forthwith, energetic measures for their immediate emigration. The nation has, I believe, generally, sold their land, and it is undeniable that the towns now exhibiting so many symptoms of hostility, have almost all, and perhaps without an exception, sold, and too, with but few cases of alleged fraud. They are consequently without food, having disposed of the fields upon which they were accustomed to raise their annual supplies.

These towns consist of the Uchees, Hitchitees and Chehaws, which are located upon the Chattahoochee, and its tributaries, from ten to thirty miles below Columbus. They were in the habit, during the last year, of plundering and sometimes murdering the people of Georgia, which was continued until Governor Schley assumed the responsibility of establishing the force which I have the honor to command, to repel their incursions. Since our arrival upon our border, they have turned the direction of their depredations almost exclusively upon the citizens of Alabama; until latterly they plundered secretly and at night, but are now rapidly increasing in the number of their parties, and the boldness of their action, appearing *daily* in armed parties, and in open day taking from the citizens whatever they want, (principally articles of provisions) and driving off the cattle before the faces of their owners. In addition to these robberies, they frequently shoot at the citizens and destroy their property, which they cannot or do not wish to appropriate to themselves, thereby anxiously inviting a conflict, which once commenced and fairly begun by the citizens presenting opposition, will lead to results so sanguinary, that there is no reasonable measure to its termination. In other quarters of the nation, like demonstrations of hostilities have been made, but not so frequent or to such extent. Notwithstanding the daily recurrence of such acts of violence, the major part of the nation profess to be friendly, and really appear so, at least I know of no act which would contradict the sincerity of their professions. But at the same time that the large portion of the nation may be friendly and disposed to court peace, there is no doubt but that a portion of them are panting for war, which calamity, until now, has been prevented by the prudence of the people submitting to have their property taken from them without offering, in many cases, any resistance, and never in any case undertaking to punish the plunderers. But even that prudence, so judiciously exerted, will not prevent an increase of these outrages, and, I fear, cannot much longer postpone acts of open hostility; most of the Indians are, without doubt, greatly dissatisfied, some very restless and indeed reckless and if none of them should be killed to afford a pretext for savage retaliation, they will throw off their impatience by commencing hostilities. I come to this conclusion from their open insults, their threats, their declarations that the land is still their own, the wanton destruction of property which they neither convert to the gratification of their appetites, or use in any way to advance their comfort or convenience. Instances are common where they shoot down hogs without using the meat, they kill the dogs,

and in some cases the mules upon the plantations, and sometimes destroy the ploughs and other implements of husbandry used upon the farms. It is believed to be the purpose of the Indians to alarm, and drive off the people from that portion of Alabama; many have already fled, and if all would follow their example, it would, in all probability, appease their violence, but some are determined to stand their ground; the Indians having more physical power, and no food, will continue these outrages, and shortly a conflict must ensue, the consequences of which you are much more competent to participate than myself. What influence the fall of some half dozen Indians fighting for bread may have upon the nation, whether it will influence the balance to such a degree as to endanger the general peace, your experience and knowledge of the Indian character enables you better to determine; but should some of our citizens unfortunately be murdered in defence of their firesides, nothing will or ought to satisfy Alabama and Georgia, short of immediate emigration, even if it has to be forced at the point of the bayonet. The Government has made a treaty with them by which they have been empowered to sell their lands; the Government too has sold the unlocated lands, the citizens have paid their money to the Indians and to the Government, and shall they now be prevented from settling on their own lands, or driven from their homes, as many of them are, because a portion of the Indians, generally instigated by interested white men, suggest the existence of frauds in the contracts? Doubtless many frauds have been committed upon the Indians, but it is equally true that many alleged fraud where none exist. The treaty in protecting the seller, did not disregard the rights of the purchaser, and it is unfortunate and much to be regretted that the officers charged with the investigation of these contracts should have considered themselves the advocates of only one side of the question. The honor and justice of the Government demanded these investigations, but conducted *ex parte* as they have been, they have resulted in no good, but on the contrary produced much harm, as the Indians have been much tantalized by the hope that their lands would be restored to them, and consequently under such illusory expectations, are still averse to emigration. I venture nothing in asserting that the investigations, let the result be what it may, rarely redound to the interest of the Indian, as there is no difference between the liberality and integrity of the original and secondary purchasers. It is in truth a contest in most cases between the citizens for the Indian land which has been the same from the beginning, and could be no other from the treaty authorizing an intellectual agricultural people, who know the value of land, to contract with the savage, whose standard of value of any article is his immediate wants. I have no interest in these investigations, as I understand the contracts which I have made have been examined and pronounced fair and just, but the sooner they can be closed the better for all parties, as the Indians will be relieved of their delusions, and fair and *bona fide* purchasers admitted to the enjoyment of their rights. The delay in the execution of this business is justly complained of. It no doubt has prevented many settlements, retarded emigration, and I believe entirely defeated the views of the company engaged to emigrate. It is now incumbent on the Government to avoid further difficulties to provide for these people. It is as easy to feed an Indian as to feed a soldier, either to watch him or to fight him; and independent of the economy in saving the soldier's pay, it would be probably more congenial with the hospitable and

parental views of the Government. Many of them are most certainly destitute of the means of subsistence, save the physical power of plundering from others. As the reason advances, provisions will be exhausted and the numbers of beings made reckless and desperate by the cravings of hunger, must necessarily increase; our population must abandon the country, or at least parts of it, unless they are provided for.

If the Department would at once send out some energetic officers of high character, with ample means to open a camp with an abundance of provisions, at the same time establishing a force in the neighborhood, competent to punish promptly any acts of violence which might occur, he could not fail in carrying the views of the Government into successful execution. The Indians, generally, no longer have any interest in the country, but upon the contrary, each one of them is now a nuisance, obstructing the settlement of lands; and though they may be averse to emigration, I cannot conceive a more favorable moment for the Government to make an effort than the present crisis presents. I shall return to my post (Fort Twiggs, 18 miles below Columbus) to-morrow.

I am, very respectfully,

Your obedient servant,

JOHN H. HOWARD,

*Major commanding volunteers for the defence of the
Southwestern frontier of Alabama.*

P. S.—I have just received a letter, a copy of which I herewith enclose, it is from a man of character, and I fear the facts disclosed are true.

J. H. H.

ADJUTANT GENERAL'S OFFICE,

Washington, June 6, 1836.

SIR: Herewith, agreeably to your instructions, I respectfully submit copies of the communications received at this office from the commanding officer at Fort Mitchell, on the subject of the hostilities of the Creek Indians; and also copies of the communications on the same subject, placed on the files of the office, and such as have been designated, as I understand, by the examining committee, as pertinent to the subject of the inquiry.

I am, sir, very respectfully,

Your obedient servant,

R. JONES, *Adj. General.*

HON. LEWIS CASS,

Secretary of War.

FORT MITCHELL, May 9, 1836.

SIR: Hostilities have commenced in serious earnestness. Within a few days four individuals have been murdered, and it is feared many others have fallen victims. Yesterday I sent an interpreter to a few of the principal chiefs, requesting they would meet me in council at this place. They have failed to come. Nehamathla sent word that he had said all he could to his people to restrain them, without effect. They were determined on war, and that they had divided powder and lead, and had embodied in

a swamp near the Federal road, about five miles from this post, evidently with the intention of cutting off all communication between us and the Governor of Alabama.

The interpreter says Nea-mathla had every thing in readiness for a move; that he (Nea-mathla) inquired particularly about the strength of my command, and if any additional troops was expected. I am convinced it is his intention to head the hostile party.

The war whoop is now sounding throughout the nation.

Respectfully, I am, sir,

Your obedient servant,

J. S. McINTOSH,

Major Brevet 4th Infantry, commanding.

General R. JONES,

Adj. General U. S. Army, Washington.

P. S. I have this minute learned that seven other white people were murdered last night.

FORT MITCHELL, ALABAMA,

April 4, 1836.

SIR: I have the honor to inform you, that I have this minute received an express, which states, that the Cowiga and several adjoining tribes of Indians have assembled under arms, some fifteen or twenty miles below here, and are committing depredations upon the property of the whites, of a most serious nature. It also states, that the lives of several families were threatened, and but for the advice of some of the more friendly disposed Indians, who warned them of their danger, they would have been massacred. The universal impression here is, that we have nothing short of a repetition of the scenes of Florida to hope for, and that the time is nigh at hand for their open hostilities to commence. That it is the settled determination of several of the tribes to make a desperate struggle to regain their land before they relinquish their possessions to emigrate to the west, is the belief of all who have watched their course, or been at all familiar with their proceedings, for the last three or four months. Had we a force here sufficient to march to the scene of their depredations and severely punish the leaders, much mischief might thereby be prevented, and doubtless the lives of many citizens be preserved. But our numbers are too few to hazard such an expedition.

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

J. W. McCrabb,

Lieut. Comd'g post.

General R. JONES,

Adj't Gen. U. S. A. Washington City.

FORT MITCHELL, ALA. May 2, 1836.

SIR: The lower Creek Indians have of late evinced a very restless disposition, they are in a state of starvation and are daily depredating on the property of the inhabitants, often times in the most open and daring man-

ner, bidding defiance to the owners. The settlers are getting tired of this course of conduct on the part of the Indians, and have determined to defend their property at the risk of their lives; many have already moved their wives and children beyond danger, and are organizing in bands to resist aggressions, and it is not doubted but that serious difficulties will occur.

A short time since three hundred warriors, painted and ready for the work of murder, assembled in a swamp two miles hence, and applied to Ne-ah-me-co, their principal chief, for permission to commence the work of death; he refused assent, saying it is not yet time, wait a little longer. This chief and Nea-mathla have great influence among their people, and are more hostile in feeling towards the whites than any others, and are decidedly opposed to emigration. Fears are entertained that skirmishes will take place in consequence of depredations. Notwithstanding these demonstrations I cannot believe it is the intention of the Indians, generally, to wage war. They must well know it would be a war of extermination.

To be prepared for the worst of events, I have built a block-house and a strong stockade.

Respectfully I am, sir,
Your obedient servant,

J. S. McINTOSH,
Maj. Bvt. 4th Inf.

Gen. R. JONES, *Adj. Gen. U. S. A. Washington.*

FORT MITCHELL, ALABAMA,
January 27, 1836.

SIR: I have the honor to state to you for the information of the Department, that on Friday, the 22d instant, two Indians were killed a few miles below here, on the Georgia side of the river, by the whites; and also on Sunday the 25th, I understand two other Indians were killed near the same place. On Sunday evening, (says an express to me from Columbus,) from three to five hundred Indians (though I don't believe that there was more than fifty,) crossed over the river, swearing hostilities to the whites on the Georgia side. On yesterday about 2 o'clock, these Indians, about fifty in number, were met by an equal number of Georgia militia, and although the Indians made signs of peace by hoisting a white flag, the whites rushed on them, and were then fired upon by the Indians. This was the commencement of an engagement which lasted some fifteen or twenty minutes, when the militia took to flight, leaving three or four of their number dead on the field. The loss of the Indians is not known. New reinforcements passed here late last night for the scene of action. The Georgians have thus set fire to the match which the Indians have been sometime preparing, and the sequel can only show the horrors it may effect. There is no doubt but that they will have a general engagement to-day, and should it result in the triumph of the whites, it will probably fire the whole nation with feelings of hostility. Although I apprehend but little danger here at present, I shall lose no time in putting the block-houses in a state of defence, to the end that we may not be taken by surprise.

Very respectfully, &c.

JOHN W. McCRABB,
Second Lieut. U. S. 4th Inf.

General R. JONES,
Adjutant General.

FORT MITCHELL; ALABAMA,
May 7, 1836.

SIR: It has just been reported to me that Col. Flournoy was shot dead by Indians, the day before yesterday, about fifteen miles below this post. I am also informed that a report is currently circulating among the Creeks, that the Seminole Indians have defeated the whites in their operations in Florida. This report will no doubt embolden them to many acts of hostility that they would not otherwise dare commit.

A constant communication must be kept up between them, as the Creeks are conversant with every transaction that occurs in Florida. Marshall, the half-breed, says he is apprehensive mischief will be done by the Indians before long; other friendly Indians are of this opinion. Opothleyoholo, principal of the Upper Creeks, says he cannot keep his people together or restrain them.

A rumor has this instant arrived, and informed me that another white man was shot in his bed last night by Indians; that many guns were heard in the neighborhood during the night, and other whites are supposed to have fallen victims.

Respectfully, I am, sir, your obedient servant,

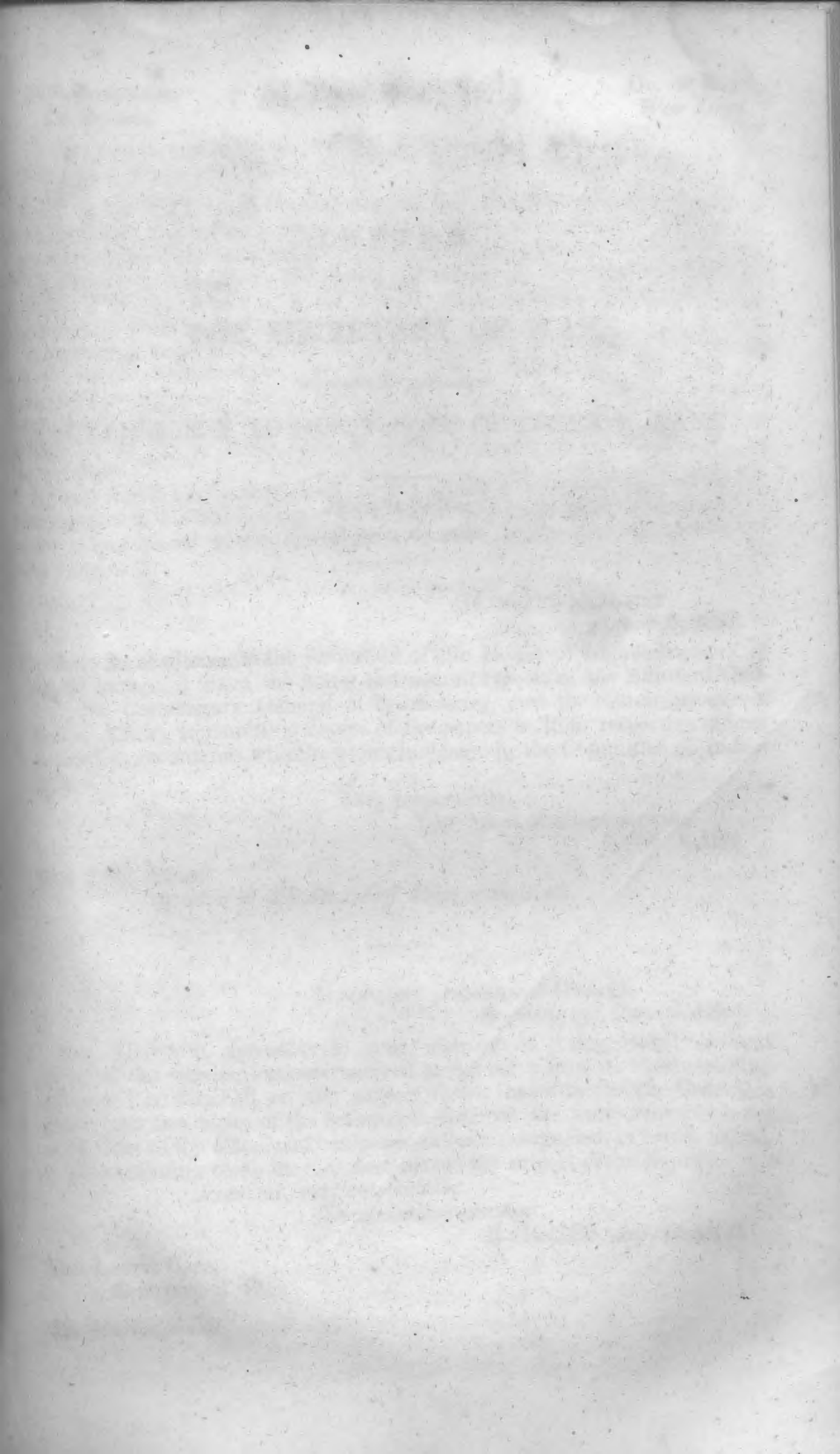
J. S. McINTOSH;

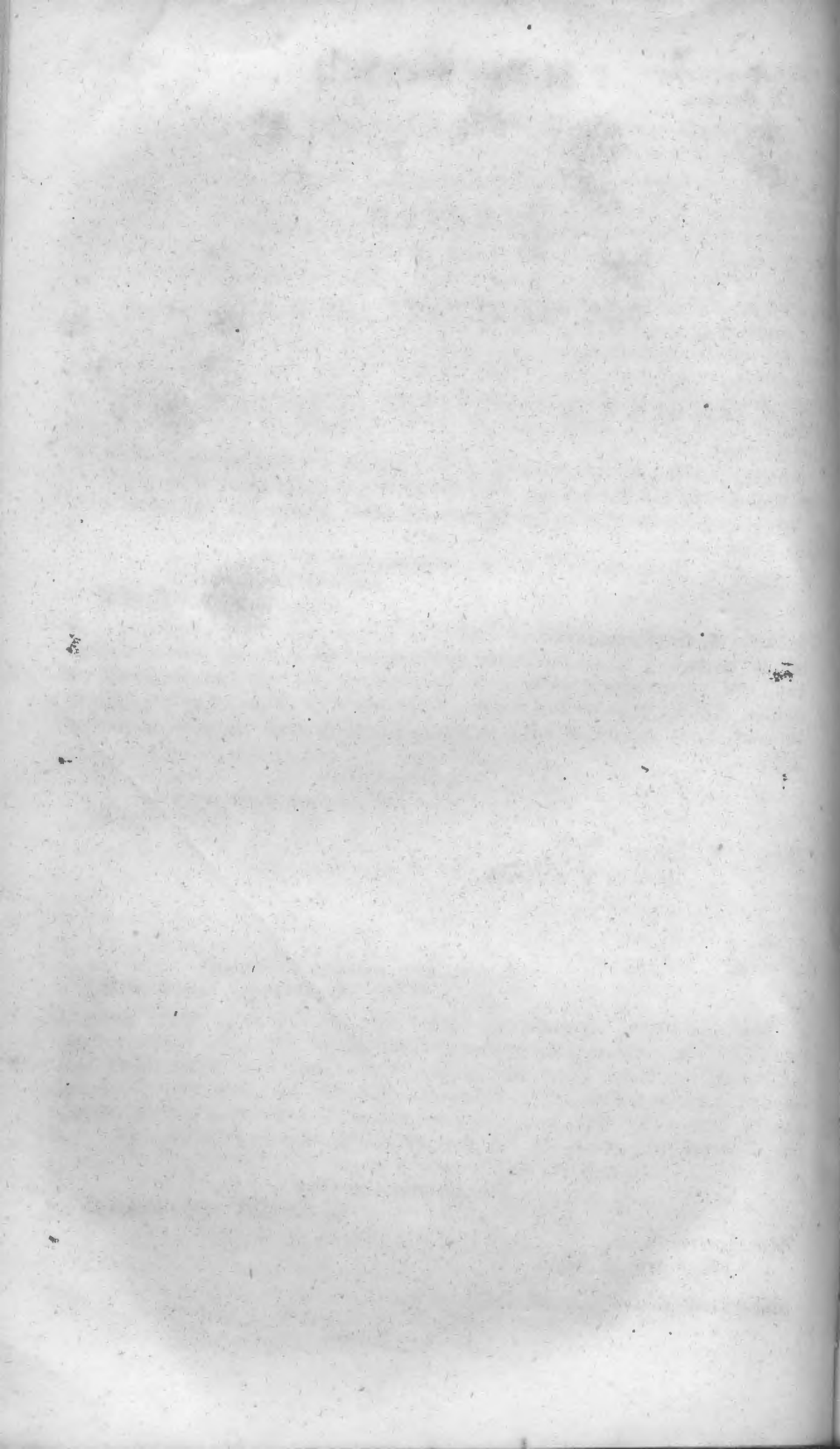
Major, br't 4th Infantry.

The ADJUTANT GENERAL.

The first part of the history of the
 world is the history of the
 creation of the world and the
 life of the first man, Adam.
 The second part is the history of
 the world from the time of
 the fall of Adam to the
 birth of Jesus Christ.
 The third part is the history of
 the world from the birth of
 Jesus Christ to the present
 time.

THE HISTORY OF THE





LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING DOCUMENTS

IN RELATION TO HOSTILITIES OF CREEK INDIANS.

JUNE 6, 1836.

Laid upon the table.

WAR DEPARTMENT,
June 6, 1836.

SIR: In obedience to the resolution of the House of Representatives, of the 3d instant, I have the honor to transmit reports of the Adjutant General, the Commissary General of Subsistence, and the Commissioner of Indian Affairs, transmitting copies of the papers in their respective offices, selected in accordance with the views indicated by the Committee on Indian Affairs.

Very respectfully,
Your most obedient servant,
LEW. CASS.

Hon. J. K. POLK,
Speaker of the House of Representatives.

ADJUTANT GENERAL'S OFFICE,
Washington, June 6, 1836.

SIR: Herewith, agreeably to your instructions, I respectfully submit copies of the communications received at this office from the commanding officer at Fort Mitchell, on the subject of the hostilities of the Creek Indians; and also copies of the communications on the same subject, placed on the files of the office, and such as have been designated, as I understand, by the examining committee, as pertinent to the subject of the inquiry.

I am, sir, very respectfully,
Your obedient servant,
R. JONES, *Adj. General.*

Hon. LEWIS CASS,
Secretary of War.

FORT MITCHELL, May 9, 1836.

SIR: Hostilities have commenced in serious earnestness. Within a few days four individuals have been murdered, and it is feared many others have fallen victims. Yesterday I sent an interpreter to a few of the principal chiefs, requesting they would meet me in council at this place. They have failed to come. Nehamathla sent word that he had said all he could to his people to restrain them, without effect. They were determined on war, and that they had divided powder and lead, and had embodied in a swamp near the Federal road, about five miles from this post, evidently with the intention of cutting off all communication between us and the Governor of Alabama.

The interpreter says Nea-mathla had every thing in readiness for a move; that he (Nea-mathla) inquired particularly about the strength of my command, and if any additional troops was expected. I am convinced it is his intention to head the hostile party.

The war whoop is now sounding throughout the nation.

Respectfully, I am, sir,

Your obedient servant,

J. S. McINTOSH,

Major Brevet 4th Infantry, commanding.

General R. JONES,

Adj. General U. S. Army, Washington,

P. S. I have this minute learned that seven other white people were murdered last night.

FORT MITCHELL, ALABAMA,

April 4, 1836.

SIR: I have the honor to inform you, that I have this minute received an *express*, which states, that the Cowiga and several adjoining tribes of Indians have assembled under arms, some fifteen or twenty miles below here, and are committing depredations upon the property of the whites, of a most serious nature. It also states, that the lives of several families were threatened, and but for the advice of some of the more friendly disposed Indians, who warned them of their danger, they would have been massacred. The universal impression here is, that we have nothing short of a repetition of the scenes of Florida to hope for, and that the time is nigh at hand for their open hostilities to commence. That it is the settled determination of several of the tribes to make a desperate struggle to regain their land before they relinquish their possessions to emigrate to the west, is the belief of *all* who have watched their course, or been at all familiar with their proceedings, for the last three or four months. Had we a force here sufficient to march to the scene of their depredations and severely punish the leaders, much mischief might thereby be prevented, and doubtless the lives of many citizens be preserved. But our numbers are too few to hazard such an expedition.

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

J. W. McGRABB,

Lieut. Comdg post.

General R. JONES,

Adj't Gen. U. S. A. Washington City.

FORT MITCHELL, ALA. May 2, 1836.

SIR: The lower Creek Indians have of late evinced a very restless disposition, they are in a state of starvation and are daily depredating on the property of the inhabitants, often times in the most open and daring manner, bidding defiance to the owners. The settlers are getting tired of this course of conduct on the part of the Indians, and have determined to defend their property at the risk of their lives; many have already moved their wives and children beyond danger, and are organizing in bands to resist aggressions, and it is not doubted but that serious difficulties will occur.

A short time since three hundred warriors, painted and ready for the work of murder, assembled in a swamp two miles hence, and applied to Ne-ah-me-co, their principal chief, for permission to commence the work of death; he refused assent, saying it is not yet time, wait a little longer. This chief and Neamathla have great influence among their people, and are more hostile in feeling towards the whites than any others, and are decidedly opposed to emigration. Fears are entertained that skirmishes will take place in consequence of depredations. Notwithstanding these demonstrations, I cannot believe it is the intention of the Indians, generally, to wage war. They must well know it would be a war of extermination.

To be prepared for the worst of events, I have built a block-house and a strong stockade.

Respectfully I am, sir,

Your obedient servant,

J. S. McINTOSH,
Maj. Bvt. 4th Inf.

Gen. R. JONES, Adj. Gen. U. S. A. Washington.

FORT MITCHELL, ALABAMA,
January 27, 1836.

SIR: I have the honor to state to you for the information of the Department, that on Friday, the 22d instant, two Indians were killed a few miles below here, on the Georgia side of the river, by the whites; and also on Sunday the 25th, I understand two other Indians were killed near the same place. On Sunday evening, (says an express to me from Columbus,) from three to five hundred Indians (though I don't believe that there was more than fifty,) crossed over the river, swearing hostilities to the whites on the Georgia side. On yesterday about 2 o'clock, these Indians, about fifty in number, were met by an equal number of Georgia militia, and although the Indians made signs of peace by hoisting a white flag, the whites rushed on them, and were then fired upon by the Indians. This was the commencement of an engagement which lasted some fifteen or twenty minutes, when the militia took to flight, leaving three or four of their number dead on the field. The loss of the Indians is not known. New reinforcements passed here late last night for the scene of action. The Georgians have thus set fire to the match which the Indians have been sometime preparing, and the sequel can only show the horrors it may effect. There is no doubt but that they will have a general engagement to-day, and should it result in the triumph of the whites, it will probably fire the whole nation with feelings of hostility. Although I apprehend but little danger here at pre-

sent, I shall lose no time in putting the block-houses in a state of defence, to the end that we may not be taken by surprise.

Very respectfully, &c.

JOHN W. McCRABB,

Second Lieut. U. S. 4th Inf.

General R. JONES,
Adjutant General.

FORT MITCHELL, ALABAMA,

May 7, 1836.

SIR: It has just been reported to me that Col. Flournoy was shot dead by Indians, the day before yesterday, about fifteen miles below this post. I am also informed that a report is currently circulating among the Creeks, that the Seminole Indians have defeated the whites in their operations in Florida. This report will no doubt embolden them to many acts of hostility that they would not otherwise dare commit.

A constant communication must be kept up between them, as the Creeks are conversant with every transaction that occurs in Florida. Marshall, the half-breed, says he is apprehensive mischief will be done by the Indians before long; other friendly Indians are of this opinion. Opothleyoholo, principal of the Upper Creeks, says he cannot keep his people together or restrain them.

A rumor has this instant arrived, and informed me that another white man was shot in his bed last night by Indians; that many guns were heard in the neighborhood during the night, and other whites are supposed to have fallen victims.

Respectfully, I am, sir, your obedient servant,

J. S. McINTOSH,

Major br't 4th Infantry.

THE ADJUTANT GENERAL.

WAR DEPARTMENT, OFFICE INDIAN AFFAIRS,

June 6, 1836.

SIR: I have the honor to submit copies of papers on file and on record in this office, relating to the execution of the treaty with the Creeks, of March 24, 1832, prepared in conformity with the resolution of the House of Representatives of the 3d instant.

In accordance with the suggestions of the Committee on Indian Affairs, I have substituted, for new copies of the same papers, tabular statements, referring to letters printed in Senate documents 512, session of 1833 and 1834, volumes 8 and 9. These embrace the correspondence from April 5, 1832, to December, 1833.

From the records since that time, I have selected the leading papers connected with the execution of the several provisions of the treaty. The instructions for the certifying of contracts for the sale of the Creek lands, and the investigation of alleged fraud in these conveyances, form the greater part of this selection. The instructions for the removal of intruders, taking the census, locating the reservations, investigation and payment of claims, are in the documents above referred to.

A condensed statement of the measures taken in the progress of the execution of this treaty, may not be without its use, and is submitted, in consequence of an intimation from the committee.

The treaty with the Creeks was ratified on the 4th April, 1832. The 1st article ceded all their lands east of the Mississippi river. The 2d provided for the survey of these lands, which was completed at the close of the year 1832. It also provided reservations of one section each for ninety of the principal chiefs, of a half section for each head of a family, and of twenty sections for orphans. It further provided for a census of the whole tribe. The 3d article indicated the mode in which these reservations might be conveyed. The 4th directed patents to be issued to those who should remain five years. The 5th required all intruders to be removed, excepting however from this provision: "those white persons who have made their own improvements, and not expelled the Creeks from theirs." The 6th article placed twenty-nine sections at the disposal of "those persons, being Creeks, to whom the same may be assigned by the tribe," and assigned a section and a half to two individuals. The 7th prescribed that the locations should conform with the sectional lines of the survey. The 8th gave an additional annuity. The 9th provided for the payment of debts to the amount of one hundred thousand dollars, which sum was to "be in full consideration of all improvements." The 10th secured the payment of the expenses of the delegation, with whom the treaty was negotiated. The 11th allowed certain sums for ferries and bridges, for losses, for judgments against the chiefs, for improvements relinquished under the treaty of 1826, for expenses of persons removing themselves, and for annuities to the blind Uchee king, and two principal chiefs. The 12th article provided that the United States should remove the Creeks, when they were willing to go, and subsist them for twelve months after their arrival at their new residence. The 13th authorized donations of rifles and blankets, and assigned a certain sum for the education of the young. The 14th guaranteed the possession of the country set apart for the Creeks, west of the Mississippi.

The orders for the removal of intruders, which were given to the marshal of the southern district of Alabama, on the 5th of April, 1832, gave rise to a correspondence with the Executive of the State of Alabama, in which the duty of the President, under the treaty, and the extent of his authority under the act of March 3, 1807, were fully discussed, and occasioned an excitement of feeling, during which a citizen was unfortunately killed by a soldier. Prosecutions were instituted against the officer in command and the soldier, which were sometime afterwards dismissed by the State authorities. Upon the representations made to the Department by Messrs. King, Clay, and Mardis, on the 6th December, 1832, the removals were suspended, and settlers who had obtained peaceable possession of the land on which they lived, and did not retain it to the exclusion of any Indian, were permitted to occupy those tracts till the several locations were made.

The instructions for taking the census, were given to Messrs. Parsons and Pickett, on the 14th May, '32. The census of the upper towns was completed on the 1st May, 1833, and showed the population to be 14,142, exclusive of slaves, 13,697. That of the lower towns was completed on the 13th of May, and showed the population to be 8,522; exclusive of slaves, 8,065. Total number of the Creek Indians, 21,762. Soon after these reports were received, it was alleged that at least two thousand persons had been im-

properly enrolled, and that some had not been registered, who should have been. The locating agents, Colonel Abert and Colonel Bright, were directed, when they were appointed in October, 1833, to verify the census rolls, and to strike from them all persons not entitled. The other class, which is supposed to have embraced about one hundred, were reserved for the action of Congress; and the subject was submitted to a committee of that body at the last session. In regard to the first class, Colonel Abert reported, on the 24th November, 1834, that the census was much more correct than had been supposed; and it was doubtful if it could be done better, if it were done over again.

For a detailed account of the proceedings upon the subject of the locations generally, I beg leave to refer to the letter of Col. Abert, of January 14, 1836.

It will be perceived the agents were instructed, that it was the object of the Government to do full justice to the Indians, and to assign to them neither all the choice tracts in the country, which gave to it its principal value, nor such land as they would be unable to cultivate. They were accordingly directed to preserve a just medium; and, when the selections were not governed by improvements, to assume the average quality of the land in the country, as the standard of that which should be assigned to the Indians. The entire amount of the Creek lands was stated by Colonel Abert, on the 11th of November, to be about 4,800,000 acres, and the amount of the reservations to be about 2,150,000 acres. The whole number of reservations is 6,696. Allegations of error in these locations have been made in a few cases, but it is believed they have been substantiated in no one instance.

The investigation of claims or debts was committed to General Parsons, Major Parsons, and Colonel Crowell, on the 24th of June, 1832. These, and the several sums provided for in the 10th article of the treaty, with the annuities, were paid by Col. Abert, under the instructions given to him on the 2d of May, 1832. It gives me pleasure to add, that no dissatisfaction was manifested, either at the investigation or the payment.

The greater part of the reservations for orphans have been recently sold upon favorable terms, at public sale, and the balance will be offered again, as soon as circumstances will permit. The average price per acre was eight dollars and twenty-two cents. Colonel Abert, Colonel Bright, Mr. Tarrant, Doctor McHenry, and General Sanford, have been selected at different times to certify contracts for the sale of the reservations under this treaty. It would be difficult to say whether the execution of this branch of the business had given most dissatisfaction to the Indians or to the purchasers. At different periods, petitions have been addressed by the former to the President, alleging that great frauds had been practised upon them. Investigating agents have been immediately appointed, but the result of their examinations has not, to this day, been presented in such a form that the President could finally act upon the subject. On the other hand, many of the purchasers have charged the Government with undue partiality to the Indians, and a disregard of their rights and interests,

It may be briefly observed, that the alleged frauds were stated to consist in the personation of one Indian by another, the non-payment of an adequate consideration, or the exaction of its return by the Indians, after it had been paid. The investigations were directed to be made in each town, in the presence of the chiefs, by whom the Indian who had sold a particular

tract was to be identified as its owner, the fact of the payment and reception of the purchase money established, and ample opportunity afforded the Indian to secure his rights, but no inducements held out to him to complain.

The regulations for certifying contracts, adopted at various times, and the instructions to the certifying agents of April 28, 1835, and those to Colonel Hogan, of which the substance is incorporated in the letter to him of January 15, 1836, will show whether any proper precaution has been omitted for insuring to Indians and purchasers their respective rights. And the letter of March 11, 1836, to Messrs. Hogan, Burney, and Anderson, will further show, in which manner the principles laid down in those papers have been applied by the Department, in the only instance in which its action has been called for in relation to this subject.

It will be perceived, from the letter to Colonel Abert and Colonel Bright, of May 2d, 1833, and the instructions to Judge Benson and Mr. Fitzpatrick, that two unsuccessful efforts have been made, since the conclusion of the treaty of 1832, to purchase the reservations of the Creeks.

It is proper for me to add, that it is possible the papers now transmitted will not present a continuous correspondence. Understanding it to be the wish of the Committee on Indian Affairs, and the expectation of the House of Representatives, when the resolution of the 3d instant was passed, that the answer should be transmitted to-day, it has not been my aim to present a connected series of papers; but, in accordance with the views expressed by the committee, to select those which would best illustrate the nature of the difficulties and complaints which have attended the execution of that section of the treaty under which reservations are claimed. I cannot, without longer time being afforded, state exactly the number of half sections which have been located, or the number that have been sold.

Since the commencement of hostilities, the certifying and investigating of contracts have been discontinued. But upon receiving the proposition made by the chiefs in Captain Page's letter of May 9, 1836, General Jesup was authorized to detail an officer to superintend the payments for the remaining reservations, and to appoint an agent to certify the contracts.

Many of these reservations were sold before allegations of fraud were presented, and investigations instituted, and the owners of them have received, and probably expended, the proceeds. In this state of destitution they have seized the property, and attacked the persons, of citizens of the States.

This correspondence, herewith communicated, furnishes all the material information in the possession of this office, concerning the origin of the present hostilities of the Creek Indians. How far these may be traced to the difficulties attending the transfer of their lands, and how far to other causes, I have not the means of ascertaining. It is worthy of remark, that Captain Page, the present superintendent of the Creek removal, reports in his letter of the 9th ultimo, that the lower Creeks, who have commenced hostilities, are those who have the least to complain of, respecting the sales of these lands, as the sales took place "soon after the locations were made, and before frauds were practised among them." It is probable, that a variety of motives may have operated upon them. An indisposition to emigrate, a scarcity of the means of subsistence, inducing dissatisfaction and leading to depredations, and those sudden impulses to which the Indians are liable, conjoined with the causes of complaint before alluded

to about their lands, may have driven them to hostilities. These views, however, are, in a great degree, conjectural, as no exposition of the causes of the present state of things has been received at this office.

Very respectfully,

Your obedient servant,

ELBERT HERRING.

Hon. LEWIS CASS,
Secretary of War.

*Session of 1833 and 1834. Senate Document 512. Volume 8. Letters
from the War Department to—*

1832.			Page
April	5	R. L. Crawford	806
May	9	Ditto	822
"	14	Col. Wm. Pickett	824
"	14	B. S. Parsons	
June	4	John Crowell	842
"	24	Leonard Tarrant	851
July	20	R. L. Crawford	885
August	2	Parsons and others	893
"	13	John Crowell	900
"	13	R. L. Crawford	900
"	17	Ditto	903
Oct.	10	Parsons and others	833
"	10	R. L. Crawford	932
"	12	Parsons and others	936
"	15	John Crowell	937
"	16	Leonard Tarrant	939
"	25	John Crowell	943
"	26	R. L. Crawford	944
Nov.	5	B. L. Parsons	947
"	5	Enoch Parsons	947
"	5	B. L. Parsons	946
"	22	Ditto	953
"	22	John Crowell	954
"	24	Neah-Micco and others	956
"	24	J. Austill	956
"	26	Ditto	957
Dec.	8	King, Clay, and Mardis	961
"	10	R. L. Crawford	963
"	14	Enoch Parsons	964
<i>Volume 9.</i>			
1833.			
Feb.	7	Enoch Parsons	591
"	22	Ditto	601
"	23	John Crowell	601
March	14	R. L. Crawford	612
"	16	L. Tarrant	615

Letters from War Department—Continued.

				Page
1833.				
May	2	J. J. Abert	- - - - -	682
"	2	Abert and Parsons	- - - - -	686
"	7	R. L. Crawford	- - - - -	695
"	10	Ditto	- - - - -	696
"	10	Leonard Tarrant	- - - - -	696
"	11	J. D. Westcott	- - - - -	696
"	20	J. J. Abert	- - - - -	701
"	22	Ditto	- - - - -	701
"	25	Ditto	- - - - -	703
June	12	L. Tarrant	- - - - -	715
"	17	J. J. Abert	- - - - -	717
"	22	Ditto	- - - - -	720
"	29	Ditto	- - - - -	726
July	20	L. Tarrant	- - - - -	735
"	24	Ditto	- - - - -	738
Aug.	10	Jeremiah Austill	- - - - -	744
"	26	District Attorney	- - - - -	757
"	26	R. L. Crawford	- - - - -	758
Sept.	16	Ditto	- - - - -	770
"	16	Currey, Abercrombie, and others	- - - - -	770
Oct.	14	Abert and Bright	- - - - -	786
"	15	John Gayle	- - - - -	791
"	19	R. L. Crawford	- - - - -	793
"	22	John Gayle	- - - - -	794
"	29	J. S. McIntosh	- - - - -	807
"	29	J. Austill	- - - - -	808
"	29	District Attorney	- - - - -	808
"	29	D. A. Manning	- - - - -	809
Nov.	2	R. L. Crawford	- - - - -	815
"	7	J. Austill	- - - - -	817
"	16	J. J. Abert	- - - - -	821
"	28	Regulations	- - - - -	832-834
"	28	L. Tarrant	- - - - -	834
Dec.	3	Benson, Martin, and Fitzpatrick	- - - - -	836
"	4	Creek Chiefs	- - - - -	837
"	10	J. J. Abert	- - - - -	839
"	19	Ditto	- - - - -	843
"	19	Ditto	- - - - -	845

DEPARTMENT OF WAR,
Office Indian Affairs, January 12, 1833.

SIR: "By the 13th article of the late treaty with the Creeks, three thousand dollars are allowed for the term of twenty years for teaching their children. That sum was appropriated for the purpose at the last session of Congress, and the Secretary of War is desirous that the money should be expended conformably to the provision of the treaty.

"You will, therefore, have the kindness to procure thirteen Creek boys, and have them sent, soon as possible, to the Choctaw academy, in Kentucky. Let suitable clothing be provided for them, and draw on the Department for that amount, together with the necessary expense of having them conveyed to the academy. You will be pleased to have them put under the charge of some discreet person, that they may be safely conducted there without delay."

The preceding letter was addressed to Colonel Crowell, from the Department, on the 3d ultimo, but no reply has been received from him. Perhaps Colonel Crowell has progressed in the business; of this, you will inform yourself, and then have the goodness to carry into effect the instructions given to him.

With great respect, &c.

ELBERT HERRING.

TO LEONARD TARRANT, Esq.

DEPARTMENT OF WAR,
Office Indian Affairs, June 1, 1833.

SIR: Your letter to the Secretary of War, of the 25th ultimo, has been received.

Upon the representation you have made, the Secretary has decided to allow the sum of three thousand dollars for the purchase of provisions for the Indians who may assemble to meet you. Your drafts upon the Department, to that amount, will be duly honored; but under no circumstances will it be exceeded.

Very respectfully, &c.

ELBERT HERRING.

TO Lieut. Colonel J. J. ABERT,
Columbus, Georgia.

DEPARTMENT OF WAR,
January 4, 1834.

SIR: I have received your letter of the 20th ultimo, and have submitted it to the President.

The instructions heretofore communicated to you, are deemed sufficiently plain to enable you to execute the duty enjoined upon you, under the act of Congress of March 3, 1807. The President has, on full consideration, adopted the only course in his power, consistently with the obligations imposed upon him by the laws and the Creek treaty. The removal of the intruders was directed, but the period of doing this was entrusted to you in consequence of your better knowledge of the circumstances of the coun-

try, and the situation of the Indians and the settlers. You have fixed on the 15th January for that purpose, and the President considers it altogether improper to change the time or the instructions under which you are acting. You will, therefore, proceed in your duty agreeably to the directions you have already received.

You have full power, by law, to remove intruders, but I can give you no instructions in relation to the disposal of their personal property. Of course, you will allow them to take it when they are disposed so to do; and if they leave it, I see no necessity, or even propriety, in your taking possession of it, as your responsibility by such a proceeding will be greatly increased.

The President expects that you should remain with the military detachment until this business is completed, so as to give to the commanding officer, from time to time, such instructions as may be requisite. It is certainly proper, and it is evidently the intention of the law, that the general direction of this matter should be in the hands of a civil officer; but this object will be wholly defeated if the mode you propose were adopted, that of giving to the commanding officer a general requisition to remove intruders. Should circumstances prevent you from being present, or should you require the military to act in more places at the same time, it would be proper for you to appoint a deputy who can execute your duty. He ought to be a man of high character and discretion.

If the keepers of the mail horses, alluded to by you, are living upon such part of the land as is not included in the reservations, you will permit them to remain, as their services are necessary to the transportation of the mail. Should their residence fall within a reservation, and the owner desire their removal, they must of course remove; but they may be allowed to establish themselves in the nearest proper position belonging to the United States.

With respect to your liability in the performance of your duty, all I can say is, that I presume it is the same as it would be in the execution of any other official act. Should you unavoidably incur any responsibility, it would doubtless be met by the United States.

Very respectfully,

Your obedient servant,

LEWIS CASS.

ROBERT L. CRAWFORD, Esq.

Marshal, Southern District of Alabama.

DEPARTMENT OF WAR, *January 31, 1834.*

GENTLEMEN: I have received your letter of the 30th ultimo, and have submitted it to the President.

Under all the circumstances of the case, the President does not consider it expedient to change the instructions heretofore given to you in relation to an arrangement with the Creek Indians, for a sale of their reservations in the State of Alabama.

Very respectfully,

Your obedient servant,

LEWIS CASS.

MESSRS. N. E. BENSON, BENJAMIN FITZPATRICK, and JOHN MARTIN,
Tuckabatchy, Creek Nation, Alabama.

DEPARTMENT OF WAR,
Office Indian Affairs, February 18, 1834.

SIR: Representations have been made to the Department, that the Creek Indians of Alabama are committing depredations in the State of Georgia, accompanied by a request that measures may be taken to prevent their recurrence.

You will make this known to the chiefs and principal men, and you will tell them to warn their people not to go into the State of Georgia, that their conduct has excited an angry feeling towards them, and that if such practice be continued, it will certainly bring down upon them distress and punishment. And you will exert your influence with all of them, that you can see and talk with, to put a stop to conduct so disgraceful and unjust, and which, if persisted in, must inevitably involve them in suffering.

Very respectfully,

Your obedient servant,

ELBERT HERRING.

LEONARD TARRANT, Esq.
Mardisville, Alabama.

DEPARTMENT OF WAR,
Office Indian Affairs, March 18, 1834.

SIR: I have been instructed to reply to your letter of the 3d instant, addressed to the Secretary of War.

The Department is well aware of the wretched condition of the Creek Indians, and that it is daily becoming worse. The expediency of their emigration, as the only mean of benefitting them, and indeed of their preservation, is so apparent, that the earliest measures will be taken for their removal.

The instructions heretofore communicated to you, touching the contracts of the Creeks for the sale of their reservations, must be strictly observed. Payment must be made to the Indian owner in the presence of the certifying agent; and no transfer or assignment will be sanctioned by the Government previously to the President's approval. After that shall have been obtained, the supervisory power of the Government will cease, and the purchaser and subsequent parties may assign and dispose of them at pleasure.

The firm of which you speak has equal right with any other to purchase reservations. There is no preference of person. The only requisite is a strict compliance with the prescribed terms. The Government has done its utmost to protect the Creeks from fraud and imposition in the sale of their lands. And if our citizens have, notwithstanding all its precautions, deceived and defrauded them, and you can by any measures consistent with the instructions that have been given to you, prevent the success of their vile artifices, you are at liberty to adopt them.

In relation to the old Indian chief, whose case you have mentioned, I would observe that in the execution of the late Creek Treaty, full notice was given to all concerned of the proceedings that were necessary, and that have taken place, and that if error or injustice has been done in his and similar cases, Congress alone can give relief.

In the enclosed contract between Cusetaw, Fixico, and Thomas Taylor, the date has been omitted. Be pleased to correct the error and return the

paper to this office. It is to be regretted that there are no funds applicable to the payment of your draft. An estimate has been sent to Congress, and so soon as an appropriation is made you shall be advised.

Very respectfully,

Your obedient servant,

ELBERT HERRING.

DOCTOR ROBERT W. McHENRY,
West Point, Troup County, Georgia.

DEPARTMENT OF WAR,
Office Indian Affairs, March 18, 1834.

SIR: In reply to a letter from Mr. Tarrant, addressed to the Secretary of War, asking whether purchasers of Creek reservations will be permitted to transfer their certificates or contracts, he has been informed that he must be governed by the instructions heretofore given to him. That payment in all cases must be made to the Indian in the presence of the certifying agent, and that no transfer or assignment will be sanctioned by the Government, previously to the President's approval of the contract. After that shall have been given, the supervisory power of the Government will cease, and the parties may then assign and dispose of them at pleasure.

Very respectfully,

Your obedient servant,

ELBERT HERRING.

JAMES BRIGHT, Esq, *Mardisville, Ala.*

Same to Gen. J. W. A. SANDFORD,
Columbus, Georgia.

DEPARTMENT OF WAR,
Office Indian Affairs, March 19, 1834.

SIR: Your letter of the 28th ultimo, to the Secretary of War has been received, and I am instructed to reply to its contents.

The Department approves of your proceedings in relation to the eighty-three contracts, to the fairness of which you have certified.

From the rapidity with which the locations were made, the ignorance of the Indians, and the utter carelessness of many of them in taking care of their rights, and availing themselves of their privileges, mistakes were unavoidable. So far as the power of the Department extends those mistakes will be rectified.

The locating agents were perfectly justifiable in refusing reservations to those who were not entitled to them, although their names were contained in the census roll. But in all these cases, the names of the parties and all the facts concerning their claims, with the reasons for rejecting them, must be reported to the Department for its final decision.

With respect to those who are entitled to reservations under the treaty, but whose names are not to be found in the census roll, you will also forward a report to the Department of their names, and all the facts connected with their claims, for its determination.

It is deemed inexpedient to dispose at present of locations set apart for

the orphan children. If a different determination shall be shortly made on this subject, it will be made known to you.

Very respectfully,

Your obedient servant,

ELBERT HERRING.

JAMES BRIGHT, Esq. *Morrisville, Ala.*

DEPARTMENT OF WAR,
Office Indian Affairs, April 3, 1834.

SIR: I have the honor, on behalf of the Secretary of War, to acknowledge the receipt of your letter of 12th ultimo, in relation to the contracts of the Creeks on the sale of their lands.

The Department, apprehensive that attempts would be made by designing men to defraud the Indians, adopted all proper precautions to prevent impositions upon them, and to protect their rights. All that could be done for them, by a faithful and vigilant guardian, has been done by the Department in the establishment of regulations touching this business, and its subsequent instructions to its agents.

The Secretary of War feels assured of your zealous and faithful co-operation in the detection and prevention of fraud, and reposing the fullest confidence in your integrity and discretion, he instructs me to say that you are at liberty to adopt any lawful measures, not inconsistent with the instructions already given to you, and which you may think will shield the Indians from imposition.

Very respectfully,

Your obedient servant,

ELBERT HERRING.

R. W. MCHENRY, Esq.

Troup county, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, April 3, 1834.

SIR: I have the honor to acknowledge the receipt of your letter of 15th ultimo, in relation to Creek contracts, and to assure you on behalf of the Secretary of War, that your proceedings in that business have been entirely satisfactory, and have received his cordial approbation.

It was readily foreseen that attempts might be made by unprincipled men to defraud the Indians, and it was the object of the Department to provide a remedy. All proper, and I was going to say, all conceivable and possible precautions were adopted to protect them from fraud. The Government has done its duty, and shielded them from wrong to the utmost of its power. It now devolves upon its executive officers to do the rest. It relies with confidence upon your fidelity and zeal to detect and prevent fraud; and, in accomplishing this, you are at liberty to adopt any legal measures, not inconsistent with the instructions that have been already communicated to you on this subject.

In relation to the twenty sections of land set apart for the orphans, I am instructed to say, that at present they will not be disposed of; but, when it

shall be determined to dispose of them, due notice of the sale will be given in the most public manner.

Your views appear to be equitable and correct in making other locations for those Indians who have been provided with reservations of little or no value. You will, however, in those cases, furnish the Department with a sketch of the original and substituted locations, and such a description of the premises as will enable it to act understandingly, and to render justice.

Very respectfully,

Your obedient servant,

ELBERT HERRING.

JAMES BRIGHT, Esq.

Jacksonville, Benton county, Ala.

DEPARTMENT OF WAR,

Office Indian Affairs, May 28, 1834.

SIR: I have received the thirty-four Creek contracts, with your letter of the 2d instant. None of the contracts forwarded by you have been approved by the President, and will not be until your original rolls of location are received. I have to request again that they may be forwarded without unnecessary delay.

Very respectfully,

Your obedient servant,

ELBERT HERRING.

LEONARD TARRANT, Esq.

Mardisville, Alabama.

DEPARTMENT OF WAR,

Office Indian Affairs, June 12, 1834.

SIR: The Department cannot sanction your taking office fees for extra services and paper furnished, &c. Whatever pertains to your official duty you will of course perform without any other compensation than is allowed to you by the Government. If you should render services not contemplated or required under your appointment, render them gratuitously. You will otherwise subject yourself to harsh imputations, and the Department, by countenancing the charge, would share the odium.

Very respectfully, &c.

ELBERT HERRING.

To Dr. R. W. McHENRY,

West Point, Georgia.

DEPARTMENT OF WAR,

Office Indian Affairs, June 16, 1834.

SIR: It has been intimated to the Department that you are in the habit of taking office fees for extra services in the performance of duties pertaining to your office as certifying agent. Permit me to say that such practice cannot be sanctioned by the Department.

Very respectfully, &c.

ELBERT HERRING.

To LEONARD TARRANT, Esq.

Mardisville, Alabama.

DEPARTMENT OF WAR, *June 19, 1834.*

SIR: I have received and submitted to the President your letter of the 7th inst. I regret exceedingly to learn that there are any causes of complaint arising in consequence of the Creek Indians passing from Alabama into Georgia. Instructions have been given to the agent (Mr. Tarrant), having those Indians in charge, to remonstrate with them against such a procedure, and to insist upon their immediate return. He has been directed to state to them the fatal consequences which must result from this course, and from the difficulties which must occur between them and the citizens of Georgia. And he has been instructed to use all the influence in his power to cause those who have removed to withdraw, and to prevent the practice hereafter. It is not seen that any other measure, under existing circumstances, can be adopted. I fully appreciate the difficulties stated by your excellency, and join you in opinion that the ultimate remedy is to be found in the entire and immediate removal of all the Indians in that part of the country.

Very respectfully, &c.

LEWIS CASS.

To his Excellency WILSON LUMPKIN,
Governor of Georgia, Milledgeville.

DEPARTMENT OF WAR, *June 19, 1834.*

SIR: Information has been received from the Governor of Georgia, that many of the Creek Indians have passed from Alabama into that State, and have committed injuries against the inhabitants which must necessarily lead to great difficulties.

You are desired to see the principal influential men of the Creeks, and state to them the absolute necessity of withdrawing their people from Georgia, and preventing any more from going into the limits of that State. Inform them that collisions with the white people will certainly be the consequence, and the punishment of the Creeks will necessarily follow. You will use all your exertions to effect this object, which is considered by the Department as very important.

Very respectfully, &c.

LEWIS CASS.

To LEONARD TARRANT, Esq.
Mardisville, Alabama.

DEPARTMENT OF WAR, *June 28, 1834.*

SIR: I have received your letter of the 11th inst. on the subject of the reported frauds in the Creek reservations. All confirmations will be postponed until your report is received. The President is very desirous that all the facts should be collected, which will enable him to form a correct judgment on this matter, and to check any impositions that may be attempted. I will thank you, therefore, to collect and communicate all the information within your reach. I shall be happy at all times to receive your suggestions, and I will let you know, without delay, my impressions respecting them. While it is very desirable to interpose proper securities

against every attempt at fraud, there are still certain rights guarantied by treaty to the Creeks which cannot be violated. Under certain circumstances they are the owners of the reservations and have a right to convey them, without any other restriction than those imposed in conformity with the treaty. You suggest that an agent be appointed by the Government with the assent of the reserves, to value their reservations.

The present system requires this duty to be performed in all cases by the approving agent. He is to ascertain before he approves a contract, the value of a reservation, and is forbidden to certify any for which the value is not paid or secured.

You also propose that the Government should take the subject into its own hands, and purchase and dispose of the reservations. This is a matter which can only be done by legislative authority. A *projet* embracing this object was submitted by the Department to the Committee on Indian Affairs, but I believe it has not yet been acted upon.

There are likewise the same objections to an Executive regulation which shall require the purchase money to be paid to the Indians after their removal. This, no doubt, would be best for them. But there is no authority in the treaty to carry such a plan into effect. The President may direct the manner of the conveyance, but the owner of the reservation has a right to receive the consideration money where the property is conveyed. And improvident as he may be in the disposition of the money, I still see no remedy which the Government can apply.

Very respectfully,

LEWIS CASS.

To R. J. MEIGS, Esq.
Cherokee Agency.

DEPARTMENT OF WAR,
Office Indian Affairs, June 30, 1834.

SIR: On behalf of the Secretary of War, I have the honor to acknowledge the receipt of your letter of the 11th inst. stating your conviction that many impositions have been practised on the Government and its agents, in the valuation of the Cherokee improvements, and recommending the suspension of payments to emigrants, until you shall have taken all the evidence in relation to the valuation, and shall have made the proper corrections.

Agreeably to your recommendation, payments on the valuation of those improvements will be suspended until the reception of your report. And I will thank you to state in your report, all the information that you have collected, or may collect in the various cases, tending to show that there has been any imposition or impropriety.

Very respectfully, &c.

ELBERT HERRING.

To R. J. MEIGS, Esq.
Calhoun, Tennessee.

DEPARTMENT OF WAR,
Office Indian Affairs, July 28, 1834.

SIR: I have received your letter of the 8th inst. So much of it as relates to the reservation from sale of the 13th township, will be acted upon, when the views of the Treasury Department are ascertained.

Contracts for sale of lands, by one Indian with another, not being prohibited by the treaty, and having been in several instances approved by the President, will continue to be transmitted for his consideration.

In regard to the assigning of reservations to persons whose names are not upon the census roll, I beg leave to observe that this was never intended. The errors, which Col. Abert and yourself were instructed to correct, were errors of excess, which it had been represented existed in great numbers. The "full authority" given to you, must be considered as having reference to this class of errors only. This construction, which seems the natural one, is confirmed by Col. Abert's recollection of his conversation with the Secretary of War, who is now absent. It is also in conformity with the decision of the President upon reservations granted by the Choctaw treaty of 27th September, 1830, that none shall be assigned to persons whose names are not upon the register, returned by the agent. You will not locate tracts for any persons whose names are not upon the census list.

As many applications may however be hereafter made to Congress for relief of this class of Indians, it is desirable that you should keep a separate roll, exhibiting the names of the townships and of the claimants, the sex and number in family, and transmit this roll, with explanatory remarks, to this office. But you will do this only where it will not interrupt nor conflict with your other duties. I do not see with what propriety a report, that has been handed in and partially acted upon, can be withdrawn by an agent, to be corrected. The proper course seems to be, for the agent to designate the cases in which he thinks he has been led into errors, and to communicate the reasons upon which this opinion is founded. All the circumstances will then be before this Department for its consideration and action. The parties who may have acted under the knowledge that their locations had been reported, are obviously entitled to all the benefit of that report, and of the grounds upon which it was made.

I am, &c.

W. WARD,
For ELBERT HERRING.

To JAMES BRIGHT, Esq.
Mardisville, Alabama.

DEPARTMENT OF WAR,
Office Indian Affairs, June 24, 1834.

SIR: A letter was received in March last, addressed to the Secretary of War, by Yohola Micco and Tackey Micco, Creek chiefs of Ufala town, stating that certain individuals of their town, entitled to reservations, were not enrolled by Major Parsons when he took the census, and asking the Department to make provision for them.

You will please to inform those chiefs, that the Secretary of War, would much regret that any of their people, rightfully entitled to reservations,

should lose them by their own neglect. That the Government took proper measures to secure the rights of all; that due notice was given to them that a census of those entitled would be taken, and appointed a faithful officer to take it; that it was not done carelessly, nor in a hurry, but with deliberation and on ample notice; and that the census roll has been sent to this office. That if the names of any of their people, entitled to reservations, are not to be found in the census roll, the Department has no authority to supply the omissions, but that they must apply to Congress, who alone has that power; and that, in all probability, if they can prove their right, their application will be successful, and secure that which was endangered by their own negligence. And you will also aid them so far as you can, in establishing the claims of such as are entitled.

Very respectfully, &c.

ELBERT HERRING.

To LEONARD TARRANT, Esq.
Mardisville, Alabama.

DEPARTMENT OF WAR,
Office Indian Affairs, August 7, 1834.

SIR: In answer to your letter of the 18th ult. I would beg leave to refer you to mine of the 16th of June last. It is full upon the subject, and states the reason forbidding the charge, said to have been made by you, for office acts.

If you furnish to the parties, what you are not officially bound to do, and what they are not obligated to take, a different case arises from that heretofore presented. It is not necessary, under what has been before said, to enlarge on this subject, nor to give any other rule than that already communicated.

Very respectfully, &c.

ELBERT HERRING.

To LEONARD TARRANT, Esq.
Mardisville, Alabama.

DEPARTMENT OF WAR,
Office Indian Affairs, August 9, 1834.

FRIENDS: I have been instructed by the Secretary of War to answer your letter of the 19th ult., respecting locations of land made for some of the Creek Indians.

It was the intention of the Government to have the late treaty executed, not only with good faith, but with a spirit of liberality towards your people. Corresponding instructions were accordingly given to the different officers entrusted with its execution, and it is believed that the orders of the Government have been complied with. In carrying into effect a treaty of such magnitude, where so much was to be done, and the interests of so many were concerned, it was easy to foresee that in some instances dissatisfaction would arise; it would spring from partial and erroneous judgment of the individuals interested; from undue zeal in their friends, and the mercenary views of speculators. It would take place from various causes, and was

inevitable. The instructions which were from time to time given to the different agents, were intended to obviate difficulties, and to leave, if possible, no good ground of complaint.

Since receiving your letter, I have conversed with Col. Abert, one of the locating agents, and he assured me that, in making the locations for the Tuckabatchee chiefs, the utmost liberality was extended to them.

Under these circumstances, it could not have been expected that complaints would have proceeded from such a source. The Department regrets that dissatisfaction exists among any of your people; but having done all in its power to prevent wrong, and confiding in the representation of Col. Abert, that the locations were made so as to render justice to the claims of all, it is thought to be unadvisable to reverse the proceedings in the cases complained of.

It may be proper to observe, that an order has been already given to the locating agents, to show the Indians their lands, or what is the same thing, to give them, on their application, a certificate containing such a description of their locations, that they can in all cases be known. The same information will also be given by the certifying agents.

Very respectfully, &c.

ELBERT HERRING.

To TUSKENAHAW, OPOTHLE, YOHOLO, and others,
Chiefs of the Upper Creeks, Polecat Springs, Alabama.

DEPARTMENT OF WAR,
Office Indian Affairs, August 11, 1834.

SIR: I have received your letter of the 24th ult., and beg leave to remark in reply, that it is considered of importance that the boys should be sent to the Choctaw academy as early as possible. You will be pleased, therefore, to collect and send them on with as little delay as your other duties will permit.

Very respectfully,

ELBERT HERRING.

To LEONARD TARRANT, Esq.
Mardisville, Alabama.

Circular to Agents for certifying contracts under Creek treaty, March 1832.

DEPARTMENT OF WAR,
Office Indian Affairs, August 14, 1834.

SIR: Col. Meigs has transmitted to this Department a copy of additional regulations, drafted by him for the government of yourself and other agents, for certifying Creek contracts.

I am directed by the acting Secretary of War to inform you, that until you are advised that these regulations have been sanctioned by the Execu-

tive, you will continue to conform your proceedings to the regulations that have already been approved by the President.

I am, &c.

W. WARD,
For ELBERT HERRING.

To Gen. J. W. A. SANFORD, *Columbus, Georgia.*

Doct. R. W. MCHENRY, *West Point, Troup county, Ga.*

LEONARD TARRANT, Esq. *Mardisville, Alabama.*

JAMES BRIGHT, Esq. *Mardisville, Alabama.*

DEPARTMENT OF WAR,
Office Indian Affairs, August 14, 1834.

SIR: Your communication of the 2d inst. with the enclosed copy of your letters to Gen. Sanford, has been referred to this office.

I am instructed by the acting Secretary of War to inform you, that the regulations you have prescribed to the certifying agents, will be respectfully considered here, as suggestions made by you, in conformity with the letter of the Secretary of War of the 11th April last. But until the decision of the Department is communicated to you and them, the agents will continue to act under the regulations that have been approved by the department.

I am also directed to remind you, that your original instructions gave you no authority to prescribe new regulations provisionally, but directed you "to make such suggestions, as may occur to you, for the correction of future evils."

I am, &c.

W. WARD,
For ELBERT HERRING.

Col. R. J. MEIGS,

Columbus, Georgia.

DEPARTMENT OF WAR, *October 31, 1834.*

SIR: I have received and submitted to the President your letter of September 3d. I have been prevented doing so at an earlier date, in consequence of severe indisposition. Having referred your letter to Colonel Abert for his views of the subjects embraced in it, he has presented a report which I herewith transmit. In order to carry into effect the provisions of the Creek treaty, certain regulations were adopted, and officers appointed. The business of ascertaining the number of the Indians, of making the locations, and of examining and certifying the sales, have been performed by the officers thus selected, in conformity with the regulations. It was originally apparent to this Department, and experience has since confirmed the belief, that to prevent all frauds and impositions would be morally impossible. All that could be done would be, by a wise system of administration, to circumscribe such proceedings within the narrowest limits. Our citizens are disposed to buy, and the Indians to sell, and the latter have by the treaty the right to dispose of their reservations. The Government can prescribe the amount of the consideration money, and in fact have done so by

prohibiting the sale of lands for a less sum than, in the opinion of the certifying agents, they are worth. And they can also take care that the Indians in all cases receive this consideration. But the subsequent disposition which shall be made of these payments seems to be utterly beyond the reach of the Government. And, if I recollect right, in a former communication this difficulty was felt by you. The improvident habits of the Indians cannot be controlled by regulations. After the money is paid to them and the conveyance approved, the contract is completed. However desirable it is that they should use the money discreetly, still that is an affair for themselves to determine. If they employ it profitably, it is fortunate for them, and certainly will be agreeable to the Government. If they waste it, as waste it they too often will, it is deeply to be regretted, yet still it is only exercising a right conferred upon them by the treaty. If any instances of individual fraud, permitting the interference of the Government, can be pointed out, they shall be investigated; and if requiring and admitting correction, they shall be corrected. The proposition to institute a general supervision, and to revise all the proceedings that have taken place, appears to me to be beyond the authority of the Executive, and in fact dangerous in its application. The officers appointed have acted, and the regulations have been complied with, and under the faith of these proceedings a vast mass of property has changed hands. Certainly before any step is taken to impugn these contracts, specific allegations should be brought forward, and the right of the Executive to interfere established. Apart from particular cases of frauds, if such exist, I know of no reason to suppose that a second process of examination would be more correct than the first, or that the persons appointed to conduct it would be more able or more faithful; and the same reasons which are now presented for a re-investigation, might be again brought forward for another, and the stipulations of the treaty thus rendered inoperative for an indefinite period of time. These are the views entertained by the President, and I am instructed to communicate them to you.

Very respectfully, &c.

LEWIS CASS.

RETURN J. MEIGS, Esq.

Mardisville, Alabama.

DEPARTMENT OF WAR,
Office Indian Affairs, Nov. 10, 1834.

SIR: Your letter of the 23d of October has been duly received. This letter presented the singular case of two agents acting upon the same contract. The Department cannot conceive how such a case could occur, without a want of proper order of business.

No agent should have the rolls of names and locations, to guide him in examining contracts presented to him, which have been made by another; and if each agent confines his duty entirely to the rolls in his own possession, such a case as that you present could not occur.

If convenience makes it advantageous for an agent to send part of a roll to another, he should then consider the sales of the tracts assigned to the names on that part as beyond his control.

Your letter justifies the inference that Judge Tarrant decided upon a case when the Indian was not present. Such a course is entirely at va-

riance with the regulations, and must lead to irregularities. How can the agent fulfil the regulations for sales unless the Indian be present?

If, from any disability, the Indian named in the contract cannot be present at the agent's office, the agent must visit him, or depute some confidential person to visit him, for the purposes of explaining the contract and witnessing the payment, in which cases this fact must be stated by the agent upon the contract.

The right of deciding who has a preference in a purchase, belongs to the certifying agents in the first instance. It is theirs to decide and to certify to the contract accordingly. It would, however, be proper, in all disputed cases, to transmit with the contract a special report, embracing the grounds of their decisions.

You will please to communicate to Judge Tarrant as much of this letter as refers to the general action of the certifying agents, and believe me to be,

Very respectfully, &c.

ELBERT HERRING.

To Col. JAMES BRIGHT,
Mardisville, Alabama.

P. S. Your decision in the case of the sale to Gilchrist, by the Indian Mautallesy, will be respected by this Department.

DEPARTMENT OF WAR, *Nov. 13, 1834.*

SIR: I received your letter of the 28th October, on the subject of further proceedings in relation to the Creek Indians, and have submitted it to the President.

On mature consideration, the President has determined that alleged omissions in the census, and consequently in the locations, can be corrected by Congress. Any Executive regulation, therefore, on the subject, is out of the question, and the proposition to appoint a commission without some legislative interference, cannot be acceded to.

There is a difficulty which has also suggested itself to you, in the adoption of the proposition to stop the certifying of contracts, and consequently the conveyance of the reservations. As the treaty gives to the Indians the right of conveyance, with the approbation of the President, it became necessary to prescribe the mode in which that approbation should be given. And it seems to be the duty of the Executive to provide the means by which the proper facts should be ascertained. If this be not done, the Indians lose the benefit of this stipulation in their favor, and the treaty so far becomes inoperative. It is, therefore, the opinion of the President that he cannot suspend the right of the Indians to sell their lands, nor the means by which that right shall be carried into effect.

You suggest, also, as one of the remedies for the existing evils, that the reservations of the Indians should be purchased by the United States, and you point out the mode in which this may best be done. This subject belongs exclusively to Congress. At the last session it was before the House of Representatives, and in conformity with a requisition from the Committee of Indian Affairs, a report in favor of the proposition was made by this Department. A copy of this report I enclose to you. The House not having thought proper to act on the subject, nothing more respecting it can be done by the Executive.

If individual instances of fraud upon the Indians, which it is in the power of this Department to correct, are from time to time pointed out, they will be immediately attended to, and the proper remedy applied. The sub-agent, Mr. Tarrant, will be directed to receive and forward all such applications to this Department.

In the several reports received from you, I am satisfied of your anxious desire to do justice to the Indians and the United States, and to secure the former from the oppressions and frauds to which they are exposed. It is exceedingly difficult to draw a practical line between their right to act for themselves, under the treaty, and the arts of designing men, who are desirous of dealing with them. This Department has established such general regulations, for the management of affairs under this treaty, as seem most conducive towards effecting its objects. I fear, with you, that many frauds have been committed, and I appreciate with you the difficulty of detecting or preventing them. I am directed by the President to thank you for the zealous and faithful services you have rendered in this affair, and to inform you that, as no farther authority can be given, it seems proper to bring your labors to a close. You will, therefore, be pleased, as soon after the receipt of this letter as convenient, to report finally on such subjects as occurs to you, and to terminate your duties among the Creeks.

Very respectfully,

LEWIS CASS.

R. J. MEIGS, Esq.

Mardisville, Alabama.

DEPARTMENT OF WAR,
Office Indian Affairs, December 2, 1834.

SIR: In a recent communication to the Department, Mr. Meigs observes, that "in Dr. McHenry's office, if a person who procures a (reservee's) signature, enters his name on the books as a purchaser, the Indian is not permitted to sell to any other, nor are others permitted to bid."

It will be readily seen, that the signature of an Indian, to a paper purporting to be a contract, can in various ways be unfairly obtained, and that to shut out competition or adverse bidding by virtue of such signature, may prevent his receiving that full consideration for his land, which he might otherwise be able to realize.

The Department is altogether unwilling to credit the report of the alleged practice, and thinks it must have originated in mistake, inasmuch as it would have been in violation of its regulations for certifying contracts under the Creek treaty, which were sent to you for your guidance in this matter.

Will you be pleased to inform the Department whether your practice has been as above represented. If, contrary to expectation, such practice has received your sanction, you will discontinue it and not acknowledge the validity of the contract, without examining into the circumstances and ascertaining its fairness, both as to the manner of obtaining it, and the value of the consideration.

Very respectfully,

Your obedient servant,

ELBERT HERRING.

To Dr. ROBERT W. McHENRY,
West Point, Troup Co. Georgia.

WAR DEPARTMENT, *December 26, 1834.*

SIR: I have had the honor to receive your letter of the 23d instant, and in answer beg leave to inform you that the President, on mature consideration, has declined all interference in cases where Indians have died, leaving claims to reservations under the Creek treaty of March, 1832.

The treaty itself fixes only the interests of persons while living. The disposition which these interests shall take in the event of the decease of these persons, is a question independent of the treaty.

It cannot depend upon Indian customs, for these, so far as they had any binding force, were annulled by the authority of the State of Alabama, when her laws were extended over them.

Whether, therefore, any legislation be necessary, and if so, whether it should be by Congress or the State Legislature, or whether the laws of Alabama regulating the descent of estates provide for the disposition of their interests, are questions which seem more proper for the decision of the judicial tribunals, than for that of the Executive.

Very respectfully, &c.

LEWIS CASS.

HON. SAMUEL W. MARDIS,
House of Representatives.

DEPARTMENT OF WAR,
Office Indian Affairs, February 3, 1835.

SIR: The Executive of Georgia has represented to this Department, that the Creek Indians have renewed the violences, which you were long since instructed to require the chiefs to restrain. The President directs that you communicate to the chiefs his decided disapproval of these proceedings, and his expectation that they will take instant and strong measures to prevent a continuance or repetition of them. This conduct of their people cannot fail to involve them in serious and pressing difficulties, and the chiefs should exert themselves effectually to check it.

Very respectfully,

I am, &c.

ELBERT HERRING.

TO LEONARD TARRANT, Esq.
Mardisville, Alabama.

DEPARTMENT OF WAR,
Office Indian Affairs, February 11, 1835.

SIR: In consequence of recent disturbances in Georgia, arising from mal conduct of the Creek Indians, two companies of United States troops will be ordered to Columbus in that State, to assist the civil authority in preserving the peace, and preventing the recurrence of causes leading to disorder and violence.

You will exert yourself to give this information speedily to all the Indians, and to restrain them from the commission of acts, that will assuredly subject them to punishment. I beg you to spare no pains in pointing out to them the extreme impropriety of taking the property of the white peo-

ple, and the absolute necessity of desisting from that practice. Impress upon their minds, that such depredations cannot remain undetected, and will certainly be followed with suffering on their part.

The Government disclaims all right of exercising power over the Indians in any State that has extended its jurisdiction over the Indian country within its territorial limits; but will order its troops to assist the civil authority of the State for the preservation of order and the prevention of lawless acts.

The military will act for the above purposes, under instructions from the Executive of Georgia.

Very respectfully, &c.

ELBERT HERRING.

To LEONARD TARRANT, Esq.
Mardisville, Alabama.

DEPARTMENT OF WAR,
February 11, 1835.

SIR: I have had the honor to receive your letter of the 31st ult.

The President yet maintains the opinion before expressed to your excellency that he has no power over the Indians living within those States which have extended their jurisdiction over them. But he is still desirous of affording every protection to the citizens of Georgia which is constitutionally within his power, and more particularly as the conduct of the Creek Indians, agreeably to the document transmitted by our excellency, appears to have been of a most wanton and outrageous character. Orders have, therefore, been given to the commanding officer of the two companies of United States troops in the Cherokee nation to proceed to Columbus, in Georgia, there to receive and carry into effect any instructions you may be pleased to give for the support of the civil authority, and for the purpose of enabling the proper officers of the State to prevent these depredations, and to secure the offenders. The commanding officer will be directed to report himself to your excellency immediately on his arrival at Columbus. But, in order to save time, I would suggest the propriety of instructions being ready at that place to meet him. The sub-agent among the Creeks will be informed of this course, and directed to communicate it to the Indians; and also to enjoin upon the absolute necessity of refraining from such conduct.

Very respectfully,

I am, sir, your obedient servant,

LEWIS CASS.

To his Excellency WILSON LUMPKIN,
Governor of Georgia.

DEPARTMENT OF WAR,
Office Indian Affairs, February 23, 1835.

SIR: I have the honor to acknowledge your several letters of the 6th, 7th, and 8th instant, and, in reply, to enclose to you a copy of a report from Colonel Abert, to whom your letters were referred.

Judge Tarrant will be written to on the subject to-day. But the course for such investigations generally, as recommended by Colonel Abert, is approved.

Very respectfully, &c.

ELBERT HERRING.

W. P. CHILTON, Esq.
Mardisville, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, February 23, 1835.

SIR: I enclose to you a copy of a letter from W. P. Chilton, Esq. together with a report upon the same from Colonel Abert. You will please investigate the matter, and inform this office of the result as soon as practicable.

Very respectfully, &c.

ELBERT HERRING.

To LEONARD TARRANT, Esq.
Mardisville, Alabama.

Extract of a letter from Elbert Herring, Commissioner of Indian Affairs, to Doctor R. W. McHenry, at West Point, Troup county, Georgia, dated March 7, 1835.

"I have received your letter of the 12th ultimo, with the four packages of contracts therein mentioned, and I am instructed to say that the opinion of the Department, expressed in my letter of the 8th of January last, remains unchanged. It is confidently believed that one week in each month will be found to be sufficient for the discharge of your duties as certifying agent, on public notice being given to that effect."

DEPARTMENT OF WAR,
Office Indian Affairs, April 1, 1835.

SIR: The herewith enclosed copy of a petition from the chiefs of the Creek nation to the Secretary of War, is transmitted for your information, and to excite your utmost vigilance in preventing the species of fraud therein mentioned.

Withhold, until you can make satisfactory investigation, all contracts where you have the least suspicion of unfairness. The great difficulty of identifying the Indian reserves imposes the necessity of extreme caution and thorough scrutiny.

Very respectfully, &c.

ELBERT HERRING.

To LEONARD TARRANT, Esq.
Mardisville, Alabama.

DEPARTMENT OF WAR,
Office Indian Affairs, April 7, 1835.

SIR: I have received your letter of the 24th ultimo, enclosing one to yourself from the Creek chiefs, and also a copy of a letter from them to Doctor McHenry, in relation to frauds alleged to have been committed on many of their people by personation.

It is matter not only of regret, but of deep reproach, that any of our citizens should have stooped to such base artifices. It is impossible to suggest additional precaution to what has been already communicated. Extreme carefulness and the most eagle-eyed scrutiny must be exercised on the part of the certifying agents to prevent such frauds, and it is, therefore, prudent to withhold the contracts for a considerable time, and to give all practicable publicity to sales, that impostors may be detected and defeated.

Very respectfully, &c.

ELBERT HERRING.

LEONARD TARRANT, Esq.
Mardisville, Alabama.

DEPARTMENT OF WAR,
Office Indian Affairs, April 11, 1835.

SIR: I have had the honor to receive your letter of the 27th ultimo to the Secretary of War, stating that frauds have been practised upon the Indians by speculators in their lands.

It is to be regretted that unprincipled men are to be found who will impose on the poor and ignorant Indian. Every measure of precaution that seemed to be required has been adopted by the Department, and it is hoped, that, by the vigilant attention of the agents of the Government, cause of complaint will, in a short time, cease to exist.

As the best answer to your inquiry respecting the rights of the heirs of the deceased Indians, I enclose a copy of a letter addressed to the honorable Mr. Mardis of your State, by the Secretary of War, on the 26th December last.

Very respectfully,

D. KURTZ, *Act. Commis.*

To Judge J. P. CLOUGH,
Polecat, Alabama.

DEPARTMENT OF WAR,
Office Indian Affairs, April 16, 1835.

SIR: Nothing further as precaution against fraud in relation to Creek contracts can be suggested in relation to what has been heretofore mentioned.

It is to be hoped that there is among the Creek Indians an increasing anxiety to remove and seek an asylum in the West. It is not probable that the Department will pay their annuity on this side of the Mississippi river after the present year.

Very respectfully,

ELBERT HERRING.

Dr. R. W. McHENRY,
Columbus, Georgia.

DEPARTMENT OF WAR, *April 23, 1835.*

SIR: Your letter of the 16th instant to the President of the United States has been referred to this Department.

Previously to its receipt it had been intimated that extensive frauds had been recently committed in procuring Indian contracts in the Creek nation.

The approval of the President to the contracts on hand had been all suspended, and no more will be approved until the whole matter shall be investigated. Instructions to that effect have already been given, and no effort in the power of this Department will be spared to detect and prevent frauds in relation to the sales of Indian reservations.

Very respectfully,
Your obedient servant,

LEW. CASS.

HON. JOHN P. KING,
Augusta, Georgia.

DEPARTMENT OF WAR, *April 28, 1835.*

SIR: Herewith you will receive copies of certain papers which have been transmitted to this Department, stating the existence of gross frauds in the pretended purchase of their reservations from the Creek Indians. These statements, if correct, certainly exhibit a state of things requiring immediate correction. The frauds appear to consist in the personation by one Indian of another, in the amount and payment of the purchase money, and in the corrupt practices of at least of one justice of the peace, in the attestation of blank papers, which the parties have in their power to fill up. Under the present circumstances you will suspend the certifying of all contracts until you receive directions to renew it from this Department, and you will give public notice of this instruction. None of the contracts now before the President will be approved until the necessary investigations are made to ascertain their fairness. They will be retained here, and abstracts of them, containing the necessary facts, will be transmitted to you as soon as they can be prepared. When these abstracts are received you will publicly notify the parties of the suspensions and investigations which have been ordered. Those contracts which you may have certified, and not forwarded, you will retain for subsequent disposition. If there are any of those which the President has approved yet in your possession, you will not deliver them to the parties without further instructions.

It is the object of the Department to provide against the recurrence of these evils, if it be possible, and I have to call upon you to make such suggestions as may occur to you, of a practical nature, best calculated to produce this effect. It is to be hoped that the conduct attributed to the justice of the peace, of certifying blank papers, cannot prevail much among the public officers in that part of the State. It is possible, however, that it may be more extensive than I suppose, and I have therefore to request your opinion whether it would be expedient to restrict the authority of certifying such papers to a less numerous class of magistrates than justices of the peace; say to judges of the State courts. I am unwilling to give such directions in the first instance, because I do not know the inconveniences to which it may lead.

With respect to the personification of one Indian by another, some remedy

seems absolutely necessary. I am aware of the difficulty which you may experience in establishing the identity of an Indian presenting before you, as I perceive that false witnesses may be easily procured. It occurs to me, that if you were to receive and certify contracts only at stated places in the various Indian towns, and upon particular days, to be fixed beforehand, when and where the Indians would assemble; and if all contracts were declared in the presence of those thus convened together, an entire check would be put to this fraudulent practice. It is hardly to be presumed that an Indian would present himself before a whole community, perfectly acquainted with him, and claim to be a different person, and enter into a contract to convey away that person's land. And certainly, if such an attempt was made, it is not possible but what some of those around would state the true circumstances, and thus prevent the fraud.

You will please communicate your views respecting this suggestion, stating particularly the places where you may think it proper to meet the Indians. I do not suppose that it would be by any means necessary to visit every town, but only such places within each given district, as may be convenient for the proper assemblage of the Indians. The time might be fixed at each place in succession, depending upon the probable amount of business to be done. This Department would of course expect, were this plan adopted; to allow, in addition to your present compensation, your necessary travelling expenses.

Is it possible to devise any better plan than that provided by the existing regulations, for the payment and security to each Indian of the fair amount of the purchase money he ought to receive? If it can, any practical suggestions you make, and which may appear reasonable, will be immediately adopted. You have already had so much experience in this matter, that you cannot fail to have discovered the evils to which the Indians are exposed, and probably the best means of obviating them.

If the statements which have been made to this Department are correct, a large proportion of the contracts which have been formed since the middle of last February, are fraudulent. Without determining this fact, and thereby prejudging the rights of individuals, there is certainly good reason for suspecting the whole, and therefore for instituting the proper investigations. How is this best to be done? Shall all the contracts be declared void on the ground of fraud, and the parties be required, in every case, to exhibit proofs before you, or can a sufficient security against those fraudulent transactions which have taken place, be interposed by any investigation which you can make into such cases, as you have reason to believe, or as may be represented to be fraudulent. In one case the presumption of fraud; applying to all, every grantee would be required to exhibit his proofs *de novo*. In the other, the investigation proceeding from the Government, would apply only to such cases as were presumed to require it.

Your ideas upon this subject are requested. In conducting these investigations, the same plan, it appears to me, would be the most efficient in detecting frauds, which is suggested above for the prevention of it in future, and that is to inquire into the matter in every neighborhood where the contracting Indians reside, and to have the whole transaction developed, in the presence of the various Indians who may be assembled. In this and in the former case, it would greatly promote the object in view, by giving the necessary previous notice of the day of meeting, and the nature of the business, in order that the Indians might be present. The object of this com-

munication, as you will perceive, is to suspend all operations connected with the sale of the Creek lands, until proper information can be received concerning the existence and extent of the frauds complained of, and the best method of preventing their recurrence. I have therefore to request your sentiments in full upon these topics. It is a subject on which the President feels great solicitude, and I cannot too forcibly impress its importance upon your attention.

The representations made, lead to the belief, that this fraudulent practice of purchasing from one Indian the land of another, has prevailed only since the middle of last February. This, however, may be otherwise, and if any cases of that nature have previously occurred, and if the contracts have been approved by the President, still the fraud is not beyond the reach of the Government. Applications have frequently been made for a "title" as provided in the third article of the Creek treaty, but the President has not yet felt himself authorized to furnish any other evidence of conveyance than the one expressly pointed out in the treaty itself. It is possible that some legislative provision may be made, requiring patents to be issued; and, in that case, it is clear that if land belonged to one Indian has been conveyed by another, the transaction was absolutely void, and no title would be granted by the United States in consequence of such a contract. And, besides this, it may be proper for the Government to interpose through the judicial tribunals for the vacation of any contracts thus stamped by fraud, although they may have been approved by the President. There can be no doubt of the power of a court of justice to apply the necessary remedy. It is therefore desirable to know whether such cases exist, and if they do, to identify them, and to discover such proof as might be necessary to establish fraud. You will be pleased to direct your attention to this suggestion, and to communicate such information as you may be able to procure on the subject. Common humanity, as well as justice, requires of the Government, that every measure in its power should be adopted to prevent the gross impositions which have been practiced upon the ignorant Indians.

A similar letter has been sent to Dr. McHenry, and Gen. Sanford and Mr. Bright have also been consulted on the subject.

Very respectfully, &c.

LEWIS CASS.

To LEONARD TARRANT, Esq.
Mardisville, Alabama.

WAR DEPARTMENT, *April 28, 1835.*

SIR: I have the honor to enclose the copy of a letter which has this day been addressed to Mr. Tarrant and Doctor McHenry.

Although your election to Congress has necessarily vacated the office which you held, yet I have thought it proper to transmit for your investigation, an abstract of those contracts which were certified by you, and which have not yet been approved by the President, and you will much oblige me by suggesting such a course as in your opinion ought to be pursued, as well with relation to them as to the other subjects mentioned in the letter, as I presume it will be difficult for any other person to make such an investigation into these contracts, as may ultimately be necessary. I

would remark that any necessary expenses you may incur in that duty will be cheerfully refunded.

Very respectfully, &c.

LEWIS CASS.

Gen. J. W. A. SANFORD,
Columbus, Geo.

P. S. The abstract of contracts will be forwarded as soon as it can be prepared.

WAR DEPARTMENT, *April 28, 1835.*

SIR: I transmit, for your information, the copy of a letter addressed to Mr. Tarrant and Doctor McHenry.

As you have had much experience in the business relating to the Creek reservations, you will oblige me by transmitting any suggestions that may occur to you, as best calculated to detect and prevent such frauds as are complained of.

Very respectfully, &c.

LEWIS CASS.

JAMES BRIGHT, Esq.

WAR DEPARTMENT, *April 28, 1835.*

SIR: Among the papers, copies of which were enclosed to you in my communication of to day, there is a letter from Mr. McElmore to the President of the United States, dated 7th April, 1835, which contains charges affecting your character and conduct as a public officer.

I will thank you to transmit to this Department, such information and representations as may be in your power, and as may enable me to form an opinion upon the statement made by that gentleman.

Very respectfully, &c.

LEWIS CASS.

Doctor R. W. McHENRY.

WAR DEPARTMENT, *April 28, 1835.*

SIR: I have to request that you will communicate to the principal and most intelligent Creek chiefs, the purport of the letter this day addressed to you on the subject of the frauds alleged to have been committed upon their people. I wish you would state to the chiefs, the great anxiety of the President to have the Creek Indians justly protected in all the rights secured to them by the treaty. They will communicate this to the Indians, and warn them of the frauds which are attempted, and above all, inculcate upon them the meanness and wickedness of one of their people representing himself as another, and thus conveying land to which he has no just title. You will be pleased, also, to request the chiefs to offer you any suggestions that may occur to them, respecting the best method of preventing these iniquitous transactions hereafter.

Very respectfully, &c.

LEWIS CASS.

LEONARD TARRANT.

DEPARTMENT OF WAR, *April 28, 1835.*

SIR: Herewith you will receive copies of certain papers, which have been transmitted to this Department, stating the existence of gross frauds in the pretended purchase of their reservations from the Creek Indians. These statements, if correct, certainly exhibit a state of things requiring immediate correction. The frauds appear to consist in the personation by one Indian of another, in the amount and payment of the purchase money, and in the corrupt practices of at least one justice of the peace, in the attestation of blank papers, which the parties have it in their power to fill up. Under the present circumstances, you will suspend the certifying of all contracts until you receive directions to renew it from this Department, and you will give public notice of this instruction. None of the contracts, now before the President, will be approved until the necessary investigations are made to ascertain their fairness. They will be retained here, and abstracts of them, containing the necessary facts, will be transmitted to you as soon as they can be prepared. When these abstracts are received, you will publicly notify the parties of the suspension and investigations which have been ordered. Those contracts, which you may have certified and not forwarded, you will retain for subsequent disposition. If there are any of those which the President has approved yet in your possession, you will not deliver them to the parties without further instructions.

It is the object of the Department to provide against the recurrence of these evils, if it be possible; and I have to call upon you to make such suggestions as may occur to you, of a practical nature, best calculated to produce this effect. It is to be hoped, that the conduct attributed to the justice of the peace, of certifying blank papers, cannot prevail much among the public officers in that part of the State. It is possible, however, that it may be more extensive than I suppose; and I have, therefore, to request your opinion, whether it would be expedient to restrict the authority of certifying such papers to a less numerous class of magistrates than justices of the peace, say to judges of the State courts. I am unwilling to give such directions in the first instance, because I do not know the inconveniences to which it may lead.

With respect to the personification of one Indian by another, some remedy seems absolutely necessary. I am aware of the difficulty which you may experience in establishing the identity of an Indian presenting himself before you, as I perceive that false witnesses may be easily procured. It occurs to me, that if you were to receive and certify contracts only at stated places, in the various Indian towns, and upon particular days, to be fixed before hand, when and where the Indians would assemble; and if all contracts were declared in the presence of those thus convened together, an entire check would be put to this fraudulent practice. It is hardly to be presumed, that an Indian would present himself before a whole community perfectly acquainted with him, and claim to be a different person, and enter into a contract to convey away that person's land. And, certainly, if such an attempt was made, it is not possible but what some of those around would state the true circumstances, and thus prevent the fraud.

You will please to communicate your views respecting this suggestion, stating particularly the places where you may think it proper to meet the Indians. I do not suppose it would be by any means necessary to visit every town, but only such place within each given district, as may be con-

venient for the proper assemblage of the Indians. The time might be fixed at each place in succession, depending upon the probable amount of business to be done. This Department would, of course, expect, were this plan adopted, to allow, in addition to your present compensation, your necessary travelling expenses.

Is it possible to devise any better plan than that provided by the existing regulations, for the payment and security to each Indian of the fair amount of the purchase money he ought to receive? If it can, any practical suggestions you may make, and which may appear reasonable, will be immediately adopted. You have already had so much experience in this matter, that you cannot fail to have discovered the evils to which the Indians are exposed, and probably the best means of obviating them.

If the statements which have been made to this Department are correct, a large proportion of the contracts, which have been formed since the beginning or middle of last February, are fraudulent. Without determining this fact, and thereby prejudging the rights of individuals, there is certainly good reason for suspecting the whole, and therefore for instituting the proper investigations. How is this best to be done? Shall all the contracts be declared void on the ground of fraud, and the parties be required, in every case, to exhibit the proofs before you, or can a sufficient security against those fraudulent transactions, which have taken place, be interposed by any investigation which you can make, into such cases as you have reason to believe, or as may be represented to you to be fraudulent. In one case, the presumption of fraud, applying to all, every grantee would be required to exhibit his proofs *de novo*. In the other, the investigation proceeding from the Government would apply only to such cases as were presumed to require it. Your ideas upon this subject are requested.

In conducting these investigations, the same plan, it appears to me, would be most efficient in detecting fraud, which is suggested above for the prevention of it in future, and that is to inquire into the matter in every neighborhood where the contracting Indians reside, and to have the whole transaction developed in the presence of the various Indians who may be assembled. In this and in the former case, it would greatly promote the object in view, by giving the necessary previous notice of the day of meeting, and the nature of the business, in order that the Indians might be present.

The object of this communication, as you will perceive, is to suspend all operations connected with the sale of the Creek lands, until proper information can be received, concerning the existence and extent of the frauds complained of, and the best method of preventing their recurrence. I have therefore to request your sentiments in full upon these topics. It is a subject on which the President feels great solicitude, and I cannot too forcibly impress its importance upon your attention.

The representations made, lead to the belief, that this fraudulent practice of purchasing from one Indian the land of another, has prevailed only since the middle of last February. This, however, may be otherwise, and if any cases of that nature have previously occurred, and if the contracts have been approved by the President, still the fraud is not beyond the reach of the Government. Applications have frequently been made for a "title" as provided in the 3d article of the Creek treaty, but the President has not felt himself authorized to furnish any other evidence of convey-

ance, than the one expressly pointed out in the treaty itself. It is possible that some legislative provision may be made, requiring patents to be issued, and in that case it is clear, that if land belonging to one Indian has been conveyed to another, the transaction was absolutely void, and no title would be granted by the United States in consequence of such a contract. And besides this, it may be proper for the Government to interpose through the judicial tribunals for the vacation of any contracts thus stamped by fraud, although they may have been approved by the President. There can be no doubt of the power of a court of justice to apply the necessary remedy. It is therefore desirable to know whether such cases exist, and if they do, to identify them, and to discover such proof as might be necessary to establish fraud. You will be pleased to direct your attention to this suggestion, and to communicate such information as you may be able to procure on the subject. Common humanity, as well as justice, requires of the Government, that every measure in its power should be adopted to prevent the gross imposition, which have been practised upon the ignorant Indians.

A similar letter has been sent to Doctor McHenry; and General Sanford and Mr. Bright have also been consulted on the subject.

Very respectfully, yours, &c.

LEWIS CASS.

LEONARD TARRANT, Esq.
Mardisville, Alabama.
 Same to Doctor R. W. McHENRY.

WAR DEPARTMENT, *April 28, 1835.*

SIR: I have to request that you will communicate to the principal and most intelligent Creek chiefs, the purport of the letter addressed this day to you on the subject of the frauds alleged to have been committed upon their people. I wish you would state to the chiefs the great anxiety of the President to have the Creek Indians justly protected in all their rights secured to them by the treaty. They will communicate this to the Indians, and warn them of the frauds which are attempted, and above all, inculcate upon them the meanness and wickedness of one of their people representing himself as another, and thus conveying land to which he has no just title. You will be pleased also to request the chiefs to offer you any suggestions that may occur to them respecting the best method of preventing these iniquitous transactions hereafter.

Very, &c.

LEWIS CASS.

TO LEONARD TARRANT, Esq.
Mardisville, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, May 8, 1835.

SIR: Renewed representations of repeated and frequent outrages, by the Creek Indians upon the white citizens, have reached the Department.

You are directed to express, to the chiefs promptly and strongly, the disapprobation with which their conduct is regarded by the President. You

will explain to them the inevitable consequences of the course pursued by their tribe. It cannot fail to excite the citizens to acts of retaliation, and to bring upon the aggressors the heaviest penalties of the laws. And you will also inform them that, should an application be made to him for that purpose, by the authorities of Alabama, the President will direct a military force to repair to their country, to assist in maintaining the supremacy of the laws.

Very, &c.

ELBERT HERRING.

To LEONARD TARRANT, Esq.
Mardisville, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, May 20, 1835.

SIR: I have received your letters of the 1st instant, and was much gratified to hear from you that the frauds, which had been practiced upon the Creek Indians by personation, were not so numerous as there had been reason to believe. The measures, which you took to detect and prevent fraud, through the instrumentality of the chiefs and the publicity of the notice, could hardly fail of being effectual. They indicate sound judgment and a firm determination to arrest imposition and enforce right.

I return the contract forwarded by you for the approval of the President; you will perceive that in the deed the grantor is represented as a female, and in the certificate of the agent as a male. It is probable that there is no doubt about the title, and no conflict in the case. If so give your certificate to that effect, and have the first mentioned error corrected; and then on its transmission to this office the approval will be given.

Very, &c.

ELBERT HERRING.

To LEONARD TARRANT, Esq.
Mardisville, Alabama.

WAR DEPARTMENT, *May 14, 1835.*

SIR: I find, upon examination, that the S. $\frac{1}{2}$ of section 20, T. 18, R. 6, E., has been located for an Indian, named Yol Ria, but there is no evidence here that it has been sold. It, as you suppose, there is no Indian of this name, you will have an opportunity of establishing the fact before Mr. Tarrant or Doctor McHenry, who have been recently instructed to institute a public investigation of all cases in which frauds is alleged to have been practised.

Very, &c.

LEWIS CASS.

Mr. W. M. SUMMERS, *Talladega, Ala.*

WAR DEPARTMENT, *May 23, 1835.*

SIR: I have had the honor to receive your letter of the 15th instant.

The Department is especially solicitous that the Indian chiefs and reservees shall be present at the proposed investigation of frauds alleged to have been committed in the contracts for Creek reservations.

The chiefs, it is to be presumed, will be the best qualified to determine questions of identity, and the reservees should be convinced of the disposition of the Government to protect their rights.

A copy of the contracts, certified by you, but not yet approved, is preparing. When it is completed, it will be forwarded to you at Columbus.

Very, &c.

C. A. HARRIS,
Acting Secretary of War.

To Gen. J. W. A. SANFORD,
Columbus, Georgia.

WAR DEPARTMENT, *June 1, 1835.*

SIR: I have received your letter of the 17th inst. It is not the present intention of this Department to declare void all contracts made since the 1st or the 15th of February last. Your report may show such a measure to be necessary, but it will be postponed until that report is received.

Your observations confirm the impression entertained here, of the difficulty of detecting frauds where they have been practised. It was supposed, however, that an investigation conducted, not at each town, but at a central place, in an assigned district, would be sufficient. And it is suggested whether this will not be sufficient, after the completion of your preparatory examinations, for the convenience of the chiefs, the Indians and the purchasers, who will be required to be present at the second inquiry which you contemplated into all the fraudulent cases?

The Department is satisfied, from the tone of your letter, that you will execute this duty intelligently and faithfully. Gen. Sanford being engaged in an examination of the cases certified by him, cannot be associated with you.

Very, &c.

C. A. HARRIS,
Acting Secretary of War.

To Doctor ROBERT W. MCHENRY,
West Point, Troup County, Georgia.

P. S. It was not intended to limit you to one week in a month in this investigation. That limitation applies only to the ordinary certification of contracts. Your present duty should be completed as early as practicable.

WAR DEPARTMENT,
Office Indian Affairs, June 1, 1835.

SIR: I have received your letter of the 8th ultimo; the contract for the north half of section 32.21.6, by Wax-e-yoholo, to E. Corley, & Co. has been noted as invalid, because of the fraud practised in obtaining it. It

cannot however be returned to you, as the Department has determined (at least for the present) to retain in its possession, all the contracts of this character, which have been forwarded to it.

Herewith I transmit the abstract of all unapproved contracts, certified by you, now in the possession of the Department, as promised to you in the letter of the Secretary of War, of the 28th April last.

Very respectfully, &c.

ELBERT HERRING.

L. TARRANT,
Mardisville, Alabama.

WAR DEPARTMENT,
Office of Indian Affairs, June 2, 1835.

SIR: Your letter of the 16th ultimo, enclosing a list of invalid contracts, have been received; these contracts cannot be returned to you for the reasons assigned in my letter to you of the 1st inst.

The Department approves the course adopted by you, in taking the testimony of the chief and other Indians, resident of the town, with the individual appearing before you, to contract for the sale of land, in identifying him as the rightful owner to the land which he proposes to sell.

Very respectfully, &c.

ELBERT HERRING.

LEONARD TARRANT,
Mardisville, Alabama.

WAR DEPARTMENT, *June 18, 1835.*

SIR: In addition to the instructions heretofore given to you, the President directs that you certify no contracts, not made in the presence of the reservee and yourself, and upon which the money is not actually paid in your presence. You will examine with special care, every case in which you have given certificates without these precautions, and require the reservee to be brought before you and identified by the chiefs.

Very, &c.

C. A. HARRIS,
Acting Secretary of War.

Dr. R. W. McHENRY,
West Point, Troup County, Ga.

WAR DEPARTMENT, *June 18, 1835.*

SIR: I have laid before the President, your letter of the 27th ult. Having read it with attention, he directs that you prepare and transmit a complete list of all the contracts, to which you have found no objection, in the re-examination you have made, and that you institute an inquiry in regard to all others, in the manner prescribed in the instructions of the 28th April,

and report the result as soon as it is ascertained. He does not think any additional instructions necessary.

Very, &c.

C. A. HARRIS,
Acting Secretary of War.

LEONARD TARRANT, Esq.
Mardisville, Alabama.

WAR DEPARTMENT, *June 19, 1835.*

SIR: I have received your letter of the 6th inst. with one from Mr. McLemore.

As this gentleman now explains his former communications, this Department perceives no cause for censuring your official conduct.

Very respectfully,

Your obedient servant,
C. A. HARRIS,
Acting Secretary of War.

Dr. R. W. McHENRY,
West Point, Troup County, Ga.

DEPARTMENT OF WAR,
Office Indian Affairs, June 22, 1835.

SIR: I have received your letter of the 5th inst., in relation to the frauds alleged to have been committed against Creek reserves, &c.

The letter which you have specified in your communication, and which you was apprehensive had been intercepted and suppressed, was received, and is on file in this office. It was enclosed in a letter of Judge Tarrant to myself, and is dated 23d March last, at Cowzawda, signed by about 18 chiefs, and addressed to Doctor McHenry. It was answered by me on the 7th April, and the certifying agents were instructed to withhold contracts, and to give the utmost publicity to sales, for the purpose of defeating contemplated imposition. On the 28th of April, the Secretary of War addressed a letter of instructions to the certifying agents, prescribing additional precautionary measures for the prevention of fraud. Those instructions have not been countermanded or relaxed in the least degree, there being still the same anxiety to prevent fraud, that induced the issuing of these instructions.

You speak with great positiveness of the favorable result that would flow from sending a deputation of Creek chiefs to this place, or from the President's sending a commissioner to treat with them out of the nation, respecting the emigration of their people. You may be correct in your conclusion; but I am instructed to say, that neither proposal can be agreed to. There is no fund applicable to such an expense, and it is no way certain that the measure would be successful. If the chiefs be individually opposed to emigration, how can it be supposed that in convention they would advocate it? If it be thought that their advocacy of the measure could be procured by gift, I would merely remark that there is nothing to bestow. The last treaty with them is very explicit, and just and liberal.

They are free to go or stay as they prefer; and when they are ready to go, the Government will remove them at its own expense, and will subsist them for one year after their removal. But the chiefs will not be purchased to use their persuasion to induce emigration. If it be consistent with their duty as chiefs to oppose removal, or to be passive on the subject, and to witness the consequent degradation and suffering of their people, they must take the responsibility, and persist in their opposition.

Very respectfully,

Your humble servant,

E. HERRING.

WILLIAM DOUGHERTY, Esq.

Georgia.

WAR DEPARTMENT,

Office Indian Affairs, August 24, 1835.

SIR: Your letter of 15th July, with the enclosed list of the contracts which had been impeached, has been retained for the inspection of the Secretary of War.

He has instructed me to say, that it will not be necessary for you to prepare a register of the correct contracts, as required by the letter from the Department of the 18th June. You will, therefore, continue to report all cases in which you may discover error or fraud, and from these returns your abstract of certified contracts will be corrected here.

Very &c.

D. KURTZ,

Acting Commissioner &c.

TO LEONARD TARRANT, Esq.

Mardisville, Alabama.

WAR DEPARTMENT,

September 9, 1835.

MY FRIENDS: Your letter of the 25th ult., to the President of the United States, has been referred to this Department.

Your Great Father, the President, is very desirous of protecting you in all your rights, and of preventing any frauds in the sale of your lands. Instructions for these objects have been given from this Department, and officers from time to time appointed. The truth is, if the white people are wrong, your own people also are wrong. They personate one another, and thus appear before the agent, and convey land to which they have no title. Whenever this is known, it should be disclosed. It is not possible for the officer of the United States to know all your people, and thence it is that so many frauds arise. The President has directed Col. Hogan, who has been appointed principal agent for your removal, to proceed to your towns and endeavor to ascertain, and to correct and punish, such frauds as

have been committed. When he arrives among you, I wish you would give him all the information in your power.

Your friend,

LEWIS CASS.

To NE-I-MICCO,

E-FA-E-MATHLAR OF CHUMOLLY,

TUCKABACHIE FIXICA,

CAPPICHCHE YOHOLA,

NEHARTHLOCKO.

Creek Nation, Alabama.

WAR DEPARTMENT,
September 9, 1835.

SIR: I transmit herewith a copy of a letter from certain Creek Indians, dated 25th ult., to the President of the United States. I enclose also copies of preceding communications to and from this Department, in relation to the general matters complained of by these Indians.

It is exceedingly desirable that all frauds in the execution of the Creek treaty, should be prevented, and that those which have been committed, should, as far as possible, be detected and punished. This Department is prepared to take any steps in its power to accomplish these desirable objects. The practical difficulties which have presented themselves, will be apparent to you from a perusal of these communications. -

The President directs that the subject be committed to you. You will proceed to the various towns where you have reason to believe frauds have been committed, and where proper information respecting them can be procured. You will request General Sanford, Mr. Tarrant, or Doctor McHenry, who are or have been certifying agents, to proceed with you to the district which is assigned to them respectively, and with their aid you will endeavor to make a thorough investigation into the subject, and as far as possible, to do justice and satisfy the Indians. It is impossible to give you detailed instructions in this duty. But the great object, as you will perceive, is to right the wrongs which may have been committed, and to prevent their recurrence. With the aid of the above named gentlemen, it is to be hoped that your mission will be successful.

General Sanford, Mr. Tarrant, and Doctor McHenry, have been written to and requested to accompany you on your invitation, and also take with them all the books and papers relating to this matter. You will please to make a report to this Department of your proceedings, at as early a day as practicable. As you are in public employment, and as this business is nearly connected with your duties as principal removing agent for the Indians, it is not contemplated that any compensation other than your actual expenses will be necessary. These will be allowed on your certificates of honor.

Very &c.

LEWIS CASS.

Col. JOHN B. HOGAN,

now at Washington.

WAR DEPARTMENT,
September 9, 1835.

MY FRIEND: Your letter of the 25th ultimo, to the President of the United States, has been referred to this Department.

Your great father the President is very desirous of protecting you in all your rights, and of preventing any frauds in the sale of your lands. Instructions for these objects have been given from this Department, and officers, from time to time, appointed. The truth is, if the white people are wrong, your own people also are wrong. They peronate one another, and thus appear before the agent, and convey land to which they have no title. Whenever this is known, it should be disclosed. It is not possible for the officer of the United States to know all your people, and thence it is that so many frauds arise. The President has directed Colonel Hogan, who has been appointed principal agent for your removal, to proceed to your towns, and endeavor to ascertain and to correct and punish such frauds as have been committed.

When he arrives among you, I wish you would give him all the information in your power.

Your friend,

LEWIS CASS.

TO ME-I-MICO, E-FA-MATLO, OF CHUMOLLY, TUCKABATCHIE FIXICO, CAP-
PICH-CHEER-YOTHOLO, NE-HAR-THLOCKO,
Creek Nation, Alabama.

WAR DEPARTMENT,
September 9, 1835.

SIR: I transmit herewith, a copy of a letter from certain Creek Indians, dated 25th ultimo, to the President of the United States. I enclose also copies of preceding communications to and from this Department, in relation to the general matters complained of by these Indians.

It is exceedingly desirable that all frauds in the execution of the Creek treaty should be prevented, and that those which have been committed should, as far as possible, be detected and punished. This Department is prepared to take any steps in its power to accomplish these desirable objects. The practical difficulties which have presented themselves will be apparent to you from a perusal of these communications.

The President directs that the subject be committed to you. You will proceed to the various towns, where you have reason to believe frauds have been committed, and where proper information respecting them can be procured.

You will request General Sanford, Mr. Tarrant, or Dr. McHenry, who are, or have been, certifying agents, to proceed with you to the district which is assigned to them respectively, and with their aid, you will endeavor to make a thorough investigation into the subject, and, as far as possible, do justice and satisfy the Indians.

It is impossible to give you detailed instructions in this duty. But the great object, as you will perceive, is to right the wrongs which may have been committed, and to prevent their recurrence. With the aid of the above named gentlemen, it is to be hoped that your mission will be successful.

General Sanford, Mr. Tarrant, and Dr. McHenry, have been written to, and requested to accompany you on your invitation, and also take with them all the books and papers relating to this matter. You will please to make a report to this Department of your proceedings, at as early a day as practicable. As you are in public employment, and as this business is nearly connected with your duties as principal removing agent for the Indians, it is not contemplated that any compensation, other than your actual expenses will be necessary. These will be allowed on your certificates of honor

Very, &c.

LEWIS CASS.

To Col. J. B. HOGAN,
Now at Washington.

WAR DEPARTMENT,
Office Indian Affairs, Sept. 9, 1835.

SIR: I am instructed by the Secretary of War, to inform you that Col. J. B. Hogan has been directed to repair to the Creek nation, and for the purpose of examining every case of alleged fraud in the contracts for the sale of Creek lands. The President has determined upon this measure, in consequence of the renewed and urgent representation made to him by some of the chiefs.

The Secretary of War requests that you will place in the hands of Col. Hogan, the registers or books of the contracts certified by you, and such documentary evidence in your possession, as will facilitate the discharge of duty under his instructions. And also that you will accompany him in his visits to the different towns, should he invite you so to do.

You will be allowed a reasonable compensation for your time and services, while engaged in the execution of the duty.

Very, &c.

ELBERT HERRING.

To Gen. J. W. A. SANFORD.

WAR DEPARTMENT,
Office Indian Affairs, Sept. 12, 1835.

SIR: YOUR letter of the 1st instant has been received. A copy will be given to Col. J. B. Hogan, who has been directed by the President to go to all the towns in the Creek country, and investigate all cases of alleged fraud in the contracts made with the Indians for their lands. He will give public notice of the times and places at which he will investigate these cases, and you will have an opportunity of stating to him in person the circumstances you have represented to the Department.

Very, &c.

ELBERT HERRING.

To ZACHARIAH CLOUGH, Esq.
Polecat, Macon county, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, Sept. 12, 1835.

SIR I enclose a copy of a letter of a Mr. Clough, which, in some measure, implicates your official conduct. The case has been referred to Col. Hogan, with others, for investigation. The copy is sent to you, that if you think proper, you may transmit an explanatory statement.

Very, &c.

ELBERT HERRING.

TO DR. ROBERT W. McHENRY,
West Point, Troup county, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, Sept. 18, 1835.

SIR: On the 28th of April last, you was instructed to suspend the certifying of contracts, until you should receive directions to renew it, from the Department.

It has recently been represented to the Department, that there are some Creek Indians having reservations, and about which there is no dispute, who are disposed to sell them.

I am instructed to say, that in all such cases you are authorized to proceed in certifying contracts, being governed by the instructions heretofore communicated to you on this subject. The business was suspended for the benefit of the Indians, and the same motive now induces its renewal. The policy of the Government is, and always has been, in favor of the Indian selling on fair and equitable terms. The suspension was occasioned solely by an abuse of the terms prescribed by the Department.

Very, &c.

ELBERT HERRING.

TO LEONARD TARRANT, Esq.
Mardisville, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, September 23, 1835.

MY FRIENDS: I have been instructed by the Secretary of War, to answer the inquiries in your letter of the 4th instant, in relation to certain balances that you suppose to be due to you.

1st. A balance under the treaty of 1821. Upon examining that treaty I do not find that provision was made for the payment of any money to you, except an annuity, which has now expired. The same article provided for the payment of claims of citizens of Georgia against your people, to an amount not exceeding \$250,000. The whole of this money has been paid accordingly. And even were it otherwise, and a balance remained, no part of it could be paid to you, as the treaty contains no stipulation to that effect.

2d. A balance due certain Creek Indians, for losses during the war. You probably know, that soon after the treaty was made with you in 1814, the agent was instructed to collect all these claims, which he did, and reported

them to the Department. This report was submitted to Congress, who appropriated (\$85,000) eighty-five thousand dollars, which sum was remitted to Col. Mitchell, and paid by him. I enclose a copy of his statement of the manner in which the payment was made, to which is attached the receipt of the chiefs.

I find that in March, 1819, the delegation then in the city, at the head of which was McIntosh, inquired of the Department, whether any thing more would be paid on account of these losses. I transmit an extract of the Secretary of War, Mr. Calhoun, from which you will learn the views then entertained upon this subject.

Very respectfully, &c.

ELBERT HERRING.

OPOTHE YOHOLO, and other chiefs of the Creek nation,
Tallahassee, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, September 26, 1835.

SIR: I enclose an extract of a letter addressed to the Secretary of War, by R. G. Haden, dated the 28th ult.

If the statement be true that you have received fees for certifying, the practice cannot be sanctioned by the Department, and must be forthwith discontinued. And in relation to erasures in the "Record Book or Register of land certified," such proceeding is obviously wrong. All the entries as originally made upon the book or register, should remain unaltered, and whenever it becomes necessary to change a location, let a new entry be made, and opposite the first or original entry let the words "set aside" be inserted, this will preserve the record and exhibit all the entries, and render erasure or obliteration unnecessary.

Very respectfully, &c.

ELBERT HERRING.

Dr. R. W. McHENRY,
Columbus, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, September 26, 1835.

SIR: I have received your letter of the 12th instant, addressed to the Secretary of War, with the accompanying list of fraudulent contracts.

Until you are otherwise instructed by this Department, you are requested to suspend all recertification of contracts for lands made prior to the 28th April last, as also certification of sales since that day.

Respectfully, &c.

ELBERT HERRING.

To Dr. R. W. McHENRY,
Columbus, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, October 3, 1835.

SIR: Your letter of the 2d ultimo has been received. The President having directed that Col. J. B. Hogan should be appointed to examine all cases of alleged fraud in the Creek country, a copy of your communication will be sent to him, for an investigation of the facts. He will give notice of the times and places at which he will attend to this duty, so that you will have full opportunity of adducing evidence.

Very respectfully, &c.

ELBERT HERRING.

To H. C. THOMPSON, Esq.
Columbus, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, October 14, 1835.

SIR: I have received your letter of the 20th ultimo, in which you state that you have had a recent interview with the Tuckabatchie chiefs, and they are anxious to emigrate this fall, and are in fact disposing of their personal property preparatory to that event.

Their speedy removal being pregnant with advantages, both to them and to our own people, I am sure you will expedite it by all your exertions and influence.

It was not intended by the letter of the Acting Secretary of War, of the 18th June last, to authorize you to resume the duties of a certifying agent. But as you have construed that letter into such authority, you will of course submit those contracts to the examination of Col. Hogan.

Very respectfully, &c.

ELBERT HERRING.

To Dr. R. W. McHENRY,
Columbus, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, October 15, 1835.

SIR: By direction of the Secretary of War, I enclose a copy of a letter of Mr. Freeman, of the 2d instant, which impeaches your official conduct, to which you will transmit such answer as will exonerate yourself, and satisfy the Department.

A copy has been sent to Col. Hogan, with instructions to examine the whole matter.

Very respectfully, &c.

ELBERT HERRING.

To Dr. R. W. McHENRY,
Columbus Georgia.

WAR DEPARTMENT,
Office Indian Affairs, October 15, 1835.

SIR: The Secretary of War has instructed me to transmit to you, for your examination and report, a copy of a letter received from Mr Freeman, of the 2d instant, impugning the character and conduct of Doct. McHenry.

You are requested to give notice to the parties, and then institute a thorough investigation that will place this Department in full possession of all the facts.

Very, &c.

ELBERT HERRING.

To Col. J. B. HOGAN,
Fort Mitchell, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, October 15, 1835.

SIR: Your letter of the 2d instant has been received. One copy of it has been sent to Doctor McHenry, that he may make such reply as he shall think proper; another copy has been sent to Colonel Hogan, with instructions to investigate the whole subject, and report the facts to this Department.

In answer to your particular inquiry, I have to state that Doctor McHenry has not been required to file bonds here for the correct performance of his duties.

Very, &c.

ELBERT HERRING.

To O. K. FREEMAN,
Wetumpka, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, October 21, 1835.

SIR: This Department has been advised by Mr. O. K. Freeman that you have in your possession a contract, approved by the President, for the land of Tusatcha, a Creek Indian, in which there is reason to suppose the existence of fraud.

The papers received from Mr. Freeman have been sent to Colonel J. B. Hogan, at Fort Mitchell, with instructions to examine the whole matter. He will give you a copy of Mr. Freeman's letter, if you wish it, and I am directed to express to you the expectation of the President that this contract will be surrendered, if, in the investigation, circumstances shall appear, showing that it ought not to have been certified nor approved.

Very &c.

ELBERT HERRING.

To Capt. WILLIAM WALKER,
Care of Col. J. B. HOGAN,
Fort Mitchell, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, October 21, 1835.

SIR: Your letter of the 30th ultimo to the Secretary of War has been referred to this office.

I have been instructed to transmit a copy of this letter and of the papers which accompanied it, to Colonel Hogan, with directions to investigate all the circumstances of the alleged sale by Tushatcha, and to report them to this office. He will notify the parties of the time and place when this investigation will take place.

I have also advised Captain Walker of the proceedings contemplated, and informed him that, if reason should be discovered for believing the transaction fraudulent, the President will expect the contract, which has received his signature, to be returned.

Very, &c.

ELBERT HERRING.

To O. K. FREEMAN, Esq.
Tuskega, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, October 21, 1835.

SIR: I have been instructed to transmit to you the enclosed papers, received from Mr. Freeman.

They allege fraud in a contract which has received the President's approval, and has been returned to the agent, and is now supposed to be in the hands of Captain Walker, the agent for the purchasers. Mr. Freeman asks that you may be authorized to demand the surrender of this contract. This authority, in the present aspect of the question, it is considered unnecessary to give. The enclosed letter for Captain Walker will show you that it is the President's expectation the contract will be willingly returned, if fraud shall be proved. I will thank you to deliver this letter to Captain Walker, and to give notice to the parties of the time and place when you will investigate this transaction.

You will please to furnish Captain Walker with a copy of Mr. Freeman's letter, if he shall desire it; and also to communicate to Doctor McHenry the purport of the papers you have received, that he may furnish such explanation as he shall think proper.

Very, &c.

ELBERT HERRING.

To Col. J. B. HOGAN,
Fort Mitchell, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, October 28, 1835.

SIR: It has been represented to the Department that there are many Creek Indians, anxious to sell their reservations, and to which there is no conflicting claim.

You will, therefore, resume your duties as certifying agent under the in-

structions heretofore given, confining yourself to those cases which have never before been certified by you, and which of course excludes all re-certification. And you cannot fail to perceive, from the complaints which have already been made on this subject, that the utmost vigilance will be necessary to prevent fraud, and do justice to all concerned.

Very, &c.

ELBERT HERRING.

To LEONARD TARRANT, Esq.
Mardisville, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, October 28, 1835.

SIR: In answer to your letter of the 15th instant, I beg to state that Doctor McHenry recommenced certifying Indian contracts on the strength of a letter written to him in June last by the acting Secretary of War. It was not intended to authorize him to renew that business; but as he had put such construction upon that letter, he was instructed to submit to your examination the contracts certified by him since that period.

In consequence of your recommendation, Judge Tarrant and Doctor McHenry have been instructed to resume their duties as certifying agents in those cases of contracts which have never before been certified by them, and in no event to recertify contracts.

Very, &c.

ELBERT HERRING.

To Col. J. B. HOGAN,
Tallasse, via Tuskegee, Macon county, Ala.

WAR DEPARTMENT, *November 3, 1835.*

GENTLEMEN: I have received your letter of 16th October, remonstrating against any reinvestigation of the sales which have been made by the Creek Indians.

You appear to suppose that the persons claiming to be purchasers of the Creek lands, have, by the proceedings which have taken place, acquired certain vested rights, which the Executive Government cannot legally control, and which are interfered with by the instructions given to Colonel Hogan. By the 3d article of the Creek treaty of 1832, no contract made for the purchase of these lands is valid till approved by the President. This provision has been repeated in the instructions given to the agents, and must have been known, or ought to have been known, to those who were desirous of acquiring rights under the treaty. The object of this limitation upon the right of sale by the Creek Indians, was, doubtless, to secure them against the perpetration of such frauds as they are liable to, from their condition. It is scarcely to be questioned that the President has the right, in the exercise of this discretionary power, to approve or disapprove, to direct information to be procured in any mode he may think proper. Purchases have been made under the treaty and under instructions from this Department, and the contracts have been certified by the officers charged with that duty. Allegations of fraud were received at this De

partment, and an investigation into the circumstances was made. It was not contended that this investigation was improper, or that it affected the vested rights of the parties. New allegations are now made, and another investigation directed: I see no reason to question the correctness of this proceeding any more than of the former. To be sure, it may be said, that this process may go on indefinitely. But that is putting an extreme case, deserving little weight in the consideration of the subject. So much for the right of the President to direct this reinvestigation.

With respect to the facts they are these: A memorial was received by the President from five of the principal Creek chiefs, and witnessed by two of the most intelligent half breeds, who understand English perfectly, complaining of great frauds in their land transactions, alleging that the former examination had not probed the matter sufficiently. That gross frauds have been committed, is a fact not disputed, and a belief of which had spread through the country. To deny the investigation was to pass irrevocably upon the claims of the Indians, and to confirm all that had been done. To direct it, was to endeavor to lead to the correction of errors, wherever they existed. If such errors existed they ought to be corrected. If they did not, the worst that could happen, was a short delay in the consummation of the title to the parties interested. Such delay is certainly not to be weighed against the injury which might be brought upon the Indians by a refusal of their application.

This reinvestigation has been directed without intending to cast the slightest imputation upon the officers, before charged with a similar duty. General Sanford's character at this Department is wholly unimpeached, and, I believe, unimpeachable. It is certainly no reproach upon him, that subsequent allegations have been received, showing why the proper information was not and could not be given to him by the Indians. Whether these allegations are true or not, I form no opinion. It is enough for the Department to know that they have been made by a respectable portion of one of the parties to the treaty. Messrs. Marshall and Carr, the witnesses of the memorial forwarded by the chiefs to the President, have, indeed, in letters just received, thrown some doubts upon the knowledge and intention of the chiefs who signed the paper. But whatever credit may be given to the good intentions of these witnesses now, as much, to say the least of it, must be subtracted from them for the testimony confirmed by their signatures, and besides, these letters are too late for any practical benefit, as the measures directed are now in the progress of execution. It was not intended or expected that Colonel Hogan would enter into an investigation of all the business heretofore done, but only of such particular cases, as, from general report or special circumstances, might seem to require it. And with this view, and also to aid him in the execution of his duties, he was requested to ask the personal assistance of the agents who have heretofore been employed in certifying contracts. And that those gentlemen were thus called upon is a decisive proof, that this proceeding was not intended to impeach their conduct.

It seems to me that a discreet exercise of the authority vested in Colonel Hogan, will require but little time. To go into an examination of all cases of contracts not yet acted upon by the President, would be useless, and was never intended. To refuse to examine such as there is just ground to suspect, would, in effect, make the Government a party to the fraud. And it appears to me that to make this investigation at the places where the In-

dians reside, will promote the cause of truth much better than to call them to a distant place where they might be unwilling or afraid to go. Besides, in a small community where a man's concerns are all known, if there has been any attempt at personifying him by another, or any other fraud committed upon him, it will be comparatively easy to arrive at a just conclusion.

As to the question of the validity of Indian testimony in the courts of Alabama, it does not seem to me to have a place in this examination. From the moral condition of the Indians, the evidence must always be received with much caution; but this is an objection to its credibility, and not to its competency. I cannot hesitate to believe, that in an extra judicial investigation like this, the statements of respectable Indians may be received; and that they would have such weight with the President in his decisions as the circumstances might appear to justify.

Very respectfully, &c.

LEWIS CASS.

To ELI S. SHORTEE, Esq. and others,
Columbus, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, November 4, 1835.

SIR: I transmit a copy of a letter addressed to E. S. Shorter and others for your information.

You will perceive from it, that it is not the intention of the Department that you should re-examine all the contracts that have been ratified, but such only as shall be brought before you in the several towns, with allegations of fraud or error, after you have given notice that you are ready to receive charges and evidence.

Very, &c.

D. KURTZ,
Acting Commissioner, &c.

To Col. J. B. HOGAN,
Columbus, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, November 10, 1835.

SIR: Your letter to the Secretary of War, of the 24th ultimo, has been referred to this office.

He has instructed me to say, that the explanation you have therein given of your official proceedings, is perfectly satisfactory. And you will permit me to remark, that you ought not to be surprised or wounded, if a spirit of abundant caution, in the exercise of a responsible trust, should dictate communications to agents, even upon anonymous authority, intended rather as guards than as reproofs.

The Department having decided that no bargains or contracts for the lands of Indians will be valid, unless made in conformity with the treaty, and the regulations of the President, it is suggested, for your consideration, how far, as the agent of the Government, you can properly encourage or take cognizance of the conditional bargains of which you speak in your

letter, however clear may be your conviction of their fairness and ultimate advantage to the Indians.

Very respectfully,
Your obedient servant,
ELBERT HERRING.

Col. BENJAMIN REYNOLDS.

WAR DEPARTMENT,
Office Indian Affairs, November 16, 1835.

SIR: I have received your letters of 2d and 5th instant, with the papers therein enclosed, and rejoice to perceive that you are pursuing, with much spirit and zeal, the investigation of the Creek contracts committed to your charge.

You will please to consult the United States District Attorney, and if he shall concur with you on the expediency of prosecutions for perjury, relating to those contracts, let them be instituted in two or three cases, where the proof is clear and conclusive. They would serve the double purpose of punishing offenders, and preventing similar transgression. The result of those prosecutions will determine the course of proceeding in other similar cases.

A copy of the census roll of the Creek Indians is, according to your request, herewith enclosed.

With respect to the charges made by Doctor McHenry, against the purchasers of Creek lands, when he went into an Indian town to certify for their accommodation, the following is an extract of a letter written to him by the Department, on the 12th of June, 1834:

"The Department cannot sanction your taking office fees for extra services, and paper furnished, &c. Whatever pertains to your official duties, you will of course perform without any other compensation than is allowed to you by Government. If you should render services not contemplated or required under your appointment, render them gratuitously. You will otherwise subject yourself to harsh imputation, and the Department, by countenancing the charge, would share the odium."

If after the receipt of that letter, Doctor McHenry has charged any purchaser any thing more than actual expenses incurred by him in going to an Indian town for the purpose of certifying, he has acted in direct violation of the instructions contained in the letter.

Very, &c.
ELBERT HERRING.

Col. J. B. HOGAN,
Columbus, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, December 1, 1835.

SIR: I have received your letter of 18th ultimo, in answer to certain charges of extortion and mal-conduct brought against you by R. G. Haden.

You will recollect, that in a former communication, I condemned those extra charges that you was then in the habit of making, for furnishing

blank bonds and filling them up, and for leaving your own house for the purpose of certifying contracts. The allowance made by the Government, was intended to be in full compensation for your official services. It was certain that those charges, made on the ground of their being for extra services, would have subjected you to accusation and odium. Even if strictly entitled, it would have been better to waive the charges.

Very, &c.

ELBERT HERRING.

Doctor R. W. McHENRY,
West Point, Georgia.

DEPARTMENT OF WAR,
Office Indian Affairs, December 1, 1835.

SIR: I have received your letter of the 18th ultimo, in answer to certain charges of extortion and malconduct brought against you by R. G. Haden.

You will recollect that, in a former communication, I condemned those extra charges that you was then in the habit of making for furnishing blank bonds and filling them up, and for leaving your own house for the purpose of certifying contracts. The allowance made by the Government was intended to be in full compensation for your official services. It was certain that those charges, made on the ground of being for extra services, would have subjected you to accusation and odium. Even if strictly entitled it would have been better to waive the charges.

Very respectfully,

Your obedient servant,

ELBERT HERRING.

Doctor R. W. McHENRY,
West Point, Troup county, Ga.

WAR DEPARTMENT,
Office Indian Affairs, December 1, 1835.

SIR: Your letter of the 20th ultimo has been received, and although you have been heretofore instructed not to certify in any case, it was intended to be with this exception, that in those cases where the purchaser and seller were willing to vacate and surrender the contract, you might certify to a new contract, because the owner would then appear before you with all his original right to dispose of the land, as if no sale, or pretended sale, had taken place.

Very, &c.

ELBERT HERRING.

To Doctor R. W. McHENRY,
West Point, Troup county, Ga.

WAR DEPARTMENT,
Office Indian Affairs, December 2, 1835.

SIR: Your letter, of the 18th ultimo, has been received and referred to this office.

In reply I have to express the satisfaction of the Department at the readiness expressed by you to comply with the request made in my letter of October 21st. A copy of your letter will be sent to Colonel Hogan for his information.

Very, &c.

ELBERT HERRING.

To Mr. WILLIAM WALKER,
Tuskegee, Macon county, Ala.

WAR DEPARTMENT,
Office Indian Affairs, December 5, 1835.

SIR: The enclosed copy of a letter, addressed by the Secretary of War, to Eli S. Shorter and others, is transmitted for your information in this matter.

Very, &c.

ELBERT HERRING.

To Col. J. B. HOGAN,
Fort Mitchel, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, December 7, 1835.

SIR: Your letter of the 19th ultimo, has been referred to this office.

The accompanying paper will show you the result of an examination of the registers. There are, however, many contracts that have not yet been examined, and it is possible there may be among them contracts in some of the cases about which you inquire.

Your request, in relation to them will be observed, so far as to give you reasonable time to make such representations as you may think necessary.

Very, &c.

ELBERT HERRING.

To ELI S. SHORTER, Esq.
Columbus, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, December 22, 1835.

SIR: Your letter of the 4th instant has been received. Mr. Tarrant has been instructed to investigate all cases of alleged frauds in Creek contracts brought to his notice, and will, no doubt, do it in the case concerning which you have written. If circumstances shall prevent his personal attention to the subject, you can apply to Colonel Hogan, who has received similar instructions.

Very respectfully, &c.

ELBERT HERRING

WM. SUMMER, Esq. *Mardisville Alabama.*

DEPARTMENT OF WAR,
Office Indian Affairs, Jan. 10, 1836.

SIR: I am instructed by the Secretary of War to communicate to you the determination of the President, that your services are no longer required as a certifying agent under the Creek treaty.

You will please to deliver to Colonel Hogan, or to such person as he may select to receive them, all the papers in your possession which relate to the duties you have performed as locating or certifying agent, under the Creek treaty, unless, before such delivery can take place, a person may be specially appointed by this Department to receive them, in which case, notice will be given to you, and the delivery will be made to such person. It will be essential that all the evidence, upon which you have decided any contract to be fraudulent, should be arranged, and immediately delivered over. Your accounts should be closed up to the day when you deliver the papers, and transmitted for immediate settlement.

Very respectfully,

Your most obedient servant,

ELBERT HERRING.

R. W. McHENRY, Esq.

WAR DEPARTMENT,
Office Indian Affairs, Jan. 12, 1836.

SIR: The President has directed Doctor McHenry to be informed that his services, as certifying agent, are no longer required.

He has been instructed to deliver to you all the books and papers he may have, relating to his duties and transactions, as a locating and certifying agent, especially the evidence on which he has decided any claims to be fraudulent.

I am instructed to request you, in the event of a successor not being previously appointed for his district, to receive these papers. A selection of a new certifying agent will probably soon be made.

I take this opportunity of repeating the wish of the Department, that your duties as investigating agent should be completed at an early day.

Very respectfully, &c.

ELBERT HERRING.

Col. J. B. HOGAN,
Tuskegee, Alabama.

WASHINGTON, *January 14, 1836.*

SIR: To enable me correctly to report upon the subject which you have referred to me, it is necessary to take notice of the treaty of 1832, that treaty being the last made with the Creek Indians.

This treaty was ratified by the President on the 4th day of April, 1832, and as its provisions have had an important bearing upon the question of emigrating the Creek nation, to the country assigned to them west of the Mississippi, in fact it being the first with that people in which the subject of emigrating west is provided for, a reference to these becomes absolutely necessary to a correct understanding of the question.

By the second and third articles of this treaty, it is provided as follows :

ART. 2d. The United States engage to survey the said land as soon as the same can be conveniently done, after the ratification of this treaty, and when the same is surveyed, to allow ninety principal chiefs of the Creek tribe to select one section each, and every other head of a Creek family to select one-half section each, which tracts shall be reserved from sale for their use for the term of five years, unless sooner disposed of by them. A census of these persons shall be taken under the direction of the President, and the selections shall be made so as to include the improvements of each person within his selection, if the same can be so made, and if not, then all the persons belonging to the same town, entitled to selections, and who cannot make the same, so as to include their improvements, shall take them in one body in a proper form ; and twenty sections shall be selected, under the direction of the President, for the orphan children of the Creeks, and divided and retained, or sold for their benefit, as the President may direct ; *Provided*, however, that no selections or locations under this treaty shall be so made as to include the agency reserve.

ART. 3d. These tracts may be conveyed by the persons selecting the same, to any other persons for a fair consideration in such manner as the President may direct. The contract shall be certified by some person appointed for that purpose by the President, but shall not be valid until the President approves the same. A title shall be given by the United States on the completion of the payment.

By the 6th article, twenty-nine additional sections were allotted to the nation.

By the 7th article it is provided that "all the locations authorized by this treaty, with the exception of that of Benjamin Marshall, shall be made in conformity with the lines of the surveys ; and the Creeks relinquish all claim for improvements.

By the 9th, 10th and 11th articles, \$139,280, in addition to the annuity, is provided in order to pay the various and complicated claims and debts in which the Creek nation was involved, and which it was necessary to adjust and liquidate, in order to quiet the apprehension of the nation, and to relieve it from the demands of its creditors.

The 12th article of the treaty is in the following words :

"The United States are desirous that the Creeks should remove to the country west of the Mississippi, and join their countrymen there, and for this purpose it is agreed, that as fast as the Creeks are prepared to emigrate, they shall be removed at the expense of the United States, and shall receive subsistence while upon the journey, and for one year after their arrival at their new homes, *provided*, however, that this article shall not be construed so as to compel any Creek Indian to emigrate, but they shall be free to go or stay, as they please.

These treaty provisions imposed upon the Department the following duties :

1st. The land had to be surveyed, and as the rights were in half sections, the lines of survey had to be in as much detail as to exhibit half sections.

2d. A census of the nation had to be taken, in order to determine who were and who were not heads of families ; also investigations had to be made in order to ascertain who were the ninety principal chiefs.

3d. Then the locations of the rights of the heads of families, of the ninety principal chiefs, of the twenty-nine sections, and of the twenty sections for the orphan children had to be made.

4th. The extremely complicated and extensive claims against the Creek nation have to be adjusted.

5th. The sales of the reservations of heads of families and of the ninety principal chiefs. These sales were to be made by each individual holder to purchasers in presence of an agent, who had to certify to the contract and transmit the same to the President for his final approbation: and 6th, as by the treaty no coercive measures could be used, arrangements had to be made, adapted to persuade the Creek nation to consent to some plan of emigration and to facilitate its operation.

A succinct narrative of the efforts of the Department under these several heads, will probably be the most satisfactory method of reporting upon the subject referred to me, and will be the one pursued, alluding to each head in the order above enumerated.

1st. The entire quantity of land ceded by the treaty, may be estimated at 5,200,000 acres, the whole of which had to be divided into at least half sections for the Indian rights, and into the usual divisions of quarters and eighths, for the public sales of such parts as might not be Indian rights. As it could not be ascertained until after the locations were made, upon which sections these Indian rights would fall; and as the land had at the same time to be prepared for the public sales, it became absolutely necessary that the whole of this immense tract should be surveyed and divided into townships and sections, and these last into halves, quarters, and eighths, and the contents of each calculated.

The fractional sections had also to be divided, and their contents accurately calculated.

The orders for making this survey, emanated from the land office on the 2d May, 1832, and although prosecuted with the greatest industry, it was not in the power of that office to have its returns sufficiently completed for the locations to be made, until in the month of December, 1833, when the list of fractions and of their contents was received by the locating agents in Alabama, who were there at the time, and prepared to make the locations.

2d. But before any land could be assigned or any locations be made, it was necessary to have an accurate census of the Creek population, and a list of the heads of families. Without such a list no location could be made, as the sections and half sections had to be assigned to individuals whose names it was necessary first to ascertain, and whose rights, as heads of families, had to be previously investigated.

The commission for this duty was issued a few days after the ratification of the treaty, namely, on the 14th of May, 1832; but in consequence of some embarrassment in its execution, and of the necessity of changing one of the commissioners, the commission cannot be considered as completely organized and in activity until during the month of September. This commission made its return in May, 1833. The census exhibited a population of 23,566, and furnished a list of 6,557 heads of families, each entitled to a separate tract of land.

3d. The locations were the next object in the course of the business, as these of necessity had to await the surveys and the census. The returns of the latter were, as before remarked, received at the Department, in May, 1833; but in the fall of that year, it had not yet been possible to make out the complete returns of the surveys. The Department, however, in its anxiety to bring this business to a close, organized the commission for

locating in October, 1833, and orders were given from the Land office, to furnish this commission with the requisite returns in Alabama, where the officers of the commission were directed to repair without delay. The list of fractional sections, so necessary to their duties, were, as before remarked, received by them in Alabama, in the month of December of that year.

The quantity of land to be located, equalled 2,187,200 acres, involving 6,696 individual and separate locations. In the locating of these, respect had to be paid to all improvements, making it necessary to investigate the claims to such: and those Indians not having improvements, were located by lot, and as much as possible in masses. The whole of this duty may be considered as having been completed in January, 1834.

4th. In the adjustment of the extensive and complicated claims against the Indians, provided for by the treaty, it was found necessary, in order to protect the Indians, to institute a commission, with power to investigate and to decide upon the claims. As this duty could well be done while the operations for the survey of the lands, and for the taking of the census were in activity, these commissioners were appointed for the duty in January, 1833, and the returns of their labors were received in April, 1833. On the 2d day of May, 1833, a commissioner was appointed to pay these adjusted claims. He repaired without delay to Alabama for that purpose, and completed the duty by the end of the following June.

5th. The sales of the reservations. The sales authorized by the third article of the treaty, could not be made until after the land was surveyed, by which the metes and bounds were determined, nor until after the census was taken, by which was to be ascertained who were the heads of families entitled to land, nor until after the locations were made, by which each individual obtained a knowledge of the particular half section assigned to him, which only he had the right to sell. The sales had, therefore, of necessity, to be consequent of these measures. We have already seen that it was not until January, 1834, that the last of these measures, the locations, were completed. Yet in order that no time should be lost, agents to certify the sales were appointed in November, 1833, and the locating agents were authorized to confirm sales as the locations were made.

These certifying agents, four in number, each taking an equal proportion of the country in which sales were to be made, and receiving, as soon as it could be made out, a list of the Indian heads of families entitled to land within his limit, and a list of the particular land assigned to each, entered immediately upon their duties. Probably all four agencies for sales were in full operation in the month of February, 1834.

The entire number of individual rights amounted to 6,696, and it is well known that the Indians objected to emigrate until these rights were disposed of. But as no coercive measures could be used to induce sales, nor even efforts of persuasion on the part of the agents, they had to wait until the Indian was willing to sell, and could find a purchaser willing to buy. The sale and purchase being completely voluntary acts, in which the agent could not interfere, he had to wait until the efforts of a purchaser could induce a holder to sell. The progress of this branch of the business was beyond the control of the agents, and could not be coerced. It was entirely dependent upon the desire of the Indian to realize some moneyed result for his land, and the hopes of profit in purchasers. The agents have to await the operation of these desires and hopes, and to avoid the exercise of any effort which would destroy, or seriously lessen, either the one or the other.

An immense tract of country had to be sold, embracing about 2,200,000

acres, and divided into 6,696 separate rights. These rights were held by the people of a nation which it was extremely desirous, for its own happiness and durability, should be emigrated west of the Mississippi, and it was well known they would not emigrate until these rights were disposed of. The Government had, therefore, to await the action of these people, subjected only to the indirect coercion of the desires and hopes before alluded to. These have had an extensive operation, as by the first day of the present month — contracts for sales had been received at the office of the Indian commissioner.

The duty of certifying was suspended for a short period during the last summer, but was resumed again in September.

This suspension was made necessary from reports of frauds committed upon the Indians in the sale of their lands, occasioning great discontents, and operating seriously to injure the efforts of the emigrating agents. The frauds were represented as the result of false personation of the Indians, by those who had previously sold, or who had not lands assigned to them, which as soon as discovered by the rightful owners, resulted in a determination on their part, and on the part of their numerous friends, not to emigrate until these frauds were investigated and redressed.

6th. By the last article of the treaty, it will be seen, that while the Government was to bear all expenses of the emigration, and to furnish provisions to the Indians, for one year after their arrival at their new homes, it was yet expressly provided that no measures of coercion in order to induce emigration should be adopted.

The only means to this end in the power of the Government, were a rapid and faithful execution of the provisions of the treaty, and those of reason and persuasion with the chiefs and tribes of influence in the nation.

The simple narration which I have given of the manner and time in which the provisions of the treaty were carried into effect will, I hope, sufficiently prove the anxious attention which has been bestowed by the Department of that part of its means. It remains for me now only to show, what efforts of reason and persuasion have been resorted to, and what means were always at hand in order to render every facility to any emigrating party.

As far back as June, 1833, commissioners were with the Creek Indians, with powers to make a treaty. The reservations being then neither assigned or located, were yet a national domain, which the Creeks as a nation had a right to sell. The leading object of the treaty, was to purchase all these reservations, and thereby relieve the nation from a principal objection to emigrate.

But every effort to that end failed, and no consent to emigrate at any given period could be obtained on any conditions. No chief of any character, or tribe of any influence, could be induced to give a positive and affirmative reply, to any proposition of which emigration formed a part. They were unwilling even to talk upon the subject; assigning as a reason, that the mass of the people were entirely unprepared for such a step, and that it would cost the life of any chief who would consent.

As there was, however, every reason to believe that opposition to emigrate, would lessen with the progress of the sales of the lands, on the 10th of July, 1834, a special emigrating agent was appointed, and sent into that country, invested with the necessary powers for his duties, and having at his command the necessary means.

He and his assistants continued their exertions until 8th December, 1834, when having entirely failed in the object assigned to him, his appointment was vacated.

But although the appointment of the principal emigrating agent was vacated, the disbursing agent, an officer of the army, of enterprise and of much experience with the Creeks, was retained in that country, and invested with the necessary power and means, to enable him to avail himself of any favorable disposition in the Indians to emigrate. His efforts resulted in the removal of a small party during that fall and winter; but no chief of influence, or tribe of power, with the nation, could yet be prevailed upon.

This officer continued his exertions, until in the month of March, 1835, when he resumed his proper functions, and another principal emigrating agent was appointed, selected from his known enterprise, and from the experience he had acquired in the capacity of an assistant during the previous year. This agent still remains in that country; and, although he has not yet succeeded in emigrating a party, it is however believed that his efforts have mainly contributed to the first important step to that end, really promising of success, and now to be narrated.

In January, 1834, one of the locating agents, having general directions on this subject, spoke to several influential men in the nation, and requested them, in their general intercourse and business with the Indians, but not as agents of the Government, to lend the endeavors to the accomplishment of this object, so absolutely necessary to the preservation of the Indians themselves, as well as being highly essential to the peace and prosperity of the country in which they were then living. There is every reason to believe that the request was faithfully attended to, yet its difficulties and the extreme repugnance of the Creeks to emigrate, may be supposed from the fact that it was not until last August, after all their exertions, united with those of the emigrating agent then in that country, that the Department was apprised that any chiefs or tribes of influence consented to emigrate.

This may be considered the first decided step on the part of the people in favor of emigrating, and as, for the first time, affording the Department strong grounds of hope that the emigration of these Indians, may, hereafter, be speedily accomplished.

The consent alluded to, is signed by the principal chief, and on behalf of the tribe of Tuckabatchies, a numerous and highly influential tribe.

From the foregoing it will be perceived that the efforts of the Department, in order to effect the emigration of these people, have been unceasing; and that, at no time since the locations were made, has it been without agents and means in that country ready to take advantage of any desire to emigrate which the Indians might manifest.

But the emigration must be with their consent. It cannot be coerced. The treaty expressly prohibits such a course. The Department is, therefore, obliged to await the consent and motions of a people reluctant to emigrate and slow to act; of a people too ignorant to judge of the advantages of the proposed change; too stubborn to follow the most friendly and rational advice; and who can be operated upon only by the force of example in those, to whom they have been in the habit of looking up to as superiors.

An example is now set. The leading chiefs and the tribe of Tuckabatchies, having consented to emigrate, it opens the flattering prospect that,

when these once move, the mass of the nation will generally and speedily follow.

This prospect has but one serious drawback, and that is the alleged frauds and their consequences; what effect these may have upon the plan of emigration, is not easily foreseen. But if as serious as has been apprehended by some of the agents, there is reason to fear that even the example of as great and influential a tribe as the one before named, may not produce as rapid results as could, under other circumstances, have been with propriety anticipated.

Very respectfully,

Your obedient servant,

J. J. ABERT,
Lieut. Col. Top. Corps.

HON. LEWIS CASS,
Secretary of War.

WAR DEPARTMENT,
January 15, 1836.

SIR: It is indispensably necessary that the difficulties arising out of the conveyances of the Creek lands should be terminated as soon as possible. Every consideration of policy as well as of humanity requires the immediate removal of those Indians. And from the various reports that have reached this Department it is obvious that as long as the questions concerning their conveyances are kept in an unsettled state, they will not be disposed to remove. I have, therefore, to request that you would proceed, with all the expedition practicable, to carry into effect the instructions which have been given to you on the subject, and to report your proceedings to this Department for its final action.

To obviate the possibility of misapprehension, I shall proceed to state, in some detail, my views of the proper course of proceeding. It is in effect a recapitulation of the views heretofore transmitted to you, with such additional suggestions as subsequent information and experience has dictated.

1st. It is not expected that a general revision of all the unapproved contracts should take place. But that your examination should be confined to such as from probable causes, which shall be made to appear to you, you may suspect are fraudulent. What shall constitute a just ground of suspicion, so as to induce an inquiry, must be left to your own judgment.

2d. When you have reason to believe that a contract has been fraudulently obtained, you will give notice to the white person interested, if known to you and within your reach, of the intended investigation, and you will allow him the opportunity of attending and of furnishing such evidence as he may think proper. If he do not attend you will proceed to an *ex parte* investigation without him.

3d. All the statements and evidence going to invalidate or support a contract will be reduced to writing, and where the persons understand the nature of an oath their affidavits will be taken.

4th. An abstract of all these cases will be prepared by you and transmitted here for examination, without delay, accompanied, in each case, with your opinion on the subject.

5th. As soon as this is received the President will decide upon the subject, and will either confirm the original contract, or declare it void, and authorize a resale.

6th. Contracts will be certified, agreeably to the previous regulations, in all cases where no contracts have been before entered into for the sale of the lands. But no contract will be declared void except by the final action of the President; nor will any re-certificate be granted but in that event; with the exception, however, of those cases in which the parties mutually appear and admit that the contract was a fraudulent one. Such admission will be reduced to writing and signed by the parties; after which a new contract will be certified. The admission, so signed, will be transmitted to this Department.

The general superintendence of this matter must be left to you. Mr. Tarrant yet remains in service, and will afford you all the aid in his power. He has been written to on that subject. The services of Doctor McHenry have been dispensed with, and he has been requested to deliver over to you all the papers and public documents, unless another person should be appointed to receive them, and to go on with his duties. Until this is done, you will please to take charge of the papers. I enclose you a letter from Doctor McHenry, in which you will perceive the astonishing fact stated by him, that nineteen cases, out of twenty certified by him, are fraudulent. I cannot conceive the possibility of such an occurrence if due caution had been exercised by the certifying officer. Such a general assertion amounts to nothing for the purposes of this Department. A statement should be made, exhibiting in detail the cases referred to, and the evidence leading to the belief of their being fraudulent, or the admission of the parties. No such information has been received here. It will be necessary that you should procure from Doctor McHenry all the information on this subject which can guide you in the execution of your duty. If the Department can ascertain the name of a proper person to be appointed in the place of Doctor McHenry, a selection for that purpose will be made. But, until this is done, you are at liberty to appoint a person to execute the duties heretofore assigned to Doctor McHenry. And should you find it necessary you can select one or two other persons of character and information to aid you in the performance of the duties herein prescribed. They will be allowed the same pay that Doctor McHenry has received, viz: five dollars per day for every day while employed, and their actual and necessary expenses while travelling. They will be employed under such instructions as you may give them in aiding you in this business. But you will have an immediate and constant supervision over their proceedings.

It is highly important that this matter should be speedily and properly investigated. I am aware that the trust reposed in you is difficult and responsible. But I look with confidence to its just performance.

Terminate your proceedings as soon as practicable, and let your detailed report contain all the information that may be necessary to place this affair before the President for his final action. If the Indians are kept much longer in their excited state, and in the belief that this system of examination is to be continued much further, I am afraid they will reject all propositions for removing, and prepare the way for their actual ruin. They cannot remain with any safety, either to themselves or to our own citizens, in their present position. Starvation will lead to depredation on persons and property, and these latter will lead to resistance and hostilities. An imperious necessity requires that an immediate termination should

be put to their affairs, and that they should be removed without delay to the country west of the Mississippi.

Very, &c.

LEWIS CASS.

Col. JOHN B. HOGAN,
Tuskegee, Alabama.

WAR DEPARTMENT,
January 15, 1836.

SIR: Colonel Hogan has been directed, in a letter of to-day, to proceed as rapidly as possible with his investigation into the alleged frauds in the contracts with the Creek Indians. He may call upon you for your aid in the execution of this duty, and if he does, you will please to render it in any way he may indicate. Any actual travelling expenses you may be put to in carrying into effect the instructions of Colonel Hogan, shall be refunded you, and your pay, as certifying agent, will be allowed you for every day while so employed.

Very respectfully, &c.

LEWIS CASS.

L. TARRANT, Esq.
Mardisville, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, January 16, 1836.

SIR: Thomas Crawford, Esq. of Bibb county, Alabama, has been appointed certifying agent, and you will please to deliver over to him such public papers and documents relating to the business of certifying contracts under the Creek treaty as are in your possession.

Very respectfully,

ELBERT HERRING.

Doctor R. W. McHENRY,
Columbus, Georgia.

WAR DEPARTMENT, *January 16, 1836.*

SIR: Since my letter to you of the 15th inst. Thomas Crawford, Esq. of Bibb county, Alabama, has been appointed certifying agent in the place of Dr. McHenry. I enclose a copy of the instructions which have been issued to him.

It may be, that you will find it most conducive to the success of Indian emigration, to begin and terminate your inquiries in one particular district, in preference to another. If that should be the case, you are requested to proceed accordingly, on account of the great anxiety which is felt to remove those Indians as soon as possible. Next to doing them justice, my

desire is, that they should emigrate to the country provided for them west of the Mississippi.

Very respectfully,
Your obedient servant,

LEW. CASS.

Col. HOGAN, *Columbus, Georgia.*

WAR DEPARTMENT, *January 16, 1836.*

SIR: You are hereby appointed agent for certifying contracts under the Creek treaty of March 24, 1832.

You will please to apply to Dr. McHenry for all the instructions and other public documents in his possession, relating to the execution of the duties heretofore confided to him as certifying agent, and you will be governed by those instructions, and by those principles laid down in the letter to Col. Hogan, a copy of which is herewith enclosed. You will also carry into effect such instructions as you may receive from Col. Hogan, principal agent for removing the Indians from Alabama.

Your compensation will be at the rate of five dollars per day (5) for every day while you are necessarily engaged in this business, and your actual travelling expenses, while you are obliged, under the orders of Col. Hogan, to travel. As the Department is anxious to terminate this business in the least possible time, there will be no restriction like that imposed in the instructions to Dr. McHenry, of April 28, 1834, at the time when it was believed that the pressure of the business would not require the whole employment of a person. But you will proceed as expeditiously as possible in the execution of your duties, and devote your whole time to it.

I enclose the copy of a letter addressed to Col. Hogan, by which you will perceive the views of the Department on this subject. And you will also receive, under cover, a letter addressed to Dr. McHenry, requesting him to deliver the public documents in his possession.

Very respectfully,

LEW. CASS.

THOMAS CRAWFORD, Esq.
Bibb county, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, January 18, 1836.

SIR: Your letter of the 9th inst. to the Secretary of War has been referred to this office.

As Col. Hogan has informed the Department that Benjamin Marshall wished it to be understood here, that he never wrote a letter contradicting the statement of the Creek chiefs, in regard to the locations in Gen. Sanford's district, and as you state that such a letter was procured, and forwarded by your advice, it appears proper to comply with your request, that it may be sent to Col. Hogan for an investigation of the facts.

It will be transmitted to him to-day.

Very respectfully, &c.

ELBERT HERRING.

ELI S. SHORTER, Esq.
Columbus, Georgia.

WAR DEPARTMENT,
Office Indian Affairs, January 18, 1836.

SIR: As you have informed the Department that Benj. Marshall denies having written a letter contradicting the statement of the Creek chiefs respecting the locations in Gen. Sanford's district, and as Mr. Shorter has admitted that such a letter was procured and forwarded by his advice, and requested the whole matter should be examined by you, I enclose the original, to which the name of Marshall is signed, dated October 17, 1835. You will take the evidence of Messrs. Luther Blake and J. D. Howell, Worsham, and Gen. McDougald, and of such other persons as have any knowledge upon the subject, and report to this office.

Very respectfully, &c.

ELBERT HERRING.

Col. J. B. HOGAN, *Columbus, Georgia.*

WAR DEPARTMENT,
Office Indian Affairs, January 18, 1836.

SIR: In answer to that part of your letter of the 19th ult. to the Com-
missary General of Subsistence, as relates to the payment of the annuities
to the Creeks the present year, I am instructed to say, that, as you have
been already advised, they will be paid the day before their departure, and
of course, at the place where they shall then be assembled. The money
will be remitted to Capt. Page, who will make the payment, and you are
requested to be present and witness it.

No good reason is perceived for transferring the duty assigned by the
regulations to the sub-agent, of fixing the time and place of payment to
yourself, had the above instructions not been given. A copy of this letter
will be sent to Mr. Tarrant for his information.

Very, &c.

ELBERT HERRING.

Col. J. B. HOGAN, *Columbus, Georgia.*

WAR DEPARTMENT, *January 23, 1836.*

SIR: The Commissioner of Indian Affairs has laid before me your letter
of the 11th inst. in which you suggest that the Creek contracts, which are
declared by the parties to be fraudulent, ought not to be re-certified until
your general report is made. The consequences to which you advert,
render this suggestion proper, and I think the course which you recom-
mend to be ultimately adopted, is the correct one. You will, therefore, ab-
stain from re-certifying any such contracts for the present, and the other
certifying agents will receive similar instructions.

Very, &c.

LEW. CASS.

Col. JOHN B. HOGAN, *Columbus, Georgia.*

FORT MITCHELL, *February 1, 1836.*

SIR: I returned to this post last night from Irvinton; my letters to Gen. Gibson will apprise you of the cause; to day a meeting of the chiefs took place here, and also a public meeting of the citizens of this vicinity. Generals McDougald and Bailey also attended on the part of the people of Columbus, Ga. The difficulties that existed were fully discussed, and the chiefs entered into a written pledge, to restrain their people for the future, and to deliver them up should any further depredations be committed by any of them, on the people of Georgia, and, also to restore all property that may be stolen by their people; and on the other part, Gen. McDougald has pledged himself to cause to be restored the Indian poneys that have been carried over to Georgia. These difficulties have all grown out of the late act of the Legislature of Georgia, which took effect only this day; but the people along the river have been acting as if it was in full force, for some time past, and in rushing on the Indians to make prisoners of them they forced them into acts of self-defence, and thus several lives were lost. A young gentleman who was very recently a cadet, (a Mr. Watson) it appears led on the last party that assailed some ten Indians, who, it appears, had crossed the river to bury those who had been killed on Sunday night. This party, not finding the bodies of their friends, remained hunting them, until their friends on this side of the river became uneasy; eight or ten more crossed in pursuit of them; in the mean time Watson and his party took possession of, and fastened the flat, and fixed themselves in a house near the river, when they discovered the Indians making for the flat. Watson, it is said, insisted on his party going out and attacking them; most of the party refused; he, however, persisted, and was followed by eight or ten of his men, who rushed after the Indians who fled to a cane-brake and fired from thence, killed two and wounded several others, and thus the affair ended. The whites carried the bodies subsequently to Columbus, and exposed them in the court-house; this petty war is at an end, and I trust will remain so. It is the opinion of many well informed men that this excitement has been gotten up at this particular moment to put a stop to the investigation of the land cases. I have given out the broken days and shall continue the examination to-morrow, and will pursue it with vigor. The speculators are bribing the chiefs in every town. In the Eufaula the chiefs would not allow the investigation to go on until they had a private council among themselves, which they held in the rain; they then came into the cabin, and as each man's name was called over, answered they had sold, but had not been paid, but was willing to look to Doct. Alexander J. Robinson and General Welborne; these gentlemen had not paid over five or ten dollars a half section for land they have since sold at three thousand dollars the half section; they were both present and did not deny the statements made by the Indians; those gentlemen had purchased those lands some eighteen months ago, and had 113 half sections certified with some five or six hundred dollars in this town!!! Although these Indians appeared to be willing to look to these gentlemen, they stated, in their presence, that they should not wait much longer. I have no doubt but there will be yet much dissatisfaction among the people of this town, as I do not believe they will ever get paid for their land, unless the Government will compel them by withholding the title papers. I omitted to say that a night or two before I met the Indians of this town, the speculators went there in a body, and re-

mained all night with the chief, and arranged all their plans with him, and left me little to do except to take an account of what had been paid.

I have to-day received your favor of the 21st ult. directing me to report to General Scott, which I have accordingly done.

I have, &c.

JNO. B. HOGAN,
Sup. Creek Removal.

HON. LEWIS CASS.

FORT MITCHELL, *February 1, 1836.*

SIR: I have the honor to acknowledge the receipt of your favors of the 17th, 18th and 19th ult. no, and their contents duly noted.

In your letter of the 18th on the subject of the next annuity I do not understand from your instructions are to be carried into effect. Suppose, for instance, that ~~Boothley~~Boothleyholo and all his town agrees to go and comes into camp, but all the lower towns refuse to go, am I to understand that the annuity is to be withheld? Again, I see that the subject is to be continued, and to fix the time of making the payment according to the regulations. My object in wishing to have the control of fixing the time and place of making the payment, was to make it subservient to the emigration. It was not that I want any additional duties, but every thing should bend to the cause of, and be made subservient to, the emigration. This cannot be done if we are to have a sub-agent residing at a distance of one hundred miles from the scene of operations, and who is to control the time and place of making this payment. The truth is, there is no more use for a sub-agent, in the Creek nation, than there is for a fifth wheel to a wagon. Judge Tarrant is a worthy, honest old gentleman, and if the question were asked him he would say the same. Captain Page could make the payment under the instructions of the Department as well without the sub-agent as with him, and as he is connected with the emigration, much better than Judge Tarrant can, and will save expense of feeding those that will assemble on the occasion; but if it is the pleasure of the Department that Judge Tarrant shall attend to this business, I am content, and shall await with pleasure his notice of time and place. I will attend according to your instructions.

The appointment of Judge Crawford as Dr. McHenry's successor having been made, I presume it will be unnecessary for me to send Major Abbot for the books and papers. It would be well for the service to direct Judge Crawford to repair to the Creek nation as soon as possible, as there is a constant call for a certifying agent. It was only last week that a party followed me to Irvinton, a distance of one hundred miles, to get a contract certified. They had understood that I was clothed with that kind of authority, and had to return without accomplishing the object of their journey; and inquiries are made of me daily when a certifying agent will be sent into this quarter of the nation. He should open his office at Tuskegee, as most central for the operations of McHenry's and Sanford's districts.

I have, &c.

JOHN B. HOGAN
Sup. Creek Removal.

HON. E. HERRING.

Supplementary regulations in addition to those approved by the President, November 28, and December 18, 1833, for certifying contracts under Creek treaty of March 24, 1832.

No contracts under the Creek treaty will be certified or re-certified after the receipt by the certifying agent of these instructions, except in the town to which the Indian reservee belongs. And for this purpose, the certifying agents will from time to time appoint days by previous notice, on which they will attend in the public square of each town, where contracts are to be approved. The certifying agents will in the presence of the chiefs and other Indians, ascertain the identity of the Indian claiming the land, and such circumstances as may be necessary to show that the bargain is a just and fair one, well understood by the Indian, and that the payments have been made in a proper manner, and agreeably to the established regulations. When, however, the reservee is disabled by sickness from appearing before the agent in the public square of the town, such agent may certify a contract after a personal interview with him at his residence, at which one or more chiefs shall be present, and at which his identity and the fairness of the bargain shall be ascertained.

Two dollars a day will be allowed to the certifying agents, as a full compensation for their horse hire, and other expenses, when necessarily absent from home upon these duties.

Respectfully submitted for the consideration of the President.

LEWIS CASS.

War Department, March 7, 1836.

Approved, 7th March, 1836.

ANDREW JACKSON.

WAR DEPARTMENT, *March 11, 1836.*

GENTLEMEN: I transmit herewith a copy of the report, made by Col. Hogan, on Dr. McHenry's report of the result of his investigation of contracts, certified by him under the Creek treaty.

This report embraces five classes of cases; 1st, cases not prosecuted; 2d, cases given up; 3d, of special reports or affidavits; 4th, of transfers to General Sanford's district; 5th, of cases in which the ground of reversal is not stated. Of the 1st, there are 369; of the 2d, 205; of the 3d, 37; of the 4th, 2; of the 5th, 43. From the explanatory remarks, appended to the tabular report, it is to be inferred that the first class embraces two kinds of cases. Those in which the purchaser did not appear, and 2dly, those in which he appeared, but failed to bring the Indian of whom he purchased, or adduce sufficient evidence to support his claim. The number of each kind cannot be ascertained, nor is the evidence that was offered, or an abstract of it communicated. It does not appear either, as it should, that in all cases proper notice was given, and the parties assigned or refused to assign any reason, for not attending the investigation. It is obviously impossible for the President to act upon this part of the report.

In the 2d class of cases, those given up, by which it is understood the purchasers, in the presence of the agent, agreed to surrender their contracts, the Department will suspend its action for the present. They will, however, ultimately be reversed, unless something shall occur to call for a dif-

ferent course, and the re-certified contracts will be approved, if no valid objection should be made to them.

The enclosed statement will show you the result of the examination of the affidavits and special reports; where the reversal is approved, other bonds may be certified; in the others, the first contract will not be touched. In the fourth class the reason for the transfer should be stated. In the 5th class, the reversal cannot even be considered; there is nothing on which the Department can act.

The report is therefore returned for your joint revision. And I ask your special attention to the instructions to Col. Hogan, of January 15th, a copy of which was sent to Mr. Burney and Mr. Anderson. Those instructions limit your investigations to cases, in which probable cause is shown for suspecting fraud. They require, in such cases, proper notice of the investigation to be given to the purchasers; that the evidence taken shall be in the form of affidavits, where the witnesses understand the nature of an oath, and the reduction of all the testimony received to writing.

That an abstract of these cases, including of course a summary of the evidence on both sides, shall be forwarded for the consideration of the President, and that no contracts shall be re-certified prior to his action, but upon the admission of the parties in writing. With the report that has been transmitted, no abstract of the evidence is furnished.

You are requested to re-examine this whole matter together. As it is admitted by Dr. McHenry, that the report he transmitted to Col. Hogan, was but a copy of the register he kept, of which last the original cannot now be used, it will be proper for you to compare the copy now sent to you with the register, which he has requested his brother to deliver to Major Abbot. If there are any discrepancies, you will ascertain, in the best manner you can, which is the correct entry. Having done this, you will fix upon the times, at which you will attend, in the public square, in each town, for the purpose of investigating these cases, and give notice in the newspapers, by handbills, and in any other convenient mode to the purchasers.

In this notice it should be distinctly stated, that if they do not appear, an *ex parte* investigation will take place. No evidence will be received, which is offered as opinion or the belief of the witnesses, founded on what they have heard or understood. The witnesses should speak from their own knowledge of the facts. Any other testimony is deemed insufficient to authorize the reversal of a contract. Ample opportunity should be given every Indian reservee, to regain or secure his just rights; but inducements should not be held out to any to present complaints.

The delay which will be occasioned by this new examination, is to be regretted, and the Department urges upon you the importance of promptly completing it, and of proceeding with the general investigation with vigor, and with as much rapidity as may be consistent with correctness, and a just regard to the rights of all parties.

It is proper for me to add, that it is not intended, by returning this report, to cast the slightest reflection upon Col. Hogan. The confidence of the Department in him, is undiminished. But in the exercise of the power,

vested in the President by the treaty, he must from his own judgment on facts presented to him, and not upon the opinions of others.

Very, &c.

LEWIS CASS.

To Col. J. B. HOGAN, *Columbus, Ga.*

J. W. BURNEY, *Monticello, Ga.*

Col. GEO. D. ANDERSON, *Decatur, De Kalb co. Ga.*

WAR DEPARTMENT, *March 16, 1836.*

To the Hon. DIXON H. LEWIS,

House of Representatives :

SIR: I have examined the memorial from Mr. Dawson and other citizens of Russel county, Alabama, which you presented to me, on the subject of the investigations into the frauds alleged to have been practiced in the purchase of lands from the Creek Indians. I have the honor to request that the remarks herein made, may be conveyed to them, as they furnish the views entertained by the President on this matter.

In the first place I would observe that the question has come before the Executive as one of mere duty. There is not the slightest disposition to injure any person unnecessarily, or to withhold from him the use of his property. And I have not a doubt that a large portion of the purchasers are honest men. But it will be recollected that by the Creek treaty of 1832, a valuable cession was made to the United States, and certain obligations imposed upon the Government respecting the location and sale of reservations, made in behalf of the Creek Indians.

In order to carry the treaty into effect, and at the same time to protect the Indians against those fraudulent practices, to which, from their ignorance and the habits of their lives, they are peculiarly exposed, certain regulations were approved by the President, and published through the country.

All the purchasers saw, or ought to have seen, these regulations. The treaty itself provided that no contract should be valid until approved by the President, and this provision was also distinctly announced in the regulations. I make these remarks to show that the memorialists are entirely in an error, when they appear to suppose that, by the mere sanction of the approving agent, a right is vested in them independent of the approval of the President, or that the President is under obligations to approve the contract without an inquiry into the manner in which it has been obtained and certified.

This final control over the contracts was undoubtedly given to the President as a check against frauds. But if it is not competent for the President to inquire into alleged frauds, and to withhold his assent in the event of their existence being proved, this clause of the treaty is wholly inoperative. The true view of the affair is this: a certain mode has been prescribed by the Executive for the sale of their lands, by the Creek Indians, in order to prevent impositions being practiced upon them. It is expressly declared, both by the treaty itself and by the Executive regulations, that no title vests in the purchaser, until his contract is approved by the President. It must go through a certain process of investigation before a certifying agent, pre-

viciously to its being submitted to the President for his action. And when so submitted the President may approve or disapprove. If he approve, the title of the purchaser is complete. If he disapprove, such a course may be taken with relation to the correction of fraud as the President may think proper to direct.

The purchaser buys the land with a free knowledge of all these principles. How then can he suppose that he has a vested right, independent of the action of the President, which no investigation can interfere with? It is undoubtedly true, that in the execution of these duties, the President will and ought to be guided by a sound legal discretion. That no contract will be set aside, unless upon such proof as will justify that course. And that the purchasers have, by procuring the contract of the Indian, and the certificate of the certifying agent, acquired such prima facie rights as ought not to be impugned, except for some just cause. And it is with a view to ascertain whether the complaints made upon this subject are founded on just causes, that these investigations have been ordered.

I enclose for your information copies of the instructions to Col. Hagan and Messrs. Burney and Anderson, who have been appointed to investigate these alleged frauds, which will show you the general principles which the President has directed to be adopted upon this occasion. It is not necessary that I should do more in this letter, than refer to them; I presume you will find them adapted to the circumstances.

You will perceive the gentlemen who signed the memorial transmitted by you, have been under a misapprehension in two important particulars. They suppose that a power is claimed for the Executive of setting aside contracts, finally approved by the President, and in the possession of the purchasers. This is not so. The only power claimed to investigate contracts, for the purpose of determining their validity, by the action of the President, relates to contracts not finally approved by him. I am well aware that when the approval of the President has been given to a contract, the matter is then beyond his reach, and if it can be set aside, this can only be done by the judicial tribunals. When the subjects relating to these frauds were presented for the consideration of the President, an investigation was ordered. This investigation was directed into the unconfirmed contracts, with a view to confirm or annul them, as the facts might appear to require. But besides this, inquiries were ordered into any frauds that might appear to have been committed in procuring contracts that had been approved. And this was done for two reasons:

First. That if the participators in these frauds had committed offences, cognizable by the judicial tribunals, they might be brought before them.

And, second. That in ascertaining the facts, the President might submit the whole subject for the consideration of Congress, if he deemed it necessary.

Of that such cases as admitted of that course, might be brought before the courts of justice, in order that they might investigate them, and do justice between the parties.

And the President deemed it his duty to direct these proceedings, in consequence of the peculiar relations of the Indians to the Government, and the obligations upon him to see that justice was done to them and the treaty faithfully executed.

In another point of view also, these gentlemen are incorrect. No power has been delegated to these examining agents to decide upon, or set aside

a contract. Their duty is confined to the investigation, to the collection of evidence, and to its transmission, with their opinion thereupon.

It follows, therefore, that they are also incorrect in supposing that the cases thus examined have been resolved, and all end with the same system of frauds. No authority has been given to re-certify contracts, except in those cases where they have been set aside by the mutual consent of the parties. Consequently, no injustice can have yet been done to any person by the sale of land purchased by him.

On the general subject of these investigations, permit me to remark, that it is objected to by these gentlemen, if I understand their memorial, on three distinct grounds :

First. That innocent purchasers will be delayed or injured by the proceeding.

Second. That it will prevent the emigration of the Indians, and

Third. It will be useless in its results. To which may be added, that they object also to the mode in which the agents proceed in the discharge of their duties.

As I informed you yesterday the whole papers on this subject are preparing for transmission to the Senate. It is not necessary, therefore, to refer, at this time, to the complaints that have been made to the Department, and which led to these examinations.

These will appear among the documents. It is sufficient to observe that allegations were made, both by white persons and Indians, stating that gross frauds had been committed in relation to Creek reservations, and I may add, that subsequent examination has shown that there was much truth in these representations.

Doctor McHenry has stated that he believed nineteen cases of twenty certified by himself, were fraudulent. A great portion of these frauds consisted in the personation of one individual by another, and the consequent conveyance of property without the knowledge of the right owner. As soon as these complaints reached here, the President deemed them of sufficient importance to direct a special examination into them. The sale was therefore suspended, and the certifying agents were requested to institute the necessary inquiries into the subject, and to communicate the results to the Department. Before this was all completed, such representations were received from some of the principal Indian chiefs, as rendered it necessary to have a reinvestigation.

This was ordered, and the principal direction was given to Colonel Hogan, and the other agents were requested to co-operate with, and aid him. Subsequently, however, as Colonel Hogan had felt the duty to be a disagreeable one, and had wished to be excused from it, and as some of the purchasers had expressed an apprehension that Colonel Hogan entertained impressions unfavorable to them, it was thought best to associate two gentlemen of high character with him, and to the three, as you will see by the instructions, the whole matter is now committed, with directions to terminate it as speedily as possible. It is proper, however, to remark that the appointment of the two latter gentlemen did not arise from any opinion on the part of this Department that Colonel Hogan would not execute his duties faithfully and impartially. In this situation this matter now stands.

I may well inquire how the President could have justified himself had he refused or neglected to institute these investigations. Complaints were made by respectable persons, and by the Indians themselves, that the latte

had been grossly defrauded, and this under a treaty still pending for its execution before the President, and in relation to a subject over which he has, by that treaty, a controlling authority, purposely given to him to prevent or correct this state of things.

That by this investigation some honest persons may be delayed in receiving their final titles I do not doubt. But this is the only injury that can happen to them. They are already, as appears from the memorial, in possession of the tracts purchased, and that possession they will retain until the inquiry is terminated. No honest purchaser's title will be affected. He need not fear the investigation. The President will form his opinion upon the facts, as they appear, and not upon the views of the agents. And can the inconvenience which the delay of the title papers may occasion under these circumstances, and where the possession, in the mean time, remains with the purchaser, outweigh the powerful considerations which dictate an inquiry into alleged frauds, practiced upon a race of beings whose situation appeals forcibly to the sympathy and justice of the Government and the country?

But these gentlemen think that the proceedings will check the emigration of the Indians. I have no doubt that the Indians will not remove as entirely and as speedily as they would have done had there been no difficulties in the sale of their lands. But the United States have other duties to perform towards these Indians besides removing them. It is very desirable that they should be transferred to the west as speedily as possible. Their own existence, and possibly the peace of the country where they now reside, requires this. But every thing else cannot be sacrificed to this measure. We have formed a compact with them. They have acquired rights under this, and we are bound to protect them in the enjoyment of those rights, until, at any rate, the law of necessity shall intervene and require their removal independently of any other considerations. This state of things has not yet arrived, and it would be a poor answer to their complaints to say, "true, you may have been defrauded, but we are so anxious to remove you that we will not stop to investigate the matter and see justice done you." I am sure no Executive ever administering the Government will sanction such a course.

But it is farther objected in substance that the result will be useless and that no practical benefit will ensue to the Indians. And how do we know this until we try? Doctor McHenry has already reported about two hundred cases as having been set aside by the consent of the parties.

Here it is admitted by those interested, that frauds have been committed; and is it nothing to have restored to two hundred of these Indians, rights which have been thus taken from them? The practical result can only be ascertained after the examination has been made, and when this is completed the Government will, at any rate, have the satisfaction of knowing that it has done all it has in its power to do. I do not doubt that many honest purchases have been made, and on the contrary, I cannot doubt that many contracts have been dishonestly obtained. I am not sanguine in the opinion that the agents will be successful in the investigation of all the latter cases. The subject is involved in great difficulty from the habits and ignorance of the Indians; from the facility with which designing men may impose upon them, and from the readiness with which many of their own people may be induced, for a trifling consideration, to personate and convey away the property of another. We have guarded against these

difficulties, however, as far as we can, for the future, by requiring all contracts to be certified in the public square of the town where the Indian claimant resides and in the presence of the chiefs.

With respect to the mode of proceeding it may be that an injudicious course has been adopted by the agents. I do not know that it has, for the necessary facts are not all before me. But as you will perceive by the instructions it was not intended that there should be a general investigation, but an inquiry only, into those contracts which the agents had probable grounds for suspecting had been obtained through fraud.

The result, therefore, of the whole view is, that this proceeding must go on with as much despatch, however, as practicable, and upon the principles herein stated. I trust the inquiry can be terminated without much loss of time, as I have impressed upon the agents the great necessity for their action as speedily as possible in order that the Indians may be removed with the least delay. The letter from Mr. Dawson to you, is herewith returned.

Very, &c.

LEWIS CASS.

TUSKEEGEE, *March 28, 1836.*

SIR: The council of the Creek nation commenced on Thursday and ended yesterday, (Saturday afternoon). The object of this council, I have heretofore fully made known to the Department, viz: A settlement of all their debts, and agreeing on a plan of removal, and the distribution of the proceeds of the 23½ sections of land. I had hoped, also, that the annuity would have been received, and could then have been paid, and removed every cause for further delay; but Judge Herring's letter of the 11th instant, informed me of the fact, that the appropriation bill had not been passed. The upper and lower towns divided the \$43,740 in equal parts, after having first paid three claims of Col. John Crowell, amounting to upwards of \$5,000. Those claims consisted of two drafts, one drawn by John H. Broadnax, signed by certain chiefs, and addressed to you for the sum of \$3,000, which it is said was given Broadnax for his services in going to Washington to make a treaty, and the other to Paddy Carr, for his services, said to have been performed by him, both drawn on you. Those drafts, and a tour draft, were paid. The lower towns then paid off all their debts, and had money left; but the Texas project, of last year, has run Opothleholo so much in debt, that they were unable to pay off more than three-fourths of the claims against the upper towns; and consequently they left the council, carried off their money to Tuckabatchee, and it is said, will await the receipt of the annuity.

Before leaving Mobile, I wrote to Captain Page to meet me at this council, for the purpose of introducing him to the chiefs and of addressing them on the subject of their removal, and also to bring with him the contractors, or as many of them as possible, which was accordingly done, and they appeared. viz: Captain Page, Messrs. Ingersoll, Walker, Woodward, Howell, and Beatty. As the chiefs were in two parties, we first addressed the upper towns, with Opothleholo at their head, Captain Page spoke first, then Walker, Woodward, and I finally. The talk was well received by those chiefs, and after we left them, I have been informed, they received from Opothleholo a very strong talk in favor of going as soon as their business would

admit of it. We next repaired to the council of the lower chiefs, with old Neomicco at their head, and again introduced Captain Page, as the officer charged with the duties of superintendent, &c. Here a very different scene took place; his talk was not listened to with any satisfaction, and old Esiah Marthy openly spoke out and said "he would not go," and all the time Page was talking was making signs and gestures, and pointing to me, as the cause of this arrangement. The contractors made a few remarks, and seeing how dissatisfied the whole nation was at the talk, I told the interpreter to tell them, that if they would listen to me, I would say a few words to them, but if they did not want to hear me, I would say nothing to them; they consented at once to hear me, and listened very attentively to me. After I closed, I told Captain Page to demand of them an answer to his talk and allow them time to reflect, but they must give an answer at Fort Mitchell; the demand was like an electric shock on them; it changed the whole scene; they looked at one another with surprise; they instantly asked if we wanted an answer immediately? Captain Page told them no; to take time, reflect maturely, and then to come to Fort Mitchell with the answer. James Islands, a half breed chief, of considerable influence, then addressed them in favor of emigration; after he had closed, his brother attempted to address them in favor of emigration, they stopped him and compelled him to go off. From every thing I have seen and heard, I am more than ever convinced they do not intend to go. The upper towns will go if their debts can be paid. Opothleholo urged upon Captain Page the injustice of paying half the annuity to the lower towns, as their numbers are nothing like equal to the upper towns. Under existing circumstances; I do think it would be good policy to withhold from the lower towns their portion of this year's annuity, until they agree to emigrate; this can be done by the census roll, as a fair criterion for equalizing their share of the annuity, and withholding it until they agree to come into camp. I think by fall they will agree to do so, particularly after they see the upper towns off, and the advantage they have derived by going. At this council Mr. John H. Watson, the same young man who commenced all the late disturbance at Columbus, by attacking a party of Creeks below Fort Mitchell, in which affair two white men were killed; this Mr. Watson came on the ground with a piece of paper, purporting to be a copy of an order recently issued by Major General Scott, authorizing General Woodward, of this place, who is one of the new batch of emigrating contractors, to accept the services of any 500 Creek Indians as volunteers. General W. declined making any effort to raise volunteers, by stating that it was a well known fact that he had no influence with the Indians, but if they were raised and no better man could be found, he would go with them; but as far as I could understand his open declarations, he appeared to disapprove altogether of the project, as it was his opinion it would retard the emigration. Mr. Watson, who appears to be a wild, rash, and inconsiderate young man, insisted that I was bound to raise the warriors. I referred him to Captain Page, as a military officer, and who was acting as superintendent, but he seemed to think that a word or two from me would induce the chiefs to jump at the offer. In the mean time, I consulted Captain Page, who was decidedly opposed to sending Indians under the orders of such a man, and indeed seemed to disapprove of it. I also consulted with Opothleholo, who said he did not want his people to engage in any such war at present, that he was anxious to get off for the west, but if the Secretary of War wanted his people to go, he did not wish them to

go with men he did not know, and of course had no confidence in them. Other chiefs told me the same thing. Mr. Watson continued to follow me about, and insisting that I must get him Indians to go, and at last he became rude and offensive, I then cut him short by telling him that if he had any communication to make me, to do it in writing, and I would, in the same manner, reply. I also consulted the emigrating contractors, who, I had reason to think, was pushing on Watson, and asked them if the Indian warriors were raised, if they would give me from under their hands, a relinquishment of any claim they might hereafter choose to prefer for damages, on account of those Indians being carried to Florida; they said they would not give any relinquishment, but the Indians might go if the War Department required their services. Whatever inclination I might have to obey General Scott's orders, (and certainly there is no officer I have served under, that I more highly love and respect, and whose orders at all times afforded me more pleasure to obey,) yet, in the present instance, I have deemed it most prudent to refer the whole matter to you. I can easily perceive General Scott's situation when he gave that order to those young men, (Watson and Flournoy,) who visited him at Picolata, and no doubt made a display of their patriotism and popularity among the Creeks, and urged the General to give them an order to bring into the field 500 Indians. The General seeing but one side, and being pleased with their spirit, gave the order. You will see, too, that the order (a copy of which I herewith enclose) does not embrace an order on the commissariat or quartermaster general's department, for subsistence and transportation, or on the ordnance department for arms, or their being mustered into the service of the United States, nor was it personally addressed to Captain Page or myself, nor would Mr. Watson vouch that it was a correct copy of General Scott's order, as he wrote it, he said, from memory. If it is desirable to have the 500 Creek warriors engage in this war, I have but little doubt, but they can be obtained, if proper persons are sent to command them. But I do not think that either Mr. Watson or Mr. Flournoy are the right sort of persons to be charged with such a command: I have no doubt of the bravery of either, but I should think they lack the other requisites of a commander, viz: prudence, temper, caution, and experience. If, however, you wish the order complied with, it shall be attempted and enforced as far as my influence will go. In my first communication to General Scott, I made a tender of my services, should he require Indians in this campaign; not having heard from him, I presumed the Department would not sanction the employment of them, and thought no more on the subject. If, however, I am mistaken, I again tender my services to go as commander of such a body as the Department may order; a matter of that sort is much more to my taste, than the duties now assigned me.

I have the honor, &c.

JOHN B. HOGAN.

To the Hon. LEWIS CASS.

ORDERS—FLORIDA.

HEAD QUARTERS,
Florida, March 14, 1836.

General Thomas S. Woodward, of Macon county, Alabama, aided by Majors Jno. H. Watson and Wm. B. Flournoy, is authorized to accept the services of any 500 Creek warriors, to be employed as auxiliaries in the present Seminole war. Should General Woodward decline accepting the command, Major Watson, assisted by Major Flournoy, will take the command. The U. S. agents, in the Creek nation, will use their exertions in raising and facilitating the departure of the above named forces. Those forces will be embarked from the Creek country to Tampa Bay, and reported to the commander of that post. Commissions, of course, cannot be granted to those officers, but the first will be recognised as having the rank of lieutenant colonel, the second major, and the third captain; if it should be necessary, one or two lieutenants will be recognised.

WINFIELD SCOTT.

TUSKEGEE, March 30, 1836.

SIR: I enclose you the relinquishment of Arthur Dudley to the S. S. 19, 24, being the reserve of Sappoce of Long de Hatchee town. I shall continue to procure these relinquishments as fast as I can, and such other written testimony as will go to show that the cases I have reversed was well founded, and need no second tour through this district: the fact being made known here that I was ordered to again travel through this district, and to investigate, in conjunction with the two gentlemen recently appointed, has created more surprise than any other act of the Department in relation to Indian matters, that has transpired for some time past; the cases marked reversed, are so notoriously fraudulent, that every one is struck with astonishment that they should be sent back for further investigation. It is true that many cases were determined ex parte, because the land speculators would not attend, but public notice was given in the newspaper, and by hand-bills spread over the nation, and put up in the town of Columbus by Doctor McHenry in the first examination, and myself in the last, and no plea of want of notice can be sustained by those persons. I know, too, that I forwarded you a copy of my hand-bill, so that you might have one of the notices in your office, should it ever become necessary to revert to them. But I can procure the affidavit of one hundred persons, that due public notice was given, and that those cases marked reversed in such towns as they attended, was considered proper by every person present. Again, Doctor McHenry and my testimony, as well as Major Abbot's and my own, should be worth something at any future time, should these cases or any of them come into our courts in opposition to their reversal.

I also send you a written statement of L. B. Strange and N. F. Collins, in the case of Billy, of the Chehaw town, No. 27, N. $\frac{1}{2}$ of 11, 18, 24.

I have, &c.

JOHN B. HOGAN.

Hon. E. HERRING.

P. S. Since writing this letter, General Woodward has called to inform me that he has received a copy of my report in the case of Holitchar, and

my remarks on it, although there is not one word in those remarks but are susceptible of the strongest proof of the correctness of them; yet some people, although they are willing to do certain things, and enjoy the benefit of it, yet they dislike the thing long called in plain English by its true name, and no doubt excepts to my saying his statement *was one-sided*, which in fact it is, as the case appears on the books, of the purchase of George Stone and Mr. Brooks. Brooks I know very little about, but Stone is too well known here to quarrel about character, but Woodward's statement is one-sided, as he is the claimant in the case. This evidence is in his own behalf; as for that part of my statement which alludes to its being a case of personating, and that those gentlemen felt no squeamishness on that head, is already established. I now send on the affidavit of S Samuel Smith, handed me some time since in that case. I again repeat, that if every one of those folks are to be furnished with copies of my reports, I want to know it, and if so, my correspondence shall be much improved in brevity, as I don't wish to have constant quarrels with every fellow who chooses to dislike my mode of expressing myself on a plain case, such as this is. I liked to have omitted to say, that General Woodward says he will not bring up the woman he calls Holitchar, and I have no doubt from the best reasons.

J. B. H.

ATTORNEY GENERAL'S OFFICE,
March 31, 1836.

SIR: In your letter of the 15th inst. you ask my opinion on the question, "whether under the provisions of the acts of Congress, providing for the admission of Alabama and Mississippi into the Union, respecting the grant of the 16th section in each township, for the use of schools, reservations for claimants under either of the articles of the Choctaw treaty of 1830, can be located on that section?"

The sixth section of the act to enable the people of the Alabama Territory to form a State constitution, &c. approved March 2, 1819, offered, among other things to the convention about to be held, the following proposition, viz: "That the section numbered sixteen in every township, and where such section has been sold, granted, or disposed off, other lands equivalent thereto, and most contiguous to the same, *shall be granted* to the inhabitants of such township for the use of schools."

This proposition having been accepted by the convention, became, and is, obligatory on the United States; that is to say, the faith of the nation is pledged to execute it literally, provided the Government of the United States possess, or can acquire, the ability to do so. But the words do not amount to a present grant: on the contrary, the engagement is executory, and no particular time is specified for its fulfilment. Reason and good faith however require, that it be executed from time to time, as fast as the United States shall be able to designate the sections, and to convey a good title therein; but if for any cause the United States should be incapable of a literal execution, or should refuse to execute, the inhabitants of Alabama would have no other means of obtaining compensation or redress, than such as might be found in an appeal to Congress.

In regard to that part of the Territory of Alabama, which in 1819 was occupied by the Choctaws, it is also to be observed, that the United States were incapable of making any grant thereof, except subject to the Indian right of occupancy. As to the Choctaw country, the proposition above quoted, must therefore be regarded as subject to the implied condition, that the United States should be able so to extinguish the Indian title, as to enable them to execute the engagement according to its terms.

The provisions of the Choctaw treaty, which secure to persons of that tribe certain reservations of land, were indispensable parts of the means to which the United States were obliged to resort, to extinguish the Indian title; and as no exception was contained in that treaty of the 16th section, nor any allusion made to the compact with Alabama, it would be unjust towards the Indians; and an infraction of the treaty, to prevent them from locating on those lands; as between the Indians and the United States, the treaty itself is the only measure of their respective rights, and no restriction not found in that instrument, can be imposed on the right of locating the reservations secured by it.

Even therefore had the engagement of the United States been positive, to grant to the State of Alabama the sixteenth section, I should hold in the case which has actually occurred, that the claimants under the treaty could not be affected by it.

But the agreement is not exclusively confined to that section. It contemplates the contingency of that section being otherwise disposed of, and makes provision for such an event. So far as that part of the Territory which was occupied in 1819, by the Choctaw Indians, is concerned, I think the words, "and when such section *has been sold, granted, or disposed of,*" must be considered as applicable to the state of things which should exist, when the Indian title should come to be extinguished; and then the sixteenth section, if claimed by an Indian reservee under the Choctaw treaty, will have been "*disposed of,*" within the meaning of the original proposition: and in that case it is expressly provided that *other* equivalent and contiguous lands are to be granted.

I do not find any special provision relative to the 16th section, in the acts concerning the state of Mississippi.

I have the honor to be,

Very respectfully,

Your obedient servant,

B. F. BUTLER.

Honorable LEWIS CASS,

Secretary of War.

Mr. Erwin's letter is herewith returned.

TUSKEGEE, April 3, 1836.

SIR: I must enter my protest against the course pursued in Judge Herring's office, of furnishing copies of my reports to these land speculators, and particularly while the investigation is proceeding. Those men have such facilities afforded them of procuring papers from the War Department, that no officer can, with any degree of safety, perform such difficult and delicate duties as have been assigned me here. Until the present time, I had supposed that where a special agent was charged with such duties as

have been assigned me, that his communications were confidential. The very delicate character of those duties would seem to infer this; and unless such is to be the case, no agent, who in the discharge of this duty, must necessarily, if he writes freely and tells the truth, but must bear occasionally on those speculators. If, however, he knows his letters and communications are to be forwarded at the beck and call of such people, and his life to be thus jeopardized, will be sure to write with such caution as not to tell half the truth, or in such a careful manner as to leave the Department in the dark on the very subject they most require light. Such is my case at present. General Thomas S. Woodward writes to Colonel Abert for copies of my reports, and he procures from Judge Herring's office, and sets this man Woodward in a rage, and he is ready to cut throats or shoot me if he can. This Mr. Woodward is one of Colonel Abert's locating agents, and every agent Colonel Abert made while here, is among the most active land speculators. I do not know why Colonel Abert should be meddling in my business. The offensive paragraph that Woodward is angry at, is that I stated, I believe the case of Holiehar, who was personated, a matter that these gentlemen had or felt very little squeamishness about. Now, I can procure an hundred affidavits that the said Woodward constantly boasts of his success in that way, and makes a laugh about it; and George Stone, the other party to this contract, also makes a laugh about his agency. It is only three days ago, I heard Woodward boast about and tell the story of the Pin Hadjo case. This gentleman is one of the contractors, and wishes to make a show, and is ready to shoot or cut my throat.

These things are not pleasant, if it is expected that I am to report in full each case. I must occasionally be compelled to speak out and bear rather hard on some of the parties, and it is not fair or just to me to send copies to those desperate men. My reports are not testimony, and if they must be furnished with testimony, send them copies of the affidavits; but I must acknowledge this is a new matter to me, that every contemptible fellow is to be furnished with letters from the Department, and the lives of your officers jeopardized by it. I know it was not so in old times.

I will state another fact, that letters are written from Washington to Columbus, and any order issued to the Creek nation, is furnished to these land companies often before I get them; and even your private remarks and very looks are noted and sent out to those folks. I don't know who are the authors, but it is not hard to conjecture.

My colleague, Colonel Burney, is here. Colonel Anderson is not yet joined, and it is the opinion of Colonel B. that we cannot act until he arrives. If so, our duties must always be retarded, if one of us be sick or compelled to be absent, if it is your opinion that a majority cannot act.

I have, &c.

JOHN B. HOGAN.

Honorable LEWIS CASS,
Secretary of War.

DEPARTMENT OF WAR,
Office Indian Affairs, April 16, 1836.

SIR: In conformity with the resolution of the Senate of the 21st January last, requesting the President "to communicate to the Senate any information he may possess, relative to frauds or fraudulent practices com-

mitted, or attempted to be committed, in the sales of public lands or Indian reservations, under any of the treaties recently made with any Indian tribe; the character of such fraud or fraudulent practice, if any, with the name of any officer of the Government charged with being in any manner connected therewith; and also, what measures have been adopted to prevent such practices, if any have occurred." I have the honor herewith to transmit copies of all letters to and from the Department, having relation to these subjects, and not embraced in the answer to the resolution of the Senate of December 23, 1833, and of the House of Representatives of January 23, 1835.

I have the honor to be,
 Very respectfully,
 • Your obedient servant,
 ELBERT HERRING.

Honorable LEWIS CASS,
 Secretary of War.

WAR DEPARTMENT, *April 29, 1836.*

SIR: I have had the honor to receive your letter of the 15th instant, but have been prevented by indisposition from giving you an earlier answer. I enclose herewith a copy of an opinion given by the Attorney General, in relation to the duty of the Government, to make locations under Indian treaties. You will perceive by this, that he considers that the compact between the United States and Alabama, on the subject of the 16th section in each township, does not take away the right of locating that section for the Indians; and consequently, when the terms of the treaty required it, the location must be made accordingly. I do not suppose that this Department has any right whatever to interfere in the matter; Congress alone can take such steps as may be necessary to do that justice to the State of Alabama to which she is entitled. The designation of the 16th, or any other section, by a locating agent, for the use of the township, can only operate to cause the land to be withheld from sale, until Congress shall see proper to interfere. There cannot be a doubt of the right of the respective townships to expect from the United States a section of equal value to the 16th section.

Very, &c.

Honorable D. H. LEWIS.

WAR DEPARTMENT, *April 30, 1836.*

GENTLEMEN: Your letter of the 17th instant was received yesterday, but too late to be answered by the Secretary of War before he left the city. He instructed me to say, in answer to your first inquiry respecting the testimony to be received in the examinations pending before you, that where witnesses do not understand the nature of an oath, their statements will be received, and you will judge of the degree of credibility to which they are entitled, applying the principles recognised in courts of law, and reducing the statements to writing.

The notice of the investigation will be a general one, stating the day on

which it will commence and terminate in the several places to be visited by you. Your suggestion that the residents in small towns shall be assembled in a neighboring large town, or at some central point, is approved.

The question respecting the applicability of the rule, in the 22d section of the intercourse act of 1834, to the investigations, was answered by the Secretary of War in a letter to you dated April 16th.

Very, &c.

MESSRS. J. W. BURNEY, and
G. W. ANDERSON,
Tuskegee, Alabama.

WAR DEPARTMENT, *May 7, 1836.*

SIR: By the 2d article of the treaty concluded March 24, 1832, with the Creek Indians, certain rights to land are secured to the Creek Indians. The mode of locating and conveying these is fixed by the treaty. Regulations were adopted prescribing the manner in which conveyances might be made. These required that the parties should appear before a certifying agent, who was to inquire into the nature of the contract, and reject it if he considered it fraudulent, but to certify it if he found it fair and just in all respects. The contracts were then to be transmitted to this Department, to be laid before the President for his approbation, under the 3d article of the treaty.

In the conveyance of these reservations by the Creek Indians, there have been many allegations of fraud. Instructions have, from time to time, been given for investigating such frauds. In the meantime the action of the President has been suspended upon all contracts not previously approved by him. Three persons are now engaged in examining all those cases where probable grounds of fraud are shown, and where the President has not finally approved the contracts.

It has been the impression of the Department that where the certifying agents have certified a contract as correct, the purchaser has acquired such rights as cannot be set aside without the decision and action of the President, under the power vested in him by the 3d article of the treaty. And thus whether the contracts have been retained by the certifying agent or transmitted to this Department, I have supposed that the final action required of the President on the subject of these contracts, can only be exercised by himself, and that the power cannot be transferred to any other persons; they may be authorized to collect evidence, in order to enable him to come to a decision.

It is stated, however, that there is a class of cases differing from these, in which the certifying agents have retained the contracts in their possession, but have not endorsed their approval upon them. I have the honor to request your opinion whether the persons authorized to investigate these alleged frauds, can be empowered to set aside this latter class of cases, without referring the matter to the President, and upon such evidence as may appear to them to be satisfactory.

And I have also to request you to inform me whether you consider the views herein stated, with relation to the contracts approved by the certifying agents correct.

Very, &c.

HON. B. F. BUTLER,
Attorney General.

WAR DEPARTMENT, *May 9, 1836.*

SIR: In answer to your letter of the 6th instant, I have the honor to remark, that the question of the right of descent under the Creek treaty, is one which the President has not thought it proper for him to determine, and he has therefore declined interfering in every case of this nature, looking to the action of the judicial tribunals, or to the necessary legislative measures, either by Congress, or by the Legislature of Alabama.

I enclose, herewith, two opinions of the Attorney General, which touch upon the questions presented by you. It is the impression of that officer, as well as my own, that the rights of land secured to the Creek Indians under the 2d article of the treaty with them of March 24, 1832, are defendible interests, and that the rules of inheritance by which they may be regulated, must be prescribed by the laws of the State of Alabama. Whether the present laws of that State make the necessary provision for determining the person who shall inherit this species of property, and the mode of procedure to secure and convey their rights, are questions upon which, for the want of the necessary information, I am not able to form an opinion. Entertaining this view, it does not seem to me that any legislative action is necessary on the part of Congress, either to legalize the proceedings that have taken place under the authority of the courts of Alabama, or to afford any sanction to the operations of the law of that State. It is probable that a declaratory resolution, recognising the right of the General Assembly of Alabama to legislate upon this subject, might remove some of the practical difficulties which have heretofore encumbered the conveyance of this species of property. Whether such a procedure would be proper under the circumstances, is a question for the consideration of the committee.

I would observe that the opinion of the Attorney General, conveyed in his letter to the President of April 3d, 1836, lays down the necessary limitations respecting the conveyance of these reservations. The power of approval vested in the President, will still remain after the estate has descended to the heirs of a deceased Indian, and the only effect of the State laws would be, to authorize the persons inheriting the property, or those competent to act for them, to do whatever, under the treaty, the original grantee might do.

Very, &c.

To Hon. F. S. LYON,

*Of Com. Indian Affairs, House of Reps.*WAR DEPARTMENT, *May 9, 1836.*

GENTLEMEN: It has been represented to this Department that the contracts in Doctor McHenry's district, reported to have been given up, have been, in some instances, re-certified. If this has been done, it has not been in accordance with the views expressed in my letter of March 11, and the practice will be discontinued. Until the President shall have finally acted upon those contracts, no re-certification can be permitted.

Very, &c.

Col. J. B. HOGAN.

J. W. BURNEY, Esq.

Col. G. D. ANDERSON,

Tuskegee, Alabama.

WAR DEPARTMENT, *May 12, 1836.*

GENTLEMEN: A letter has been received by the President from Colonel Hogan of the 22d April, and another from that gentleman to the Department of the same date.

In these letters Colonel Hogan expresses it as his own opinion, and likewise the opinion of the other commissioners, that authority should be granted to them, to decide finally upon all cases of reinvestigation, and to set them aside if they think proper, and have them re-certified. I enclose herewith the copy of a letter addressed to the Attorney General, together with the answer of that officer, by which you will perceive he decides that cases which have been certified by a certifying officer, cannot be set aside without the action of the President, agreeably to the principles laid down in my letter to Colonel Hogan of March 11th. It appears by Colonel Hogan's statements, that there are cases in the hands of the certifying agent, and of Doctor McHenry, which have never been certified. The Attorney General decides that these cases may be acted upon by the commissioners without being transmitted for the consideration of the President, or, in other words, the commissioners themselves may be constituted the certifying agents to approve or set aside the contracts. You will adopt this view in your further proceedings, and all cases not acted upon by the certifying agents, you are authorized to examine, complete by signing the contracts, and to set aside, or, as you may think just, under the instructions issued upon that subject. The contracts you certify, you will transmit for the approval of the President. An abstract of all cases thus set aside by you will be transmitted to this Department, and you will authorize the proper certifying agents to certify new contracts in all these cases. It is proper that the commissioners should take into their possession all the contracts now remaining with the certifying agents, and retain them for disposition agreeably to the direction of the Department.

You will perceive by the above instructions, that there is no foundation for the idea advanced by Colonel Hogan, that the power to set aside contracts already certified, ought to be granted to the commissioners if the Government have confidence in them; and if they have not such confidence, that the present commissioners should be dismissed and new ones appointed. This question depends upon no such consideration. The Government has full confidence in the commissioners, but the discretion vested in the President cannot be transferred to them.

I have again to urge upon you to expedite your proceedings as much as practicable. Delay may be fatal to the Indians, and injurious to the interests of the public. I request you, therefore, to devote your whole time and attention to the matter that it may be terminated as soon as possible.

Very, &c.

Col. J. B. HOGAN,

J. W. BURNEY, Esq.

Col. G. D. ANDERSON,

Tuskegee, Alabama.

WAR DEPARTMENT,
Office Indian Affairs, May 13, 1836.

GENTLEMEN: This Department has been advised that the contractors are prepared to remove a large number of the Creek Indians, and that the Indians are willing to remove, as soon as the investigations are closed. I am instructed to repeat to you, that the President is extremely solicitous that the duties confided to you shall be fulfilled without any unnecessary delay. He considers the removal of the Creeks essential to their welfare, and the security of our citizens. You are requested, therefore, to allow no circumstances to interrupt the prosecution of the business entrusted to you.

I am, &c.

Messrs. HOGAN, BURNEY, and ANDERSON,
Tuskegee, Alabama.

WAR DEPARTMENT, May 19, 1836.

SIR: By direction of the President, you are hereby assigned, as a Brevet Major General, to the command of the troops of the United States, and of the militia which may be called into service from Georgia and Alabama, for the suppression of hostilities in the Creek country. Intelligence just received from that quarter shows that hostilities have commenced on the part of the Creek Indians against our settlements. You will, therefore, repair, without delay, to that quarter, and take such measures as you may find necessary for the reduction of the Indians. You will receive from the Adjutant General a statement of the regular force which has been ordered to that quarter. In addition to this, the Governors of Georgia and Alabama have been authorized to call into the field such of the militia as they might find necessary, in the event of actual disturbances among the Indians, or of such a state of things as should leave no doubt that they meditated them.

Letters have been this day addressed to the Governors of those States, requesting them to call into the field such militia force as you may require. It would be better, on all occasions, that these should be volunteers, and that they should engage to serve for six months, unless sooner discharged. If, however, it is necessary to resort to drafting, the term cannot be prolonged, by law, beyond three months.

You are aware that a bill is pending before Congress for the organization of a volunteer force. Should this pass in time for your operations, it would no doubt be better that the troops required should be engaged under it. I have, as you will perceive, stated this view to the Governors of Georgia and Alabama, and informed them that as soon as this becomes a law, I will communicate the fact to them, together with such suggestions as may appear necessary.

Your efforts will be directed to the unconditional submission of the Indians. As fast as this is effected, and as any parties of them can be collected, they must be disarmed and sent immediately to their country west of the Mississippi. For this purpose you will employ such officers and military detachments as may be necessary. You will call upon the Commissary General of Subsistence for a statement of the arrangements that have been made on the subject of the removal of these Indians. Captain Page, of the army, has at present the direction of this matter. A contract with a number of persons in that country has been entered into for subsist-

ing and transporting these Indians. If they are able and willing to go on with their contract, you will allow them to do so. But immediate action is necessary, and if you experience any delay, you can cause the provisions, means of transportation, &c. to be purchased by the military agents. The great object is to remove them immediately, and to this other considerations must yield. Captain Page will communicate to you all his instructions, and the regulations of the Department, by which you will see the system of administration that has been adopted upon this subject. This will be adhered to whenever the new state of things does not require a change. You will take care that all practical economy is preserved, and that the disbursements are faithfully accounted for. And with respect to your military operations generally, I have to request that you would direct your attention to an economical administration of your military expenditures, and a proper preservation and accountability of the public supplies.

Should Major General Scott, under the instructions he has heretofore received, proceed to the theatre of operations, he will of course be entitled to the command, and you will serve under him. You will take care and call on the chief of the military bureau for such supplies as you may require, and previous to your departure make all the necessary arrangements, so that you may not experience any delay from want of funds, munitions of war, or other supplies.

It is very probable that portions of the Creek Indians may not as yet have been concerned in actual hostilities, although from the predisposition of the Indians for war, there is every reason to believe that they will do so, unless prevented by a timely removal. It will be proper, where this is the case, to treat these Indians with the kindest attention, and to send them off as speedily as practicable, in order to get them out of the reach of the scenes around them. Still, however, they must be removed by a military force if necessary; as all experience has shown that it is difficult, if not impracticable, to keep any considerable part of an Indian tribe at peace, while the residue of it is engaged in war. And, besides, it would be impossible to prevent the hostile warriors from taking shelter among the others, or indeed to determine with any reasonable certainty, and for any length of time, who are hostile and who are friendly.

The President has been desirous of ascertaining what frauds have been committed upon these Indians, in the sale of their lands, with a view to remedy the evil as far as possible. But this effort, a succinct account of which will be communicated to you by the Commissioner of Indian Affairs, has been now stopped by war. It is still, however, desirable that the friendly part of the Creeks, if in fact any of them should remain friendly, should be relieved from the embarrassments under which they have labored with respect to their lands. I enclose the copy of a letter from Captain Page, by which you will perceive the views of that officer on the subject, and the proposition made by the upper Creeks. This proposition has been approved, and Captain Page advised of the fact. So far, therefore, as any part of this division of the Creeks shall remain peaceable, you are authorized to sanction the proceeding recommended. But whatever is done, must be done without delay, for it is very important that these people should be immediately sent off. You will assure them that the Government is anxious to do them justice, and that the claims of those who remain at peace and remove to the country west of the Mississippi, will be duly attended to. A descriptive roll of all these persons will be taken, in order to determin

their cases hereafter. It is impossible, from the want of time, to cause abstracts to be prepared, showing the sales that have been made by the Creek Indians; and therefore no decisions can be given for any definite proceedings upon that subject. There is no objection, however, in the cases of these friendly Indians, to permitting them to sell agreeably to the established regulations, a copy of which you will herewith receive, if the purchaser can satisfy himself that no contract has been heretofore made for the sale of the land. But if this is done, he must do it upon his own responsibility, for if a previous valid contract has been entered into, the first purchaser must hold the land. If the arrangement stated by Captain Page should take effect, you are authorized to select a competent officer, should the Indians desire it, to see that justice is done; and also to appoint a certifying agent to certify contracts, should any be entered into as above mentioned: his duties and compensation will be governed by the prescribed regulations.

If, however, these matters cannot be satisfactorily arranged previous to the departure of the Indians, you will assure the friendly disposed part of them that measures will be taken as early as practicable, to see that justice is done to them, and that the land shall be disposed of at its fair value, and the proceeds paid over to them. The moment the annuity bill passes, arrangements will be made for paying to the peaceable Creeks their just proportion of it.

Very respectfully,

Your most obedient servant,

LEWIS CASS.

Brevet Maj. Gen. THOMAS S. JESUP,

Washington.

WAR DEPARTMENT, *May 19, 1836.*

GENTLEMEN: Intelligence just received from the Creek country in Alabama, shows that the Creek Indians are now in a state of actual hostilities. Under these circumstances they must be considered as enemies; and it is, therefore, impracticable at present to continue the investigations of the alleged frauds connected with the sale of their lands. The object, at present, is to reduce them to submission, and to remove them, without further delay, to the country west of the Mississippi. You will therefore close your business, transmitting to the office of Indian Affairs such of your papers as will be useful here, together with a report of your proceedings as far as you have gone. The military commanding officer will be directed to disarm the whole body of Indians, and to remove them by military force to the country west of the Mississippi. After this is effected and quiet restored, such measures will be taken as may seem to be required: on the subject of their land claims your services will therefore be no longer required, and your accounts will be paid on presentation: you will likewise discharge all the persons employed under you.

To Colonel HOGAN,

Colonel G. D. ANDERSON,

J. W. BURNEY,

Tuskegee, Alabama.

REGULATIONS

For certifying Contracts under the Creek Treaty of March 24, 1832.

1st. All applications for certifying contracts under the above treaty, in order to procure the assent of the President to the conveyance, shall be made in writing, and shall be accompanied with the written contract itself.

2d. If the payments are all made to the satisfaction of the Indian, and the fact is clearly established in the opinion of the approving agent, then an absolute deed from the Indian to the white person may be certified.

3d. But if the payments are not all made at the time the parties appear before the approving agent, then the contract must distinctly state the time and modes of payment and the amount actually received.

4th. As a general rule, no contract will be approved unless a consideration equal at least to one dollar and twenty-five cents per acre is paid or secured to the owner.

5th. In all cases the agent will make such inquiry as may be in his power into the actual value of the tract, and if he believes that such value is not paid or secured, he will not certify the contract.

6th. As from representations recently received from one of the commissioners appointed to make the locations, it appears that many of the tracts are not so valuable as has been heretofore supposed, nor probably worth the minimum price fixed for the public lands, the President does not think it just that that sum should be actually paid in every case. When, therefore, a less sum is agreed upon between the parties, the approving agent will endeavor to ascertain the actual value of the tract, and if he believes the amount agreed upon, is a fair price, he will so certify, and his certificate will also contain a general description of the tract agreeably to the best information he procures. In all cases arising under this section, the circumstances will be particularly examined by the President, whose decision will be made as may appear to be just.

7th. The agent shall in every case, where it is practicable, have an interview with the Indian, explain to him the transaction, and ascertain whether he understands and approves it on a full consideration of the matter.

8th. When, however, the Indian cannot appear before the approving agent, in such a case the clearest proof must be adduced of the nature of the transaction. And the return must show this proof, and must also state why the Indian was not present.

9th. No patent will be granted until the whole payments are completed.

10th. Copies of the contracts to be furnished by the parties themselves will be retained by the approving agent, and the originals will be transmitted to this Department for the consideration of the President.

11th. The approval of the agent will in no case be final, nor will the title of the grantee be valid until the President approves the same. Possession may, however, be taken of the tract as soon as the agent certifies the contract, but in such case the party will be liable to removal if the President should decline to approve the same.

12th. A contract for any tract may be certified as soon as a proper locating agent shall assign it to an individual Indian. Still, however, it is to be observed, that if the President should not confirm such location, the whole proceeding, with relation to it, will be void.

13th. The ceded territory must be so divided by the approving agent among themselves, that each may be confined in his operations within a

given district; so that applications rejected by one agent may not be acted upon by another.

14th. The following is prescribed as the general form of the certificate, subject to such variations as circumstances may require.

"I certify that I have examined the contract between A. B. a Creek Indian, and C. D. for the conveyance to the latter of (here describe the tract agreeably to its designation on the plat of the township) that the said A. B. has appeared before me, and after the transaction was fully explained to him, he approved the same. The sums stated to have been received by him were paid in my presence, (or were distinctly acknowledged by him, or were clearly proved to have been received, as the case may be,) I consider the price given the full value of the land, and certify the contract for the consideration of the President of the United States.

Where the Indian is prevented by proper circumstances from appearing, then the certificate will be varied so as to show those circumstances and the nature of the proof by which the payments are established.

Where the price agreed upon is less than \$1²⁵/₁₀₀ per acre, the agent will add to his certificate a statement, that the land is proved to my satisfaction to be of an inferior quality, (being sandy or marshy, or containing so many acres only, which can be cultivated, or specifying any other facts which may have come to his knowledge, showing its quality,) and that I consider it worth only (here insert the sum).

LEWIS CASS.

War Department, Nov. 28, 1833.

Approved, Nov. 28, 1833.

ANDREW JACKSON.

SUPPLEMENTARY REGULATIONS,

In addition to those approved by the President, November 28, 1833, for certifying contracts under the Creek Treaty of March 24, 1832.

In consequence of a representation from one of the certifying agents, that a construction would be put upon the above regulations which would inevitably lead to the committing great frauds upon the Indians in consequence of the facility of imposing on them, and the ease with which declarations or acknowledgements may be procured. The President is desirous of guarding against such a result as far as in his power, and of securing to every Indian the receipt of a just consideration for his property.

The following additional and explanatory regulations are, therefore, adopted:

1st. The payments required by the 2d article of the above regulations must be made in the presence of the approving agent, except in the very few cases where the Indian may be prevented by illness or inability, from appearing before the agent. But such cases must be proved by the most unexceptionable evidence, as well as the payments made under them; and the circumstances must be distinctly stated for the consideration of the President.

2d. The contract described in the 2d article of the above regulations must be entered into subsequent to the location of the reservation.

3d. The form, in the 14th article, will be so varied as to omit the words, "(or were distinctly acknowledged by him, or were clearly proved to have been received, as the case may be)" except in the cases described in the 1st

article of these supplementary regulations where the Indians are prevented by disability from personal attendance.

LEW. CASS.

War Department, Dec. 18, 1833.

Approved, Dec. 18, 1833.

ANDREW JACKSON.

WAR DEPARTMENT, *May 20, 1836.*

SIR: I have the honor to transmit for your information, a copy of the instructions which have been given to General Jesup. You will perceive by them, that the President considers it indispensable that the Creek Indians should be immediately removed.

Very respectfully,

Your most obedient servant,

LEWIS CASS.

His Excellency C. C. CLAY,

Governor of Alabama, Tuscaloosa.

WAR DEPARTMENT, *May 25, 1836.*

SIR: I have this morning received your letter of the 24th, and in answer beg leave to observe, that there can be no doubt of the justice of the claims of the suffering population of Alabama and Georgia, driven from their homes by Indian depredations, to relief in the same manner that relief was extended to the inhabitants of Florida under similar circumstances.

I observed yesterday, among the proceedings of the Senate, that a resolution for this purpose has passed that body, and as I presume it will be taken up in the House to-day, it seems unnecessary for this Department to take any farther measures on the subject.

I have anticipated your suggestions with respect to the issuing of provisions to friendly Indians. General Jesup has been directed to adopt this measure. The letter of Judge Shorter is herewith returned.

I am, sir,

Very respectfully,

Your obedient servant,

LEWIS CASS.

HON. GEO. W. B. TOWNS, *Ho. Reps.*

WAR DEPARTMENT, *May 25, 1836.*

SIR: I have the honor to enclose herewith, copies of two acts of Congress, one entitled an act "to provide for the payment of volunteers and militia corps in the service of the United States," and the other, "authorizing the President of the United States to accept the service of volunteers, and to raise a regiment of dragoons or mounted riflemen." I am instructed by the President to request that you would cause to be raised in the States of Georgia and Alabama, 2,000 volunteers [privates] to be placed immediately in the service of the United States. The act of Congress

provides, that the officers shall be appointed agreeably to the laws of the State or Territory where they are raised. Where corps already organized tender their services, they will be accepted with their present officers and organization. Were this not the case, and the men are to be engaged individually, they will, in the first instance, be arranged into companies, then into battalions, regiments, brigades and a division. Where existing volunteer corps do not tender their services, the basis of the organization will be the present militia laws of the United States. These are the acts of Congress of May 8, 1792, of January 2, 1795, of March 2, 1803, of April 18, 1814, and of April 20, 1816.

An abstract accompanies this letter, showing the mode of organization and the number and rank of the officers. You will conform in your arrangements to the principles of these laws as herein explained. Taking into view the act of Congress of May 8, 1792, in the 3d section of which, the organization directed is limited to where the same may be convenient, and also, the 4th section of the act of 21st May, 1836, a discretionary authority appears to be vested in the President, upon the subject of organization generally. It must therefore be controlled by the number of men required, and by other circumstances.

Each company will consist of 50 privates, and of the number of officers, commissioned officers and musicians, designated in the abstract. You will organize the companies as fast as raised, into battalions; five companies forming a battalion. Two of these battalions will then constitute a regiment; two regiments a brigade, and two brigades a division. Should circumstances not enable you to raise the whole number specified, you must organize those who may volunteer upon these principles. It is to be hoped, however, that from the number of militia now in service, the requisite force can be raised without difficulty or loss of time. One half of the whole number you raise, may be mounted, and the other half infantry.

Major General Jesup will be instructed to have them mustered into service, and have them supplied with the necessary camp equipage, arms, &c. I need not urge upon you the necessity of the most prompt attention to this subject.

It is proper to observe, that the provision in the 2d section of the act of May 21, 1836, which allows to volunteers a commutation for clothing when called into actual service, must be construed to give them a claim to such commutation from that time, which will be paid to them at the same time and in the same manner they receive their monthly pay. No other construction can be given to the law, as it is impossible to ascertain until the end of the service, the whole amount of commutation which may be due to a volunteer.

The pay of these volunteers will not commence until they are called into service and they have reached the place of rendezvous, and they will, in all cases, be engaged to serve for twelve months thereafter, unless sooner discharged.

Very respectfully, your most obedient servant,

LEWIS CASS.

To his Excellency W. M. SCHLEY,
Governor of Georgia, Milledgeville.

May 25, 1836.

To his Excellency C. C. CLAY,
Governor of Alabama, Tuscaloosa.

Same as preceding, substituting Alabama for Georgia.

WAR DEPARTMENT, *June 2, 1836.*

SIR: In the pressure of business, on the 25th ultimo, an answer to that part of your letter of May 17, in which you request that funds may be remitted to you, was inadvertently omitted.

I have now the honor to inform you, that General Jesup has full authority to supply any amount you may require; but if you should apprehend any inconvenience in an application to him, your draft on this Department for \$50,000, will be duly honored.

Very respectfully,

Your most obedient servant,

LEWIS CASS.

To his Excellency WILLIAM SCHLEY,
Governor of Georgia, Milledgeville.

WAR DEPARTMENT, *April 15, 1836.*

SIR: I have had the honor to receive your letter of March 22, with its enclosures, and to lay it before the President.

It is the impression of the President, that under the circumstances disclosed, he would not be justified in ordering into service a militia corps for the purpose of observing the conduct of the Creek Indians. Before the President can exercise the power of calling out the militia, there must either be a commencement of hostilities, or a just ground to apprehend them. It may, undoubtedly at times, be difficult to determine the proper boundary between precautionary and premature measures. But the facts disclosed in the communications you have transmitted, do not seem to show such a design to disturb the public tranquillity on the part of the Creeks, as to require the immediate organization of a force to keep them in subjection.

I have this day written to Major General Scott, requesting him, should the danger become more obvious, to detach a portion of his force, as soon as the operations in Florida will permit, upon this duty. In the mean time, however, should the conduct of the Creek Indians be such as to leave no doubt of their hostile intentions, I am instructed by the President to inform you, that he will sanction the calling out of such a force, for the purpose of subduing them, as might be found necessary, previously to the adoption of any other measures on the part of the Government, or to the interference of General Scott. I have to request, however, that no force should be called out, until the exigency provided for in the constitution arises, and the hostile designs of the Indians become apparent.

Orders will be given to the commanding officer at Mount Vernon, to issue arms to any militia that may be found necessary, upon your requisition.

I have written to the agents of the Government among the Creek Indians, to warn them against the commission of any act of hostilities, and to circulate among them a message, which, by the direction of the President, has been prepared for them.

In order to be prepared to act as speedily as possible, in any contingency, directions have been given to the troops at Fort Monroe and New York, to hold themselves in readiness to move at a moment's warning. Orders have also been given to the company at the arsenal, at Augusta, to join the company now at Fort Mitchell.

I enclose for your information, a copy of the message which has been sent to the Creek chiefs.

Very respectfully,

Your most obedient servant,

LEWIS CASS.

His Excellency C. C. CLAY,
Governor of Alabama, Tuscaloosa.

WAR DEPARTMENT,
March 19, 1836.

SIR: Your letter of the 25th [26th] instant, on the subject of the regiment of mounted men called by you into the service of the United States, has been for some days before the Department, and I have delayed answering it because a bill was pending before Congress, making certain provisions respecting the militia, which might bear upon the question proposed by you. As it has not yet, however, become a law, I can no longer postpone writing to you.

I have submitted your letter to the President, and he has instructed me to say that, as the force called out was ordered into service upon the requisition of General Scott, acting under the authority of this Department, which requisition was made through Colonel Lindsay, and as the description of the force was varied from infantry to mounted infantry, in conformity with the opinion of Colonel Lindsay, though not with his official sanction, as he did not feel authorized to give it, that this change is, under the circumstances stated by you, approved.

I am instructed also to say it appears to the President that the state of affairs in the Creek country, so far as they are known here, do not justify the further continuance of this force in service. To authorize the President to call out a militia force, there must be either actual hostilities, or evidently impending danger of them. The evidence in the possession of the Department does not satisfy the President that this is the case, at present, in any part of the country occupied by the Creek Indians. He, therefore, desires, immediately on the receipt of this letter, unless circumstances should have arisen to show the necessity of keeping these troops in service, that you cause them to be discharged without delay. If there were any disposable regular troops which could be spared for that purpose, they should be immediately ordered to Alabama, as this is a course which it is competent for the Executive, at any time, to take; but the operations in Florida and the condition of the army prevent this measure. So far as the President's constitutional power extends, it will be exercised to afford protection against any hostilities of the Creek Indians. But this can only be done, as I have before stated, when the proper exigency arises.

Very respectfully,

Your most obedient servant,

LEWIS CASS.

His Excellency Governor C. C. CLAY,
Tuscaloosa, Alabama.

WAR DEPARTMENT,
March 12, 1836.

SIR: I have had the honor to receive, and have submitted to the President, your letter of the 20th ultimo.

The situation of the Creek Indians in Alabama occasions great solicitude to the President. Every consideration of humanity and policy, both as regards them, and our own citizens, requires their immediate and entire removal. A stipulation, however, in the treaty of 1832 with the Creek tribe, provides that those Indians shall not be compelled to remove, but shall be free to go or stay as they please. That treaty, as you are aware, made large cessions to the United States, and, at the same time, provided considerable reservations for these Indians. The necessary arrangements for taking a census, for ascertaining individual rights, for making the locations, &c. and for selling and certifying the contracts, have been in operation almost the whole time, since the formation of the treaty. Much delay in the final arrangement has been recently occasioned by frauds, which have been alleged to have been committed, and by the necessary investigations growing out of these allegations. It appears that the Indians have been unwilling to remove until these questions are definitively settled. And it has been found very difficult to prosecute the investigations upon correct practical principles, and with the despatch which was desirable. These circumstances, probably, combined with some others of less importance, have delayed the removal of these Indians, and yet continue to delay it. The necessary instructions have been given to expedite these investigations as rapidly as possible, and all the requisite arrangements have been authorized for the removal of the Indians as fast as they can be persuaded to go. This seems to be the extent of the authority which the President can exercise upon this subject. If ulterior measures should become necessary, these can alone be introduced by Congress. I cannot but hope that a considerable portion of these Indians will remove without much further delay, and, under existing circumstances, the President does not feel himself at liberty to accept the proposition you have made respecting the forcible collection of the Indians by the State authorities, and their delivery at some proper point of embarkation to the agents of the General Government.

A state of things may certainly arise calling for the most decisive measures. Should the Indians actually commence or clearly meditate hostilities, or should they delay their removal, and thus become more depraved in their habits, and so reduced, as there is reason to apprehend they will be, that they must subsist by plundering the inhabitants, the law of necessity will certainly justify their transfer to the country provided for them west of the Mississippi. Should the President become satisfied that the Creek Indians are determined not to remove, and thus to ensure their own destruction, while they occasion great injury to our citizens, he will probably recommend for the adoption of Congress a plan for their removal, based upon the new state of things.

Very respectfully,
Your most obedient servant,

LEWIS CASS.

To his Excellency C. C. CLAY,
Governor of Alabama, Tuscaloosa.

WAR DEPARTMENT, *January 21, 1836.*

SIR: The recent intelligence which has been received here, respecting the state of affairs in Florida, has rendered it expedient to order Major General Scott to proceed to that Territory, and assume the direction of the operations against the Seminole Indians, and also against the Creek Indians, should these latter have engaged in hostilities, as, from recent information, there is some reason to apprehend.

I am instructed by the President to request you to call into the service of the United States, and to place under the command of Major General Scott, such portion of the militia of Georgia, (Alabama, and Florida,) as he may require, to be employed in suppressing the hostilities of the above mentioned Indians. It is expected that the militia, thus called out, will serve for at least three months after they arrive at the place of rendezvous, unless sooner discharged.

I beg leave to suggest that the authority thus conferred upon General Scott will enable him to increase, modify or revoke any requisition which may have been made by General Clinch, in conformity with the letter which I had the honor to address to you on the 8th instant. This authority will also supersede the powers entrusted to those officers on the subject, as soon as General Scott shall have taken the personal direction of operations.

Very respectfully,

Your most obedient servant,

LEWIS CASS.

His Excellency C. C. CLAY,
Governor of Alabama, Tuscaloosa.

To his Excellency WILLIAM SCHLEY,
Governor of Georgia, Milledgeville.

{Same as the preceding.}

WAR DEPARTMENT, *February 23, 1836.*

SIR: Your letter of the 15th instant, to the President of the United States, has been referred to this Department!

So far as respects the apprehension of hostilities among the Creeks, I trust the authority committed to General Scott, and the arrangements made between him and yourself, will be found sufficient to preserve the peace of the country.

Should, however, those Indians evince a determination to commit aggressions upon the inhabitants, the President will not hesitate to sanction any measures within his constitutional power to suppress and subdue them: But he has no authority to call out the militia, unless the danger is so imminent as to leave no reasonable doubt of the hostile intentions of the Indians. As this state of things has not yet happened, all he can properly do has been done, by committing to a general officer, who has been despatched to the theatre of operations, instructions for his conduct, and full authority to take such measures as he may find necessary. It is believed that the force he has ordered out will be found amply sufficient to subdue the Seminoles, and to suppress any hostile movements of the Creeks.

The numerical strength of the army, its dispersed condition, and the

operations in Florida, do not leave, at the disposal of the Government, any regular troops which can now be ordered into the Creek country. The public service requires, in the opinion of the President, an increase of the army; the subject is before the proper committee, and I hope will be favorably considered.

The President has also considered your proposition for disarming the Cherokees, or for stationing a militia force in the country occupied by them. The former measure he does not see how he could direct under present circumstances, and the state of affairs is not such as to justify him in the exercise of his constitutional power to call the militia into service. The probable result of the Cherokee treaty negotiated by Mr. Schermerhorn, I cannot anticipate. It will probably be laid before the Senate in a day or two. Should this measure not be approved, or not quiet the Cherokee difficulties, the subject will then be one of great embarrassment, and it may be, that an entire change in the principles of our intercourse with these Indians will be necessarily adopted.

Very respectfully,

Your most obedient servant,

LEWIS CASS.

His Excellency WILLIAM SCHLEY,
Governor of Georgia, Milledgeville.

WAR DEPARTMENT, *May 5, 1836.*

SIR: I have the honor to acknowledge the receipt of your letters of April 15th and 18th ultimo, with their enclosures.

Having already, in my letter to you of the 15th April, communicated the measures, which the President has deemed proper to authorize, to prevent or suppress any hostile efforts of the Creek Indians, in the State of Alabama, it is not necessary that I should repeat what was therein stated. Recent information from Colonel Hogan leads to the belief that these Indians do not meditate disturbances. Should they do so, however, any force which you may find it necessary to call out for the protection of the inhabitants, agreeably to the views presented in my previous communication, will be received into the service of the United States. Until General Scott shall be enabled to direct his personal attention to the affairs of the Creek Indians, the discretion respecting the forces to be employed will be committed to you.

Very respectfully,

Your most obedient servant,

LEWIS CASS.

His Excellency C. C. CLAY,
Governor of Alabama, Tuscaloosa.

WAR DEPARTMENT, *May 13, 1836.*

SIR: I have the honor to acknowledge the receipt of your letter of the 25th ultimo, and in answer have the honor to inform you that my letter of the 15th instant, conveyed to you the views of the President respecting the

employment of a force in the State of Alabama to suppress the disturbances among the Creek Indians.

I beg leave, in addition, to inform you that six companies of troops from New York and Fort Monroe, have this day been ordered to proceed to the Creek country in Alabama, with a view to prevent any difficulties among the Creek Indians.

Very respectfully,

Your most obedient servant,

LEWIS CASS.

His Excellency C. C. CLAY,
Governor of Alabama, Tuscaloosa.

WAR DEPARTMENT, May 13, 1836.

SIR: I have had the honor to receive your letter of the 2d instant, respecting the state of affairs among the Creek Indians, and the necessity of providing a force to suppress any disturbances that may occur among them. And, in answer, I beg leave to inform you that orders have this day been given for six companies of artillery to move from New York and Fort Monroe to the Creek country, in Alabama, with a view to suppress any disturbances that may arise among these Indians. This force I trust will be efficient. But should hostilities be actually commenced by the Indians upon the inhabitants of Georgia, or are so certainly meditated as to leave no doubt of their intentions, the President will sanction the employment of whatever force may be found necessary for their suppression. With a view to make permanent arrangements on the subject, the Department has been awaiting the passage of a bill, now pending before Congress, which provides for the employment of a volunteer force. It is not practicable to send any more regular troops into that quarter. And there is such an expense and uncertainty attending the operations of the ordinary militia called out for three months, that the President is very desirous to avoid that measure if practicable. Definite arrangements will be made upon this subject as soon as the bill passes and the appropriations made.

General Scott is probably at this time at St. Augustine, and will be able to take any additional measures that may be necessary.

Very respectfully,

Your most obedient servant,

LEWIS CASS.

To his Excellency WILLIAM SCHLEY,
Governor of Georgia, Milledgeville.

WAR DEPARTMENT, May 19, 1836.

SIR: Brevet Brigadier General Jesup has been this day assigned to the command, by direction of the President, of the troops of the United States, and the militia who have been or may be called into service for the suppression of the hostilities among the Creek Indians. He will proceed immediately to the scene of operations, with ample instructions for his government, and all the means that appear necessary for successful operation. The President requests that you would call out, and place under his command,

such militia force as General Jesup may require. It is desirable that, as far as practicable, these should be volunteers, and engaged for six months, unless sooner discharged. But if it is necessary to resort to drafts, I presume the term of service cannot be extended beyond three months. General Jesup will be required to communicate fully, from time to time, with you, and I will thank you to give him the benefit of such suggestions as occur to you. Should Major General Scott, under the instructions heretofore given to him, proceed to the Creek country, he will have authority to assume the command, and in that event, I have to request that you would give effect to any requisition that he may make upon you for a militia force.

A bill is pending before Congress, which provides for the raising of a volunteer force. Should it pass previously to the organization of any force under these instructions, it would, perhaps, be more expedient to raise the troops required under this expected act. If it becomes a law, within a short time, I will transmit it to you, with such observations as may appear necessary.

Very respectfully,

Your most obedient servant,

LEWIS CASS.

His Excellency C. C. CLAY,
Governor of Alabama, Tuscaloosa.

His Excellency WILLIAM SCHLEY,
Governor of Georgia, Milledgeville.

WAR DEPARTMENT, *May 20, 1836.*

SIR: I have had the honor, this day, to receive your letter of the 12th instant.

My letter to you of yesterday, will have advised you of the measures which the President has deemed it necessary to take for the defence of our settlements against the Creek Indians. General Jesup remains during the day to complete the necessary arrangements, and will leave here to-night for the scene of operations. I send, for your information, a copy of his instructions, by which you will see that your views have been anticipated with respect to the proper mode of proceeding, and that the President has deemed it essential that the Creek Indians should now be removed, whether willing or unwilling to go. Should any accident delay General Jesup, the President will sanction any measures you may find it necessary to take for the protection of the inhabitants.

Very respectfully,

Your most obedient servant,

LEW. CASS.

To his Excellency WILLIAM SCHLEY,
Governor of Georgia, Milledgeville.

WAR DEPARTMENT,
Office Indian Affairs, May 20, 1836.

SIR: I have been instructed by the Secretary of War to communicate to you a brief exposition of the nature of the frauds alleged to have been com-

mitted in the sale of Creek reservations, and the measures adopted to detect and prevent them.

It was represented to the Department that the lands of many of these people had been obtained from them wrongfully. The frauds appeared to consist in the personation by one Indian of another, in the amount and payment of the purchase money, and in the corrupt practices of at least one magistrate in attesting blank papers.

Upon these representations the certification of contracts was suspended, and the certifying agents were directed to revise all their contracts, and to report the result of their examinations into the truth of these charges. Subsequently, a second petition was received from the chiefs, and Col. Hogan was instructed to visit the different towns, and examine all the cases in which he might have reason to suspect frauds had been practised. Since that time Messrs. Burney and Anderson have been associated with him in this duty. But one report has been received from Col. Hogan, and that was of his investigations in Dr. McHenry's district. As he did not report the evidence, except in a few cases, upon which he reported the contracts should be reversed, the President could not act, as by the treaty the duty of approving or annulling was confided to him alone. Sixteen cases only, therefore, have been reversed; and the report, transmitted by Col. Hogan, has been returned for a new examination by himself and his associates.

The instructions to these gentlemen limited their investigation to cases in which probable cause was shown for suspecting fraud. They required, in such cases, proper notice for the investigation to be given to the purchasers, that the evidence should be in the form of affidavits, when the witnesses understood the nature of an oath; and the reduction of the testimony to writing. That an abstract of these cases, including a summary of the evidence on both sides, should be forwarded for the consideration of the President, and that no contract should be re-certified except upon the consent of the parties in writing.

The investigations were directed to be held in the public square in each town, in the presence of the chiefs. No evidence was to be received which was offered as the opinion or belief of the witness. The purchasers were to be notified, that if they did not appear, an *ex parte* investigation would be made. The reservees were to have ample opportunities to regain or secure their just rights, but inducements to complain were not to be held out to them.

No report has been received from these gentlemen, but it is understood they have completed their investigations in Judge Tarrant's district.

Col. Hogan will be requested to furnish you with more detailed information upon this subject should you require it.

Very respectfully,

Your obedient servant,

Brevet Major General T. S. JESUP,
U. S. Army, Washington.

WAR DEPARTMENT,
Office Indian Affairs, May 20, 1836.

SIR: The state of hostilities in the Creek country renders it necessary to discontinue the business of certifying contracts for reservations. I am

instructed to request that you will complete your reports without delay, and transmit the contracts you have certified, with such papers as may be necessary to a right understanding of the whole matter. You will transmit, at the same time, your accounts made out in the usual form.

Very, &c.

LEONARD TARRANT, Esq. *Mardisville, Alabama*
 Major THOMAS J. ABBOTT, *Tuskegee, Alabama*.
 JOHN STATON, Esq. *Mardisville, Alabama*.
 Col. J. B. HOGAN, *Fort Mitchell and Tuskegee, Alabama*.

Adding, in the copy sent to the last, the following :

You will perceive from the foregoing, which is a transcript of a letter to the certifying agents, that their services are dispensed with. As the letters may not reach them in the present unsettled state of things in the Creek country, you are requested, if in your power, to notify them of this fact.

I am also instructed to request you will give General Jesup any information he may require respecting the investigation in which you have been engaged.

Very, &c.

WAR DEPARTMENT,
Office Indian Affairs, May 20, 1836.

SIR: The eastern Creeks having commenced hostilities, the President has directed that they shall be removed by military force. Major General Jesup will leave this city to-day, to assume the direction of the operations in the Creek country. When the Indians are disarmed, Captain Page will be directed to take possession of their arms, and transport them to Fort Gibson, where they will be deposited until it shall be safe to put them into the hands of the Indians. Of this you will judge, and the arms will not be re-delivered to the Indians except upon your order.

Very, &c.

WM. ARMSTRONG, Esq.
Act. Sup. Ind. Affairs, Choctaw Agency.

WAR DEPARTMENT, *May 21, 1836.*

SIR: I have received your letter of the 13th inst. and in answer, beg leave to inform you, that your suggestions with respect to a competent force for the reduction of the Creek Indians, have been anticipated. Gen. Jesup has been ordered to proceed to the Creek country, with full authority to take all such measures, and to call for such force as he may find necessary. Independent of the militia, he will have with him fourteen companies of United States troops. No effort will be spared by the Department promptly to terminate these hostilities. As to the situation of the Creek Indians, the President has thought that the state of hostilities will justify their immediate and entire removal. This measure has therefore been directed. The investigations have necessarily been stopped, and the agent employed in it informed that no farther prosecution of the matter can be continued. After

the Indians have been removed, and the quiet of the country restored, the Government will take such measures as may appear to be necessary and proper for doing justice to such of them as may have been injured. In the meantime Gen. Jesup has been authorized, under certain circumstances, to allow conveyances to be made, where the land has not been heretofore transferred. His instructions on this subject will be publicly made known. The arrangement, which you mentioned for the removal of the difficulties which have taken place between the Indians and some of the purchasers, seems to me to be a just one. Capt. Page had previously communicated the facts to the Department, and he was advised of its approval.

Very, &c.

ELI. S. SHORTER, Esq.
Columbus, Georgia.

WAR DEPARTMENT, *May 23, 1836.*

SIR: It is very desirable that the community should have full notice of the views of the Government concerning the disposition of their lands by the friendly Creek Indians, prior to their departure. Let me enjoin upon you, therefore, that all publicity be given to the instructions, so that every one disposed may have a chance to purchase, and the Indians, themselves, the benefit of a competition. I have requested Gen. Jesup to allow you to devote your time exclusively to the Indian concerns, of which you will have the direction. You have two objects in view:

1st. To take care that, in the cases provided, they have the advantage of selling at a fair price; and also that the arrangement reported in your letter of May 9th, to be agreed upon between the Indian and the purchaser, for the benefit of the former, should be carried into effect. And,

2d. That the Indians be removed, as soon as practicable, and with as much economy and careful attention, as circumstances will permit. In order to accomplish these objects, all necessary aid must be afforded you; and where it is requisite to employ persons for this purpose, you can do so under the regulations heretofore established.

I have desired the Indian Office to transcribe you a copy of the contracts heretofore approved or entered into for the information of the public, to which, if you receive it, you will allow all persons to have access. It is not certain, from the labor it requires, that it can be prepared; it will be done, however, if practicable.

Very, &c.

Captain PAGE, *Fort Mitchell, Alabama.*

WAR DEPARTMENT, *May 23, 1836.*

SIR: I consider it very important that you should, at the commencement of your operations, station a sufficient force at the southern point of the Creek country, so as to prevent the retreat of the Creek Indians into Florida, and also to cut off all communication between them and the Seminole Indians. This matter was the subject of conversation previous to your departure; but it seems to me so deeply interesting as well to the successful

result of your own operations, as to the proper safety of Florida, that I am again induced to present it to your notice.

Very respectfully,

Your most obedient servant,

LEWIS CASS.

Maj. Gen. THOMAS S. JESUP,
Milledgeville, Georgia.

WAR DEPARTMENT, *May 25, 1836.*

SIR: I enclose, for your information, copies of letters to General Clinch and Governor Call, which will put you in possession of the arrangements proposed by this Department, for the defence of Florida, and for the prosecution of the war against the Seminole Indians. As soon as the state of your operations among the Creeks will permit, I wish you to direct your attention to the affairs in Florida, and send to the relief of that Territory as many troops as may seem to be necessary. I will thank you to communicate freely with General Clinch and Governor Call, and keep yourself informed of the progress of events. You are authorized to accompany your troops into Florida, and if Gen. Scott is not there, to take the command. I enclose, also, a copy of so much of my letter to Governor Cannon, as relates to calling immediately into service, a brigade of Tennessee mounted volunteers. This will put you in possession of the views of the Department upon this subject. Should you find, from your communications with Gen. Clinch and Gov. Call, that the services of these troops, when they reach you, will be required in Florida, you will order such a portion of them as you can spare, and as will be necessary, upon that duty. Should your own operations, however, among the Creek Indians, enable you to detach a sufficient force from the troops now under your command, you can then stop the march of the Tennessee troops, and have them discharged.

Very respectfully,

Your most obedient servant,

LEWIS CASS.

Maj. Gen. THOMAS S. JESUP,
Milledgeville, Georgia.

WAR DEPARTMENT, *May 25, 1836.*

SIR: Although it does not appear to me to be necessary, your previous instructions having, in my opinion, sufficiently provided for it, still, as the subject has been brought specially before me, it may be well to mention that you will collect the Indians as speedily as possible, especially the friendly ones, and feed them as fast as they are brought together. It seems to me also important, they should be removed with the least possible delay.

Very respectfully,

Your most obedient servant,

LEWIS CASS.

Maj. Gen. THOMAS S. JESUP,
Milledgeville, Georgia.

WAR DEPARTMENT, *May 25, 1836.*

SIR: I enclose, for your information, copies of two acts of Congress on the subject of volunteers and militia. I have this day written to the Governors of Georgia and Alabama, requesting each of them to organize a volunteer force, under the last law, of two thousand men, one-half mounted, and the other half infantry. Copies of the letters to them are herewith enclosed. You will please to correspond with them, and as fast as volunteers are raised have them mustered into service, and furnished with arms and the necessary camp equipage.

Very respectfully,

Your most obedient servant,

LEWIS CASS.

Major General JESUP,
Milledgeville, Georgia.

WAR DEPARTMENT, *May 26, 1836.*

SIR: The Postmaster General has suggested the necessity of a military force being employed for the purpose of keeping open the communication between Columbus and Montgomery. He has instructed the postmaster at Columbus to confer with you on the subject; and I have to request that you would adopt such measures as may be necessary to afford due protection to the mail, so that it may be transported with regularity and safety.

Very respectfully,

Your most obedient servant,

LEWIS CASS.

Major General JESUP,
Milledgeville, Georgia.

Letters to the War Department. Session of 1833 and 1834. Senate Document 512. Volume 9.

Date.	Name of writer.	Page.
1832. January 23	Creek Delegation - - -	150
" 25	John Crowell - - -	151
March 19	Creek Delegation - - -	267
April 27	Robert L. Crawford - - -	315
July 5	Do. - - -	390
August 22	E. Parsons - - -	434
" 31	Robert L. Crawford - - -	440
September 7	Parsons and Abbott - - -	443
" 8	E. Parsons - - -	444
" 15	Robert L. Crawford - - -	453
" 27	Creek Chiefs - - -	463
" 29	Crowell and Parsons - - -	467
October 15	John Crowell - - -	484
" 16	B. S. Parsons - - -	498
" 21	Do. - - -	504
November 7	Enoch Parsons - - -	522
" 13	John Crowell - - -	524
December 6	R. L. Crawford - - -	546
" 11	Do. - - -	549
" 13	Do. - - -	550
" 6	W. R. King, C. C. Clay, S. W. Mardis - - -	546
<i>Volume 10.</i>		
1833. January 21	B. S. Parsons - - -	24
" 27	Enoch Parsons - - -	56
February 10	Do. - - -	74
" 11	John Crowell and others - - -	86
" 18	Creek Chiefs - - -	102
April 4	Parsons and Crowell - - -	156
" 12	R. L. Crawford - - -	162
" 12	R. L. Crawford - - -	179
May 2	B. S. Parsons - - -	197
" 11	J. J. Abert - - -	235
" 11	T. J. Abbott - - -	235
" 13	E. Parsons - - -	234
" 15	L. Tarrant - - -	396
" 17	J. J. Abert - - -	398
" 17	Do. - - -	399
" 18	Do. - - -	400
" 19	Do. - - -	404
" 20	Do. - - -	406
" 22	Do. - - -	407
June 2	Do. - - -	422
" 6	Do. - - -	425

LETTERS—Continued.

Date.	Name of writer.	Page.
June 7	L. Tarrant - - - -	426
" 18	R. L. Crawford - - - -	436
" 25	Do. - - - -	443
" 29	J. J. Abert - - - -	446
July 3	J. Austill - - - -	455
" 8	Do. - - - -	461
" 12	Do. - - - -	469
" 26	Do. - - - -	486
" 31	Do. - - - -	493
August 5	Do. - - - -	497
" 6	Do. - - - -	497
" 15	J. J. Abert (report) - - - -	506
" 15	L. Tarrant - - - -	501
September 22	J. Austill - - - -	572
" 23	R. L. Crawford - - - -	573
" 26	L. Tarrant - - - -	574
October 3	R. L. Crawford - - - -	592
" 14	J. J. Abert - - - -	608
" 15	P. Parsons - - - -	610
" 23	R. L. Crawford - - - -	614
" 24	Do. - - - -	622
" 31	Do. - - - -	641
November 5	J. J. Abert - - - -	649
" 7	Creek Chiefs - - - -	657
" 9	J. J. Abert - - - -	661
" 11	Do. - - - -	666
" 14	Do. - - - -	698
No date	Do. - - - -	667
November 15	Leonard Tarrant - - - -	705
" 24	J. J. Abert - - - -	734
" 30	Do. - - - -	738
December 6	Do. - - - -	747
" 8	Do. - - - -	750
" 9	Do. - - - -	753
" 12	Do. - - - -	755
" 15	T. F. Foster - - - -	758
" 20	R. L. Crawford - - - -	767

MONTGOMERY, August 10, 1833.

DEAR SIR: I send you by this mail a paper printed in this place, called the Alabama Journal, in which the editor has commented largely upon the death of Owens by the troops near my command.

The doctrine advanced by him is the doctrine of the nullifiers in this section of the country; and they evince a strong disposition to raise a force sufficient to drive off the troops; or should any more of the intruders be driven off, were it not better that the stay of the Indians should be prolonged by removing the intruders from the nation. I should like to see them put out, as they are so much disposed to dispute the right of the Government to remove any of them, however much they may abuse the Indian

I have the honor to be,

Your obedient servant,

JEREMIAH AUSTILL,

HON. LEWIS CASS,
Secretary of War.

The particulars of the case of Owens will be forwarded you in the next paper.

J. AUSTILL.

MOBILE, October 26, 1833.

DEAR SIR: I have received notice, by good authority, that a true bill has been found against myself and the command that was with me when Owens was killed, for the murder of Owens, and a *capias* issued against the whole posse. I am, therefore, under the necessity of carrying arms to keep the process from being served, for to be taken from my business at this time, and tried by a infuriated set of mad men would be folly; and I have very little doubt, under the present state of excitement, and encouraged by the chief magistrate of the State, as they are, *neither law, testimony, or justice could save my life*. The most open and public declarations are made by the settlers that they will take my life on sight; and the marshal who has gone on, writes me that his life is threatened if he attempts to remove any of them. The chief magistrate of our supreme court, A. S. Lipscomb, Esq. called on me yesterday, or at least a friend of mine, and advised me not to surrender; that there was no telling what such men would do under the present excited state of things. That the Governor was pointed in his remarks, and that he evinced a strong personal hostility towards me. The judge is totally opposed to the Governor's conduct, and he does not believe the State will sustain him. I do not feel much apprehension that an attempt will be made to arrest me, for I do not believe that a force sufficient could be raised in the county here to take me away, even if I were to suffer myself to be arrested. The public sentiment, so far as I can learn, is in favor of the Government's carrying the treaty into full effect; that if the Government yields to the position taken by the Governor of this State, it would be better to desolve the compact at once, and let each State act for itself. I feel anxious to hear what course the Government will take, that I may know what course to pursue. I will wait your answer, and if you say surrender, I will do so, or any thing else. I neither fear nor dread the issue. I feel a clear conscience of having done my duty and no

more, and they may take my life, but never will they frighten me from the discharge of my duty, nor drive me from the country.

I have honor to be,

Your obedient servant,

JEREMIAH AUSTILL.

Dep. M. S. Dist.

Hon. LEWIS CASS,
Secretary of War.

N. B. I would beg leave to speak of the northwest part of the Creek nation, it is most densely populated by Americans and whites, and interests unconnected with the Indians; therefore, if there should be any exceptions, or any part of the settlers allowed to remain, it should be them. Talledega and a part of Tallapoosa counties compose that part of the nation.

J. AUSTILL.

TUCKABATCHEY, CREEK NATION,
Alabama, December 31, 1833.

Sir: Your letter under date 3d instant has been received, in which you state that the President is very desirous that the Creek nation of Indians in Alabama would cede their reservations to the General Government, and authorizing us to be the medium of communication between the Government and them for that purpose. We have, in pursuance of your request, undertaken the task, and have the pleasure of saying, from a talk held to-day with some of the chiefs and head men of the Creek nation of Indians in Alabama, consisting of Opothoholo, Little Doctor, Coosa Tustanugg, Tuskabatchey Mico, and William McGilvery, that there is a prospect of our being enabled to procure a delegation, not however as soon as could be wished. When the subject was mentioned, we was told in reply, that when a delegation was at Washington, on a late occasion, the President of the United States informed them that he had to attend to some weighty affairs of the nation, and could not, as soon as desired, attend to them, and that we must have patience and wait on them, as they consider their peculiar situation to be of the greatest moment; that they wished a council of the whole nation, which could not at this time be procured, in consequence of the interest felt by the Indians in their locations, being unwilling to leave the agents while engaged in their duties in their respective towns; but as soon as the locations were finished a council should be called, of which we would be duly notified, and ascertain their views; but the chiefs would hazard no opinion relative to the final result. From the prospect which is held out to us of having a delegation appointed, if nothing interfere to prevent us in so laudable an undertaking, suffer us to suggest to your consideration the necessity of your withholding the appointment of a certifying agent, or if one is appointed, to suspend the performance of his duty, as any act on his part would at once, in our opinion, defeat any further execution of ours.

From your communication it does not appear that we are authorized to bring on a delegation unless they are fully empowered to treat for all their reservations. From an impression received from the talk, as well as other sources, we are induced to believe that the upper towns, which embraces

nearly two-thirds of the nation, and decidedly the most valuable part, are willing to dispose of their reservations and remove westward of the Mississippi, while the lower towns are not willing, or at least their opinions or intentions are not so well known, and from whom we anticipate the greatest objections will be made. Under this view of the subject we are at a loss what course to pursue without further instructions from you. Should the Government be willing to treat for a portion, by our being early notified of it, considerable trouble will be saved, as well as more certainty of effecting the object of the Government; for if they refuse to send a delegation empowered to treat for the whole of the reservations at the proposed talk, we then can submit to their consideration the propriety of their sending a deputation fully authorized to treat for the upper towns. Opothoholo, who has great influence in the nation, is duly impressed with the situation in which the Indians are placed, and no doubt firmly persuaded, unless they remove beyond the influence of the white man, their existence as a nation must cease, and they, in a short time, become miserable vagabonds.

We are, with sentiments of esteem and respect,

Your humble servants,

N. E. BENSON,
BENJ. FITZPATRICK,
JNO. MARTIN.

HON. LEWIS CASS,
Secretary of War.

FORT MITCHELL, *January 12, 1834.*

SIR: I have the honor to report that on the 10th instant, all of the locations within the counties under my charge were completed, and that I am now engaged in preparing the necessary report for the land offices. It involves so many details, however, that I do not expect to be in Montgomery with it until the latter part of this week.

Very respectfully, sir,

Your obedient servant,

J. J. ABERT,
Top. Engineer

HON. LEWIS CASS,
Secretary of War.

HOUSE OF REPRESENTATIVES,
January 21, 1834.

SIR: In reply to yours of the 16th instant, asking an appropriation for the subsistence of the Creek Indians, and which reached me on the 16th, after the adjournment of the committee, I beg leave to inform you that I this day referred the subject to the committee, and have been instructed to state to you that the committee feel every disposition to afford the relief asked. The committee, however, apprehend a delay and difficulty in getting through the House a proposition of relief to the Creeks, not connected with the general policy of removing them west of the Mississippi; and as the relief, to be of any service, must be *speedily* afforded, it is sug-

gested that it would be most advisable to furnish such portion of the Creeks as are in a suffering condition, to the period only at which they may consent to remove west of the Mississippi; and that the system of removal in parties be again renewed some time within the present season.

If this suggestion of the committee meet your views, they desire to know if the appropriation of 1830, of three hundred thousand dollars, for the removal of such Indians east of the Mississippi as may voluntarily emigrate to the west, has been expended, and if not, could not a portion of that sum be applied to the purpose of taking off such of the Creeks, as are suffering for food, west of the Mississippi.

These are the suggestions of the committee, which are respectfully submitted to your consideration, and are not intended to control the question, as they have determined to afford the relief required. They have desired to present this view, but at the same time to request you to draft an amendment to the general appropriation bill, which will cover the object proposed, the amount and the manner of affording the relief being submitted to your judgment:

I am, very respectfully,

Your obedient servant,

DIXON H. LEWIS, *Chairman.*

Hon. LEWIS CASS, *Sec. of War.*

P. S. Could not the relief asked be taken from the Creek annuity? Our committee meet again on Thursday, at 10 o'clock, and would be glad to receive the draft of the amendment by that time.

D. H. L.

MONTGOMERY, ALABAMA,

January 24, 1834.

SIR: We find ourselves under the necessity of asking your directions upon the following subjects, which affect our duties as certifying agents.

1st. We wish your direction in reference to the kind of security which we may be allowed or required to exact in cases of credit sales; and with whom, and where these securities are to be deposited for safe keeping.

The subject presented itself to us in so many embarrassing points of view, that we have felt ourselves compelled to act on only cash sales for thirty days, by which time any directions with which you may please to favor us may be received.

2d. There are many cases of deaths since the census. Our course has been to locate the land as if the individual entitled to it had been living. We wish your directions in relation to sales of these lands. They involve the rights of widows and heirs; the latter frequently minors.

Very respectfully, sir,

Your obedient servants,

J. BRIGHT,

ROBT. W. MCHENRY,

J. J. ABERT,

Certifying Agents.

Hon. LEWIS CASS, *Sec. of War.*

MONTGOMERY, ALA. *January 24, 1834.*

SIR: As the result of our judgment, after so many opportunities of observing the disposition of the Creek Indians, we take the liberty of stating to you, that the present is, in our opinion, a highly favorable time for attempting an emigration.

The system of cash sales, which we have adopted, is, also, in favor of emigrating the Indians, as it closes their expectations of receiving any thing more. And the sooner they go, the greater the probability that they will take with them some of the proceeds of the sales; but if they are allowed to remain, the whole will be wasted in their usual dissipations.

We have no doubt that all who have sold, will emigrate without delay, and that the example will operate powerfully upon those who may be disposed to remain. We therefore respectfully recommend the subject to your early consideration.

Very respectfully, sir,

Your obedient servants,

J. BRIGHT,

JOHN J. ABERT.

HON. LEWIS CASS, *Sec. of War.*

FORT MITCHELL, *January 26, 1834.*

SIR: I have been for several days in the Creek country, and on my arrival at this place on yesterday, Colonel Twiggs handed me a copy of a letter, the original of which was addressed to me, and which has not yet been received.

I am informed by Colonel Abert, that the locations and reservations have been completed, and from a strong disposition on the part of the Indians to sell, and an equal one on the part of the settlers to purchase, at a fair price, and in fact I believe that the greater number of the locations are at this time sold, and only waiting for the certifying agents to complete all, I am induced to believe, that a removal would be attended with most serious and distressing injuries, from the instructions heretofore given, in which I am instructed to use as much forbearance, and to execute them with as little injury to our citizens as possible.

I believe that actual sales will be made as fast as the certifying agents will be able to attend to them.

The utmost harmony exists among the settlers and Indians, but some discontent seems to exist among the Indians themselves relative to their locations. I am informed, by the certifying agents, that in a very few days they will be enabled to complete all, who wish to sell, and that will be a very large proportion. There is a prompt disposition among those settlers, who are unable to purchase the locations on which they are residing, to remove forthwith. A number of that class have already removed, and those who have purchased are determined to use all their aid in removing those (should there be any) who wish to retain any possession of an Indian location contrary to his wishes. Every thing appears to be passing on quietly, and I do believe, that any movement of the troops at this time, would be attended with bad consequences. To remove the settlers by force would be placing the Indian completely at the will and mercy of the speculators, who are traversing the country in all and every direction, and thereby

putting down all competition in the purchase of the lands; the settlers could be driven out, and speculators, or their emissaries, take their places.

I conceive that all difficulties, relative to this business, to be at an end. But by way of precaution, and as soon as I get the maps on which the locations and reservations are designated, I shall keep one or more judicious and discreet men constantly in the nation, and whenever any one shall refuse to leave any location, to have him forthwith removed.

The presence of the troops has had a very happy effect in settling this difficulty, and their presence may still be conducive of good effects, merely by their presence alone.

The liability, as regards criminal process, should an accident unfortunately occur, concerns me much; therefore, any movement by the troops will not be required by me in the execution of these duties. However anxious I may be to execute the instructions of the Government, I most respectfully say that I am very unwilling to implicate myself in a criminal prosecution. Circumstances that might appear to me purely defensive, and in the full discharge of my official instructions, might seem to others criminal in the extreme. As regards any pecuniary embarrassments in the discharge of these duties, I am well aware will be fully met by the Government, but how am I to avoid State prosecutions.

Very respectfully, &c.

ROBERT L. CRAWFORD,
U. S. Mar. for the Southern Dis. Ala.

Hon. LEWIS CASS, *Sec. of War.*

FORT MITCHELL, *January 27, 1834.*

SIR: The disappointment experienced in Montgomery and its vicinity, by many who had not been successful in their speculations, vented itself in ill natured remarks against Mr. Bright and myself, and our assistants. He desired me to write to you upon the subject, and to state that an effort would probably be made to discredit the locations of Macon and Tallapoosa counties, under the hope that in a second scramble those who were now disappointed might have another chance.

We both remarked while there, and had the same repeated by our friends; that if any well founded complaints were lodged, against any assistant or any location, they would be investigated. But this course was not pursued, the complainants preferring to raise a general clamor upon vague and malicious rumors.

Mr. Bright observed that, where he was known, these would do him no injury, and I trust that I may appeal with equal confidence to those who know me.

Very respectfully, sir,

Your obedient servant,

J. J. ABERT,
Lieut. Col. Top. Engineers.

Hon. LEWIS CASS,

Secretary of War.

MONTGOMERY, *February 1, 1834.*

SIR: On returning from Fort Mitchell through the Creek country, I find a very general wish among the Indians to make sale of their lands to the whites. Except some of the chiefs, a great proportion of their lands I think are already sold, and in consequence of the agents not being able to certify their purchase by the 15th of January, I have concluded to delay the removal until the 15th day of March, as by that time nearly all the land will be sold, and no possible injury can result to the Government or the Indians. I hope this course will be acceptable to the Government, as I know it is of the greatest importance both to the settlers and the Indians.

Very respectfully,

Your obedient servant,

ROBT. C. CRAWFORD.

U. S. Marshal

The Hon. LEWIS CASS,
War Department, Washington.

EXECUTIVE DEPARTMENT, GEORGIA,
Milledgeville, February 5, 1834.

SIR: It has been with some degree of surprise that I have, for several months past, been receiving communications from the citizens of Irwin, and other adjoining counties in this State, complaining of the lawless depredations of a large number of strolling, vagabond Indians, belonging to the remnant tribe of the Creeks, who yet remain in the State of Alabama. The present possessions of these Indians does not approach within fifty miles of any part of the county of Irwin; the intervening country, however, from the Indian settlements to the county of Irwin, is but very thinly populated by the whites, being chiefly a poor pine barren, interspersed with extensive swamps, which are rarely penetrated by civilized men, and, therefore, afford a hiding place and refuge for wild beasts and more savage men.

These Indians have in considerable numbers taken up their abode in this section of the State, and have done immense damage to the peaceable citizens who have settled in that part of the country, by killing their cattle and hogs, and stealing and consuming their corn, potatoes, &c. They are sufficiently strong in numbers to bid defiance to the thinly settled population. Attempts have been made, under my instruction, to apprehend and bring to justice this lawless band of robbers, but whenever a force sufficiently formidable presents itself, the Indians immediately take refuge in the swamps, and evade apprehension and farther pursuit.

I would not trouble you with this subject, if I was not at a loss to correct this evil, without resort to a remedy which, from every consideration, and every feeling of my nature, I am anxious if possible to avoid; I am convinced, that I have no means at my control to bring to an issue these insufferable depredations but by exterminating in the most summary way this miserable band of robbers. My object, therefore, in communicating to you directly on this subject is, to suggest to you, that it has occurred to me some direct instructions or order from you to the principal men amongst the Creeks, through such agent or agents as you may deem best, perhaps to the commandant of the United State troops, now stationed on the western borders of Georgia, might be the most effectual as well as the most peaceable

method of suppressing and ending this insufferable difficulty. It is certain that the evils complained of cannot be much longer borne with. If you cannot control these Indians through some agency, the authorities of Georgia will be under the painful necessity of exterminating the evil in the only practicable way.

I have the honor to be,
 With great respect,
 Your obedient servant,
 WILSON LUMPKIN.

Hon. LEWIS CASS, *Sec. of War.*

EXECUTIVE DEPARTMENT,
Tuscaloosa, February 22, 1834.

SIR: I have the honor to transmit, for the consideration of the President, a copy of an act of the General Assembly of this State, which, you will perceive, was passed with the design of affording protection to the Indians, in the reservations granted them by the treaty of March, 1832, and I may add, with the expectation, that its provisions would be deemed by him sufficient for the attainment of this object. It evinces a regard for these people, by the authorities of Alabama, and a determination to protect them in all their rights, which will assure the President that the employment of military force, hereafter, will be unnecessary.

I repeat, what I have stated heretofore, that the body of the settlers is opposed to aggressions upon the Indians, and if called upon to act as jurors will not hesitate, as far as their agency may be concerned, to carry into effect the intention of the Legislature by inflicting the penalties of the law upon all who may be reckless enough to violate it. This being the case, few, if any, instances of intrusion will occur, the Indians will be as secure in their possessions as our white citizens, and it cannot be doubted, that the treaty will be as faithfully and more effectually executed, than it possibly can be by a detachment of armed soldiers.

Alabama having rightfully acquired exclusive jurisdiction, previous to the ratification of the treaty, over the subjects embraced by the fifth article thereof, cannot be deprived of it without her consent. But, however this may be, whatever the power of the General Government or the right of the State in this matter, it appears to me, that the novelty of the spectacle of keeping upon the borders of a State a standing army to awe its citizens into submission to the laws, and the obvious departure, which it indicates, from the customary modes provided by the constitution for conducting the operations of the Government, are considerations of themselves sufficient to induce a resort to milder means; to means that are more compatible with the genius of the Government and the spirit of our institutions; that are more agreeable to the habits of our people, and less offensive to that American pride which delights in yielding obedience to the civil tribunals of the country, but is reluctant to submit to the restraints of military coercion.

The act of 1807 cannot be executed in this State without violating many of its laws, the oldest in our statute book, which the duty of our officers bind them faithfully to administer. Collisions, therefore, such as the President should be, and I am sure is, among the last to desire will, unavoidably take place, if he adheres to the determination to employ military force.

I sincerely wish to avoid this state of things, and it is to that end, that the proposition is made to confide to our laws, particularly the one enclosed, the protection of the Indians and the execution of the treaty. I shall be greatly obliged by being informed of the decision of the President, as soon as your convenience will allow you to communicate it.

I have the honor to be, sir,

Very respectfully,

Your obedient servant,

JOHN GAYLE.

HON. LEWIS CASS, *Sec. of War.*

AN ACT for the punishment of certain offences committed upon the territory ceded by the Creek tribe of Indians to the United States of America.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, that if any person or persons whomsoever, shall forcibly or peaceably enter upon, or take possession of any tract or tracts of land within this State, and within that portion of territory ceded by the Creek tribe of Indians, by the provisions of the Creek treaty of the 24th March, 1832, to the United States of America, and which, according to the provisions thereof, are set apart, and are to be distinguished (as Indian selections and reservations, without having previously made a contract with the person or persons entitled to the possession of such selection or reservation of land, according to the provisions and requisitions of said treaty, the person or persons so offending, shall be proceeded against by indictment in the circuit court of the county in which such Indian selection or reservation may be, and, upon conviction thereof, shall be sentenced by said court to pay a fine not exceeding one thousand dollars, nor less than two hundred and fifty dollars, to go to the use of the county in which such case or cases may be tried; and upon his, her, or their failure or inability to comply with such sentences, he, she, or they shall be committed to the common jail of the county in which such conviction may be had, there to remain without bail or mainprize, and shall not be discharged therefrom until the end and expiration of three calendar months from the time of such commitment, unless the sentence of the said court shall in the interim be complied with: and upon every conviction it shall be the duty of the court before whom the same may be had, to order and direct the sheriff of the proper county to put the person or persons entitled to any such selections or reservations of land so trespassed upon as aforesaid, into the immediate possession of the same.

SEC. 2. *And be it further enacted,* That it shall hereafter be the duty of the presiding judge of the circuit courts of the counties of Barbour, Macon, Russell, Chambers, Tallapoosa, Coosa, Randolph, Talladega, and Benton, at each and every term of the said circuit courts, to give this act specially in charge to the respective grand juries thereof.

SAMUEL W. OLIVER,

Speaker of the House of Representatives.

JOHN ERWIN,

President of the Senate.

Approved, 18th January, 1834.

JOHN GAYLE.

MONTGOMERY, *March 2, 1834.*

SIR: I have just returned from the Creek nation, after having visited a number of the principal towns. I find things generally quiet, with but few exceptions, and a friendly disposition seems to prevail. A great number of the Indians have sold and conveyed their lands to the whites; others do not wish to sell, but are unwilling that the whites should remove, because they are getting more by way of rent, than they can possibly make themselves by labor.

I have despatched Mr. A. H. Somerville and Wm. Magee into the nation, with instructions to remove all persons who keep forcible possession of the located lands, and others who are obnoxious to the Indians.

A law was passed at the last session of the Alabama Legislature, a copy of which I have the honor herewith to enclose, and which will have a more happy effect in removing settlers, and of restoring tranquillity, than any thing else.

And those persons who have purchased lands, and made a final settlement, are determined that this law shall be sturdily enforced.

There will no doubt be complaints to the Department of intrusions, but they will, very generally, be at the instigation of white men: for instance, one settler is upon a tract of land owned by an Indian, another wishes to get the occupant out of his way that he may have a better chance of purchasing, persuades the Indian to complain, when usually he did not wish to do it, and when they were living quietly.

Other cases have occurred where the lands have been purchased by a white man, and occupied by another. For the purpose of harassing the other, he will overpersuade the Indian to deny having sold, and enter a complaint against him. Several of these cases have come to my knowledge recently; and numbers no doubt exist at this time. I have not yet received the maps with the locations designated upon them from Colonel Bright's district, although they are expected daily. I should be glad to be furnished with a list of the locations that have been certified by the agents of the Government to individuals, to prevent any imposition that might be intended. Some might take possession of an Indian's land, and say that he had purchased it. I am informed that the agent gives no showing when he certifies a tract of land, to the individual who has paid for it. I am of the opinion that the military force now at Fort Mitchell will no longer be required, and that this important business is forever settled.

Very respectfully,

Your obedient servant,

ROBERT S. CRAWFORD,

U. S. Marshal Southern District, Ala.

The Hon. LEWIS CASS,

War Department, Washington city.

LAWS OF ALABAMA.

AN ACT for the punishment of certain offences committed upon the territory ceded by the Creek tribe of Indians to the United States of America.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, that if any person or persons whomsoever, shall forcibly or peaceably enter upon, or take possession of any tract or tracts

of land within this State, and within that portion of territory ceded by the Creek tribe of Indians by the provisions of the Creek treaty of the 24th March, 1832, to the United States of America, and which, according to the provisions thereof, are set apart, and are to be distinguished as Indian sections and reservations, without having previously made a contract with the person or persons offending, shall be proceeded against by indictment in the circuit court of the county in which such Indian section or reservation may be, and, upon conviction thereof, shall be sentenced by said court to pay a fine not exceeding one thousand dollars, nor less than two hundred and fifty, to go to the use of the county in which such case or cases may be tried, and upon his, her, or their failure or inability to comply with such sentence, he, she, or they, shall be committed to the common jail of the county in which such conviction may be had, there to remain without bail or mainprize, and shall not be discharged therefrom until the end and expiration of three calendar months from the time of said commitment, unless the sentence of the said court shall, in the interim, be complied with, and upon every conviction it shall be the duty of the court before which the same may be had, to order and direct the sheriff of the proper county to put the person or persons entitled to any such selection or reservation of land so trespassed upon, as aforesaid, into the immediate possession of the same.

SEC. 2. *And be it further enacted,* That it shall hereafter be the duty of the presiding judge of the circuit courts of the counties of Barbour, Macon, Russell, Chambers, Tallapoosa, Coosa, Randolph, Talladega, and Benton, at each and every term of the said circuit courts, to give this act specially in charge of the respective grand juries thereof.

Approved, January 18, 1834.

COLUMBUS COUNTY, ALA. *March 12, 1834.*

SIR: I have had the honor to receive your two letters, one of the 17th, and the other of 21st of February, on the 11th instant, requesting me to furnish you with such information as lay in my power, respecting frauds which have been practised upon the Indians. I have no doubt but some of the Indians are swindled out of a part of their money, and there is but one way to remedy it; and that is, to deposite one-third or one-half the amount of the money their lands bring in bank, to be paid over to them when they emigrate, and let them pay off their debts with the remainder, for they are very much in debt. If I have certified to a contract where it was a special understanding between the parties, that a part or all of the money was to be refunded, I do not know it. I have used every means in my power to detect any thing of the kind. There has been two instances where the wrong Indian was brought before me for the purpose of getting their contract confirmed, but they did not succeed; whether it was done through ignorance or with a design to defraud, I am not at present able to determine.

At the time Mr. Howard wrote the letter, which you transmitted me a copy of, I had certified to about ten or twelve contracts, five or six for General Woodward, and the same for Mr. Cook. I think those Indians were honestly dealt by.

On the 18th, 19th, 20th, 21st February I was at Fort Hull, and certified

to a large number of contracts: this was subsequent to the date of Mr. Howard's letter. I saw nothing like fraud there. The firm of Haden and Centre paid in the same bills three different times. I stopped certifying for them, and, in presence of the company, called on them for an explanation. They immediately produced receipts against a number of the Indians he had purchased from, to considerable amounts, which they acknowledged to be correct. The receipts were also witnessed by two white persons; the different amounts had been paid in their presence previous to their contract being certified to, some one or two years before. The firm stated the Indians had paid them back what they had already advanced them. They have had a store in the nation for the last two or three years; they have furnished the Indians in clothing and provision to a considerable amount, and a large number of them owe them considerable amounts of money. I have previously wrote to you respecting the firm of Doyle, Islands, and Stand; I will further add, from the best information I can get, they borrow the money back from the Indians, and give them their notes for the amount, to be paid when they sell their lands, or when they emigrate to Arkansas. By this means they are contracting a debt with the Indians, which they are not worth one twentieth part of, and have it completely in their power to swindle them out of their lands. I suppose, if they would act in good faith towards the Indians, it would be three or four years before they could sell the lands, consequently would prevent emigration, for they would not leave until they would get their money.

I was at Columbus a few days since. General Sanford stated to me, that, in several instances they had produced the wrong Indian, and he had certified to the contract, and he had since detected it, and was investigating some of them when I was there. I am extremely cautious, and examine every case strictly. I have, for some time back required respectable persons and good judges of land, to go and examine each tract, and state on oath what they think the land is worth.

I have the honor to be,

Your obedient servant,

ROBERT W. McHENRY,

Certifying Agent.

Honorable LEWIS CASS,
Secretary of War.

MARSHAL'S OFFICE,
South District, Ala. Mobile, March 25, 1834.

SIR: I have just received letters from Mr. Somerville and Mr. Magee, the two gentlemen I sent into the Creek nation, for the purpose of removing intruders from the reservations, and of which I wrote you sometime since. Every thing seems to be quiet and well; few persons remain on the Indian lands, and those who are on, contrary to the consent of the Indian, forthwith removed so soon as they are required to do so. And the utmost harmony, so far as they have gone, seems to exist among the whites and the Indians.

They have finished the four lower counties, to wit: Macon, Barbour, Russell, and Chambers, and will proceed on to the other counties. I feel fully satisfied that this business is fully settled.

I wrote you from Montgomery some short time since, requesting you to forward me more means, as what I had is exhausted, and my own nearly so.

Very respectfully, your obedient servant,

ROBERT L. CRAWFORD,
U. S. Marshal.

The Hon. LEWIS CASS,
War Department, Washington.

WASHINGTON, *April 15, 1834.*

SIR: It was not until this morning that I became acquainted with your letter to J. W. Sanford, J. Bright, R. McHenry, and Leonard Tarrant, Esq's, in which the following is the first paragraph.

"Return J. Meigs, Esq. of Athens, Tennessee, has been appointed by the President to visit the Creek country, in the State of Alabama, to institute an inquiry into the operation of the present mode of locating the reservations and certifying the contracts for the sale of them. The objects of this inquiry are to ascertain to what extent frauds have been practised upon the Indians, and to determine whether they can be prevented by any new regulations."

Notwithstanding the qualifying expressions of the succeeding paragraph, to the individuals named, it yet appears to me that the application of the word fraud, to the duties of locating and certifying, is extremely harsh and unjustifiable.

The few complaints of errors in the locations, which have come to my knowledge, have been immediately attended to, and in cases in which the facts were correctly made out, have been redressed. Upon the subject of certifying, I have heard of no complaints whatever.

Reports have been made of frauds practised upon the Indians after these duties were completed, by those who, under various pretences, have obtained back from the Indians the money which had been previously paid. But as both the Secretary of War and the President assured me, that in this stage the money was beyond the supervisory power of the Government, it could not interfere in the case.

And before a single contract was certified to, wrongs of this character to the Indians were anticipated, and a proposition made to the War Department to permit half of the proceeds of the sales to be retained for their benefit; but the course was not sanctioned, for the reason, that when the Indian received his money, the Government could not interfere with his right of doing with it as he pleased.

Frauds, therefore, with which the Government cannot interfere, and which it has no power to remedy, cannot therefore be those into which Mr. Meigs is to inquire, and force upon me the plain conclusion, from the paragraph before quoted, that it must be frauds of the certifying and locating agents into which the inquiry is instituted.

As a locating and certifying agent, I therefore call upon you to furnish me with any complaints which have been made in relation to the duties with which I have been engaged in the Creek country.

Very respectfully, sir, your obedient servant,

J. J. ABERT,
Lt. Col. Top. Eng'rs.

ELBERT HERRING, Esq.,
Com. of Indian Affairs.

ATHENS, April 28, 1834.

SIR: Your letter of the 11th instant, in which I am requested to proceed to the Cherokee country, and institute an examination into all the matters connected with the emigration, and to visit the Creek country, in the State of Alabama, and make some general inquiry into the present mode of locating the Creek lands, and the certifying of contracts for the sale of them, together with the accompanying papers, reached here in my absence from home, whither I returned on the 25th.

Be pleased, sir, to assure the President that, as I have long entertained the opinion that the tranquillity of the States in which the remnant of the Cherokee nation is situated, and the happiness, nay, the very national existence of that people, demand their removal from their present abode, it will afford me great pleasure to be of the least use to the Government, in executing any plan that can be devised, either for their immediate or gradual removal, and that I will proceed to perform the required service with as much despatch as may be consistent with the thorough examination desired. For a week or two, my courts will occupy me, after which I will proceed, without interruption, in the proposed examination, and report to the Department accordingly.

You have done me the honor to request my opinion, whether the plan of removing the Indians in partial bands, has a tendency to accelerate or retard their final emigration.

I have always believed that if the treaty of 1817 had not been arrested in its operation, by the convention of 1819, this people would long since have been west of the Mississippi. On account of its efficacy, and because its tendency is to subvert, by gradually undermining, their power, the plan is exceedingly unpopular with leading men, who had the address to procure its overthrow by the convention last mentioned. Now, also, they exert themselves with great effect, to embarrass the progress of the enrolment. Cases, I presume, are not wanting, where those heads of families who subscribe the roll of emigration, and thus give the first evidence of being *desirous* to remove, afterwards, on listening to the arguments and persuasions of the chiefs, change their mind, and thus the duty reposed in the agents of the emigration is rendered very delicate and perplexing. The chiefs are divided into three classes: one friendly to emigration—a second desirous of treating—and a third determined, if possible, to retain their present possessions. The two latter are both equally opposed to emigration, and for the same reason, namely, that it weakens their party. But they are now so equally balanced that no result might be produced, but by the vigorous prosecution of the emigration, the exact tendency of which is, to convince the third party, above designated, of the absolute necessity of treating for the cession of the whole country; a consummation that is now, I have reason to believe, not very far distant.

My opinion, therefore, is, that the plan of removal in partial bands will accelerate, certainly not retard, the final removal of the Indians, because there is not the slightest probability that the chiefs of the third party would, for some years to come, entertain a proposition for a cession, were they left in possession of their ancient power, undiminished.

I wish, however, not to be understood as advocating a plan of petty persecution, designed to make the chiefs willing to cede their country. This would not be the effect of a fair execution of the 8th article of the treaty of 1828. On the contrary, this seems to be the only possible measure, so long as the chiefs remain obstinate, by which the Government can discharge

the solemn obligation imposed on it, by the tutelary relation that it sustains, to protect the inferior people of the nation.

But then this article of the treaty ought to be executed with the utmost good faith; and the agents of the Government ought not, on any account, to suffer their zeal for the service to transport them into the use of means, that have no other justification than the attainment of the end. It is heads of Cherokee families, *desirous* of removing, who are to be enrolled, and compensated for the property by them abandoned. The questions to be determined by the officers who exercise this provision are:

1. Is the proposed emigrant the head of a Cherokee family?
2. Is he desirous of removing?
3. Is the improvement he proposes for assessment his property?
4. Was it made with the bona fide intent to use it in the regular course of agriculture?

5. Was it made, not with the last view, but with intent only to have it assessed, and thus increase the emigrant's demand against the United States?

In the case supposed in No. 4, the improvement ought to be assessed and paid for, as an amelioration. But when an improvement is made with the sole view of assessment, as supposed in No. 5, no regard would be paid to the preservation of timber, to the fitness of the improvement for agricultural purposes, &c. and it, therefore, ought not to be regarded as an amelioration, or paid as such. But, 1. If the emigrant made it himself, he ought to be paid a reasonable compensation for his labor. 2. If he hired a white man to make it with his money, or personal property, he ought to be paid the money actually expended, or the value of the property given. 3. If white men made it for the emigrant's *good will*, he ought to have no compensation, for what he never gave a valuable consideration for, cannot be regarded as his "property" by a fair interpretation of the treaty. Money or personal chattels, expended in procuring improvements to be made, might fairly be treated as "property abandoned." But the mere *benevolence* of making a white man the first occupant, is surely not "property," and improvements made by white men, for that consideration, ought not to be assessed.

If, in any case, it be thought expedient to give any particular emigrant a *douceur* on account of his influence in promoting the cause of emigration, a measure whose policy is, to me, *more* than questionable, let it be done directly, in money from the contingent fund, and not through the *forms* of the treaty.

I have the honor to be,

Very respectfully,

Your obedient servant,

R. J. MIEGS.

Hon. LEWIS CASS,

Secretary of War, Washington.

EXECUTIVE DEPARTMENT, GEO.

Milledgeville, 7th June, 1834.

SIR: I herewith enclose you a copy of a communication received this morning from a number of highly respectable citizens of Paulding county, Geo. from which you will perceive the immediate necessity of using the most efficient means to correct the evil complained of. Under the existing

state of things in the Cherokee part of Georgia, it cannot be permitted for the Creek Indians of Alabama, to think of taking up their abode within the limits of Georgia, even for a short time, if they even manifested the most friendly disposition towards the citizens of Georgia. And, on the contrary, while they manifested a hostile spirit, accompanied by the most daring and insolent assumptions of menace and threats towards the whites, not a moment should be lost in suppressing the dangers which must be anticipated. I shall apprise the citizens of Paulding county of having made this communication to you, and shall venture to assure them, that you will promptly resort to the most efficient measures within your control, to remove the cause of complaint. In the meantime I shall put in preparation such measures as will enable me to meet the deprecated necessity of using the militia of Georgia, to meet any emergency which may demand a resort to such means. I will not conceal from you, that the interest, peace, and quiet of the citizens of Georgia and Alabama, require that we should, if possible, avoid calling upon the militia to suppress Indian menaces or irregularities. Should such a necessity occur, you can readily conceive how very difficult it may be to restrain such force within the limits which prudence and humanity would inculcate on the feelings of the disinterested. Of late I have received many communications from highly respectable citizens of the Cherokee part of Georgia, complaining of the hostile feelings indicated by the Cherokees who reside amongst them; and, in some cases, the excitement has been very strong, and I have been urged to use military force to guard against and suppress the evils complained of. I have, however, continued to rely upon the civil authority, and trust we shall be able to govern and restrain these people, by a vigilant enforcement of our laws, unless they are stimulated to acts of desperation, by a desperate political faction, who are evidently engaged in the unholy work of agitating the country, with a view to *confusion*, if not *revolution*.

In much haste, &c.

WILSON LUMPKIN.

Hon. LEWIS CASS,
Secretary of War.

CEDAR TOWN, PAULDING CO. GEO.

May 27th, 1834.

DEAR SIR: We hasten to inform your Excellency, that recently a large number of the Creek Indians, who have disposed of their reservations in the State of Alabama, have removed to and settled in this county, near the line of Alabama, and continue to come in daily. We have held a friendly talk with them on the subject of their removal here. They say the Creeks have sold their lands to the white people, and that they are not willing to go to Arkansas, and that they have come to reside permanently with the Cherokees, who are willing, and wish them to do so. Since their arrival here, the Cherokees have become much more impudent and hostile than they were before, and say the Creeks are willing to aid them in killing up the white people, and taking their lands back again. They have been continually robbing and plundering our citizens ever since they came here; and we do assure your Excellency, that unless the Creek Indians are speedily removed from this country, that our honest white citizens must

either remove from the country, or submit to savage ambition and violence. We then hope that your Excellency will adopt some speedy measure to have them removed from our country.

With the highest esteem,

We remain your Excellency's

Obedient servant's,

M. S. Edmondson,
S. F. Burgess,
John Kirby,
Waddy Thompson,
John Stepp,

Turman Walthall,
Hiram Wright,
Henry Peck,
Lacy Witcher,
John Witcher.

EXECUTIVE DEPARTMENT, GEORGIA,
Milledgeville, June 28, 1834.

SIR: I have the honor to acknowledge the receipt of your letter of the 19th inst. informing me of the measures which you have adopted for the removal of the causes of complaint against the Creek Indians, who have intruded themselves on the territory of Georgia, to the annoyance of the citizens of the State.

I approve of the direction you have given to the subject, and hope that in connection with the measures adopted by myself, it may prove effectual; and that the united advice of both the Federal and State governments will effect the removal of these intruders, and thereby avert all the evils which have been apprehended.

In my former letter on this subject, I omitted to inform you, that immediately on the receipt of the communication of the citizens of Paulding county, complaining of the conduct of the Creeks, I, without delay, instructed and requested two of the most competent citizens of that section of the State, to visit the Indians complained of, and to explain to them the impropriety and danger of their procedure, and to order them to abandon without delay, the country upon which they have so lawlessly intruded. I have not yet heard from these agents, but indulge the hope that their report may be favorable to our wishes, and to the quiet of the country.

I learn, from Washington, that a treaty has been concluded and signed by certain Cherokee delegates now at that city. Will you have the kindness to keep me advised of every thing relating to this subject, which may be connected with my official duties, and which may be prudently communicated?

I am sir, with great respect,

Your obedient servant,

WILSON LUMPKIN.

Hon. LEWIS CASS,
Secretary of War.

TALADEGA COUNTY, ALABAMA,
Mardisville, July 18, 1834.

SIR: Your letter of the 16th ult. has been received, in which you say it has been intimated to the Department that I have been in the habit of

taking office fees for extra services, in the performance of duties pertaining to my office as certifying agent, &c. Now, in reply, permit me to observe, that the charge is not true. It has, in my opinion, grown out of this circumstance. Mr. Bright and myself adopted the form of a deed, which, in our opinion, conformed to the regulations adopted by the Department, a copy of which we sent to Montgomery, the nearest printing office to this place, which is about eighty miles, and had a number of blank deeds printed, and when purchasers of Indian reservations applied for these deeds, I have invariably furnished them at one dollar for the deed and copy, but have in no instance, required them to take our deeds; those furnished by the purchasers, when in proper form, has never been rejected, and it has always been optional with them whether they would take them or furnish their own. It could not be expected that we would furnish the deeds for nothing. Gentlemen could have had their own deeds printed, if it had been their choice, and they would have been received. But in no instance have any fees for extra services been taken, unless the selling of deeds can be construed into extra services, which I presume will not be so considered by the Department. If, however, it is considered wrong by the Department, for me to sell the deeds which I have on hand, I will in future require the purchasers to obtain their deeds elsewhere; and until I hear from the Department, I will sell no more deeds.

Very respectfully,

Your humble servant,

LEONARD TARRANT.

ELBERT HERRING, Esq.

MARDISVILLE, ALABAMA, August 20, 1834.

SIR: I have been to see the head chiefs of the upper and lower towns, and communicated to them the information you had received from the Governor of Georgia, and stated to them the necessity of withdrawing their people from Georgia, and preventing any more from going into that State. I stated to them the consequences which would result from such a course of conduct as their people was charged with, and urged upon them to attend to this matter as soon as possible.

The reply of Nea-Miccó, the head chief of the lower towns, in presence of a council of the whole tribe, was, that he had no knowledge of any mischief committed by the Indians in Georgia; but stated that he would inquire into the matter, and if he could ascertain where, and by whom, it was committed, he would exert his influence to put a stop to it.

I am, sir, respectfully,

Your most obedient servant,

LEONARD TARRANT.

HON. LEWIS CASS,

Department of War, Washington City.

CREEK NATION, TALLASSEE TOWN,
September 4, 1835.

To the HON. SECRETARY OF WAR :

SIR: When we parted with you at the city of Washington, after making the treaty, our last talk was in relation to our removing west of the Mississippi. We then told you that our people were opposed to leaving their old homes, and we could say nothing favorable to such a course at that time. We have no doubt of your becoming weary in reading long letters and sending agents among us upon the subject of our removal. Our people yet abhor the idea of leaving all that is dear to them, the graves of their relations; but circumstances have changed their opinions; they have become convinced of their true situation, that they can't live in the same field with the white man. Our people have done that which we did not believe they would have done at the time we made the treaty; they have sold their reservations; it is done, and cannot now be helped. The white man has taken possession, and has every advantage over us. It is impossible for the red and white man to live together. Our talk we wish to make short, although we have several subjects to mention to you. First, is in relation to our removal. The Tucabachies, with that of the Kialechies, Thloblocko-Clewalas, Autaugus, and Ottosees, who all burn the same fire, and talk with the same tongue, forms all the Tuckabaches, and is the great leading town of the nation. They have agreed to emigrate to the country assigned them west of the Mississippi. We have set apart the 15th day of next month for our final departure. We repeat we talk to you with but one tongue. We shall at that time take our last black drink in this nation, rub up our tradition plates, and commence our march. We have no doubt but the other towns will do the same, and follow every one in two weeks. That way of moving we shall not be crowded on the road, nor detained at ferries, and will reach our new homes much sooner than if all travelled together. There will be no necessity of an emigrating agent among us. Until we encamp for emigration there, the names present can be enrolled. We wish to say something to you in relation to the manner in which we wish to be removed. We cannot consent to be carried off by strangers who do it by contract at a price we believe too low for them to do us justice. We have heard of much complaint among those who have gone before us of the hard fare; that the allowance was far short of what they stood in need. If consistent with the authority of the Government, we suggest the propriety of authorizing Col. Hogan, the Government agent, who has been among us, to make an arrangement with us here. He can superintend such appointments as he may think right, of our own choosing, that will do ample justice to the United States, as well as the red man. We have a number of aged men and women, also many infirm persons and small children, whereby it will require much time and patience on our march. And if conducted by contractors at a low price, we are doubtful of being forced on the road, and create much suffering. Before we leave, we cannot refrain from renewing our old talk. In relation to the number of Indians entitled to land under the late treaty, that their names cannot be found on the census roll, many of them have large families, and have had no benefit of the treaty. We crave your assistance in their behalf, to be remunerated to in such a manner as for them to be on an equal footing with others that have received land. Your attention and interference is also requested in the case of those Indians who have died since their names have been enrolled for reservations. We wish the President of the United States to di-

rect our certifying agents upon that subject, so as for the heirs to dispose of them. In so doing, they can move west, and leave no interest behind.

On the subject of a balance due the Creek nation under the treaty made at the Indian Springs in 1821, by Forney and Meriwether, we wish some information, whether there is a probability or not, of the nation ever receiving pay. Also we wish information of a balance due certain Creek Indians, McNack and others, for spoliations done them during the Creek war.

We also wish to be instructed through our agent, Judge Tarrant, in what manner the twenty sections set aside in the Creek treaty for orphan children, are to be disposed of; and how the subjects are to be ascertained. Before we close, we wish to assign over the remaining twenty-eight and a half sections of land named in the treaty to be disposed of by the Creek tribes, to some one of our nation, so that it can be disposed, and the proceeds be appropriated to the discharge of our national debt, whereby we may not be stopped by the law of Alabama from moving. All of which we respectfully submit, and request a speedy answer, as it is all important we should cross the Mississippi before the high waters.

Before we close this letter, we cannot refrain from expressing our entire satisfaction with the official conduct (of late) of Dr. McHenry, the certifying agent of this district. In our letter of the 22d March, we expressed in terms the strongest disapprobation of the mode of certifying lands, by personification, at an office of the certifying agent of this district; and denounced it as the destruction of the rights of many of our people. We feel constrained from a desire to place you in possession of the facts as they at present exist, and to do Dr. McHenry justice to say, that his efforts to restore to our people the lands that were filched from them in the manner often alluded to, have been such as to entitle him to the gratitude of our people, and the confidence of his Government. He has met us in our towns, patiently and impartially investigated the claims of the contending parties to the several locations, and his decisions satisfactory to our people. We feel confident that the same feelings which prompted him to restore to us our rights, will be, so long as he is retained in office, a sufficient guarantee for their preservation in future. We are happy that this subject, which a short time since was likely to produce so much difficulty and become a formidable obstacle in the way, with a speedy removal for those of our people who have not heretofore sold, seem now determined to sell their lands immediately, and as we have before stated, remove to their new homes west of the Mississippi.

With great respect we have the honor to acknowledge ourselves your red brothers,

HOPOITH YOHOLO,	his mark x
TUCKEBACHE MICCO,	his mark x
COOSA TUSTUNNUCKEE,	his mark x
LITTLE DOCTOR,	his mark x
JAMES BAY,	his mark x
BILLY MCGILBREY,	his mark x
MICCO BIKEE, or Old King,	his mark x
TUSTUN NUCKEE,	his mark x

In presence of
 BARINT DUBOIS,
 SPIRE M. HAGERTY:

WASHINGTON CITY, Dec. 23, 1834.

SIR: I beg leave, respectfully, to submit for your examination, a few questions in reference to a class of reservees in the Creek nation. 1st. When an Indian, entitled to a reservation, dies after the taking of the census, and before he was located, without children, the location having been since made in the name of the wife of the deceased, has she a right to sell the reservation as other Indians? and if not, in what way can she dispose of her reservation? 2d. Would a widowed woman, who had lost her husband, as above, with children, have a right to sell as above stated? 3d. When the husband died since the location, would the wife, with or without children, be authorized to sell? 4th. When both father and mother are dead since the location of the reservation, and the children all of age, would they be permitted to sell by joint contract? The above interrogatories apply to a numerous class of cases, as I am informed; and I am further more informed, that the certifying agents do not believe that they, under their present instructions, have the right to certify contracts made with persons of the above description. It is important, both to our own citizens and the reservees, that they, in common with the other Indians, should be enabled to sell their lands, and if the instructions to the Government agents are not sufficiently broad, I cannot doubt the power vested in the President, by the treaty, to extend them to this, and every possible case that can arise. You will pardon me for saying this much. I do not intend to discuss the subject. You will, so soon as convenient, please favor me with an answer, which will be forwarded to Judge Tarrant, the agent I received a letter from Judge Tarrant on yesterday. He says the Indians are selling their lands with great rapidity. This looks like they intend leaving the country in the spring.

I have not heard from the case, *Jones vs. Wallis*—a contest about an Indian reservation, left at the same time with the case of Billy, since decided by Col. Abert. Will you have the kindness to have that case examined, and report to me your decision? Do not misconceive me. I mean that I desire a report, when it may suit your convenience.

Respectfully, &c.

SAM. W. MARDIS.

HON. LEWIS CASS.

The Hon. LEWIS CASS, *Secretary of War*:

We, the chiefs and head men of the Creek tribe of Indians, in general council convened at Cowasawda, in the county of Macon, and State of Alabama, on the 21st of March, 1835, most respectfully submit: that we have learned with regret that complaints have been preferred against some of our people by the Executive of Georgia, relative to depredations committed by them upon citizens of that State, and we have also been acquainted, through Leonard Tarrant, Esq. sub-agent, with the contents of some letters requiring him to warn our people of the consequences of such a course of conduct.

In answer, permit us to state that the commission of the offences complained of has not been by the consent or privity of the Creek tribe; but, on the contrary, those offences have been perpetrated by some outlaws and wandering Indians who inhabit the frontiers of that State. Be assured that we

will use all means in our power effectually to put a stop to such conduct, and to preserve that peace and harmony which is calculated to secure and promote the mutual interest of ourselves and our white brethren.

You are aware of the fact that we, as a nation, can do nothing with offenders of this description; but that they are amenable to the laws of the State where the offences complained of were committed. All we can do is to aid the civil authority in bringing the offenders to punishment, and this much, so far as lies in our power, we will do. Receive assurances of our perfect friendship and esteem.

HOPOTHLOHOLO,	his x mark.
TUSKEMUHHAH,	his x mark.
COSA TUSTANUCKEE,	his x mark.
LITTLE DOCTOR,	his x mark.
TUSTUNNUCKE EMARTLA,	his x mark.
TUSCONO HADJO,	his x mark.
WILLIAM MCGILBREY,	his x mark.
COCHAH HADJO,	his x mark.
FOSACK FIXICO,	his x mark.
AHCHULLE HADJO,	his x mark.
AHLOCK HADJO,	his x mark.
TUSKENEAHHAH,	his x mark.
OSITCH FIXICO,	his x mark.
AHCHOLLOCK HADJO,	his x mark.
NOMOTTO HADJO,	his x mark.
ASSOY FIXICO,	his x mark.
COSA FIXICO,	his x mark.

In presence of
J. H. BRODNAX,
W. P. CHILTON.

TUSKEEGEE, *January 6, 1835.*

SIR: I have been constantly engaged since my arrival in examining testimony, and reading affidavits, &c. all having reference to some of the cases under consideration. Dr. McHenry has not yet joined me: I had to employ an Indian express to send for him, as he seems very desirous to see my report before it is forwarded. Enclosed is a copy of his letter of the 31st ultimo; you will perceive that he intends to resign. Mr. A. K. Freeman has left this place for the present, and I shall be unable to forward a statement of the case referred for examination, in which he charges Dr. McH. with bribery; as soon as he returns, and the witnesses can be procured, that case shall be attended to. I have to-day attended to the complaints of W. C. Thompson, sheriff of Macon county, and shall forward some affidavits in that case, and that has been filed by Thompson, but from all I can ascertain, it appears that a deep speculation is now going on upon the land of deceased Indians. It appears it has been a favorite plan of the speculators to have a sick Indian personated, and his land certified to, and, as soon as dead, they, or some one else, would apply for letters of administration, and have the land sold. It is easy to see the result of such a system. In the first case, if they can get the land certified to, and these letters of administration, they are safe; there is no one to complain; the land was stolen, as they justly term it. In the second case, it becomes the duty and interest of

the administrator to make complaint that the sale of the land is a fraud. This is the situation of Mr. Thompson. Pin Hargo died and left a most valuable half section of land, said to be worth thirty dollars per acre; he has administered on the land, and it is said, and I have very little doubt of the fact, that Julien C. Deveroux is his partner in the speculation. Deveroux has had filed on record in the county court office process of attorney from the heirs of Pin Hargo, and has taken an active part; he stated to me that he gave \$1,000 for the claim of the heirs. Yesterday they made sale of the land and two other pieces; I attended the sale to see how it was conducted; a Major Haney became the purchaser. The sale was made a cash sale, although all administrator's sales in this State are on a credit of six and twelve months, yet this was a cash sale, and that and two other pieces sold for \$10,705, and I will hazard the assertion that the heirs will get nothing.

I shall next week go into General Sanford's district, where I anticipate great trouble from the character of the men who have been engaged in these frauds. As soon as Dr. McHenry joins me, and he will have time to examine my report, it shall be forwarded. Enclosed is a letter from Major Abbott to me, enclosing copies of an application to Dr. McHenry, and his reply. Since writing this letter, Benj. Marshall has called to see me; he came to obtain the proceeds of the twenty-three half sections of land that were sold in Tallassee on the 28th October, when that sale took place. There were so many doubts and difficulties thrown in the way of obtaining a fair price, and some of the sections were claimed by a man named Walker, and also by another named Hanrick, that it was proposed that, to obviate all difficulties, the money should be placed in my hands, and sent to the bank, and there deposited until the President approved the sale: these facts were all reported, in my letter of the 28th October, to the President and Secretary of War. Since that period I have had no communication from the Department on the subject. Marshall came here to get the money, *and he says to place it in a bank in Georgia.* I have read to him the copy of my letter to the President, and informed him that the money must remain in the bank until I am instructed to pay it over; that he is not the only party to the arrangement there made, as it was a condition of sale, and the purchasers have a right to expect this money to be preserved until the decision of the President is made known. We have each written to the Secretary of War, and forwarded the letters by Major Blue who leaves here this morning in the stage for Washington City. Marshall says the white people through the nation have instigated the Indians to urge him for the money. I told Marshall that I was of opinion the money was safer where it is, than in those little rotten banks of Columbus, &c.; if this money was kept together until the annuity was paid, it would then do them some good; but, if not distributed, neither it nor the annuity could be of any benefit or relief: however, whatever course the President may order shall be strictly complied with. Marshall requests me to say to you that he has never written any letters to the Secretary of War contradicting what the chiefs complained of; and that, if Mr. Shorter and others have sent such letters as are alluded to in the Secretary of War's letter of the 31st October last, it is not genuine. He states that John D. Howel, one of the contractors, asked him certain questions all of which he answered in Judge ———'s office, and they were taken down by a lawyer, but he contradicted nothing that was asserted in the letter of the chiefs Neo Mico and others, and to which his name and that of Paddy Carr's are annexed as witnesses. Marshall is particularly anxious that the

Secretary should so understand him. I shall be compelled to employ two interpreters in Sanford district, one to talk the Uchee and one the Creek language. It is said that nearly all of the land of the Uchees has been stolen.

I have the honor to remain,

Your obedient servant,

JOHN B. HOGAN,

Superintendent Creek Emigration.

To the Hon. E. HERRING.

CHAMBERS COUNTY, *February 12, 1835.*

SIR: Owing to some frauds that have been practised upon me, I have not forwarded any contracts for some time; wishing to trouble the Department as little as possible, I retained them until I could correct them. I have forwarded, for your inspection, four packages of certified contracts, with twenty-five in each package.

I received your letter a few days since, in which you stated it was the opinion of the Department that it was not necessary to certify more than one week in a month.

I think the Department is not aware of the general state of affairs here at this time; there has been a number of contracts certified to in the last three weeks, and a general disposition of the Indians to sell out; it is impossible for an agent to do the business in that time. Furthermore, an Indian is not like a white man, to be regulated to do business at a given time, neither can they be drove like swine; but you must calmly wait their own time, and bring them up when the spirit moves them. The very plan you have suggested will retard the business, and thwart the designs of the Government in getting the Indians off.

I shall continue to certify as usual until I hear from you again. In a few days I will forward a number more of contracts. You will do me a favor if you will have a warrant sent on in my favor up to the present time, which will be upwards of thirteen hundred dollars for myself and interpreter.

Very respectfully, sir,

Your most obedient servant,

ROBERT W. MCHENRY-

E. HERRING, Esq.

Agent for Indian Affairs.

TUCKABATCHEE TOWN, *March 16, 1835.*

We, whose names are hereunto subscribed, being head chiefs of the Creek nation, humbly petition your intervention to stop fraud being practised upon our people. It has become notorious that we are daily having our lands stolen from us by designing white people.

The Indians living on the east side of the nation have long since disposed of their lands, and are now following the agents in our section of country, with a band of white speculators, claiming other Indian names, and having undisposed of lands certified to. This course of conduct has been introduced about twenty days ago, and has succeeded in getting all unsold land, except such of the Indians as the agents are personally acquainted with;

a number of our people have died since being located; all such cases are stolen by living Indians, by the influence of white men. We believe, without your interference, justice will not be had. We pledge ourselves that every statement here made can be established by disinterested white people. During the last ten days, we have no doubt of hundreds of Indian names have been stolen and certified to, when the right owners were at home and knew nothing of such contracts.

We now humbly beg for an investigation to be had, and for the white people making such purchases be requested to produce the Indians before the agents, so that such Indians, having a just right, may have an opportunity of establishing his just claim. This course will bring round an opportunity of introducing correct proof. We find that such Indians as are stealing get but a small pittance in comparison to the fair value, for the lands are certified to any large prices, and the money immediately taken from them, telling the Indian that it is likely this contract will not be approved of.

We sincerely petition you to adopt some plan whereby justice may be had. We will ever pray, &c.

Your red brothers,

HOPOTHLOHOLO,	his x mark.
YOUNG KING,	his x mark.
TUSKENEAHHAH,	his x mark.
LITTLE DOCTOR,	his x mark.
FOSACHE MICCO,	his x mark.
LATTAH MICCO,	his x mark.
OLD KING,	his x mark.
MICCO OBOY,	his x mark.

To the Hon. SECRETARY OF WAR.

MARDISVILLE, ALABAMA, *March 16, 1635.*

SIR: Upon my return last week from the Indian council at Tuckabatchee, I received from the Post Office your two letters, under date of the 3d and 11th July, relative to the complaint, on the part of the Executive of the State of Georgia, of depredations committed by the Indians in that State. In answer to them, I will state that I shall forthwith set out again for an Indian council to be held some distance below Tuckabatchee, and will use every exertion on my part to impress upon the principal men of the Creek tribe the strong necessity of restraining their people, and the consequences which must attend the course of conduct complained of. Permit me, however, to suggest that, from the best information I can obtain, the depredations complained of have been committed by a few Indians, without the consent or privity of the nation, and that I have no doubt but that the Indians will use all means to suppress them.

This business must be attended to on my part to the exclusion of much other urgent business which requires immediate attention, but I am determined to spare no pains, either day or night, properly and promptly to discharge the duties assigned me, and hope in all things as my best reward, to merit the confidence and approbation of the Department.

I am, sir, very respectfully,

Your obedient servant,
LEONARD TARRANT.

ELBERT HERRING, Esq.

Office Indian Affairs, City of Washington, D. C.

COOSAWDA, *March 23, 1835.*

OUR DEAR BROTHER: We, the undersigned chiefs and head men of the Creek tribe of Indians residing east of the Mississippi river, in general council assembled, deem it due to ourselves, to you and to our people, to make known to you the situation in which some of us and many of our people have been placed, by frauds which have been practised upon us in the certification of contracts for land.

We had fondly hoped, sir, that after we had sold our territory to the United States, reserving our humble homes, that we should have been permitted to enjoy them unmolested, or at least, if we should be compelled to sell them, the small pittance arising from the sale should belong to us and to our children. But, sir, in this we have been mistaken. We were informed by our great father at the time we entered into the treaty, by which we sold our country, that when we should sell our reservations, he would appoint men to superintend the sale of them, who were too high-minded and honorable, and too far removed from vulgar prejudice and sordid attachment, to countenance in the smallest degree any frauds that might be attempted to be practised upon us; and in order to consummate this promise, you, sir, were selected as one of those men. We, sir, were pleased with your appointment, and yet esteem you as a man who desires to do us justice; but we must assure you, in the language of respectful friendship, that the course recently pursued at your office, is such as meets our disapprobation, and is calculated to oppress and ruin some of our people. We write this therefore to you, not to censure you, but to apprise you of facts, which we are bound in justice to ourselves to communicate—the causes of our complaints are the following:

We learn that almost all the land in your certifying district has been sold, and what is not sold is protested. That is, some person has purchased and has not brought forward the reserves for certification. Now, sir, we assure you of the fact, that there has been at least one-third of the contracts for the sale of lands in the towns of Tuckabatche, Thabloc-ko or James Bay, Chiwalle, Talsasee and Otoseen that are fraudulent, and the land certified to the wrong Indian. There are also many other contracts of a similar character in other towns.

We wish not to be understood as charging you with having wilfully certified contracts to wrong Indians, although a voice of a part of the community cries out against you. We only wish to state these frauds do exist, and to excite you to vigilance and perseverance in detecting them. In what kind of predicament, sir, are we placed. An Indian, sir, who has sold his land at the instance of some fiendish designing scoundrel, comes before you and claims the name of another Indian to whom the land rightfully belongs. The money is forthwith given up to the purchaser, save that portion which was to be given to the Indian as a premium for his rascality.

In this way, sir, a few hundred dollars and four or five Indians could sell all the land in the Creek purchase; and we know, in this way, hundreds of contracts have been made. The homes which have been rendered valuable by the labor of our hands, are torn from us by a combination of designing speculators who haunt your office, and who, like the man among the tombs, are so fierce that no one can pass that way. The helpless widow and orphan, the aged and infirm father, are alike the victims of their cupidity. Sir, we have borne with this oppression until forbearance has ceased

to be a virtue, and we are determined to speak out, let the consequences be as they may. While we have been at home preparing something for our dependent families to subsist upon, other Indians have sold our homes, our all, the only means for our support, and when we have applied to you for redress what has most frequently been the result? Why, sir, that you would inquire into it—you place the burden of proof upon us—you exclude the testimony of our people, the only persons who can know much satisfactorily in relation to our claims. We are required to prove a negative that we have not been the person who sold; all of which we assert is oppressive, and although we have the charity to believe that you do not design these things to injure us, yet we must state, if persisted in, they will work our destruction. But worse than all this, and more to be regretted is the fact, through fear of the merciless horde who surround your office, our people cannot speak to you in defence of their just rights, without subjecting themselves to punishment.

Sir, we again repeat that we believe you are inclined to do us justice, and, under this belief, we rest satisfied that you will adopt some speedy and efficient means of detecting and exposing to the world the base frauds which have been practised upon yourself and us; and, in conclusion, we would humbly suggest that the deeds which have lately been certified by you, say within the last thirty or forty days, be retained, and that they undergo an investigation, and that hereafter the purchaser or his agent be required (as is done elsewhere) to make oath that he believes the Indian, from whom he has purchased, is the Indian located on the land sought to be purchased from him.

We have thought that the condition in which our people have been placed, required that we talk thus plainly to you, and in order more effectually to secure the protection desired, we have sent a communication similar to this to the President of the United States, our great father.

We are, sir, your red brothers,

Hopoeth-yoholo, his x mark; *Tuskneah Hah*, his x mark; *Little Doctor*, his x mark; *Cosatutunnuckee*, his x mark; *Cosa Fixico*, his x mark; *Tus-cono Hadjo*, his x mark; *Tus-tun-nuckee*, his x mark; *Opoy Fixico*, his x mark; *Ah-cho-lock Hadjo*, his x mark; *Momotto Hadjo*, his x mark; *Cochack Hadjo*, his x mark; *William McGilbry*, his x mark; *Ah-chully Hadjo*, his x mark; *Tuske-neah-hah*, of Kielga, his x mark; *Ohitch Fixico*, his x mark; *Ah-lock Badjo*, his x mark; *Nah-lock Fixico*, his x mark; *Fosuch Fixico*, his x mark.

In the presence of

J. N. BROADNAX and BARON DUBOIS.

TUCKABATCHEE, March 24, 1835.

SIR: On my arrival at Tallassee, and after I had left the council at Coosawda, the enclosed was put into my hands. I confess I was not pleased at the chiefs making me the medium of their communications in relation to the conduct of Dr. McHenry as certifying agent. I have always entertained the highest opinion of the integrity and honesty of Dr. McHenry, and that he has and will pursue a high-minded and honorable course is still my opinion; yet if the complaints of the Indians and common report among the whites can be relied on, frauds have been practised upon him to a great extent, perhaps to a much greater extent than they have been upon me;

but with all the vigilance I have been enabled to use, they have to some extent been practised upon me, and if the same number of contracts had been certified by me, I am not sure that frauds to a great extent might not have been practised upon me. I believe that there is an organized plan of operations to deceive the agents, and to introduce the wrong Indian to certify or approve contracts. I require purchasers or their agents, buying Indian reservations, to swear that they believe the Indian they introduce, is the identical one located on the land they are about to purchase; but if any better plan can be adopted to prevent fraud in the sales of these lands than has already been adopted under the regulations adopted by the President for our government, I will most cheerfully submit to it. It is extremely difficult to get the parties again before the agent after a contract has been approved of, as the agents have no means to compel the attendance of witnesses when contracts have been impeached. Should the President suspend the approval of contracts, and institute some more efficient mode of detecting the frauds which have been committed, all the means in my power shall be afforded to detect frauds committed in my office by the purchasers of Indian reservations, or the Indians selling the same.

From all I could learn at the council I have no doubt but the chiefs are anxious to send a delegation to Washington, to enter into some arrangements with the Government in relation to their emigrating beyond the Mississippi, and for other purposes.

I am, sir, very respectfully,

Your most obedient servant,

LEONARD TARRANT.

ELBERT HERRING, Esq.

Office of Indian Affairs, Washington, D. C.

To the Honorable LEONARD TARRANT,

Sub-agent for the Eastern Creeks:

We, the chiefs and head men of the Creek tribe assembled at Coosawda, in view of the many frauds which have been practised upon us in the purchase of our lands, have thought proper, in order to arrest them, to write to the certifying agent, Dr. McHenry, (a copy of which letter together with our answer to the Secretary of War,) relative to the complaints of the citizens of Georgia, we herewith enclose to you.

We wish you to forward on these communications, and to advise us as to the result of our petition for protection in this matter to the Government.

All the aid you can afford us will thankfully be received, and we would be glad if you would represent our situation to the Department, in order that our complaints should be attended to.

We are, very respectfully,

OPOTH-YOHOLO,	his x mark.
TUSK NEAH-HAH,	his x mark.
LITTLE DOCTOR,	his x mark.
COSA-KO KENNUCKE,	his x mark.
TUS KO NO-HADJO,	his x mark.
WM. MCGILBRY,	his x mark.

In presence of

JNO. H. BROADNAX, and W. P. CHILTON,

COLUMBUS, GA. *March 25, 1835.*

SIR: Gen. J. W. A. Sanford gave me up his book on the 23d instant; there is but a few contracts remaining uncertified to on his books.

I wish you to retain the last packages of certified Creek contracts for a short time, for I have no doubt but the wrong Indian has been introduced and certified to in several instances. I have a number of certified contracts remaining in my own hands which I shall investigate. I have never seen corruption carried on to such perfection in all my life before. A number of the land purchasers think it rather an honor than a dishonor to defraud an Indian out of his land; and if the agent cannot detect the fraud in passing the contract, he cannot prescribe an oath which they will not take. I do not wish you to understand that all purchasers are so corrupt; for I believe in many instances the purchaser has bought, as he believes, from the right Indian, for you find them roving all over the country, assuming different names, and selling lands which do not belong to them, and make it a matter of speculation.

If the proper course is pursued this season by the emigrating agent, I think a thousand or fifteen hundred Indians will go to Arkansas.

My own opinion is, if the Government would pay off the annuity immediately, and insinuate to the head chiefs that it was the last that would be paid off here, they would emigrate in a mass.

Very respectfully, your obedient servant,
ROBERT W. McHENRY.

E. HERRING, Esq.
Agent Indian Affairs.

TUCKABATCHEE, *March 24, 1835.*

SIR: In my last I informed you that I would set out immediately for another Indian council in order to require the chiefs to restrain their people from the commission of depredations against the citizens of Georgia; and also to warn them of the consequences which would be the inevitable result of such a course of conduct in their people. Their letter herewith enclosed, addressed to the Secretary of War, is the answer they returned to me, with verbal assurances that they would do all in their power to prevent a recurrence of such conduct by their people.

I have the honor to be, very respectfully, your most obedient servant.
LEONARD TARRANT.

To E. HERRING, Esq.
Com. Ind. Aff. Washington.

STATE OF ALABAMA,
Chambers county, April 8, 1835.

TO THE PRESIDENT OF THE UNITED STATES:

SIR: We, the undersigned, citizens of the county of Chambers, in the State of Alabama, under existing circumstances, feel constrained from a regard for themselves, and for the principles of justice, to address you on the subject of the manner in which a portion of the Creek Indians, east of the Mississippi river, have been, and are now, deprived of their reservations. We are satisfied that the President would not permit those individuals to be thus deprived of the small pittance allowed them by the last treaty with our

Government, by the artifice and intrigues of a combination of speculators, were he apprised that such was the fact. Our proximity to the office of one of the certifying agents, which is located in this county, enables us to speak from observation and indisputable authority, of the manner in which the Indians have been stripped of *their* small estate, by imposition practised on the agent, by introducing before him the improper Indian. Thus situated, a due respect for ourselves and for the character of our community, as well as a desire that justice should be done to the poorest and most humble individual, imperiously require that we should apprise you of the manner in which they have been treated, and request that you will exercise a prerogative most fortunately granted you in the treaty with those people, of withholding your approval of all contracts made and certified to, since the commencement of the fraudulent practices before alluded to, which, from the best information in the possession of the undersigned, was about the 18th of February last. It is not pretended that none of the contracts certified to by the agent for this district, since the aforesaid period, are fair and *bona fide*; but it is asserted and believed, that the proportion which they bear to the great mass of those that are fraudulent and forged, is so small as to render the distinction of the latter class much more desirable, than the preservation of the former. Since that period, they have no hesitation in saying, that, by fraudulent and false representations to the agent, and personifying the true and proper holder of the location, by introducing another and totally different Indian, a most perfect system of swindling has been carried on, by which hundreds of these people have, within a few weeks past, been deprived, without their knowledge, and of course without their consent, of their homes, secured to them by the solemn obligations of a treaty. In this way many of the most valuable reservations in the Creek country have been certified to, without any consideration whatever passing to the proper owner, and in fact, none to any one, save the small bribe to the Indian who personates another. For the same sum paid before the agent, so soon as the parties pass from his immediate presence, is taken from the Indian introduced, and made a fund for further and similar operations: Thus it has become, since the period before alluded to, a regular business, not more distinguished for its baseness and corruption, than for the boldness with which it is carried into execution. Justice requires your interposition to prevent the injury which these ignorant and helpless people must otherwise sustain.

There is a view of this matter, which, apart from the injustice, which it works to the Indians, renders your interference important to your memorialists. It is highly desirable that these people should emigrate as early as possible; and it is very evident that their late treatment will have the effect of continuing them here much longer than they would otherwise remain. They have already in many instances (and it is no doubt a general feeling) declared their settled determination to remain, until their father, the President, restores to them their homes: and they will do so, until it is done, or their patience exhausted, their hopes vanquished, and their confidence in the justice to the Government totally destroyed. May not such a course of things, drive some of those people into a state of desperation, fatal to the peace and safety of the community in which they may happen to live?

Again: the title to land thus procured, can never be settled and secured. It must be the source of endless litigation, in which the innocent in all probability, will most frequently suffer. It must produce for years to come in

our community a state of commotion and disquietude greatly to be deplored, and the consequences of which can be as easily imagined by yourself as detailed by your memorialists. The facts stated are susceptible of the clearest and most indisputable proof, should they be deemed of sufficient importance to attract your attention or justify an investigation. And your memorialists have taken the liberty, for reasons before stated, to suggest them, relying with the utmost confidence in the entire disposition of the President to do these people every justice in his power.

Charles McLemon, Lewis McIntosh, George W. Gafford, Michael B. Spaden, Carey Cox, Charles Smith, T. M. Sims, Elijah Ray, John McQueen, Hardy Jones, jr., Lemuel Gresham, Enoch Fagan, James McDonald, Obediah Harris, James Williams, F. A. Smith, Jeremiah Gafford, Thomas E. Russel, Silas Holzclaw, H. T. Dawson, Baxter Taylor, Michael Maddox, Samuel Thompson, John J. Dunn, W. W. Carlisle, John J. Williams, A. Deale, Eaton Boss, A. R. Beall, M. Phillips, John Farley, Henry Williamson, James T. Livingston, James M. Lyon, Nathaniel H. Greer, Green Lee Holley, Alexander Wadford, E. Henry, E. Beler, S. B. Robertson, Jerry Driver, Wm. L. Croughton, A. Finlay, S. W. Clements, D. M. Anderson, Samuel R. Moss, Amos T. Moss, G. D. Ansley, James G. Jones, William Adkins, Edmund Hamby, Johnson Sawell, William Giddins, William H. House.

STATE OF ALABAMA, *Chambers county.*

CIRCUIT COURT, *April Term, 1835.*

The grand jurors of the State of Alabama, sworn and charged to inquire for the body of Chambers county, on their oaths, present, that Henry C. Bird, on the sixth day of April, in the year of our Lord one thousand eight hundred and thirty-five, in the county aforesaid, then being a justice of the peace of said State and county, and by virtue of his said office of justice of the peace as aforesaid, having the right to administer oaths and to take affidavits, did take the affidavit of Alexander J. Robinson, in the following words, to wit:

"The State of Alabama, _____ county, personally appeared before me, _____ one judge of the county of _____ of the State of Alabama, the said _____ the particulars of the within named and being duly sworn, deposes and saith that the amount of _____ dollars, being the consideration money for the said tract of land is correct, as stated in the within contract, and that the amount of _____ dollars acknowledge to have been received by the said _____ was actually paid by him as stated in the within contract, and the deponent saith further, that he believes the Indian introduced before the agent, to be the rightful holder of the land described in the within deed." Having the blanks in the said affidavit in the manner and form aforesaid, unlawfully and as he should not have done, and against the peace and dignity of the State of Alabama. And the jurors aforesaid, on their oaths aforesaid, do further present, that the said Henry C. Bird, on the sixth day of April, in the year of our Lord one thousand eight hundred and thirty-five, at, to wit: in the county aforesaid, then being an acting justice of the peace of said State and county, did by virtue of his said office, take the affidavit of Alexander J. Robinson, in the following words, to wit:

"STATE OF ALABAMA, *Chambers county.*

Personally appeared before Henry C. Bird, a justice of the peace of the

State of Alabama, the said Alexander J. Robinson the purchaser within named, and being duly sworn, deposes and saith, that the amount of dollars being the consideration money for the said tract of land is correct, as stated in the within contract, and that the amount of dollars acknowledged to have been received by the said

was actually paid by him as stated in the within contract, and the deponent saith further, that he believes the Indian introduced before the agent to be the rightful holder of the land described in the within deed," leaving in said affidavit a blank space below the word dollars, where it first occurs in said affidavit, and blank space before the word dollars in the second place, where it occurs in said affidavit, and a blank space between the words "said" and "was" where they occur in said affidavit, with the unlawful intention that any named sum of dollars should be inserted in the first and second blank as aforesaid, and the name of any Indian whatever in the third blank space in said affidavit as aforesaid, and the jurors aforesaid, on their oaths aforesaid, do further present, that the said Henry C. Bird, in the county aforesaid, being such justice as aforesaid, did unlawfully and corruptly certify, as such justice as aforesaid, that the said affidavit with the blanks as aforesaid, had been signed, acknowledged and sworn to before him, the said Henry C. Bird, on the third day of April, in the year eighteen hundred and thirty-five, with the intention that the said blanks might be filled as aforesaid, contrary to his duty as justice of the peace as aforesaid, and against the dignity of the State of Alabama.

And the jurors aforesaid, on their oaths aforesaid, do further present, that the said Henry C. Bird, on the sixth day of April, in the year of our Lord one thousand eight hundred and thirty-five, at, to wit: in the county aforesaid, then being a justice of the peace for said county and State, did certify under his hand, and in the capacity of justice of the peace aforesaid, in the following words and figures to wit:

"STATE OF ALABAMA, county.

Personally appeared before me, a judge of the county of of the State of Alabama, the said the purchaser within named, and being duly sworn, deposes and saith, that the amount of dollars being the consideration money for the said tract of land is correct as stated in the within contract, and that the amount of dollars acknowledged to have been received by the said was actually paid by him as stated in the within contract, and the deponent saith further, that he believes the Indian introduced before the agent to be the rightful holder of the land described in the within deed.

Signed, acknowledged and sworn to, this 3d day of April, 1835.

HENRY C. BIRD, J. P."

And the jurors aforesaid on their oaths aforesaid, do further present, that the said Henry C. Bird, in the administering the said affidavit, excepted the following part of the said affidavit, to wit: "and the deponent saith further, that he believes the Indian introduced before the agent, to be the rightful holder of the land described in the within deed," and that the person to whom the said affidavit was read, and to whom the oath was administered by the said Henry C. Bird, to wit: "Alexander J. Robinson refused to swear the fact, that he believed the Indian introduced before the agent, to be the rightful holder of the land described in the within deed." And that they, the said jurors further present on their oaths aforesaid, that notwithstanding such refusal and

exception as aforesaid, the said Henry C. Bird, did in his capacity of justice as aforesaid, did falsely certify that the said Alexander J. Robinson, had signed, acknowledged, and sworn to the affidavit as aforesaid, without erasing from said affidavit the exception made as aforesaid, contrary to his duty as said justice of the peace, and against the peace and dignity of the State of Alabama.

And the jurors aforesaid, on their oaths aforesaid, do further present, that the said Henry C. Bird, on the third day of April at, to wit: in the county aforesaid, then being a justice of the peace of the said State and county, did in his capacity of justice as aforesaid, certify and sign his name to the following instrument, to wit:

"STATE OF ALABAMA, county.

Personally appeared before me a judge of the county of _____ of the State of Alabama, the said _____ the said purchaser within named, and being duly sworn, deposes and saith, that the amount of dollars being the consideration for the said tract of land is correct, as stated in the within contract, and that the amount of dollars acknowledged above, being received by the said _____ was actually paid by him, as stated in the within contract, and the deponent saith further, that he believes the Indian introduced before the agent to be the rightful holder of the land described in the within deed.

Signed, acknowledged and sworn to, before me this _____ day of 1835.

HENRY C. BIRD, *J. P.*

And the jurors aforesaid, on their oaths aforesaid, do further present that the said Henry C. Bird, then being justice, did wickedly, and corruptly, falsely, and by virtue of his office as justice as aforesaid, did certify that the said affidavit as aforesaid, had been sworn to before him as a justice aforesaid, when in truth and no oath had been administered on affidavit, made contrary to his duty as justice of the peace as aforesaid, and against the peace and dignity of the State of Alabama.

GEORGE D. SHORTRIDGE,
Solicitor of the Eighth Circuit.

STATE OF ALABAMA, *Chambers county.*

I, William H. House, clerk of the circuit court of State and county aforesaid, do hereby certify that the foregoing sheets contain a true exemplification of the proceedings had in the foregoing case, taken from the records of my office. Given under my hand and private seal, there being no seal of office, 9th April, 1835.

WILLIAM H. HOUSE, *Clerk.*

STATE OF ALABAMA, *Chambers county.*

I, John S. Hunter, judge of the circuit court of county and State aforesaid, do hereby certify that William H. House, whose signature is attached to the foregoing certificate, is clerk of the circuit court of said county, that his attestation is in due form and is entitled to full faith and credit as such. Given from under my hand and private seal, 9th April, 1835.

JOHN S. HUNTER,
Presiding Judge.

AUGUSTA, *April* 16, 1835.

DEAR GENERAL: The virtuous concern which you have ever shown for the honor of the country, as connected with our Indian relations, and the desire you have constantly shown to do justice to the Indians themselves, induce me to give you a hint of a system of the most atrocious frauds that ever disgraced human nature. You have perhaps seen some accounts in the public prints, alleging *instances* in which one Indian had been bribed to personate another. I scarcely credited this statement, until I made inquiries which have confirmed me in the belief that this has been done to a *very great extent*, and it is even stated on very good authority, that perhaps the *largest number* of the sales *recently* certified are of this character. I only make this communication that you may, if you choose, delay approvals, until such investigations may be made by the certifying agents, (who have been imposed upon) as will expose these enormities and prevent profit by the imposition * * * * *

I am your friend,

And obedient servant,

JOHN P. KING.

OFFICE OF CERTIFYING AGENT,
Chambers county, April 17, 1835.

Hon. LEWIS CASS,
Secretary of War, Washington city:

SIR: Your communication of the 28th ultimo, transmitting copies of sundry statements made to the Department in relation to frauds practised in the purchase of Indian reservations, has been duly received, and, after a due consideration of the subject referred to, I have hastened a reply, and, in compliance with your request, furnished such suggestions as your communication seemed to me to require.

I have heretofore expressed my opinion that gross frauds had been practised by personating the true holder of the reservation, and requested that none of the contracts should be approved until an opportunity for further investigation could be had; this expression was in my last letter to you, dated the 7th April, and in one previous, date not recollected, to which I would respectfully refer the Department. Since the date of those letters the investigation which I have felt it my duty to make, and subsequent development, has convinced me of the truth of my former statements. That a number of frauds has been practised in the manner alluded to in your letter. I am not yet sufficiently informed to say to the Department the precise extent to which it has been carried. But it is now manifest that the practice of introducing before the agent an Indian prepared to personate the true holder of the location, to some, and as I believe to a considerable extent, and thereby impose on the agent in despite of his utmost vigilance.

It is fortunate, however, that the whole matter is yet within the reach of the Department, and I am gratified that it has devised a plan which, if properly carried into effect, will, in my opinion, afford the best corrective for the past and preventive for the future. The plan you suggest of receiving and certifying contracts only at stated places in various Indian towns, or at least two or three of the principal towns in each county, and upon particular

days to be fixed before hand, and of declaring all contracts in the presence of those concerned, meets my decided approbation, and will have, I hope and believe, the effect of correcting past impositions and preventing similar occurrences in future. In this way the agent would necessarily form some acquaintance with those who had not fairly sold their land, and contract some idea of their personal appearance, which would enable him in future to detect, in many instances, attempts to impose upon him by the introduction of another.

The precise course to be pursued in investigating those claims I am at a great loss to decide upon.

To declare all contracts void from the 1st to the 15th of February, which would include all of those cases on my book, would prejudice and jeopardize the claims of many honest purchasers, for at the time the rush of business and crowd of certifying was going forward, there were several hundred Indians here every day, many of them came for the purpose of seeing if their land was stolen, (as they called it) and when they would find their lands were not gone, they would sell them to persons perhaps they never saw before; they were introduced before the agent, sign the contract, and receive the money, and, in many instances, the witnesses to these contracts are perfect strangers both to the Indian and the purchaser; in such cases it would be utterly impossible for the purchaser to identify the Indian by the witness to the contract; or admit that he could, it would run him to considerable expense to collect his Indians and witnesses a second time. On the other hand, it will be a difficult matter for a number of Indians to identify themselves and locations by white proof, and it must be apparent to every one that investigations held at my office alone, having no authority to compel the appearance of persons or witnesses to testify, nor that of administering oaths, most generally must be unproductive of much good, and at best only partial in its operation, for some of the Indians live at so great a distance that it would be quite expensive to them, and a difficult matter to bring with them necessary proof to sustain their claim.

I will submit to you for your consideration the plan of investigation which I had commenced before I had received your communication, viz:

Notify the chiefs of each town what day I will attend at their town houses, and for them to assemble their people there, and then, by calling over the names of all those that are entitled to reservations, I can ascertain tolerably correctly all those that have honestly sold their reservations, and those that have been swindled out of them; at the same time enrol their names for investigation, and then appoint a time and notify the purchasers to attend from day to day until the investigations are completed at their several town houses or such places as the chiefs and myself may select. I think the business of investigation could be got through within two or three trips at furthest. If the purchaser failed to attend, it would be an acknowledgment at once that his claim was a spurious one. I have already taken down nearly all the complainants in Tuckabatchree town, Clewalla town, Talmachussee town, Tholb Thlocco town, Autauga town, and Tarwarsa town. There are four towns remaining which I have not seen the people of, that frauds have been practised in, viz: Tallisee, Luchipoga, Usawla, and Chattoesofkar towns. In calling over the names of the Indians of the towns, a number of contracts that were considered fraudulent was admitted by the chiefs and common Indians to be genuine. By attending each town house as above suggested, almost every Indian could be identified

by his chief and respectable Indians of his town, which I consider to be good testimony. If the Department should decide to declare all contracts void from the middle of February last, I shall be perfectly satisfied; or if they should choose the plan of investigating at each town house, I shall also be satisfied, either will meet my approbation, and nothing shall be wanting on my part to detect every case of fraud. The plan of certifying, or certifying and investigating at stated places, would at least, for a short time, occupy all my time, and one week in each month would be found to be too short to do any thing like half the business of the office in this district; I am of opinion, however, that it is decidedly the most expeditious and, of course, less expensive mode of closing the books of the office.

Colonel Hogan, the emigrating agent, is now in the country, and a considerable spirit of emigration appears to prevail amongst them, and a disposition to sell, of those that have not sold, preparatory, I think, to departing for the west. In accordance with your instructions I shall hold all contracts in my possession until further orders, and, also, direct my attention towards the detection of such cases as may have been approved by the President and delivered to the purchaser. I am now in possession and keeping some two or three approved contracts which I believe are spurious contracts, on which account they have been withheld.

I am at a loss to conceive any better plan than that prescribed by the existing regulations for the payment and securing to each Indian the purchase money for his reservation. It is certainly all that can be required of the Government; and my experience satisfies me that it is all it can do, to see that a fair price is given, and that that amount is paid to the true holder of the land; what disposition he makes of it must be left to his own discretion. I have been constantly vigilant and endeavoring to protect them from imposition to which they are exposed. I have gone so far as to withhold the approved contract until I could see a fair settlement between the parties where the Indian has complained to me. The subject generally has been one of great anxiety with me, and I desire the President and yourself to be assured that no effort on my part shall be wanting to reach and uproot the frauds that have been practised, and prevent them that may be attempted in future.

In relation to your letter of the same date with the one before alluded to, in which you state that certain charges injurious to my official character has been stated in the letter of Mr. McLemore, a copy of which you also forwarded to me. I will at present only express to you my acknowledgment for the prompt manner in which you apprised me that such charges has been made, with the further remark that I will make this the subject matter of a separate letter, and so soon as I can see the gentleman, which I hope will be in a few days, I will submit to the Department a reply with the necessary proof, as I hope, and might with safety say, I know will satisfy the Department.

As it respects the corrupt conduct of the justice of the peace, I think it has only happened with the one that is charged, and I still think that the business may be done by that class of magistrates, for they are generally honest men. In future I will be more cautious who the business is done before. To confine the business entirely to the judges of county courts would be attended with a good deal of trouble and inconvenience. In Macon county, which is in my district, the judge is a member of the Legis-

lature, and in his absence the purchasers would have to go to another county to transact their business.

Very respectfully,

Your obedient servant,

ROBERT W. McHENRY.

P. S. I would be highly gratified if it could be so arranged that Genl Sanford could assist me in the investigations.

R. W. McH.

MARDISVILLE, ALABAMA, *May 1, 1835.*

SIR: Your letters of the 1st and 7th ultimo, have been duly received, and permit me to assure you, in reply, that your directions shall be promptly attended to, and that I am not without hopes that the species of fraud alluded to in both your letters, can be completely prevented.

The third week in April was the week set apart to receive and examine contracts. About one hundred and twenty-eight was received to be certified, almost every one of which I am of opinion is genuine, and sold by the right Indian.

Having understood the course pursued on the opposite side of the Creek country, both from the certifying agent, the Creeks themselves, and a number of other persons, I determined, if possible, to prevent that species of fraud at least in my office. And to do this effectually, I requested the head chiefs and lesser chiefs of the different towns in my district to attend the office, and see that none but the right Indians sold. I informed them that it was a business of their own, and that it would be right for them to maintain themselves, and promised them protection. They came according to my request, and pointed out the true owner of land; (viz:) they gave in his proper name, and he was permitted to sell. The speculators acknowledged that this species of fraud was prevented, and all who witnessed the sales, acknowledge them to be fair.

Fearful that hereafter men might bribe the chiefs, I issued papers containing the locations of such individual Indians as applied for them, to which I assigned my name. Those who have received these papers, have it completely in their power to save their lands, and to sell them themselves.

I also read over the sales to the chiefs and other Indians of the different towns, and was gratified to discover that there had not been as many frauds committed in my office as I had supposed. All such contracts as they impeached, I shall retain for investigation.

I have also informed purchasers, that where contracts are impeached, if they do not furnish evidence immediately of the fairness and justness of their contracts, that I will receive contracts from the rightful owner, and let the person purchasing, if he will risk the contract, contend with the original purchaser, and hold up both deeds until the matter is decided. The mention of this rule had an immediate and salutary effect. Several cases were immediately decided, in some of which the original purchaser gave up his former fraudulent contract, and brought in the rightful owner, and repurchased the land. Hathlum-hadjo's case is settled, and the right Indian has sold, with the consent of the original purchaser. Several other cases have been settled in the same manner. I am now of opinion that all

the cases which have been for a long-time hung up in this office, both by Colonel Bright and myself, will, in this way, be brought to a speedy issue.

I am, sir, very respectfully,

Your obedient servant,

LEONARD TARRANT.

To ELBERT HERRING, Esq.

City of Washington, Office of Indian Affairs.

MILLEDGEVILLE, May 9, 1836.

HON. LEWIS CASS,

Secretary of War:

DEAR SIR: I am at this place on a visit to my family, and for the additional purpose of procuring a supply of money to subsist the troops under my command. The Governor informs me that the funds of the United States in his hands, are nearly exhausted, and that he is unable to advance me more than two thousand dollars. This sum will answer our present exigencies as our credit is good, but it is to be regretted that funds have not been provided for all the accounts already contracted, as those who were so kind as to credit us, are now demanding payment. It is very desirable that the Department should make the earliest provision which its convenience will permit, not only for the payment of the remaining balances, but for our future supplies. Our term of service expires on the 10th of June, and if convenient to the Department, it would be very acceptable to the troops to receive their pay on the day of their discharge. Should it not be deemed officious, allow me to call your attention to the peculiar delicate and exposed situation of the people of Alabama, who reside within the influence and power of the Creek tribe of Indians; not only their property, but their lives are in a precarious condition, being wholly dependent upon the savage impulses which surround them. If the Government was fully informed of the true state of feeling existing, at least with many of the Creeks, I should not take the liberty of urging upon it more energetic action in securing its citizens from violence, plunder and massacre. But I am persuaded that the various and diversified interests of the white population, have produced representations which may induce the Department to underrate the dangers reasonably to be apprehended. I will not say we are in danger of a general war with the tribe, but will take upon myself the responsibility of stating the facts, leaving it to the Department to judge whether it be not necessary to adopt, forthwith, energetic measures for their immediate emigration. The nation has, I believe, generally, sold their land, and it is undeniable that the towns now exhibiting so many symptoms of hostility, have almost all, and perhaps without an exception, sold, and too, with but few cases of alleged fraud. They are consequently without food, having disposed of the fields upon which they were accustomed to raise their annual supplies.

These towns consist of the Uchees, Hitchitees and Chehaws, which are located upon the Chattahoochee, and its tributaries, from ten to thirty miles below Columbus. They were in the habit, during the last year, of plundering and sometimes murdering the people of Georgia, which was continued until Governor Schley assumed the responsibility of establishing the force which I have the honor to command, to repel their incursions.

Since our arrival upon our border, they have turned the direction of their depredations almost exclusively upon the citizens of Alabama; until latterly they plundered secretly and at night, but are now rapidly increasing in the number of their parties, and the boldness of their action, appearing *daily* in armed parties, and in open day taking from the citizens whatever they want, (principally articles of provisions) and driving off the cattle before the faces of their owners. In addition to these robberies, they frequently shoot at the citizens and destroy their property, which they cannot or do not wish to appropriate to themselves, thereby anxiously inviting a conflict, which once commenced and fairly begun by the citizens presenting opposition, will lead to results so sanguinary, that there is no reasonable measure to its termination. In other quarters of the nation, like demonstrations of hostilities have been made, but not so frequent or to such extent. Notwithstanding the daily recurrence of such acts of violence, the major part of the nation profess to be friendly, and really appear so, at least I know of no act which would contradict the sincerity of their professions. But at the same time that the large portion of the nation may be friendly and disposed to court peace, there is no doubt but that a portion of them are panting for war, which calamity, until now, has been prevented by the prudence of the people submitting to have their property taken from them without offering, in many cases, any resistance, and never in any case undertaking to punish the plunderers. But even that prudence, so judiciously exerted, will not prevent an increase of these outrages, and, I fear, cannot much longer postpone acts of open hostility; most of the Indians are, without doubt, greatly dissatisfied, some very restless and indeed reckless and if none of them should be killed to afford a pretext for savage retaliation, they will throw off their impatience by commencing hostilities. I come to this conclusion from their open insults, their threats, their declarations that the land is still their own, the wanton destruction of property, which they neither convert to the gratification of their appetites, or use in any way to advance their comfort or convenience. Instances are common where they shoot down hogs without using the meat, they kill the dogs, and in some cases the mules upon the plantations, and sometimes destroy the ploughs and other implements of husbandry used upon the farms. It is believed to be the purpose of the Indians to alarm, and drive off the people from that portion of Alabama; many have already fled, and if all would follow their example, it would, in all probability, appease their violence, but some are determined to stand their ground; the Indians having more physical power, and no food, will continue these outrages, and shortly a conflict must ensue, the consequences of which you are much more competent to anticipate than myself. What influence the fall of some half dozen Indians fighting for bread may have upon the nation, whether it will influence the balance to such a degree as to endanger the general peace, your experience and knowledge of the Indian character enables you better to determine; but should some of our citizens unfortunately be murdered in defence of their firesides, nothing will or ought to satisfy Alabama and Georgia, short of immediate emigration, even if it has to be forced at the point of the bayonet. The Government has made a treaty with them by which they have been empowered to sell their lands; the Government too has sold the unlocated lands, the citizens have paid their money to the Indians and to the Government, and shall they now be prevented from settling on their own lands, or driven from their homes, as many of them

are, because a portion of the Indians, generally instigated by interested white men, suggest the existence of frauds in the contracts? Doubtless many frauds have been committed upon the Indians, but it is equally true that many alleged fraud where none exist. The treaty in protecting the seller, did not disregard the rights of the purchaser, and it is unfortunate and much to be regretted that the officers charged with the investigation of these contracts should have considered themselves the advocates of only one side of the question. The honor and justice of the Government demanded these investigations, but conducted *ex parte* as they have been, they have resulted in no good, but on the contrary produced much harm, as the Indians have been much tantalized by the hope that their lands would be restored to them, and consequently under such illusory expectations, are still averse to emigration. I venture nothing in asserting that the investigations, let the result be what it may, rarely redound to the interest of the Indian, as there is no difference between the liberality and integrity of the original and secondary purchasers. It is in truth a contest in most cases between the citizens for the Indian land which has been the same from the beginning, and could be no other from the treaty authorizing an intellectual agricultural people, who know the value of land, to contract with the savage, whose standard of value of any article is his immediate wants. I have no interest in these investigations, as I understand the contracts which I have made have been examined and pronounced fair and just, but the sooner they can be closed the better for all parties, as the Indians will be relieved of their delusions, and fair and *bona fide* purchasers admitted to the enjoyment of their rights. The delay in the execution of this business is justly complained of. It no doubt has prevented many settlements, retarded emigration, and I believe entirely defeated the views of the company engaged to emigrate. It is now incumbent on the Government to avoid further difficulties to provide for these people. It is as easy to feed an Indian as to feed a soldier, either to watch him or to fight him; and independent of the economy in saving the soldier's pay, it would be probably more congenial with the hospitable and parental views of the Government. Many of them are most certainly destitute of the means of subsistence, save the physical power of plundering from others. As the season advances, provisions will be exhausted, and the numbers of beings made reckless and desperate by the cravings of hunger, must necessarily increase; our population must abandon the country, or at least parts of it, unless they are provided for.

⁹¹ If the Department would at once send out some energetic officers of high character, with ample means to open a camp with an abundance of provisions, at the same time establishing a force in the neighborhood, competent to punish promptly any acts of violence which might occur, he could not fail in carrying the views of the Government into successful execution. The Indians, generally, no longer have any interest in the country, but upon the contrary, each one of them is now a nuisance, obstructing the settlement of lands; and though they may be averse to emigration, I cannot conceive a more favorable moment for the Government to make

an effort than the present crisis presents. I shall return to my post (Fort Twiggs, 18 miles below Columbus) to-morrow.

I am, very respectfully,

Your obedient servant,

JOHN H. HOWARD,

*Major commanding volunteers for the defence of the
Southwestern frontier of Alabama.*

P. S.—I have just received a letter, a copy of which I herewith enclose, it is from a man of character, and I fear the facts disclosed are true.

J. H. H.

COLUMBUS, GEORGIA, *May 7, 1836.*

DEAR SIR: When I saw you the evening before your departure for Milledgeville, I promised you, as soon as I returned from my plantation, to inform you what the Indians were doing; or likely to do. While I was there, they had a dance and ball play, but I did not attend it. I saw Jno. Sims on my return home, who told me that he was there, and that they *professed* the greatest friendship for the white settlers. His own opinion, however, was, that it was an empty profession. He further informed me, that they had latterly had an *unusual* number of dances and ball plays; he *thought* for the purpose of collecting them together. The *rumor* that they had sent a deputation to the upper Creeks, is gaining ground among the citizens of this place. The chiefs of the upper and lower Creeks are to have a meeting in a few days—the object of which, I do not pretend to divine; but I think it augurs us no good. I think we would feel safer to know that we had you at the head of your battalion when that meeting takes place. News has just been brought here by one of Billy Flournoy's negroes, that he has been murdered by the Indians. There can be no doubt of the fact; a carriage is about to be started to bring in the body. He was shot about seven miles from his plantation, on his way to Columbus. From the same source we learn, that one of Mr. Glenn's nephews was murdered on Tuesday morning. No one here doubts for a moment that they are both murdered. The settlers on Hatchachubee and Cowagee have entirely abandoned their crops. Negroes and all are now on the road to this place. My overseer has left me, and I shall have to pursue the same plan. Isaac Mitchell told me this morning that he should bring his negroes out; every body, and every thing, is in confusion. We have not yet heard from Gen. Shearer, of Selma, but my own impression is, that he will write to the Governor, and the Governor to the Secretary of War, to know what is to be done. We look for nothing from that quarter. The Indians are taking what they please, and we are told to protect ourselves. An increase of your force will not be amiss; there are not provisions enough in the nation to feed the Indians two months if it was all given out and distributed among them. The settlers have lived all the year in anticipation of this event, and consequently have kept provisions to last only from hand to mouth. And so soon as they have exhausted what they have, they will be compelled to cross the river. If I am compelled to move my hands across the river, I shall move, if *possible*, my corn and fodder. *If I find I cannot do it, I shall burn it.*

I am yours truly, in great haste,

WM. H. MITCHELL.

Major JOHN HOWARD.

MILLEDGEVILLE, *May 15, 1835.*

SIR: I had the honor to receive, by due course of mail, your communication of the 28th ultimo, together with the accompanying documents, and shall leave here, in a few days, for Columbus, for the object specified in the enclosed handbill. Of the existence of fraud, of very great fraud, the evidence which has been furnished, does not leave even the shadow of a doubt. How far the system of rapacity and plunder may have obtained in my district, it is yet difficult to determine. Possibly, in the latter days of my office, when the near prospect of my retirement and absence might seem to procure impunity, by precluding the usual investigations, in such cases, it may have been successfully practised on myself as well as others. If this be the fact, the course which I propose pursuing, will probably lead to its detection, as the aggrieved party will have an opportunity of preferring their claims, and vindicating their rights against the fraudulent pretensions of the impostor. This has heretofore been my mode of proceeding in cases of disputed identity, and the adjudications which have been made, after hearing the various claimants, have been generally so far satisfactory as to be acquiesced in without further controversy; and I doubt not that similar results would attend the same policy if adopted elsewhere. Indeed a measure of the kind appears to me so obviously proper, that I am reluctant to believe that it has ever been refused. Most assuredly, he who has been wronged out of his property, has a right to demand an inquiry into the circumstances which may have deprived him of it; and, in my opinion, in the present instances which have been reported, if the Department order its agents to institute, forthwith, an investigation, by proclaiming an invitation of all the cases where there may be a controversy relative to the right claimant, the wrong which may have been contrived by the artful impostor, will be remedied at once, and justice done the injured party; at all events, the opportunity thus afforded, will be an answer to the renewal of their complaints hereafter. Established as a permanent regulation of office, public investigation in all cases of disputed identity, will not only eventuate in the ascertainment of the truth, but the consequent detection and exposure must greatly discourage similar attempts at imposition in future. In connection with the evidence which may hereafter be required in the more enlarged acquaintance of the particular claimant prior to the certification of his contract, and together with the attestation of the correctness of the transaction before a magistracy not likely to be corrupted, it will, in my opinion, go far to prevent the recurrence of those evils which it has been the object of your inquiries to remedy.

I have the honor to be,

With high consideration,

Your most obedient servant,

J. W. A. SANFORD.

Honorable LEWIS CASS,
Secretary of War, Washington.

Copy of the handbill alluded to in the preceding letter of Gen. Sanford.

General Sanford, late certifying agent of the Chattahoochee District, Alabama, will resume the duties of his former station, so far as to inquire into certain frauds, said to have been committed by the false representation of certain Indians, claiming and selling reservations under the assumed names of the owners. With a view to ascertain the extent of these prac-

tices, and to defeat their unjust ends, General S. appoints the first Monday in June next, for the commencement of his investigations; and he earnestly invites a free and full disclosure of every case in which, by an artifice of this kind, the proper owner may have been swindled out of his property and his home.

May 12, 1835.

MARDISVILLE, ALABAMA, May 16, 1835.

SIR: The enclosed is a schedule of contracts which have been certified and forwarded to the Department for the approval of the President, and which, from the best testimony the nature of such cases will admit of, I consider invalid. Number 273 has been approved, but has not been delivered, and was made by an agent of Mr. M. Gilchrist for Mr. Gilchrist. This Indian I am confident has never been before me. Number 261, made by E. Carley & Co. is also approved, but has not been delivered. They will be detained and returned to the Department. If I am right in my opinion, which is, that Indian testimony is sufficient to identify an Indian living in the same town, I mean, the chief and other Indians of the town are the proper persons to identify the Indians living in their towns, in the absence of better testimony. If I am correct in my opinion, please return the contracts described in the enclosed schedule, except Silsuphoger's and Sally's, which are now in the office, and the right owners will be permitted to sell their own land.

I am, sir, very respectfully,

Your most obedient servant,

LEONARD TARRANT.

To ELBERT HERRING, Esq.

Office Indian Affairs, City of Washington.

A schedule of contracts which the Chiefs and Indians of the towns say was sold by the wrong Indians, and which I consider invalid.

No. on the roll.	Reservee's names.	Location.	No. of contract.	Towns.
48	Is-wi-ga - -	N. 21 21 19	521	We-woak-kar
52	Sil-sup-hoger - -	W. 14 20 18	273	Do.
62	Fi-ga - -	E. 14 20 18	474	Do.
83	Ulse-gar - -	W. 25 21 18	434	Do.
85	Tim-mo-wock-kar - -	W. 26 21 18	327	Do.
15	Woxe-hadjo - -	W. 9 14 7	429	Tallasehatchee
33	Ho-tul-ga-hadjo - -	E. 27 24 20	497	Sock-o-party
63	Woxe Yoholo - -	N. 32 21 6	508	Hatchet Creek
11	Oak-tarsarsey-hadjo - -	N. 8 22 21	322	Oak-tar-sar-sey
5	Is-tor-ful-ho-ga - -	N. 26 23 20	514	Fish-pond
25	A-gin-gather - -	W. 13 22 20	460	Do.
104	Sally - -	E. 22 22 20	261	Do.

At a meeting of the citizens of Macon county and its vicinity, held at the house of James Abercrombie, on the 19th day of May, 1835, Colonel Joseph H. Howard was called to the chair, and Sampson Lancier appointed Secretary. The object of the meeting being explained by the Chairman, on motion, the following committee was appointed. Major John H. Broadnax, Captain James Abercrombie, Thomas M. Cowles, T. P. Redding, William Dick, Amos Green, John S. Green, Henry Rugely, Charles A. Abercrombie, Joseph P. Clough, Barrant Duboise, and Stephen Day.

The following preamble and resolutions were entered into: Whereas, great fraud has recently been committed, in obtaining titles to lands belonging to Indians, without their knowledge or consent, in any way whatever. The persons committing such frauds, or rather stealing the lands of the Indians, has some other Indian whom he has drilled with the description of locations and other matters in relation to the land; the Indian when thus drilled, and a new song put into his mouth, goes before the certifying agent, and passes his land by certificate, as being the real Indian owning that tract of land, to the stealer or white man, who immediately sends such certificate to Washington city, for the approval of the President. The Indians who are the rightful owners of the lands, knowing nothing of this foul and dishonest transaction, until nearly all their lands have been swept from under them.

And whereas, we believe it yet in the power of the President to check this evil in a great degree, by withholding his approval from all bonds certified to since the 10th day of January, 1835; and require all lands that has been certified since that period, to be re-certified in each town, in the presence of their chiefs and head men, who are ready and willing to assist in putting down this fraud. It is most devoutly to be wished, that the President will exercise his power over this subject, in such a way as will correct the past, and prevent the repetition of these wrongs for the future.

And whereas, more effectually to carry into view the expression of this meeting, they most earnestly request the President of the United States to give in charge to his agents superintending the certifications of contracts for lands, which has been complained of being fraudulent, that the purchaser be required to produce the Indian purchased from, at the time of the investigation.

And be it therefore resolved, That this meeting agree to exercise all influence in their power, to detect and put down all frauds, and to give the agents superintending, as aforesaid, every information which they may be in possession of, appertaining to the base transactions of personating the Indian justly entitled to their lands, and thereby defrauding him out of his rights.

And be it further resolved, That the proceedings of this meeting be signed by the chairman, and countersigned by the secretary; that the secretary be requested to forward a copy of the same to the President of the United States, and a copy to the editor of the Alabama Journal, for publication, with a request that all editors friendly to good order, will give it an insertion in their respective papers.

J. H. HOWARD, *Chairman.*

SAMPSON LANCIER, *Secretary.*

OFFICE OF CERTIFYING AGENT,
Chambers county, May 23, 1835.

SIR: In my communication to you of the 17th inst. I omitted to state to you some facts, which probably may enable you more correctly to form some plan of investigating those disputed Indian land cases. The more I reflect upon the subject, the more I am at a loss how to decide; the whole matter appears to be surrounded by almost interminable difficulties. I am confident, in fact I know it, that many of the contracts certified to since the 1st or 15th of February last, are genuine contracts, and large sums of money has been paid by different individuals; and I think to declare all contracts void from that date, would subject many honest purchasers to heavy losses. When a contract is declared void, (as I conceive,) it is no more than a blank piece of paper, unless the purchaser can get the Indian to renew his contract, or acknowledge the old one; and my own experience and knowledge of the Indian character, generally, leads me to believe that that would be a difficult matter; taking into consideration their little sense of honor or honesty, and natural depravity of character, and aided by the cunning duplicity of white men, a number of them would, when once informed their contract was declared null and void, utterly refuse to renew it again.

I have frequently, from the commencement of the duties of my office, certified in different parts of my district, and about the 15th of March last, I certified in Tallisee, Tuskeega, Ottissa, Cawalla, and Tuckabatchee; I spent about 10 days there, many of the chiefs were present, old Tus-kene-haw, the principal chief of the nation, was present 2 or 3 days of my certifying in Tuckabatchee town, and it is said there was as much corruption carried on there as at any time at my office. I do not see how it is possible that any man could be more particular than I have been, particularly since I suspected frauds. In all cases I have uniformly examined the Indian with the utmost caution and exactness; in each case I have examined the Indian, touching his name, how long he had such, and who told him to call himself by that name; by whom he was located, and what town he belonged to; what was the name of his chiefs; what water course he lived upon; where was the town house; on which side of the stream situated; what Indian had his name registered at the same time with him, &c. and have varied my examinations as much as possible, so as to suit each case, and when the answer did not agree with known facts, in every instance he was set aside.

In my letter of the 7th of April, I informed you that I had set apart the first week in this month for investigation; accordingly, a number of Indians appeared and complained, and amongst the number of complainants, I recognized several that had previously sold their land, and when taken apart from their chiefs and the rest of the Indians, they would acknowledge they had sold, but were afraid of their chiefs: the chiefs have great influence over their people, and those that are opposed to emigration, keep their people back generally.

There are two large companies of speculators formed in opposition to each other; one is for uprooting all contracts, and I do honestly believe that they cause many Indians that have sold their land, to come forward and complain; the struggle is white man to white man, in many instances, and the interest of the Indian not much at heart.

It is desirable that even-handed justice should, if possible, be done, both

to the white man and to the Indian, but the difficulty consists in ascertaining how this is to be effected. It appears to me, that upon mature reflection, a strict investigation is the surest plan; decide which way you will, it will be attended with great difficulty.

I hope that General J. W. A. Sanford will be instructed to co-operate with me in my investigations, for it is said, "in the midst of counsel there is safety." I have no hesitancy in saying, that there is a large number of fraudulent contracts, and it is my utmost desire to uproot every such case.

Very respectfully,

Your obedient servant,

ROBERT W. McHENRY.

The Hon. LEWIS CASS,

Secretary of War,

Washington city.

WASHINGTON CITY, *May 24, 1836.*

SIR: From letters received from gentlemen of high standing, and in whose statements I place the most implicit confidence, my attention has been called to the wretched condition of a very large proportion of the inhabitants that have fled from the savage barbarities that are now going on in Alabama. The most of them have abandoned their homes in such haste that they were unable to remove either furniture or provisions; and the consequence is, that hundreds who were but yesterday happy, secure, and provided with every comfort of life, are now thrown upon the charity of strangers, their property mostly, and in very many instances entirely, destroyed, and themselves without the means of commanding the ordinary comforts. This state of things should be provided for. I have been requested to present this brief statement of facts, which is well known to exist, to the immediate consideration of the President and the Secretary of War, with the full confidence that whatever can be done, should at once be recommended to Congress. I have in this matter, as in all others connected with the unhappy state of things on the frontiers of Georgia, brought the subject before the Department for consideration, before I would attempt any movement in Congress. I shall now wait your answer to this before I do so. At the same time, I pray you, let it receive your immediate attention, as the distressed should know on whom they are to rely to meet their pressing wants. I would suggest that prompt measures be taken to separate the friendly from the hostile Indians; and to that end, if an agency was at once established within the limits of Georgia, with means to furnish rations to all such friendly Indians as would come in and take protection within a limited time, the effect would be at once to separate the friendly from the hostile. If some such measure is not adopted, those that are now neutral, will be compelled to take part against the whites; the advantage of a camp or post within the limits of Georgia would be to inspire those that are friendly with confidence in the security of their retreat, this has been suggested to me by an intelligent correspondent, and meets my entire concurrence.

I have the honor to be,

Very respectfully;

G. W. B. TOWNS.

HON. LEWIS CASS,

Secretary of War.

MARDISVILLE, ALABAMA, *May 27, 1835.*

SIR: Your letter of the 28th ultimo, with the enclosed documents consisting of copies of letters from several gentlemen of Chambers county, Alabama, and also a communication signed by a number of citizens, and the presentment of the jury for Chambers county, of Henry C. Bird, for malpractice in office, has been dily received.

Permit me to say, in reply, that I have bestowed upon these papers, all that consideration and attention which their importance requires, and that I will, to the best of my feeble judgment, proceed to answer your letter, and to make such suggestions as may occur to me.

In the first place, I deem it proper to state, that some difference exists as to the mode of receiving and certifying contracts between Doctor McHenry and myself. The doctor receives and certifies old bonds, or contracts as they are termed, which has been made and executed out of the office. I have paid no respect to old bonds or contracts, because I knew how easily and how improperly they might be obtained; and since the second week after the commencement of receiving and certifying contracts, I do not recollect of any being presented; of course all contracts entered into in my district, are executed, and the money paid in my presence, at which time I require the purchaser to make an affidavit, that he will not take the money back, &c. and that the reservee who has just sold it to him, is the true holder of the reservation sold; or that he or she is the identical Indian which was located on it. And this affidavit is filed with the deed before the purchaser leaves the office. The justice of the peace can in these affidavits commit no frauds, nor leave out any thing in the affidavit, as it is made in the presence of the certifying agent, and no contracts would be received by me, unless a magistrate was present to qualify the purchasers, except in contracts with sick Indians. I am requested to give my opinion as to the propriety of restricting the certifying such papers to a less number of magistrates. It seems to me unnecessary, at least in my district, as it is the duty of the certifying agent himself to be present, and as it would subject the purchaser to a great deal of expense and trouble to get a judge to attend the office.

There are, however, other affidavits which require attention; these are the affidavits of those who examine and appraise the reservations offered for sale. Great fraud might be practised by the justice in certifying blank valuations, and permitting the purchaser to fill them up with what amount he pleases. If this has ever been done, it has not come to my knowledge; and if it was to come to the knowledge of the certifying agent, that any magistrate had so far and so corruptly departed from his duty as to sign and certify any such blank appraisements, no valuation certified by him would be received thereafter, as an evidence of the value of land. It seems to me, however, that even in these cases, it would be unnecessary to restrict the certifying of these papers to the certifying of the judges only, as it would subject purchasers to additional expense and a great deal of trouble, as the judges are frequently from home, and live at a remote distance from the reservation to be valued.

My opinion is requested as to the plan proposed in your letter of appointing several places in the district to assemble the Indians, and to receive and certify contracts in presence of the chiefs and other Indians of the towns, assembled at such places. This plan is an excellent one, both as to the prevention of fraud in the first instance, and for detecting of it after it has

been consummated. I am convinced that none better can be proposed. If to it was added the privilege of the rightful owner to sell his land immediately, though it had been sold by another, permitting the right owner to sell his reservation, notwithstanding it may have been previously sold by the wrong Indian, upon the chief and people of this town identifying him or her, will go farther to prevent fraud than any other plan that can be adopted, and as I saw nothing in the regulations to prevent this course, or hinder the rightful owner from selling his own land, I have already permitted second purchases to be made, as I consider a contract entered into with the wrong Indian, null and void to all intents and purposes; the sanction of the Department to this course would silence at once all opposition to it. I have conversed with several legal gentlemen on the subject, all say they see no legal objections to it.

A plan similar to the one proposed above, has already been adopted by me, and effectual means have been furnished the Indians in my district, to prevent the consummation of frauds by personation.

At my request the Indians have already been assembled at my office, on the week set apart for certifying contracts in April and May last. The most remote towns, and the chiefs were present, who identified the Indians offering their lands for sale, and pointed out all such places as they said were stolen. The census roll was read over to them, and certificates of their locations were issued to all who had not sold their lands, and was present; these certificates furnish them with the means of preventing any person from selling their lands, and they have been particularly charged not to let a white man or any other person see them until they come to sell their lands. The method I took to detect frauds was this; I called over the roll in presence of the chiefs and other Indians of the same town, and as I called the roll each person would present him or herself for a certificate of his or her location; the Indians would say when the name of a person was called that had sold, that the land was sold, and no Indian would apply for a certificate; but if the land was sold by a wrong Indian, the right owner would present himself for a certificate. The case then underwent an investigation, and if the chief and other Indians identified the applicant, I then marked this contract as fraud, and notified the purchasers that the rightful owner might sell his land at the risk of the second purchasers. Honest purchasers relinquished their claims, and gave leave to the right owner to sell his land, and some repurchased of the right owner.

It now remains for the President to determine, after what I have done, whether it will be necessary for me to visit the different towns, or to call the Indians together again. It seems to me unnecessary, but the authority to do so should be conferred, and if any new species of fraud should be introduced, the agent might avail himself of the privilege with an assurance that his expenses would be paid.

To this question propounded in your letter, "Is it possible to devise any better plan than that provided by the existing regulations, for the payment and security to each Indian of the fair amount of the purchase money he ought to receive?" To this, permit me to reply, that I know of but one plan that I think would, in almost every case, secure them in a fair price for their lands, and these would be attended with expense; but what is a small expense to a great nation, when it may secure the ignorant from fraud, and make the wealthy speculator pay a reasonable amount for the property he purchases. The plan I would propose, is, for the Government

to appoint men of firmness and integrity, to put a proper price upon each unsold reservation, and to report their value upon oath to the certifying agents.

I am at a loss to suggest any plan to secure them in the use of the purchase money after they have received it. Purchasers are always sworn not to take the money back, &c.; but there are often among the purchasers others who are interested in the purchases. Now if this was added to the present affidavit of the purchaser, "we further swear that there are no other persons present concerned in the purchase of this reservation but ourselves, either as agents or otherwise, and that we will not take the money back," &c. it might be of some service, as it is said that some who are interested in the contract, are not named on purpose to avoid taking the oath, so that they may take the money back. I am of opinion that it would be right to swear all the agents and purchasers present.

In the next place it is observed in your letter that "if the statements which are made to this Department are correct, a large proportion of the contracts which have been formed since the beginning or middle of last February, are fraudulent. Without determining this fact, and thereby prejudicing the rights of individuals, there is certainly good reason for suspecting the whole; and, therefore, for instituting the proper investigations. How is this best to be done? Shall all the contracts be declared void on the ground of fraud, and the parties be required in every case to exhibit their proofs before you? Or can a sufficient security against those fraudulent transactions which have taken place, be interposed by any investigation which you can make, into such cases as you may have reason to believe, or as may be represented to you as fraudulent? In one case the presumption of fraud applying to all, every grantee would be required to exhibit his proof *de nova*. In the other the investigation proceeding from the Government, would apply only to such cases as were presumed to require it. Your idea upon this subject is requested."

In reply to this, permit me to observe, that but a small proportion of the contracts certified in this district are fraudulent. I am confident there are not more than about fifty out of eleven hundred and forty, (the whole amount received and certified by Col. Bright and myself,) which are fraudulent. I am, therefore, of opinion, that nearly every fraud in this district has been discovered, and may be set aside without declaring the whole void upon the presumption that all are fraudulent; but if the fraudulent contracts in the other districts are so numerous as to require this course, and if this cannot be done without taking in this district also, I have no objection to the course, and would say, let it be adopted, as honest purchasers can suffer no injury but delay from investigation, and this ought cheerfully to be submitted to, that fraud may be detected and put down.

The preceding ideas are respectfully submitted, and permit me to assure you, that no officer in the Government would with more pleasure see all these fraudulent transactions effectually destroyed and put down.

I have the honor to be, sir,

Your most obedient servant,

LEONARD TARRANT.

HON. LEWIS CASS,

Department of War, Washington city.

The President having read with attention Mr. Tarrant's report, returns it to the Department of War. There cannot be any other instructions necessary but these already given. The great object is to secure to the reservee his land, or a fair value for it, and to prevent fraudulent sales made by Indians not entitled, personating the legal owner; all such purchases are void, and cannot effect the claims of the rightful owners, who have a right to sell to any that will purchase. The certifying agent in no case should give a certificate upon an old sale unless the reservee is present, and the money being actually paid in his presence. The papers have been sent back, that in any case the agent may re-examine them and have evidence that the *real owner* has sold, and not been personated by another.

C. A. HARRIS,
Act. Secy. of War.

June 16, 1835.

LA GRANGE, June 5, 1835.

DEAR SIR: You recollect that in conversation with you in the stage, going from Washington to Baltimore, about the last of April last, in relation to the frauds practised of late on the Creek Indians, in the sale of their reservations by "personation," I spoke of a letter that had been written the Department by a number of the chiefs of that tribe, on that subject, and which I supposed had not been received. In reply, you informed me that a communication of that kind had been received by yourself; which information quieted, at that time, my apprehensions, not knowing that the chiefs had ever made but one communication on the subject. On my return home, I have ascertained that the chiefs have written the Department two on this same subject; and I am now *very certain* that the last one written, and the one to which I alluded in our conversation, has not been received. I am very desirous of knowing whether this letter has reached Washington or not. Will you have the kindness to send me a copy or copies of the communication or communications from the chiefs on the subject above alluded to, which have been made to the Government since the first of February last? Or lest that request should give your office more trouble than I desire, will you please say to me whether a letter addressed, I think, to the President, or to Dr. McHenry, and signed by some thirty-five or forty chiefs of the Creek nation, written at Cowassawda, on the 22d March, 1835, has been received by either the President, Gov. Cass, or yourself? My reason for this inquiry, sir, is this: I have understood the letter above alluded to, has been *suppressed* on its way to Washington; and I desire not only to inform the Government of the frauds that have been practised, but also of the means used to conceal their perpetration. Subsequent developments in the nation during my visit to Washington, and since my return, have gone fully to sustain the statements I make to the Department on this subject; and even go further than the Department has yet been informed. If the Government desires further information or evidence of the existence of this *mighty fraud*, or if efforts or representations have been made to prevent the action of the Government in attempting to remedy or uproot them, I should like very much to be apprised of the fact, that I might not only have an opportunity of sustaining what communications I have made, but of showing the object and falsity of the statements controverting them. I do

not know that any steps have been taken to counteract the views and impressions of the Department, as intimated in the letters addressed to the several agents. But from the feeling and alarm which they have created with those who have been conspicuous in practising this fraud, I had supposed that something had or would be done, to change the determination of the Government. They will not attempt it by denying and putting in issue the existence of the most glaring and extensive frauds; but by suggesting *consequences* and effects, they will expect to change their views of the Government. And I would respectfully caution you against any such attempts, and you may rely on it, that the plans suggested by Gov. Cass in his letters to the several agents, and which I think has been approved by some of them, is the only one that can effect the desired object. And on that account you may expect that it will be much opposed, and said to be attended with many evil consequences.

Permit me to make one or two remarks on the subject of the emigration of the Indians. This is a subject in which I feel a very great solicitude, not only from motives of interest, but also from a regard for the welfare of those people. The report of Col. Hogan, your agent, (whose industry and efforts entitle him to great credit,) will, I apprehend, convince you that I was right, when I said to you, in the conversation before alluded to, that your efforts this season; to emigrate these Indians, would be attended with but little success. Sir, I care not how many agents or sub-agents you may appoint, nor how industrious they may be, under existing circumstances and present arrangements, your efforts will be unavailing. My acquaintance with these people, and their present situation added to the opportunity I have of knowing their feelings on this subject, I can say to the Department there is one plan, and but one, by which their immediate removal can be effected; and that is by a stipulation or treaty with the chiefs that they *should do so*, in a given time. This stipulation or agreement, on their part, can be obtained by the Government, and their emigration effected under it, at much less expense than must and will be incurred under the present arrangements. They are unprepared now for such an arrangement; and I hesitate to not say, *positively*, that they would most cheerfully negotiate with the Government on this subject, if the President would invite a delegation of chiefs to meet him forthwith in Washington, or his agent at some other place, out of the nation. I am well satisfied that by a slight attention in some unimportant part of the "*modus operandi*" of emigration to which they must object, and without any additional expense whatever, but on the other hand a probability of diminution of expense, a covenant might be obtained from the chiefs that their whole people *should* leave the territory within a given time, and that as short as the Government could wish.

Any attempt of this kind must be made out of the nation, and would, I think, promise most success, if made at Washington; for in their present confused and divided situation, a "talk" from the President in "*propria persona*," would have a very happy effect. They would be moved, too, at Washington from the influence of conflicting and local interests, and from the influence arising out of the various and opposing interests and designs of those who control them. Your experience will, I have no doubt, satisfy you, that it is much easier to effect satisfactory arrangements with Indians from home, than at home. I am clearly of opinion, that if the Government should feel itself authorized to make any alteration in the present

mode of emigration, and would very soon invite a small delegation to Washington, an arrangement might be made, under which (with much less expense to the Government), at least three-fourths of these people would be west of the Mississippi river before the expiration of this year. And unless some other plan is adopted, I will again venture to say that not one-twentieth, ay, thirtieth part will, within the same period, have left the country. I wish I had an opportunity of communicating fully to you my observations, my views, and the reasons on which they are founded. But I have already spun out this letter to a length much greater than at first intended, and made it longer than I fear you will have either patience or time to peruse. I would be glad that you would communicate the information sought in the first part of it, as early as convenient.

Very respectfully,

Your obedient servant,

WILLIAM DOUGHERTY.

To Hon. ELBERT HERRING,
*Head of Bureau of Indian Affairs,
 Washington City.*

CHAMBERS COUNTY, June 6, 1835.

SIR: In my communication some time back, I informed you that I would write to you so soon as I could see Mr. McLemore upon the subject of the charges made to the Department touching my official duty as an officer of the Government. Mr. McLemore has written a second letter to the Department, explaining the first, which I hope will be satisfactory, and will supersede the necessity of certificates concerning the subject. Charge the first: That the agent has ceased to cause the parties to bring forward their Indian when a contract is contested. In that matter, Mr. McLemore is mistaken. I ever have, and still pursue the same course, so far as in my power lies. The two cases he has particular reference to, were the cases of Ni-oak-kie and Tyler. The former I saw in Tallassee, a few days after his land was certified to; he is a half breed, and a remarkably fine looking Indian. I was convinced he had not been before me. I informed him his land was certified to, and to attend at my office on a certain day, and if I could, I would notify the other party to be there, and would try and get his land back. He attended on that day, but I had no opportunity of notifying the person who introduced the former Indian; consequently he did not attend; but one of the party to whom the land was certified to, was present, and stated he was confident his co-partner could introduce such proof as would satisfy me that he had brought up the right Indian, and wished the case put off. I stated to him that I would not decide on the case at that time, but I would take such testimony as the Indian was enabled to make in his favor, and file it in the office, and that he must do the same in a short time. I also told him the Indian produced such evidence that I was convinced that he was the proper Indian, and that he had not sold his land, and advised the parties to give the case up; but they thought differently, and contend for a hearing. I also told the Indian that I would let him know at what time to come back, and I was convinced he would recover his land. On the next investigating day, (which was the first week in last month) the parties had not filed their testimony, and I decided, in favor of the Indian, and gave him a certificate of his location.

In the latter case, there was a mistake or accident, in copying from Judge Tarrant's roll; the l was crossed, and made a t of the name. It stood thus Tyter, when it should have been Tyler. The parties having the land certified to, claimed it under the name of Tyter, and stated if the proper name was Tyler, they would give up the case, for that was not their Indian's name. The case was then put off without taking or hearing any testimony on either side, until I could ascertain from Judge Tarrant whether it was Tyler or Tyter. He wrote to me that it was Tyler, and the parties gave up the case. There has been a number of cases tried, and they have invariably been annulled.

As it respects my absence for three weeks and three days, that is easily accounted for. The Department wrote to me two different letters upon the subject of certifying, and stated to me that it was the opinion of the Department that the business of certifying could be done in the space of one week in each month. When I received the first communication, I wrote to the Department it was impossible for me to do the business in that time, and that I should continue to certify until I heard from them. In the second communication they confirmed the first, which I received in the latter part of March. I continued to certify until about the 5th of April, and gave notice that I would certify no more until the first week in May. I have tended close to the business of my office ever since I have been in the nation, and had not appropriated a single day to my private business up to that day. I had some old unsettled business in the old settled parts of Alabama and Mobile, which had become necessary I should attend to. I had suffered considerable losses by not attending to it sooner. And as the Department had already informed me that I would receive pay for only one week in each month, I considered the remainder my own time, and chose that favorable opportunity to attend to my private matters; but, before I left, I gave public notice that I should be absent for three weeks; and also gave public notice that I had appointed the first week in May, for the purpose of investigating fraudulent contracts. By reference to my communication to the Department of the 7th of April, if I mistake not, I notified the Department that I had appointed the first week in May for investigations, and not to approve any contracts until they heard from me, for I believed many of them were fraudulent contracts, and that I had left the nation for a short time to attend to my private matters. There are many other things I could say on the subject, to justify myself, but I think it wholly unnecessary.

Mr. McLemore further states, that he saw a number of contracts certified to, that he knew was done with the wrong Indian. I asked him why he did not let me know the fact? He stated that he knew I did not know the Indian, and that if he should stop them at that time, they would introduce some other Indian when he was not present, and he would not be able to identify him; consequently I was kept in ignorance of the fact, until it was over.

Your obedient servant,

ROBT. W. MCHENRY.

The Hon. LEWIS CASS,
Secretary of War.

COLUMBUS, *June 22, 1835.*

SIR: I have the honor to acknowledge the receipt of an abstract from the office of Indian Affairs, of such contracts as having been passed in my district, still remain to be approved by the President. It had already been publicly announced, that the object of my return to this place was to ascertain whether these contracts had been obtained from the persons possessing the right to make them, and although I have not been more than twenty days, no evidence had as yet been submitted impeaching their fairness, or sustaining the suspicion of their fraudulent procurement. I know much has been said in relation to the prevalence of certain dishonorable and dishonest practices; but whether the assertions be true or false, the difficulty of arriving at proper proof must still leave the matter in darkness and doubt. The difficulties to which I allude as creating perplexity in the investigation, and rendering its results unsatisfactory, are those originating from the barbarous and unintellectual condition of the people with whom transactions of a peculiar character have been had; from their sudden attainment of property, without acquiring at the same time a proper knowledge of its value; from not only the want of a just appreciation of their rights, but from the existence of legal impediments which prevent their prompt vindication from the influence of an anomalous class of extraordinary adventurers, whose management and address have enabled them to control the Indian in despite of the efforts now making to redress their wrongs; from the venality, profligacy, and worthlessness of the Indians themselves. Fully aware of the effects of their combined influence, no exertion has been withheld which could counteract their tendency, and if they have still triumphed, it is because no adequate expedient could be devised to prevent their success. Every defence, even that of the most solemn form and binding obligation, has been thrown around the right of the Indian, and though suspicions have been entertained of its non-observance, I have in vain appealed for production of the testimony in support of the charge. I am nevertheless not prepared to pronounce unequivocally that fraud may not have been perpetrated in many instances. The temptation has not been inconsiderable; and there may be those who, seduced by the immediate prospect of plunder, have not been awed even by the crime of perjury itself, from the consummation of their nefarious purposes. If there be such, they have shrewdly calculated upon the circumstances of concealment, and by their adroit management have thus far baffled every inquiry that might lead to the detection of their infamous conduct, and condemnation of their ill-gotten booty.

In referring to the documents, sent me, I discover that they relate exclusively to transactions which have occurred in a neighboring district. Deprived of the assistance which might be derived from similar evidence, it may well be doubted whether further inquiry will be attended with the discovery of any case requiring concealment or reversal. Nevertheless I shall not abandon the pursuit until I hear from the Department.

I have the honor to be,

Your most obedient servant,

J. W. A. SANFORD.

HON. LEWIS CASS,

Secretary of War, Washington City.

FAYETTEVILLE, TENNESSEE,
June 24, 1835.

SIR: I regret that absence has delayed the receipt and answer of your letter of the 28th of April, (with a copy of one to Judge Tarrant,) thus long. By which it seems there are many and gross frauds committed in the purchase of Creek reservations, and asking any "suggestions that might occur to me best calculated to detect those frauds."

It would give me great pleasure indeed to aid by the suggestion of any plan to put a stop to, or even diminish, those frauds. But I think it is beyond the art of human invention to put an entire stop to them, for soon as one plan is adopted and put in execution another is invented to evade it.

In relation to the frauds committed by procuring one Indian to assume the name of another, and thereby sell and convey away his land, is not new to me; there were a number of attempts of the kind whilst I was engaged in the business of certifying contracts, but which I think were generally detected. This was done by a strict and minute examination into all the circumstances that could be calculated to give a clue to the attempted imposition. And from actual experience I think the plan suggested by yourself is perhaps better calculated than any other to put a stop to those frauds; that is, for the certifying agents to visit the different towns, or as many of them as might be necessary, and the more the better, so as not to make it too great a burden upon the agents. From experience I have found great facilities in detecting fraud by this plan.

Whilst engaged in the certifying business I found it necessary to visit the most of the towns in my district, for the purpose of examining into and making corrections in the locating business.

Whilst thus engaged I was generally attended by a great many Indian visitors, by whom I was not only enabled to detect fraud and impositions in the locations, but in certifying contracts, for if they are not bribed and tampered with, they will generally tell the truth, for I have known them, in many instances, to tell me the truth, when it operated against their own interest, and they knew it.

In confirmation of your idea upon the subject, I have known Indians, while under examination before the certifying agent, in the presence of their friends and countrymen, become so much embarrassed and confused, that the fraud could at once be discovered. But I would say, that almost every thing depends on a patient, strict, and scrutinizing examination by the agent at the time the deed is executed. It will not do to adopt the same mode of examination in every case; but I would suggest the propriety of a different one in almost every instance, or at least as often as the mind would be capable of producing that change. For if the same mode of examination is pursued in every case, the purchasers soon learn it, by which means the Indians are drilled, and taught the necessary answers to be made to the interrogatories put by the agent.

These are things which I know from experience and which fell within my own observation.

I do not understand in what cases justices of the peace sign blank certificates, but I would presume it was to the affidavit of the value of land, (that for the payment of the money in good faith, &c. being done in the presence of the agent.) I would think it would be no great inconvenience to the purchasers to have all the affidavits and certificates made in the presence of the agent, (if the plan of visiting the different towns is adopted) as I pre-

sume there are now justices of the peace in almost all the different towns, in the Territory, or at least in convenient distance, who might be procured to attend on the days of doing business. This would do away the frauds complained of in relation to blank certificates.

The Indians are generally honest, if they are left to their own will, but they are easily bribed and led away; they are also easily detected if they have or are about to do wrong. I would, therefore, again suggest the necessity and importance of a minute and strict examination of the Indian whilst before the agent.

I am unable to suggest any better plan, than the one heretofore adopted and pursued, to secure the Indian in a just compensation for his property, for if the oath will not bind the purchaser, if he is regardless of the law of God and man, I would then be entirely at a loss to know what plan to adopt next.

I have made these few suggestions from experience and observation; if they will contribute in any way to the detection and prevention of the frauds complained of, I will be highly gratified, but I have no doubt the agents who are on the ground, and who have cognizance of all these things, will be able to suggest plans that will be more effectual than those that I have.

I have been much delayed in compensation for my services as certifying agent; this I presume has, in some degree, been owing to defects in my vouchers, and I dislike troubling or saying any thing to any one, except those whose duty it is to attend to it, but if you should find it convenient and within your duty, you will much oblige me by giving it some attention.

I have the honor to be,
Very respectfully,
Your obedient servant,
T. BRIGHT.

The Hon. LEWIS CASS,
Secretary of War, Washington City.

COLUMBUS, GA. July 2, 1835.

SIR: In answer to yours of the 18th June, I will simply state, in every instance where my name is assigned to a certificate, the Indian was before me, and the money actually paid in my presence, except some four or five cases where the Indian was sick or a cripple, and no probability of his ever being able to appear before me; and in these cases I have appointed the different person, who saw the money paid, and was qualified to the same. The facts are always stated in the certificates. I think I shall be able to reach and report very near, or quite, all of the frauds that has been practised in my district. From the best information I can gather, I think the number will exceed four hundred.

Very respectfully,
Your obedient servant,
ROBERT W. McHENRY.

The Hon. LEWIS CASS,
Secretary of War, Washington City.

CHAMBERS COUNTY, *July 22, 1835.*

SIR: I have succeeded in my investigation in detecting the frauds practised before me, much better than I had anticipated. In Chal-tock-lof-kus, Ufawla, Ko-ho-muts-ki-gar, Ker-off, Kia-li-ga towns there was one hundred and sixty-four claims stood for correction. Out of that number I found upon investigation, one hundred and forty-two fraudulent contracts, and was set aside; the remainder, twenty-two, yet remains for investigation. Next week I expect to be in Tuckabatchee according to appointment, to see what can be done there. On my return I will report to you again. The plan which I have pursued is simply this: I first visit each town, and require the chiefs to call their people together; I then state to them I wish to enrol the names of all those who have had their land stolen from them, (as it is called here,) I also require them to state to their people, that if any should come forward and complain that have sold their land, they, the chiefs, would immediately inflict corporeal punishment upon them. I am happy to state, that there has not been a single instance, as yet, of an Indian complaining improperly. I at the same time inform the chiefs at what time I shall be in their town again, for the purpose of trying or investigating the fraudulent claims. I then notify the purchasers of the time and place of trial, and require them to bring forward their Indian from whom they made the purchases. If they have made the purchase from the proper Indian, he is always present at the investigation, and is easily identified. This course I think is the shortest, easiest, and the only correct method to pursue to do justice to the Indian, and arrive at the truth. I hope the Département will approve of the course which I have pursued, and write to me upon the subject.

I have no doubt that frauds have been carried to as great an extent in Gen. Sanford's district, as my own. A number of Indians of his district, understanding that I was investigating and getting back the stolen lands, have complained to me. I have stated to them I was not the agent for that district, and informed them that he lived at Columbus, Georgia. They state that they are afraid to go there; that the white people tell them they will put them in jail there, and by this means deter them from going there to complain.

A number of Indians sold, and was certified to this last week. They are fearful they will be cheated out of their land a second time, and I think the most them will sell in the course of two or three months.

Very respectfully,

Your obedient servant,

ROBT. W. MCHENRY.

To the Hon. LEWIS CASS,
Secretary of War.

MARDISVILLE, ALABAMA, *August 4, 1835.*

SIR: I have received your letter of the 9th ultimo, with the enclosed extract, dated the 14th April, 1835.

Your wishes shall be forthwith complied with. The extract will be sent immediately to the press for publication. The Indians shall again be informed of the wishes of the Département. Rumor, however, says that the

project of going to Texas is abandoned by Opothle Yohola, and the rest of the Indians, and I believe it is true.

I am, very respectfully,

Your most obedient servant,

LEONARD TARRANT.

C. A. HARRIS, *Acting Secretary of War,*
Washington city.

COLUMBUS, August 18, 1835.

SIR: Upon my return from Washington last week, to this place, I was honored with your letter of the 1st ultimo, in reply to mine of 22d June.

In further explanation of the course which has been pursued by myself in the investigations which have been required to be made, I would beg leave to remark, that both before and during the progress of the inquiry, the chiefs of the various towns composing my district, were not only notified of the determination of the Department to cause justice to be done to their people, but they were specially invited to point out such cases as required the remedial interference of the agent. The result to the 22d June has already been communicated; and although the investigation has since been persisted in, until the 10th ultimo, no fact has been exhibited of a character to discredit the proceedings which have heretofore taken place before me. From not only the continued want of this evidence, (and it has been sought in every quarter,) but from the vigilance and care which have been exercised in the first instance to prevent the occurrence of fraud, together with the solemn asseveration of the purchaser, touching the truth and fairness of the transactions in question, it would perhaps be unjust not to regard the contracts passed in this district as entitled to the sanction of the President, and they are accordingly submitted for that purpose, and permission asked to be discharged from a further consideration of that subject.

I have the honor to be,

Your most obedient servant,

S. W. A. SANFORD.

HON. SECRETARY OF WAR,
Washington city.

STATE OF ALABAMA, CREEK NATION,
August 25, 1835.

To the PRESIDENT of the United States:

DEAR SIR: The nation, of which we are chiefs, have never found you wanting in disposition to do them justice, as far as you could, and they therefore appeal to you now with confidence. It has been made known to you before that wrong had been done, and frauds committed on many of our people by the whites, who have managed to get their land by hiring one Indian to assume the name of another. This has been done in obtaining a great portion of lands belonging to the Indians in the Cuseta

Ufela, Uchee, and other towns, which can be made to appear whenever those whose land has been stolen can have a chance to show it.

We know that you sent our friend, General Sanford, to investigate these frauds, and have justice done to those that had been wronged. He could do nothing because the Indians were afraid to go to Columbus, being alarmed at what was told them. When the agent, General Sanford, came to Columbus to attend to this investigation, I, Neahmico, as head chief of the nation, called on him, when he informed me that he had returned to look into the frauds, and that I must let the Indians in his district know it. I accordingly informed the Indians, who, as soon as they got the information, a great many of them who had never sold their land, came to my house on their way to Columbus to meet the agent. Whilst at my house, and at other places, they were told by the linguists that had been employed by the whites to purchase land, that all the agent and other persons wanted, was to get them to Columbus in order to arrest some of them for old debts, and enrol and send the balance to Arkansas. This so alarmed the Indians that none of them could be prevailed on to go before the agent. I then wrote to the agent to meet the Indians on the Alabama side of the river, where they would be free from the fears of arrest and enrolment; but he refused to meet them there, from what cause we do not know. Soon after this he left for Washington city. Now, on his return from there, he states that nothing can or will be done further, and that he has written to you to approve all contracts. In addition to the above we would state, that many of the Indians whose land had been wrongfully taken from them, live a considerable distance down the river, and before they heard the agent had returned to investigate their claims, and could get to Columbus, the agent had left there for Washington city.

From all this you will see, that although many of the Indians have been wronged and defrauded by the unjust conduct of some of the speculators, that they have had as yet no chance to be righted. The time is approaching when the Indians will have to emigrate, and many of them are now willing to go, but as they have received nothing for their land, and feel that they may yet be righted by the President, they make this last appeal to his justice, and desire to remain until the frauds can be detected, and they have a chance to sell the land granted them by the treaty. For this purpose they hope that the President will appoint an agent, one acquainted with the Indians, and in whom they can place confidence, with instructions to visit the chief towns, and other places in the nation where they can meet him without fear, and prove before him the frauds that have been committed upon them. We know, of our own knowledge, that many have lost, or are likely to lose their land, who never have sold, or pretended to sell, and it will be made plain if an agent can be sent among us as desired. There are many Indians also who have never yet sold their land, or had it taken fraudulently; these are desirous of selling that they may make preparations to emigrate, but as there is at this time no certifying agent, they have no chance to sell. We desire the President, therefore, to give the agent above requested (if he shall be good enough to appoint one) full power to certify and sign contracts hereafter to be made.

The Indians, as our friend well knows, are ignorant of their rights, and easily imposed upon. Many of the whites are unjust, and take advantage of their ignorance. In buying their lands frauds have been committed which can be brought to light. We do, therefore, make this most earnest

appeal to our great friend, the President, that as far as he can, he grant us what we do not believe he can deny to the feeble and the injured. If he can do nothing for those of our nation who have been injured, they must submit to it; but if he can, it will be an act of justice to the oppressed, and of punishment to those that have wronged them.

NE-AH-MICO,	his × mark.
E-FAR-E-MUBLOR, or Chumolly,	his × mark.
TUCKABACHIE FIXACO,	his × mark.
CAR-PIC-CHAR-YO-HO,	his × mark.
NE-HAR-THLOCTEO,	his × mark.

Witnesses :

B. MARSHALL,
PADDY CARR.

ALEXANDRIA, D. C. *September, 1835.*

SIR: In the verbal communication I had the honor to make you on Saturday last, on the subject of the land of the deceased Creek Indians, you was pleased to say, that if I would make a communication in writing, you would refer it to the Attorney General for his opinion. Being more of a soldier than a lawyer, it will not be expected that I should do more than merely state the difficulties that at present exist in the families of such Indians as have locations under the Creek treaty, and have subsequently died before a sale or transfer had been made. The treaty provides for the head of each family one half section of land; it makes no distinction between a male or female as the head of a family. If the head of a family is a widow, she gets a location, and can sell and transfer it in the same manner that a man can. If she remains on the land five years she receives a patent for the land, and if she sells, the patent is made out in the name of the purchaser. Such are the rights of a widow whose husband died before the location was made. But the widow and children of an Indian who has died subsequent to the location being made in the husband's name, has no provision made for her unless the Executive will authorize her to make sale of the land located in her deceased husband's name. It is hoped this can be done by ordering the name of the widow substituted for that of the deceased husband, only authorizing the widow, in conjunction with the chiefs of the town in which she resides, to make sale of the land, subject to the approval of the Executive. If some such plan be adopted, the widow and children of deceased Indians will enjoy, in common with the rest of the nation, the munificent and benevolent protection of the Government; but if nothing is done in those cases, and they are left to the laws of Alabama, they will be swindled out of the land, and the Government be no better off, for white men will administer on the estate of all deceased Indians, (they are doing so now every day,) and they will rent the land out, cut down the timber, make it valueless. The Indian families must and will emigrate; the land being designated for the use of an Indian will not be placed on the books of the land office among the lands subject to sale or entry, and, consequently, will escape the vigilant eye of the Government, and remain at the disposal of the administrator for years, and until, perhaps, it is worn out. Thus the Indian family will lose the benefit of the provision made in the treaty for them, and if the land reverts to the United

States, it will be many years before it will be reclaimed, and perhaps it will be worth nothing when it is (if ever) reclaimed. I fear, sir, I have not been able to state this case in a lawyer-like and lucid manner; but if in bringing this subject before your Excellency I may be the means of opening a way by which these poor widows and orphans may have an opportunity of enjoying the munificent provision made for them in the treaty, and my communication be the further means of stopping the infamous depredation daily committed upon these people, under sanction of letters of administration, I shall be more than gratified. I believe it is in the power of the Executive, under the treaty, to apply a remedy, and not interfere with any law of Alabama regulating the descent of estates, and if the Attorney General shall coincide with me in opinion, I feel assured you will not hesitate to give the necessary orders on the subject.

I have the honor to remain,

Your obedient humble servant,

JOHN B. HOGAN,

Superintendent Creek Emigration.

To his Excellency ANDREW JACKSON,
President of the United States.

P. S. It may be well to mention a case that was determined at our last circuit court, held in Taledoga county; it was this: An Indian who had a location under the treaty, sold out, received his pay, and some time after died. A lawyer brought a suit in behalf of the widow, against the purchaser for dower. Judge Collier decided *she had no dower*, that her husband had no fee simple title to the land, and that the rights he possessed was conditional: he was authorized to sell with the approbation of the President, and in no other manner; but if he remained on the land five years, he would then be entitled to a patent, and might afterwards dispose of it as he pleased, but it was questionable whether the land did not revert to the United States should he die before a sale was effected, and before the five years had expired.

MARDISVILLE, ALA. *September 19, 1835.*

SIR: I have received a letter from D. Kurtz, acting commissioner, in reply to mine of the 15th July, with a list of impeached contracts. In reply I must observe, that some of the impeached contracts have, upon investigation, proved to be fair, and some that were not, at making the report, impeached, have since been impeached, and set aside. I have been through my district and have again assembled the Indians at suitable places for investigating contracts, and notified the whites and the purchasers of the times and places of investigation, and will shortly be enabled to lay before the Department the result of my investigations. The Indians have passed their judgment on all the contracts certified by Mr. Bright and myself, except the town of Hillahee, the contracts of which I will investigate as soon as practicable.

I am, very respectfully,

Your most obt. servant,

LEONARD TARRANT.

E. HERRING, Esq.,

Office of Indian Affairs, city of Washington, D. C.

CUSETAW, CHAMBERS CO.

September 20, 1835.

SIR: I have just returned from Tuckabatchee town, and have had an interview with the chiefs. They are anxious to emigrate this fall. I shall meet them again the sixth of next month, at which time the remaining disputed contracts in Macon county will be investigated, and I think most of the unsold lands will be certified to. The chiefs are disposing of their personal property and making preparations to be off. Ere this time you have received my report upon the cases I have investigated. I have written you several letters respecting the duties of my office, which I have received no answer from; whether they have been miscarried or intercepted I am at a loss to determine. I have been certifying for some time past. I have understood that General Sanford has stated that I was not authorized to certify. I consider myself fully authorized to certify under the additional instructions forwarded to me, June 18th, from C. A. Harris, Acting Secretary of War.

When General Sanford returned to Columbus for the purpose of examining into the fraudulent contracts, I returned him the book of locations of that district. Since he has made out his report I have applied repeatedly for the book of location, but have not been able to get it, he has always been absent when I applied. I have heard of its being in the hands of different individuals, but I cannot find out who has it at present.

I am, sir,

Very respectfully,

Your obedient servant,

ROBT W. McHENRY.

E. HERRING, Esq.

Agent of Indian Affairs, Washington City.

CUSETAW, CHAMBERS CO.

September 25, 1835.

SIR: Yours of the 9th instant, informing me of the appointment of Colonel Hogan, as investigating agent; I have received. I am very much gratified at the appointment, for it will relieve me of a very arduous and unpleasant duty. If Colonel Hogan gets on in time, I will try and get him to fulfil my appointment at Tuckabatchee, in Macon county. By so doing he can nearly wind up the business of this district in a few days. In Chambers county there is no frauds, for I am personally acquainted with nearly all of the Indians, and was able to detect them in their attempts to practice a fraud on me.

I wish you would inform me if it is the intention of the Department that Colonel Hogan shall re-investigate all these that I have investigated and reported upon.

Very respectfully,

Your obedient servant,

ROBERT W. McHENRY.

E. HERRING, Esq.

Agent of Indian Affairs, Washington City.

TUSKEEGEE, ALA. *September 30, 1835.*

SIR: The enclosed documents are transmitted to you. I have attended before Dr. McHenry six times on this business, but without avail. I could get nothing done in it. Having been employed by Fushatcha, I have had repeated conversations with all the parties, except General McDougal, who I am satisfied knew nothing about this transaction. I have conversed with Captain Walker, within a few days, and he said to me, that he had "no earthly doubt (his very words) but that it was a fraud." He, at the same time, and at all times, said he knew nothing of its being wrong at the time of certifying. But says the fraud (if one) was perpetrated by Coker, as well on the company, for whom he was purchasing, as on the Indian; and that having settled with Coker, they can neither do, nor consent to any thing that would prevent their recourse on Coker. I have learned within a few days that Colonel J. B. Hogan has been appointed by the President to investigate all cases of alleged fraud. As the contract, with the President's approval, is now in possession of Captain Walker, if upon the inspection of the enclosed you should deem that course proper, and lay the facts before the President, and he would be pleased to authorize Colonel Hogan to demand of Captain Walker that he should give up the contract, that it may be cancelled, I have no doubt that it would be given up, and perfect justice be effected to that company and the Indian. Upon the demand of the contract, if the company should wish it, no sort of objection would be made to any further investigation that may be deemed necessary by Colonel Hogan.

It is thought that this course would be much preferable for the Indian, and should be objected to by no one, rather than drive him to a protracted chancery suit to *compel* the giving up, and cancelling the instrument for fraud.

Should the President be pleased to comply with this request if upon the demand that contract should not be given up, I hereby pledge myself, as the counsellor of Fushatcha, that nothing that may be done herein, shall be used to their prejudice, if we are finally driven into chancery. Captain Walker is advised of the contents of this letter and may be furnished with a copy.

I have the honor to be, sir,

With the highest respect,

Your obedient servant,

O. K. FREEMAN,

Atty. and Coun. for Fushatcha.

To the Hon. LEWIS CASS,
Secretary of War.

Fushatcha, a Creek Indian of Tallasse town, complaining, shows to Robert W. McHenry, that one Thomas W. Coker, a resident of Tallapoosa county, procured an Indian by the name of Ubockholatta, and who belongs to Tuckabatcha town, to personate this complainant, and thus procure the contract of sale of this complainant's land certified to Coker, Walker, and McDougal. This complainant has resided for the last ten years upon the place where he now lives, and on which he was located. He never did sell to Thomas W. Coker, Capt. William Walker, or Daniel McDougal, or

any person for them, or either of them. He has never been before the agent for the purpose of having the sale of his land certified. But the sale has been fraudulently certified, and the bond, with the approval of the President, returned to that company, and, as this complainant is informed and believes, is in possession of Capt. William Walker. In proof of these facts he submits the following certified copies of affidavits, the originals of which have been filed in the office of the clerk of the circuit court of Macon county, being the county in which the land lies, and the residence of Capt. Walker, subject to the inspection of all the parties, and to the control of the proper authorities. Messrs. Coker and Walker have had notice of these affidavits, and their contents, more than four months.

This complainant, therefore, prays that these documents be forwarded to the President by you, with such a statement as you may please to make thereon, and that Capt. Walker may be called on to give up the approved bond that it may be cancelled.

Respectfully, &c.

FUSHATCHA.

To R. McHENRY,
Certifying Agent.

A.

STATE OF ALABAMA, *Macon county, ss.*

Personally came before me, the subscriber, judge of the county court of Macon county, John T. Brooks, who, being duly sworn, deposed and saith this deponent was present at Tallassee, in Tallapoosa county, when Robert W. McHenry, the certifying agent, certified to east half of section 27, township 18, range 23. That the person who was presented by Thomas W. Coker, as the Indian who owned the land, was named U-bock-ho-latta, who is well known by the white settlers by the name of "Blinkie." That his person is very remarkable, and he is generally known. The said Indian is perfectly well known to this deponent, and was located as born on the roll of Tuckabatcha town, on the north of section 23, township 13, range 24. The said Indian was, as this deponent is informed and believes, raised in the family of the Big Warrior, and has for many years resided with a part of that family in Tuckabatcha town, on the west of the Tallapoosa river. That Capt. William Walker, as this deponent was informed and believes, was connected with the family of the "Big Warrior," by living with one of his daughters as a wife. That he had a store of Indian goods, either as whole or part owner, in the town of Tuckabatcha for a long time, where he spent a considerable portion of his time.

That Captain Walker was present at the time the said Indian sold (as his) land in the presence of the agent, east half of section 27, township 18, range 23, which lies in the town by Tallassee, on the east side of the Tallapoosa river. That it was understood, before the agent, that Capt. Walker was one of the company for whom said Coker was acting as agent, and said Walker remarked that he was pleased that the land was valued at \$300, as he had rather buy such pieces than those at \$50.

That this deponent believes that Captain Walker paid said Indian the money. That the real owner of the east half section 27, township 18, range

23, is named Fushatcha. That he did, at the time of said certifying, live with, and has been reputed, a Tallassee Indian, and that he is another and a different Indian from the one who had the land certified as aforesaid.

JOHN T. BROOKS.

Sworn to, and subscribed before me, this 24th day of April, 1835.

JOSEPH L. CLOUGH, *J. C. M. C.*

B.

Personally came Tustanugga Chopko, who being duly sworn, through Sandy Munach and Chesley D. Strange, interpreters, (sworn truly to interpret,) deposed and saith, that he is one of the chiefs of Tallassee town: that Fushatcha is an Indian of Tallassee: that *he* has lived at the place where he now lives eight or ten years: that Fushatcha's children were very small, when he first came where he now lives: that they have since grown up: that he has always understood that he was located where he lives: that the Indian now produced is the Fushatcha of whom he deposes: that U-bock-ho-latta is another and different Indian, a Tuckabatche Indian: that he knows him perfectly: that he has never lived, nor been, for any length of time, among the Tallassee Indians: that U-bock-ho-latta was raised and lived among the family of the Big Warrior.

TUSTANUGGA ^{his} × CHOPKO.
mark

Sworn this 25th April, before me,

WM. M. CHAPMAN, [L. S.]
Justice of the Peace of Macon county.

C.

Personally came before me, Chesley D. Strange, who being duly sworn says, he has known Fushatcha about two years: has always understood him to be a Tallassee Indian: soon after the location, was at the place of Fushatcha's residence, and understood he was living on the land he had been located on: knows the Indian who goes by the name of "Blinkie," and has known him for about four years: his person is very remarkable (he is said to be a Tuckabatcha Indian,) and has understood from many persons that his name, in Indian, was U-bock-ho-latta: he is another different Indian from Fushatcha: Fushatcha always refused to sell his land until after he was convinced that an attempt had been made to procure his land by fraud: that Thomas W. Coker, who procured the land east $\frac{1}{2}$ of section 27, township 18, range 23, certified, has since acknowledged that the Indian known by the name of "Blinkie," and whose Indian name is U-bock-ho-latta, was the Indian presented to the Agent, and the agent certified the contract as having been made by Fushatcha: that the deponent and Wm. M. Moore, served a citation upon said Coker to appear before the agent with witness, and the Indian who was presented to the agent, and receive the certificate of contract: that Coker replied he should not attend, he knew the Indian he presented was the wrong one: that he would be held responsible to the company for whom he purchased the land, in case it should be rectified: that if he could be made safe, he would assist us, (the deponent and Moore,) and would be satisfied with an interest in the

land, and if we would agree to *that* he would assist us. This was refused by this deponent. Coker then asked this deponent what he (this deponent) would take in money to let the certificate remain as it was, having in his hand at the time two one hundred dollar bills: Coker has, since the last mentioned conversation, called at the store where this deponent was doing business, and asked what this deponent intended to do about the above certified contract, and said we had better compromise it, that it was not "worth while to be tearing one another up."

C. D. STRANGE.

Subscribed and sworn, this 25th April, 1835.

W. M. CHAPMAN,
J. P. Macon County.

D.

STATE OF ALABAMA, *Macon County.*

Personally came before me, the subscriber, judge of the county court of Macon county, John T. Brooks, who being duly sworn, deposeth and saith, that this deponent was present at Tallassee when Robert W. McHenry, the certifying agent, certified the sale of the east half of section 27, township 18, range 23: that the person who was presented by Thomas W. Coker, as the Indian who owned the land, was named U-bock-ho-latta, who is well known by the white settlers by the name of Blinkie: the said Indian is perfectly well known to this deponent, and was himself located as born on the roll of Tuckabatcha town, on the N. of 23, 13, 24, and further saith not.

JOHN T. BROOKS.

Subscribed and sworn, this 24th April, before me.

JOSEPH P. CLOUGH, J. C. M. C.

E.

Personally came Littlebury Strange, who being duly sworn, says, that U-bock-ho-latta has been known to this deponent for the last four years; during which he has lived with the Tuckabatcha Indians, and been known as one of them: he is born on the roll of that town, as located on the N. of 23, 13, 24: he is generally known, being very remarkable in his person, by the name of Blinkie: since the sale of the land has been certified on the procurement of Thomas W. Coker, he (Coker) has acknowledged to this deponent that U-bock-ho-latta was not the owner, nor located on E. half 27, 18, 23, to which he (Coker) procured the said Indian to sell and have certified: that he had been imposed on by the Indian: that if Chesley D. Strange, whom he had understood was the purchaser of the real Indian, would permit him, he (Coker) would pay the *real Indian*. This being refused, that he (Coker) would, if Strange would give him a third of an interest in the land, procure it certified to the right Indian, and cancel the first. On this being refused, he said he had transferred his interest to Captain Walker, and that he (Coker) *could not* be the loser of the whole, and he must try to arrange it so that Captain Walker would be the loser.

L. B. STRANGE.

Sworn to, and subscribed before me, this 25th day of April, 1835.

JOSEPH P. CLOUGH, J. C. M. C.

STATE OF ALABAMA, *Macon county.*

I, Sampson Lancier, clerk of the Macon county circuit court of the county and State aforesaid, do hereby certify that the foregoing are true copies of original affidavits on file in my office: that Joseph P. Clough, before whom affidavits marked A. D. and E. were taken, is the judge of the county court of said county: that William M. Chapman, before whom affidavits marked B. and C. were taken, is an acting justice of the peace of Macon county. Given under my hand and seal (having no seal of office) at office, the 21st day of September, 1835.

SAMPSON LANCIER, *Clerk.* [L. s.]

COOSETAW, CHAMBERS COUNTY,
October 2, 1835.

SIR: Yours of the 12th ultimo, with an enclosed copy of Mr. L. Clough's letter of 1st ultimo, to the Secretary of War, I have just received. I will postpone a full explanation to the letter on the contracts, which he has reference to, until I go to Macon county. I will then be able to show you how far Mr. Clough's letter should be credited. I will simply state that every charge he has made against me is false, which I will make it appear to you without a doubt. I am much gratified that Colonel Hogan has the case to investigate, for I am perfectly willing that a public officer should examine every transaction of mine.

I am, Sir, very respectfully,

Your obedient servant,

ROBERT W. McHENRY.

To E. HERRING, Esq.

Agent of Indian Affairs.

FORT MITCHELL, Oct. 15, 1835.

SIR: Has Doctor McHenry instructions to continue certifying contracts since the order of the 28th April last, directing him to suspend the certifying of all contracts? It appears he investigates a case, and recertifies to it. The other agents, General Sanford and Judge Tarrant, I understand, say they have never received any order to certify since the 28th April, and the fact that the Doctor alone continues to certify, has given much dissatisfaction, and I am called on daily to know why it is that Dr. McHenry can certify, while the others cannot. To gratify the various persons who continue to make this inquiry, I now write for information. There remains much land to be sold that has never been certified, and it would be well to authorize the agents to open their offices for the sale of such. But the resale of such as are said to be fraudulent, should be prohibited until the Department acts on my report, which I am ordered to make, after I go through with the investigation.

I have the honor to remain,

Your obedient servant,

JOHN B. HOGAN,

Sup. Creek Em.

To the Hon. E. HERRING.

COLUMBUS, GEORGIA, *October 16, 1835.*

SIR: 'The undersigned' beg leave respectfully but frankly, to address you upon a subject of deep interest to themselves personally, and of some interest to the community in which they live.

Soon after the last treaty was made and ratified between the Creek Indians and the United States, the lands surveyed, and the location of the reserves made, the undersigned, in common with hundreds of other citizens of Georgia and Alabama, embarked in the purchase of lands from the Indian reserves; and, in doing so, they conformed in all respects to the provisions of the treaty, and the instructions of the Government to its agents.

The undersigned met with little or no difficulty, until about the 1st of February last, when the Indians, with a view to emigration during the ensuing spring and summer, became generally anxious to sell their lands, and an unusual number of contracts were made and certified in due form. Owing to the fact, that a large proportion of those contracts fell into the hands of certain persons and companies to the exclusion of others, hostility to the purchasers was excited, and complaints made to the Department that a considerable number of *those* contracts were fraudulent. What was the precise nature of the complaints, or by whom made, the undersigned do not know; they are informed, however, that no particular purchaser has been accused; no particular contract impeached; and that no Indian has made any complaint. The charge seems to be particularly general and sweeping in its character and terms, that most of the contracts are *believed* to be fraudulent, since a particular date. Had the charge been so specific as to present an issue, the undersigned would have met it long since, had it applied to them; but being so general and loose, neither designating persons, time, place, or circumstance, they believed the Government could not regard or act upon it: but in this they were disappointed. After General Sanford had ceased to act as certifying agent, and after the above complaints had been submitted to the Department, he was instructed to return to his post and investigate all impeached contracts. The undersigned, relying upon the justice of their cause, and believing that the matter would be urged to a *speedy* and *final* conclusion, submitted without a murmur to the course pursued. General Sanford, in pursuance of his duty; issued his printed handbills, notifying all persons concerned, of the time and place, when and where, he would commence his investigations, and inviting all persons, concerned or not, to come forward and make full and free disclosures of any known fraud. The same information was disseminated amongst the Indians as extensively as possible, and delivered to them on two separate occasions in open council. How long the agent remained at his post, and what complaints, and of what nature, you have no doubt been officially informed. The undersigned did hope that at this point the controversy would end, and that their contracts would have been submitted to, and approved by the President, and they do now most earnestly protest against any further delay of their rights or attempt at investigation, at least until a charge more specific and regular shall be made, so that each contract may stand or fall upon its own merits. The undersigned pray you to remember that they have once been cited to appear before the Government examining agent to defend their rights, that they did appear and were ready to meet any issue that might be presented, and that none was presented. They also pray to remember that, since that time, important wit-

nesses have removed to other sections of the country, and they have no legal means of obtaining their testimony. They never have objected to giving a reasonable time for complaints to be made, and sustained if possible; but they believe that a much more than a reasonable time has already been given, and that all further delay and all further trouble and expense, to which they may be exposed, is vexatious and oppressive. The undersigned are informed that, upon the reception of General Sanford's final report, all contracts which had been certified by him, were about to be submitted to the President for his approval, and would have been submitted and approved, but for the reception of a communication to the Department purporting to have been written by the two principal chiefs of the lower Creek nation. What was the particular character of that communication the undersigned do not know; but they have been informed that it contained substantially a charge of collusion between General Sanford and the purchasers. That although the agent professed to offer an opportunity for investigation, yet that he entrenched himself within the limits of this town, and that the purchasers by force, fraud, and menace, prevented the Indians from crossing the bridge, and coming to the agent's office. This letter the undersigned allege, and will, if necessary, prove never originated with the Indians, but was suggested and forged by two interested white men, who, as we verily believe, bribed the Indians to pursue that course. The letter we pronounce to be *basely false and slanderous*. It is true, that General Sanford did remain in this town, and it is also true, that at the same place had all his business been transacted, and we humbly conceive it was, and is, the proper place for all investigations to be had. It is *not true*, that the Indians were by fraud, menace, or force, prevented from crossing the bridge, or visiting the agent's office; on the contrary, the bridge was open and free for them to pass, and hundreds actually did pass daily as they were previously and subsequently in the habit of doing, without molestation or expense. This communication, the undersigned are informed, led to the appointment of a new investigating agent, (Colonel Hogan) with whose instructions they were wholly unacquainted. Against this appointment, or at least his right to investigate any of the contracts certified by General Sanford, the undersigned do protest, at least until it shall be ascertained from a previous inquiry, that the communication aforesaid was true in fact, and that the Indians have had no chance of making their complaints, if any existed.

The undersigned have said, and they repeat, that they are wholly uninformed as to the instructions of Colonel Hogan; but they are informed that he claims the right to investigate *all* contracts, whether approved or not, and for all manner of causes, and that he proposes to receive as evidence the statements of Indians, and to hold his sessions in the Indian towns in the interior of the nation. To this course, the undersigned do solemnly protest: they hold that, at least in regard to approved contracts, they can be impeached in no other way than by a judicial procedure, when the parties will be entitled to a trial by jury, and when they can decree according to the justness of the case. Thousands of innocent persons have purchased and paid for their lands, built their houses and opened plantations, and if those titles are thus to be assailed, a scene of confusion and ruin will ensue discreditable to the Government, and too intolerable to be borne. Those titles rest upon the provisions of the treaty, the act of the Government agent, and the solemn approval of the President, and if they are all a farce, all confidence in the Government is justly forfeited.

By the laws of the States of Alabama and Georgia, even Indian *testimony* is inadmissible. The undersigned beg leave to inquire how, or by what authority, are their rights to be affected within the limits of either of those States by the *statements* of Indians, when, by the laws of these States, and whose validity none will dispute, even Indian evidence is illegal and inadmissible.

The undersigned claim no special exemption, but they do claim the benefit of those laws applicable to all cases, and all persons, within these States. They wish it to be understood, that this is no technical objection, but that its foundation is laid not only in the law, but in justice and experience. With those well acquainted with the Creek Indians in their present degraded and fallen state, it will be universally admitted, that no confidence can be placed in their veracity, especially when their interest is at stake. As conclusive evidence of this, we need only refer to the communication from the *two principal chiefs* of the lower Creeks to yourself, above mentioned. They were tampered with by white men, and have not hesitated to state to you, *in writing*, a string of palpable falsehoods. If a more pertinent instance be wanting, one of those very chiefs (Epha Emarthla) has complained to Col. Hogan that his land had not been sold by himself, and requesting that when the case was gone into, a particular negro should interpret, who would say that he *had not sold*, and by no means to permit Carr to interpret, for he would say that he *had sold*. Now, in regard to this man, it is susceptible of proof from several of our most respectable citizens that he *did* sell, and was in *person certified*. Hundreds of similar cases might, if necessary, be cited. The undersigned pray that the evidence of such persons, much less their statements, may not be received against their own oaths, the attestation of the deeds, and the certificate of the Government's own agent.

If further investigation is to be had, the undersigned protest against its being had at any other place than where the contracts were made. It is known to you that travelling is not entirely safe in some parts of this nation, and we believe that men who are able and willing to influence the Indians to write you palpable falsehoods, would be able and willing to influence them to render exceedingly hazardous the travelling of their opponents through the interior of the nation. Moreover, it will be remembered, that purchasers have no legal means whereby to coerce the attendance of their witnesses before the agent at any place of his appointment, and it is not likely that witnesses would voluntarily incur the danger and privation incident to such travelling. The undersigned, now, here state distinctly, that if this mode of procedure is persevered in, they cannot and will not incur the hazard, and must leave the agent to pursue his own course and one-sided investigation.

In regard to the alleged frauds, the undersigned beg leave to say, that in every instance the agent inquired most particularly as to the identity of the Indian, his willingness to sell, the price to be paid, and the fairness of the contract, and in every instance where there was the least uncertainty, his certificate was withheld. During the time of passing the contracts complained of, either Benjamin Marshall or Paddy Carr, in almost every instance, acted as interpreter for the agent. Those men are very intelligent, and are also very generally acquainted with the lower Creek Indians. Now, we ask, if it is reasonable to suppose that it was possible, in the nature of things, that many wrong Indians could have been palmed upon both agent and interpreter.

In conclusion, the undersigned beg leave to recapitulate that long since they made many purchases of Indian reserves; that they paid their money; that evidence of all this is now before the Department, and is attested by the Government's own agent; that up to this time no contract has been impeached; that time and opportunity has been given for complaints and none yet made; that many contracts were made long before the time at which it is alleged the frauds commenced, against which not a word has been uttered, and which are also withheld. Now we do respectfully and earnestly urge that our contracts be forthwith submitted to the President for his approval, and, in default thereof, we shall feel that justice has been withheld from us, and that upon every principle of fairness, the Government will be bound to make good any loss that may accrue to us.

Respectfully, your obedient servants,

ELI S. SHORTER.
SHORTER & SCOTT.
SHORTER, TARVER & CO.
J. A. HUDSON.
HUDSON & FONTAIN.
HUDSON & McDOUGALL.
ALEX. J. ROBESON & CO.
WELLBORN & ROBISON.
LUTHER BLAKE.
BLAKE & CARR.
G. W. DELLINGHAM & CO.
J. J. FANNIN & CO.
JNO. D. HOWELL & CO.
McDOUGALD, HOWELL & CO.
J. W. WOODLAND.
PEABODY & WOODLAND.
POWELL & WATSON.
DANIEL McDOUGALD, by his
attorney, Jno. Peabody.
McDOUGALD & MILLS.
N. B. POWELL & CO.
T. J. WORSHAM.
WORSHAM & CALHOON.
WILLIAM ELLIS.

To the Honorable SECRETARY OF WAR.

MARDISVILLE, ALA. *October 17, 1835.*

SIR: Your letter of the 9th ult. has been received, in which I am informed that J. B. Hogan has been appointed to examine into every case of alleged fraud in the sales of Indian reservations. On the receipt of your letter I had just concluded my investigations, which had been carried on in the towns and in their neighborhood. Throughout the district some few cases only remain to be investigated, in which white testimony is to be taken. I can now at any time make my report, but will wait until Col. Hogan arrives.

I am sir, very respectfully,

Your most obedient servant,

LEONARD TARRANT.

ELBERT HERRING, Esq.

Office Indian Affairs, Washington City, D. C.

GERARD, ALA. *October 17, 1835.*

SIR: Some time since, myself and Benjamin Marshall, witnessed a letter written for, and signed by Ne-ha-micco, Efi Emarthler, &c. directed to yourself. From the course subsequently pursued, it would seem that the letter in question has had an influence not warranted by the facts, and I feel it my duty in justice to all concerned to set the matter right. The two chiefs mentioned are near neighbors of mine; I know them well and am in the habit of daily intercourse with them. The letter was suggested, (not by the Indians) but by two interested white men. Ne-ha-micco has subsequently stated to me, that he knew nothing about the subject matter of the letter, but had been told and urged to do as they did by Dillance and Chapman, two white men, who had paid a lawyer for writing the letter. Many of the statements contained in the letter are not true of my own knowledge. Gen. Sanford gave public notice to all concerned of his willingness to investigate any contract, and his readiness to do ample justice in every case. He invited all persons, whether concerned or not, to make full and free disclosures of any frauds which were known to have been perpetrated. He invited the Indians to come forward and complain if any had been injured. He disseminated the information amongst the Indians as far as possible, and his message to the above effect was delivered to them, in two public councils. I reside near the bridge and was in the daily habit of crossing and re-crossing, and do know that not the slightest effort was made to prevent the free and safe ingress and egress of any Indian to the town of Columbus, and in fact hundreds did really pass and re-pass daily, as they were in the habit of doing. I know of no instance in which an Indian was, by fraud, force or in any manner prevented from approaching the agent. I have heard of no instance and do not believe that any such exist.

As to the alleged frauds, I will not say that none was committed, but I do say that in regard to those certificates particularly complained of, either Benjamin Marshall or myself, in almost every instance acted as interpreters, and I know no case of frauds myself, and am very generally acquainted with the Indians who were certified.

The protracted course pursued in the land business, is exercising and will continue to exercise a pernicious influence over the emigration; for the Indians generally indulge the hope that they will get back their lands, or be paid more money, and whilst this hope exists they will not emigrate. There are not wanting white men to impress this upon the minds of the Indians, and hundreds who are generally and well known to have sold their lands long ago, are now refusing to emigrate under the delusive hope of getting back their lands. The situation of the Indians is daily becoming worse, and nothing can save them from total ruin but a speedy emigration. I therefore feel it a solemn duty to my unfortunate countrymen, respectfully, but firmly to urge upon the Government a speedy disposition of the land controversy, that the Indians may at once know their true situation and be prepared to act accordingly. Delay is the very worst thing that can now happen to the Indian. So long as the Indians remain and are tampered with by the interested white men, so long will they be dissatisfied with the disposition of their lands, and with all that the Government can do in regard to them, but they will at once submit to whatever may be done by the Government, so that it be prompt and final.

PADDY CARR.

To the HON. SECRETARY OF WAR.

TALLASSEE, *October 24, 1835.*

SIR: I commenced the duties assigned me, of investigating the complaints made by the Indians of frauds in the sale of their lands: in this town we had fifty cases, thirty-one of the same no defence was made, the parties refusing to appear and contest the cases; in Coosawda there was seven cases; in Chehan, three; and in Tuskegee, six. I shall make in detail a full report as soon as I get through Dr. McHenry's district.

It appears that the parties to the frauds have determined very wisely to make no defence, for fear of being made known to the Indians; and it is a singular fact, that in calling over the names of the Indians in each town, the chiefs at once said the lands had been sold, and named the bona fide purchaser, and vice versa not sold, and in every case we find the declaration of the Indian chiefs to be true.

I have the honor to remain,

Your obedient servant,

JOHN B. HOGAN,

Sup. Creek Emigration.

To the Hon. E. HERRING;
Washington City.

Extract of a letter from John B. Hogan, Superintendent Creek emigration, to the Secretary of War, dated Tallassee, 28th October, 1835.

I have been engaged in conjunction with Dr. McHenry, investigating the frauds; we have gone through eight or nine towns, that have assembled in Tallassee and Tuckabatchee squares, and have had no great difficulty in most cases; the stolen land being given up without a contest; but still many knotty and difficult cases have been presented, and decided on in the best manner I could, to do equal justice; but much complaint and difficulty have arisen in the locations, and many prominent Indians have had no lands at all, owing to the loose manner in which the rolls have been copied, and I have been compelled to say to them, that I would send their names to the Department, but I could not assure them that they would obtain land. Even this condescension of placing their names on the roll seemed to the highly gratifying to them.

We leave here to-morrow for the upper towns on the Tallapoosa river, and from what I can now foresee, it will take some considerable time before I can make my report in detail; but when you get it, I flatter myself that the Department will have little or no trouble on this subject. The special references that have been made to me, shall be attended to after my return from above.

From all I can learn, see, and believe on the subject of Creek matters, I am satisfied that if authority is given during this winter, to certify the sale of Creek lands, and have it done in the presence of the chiefs of each town, and on particular days, so that no further frauds can be committed on them, and the sale of the orphan's land is ordered and effected, that by the 1st of April, the whole nation will be on the move westward. This winter should be devoted to the closing of all their affairs, and by spring they will be ready.

I have the honor to remain,

Your most obedient servant,

JOHN B. HOGAN,

Sup. Creek Emigration.

TALLASSEE, November 2, 1835.

SIR: I returned here to-day from the upper towns in Doctor McHenry's district, and have closed the investigation in that part of the nation, and restored a great deal of land that has been fraudulently transferred to what is termed the land stealers. In almost every instance the thieves made no defence, but gave up the lands, and admitted that the right Indians had not sold the land to them. Major Abbott, who has acted as secretary to us in this investigation, will prepare a report in detail, and have it ready by the time I can return from Mobile, whither I am compelled to go to attend our circuit court now in session. On my return I shall proceed with Sanford's district, in which, I am told, an immense deal of fraud exists; and I am told they have gone so far in that district as to have men hired to prove every thing they wish. It does appear to me that a few prosecutions for perjury on the bonds would have a happy effect; these fellows laugh at their villany, and openly acknowledge they stole the land. As long as the Government lets them off without a prosecution, they care nothing about the transaction. Your letter of the 15th ultimo, covering a copy of O. K. Freeman's letter, was received by me the morning I left here, and notified Mr. Freeman and Doctor McHenry of its reception, and postponed the examination until we could get through the other business. Dr. McHenry states to me that he had been in the habit of charging the purchasers money, say fifty, one hundred, or one hundred and fifty dollars, as the case may be, when he leaves his house and goes into an Indian town to certify for the accommodation of the purchaser, that he has never made any secret of such transactions, that he has always been in the habit of doing so, and that he will hand me his statement as soon as he returns from the old settlements, where he has gone for his wife and family. Mr. Freeman addressed me a letter, a copy of which and my answer is herewith enclosed. Much anxiety and interest exists among the speculators to have orders issued to the certifying agents to certify such lands as have been given up, and if such orders were issued before the Department acted on my report, I believe nothing could prevent a similar system of roguery from being practised, and, as the Indians will not emigrate this winter, it will be time enough to open the offices in January next for the sale of all the lands reverted and remaining unsold. Opothleholo has declined emigrating this fall, and alleges, as a reason, that he cannot sell his land, and that there are also a great many Indians who wish to go with him who have not sold, and there is no person here to certify. But all this is a mere excuse, for I am convinced that he had no idea of going this fall, and he has been put up to make this excuse by those who make use of him, and who want the offices open that they may get the land. There are so many at work in this nation at their dirty tricks that it is hard to know who to believe.

I have the honor to remain, your obedient servant,

JOHN B. HOGAN,

Sup. Creek emigration.

To the Hon. E. HERRING,

P. S. I shall want a copy of the census roll of the upper towns of the Creek tribe, taken by Major Benjamin Parsons, and hope that the clerk that makes the copy will be very particular in arranging them under the head of their proper towns, and that each name be spelled exactly as the original. I have already met much difficulty for want of this roll.

J. B. H.

TUCKABATCHEE, October 28, 1835.

DEAR SIR: I have this instant heard that the men who were compelled to give Doctor McHenry \$300, to procure the certificate of a correct claim, have been practised on in this way. They have been told that if they proved the bribe they would lose the land. There are so many singular constructions of the power of these courts of "*special commission*," that if this impression is not removed, I despair of being able to prove any thing; although their action was compelled, and in their ignorance at the time thought necessary.

Respectfully, &c.

O. K. FREEMAN.

To Col. HOGAN.

TALLASSEE, November 2, 1835.

SIR: Your letter of the 28th ultimo was received by me this day on my return from the upper towns in this land district.

You state "that the men who were compelled to give Doctor McHenry \$300 to procure a certificate, have been practised upon, and that they have been told that if they prove the bribe they will lose the land, and that if the impression is not removed you despair of being able to prove any thing." The object of the investigation is to get at the truth; and if these men have given Doctor McHenry \$300 to have the land certified, it cannot affect them if they purchased from the proper owner of the land, and had the right Indian before the agent. I have no power to take the land from them if bought of the right owner; if, however, the bribe was given to have the land sold by another Indian who personated the lawful owner, then indeed they may fear the investigation they have invited. Doctor McHenry has gone into Shelby county to meet his family, and I shall go to Mobile and be back in three weeks, and will give you timely notice of my return to this place, when we will investigate these charges.

I have the honor to remain,

Your obedient servant,

JOHN B. HOGAN,

Sup. Creek Emigration.

O. K. FREEMAN, Esq.

TALLASSEE, Nov. 2, 1835.

SIR: I returned here to-day from the upper towns, in Doctor McHenry's district, and have closed the investigation in that part of the nation, and restored a great deal of land that has been fraudulently transferred to what is termed the land stealers; in almost every instance the thieves made no defence, but gave up the land, and admitted that the right Indian had not sold the land to them. Major Abbott, who has acted as secretary to us in this investigation, will prepare a report in detail, and have it ready by the time I can return from Mobile, whither I am compelled to go to attend our circuit court now in session; on my return, I shall proceed with Sanford's district, in which, I am told, an immense deal of fraud exists; and I am told they have gone so far in that district, as to have men hired to prove

every thing they wish. It does appear to me, that a few prosecutions for perjury, on the bonds, would have a happy effect; these fellows laugh at their villany, and openly acknowledge they stole the land. As long as the Government let them off without a prosecution, they care nothing about the transaction. Your letter of the 15th ultimo, covering a copy of O. K. Freeman's letter, was received by me the morning I left here, and notified Mr. Freeman and Doctor McHenry, of its reception, and postponed the examination until we could get through the other business. Dr. McHenry states to me, that he has been in the habit of charging the purchasers money, say 50, 100, or 150 dollars, as the case may be, when he leaves his house and goes into an Indian town to certify, for the accommodation of the purchaser; that he has never made any secret of such transactions, that he has always been in the habit of doing so, and that he will hand to me his statement as soon as he returns from the old settlements, where he has gone for his wife and family. Mr. Freeman addressed me a letter, a copy of which, and my answer, is herewith enclosed. Much anxiety and interest exist among the speculators, to have orders issued to the certifying agents, to certify such lands as have been given up; and if such orders were issued before the Department acted on my report, I believe nothing could prevent a similar system of roguery from being practised; and as the Indians will not emigrate this winter, it will be time enough to open the office in January next, for the sale of all the land reverted and remaining unsold. Opothleholo has declined emigrating this fall, and alleges as a reason, that he cannot sell his land, and that there are also a great many Indians who wish to go with him, who have not sold, and there is no person here to certify; but all this is a mere excuse, for I am convinced that he had no idaa of going this fall, and he has been put up to make this excuse, by those who make use of him, and who want the offices open, that they may get the land. There are so many at work in this nation at their dirty tricks, that it is hard to know who to believe.

I have the honor to remain,

Your obedient servant,

J. B. HOGAN,

Sup. Creek emigration.

To the Hon. E. HERRING.

P. S. I shall want a copy of the census roll of the upper towns of the Creek tribe, taken by Major Benjamin Parsons, and hope that the clerk that makes the copy, will be very particular in arranging them under the head of their proper towns, and that each name is spelled exactly as the original; I have already met much difficulty for want of this roll.

TUCKABATCHEE, *October 28, 1835.*

DEAR SIR: I have this instant heard that the men who were compelled to give Doctor McHenry \$300, to procure the certificate of a correct claim, have been practised on in this way. They have been told, that if they prove the bribe, they will lose the land. There are so many singular constructions of the power of these courts of "special commission," that if this impression is not removed, I despair of being able to prove any thing; although

their action was compelled, and in their ignorance at the time, thought necessary.

Respectfully, &c.

O. K. FREEMAN.

To Col. HOGAN.

TALLASSEE, Nov. 2, 1835.

SIR: Your letter of the 28th ultimo, was received by me this day, on my return from the upper towns, in this land district. You state that the men who were compelled to give Doctor McHenry \$300 to procure a certificate, have been practised upon, and that they have been told that if they prove the bribe they will lose the land, and that if the impression is not removed, you despair of being able to prove any thing. The object of the investigation is to get at the truth, and if these men have given Doctor McHenry \$300 to have the land certified, it cannot affect them, if they purchased from the proper owner of the land, and had the right Indian before the agent. I have no power to take the land from them, if bought of the right owner; if, however, the bribe was given to have the land sold by another Indian, who personated the lawful owner, then indeed they may fear the investigation they have invited. Doctor McHenry has gone into Shelby county to meet his family, and I shall go to Mobile, and be back in three weeks, and will give you timely notice of my return to this place, when we will investigate these charges.

I have the honor to remain,

Your obedient servant,

J. B. HOGAN,

Sup. Creek emigration.

O. K. FREEMAN, Esq.

TALLASSEE, Nov. 3, 1835.

SIR: I returned to this place on yesterday, from the upper towns, in this land district, having closed on Sunday evening, the examination of Doctor McHenry's district, in Chattoksofkar (old Meneroways town, in the vicinity of the Horse Shoe;) the greater portion of the lands in that town had been fraudulently certified to, and the investigation appears to give general satisfaction to the Indians, as well as whites, who wish to have the titles removed from the difficulties that heretofore surrounded them. On my return last evening, I learned from Major _____ that Opothleholo had declined going this fall, and that on the day assigned for a council to deliberate on the subject, they had all got into a frolic, and he was just recovering from its effects. This morning I received a message from him, requesting me to ride down and see him, that he was quite unwell, or he would come up and see me; accordingly I rode down to his house, two miles on the opposite side of the Tallapoosa, and found Tuchabatchee Mico, and the Mad Blue, the three principal men of the nation. Opothleholo commenced by speaking of this illness, and having fever every other day, and then his great desire to talk freely with me, as the agent of the Government, and his regret that it would be out of his power to go this fall; that his people were

in debt, and had drawn orders on the principal chiefs, to be paid out of the annuity; that he had learned with regret, that their father, the President, had sent word, that his people in Alabama should have no more annuity; that he relied on me to make their condition known to their father at Washington; that unless another annuity was paid here, the principal chiefs would be ruined; that they would all go this fall if they dare, but that if they attempted to go before their debts were paid, their creditors would seize on their negroes and horses, and would ruin them; that what they told me they would do, I might rely on their fulfilling their promises, &c. In reply to them, I told them that the President, their great father, had never ceased to look to their interest, and had a regard for all the wants and difficulties that surrounded their people; that if he were anxious that they should remove, it was because he knew they could not remain here and exist as a nation; that to save them, he had repeatedly urged them to go to the home prepared for them, where they would have none of the difficulties that now surrounded them; that such word had been sent to me, to tell these people that no more annuities would be paid here; that I would give them no positive assurance that that order would be changed, nor did I believe it would, unless the President was well assured that the whole Creek nation would then get up and go; but that if they would give me their solemn promise to go early in the spring, I would write to the President, and state their wishes, but I could give them no assurance that the annuity for the year 1836, would come and be paid here. They then assured me most solemnly, that they would go early in the spring, whenever I said the word, and that the whole nation, with the exception of Tuskena, and such as he could influence, should go with them; they then pledged themselves to me, that they would give out the broken days, and convene the chiefs in a general council, in 20 days from this time, when they would give out their talk, *that no more corn* should be planted here, and that all must be ready to come into camp when I gave them the broken days; that it would suit their people best to go in the spring, as many of them had no clothing and no shoes to travel in cold wet weather, such as we now begin to have, but in the spring all could and should be ready; their land could be sold and certified to; those who had their lands stolen would get it back, and could sell it; their cattle, which was now scattered in the woods, could be collected and disposed of, and all their matters, of every description, attended to; and the Indians should be ready by the 1st day of April. I reminded them of the absolute necessity of being candid, and confiding with the agents of the Government; that if I found them false, I should never have any more confidence in them. They again and again assured me I might rely on their promise, and I must confess to your Excellency, that until this day, I have had little or no confidence in their professions, but now I have, and I have no doubt but that these chiefs will strictly comply with their engagement; and should your Excellency determine to pay the next annuity due the Creeks east of the Mississippi, the money should be here by the 15th April, to be paid them after they go into camp, and let them move off the next day after they receive it and pay their debts. If this arrangement is made, I have no doubt but that I can confidently assure your Excellency, that from ten to fifteen thousand of these people will be on the way to Arkansas before the first June next.

The circuit court of Mobile county, convened on Monday, and I am compelled to be there next week. I shall leave this place for a short time,

but shall soon return, and continue the investigation through Sanford's and Tarrant's districts.

I have the honor to remain,

Your obedient humble servant,

J. B. HOGAN,

Sup. Creek emigration

To his Excellency ANDREW JACKSON.

TUSKEGEE, January 1, 1836.

DEAR COLONEL: I have just received a letter from Doctor Robert W. McHenry, the contents of which I deem it my duty to give the earliest information of: a copy of it is as follows:

"TUCKABATCHEE, December 31, 1835.

"SIR: I wish to complete my new record book, and I cannot do so until I get the list of reversed contracts, and I am also instructed to certify to certain reversed contracts which I cannot do until I get the record. I wish you to send the roll by the bearer of this. I want to complete the business which I have on hand, and then resign, and leave the troublesome business to some other person.

Your obedient servant,

ROBERT W. McHENRY."

"I shall remain at Tuckabatchee until the messenger returns."

To this I returned the following reply:

DECEMBER 31, 1835.

DEAR SIR: Your letter of the date of this morning from Tuckabatchee, I have just received, with the request that I should forward you by the bearer (Sandy) the roll of reversed contracts, in order to complete your new record book and for other purposes. I sincerely regret, from the situation in which I am placed, I am unable to comply. An extract from my instructions will be sufficient to satisfy you in this particular; it is as follows: "the books and papers placed in your hands, are a sacred deposit in your charge, and you will allow no one to open or inspect any of them, or take copies of any part of any of the books or any papers placed in your possession by me." The withholding of all papers entrusted to my keeping by Colonel John B. Hogan, to whom I am in this business subordinate, until other orders from him on the subject, you will at once perceive to be but in accordance with my duty, and I do not, therefore, deem it necessary to offer other or further apology on the present occasion for so doing, though I should be much pleased, did I feel at liberty, in the present instance, to act otherwise. I expect Colonel Hogan daily; the delay, if any, will not be long, and consequently not much inconvenience can ensue. On his arrival, I have no doubt but that he will immediately cause such papers to be forwarded as you may be in need of.

Very respectfully, &c.

THOMAS J. ABBOTT.

Doctor R. W. McHENRY.

We are all anxiously awaiting your arrival, but as our expectations have not been realized as to the speediness of the time, and fearful that you might yet longer be detained, I have thought it advisable to write you for further orders on the above subject.

Very respectfully,

Your friend and obedient servant,

THOMAS J. ABBOTT.

Colonel J. B. HOGAN,

Superintendent Indian Emigration.

TUCKABATCHEE, *December 31, 1835.*

SIR: I would wish to see you before you complete your report or return of the reversed contracts. I am calling in all the contracts which have been certified and not returned to the office; and all those which have been recertified to I wish to lay before you at as early a day as possible for your inspection, according to the instructions of the Department. I wish to complete my new record book as soon as possible, and then I have determined to ask leave of the Department to resign, and leave the troublesome business to some other person.

Your obedient humble servant,

ROBERT W. McHENRY.

To Colonel J. B. HOGAN,

Tuskegee, Alabama.

Extract of a letter from Colonel J. B. Hogan to the President of the United States, dated Tallassée, November 3, 1835.

"I returned to this place on yesterday from the upper towns in this land district, having closed on Sunday evening the examination of Doctor McHenry's district in Chattoh Sofkar, (old Meneway's town, in the vicinity of the Horse Shoe;) the greater portion of the lands in that town had been fraudulently certified to, and the investigation appears to give general satisfaction to the Indians, as well as whites, who wish to have the titles removed from the difficulties that heretofore surrounded them."

COLUMBUS, GEO. *November 10, 1835.*

HON. SECRETARY OF WAR:

SIR: I hold that any individual in this community, who is aggrieved by the acts of any public functionary, has the unquestioned right to utter his complaints in a firm and respectful manner, and that it is the duty of such functionary, calmly and fairly to hear such complaints, and when they are well founded, to redress them: I think that such is the present situation of things between you and myself, and what is *my* condition, is that of many others similarly situated. The records of your office will show that in different ways, I have been an extensive purchaser of Indian reserves in the Creek nation and have paid away large sums of money, to enable me to do which, I have sold one hundred and ten slaves and my real

estate, the latter at twenty-five thousand dollars, and indeed have vested my whole substance made by a lifetime of incessant labor. In this adventure, I relied implicitly upon the validity of the treaty, the laws of Alabama, and the integrity of the Government; but truth and a due regard to my own rights compel me now to doubt whether my confidence has not been misplaced. The truth may sometimes be unpalatable, but it is not the less necessary that it should be uttered. With the terms of the treaty, the powers of the certifying agents, and the general course of business up to about the first of February last, you ought to be, and doubtless are, familiar. Up to that time, no complaints were uttered by either the white man or the red, and previous to that, thousands of contracts were made, certified, and *approved*, since which, honest and innocent farmers have purchased the same lands, gone into possession, built their houses and opened their farms.

About the time mentioned, a clamor was gotten up by a company of speculators, who, I will venture to say, have committed two frauds to any other man's one, and a loose, general, and intangible charge was made, that divers frauds had been committed in substituting wrong Indians in place of the true owners of the land; no particular case, person, time, or circumstance was given. This charge, general and loose as it was, met with the most indulgent hearing from you, and what has been obviously miscalled an "investigation," was ordered. Such an "investigation" I will venture to say has never before been witnessed, and I doubt if its like will ever again be seen. It has been an outrage upon every principle of justice, and utterly above all law. To call it arbitrary and tyrannical, would be clothing it in not one half of its enormity. Could it only have been witnessed by those who ordered it, I am sure they would have lost no time in disavowing and annulling it. First, Dr. McHenry commenced his investigations: he visited each Indian town in turn, assembled the Indians around him, and commenced calling over the located roll. When a name was called, any Indian might claim it who chose, and if sustained in it by his chief, he was at once taken as the true owner of the land. He was then asked if he had sold his land. If he answered in the negative, the sale was at once annulled, unless the purchaser would swear that the Indian present was the identical one from whom he had purchased. Now mark the dilemma in which purchasers were placed. Indians in going before the agent for certification, or in going on any other visit from home, generally dress in their best, and when at home, their garb and appearance is quite different, so much so, that after the lapse of weeks or months, no man can identify them, only in a very few cases. But this is not all: suppose the Indian before the agent, to be himself a substitute, and suppose the purchaser to be acquainted with the Indian from whom he purchased, he must in that case swear to a lie or lose property fairly purchased and paid for. I have not done with this spectacle yet. In all these investigations, the agent had at his back and was surrounded by this famous *honest* company of speculators, with whom there is too much reason to suspect him of being directly interested, however utterly it may be impossible to prove it, and as contracts were set aside, they were immediately re-certified to different members of the same company; and that too, at the time when he was under positive instructions not to certify. Whole bundles of these contracts are now in existence, and no doubt will at a proper time be filled out and dated so as to make all *appear* fair, and submitted, for

approval, to the President. This is not all. This agent is yet continued in office, and thus has the power of giving vitality to those contracts which are in truth and in fact null and void. I am not yet done. The contracts thus impeached were made in due form; they were certified by the Government's own agent; evidence of the payment of large sums of money is now before you. The purchaser in every case has sworn that he believed the Indian from whom he purchased, was the true owner of the location. Surely such a contract, so made and authenticated, is *prima facie* valid. That it may be impeached in a proper way, and upon proper grounds, I will not deny; but when impeached, I maintain that the grounds must be plainly and distinctly stated; that the *onus probandi* lies upon the party complaining, and that the cause must be tried by some tribunal, known to the laws or constitution of the county. Such a tribunal as has been instituted is not only novel but wholly irresponsible, and conducts its proceedings without regard to any known rule of law or evidence. To make the case still more glaring and unanswerable, citizens of the United States are summoned before a tribunal unknown, the judge governed by no law, and not even acting under the obligation of an oath, when they are stripped of their property and swindled out of their money, upon the bare naked *statements* of Indians, when, by the laws of the very State within which this court is held, Indian testimony is even inadmissible. But suppose, for the sake of argument, that the contracts are invalid, by whose act were they consummated? Surely by the act of the Government, through its agent. Now if the Government has appointed a fool, or a knave to office, are private persons to bear the loss occasioned by his folly or knavery? Surely the Government is bound to confirm the acts of its agents, or to make good the consequences. The report of Dr. McHenry seems to have left no chance of escape from one of two conclusions, either that he was obviously deficient in *capacity* or integrity. For some purpose best known to yourself, his report seems neither to have been confirmed or rejected, but a new agent (Col. Hogan) was appointed with powers and instructions unknown to the community, but which he seems willing and able to make mean any thing or every thing as happens to suit his purpose. He, too, has commenced investigation, and although I have not had the honor of being present at any of his *courts*, yet I am informed he pursues rigidly the illustrious precedent of his illustrious predecessor, sustains him in every thing, goes even farther than he did, and will no doubt report him to be an efficient officer, and an innocent and persecuted man. Verily, this farce is too shallow to pass with an intelligent community. The circumstances under which Col. H. was appointed to this office, and the consequences which might naturally have been expected to arise out of it, demands a moment's notice. He was lately the chief emigrating agent for the Creek Indians. His office was destroyed by the making of a private contract with certain gentlemen, for the emigration of the Indians, by which "Othello's occupation" was gone. That he was mortified and displeased at this result, and that he was deeply prejudiced against those who superseded him, ought to have been foreseen and his influence guarded against. Instead of this, he was immediately appointed superintendent over the emigration, and appointed judge of the investigating court, with the most ample and fearful powers, and every disposition to exert them to the last extremity. With the result, you have doubtless been made acquainted, and it is a result which ought to have

been expected. The Indians were generally well satisfied, and thousands of them having sold their lands, were ready for emigration. The power given this agent have been so used as to destroy all hopes of emigration and they are now universally dissatisfied, and confidently expecting to get back their lands or to be paid more money. They are fastened down for another year, at least upon the State of Alabama, and thousands having made no crops, must either perish or live by plunder. All this I must say has resulted most naturally from what I respectfully consider the misjudged acts and policy of the Government. No good has or can result to any one. I have said, and I repeat, that the Indians almost universally indulge the hope that they will get back their lands or be paid more money, and surely every act of the Government and its agents for some time back, has been calculated to strengthen those hopes. Col. Hogan, I am informed, claims the power to investigate *approved* as well as *unapproved* contracts, and I am also informed, that this power he has actually asserted and exercised in several cases already. The result of all this, is to excite a very general and well founded alarm throughout the whole community. Those who have purchased, are uncertain whether to go on with their improvement, and those who have not purchased, but wish to do so, are afraid of the title. The agent says, that patents will ultimately have to issue, and that where a contract has been approved and afterwards condemned, that the purchaser will be defeated by a refusal to issue the patent. Is it, can it be possible, that this authority has been given him? Does not the treaty declare in express terms that when a contract is made, certified and approved that a patent *shall* issue? Is not the requisition imperative? And after all this is done, can a patent be withheld for any cause whatever? But this is not all. The President has at numerous times and to numerous persons, declared that patents were unnecessary, that the contracts certified by the proper agent, and approved by him, formed a perfect and good title. Few men, whether friends or foes, distrust the honesty of President Jackson. Now it is not material whether the President was mistaken or not in this opinion; he has said what I have repeated, and the people believe him implicitly, and made their purchases accordingly. This I trust is not now to be used as a trap to ensnare and ruin the unwary and unsuspecting. That the President has repeatedly expressed the opinion imputed to him, I am apprised comes within your own knowledge, and pardon me for saying that this new discovery of the necessity for patents, smells rather strong of a desire to *hunt* for an excuse to injure *American citizens* for the benefit of savages.

I submit to your candid judgment, whether this Indian business is not at best sufficiently complicated, and whether it is not due to the cause of justice and to the situation of the community, no matter what may be your opinion upon the other matters involved, at once promptly to put down all difficulty in regard to *approved contracts*, by instructing the agent in express terms not to touch one of them. That those contracts are generally, if not universally, fair, is very strongly proved from the fact that they are of long standing, and none of them have been complained of or impeached up to the present moment. Now the scene will be changed; the agent is to come to the town, the very home of the Indian, and not only offers, but as the Indian will believe, and has good reason to believe, *invites* and *encourages* him to complain; hundreds and thousands of complaints will be made when the contracts are as honest and bona fide as any that were ever

made. And the inevitable truth is, that there will be just as good a chance to impeach a *good* as a *bad* contract. There is, and can, from the nature of the case, be no *certainty* in any such investigations. You may believe, that your instructions to the agent can give rise to little or no difficulty in regard to approved contracts. I pray you upon this subject to be undeceived in time. It is understood that Col. Hogan is to commence operations in Gen. Sanford's district some time in next month. I am apprised that there are men now engaged in the lower towns holding daily councils with the Indians; urging them to appear before the agent, and universally to complain that their lands have been stolen, or that they have not been paid, instructing them what to do and say, and assuring them of success. These men are of the most worthless order; they are wholly irresponsible; they are seeking to obtain an influence over the Indians, with the hope of getting their lands in the end; and are entirely unable to pay for them when gotten.

That frauds may have been committed in some cases, is probable; that they may have been in some cases by the Indians themselves, sometimes by the white man, and sometimes by concert between the white man and Indian, may all be probable: nay, that wrong Indians may in many cases have been innocently certified, was even to be expected, and could not in all cases be prevented. But put the matter upon the very worst footing, I will venture the assertion, that if the whole business were done away, and the lands re-certified, where there is now *one* fraud, there would then be *ten*.

I may have spoken my views and feelings with too little regard to my words, but to avoid all mistakes, I now here say that I have uttered no word intended to be offensive to you personally. I do believe that a mistaken course has been pursued, that difficulty upon difficulty will arise, and that the shortest and best way to get over them is to approve all contracts that have gone through the formality of certifying. True, this may in some cases do injustice, but this injustice does not and cannot legally be made to appear, and there is no probability, if done over again, that there will be a nearer approach to justice.

Upon the subject of approved contracts, I have a deep interest at stake, indeed all that I am worth in the world is involved, and it is not remarkable that I should feel strongly upon the subject. In regard to unapproved contracts, my interest is comparatively small.

Before Gen. Sanford, I have not an impeached, nor do I believe an impeachable contract. Before Dr. McHenry, I have several. What are the facts in regard to them, I do not know, not having been present when the lands were purchased or certified. I only know that my money was paid for the lands to the last dollar, and that the "investigation" which has been had, has been a mere mockery of justice. Whatever may be the final result, I shall never believe that a deed of conveyance for land, or an Indian contract witnessed by two men, founded upon a valuable consideration actually paid, certified in due form by the Government's own agent, and the identity of the Indian sworn to by the purchaser, can ever be annulled upon the naked denial or declaration of any Indian or number of Indians without a palpable violation of all law, and a total subversion of every principle of civil government. Against such a principle, I protest now and ever.

Is an apology necessary for my troubling you with so long a communi-

cation? If so, I have only to say, that I was reduced to the alternative of doing this, or visiting Washington, and seeking a personal interview with you upon the subject. The present course I deemed most convenient and acceptable to us both. I only ask you to ponder well what I have said; do this, and I shall yet expect justice at your hands.

Respectfully, your obedient servant.

ELI S. SHORTER.

P. S.—I forgot to mention one very important matter in regard to the anticipated investigations in Gen. Sanford's district. Benjamin Marshall was the general and usual interpreter for the agent. He is very generally acquainted with the Indians who were certified; he knows of no fraud; he is on the eve of removing westward, and is by far the most important witness in the nation; an opportunity has been given for investigation when this man was present; it was declined. Shall it now be renewed when this man will be absent? Let justice answer.

CREEK NATION ALABAMA,
November 16, 1835.

To the honorable LEWIS CASS,
Secretary of War.

SIR: We, the undersigned principal chiefs of the lower Creek Indians, some months ago addressed a letter to you containing, as we now understand and are informed, matter with which we were then unacquainted and producing results which we did not expect. We you know are unacquainted with your language, and can neither speak nor write it ourselves; nor can we understand it, when spoken or written to us by others. That letter did not originate with us, or with the Indians. We should never have thought of it, had it not been suggested to, and urged upon us, by two white men who professed to be our friends, and the friends of our people; and who assured us that the letter would greatly benefit us and our people. Under this impression, and without knowing or understanding what were the contents of the letter, we signed it.

We are now informed that the letter contained a complaint in substance, that the investigating agent, General Sanford, had not given our people a fair chance to complain of frauds in the sale of their lands; and that the white men had by fraud, force and threats, prevented our people from going before the agent to make their complaints. If the letter contains any such statement as this, we wish the letter to be considered as never having been written, for it is not true. Our people well know that the agent was ready to hear them; there was no difficulty in their making their complaints, if they had any to make; but we know of no frauds ourselves; we have heard of none from our people, only as they have been prompted to make them by interested white men. We believe it best to

stop all further investigations, for some of our people who are known to have sold their lands, are ready, under the influence of white men, to deny selling; and we believe many of our people in this way, are about to get into trouble.

NE-HA-MICCO,	his x mark.
HO-TUL-GE TUSTUNMUGGA,	his x mark.
EFI-E MARTHLAR,	his x mark.
TOMMY MICCO,	his x mark.
TUCKABATCH FIXICO,	his x mark.

Done in presence of

WM. RIVES;
SAML. R. ALLSTON,
LUTHER BLAKE,
PADDY CABE, *Interpreter.*

COLUMBUS, *November 18, 1835.*

SIR: We feel it our right to directly approach you upon a subject of deep interest to us individually, and to the community in which we live. We appeal to your sense of justice to relieve us and the community, from a state of suspense and oppression, which we do believe has been brought upon us, and continued by the mistaken opinions and policy of the Secretary of War. Our interests have now been suspended upwards of nine months, and we seem to be no nearer to our rights, and to the obtainment of our property, than at first. Hundreds and thousands of substantial and honest farmers relying upon your approval under your own hand of Indian contracts, have purchased settlements in the Creek territory. All things were going on peaceably and pleasantly, the Indians had sold and were selling rapidly, they were all looking forward to, and preparing for emigration to the west, when a hungry and disappointed company of the most voracious speculators in the nation, took it upon themselves to exhibit a comprehensive but exceedingly loose and irregular charge of fraud, in regard to the contracts; and this charge was made with many professions of justice toward the Indians, but without one such impulse of the heart. This complaint has led to results expected and desired by no one. It only requires a little more delay and encouragement to involve in confusion and doubt, every contract that has ever been made with the Indians, approved or not. Already farmers who have purchased approved contracts, are alarmed at the title; they fear to go on with their improvements; and others wishing to purchase, are afraid to do so. In short, two months ago, contracts with *your approval* were universally believed by this whole community to be as perfect as a patent from the Land Office. Now such title is almost universally distrusted.

No one seems to know what is intended, and no one pretends to know what will be the result. This difficulty has resulted from instructions given by the honorable Secretary of War to Colonel Hogan, or to a misconception of those instructions by Colonel H. for he has actually claimed and exercised the right under the powers with which he has been clothed, to impeach and annul approved contracts.

We wish you to be truly and correctly informed as to what has been done, and the present state of the matter. That you may have a full and

distinct view of the whole ground, and of the points in controversy, we respectfully ask that you cause to be submitted for your examination by the honorable Secretary of War, the following documents, to be examined in the order stated: The instructions issued to General Sanford requiring him to investigate alleged frauds; the final report of General Sanford upon this subject; the letter of five Indian chiefs of the lower towns, attested by Marshall and Carr, asking for a re-investigation; the letters of Marshall and Carr, denying the truth of the facts contained in the letter; the instructions issued to Colonel Hogan upon the subject of re-investigation; a communication from ourselves to the honorable Secretary of War of the 16th October; a communication to the same, from Eli S. Shorter, of the instant; a communication to the same, from ourselves, of this date, enclosing the testimony of Marshall and Carr; and a letter from the aforesaid chiefs disavowing their previous letter. To all which we shall add the testimony of General Sanford, so soon as he returns from Milledgeville. We never have for a moment doubted your disposition to (do) us and all others equal handed justice, and so far as you are concerned to decide upon our rights according to the rules and forms of law. Our confidence remains unshaken.

Permit us to say, in conclusion, that further delay is almost certain ruin; for some of us having nearly our all at stake. We urge and pray for a speedy and final decision.

Respectfully your obedient servants,
 SHORTER, TARVAR, & Co.
 SHORTER & SCOTT.
 ELI S. SHORTER.
 G. W. DILLINGHAM & Co.
 LUTHER BLAKE & Co.
 POWELL & WATSON.
 McDOUGALD & Co.
 McDOUGALD & HUDSON.
 J. A. HUDSON.
 PEABODY & WOODLAND.
 HUDSON & FONTAIN.
 J. W. WOODLAND & Co.
 COLUMBUS MILLS.
 I. G. WORSHAM & J. S. CALHOUN.
 McDOUGALD & MILLS.
 SHORTER, TARVER, & SHORTER.
 ELI S. SHORTER & Co.
 WILLIAM C. HILL & Co.
 E. CORBY & Co.
 E. E. BISSELL, & Co.

To the PRESIDENT of the United States.

COLUMBUS, GEORGIA,
 November 18, 1835.

SIR: Yours of the 2d October was received on the 17th instant, enclosing a copy of Mr. Freeman's letter to the Department. At present, I will simply state the charges are false. Neither Freeman nor Dilliard, can es-

establish any part of the charges set forth in the letter. Mr. Freeman has been employed by some of the swindlers or land stealers to defend their cases before me, which I refused, and would suffer no lawyer to interrupt me in the duties of my office. I can attribute his spleen to nothing else. I do not consider him a man of truth or a gentleman.

Colonel Hogan, on his return from Mobile, will investigate the case, and I am perfectly willing to abide by his decision. He will also attend to the charges made by Mr. Clough. That letter I have been creditably informed was also written by Freeman.

Very respectfully,

Your obedient servant,

ROBERT W. McHENRY.

ELBERT HERRING, Esq.

Agent of Indian Affairs.

COLUMBUS, GEORGIA,

November 18, 1835.

SIR: Yours of the 28th August, I received some time back, enclosing an extract from R. G. Haden's letter. I was on the eve of leaving home on a trip through my district for the purpose of investigating the fraudulent claims, and I intended to answer the letter on my return, which slipped my recollection until the present.

As respects my exacting of two dollars on each contract, it is not correct.

I always kept by me blank bonds. If the parties applied to me for bonds, I filled them out and charged them two dollars; if they furnished their own bonds and copies, I filled them out and charged them nothing. Mr. Haden also states, that after a contract has been reversed and re-certified, that I erase the first purchaser's name, &c.

My old record book was too small to arrange the names as I wished, consequently I erased the first purchaser's name and inserted the second, and inserted the first purchaser's name in a second book, to preserve it until I could make out a new record which I have nearly completed, and have recorded each name in its proper order.

Very respectfully, sir,

Your obedient servant,

ROBERT W. McHENRY.

ELBERT HERRING, Esq.

Agent Indian Affairs, Washington City.

COLUMBUS, GEORGIA,

November 23, 1835.

SIR: We have received your letter of the 31st October in answer to our communication of the 16th of the same month.

We endeavored to call your attention, amongst other things, particularly to the injustice and irregularity, as well as illegality of the instructions understood to have been given to Colonel Hogan, in regard to investigations into contracts approved by the President of the United States. To this part of the communication you have favored us with no answer. It is true,

you say, that "by the 3d article of the Creek treaty of 1832, no contracts, made for the purchase of these lands, is a valid title till approved by the President;" and again you say, "to go into an examination of all cases of contracts not yet acted upon by the President, would be useless and was never expected." To men of plain unsophisticated minds, it would seem that you entirely concur with us in opinion upon this subject, and that the idea of thus inquiring into, and disturbing approved contracts is not for a moment to be tolerated. If there is any thing of diplomacy in this language, or if it is in the nature of a Delphic oracle, we admit that such is the obtuseness of our understandings, that we are unable to detect it; but it is extremely singular whilst you employ such language to us, and avow such opinions yourself, that your agent, Colonel Hogan, should read a different language in your instructions to him, and should assert and exercise powers directly at war with the language and opinion now used and avowed by yourself. There is wrong somewhere, but upon whom it rests we form no opinion.

It is also singular that certain white men, whose characters are debased and unprincipled, and claim to be familiar with the opinions and instructions of Colonel Hogan, are actively engaged with the Indians of the lower towns in stirring them up, and urging them to come forward and complain against contracts made and approved twelve or eighteen months ago. It is also strange that, whilst those men are so employed, Colonel Hogan, as if intending to give them ample time, is on a visit to Mobile. We pray you not to shut your eyes upon these facts, but promptly to do us that justice which every freeman is entitled to—more we neither ask, or desire.

We remonstrated with you, in the most respectful terms, upon the injustice and oppressiveness of ordering a re-investigation of the business transacted in General Sanford's district. We urged, and yet urge, that as an office had once been opened for this purpose; as it was kept open a reasonable length of time; as it had been closed and a final report made by the agent, the matter ought then forever to have stopped. But you say that a *subsequent* charge had been made by five of the principal chiefs of the lower Creeks; asserting that for particular causes the former investigation had not sufficiently probed the matter. We urged upon you that this re-investigation ought never to have been ordered; that the door for complaints, or rather for confusion, ought not again to have been thrown open without a previous inquiry into the truth or falsehood of the assertions of those very respectable and veracious chiefs. To this view of the subject you have not attempted the difficult task of an answer. We asserted, and again assert, that the facts stated by them, were and are infamously false, and that the chiefs were only used as instruments in the hands of two interested white men, and made to assert what these white men themselves well knew to be false. Had a previous preliminary inquiry been instituted limited to the facts stated, all farther difficulty would have been removed.

The falsehood of those charges we have already proved to you by the letters of the two interpreters and witnesses to the letter, and we now prove it farther by their *oaths*, and by the disclaimer of the chiefs themselves. To the evidence heretofore offered, you have replied, and correctly too, that the attestation of those witnesses, and their subsequent letter to you must materially detract from the credibility of their evidence. The same may be said of the letter and disclaimer of those celebrated chiefs. But what, we ask, is the plain inference to be drawn from all this? Suppose

their credit to be entirely destroyed, and what is the conclusion? Why that a letter has been written and attested by a parcel of men who have acted so as to show that not one of them is entitled to be believed. All that they have done or said on both sides, is to be considered as never having been done or said. But we pray you not to forget the application which this case has to each and every investigation ordered by your authority, when reliance is sought to be had upon the naked statements of Indians. Here you have an instance before you, not to be evaded or resisted, where ~~of~~ *of the principal chiefs* and two of the most intelligent half-breeds, who ~~understand~~ *understand* English perfectly, have under the influence of white men solemnly communicated to you inconsistent and consequently false statements. Now, if such Indians can be thus used and influenced, what may not private Indians and other chiefs be induced to do or say by the same influence? And remember, we pray you, that all the difficulty leading to all your investigations is of white men, and not of Indian origin. In none of the investigations had, or to be had, has or can the truth be arrived at. The Indians have and can be influenced to say any thing however false, and not one complaint has been made in which some white men was not directly interested.

The Indians are not now what they once have been, or what you believe them to be. There are few "respectable Indians" in the whole nation. They have lost their original character, and have sunk into a state of degradation of which you can have no conception. In the hands of white men they are indeed as "clay in the potter's hands." It is but fair that you should admit that the people and Legislature of Alabama understood the character of this portion of their people better than you can, and it was with a full knowledge of the utter worthlessness of the character of the Creek Indians that the Legislature of that State declared that Indian testimony should be incompetent and inadmissible. You seem to think that the competency of such testimony in the investigations had, and intended to be had, does not enter "into the examination." The reason assigned is no less singular to our minds than the opinion itself, it is that this is an "extra judicial investigation." Now we believe that extra judicial investigations ought not to be favored, and should never be resorted to only in cases of extreme necessity, because they are seldom, if ever, calculated, or enabled to do complete justice; the instruments used generally act under no sufficient responsibility or obligation to command the respect and confidence of the community; and in all cases of extra judicial examinations there is the strongest necessity to adhere to the plain and well settled rules of evidence. This brings us to the consideration of the main question. These extra judicial investigations are had in the State of Alabama; the laws of that State declare the testimony of Indians to be illegal and incompetent; your agent receives as evidence the naked statements of Indians.

If this is not directly violative of the laws of the State, where this act is done, we do not understand the English language. But this is not all. The statements of witnesses, much less of parties directly interested, is in no court or investigating tribunal allowable by any law or usage. No matter who or what the witness may be, or of what country, or nation, he may be an inhabitant, it is the clear right of the party to be affected by it, to have that statement at least under oath. What have we done, which is to deprive us of the protection of the laws of our country? We may have the misfortune of bearing your deep rooted prejudices, but as we have never

done ought to incur them, we solemnly appeal to you, and in the name of our country, we demand at your hands the protection of her laws. We need not remind you, of what you so well know to be true, that however pure may have been your intentions, yet that throughout the whole of this Indian business, your course has been hard, rigid and suspicious toward purchasers, and kind, liberal and indulgent toward the Indians. You have suspected and believed every thing against the former and in favor of the latter. You treat as trifles contracts solemnly made, large sums of money actually paid, the official acts of your own agents, and the written affidavits of your own fellow citizens, and treat them all as cobweb work, when opposed by the bare naked statements of interested Indians. Such a state of things was never expected by us, and we believe it will be new to our countrymen.

We remonstrated; and do again remonstrate with you against this re-investigation, because when it might have been had, Benjamin Marshall, the interpreter, was here, and by him a large number of the Indians could easily and clearly have been identified. Now he will be absent, and his testimony cannot be had to each case.

We also remonstrated with you, and do yet remonstrate against holding these "extra judicial" investigations, at the different towns in the nation, because we have and can have no power of coercing the attendance of our witnesses, and must decline meeting the agent ourselves. Here again, we think the convenience and benefit of the Indian is cared for, and looked to, when the convenience and even personal safety of the purchaser is disregarded.

The course pursued in regard to the whole of this business, no matter what may have been the motive, has been calculated to make the Indian, if possible, more depraved, and has in truth produced that result. We made no assertions not sustained by facts. The Indians, many of them, sold their lands before the locations were made, but after the treaty was executed, and gave their bonds to take their reservations agreeable to the treaty, and afterwards to convey the title. When the locations were made, the Indians were told that all such contracts were void, and the Indians not bound by them. Thus holding out to them direct inducements to disregard and violate their contracts. In very many cases previous advances were made to the Indians upon their lands, and when certified, those advances were not permitted to go in part payment for the land, but the purchaser was compelled to pay the whole price in money, and get back his advances as he could; thus inducing the Indian to evade the payment of his debts. Finally, the course pursued, has induced the Indians very generally to believe that, in order to get back their lands, or to receive more money, they have nothing to do but go before the agent, and complain; the moral effect to be produced upon such a people and by such means may easily be anticipated.

You deny that the purchasers of Indian reserves have acquired vested rights, or can acquire them until their contracts are approved by the President. When approved the purchasers have a "perfect title." But have they no right, no claim, no interest, in the purchase between the time of making the contract, paying the money and certification of the same, and the approval by the President? Surely they have some interest, and a vested interest too. Surely they have a prima facie claim to the property which can only be defeated or destroyed by legal and competent testimony.

The President it is true has the right to approve, and as a necessary consequence the right to withhold his approval. But the whole world will believe the discretion vested in him to be a *legal* discretion; that his approval will follow the certification of his agent, as a matter of course, unless some good cause is plainly alleged and proved against the validity of the contract; and when we talk of proof, we mean legal proof. When the President strips his countrymen of their property and wastes their substance for the benefit of such men as have gotten up and now urge this difficulty, or even for the benefit of the Indians; and when he does this upon the bare naked statements of parties interested, and those parties ignorant and unprincipled Indians, acting under the dictation and promptings of interested white men; when he does all this against the official acts of his own agents, and the oaths of American citizens, then we will believe it, but not before.

Respectfully, your obt. servants,

SHORTER, TARVER & CO.

SHORTER & SCOTT.

ELI S. SHORTER.

G. W. DILLINGHAM & CO.

LUTHER BLAKE & CO.

POWELL & WATSON.

McDOUGALD & CO.

McDOUGALD & HUDSON.

J. A. HUDSON.

PEABODY & WOODLAND.

HUDSON & FONTAIN.

J. W. WOODLAND & CO.

COLUMBUS MILLS.

J. G. WORSHAM.

J. C. CALHOUN.

McDOUGALD & MILLS.

SHORTER, TARVER & SHORTER.

E. E. BISSELL & Co.

ELI S. SHORTER & CO.

E. CORBY & CO.

WM. C. HILL & CO.

P. S. You will observe that the letter of the five chiefs, of the lower towns, which you will receive in another package, is, besides others, attested by Lieutenant Alston, of the United States army, and by Paddy Carr, as interpreter. The latter of whom knows these chiefs personally and well; there can, therefore, be no doubt of the identity of the Indians or the authenticity of the letter.

General Sanford, you will perceive, declines answering the interrogatories. The cause is assigned by himself. It seems that all the facts intended to be elicited from the General, have been by him already communicated to you. It seems to us, that no man, not devoid of sensibility, could (all things being considered) feel or act different from General Sanford.

You remark in your letter to us "that gross frauds have been committed is a fact not disputed." Pray where did you make this discovery? You will find no such admission in any communications to you, and surely no one else has any right to conclude *as by their admissions*. If you are

really in an error upon this point, let us now undeceive you. We do now here, in due form, and with proper solemnity, deny the existence of any such fraud in any contract in which any of us have any manner of interest, and we defy the production of *proof* to sustain any such charge. The *statement* of Indians under the dictation of a parcel of land pirates we hold to be no proof; they never have been so regarded by any investigating tribunal upon the face of the wide earth, and if they are now to be so regarded it will be the first time.

You also remark in regard to the investigation with which General Sanford was charged, that "it was not contended that this investigation was improper, or that it affected the vested rights of the parties." You concluded that as the first investigation was not *objected* to, it was therefore regular and proper, and consequently that the re-investigation, with which Colonel Hogan is charged, is also proper, regular, and unobjectionable. Now do you really think so meanly of the understanding of your countrymen as to believe that such reasoning as this is to pass current? If you do, you are greatly in error. One error will, under no circumstances, justify a second error. Two negatives may, in grammar, make a positive, but two wrongs can never make a right. Besides, the investigation was ordered without our consent, or even knowledge, and we never had an opportunity to object. But let us neither be misunderstood or misrepresented upon the subject. We never should have objected to the first investigation if we had the power and opportunity.

We know General Sanford to be an impartial, high-minded, honorable and honest man. We know that he was familiar with the whole business, that he knew the true character of the Creek Indians; and that he would be able himself to arrive very generally at the truth: we also know that few, if any of the Indians who had by him been certified would dare to come before *him* to complain. We felt every confidence that in his hands our rights were safe. Things are now, however, materially changed. Our anticipations in regard to General Sanford were right. The Indians and their *disinterested* and justice-loving white friends and admirers would not come before him, although they had every opportunity of doing so, because they knew that he could and would detect and expose them. Now we have a new agent, who is unknown to the Indians, and who is unacquainted with them personally, and who is moreover unacquainted with the manner in which the business was transacted. The Indians and their advisers have no fears of exposure or detection in coming before him; they know that he is without information upon the subject, and hundreds upon hundreds of the Indians, who have actually sold and been certified, are now ready to come before him with the utmost boldness and confidence, and deny having done so, and their chiefs stands ready to sustain them in it. The chiefs, Indians, and whites, very generally believe that the agent is deeply prejudiced against the purchasers in favor of the Indians. It is also known that an unfriendly state of feeling exists between Gen. Sanford and Colonel Hogan, and the latter is, with good reason, suspected of a disposition to put the former in the wrong, if possible, and his power to do so is ample, when he is permitted to take as evidence Indian statements, and to shield himself behind the very loose and latitudinarian instructions under which he acts. With the misunderstanding between those gentlemen, we of course have no concern, but when the acts and policy of the Government have involved its own agents in a controversy, we, who are not a party to it, protest

against being made the victims. We desire upon this point to be still more distinctly understood. No matter what may be our objections to Colonel Hogan or Doctor McHenry; no matter what may be their feelings towards us, we are perfectly willing to submit to any investigation which even they may institute, provided they act under the obligation of an oath, and are expressly prohibited from receiving any but competent and legal evidence, and that taken in due form of law. Can this be refused even to the most humble member of the community?

We have every confidence in the justice of our cause. We know it must and will prevail unless the laws of our country are outraged and trampled upon. We fear, we shun no investigation; we invite it full and ample, but insist that it be in proper form and conducted upon proper principles. What has been done by Doctor McHenry and Colonel Hogan is partial, irregular, illegal, and totally a nullity from beginning to end, at least as we believe. If Doctor McHenry has not officially informed you that in regard to the contracts particularly impeached, he was more than ordinarily vigilant and circumspect in the examination of the Indians, he has been remiss in his duty. We do assert that his examinations were so diversified, and conducted in such a way as utterly to preclude the possibility of palming wrong Indians upon him. He required the Indian to give his name, the town to which he belonged, the name of the chief, where he himself resided, if upon a water course on which side, where his chief resided, if upon a water course on which side, what other Indians lived near him, where was his name registered for location, who by, to state the names of other Indians who were registered at the same time, and his answer was compared with the roll of locations; where the town-house stood, on which side of the stream; with many other such questions; all of which were continually changed and varied in every case to present a new examination; and in every instance where there was the least hesitation, embarrassment or inaccuracy in the answer, the Indian was set aside. If he has not advised you fully upon this subject, we ask not only as a favor but as an act of common justice that you put to him plain and direct interrogatories to the above points, and if he does not fully sustain us, we pledge ourselves to prove it upon him by a host of respectable witnesses. We also assert that most of the disputed contracts before Doctor McHenry were certified to in the presence of some one or more of the company of Stroud, Shields, and others who are now complaining, without the slightest objection from any of them. If they knew the Indians to be the wrong one, or if they had any claims to the property, they should then have made it known; not having done so, they are upon principles of justice and law now and forever precluded and estopped from doing so.

It is true, and therefore proper for us to state it, that the present mass and chaos into which this whole Indian business has fallen, has resulted from the unreasonable delays, the frequent change of policy, and the generally uncertain and irregular policy of your Department. Often the community could not conjecture from the business of one week what state of things the next week would bring forth. How order is now to be restored, and the business closed without doing injury to some party, we are at a loss to perceive. The President can do this, if any man living can, and to him we yet look with unimpaired confidence.

SHORTER, TARVER, and others.

To the Hon. *Secretary of War.*

STATE OF ALABAMA:

Interrogatories to be exhibited to Paddy Carr, whose testimony is deemed material for the purchasers of Indian reserves under the last treaty made with the Creek Indians, upon the trial of certain imputations of fraud, made at the Department of War.

1. Who was the usual and general interpreter for General Sanford, in the sale and certification of Indian reservations, about the first of February last, for some time previous, and up to the close of the business? In case of his absence, were you in the habit of acting as interpreter? and during that time did any other person act in the same capacity?

2. Are you very generally acquainted with the Lower Creek Indians, whose business was transacted in Gen. Sanford's office? Do you know of any fraud that was practised by the substitution of a wrong Indian? If you had detected any such attempt, would it not have been your duty, and would you not have performed that duty, to disclose the matter to the agent?

3. In every certification which you witnessed, say whether yourself and the agent did not very closely and particularly examine the Indian selling, touching his identity? And state what was the nature of those examinations?

4. During the time General Sanford kept his office open in Columbus for investigations, say if you did not reside on the Alabama side of the river? whether you did not daily cross and recross the bridge? Whether large numbers of Indians during that time did not cross and re-cross as usual without let or hindrance? And say if you know of any attempt by force or menace to prevent any Indian from crossing or approaching the agent's office to make complaint, if any existed? If so, state who was the person and what means did he use?

ELI S. SHORTER,

For self and other purchasers.

GEORGIA, *Muscogee county*:

Answers of Paddy Carr to the annexed interrogatories.

1. Benjamin Marshall was the usual interpreter for General Sanford. I sometimes acted in his absence; I know of no others.

2. I am as well, and perhaps, better acquainted than any person in the nation. I know of no fraud that was practised. In a few cases during the certification, Indians did present themselves who were not the proper owners of the land; but from the strict examination by the agent, they were always detected and severely reprimanded. It would have been my duty as an interpreter and I certainly would have performed it.

3. It was the constant rule of the agent to examine the Indian selling, as to his identity, by asking the name he gave in to the enrolling agent, the town he gave in at; the town he belonged to; the name of the chief. The agent would then inquire of the Indians present, if they knew the one then before him, and if what he had stated were facts; then to whom he had sold; when the sale was made, and how much he was to get; explain to the Indian the nature of a sale, and strictly charged him to take care of his money, and not suffer the white people to cheat him out of it.

4. I did reside on the Alabama side of the river, and was in the habit of almost daily crossing and re-crossing; numbers of Indians were daily

doing the same without the least hindrance. I never heard there was a charge of that kind, until a long time after General Sanford had ceased certifying.

PADDY CARR.

The above foregoing answers were this day sworn to and subscribed before me, November 23, 1835.

ALFRED IVERSON, J. S. C. C. C.

STATE OF GEORGIA:

Interrogatories to be exhibited to General John W. A. Sanford, late certifying agent under the last treaty with the Creek Indians, and whose testimony is believed to be material for the purchasers, in certain charges of fraud, made at the Department of War.

1. Were you certifying agent under the last treaty with the Creek Indians? If so, where did you keep your office, and transact the business? and when did you cease so to act?

2. State if you did not certify and submit to the consideration of the President, a large number of contracts, which have not been approved, and returned to you? If so, what has been the alleged cause of their detention?

3. Be pleased to say who was your interpreter about the first of February last, for some time before and up to the close of the business? State as far as you know or believe the extent of the acquaintance of your interpreter with the Indians whose contracts you certified? State, also, whether the interpreter was instructed by you to disclose any fraud that he might detect in an attempt to substitute a wrong Indian, or by any other means?

4. Say whether you were vigilant and careful in every case to detect impositions or frauds? And please to detail your mode of examining the Indians selling, and others who chanced to be present?

5. In the sales by the Enfaula Indians, please to say whether one of the chiefs attended from day to day, and whether he did or not attest to the identity of the Indians?

6. Did you ever certify a contract without receiving, yourself, from the purchaser the whole consideration in money, expressed in the deed, and handing it over to the Indian?

7. Were you ever instructed by the War Department to investigate any allegations of fraud in regard to those contracts or any of them? If so, did you put yourself in a condition to discharge this duty? What previous notice did you give to both Indians and purchasers, and how was that notice promulgated amongst the Indians?

8. State if you please how long you remained at your post ready to go into any investigation that might be required? And say as far as you know, whether force, menace or any other means was used by any person to prevent any Indian from approaching you, to make complaints if any existed?

D. M. DOUGALD,

For self and other purchasers.

All the foregoing interrogatories have been fully and satisfactorily answered in my various communications to the Department of War, and it is not believed, that the more solemn form here proposed, will give them any additional credit before the Department. The statements of the agent, if worthy of belief, have been made in a manner over his official signature,

that the Government itself can not but regard as legitimate, and it cannot be conceived that any beneficial end can be attained by presenting them in any other shape than they have already assumed. If, hereafter, his testimony should be wanted before the judicial tribunals of the country, it will most cheerfully be rendered.

J. W. A. SANFORD.

Milledgeville, November 20, 1835.

STATE OF ALABAMA :

Interrogatories to be exhibited to Benjamin Marshall, whose testimony is deemed material for the purchasers of land under the last treaty with the Creek Indians, and in regard to which fraud has been imputed, the said witness being on the eve of removing from said State.

1. Did you generally act as interpreter for General Sanford in the sale and certification of Indian reserves, about the first of February last, for sometime before, and up to the close of the business? If any one else during that time acted occasionally as interpreter, say who that person was?

2. Are you very generally acquainted with the Indians, in the Lower Creek nation, and those whose business was done in General Sanford's office? If so, say whether you know of any fraud which was committed by substituting a wrong Indian?

3. Had you detected any such fraud, was it not your duty to disclose it? did not the agent request you to do so? and would you not have done it?

4. When the agent was instructed to investigate alleged frauds, what notice thereof did he give to parties concerned, and to the community at large? And how was that notice communicated to the Indians, and promulgated amongst them?

5. Did you not reside on the Alabama side of the river, during the time the agent kept his office open for investigation in Columbus? Were you not daily in the habit of crossing and re-crossing the bridge? Did not large numbers of Indians during that time cross and re-cross as usual, free from molestation or hindrance? Do you know of any force or menace used to prevent any Indian from crossing or approaching the agent's office, to make complaints if any they had? If so, state who the person was, and what means were used.

JOHN D. HOWELL,

For self and other purchasers.

THE STATE OF GEORGIA, *Muscogee county:*

Depositions of Benjamin Marshall taken before me, Alfred Iverson, judge of the superior courts of the Chattahoochee circuit, in the State aforesaid, at Columbus, in the county aforesaid, this 17th day of November, A. D. 1835. The said Benjamin Marshall, after being duly sworn true answers to make to the interrogatories hereunto annexed, deposes and answers as follows, that is to say: To first interrogatory he answers: I did act as interpreter between General Sanford and the Indians, from the month of February, 1834, up to March, 1835. I was absent three or four times during that period, but did not stay away more than a week at either of the times. I am not able to state who acted as interpreter during my absence.

To the second interrogatory he answers: I am generally acquainted with

the Indians in the Lower Creek nation, except the Uchees and Lower Ufawlahs, and I have no knowledge of any case certified when I acted as interpreter in which the wrong Indian was substituted. I was present when a large number of the Lower Ufawlahs were certified, and remember their chief, Yilker Hadjo, was present whilst the contracts were certifying, and was called upon by General Sanford, in every instance, to say whether the Indian of his town, that was produced, was the true holder of the location.

To the third interrogatory he answers: I did consider it my duty to disclose fraud in all cases that came within my knowledge, and I was so instructed by General Sanford. There were several cases in which I did make known to General Sanford that the Indian produced was not the right one, and thereby prevented the contract from being certified.

To the fourth interrogatory he answers: When the investigation commenced, General Sanford issued a written notice to the purchaser on those few cases in which complaints were lodged; and before the investigation commenced, notice was given by printed notices stuck up at public place and also in the newspapers published at Columbus. Notice was given to the Indians by informing the chiefs, who were instructed to give notice to the people of their towns. I gave notice to the Indians myself at two councils, one of which was held at the residence of Neah Micco, the other at Fort Mitchell.

To the fifth interrogatory he answers: I did reside on the Alabama side of the river, opposite Columbus, during the time the investigation was going on. I was in the habit of crossing the river daily by the bridge during that time, and saw large companies of Indians crossing and re-crossing, and never saw any attempt, either by force or otherwise, to prevent said Indians from crossing and making their complaints.

B. MARSHALL.

Answered, subscribed, and sworn to before me this 17th November, 1835.

ALFRED IVERSON, J. S. C. C. C.

COLUMBUS, December 18, 1835.

To the Hon. SECRETARY OF WAR:

SIR: We have had the honor to receive your letter of the 4th inst. It is not our intention further to argue the question with you, but feel that it is no less due to you than to ourselves, that we should disabuse ourselves of one impression which seems to have been made upon your mind. If in our manner or words we have been personally offensive to you we deeply regret it, and assure you that such was not our desire or intention. You will pardon us we trust for having given place in our minds to the fear that you regarded our appeals to you as presumptions, and our representations as undeserving of notice, and have consequently deemed them not worthy the consideration of the President. Some little consideration is also due to the state of feeling which it was natural for us to have when our rights were suspended month after month, and our property sought to be taken from us by Indian adversaries, under the direction and dictation of interested and worthless white men; and especially when we thought we

saw the *prejudices* and the *power* of the Government arrayed against us. Under this aspect of affairs we only sought to have our cause laid promptly, fairly, and fully before the President, to the end that the matter should be completely understood before decided. If in doing this our language has been strong and rough, we can only say that we have neither been raised or educated in courts or colleges.

We acknowledge frankly that we were mistaken as to the power of Col. Hogan, but in this we were not alone, for the whole community regarded him as judge and jury, vested with full and ample power to attack and vacate any contract that he pleased, approved or not approved.

That the President or any private gentleman has the *right* to seek for evidence as to approved contracts, and, if successful, to advise and aid in a judicial investigation, with the view of redressing the Indian and punishing the wrong-doer, no one we presume will doubt. Perhaps, under all the circumstances of the case, it is morally the duty of the President to do this, especially when invoked to it by the Indians. At all events we wish not to be understood as objecting to *such a course*. We were in the same way and to the same extent misled as to the agent's powers in regard to non-approved contracts. We now see no objection to the President seeking *evidence*, as to the fairness or foulness of these contracts, by which to guide his own mind in approving or not approving them. To collect all the evidence and report it to the Department seems to be the whole duty and power of the agent. What effect that evidence is to have is an after consideration, to the correctness of all this we cheerfully subscribe. When this question finally comes up for decision before the President, it is to be hoped that the wheat will be separated from the chaff, that what is in law, and good sense *evidence* will be received and have full weight given it, and the balance rejected altogether. We shall then see whether the highest officer in these United States will receive and be controlled by such evidence as would necessarily have to be rejected by every subordinate magistrate under him.

If we are not distinctly understood in our aim and object, we wish to be so. We are entitled to our money back or the land for which it has been paid; and so long as we believe that law and justice prevail in our country we shall not surrender our claim. If it can be made appear that we have in person, or through our agents, perpetrated any fraud upon an Indian, we are ready to surrender our claim so far, and to submit to all the consequences. But we claim what even the most humble citizens of the United States is entitled to demand as an unquestioned and unquestionable right. We claim that we be neither convicted or punished in our property or our persons, but before a proper tribunal, and upon *competent* and *pertinent evidence*. We shrink from no investigation conducted upon legal principles; we invite and *defy* an issue made in any way or triable before any tribunal when fraud is alleged against us. And, sir, if you can suggest a mode, by the making of a case, or in any other way, to settle the question of fraud upon principles of law and right, we will meet you promptly and in good faith.

In justice to ourselves we must state, whether we are believed or not, that upon divers occasions throughout the whole of this Indian business, all of us, when we have had the power in our own hands, upon discovering any error which we had committed, have promptly redressed the injured party. We have done so to this day, and shall continue so to the close of the busi-

ness. We want not to be urged to it by the lash of the Government or the coercion of the law. We only want our own minds convinced; but when we see and know that falsehood upon falsehood is uttered by the Indians to the agent; when we know how, and by whom all this is done, when we are sure of the depth of depravity surrounding the whole concern of purifiers, we cannot look to those developments for truth.

We now wish, *pro forma*, to give you notice not to deliver any contract in which we may be concerned, or any of us, and which may not be approved by the President, except to ourselves or our order. We also notify you not to submit to the President for his approval any re-certification of the same lands to any other person, until we shall have had notice of the number of our contracts annulled, with the name of the Indian and his location, the name of the agent who is to re-certify, and the time and place of his doing so. It may be that, by applying for a bill of injunction to restrain the agent from all re-certifications, we may get up the question and settle the validity of our claims; we care not for the manner so that we can arrive fairly at the *question*; and we trust, sir, that we shall be met in the same spirit, that is, if such a resort be found ultimately necessary.

Very respectfully,

Your obedient servant,

ELI S. SHORTER, *for self*,

And attorney for the other pur. Creek reserves

CUSSETAW, *December 19, 1835.*

SIR: Yours of the 1st instant was received on the 16th. I am at a loss how to act, and wish you to advise me on the subject. The investigation of the fraudulent contracts is completed in my district, with the exception of some fifteen or twenty contracts, which will be attended to as soon as Colonel Hogan returns to the nation. I had investigated all but about one hundred and fifty contracts before he reached here, nineteen cases out of twenty was reversed by the consent of both parties, or by the non-attendance of the purchaser; in all these cases it was a voluntary relinquishment of their claims, and I would consider them fit cases to be re-certified.

If those fraudulent purchasers are allowed to come in now and claim their purchases and prevent the Indians from selling their reservations, (after first relinquishing their titles) they would never consent to give it up until they could make repurchases themselves, and by this means monopolize the whole business, and would completely debar the honest part of the community from making scarcely a purchase.

Very respectfully, sir,

Your obedient servant,

ROBERT W. McHENRY.

ELBERT HERRING, Esq.

Agent of Indian Affairs.

COLUMBUS, *January 2, 1836.*

To the Hon. Secretary at War :

I beg leave to call your attention to the enclosed affidavits, for the purpose of showing you the extent of my claim upon the land mentioned, and

that if wrong has been done in any regard to these cases, it has not been done by me. These lands have all been certified before Judge Tarrant, and in the name of E. Corley & Co. Agents were necessarily employed to make the purchases and certify the Indians. Two of these men acted in such bad faith to me that I was compelled to dispense with their further services. Subsequently these two men (the Indians being present, but at whose procurement I do not know) went before the agent, and themselves reported the contracts to be spurious. Whether the fact be true, or whether their object is to fleece me, I am unprepared to say. The object of this letter is to propose to you, in regard to these contracts, that they all be approved, that they be delivered to the agent, (Judge Tarrant or Col. Hogan,) as escrows, to be complete upon my paying again in current money into the hands of the agent, the prices respectively attached to the locations. The agent to pay over the money to the rightful Indian, and in cases when it is made to appear that the proper Indian has sold, and been certified that the money be returned to me. These lands were all appraised before the agent, under the oath of two disinterested men, and you will find the prices rather larger than those given by other purchases for similar lands in the same part of the country. I am also authorized to make the same proposition in regard to all unapproved contracts certified to by Dr. McHenry, (and reported as spurious) in the name of B. P. Tarver, Shorter, Tarver & Shorter, McQueen & Shorter, and Hill, Shorter & Co. All this is proposed, you will please to understand; as a compromise, a desire to "buy our peace," and an effort to bring our Indian business to a final close. Judge Tarrant has promised to make for us the proposition in regard to the business before him, and he seemed strongly to favor it. Whether he has found time to do so, I do not know. Will you do me the favor to submit this proposition to the consideration of the President, and if accepted, to direct Dr. McHenry and Judge Tarrant to send to you such contracts as they may each have on hand, in favor of said persons, and in the condition indicated. Then, by causing me to be furnished with a complete list of the locations and prices, I shall be enabled at once to close the whole matter. This, of course, has no connection with the business of my clients, (the other purchasers,) what course they will take is as yet uncertain.

Pardon me for intimating that, by this arrangement the emigration may be accelerated, and certainly the Indians can, by it, be made to have more money at the commencement of this long journey than they can or will have under any other arrangement.

Respectfully, &c.

ELI S. SHORTER.

Ohas-kee	-	-	south	6	22	18	-	\$ 75 00
Sally	-	-	east	9	22	20	-	210 00
Elit diga	-	-	south	7	23	21	-	80 00
Ko-chos-fixico	-	-	west	1	22	20	-	50 00
Oak-lar-sarsey-hadjo	-	-	north	8	23	21	-	200 00
Hopothle-hadjo	-	-	west	22	20	21	-	65 00
Waxe-hadjo	-	-	west	9	14	7	-	50 00
Slathle	-	-	east	34	22	20	-	50 00
Aginathie	-	-	west	13	22	20	-	170 00
Holeose	-	-	south	22	21	21	-	25 00
Hatul Hadjo	-	-	east	27	24	20	-	250 00

Emarth-lar-yoholo	-	north	35	22	21	-	\$150 00
Tim-on-fus tige y	-	west	4	22	20	-	50 00
To-horte	-	north	33	22	20	-	100 00
Lich-cho-dica	-	south	35	22	21	-	100 00
Is-far-ne-yoholo	-	east	6	23	18	-	125 00
Thlath-le-yoholo	-	south	31	24	18	-	200 00
Oke-che-hadjo	-	north	11	23	17	-	75 00
Waxe-hadjo	-	east	1	23	17	-	75 00
Pow-hose-emarthlar	-	west	10	23	17	-	100 00
Cho-yoholo	-	north	9	23	16	-	100 00
Tim-mar-tu	-	north	7	24	18	-	25 00
Che-was-te hadjo	-	east	10	23	17	-	275 00
Ar-chew-y-che	-	south	8	24	18	-	25 00
Se-he-larche	-	north	31	24	18	-	200 00
Wo-liga	-	east	25	22	19	-	75 00
Thlath-lo-hadjo	-	south	36	22	21	-	50 00
Tal-mar-si-hinne-har	-	west	19	23	21	-	100 00
Jep-pe-lo-ke	-	north	12	22	20	-	125 00
Arse-me-hoke	-	east	34	23	20	-	60 00
To-both-kei	-	east	6	22	20	-	40 00
Abi-heach-har	-	east	24	22	19	-	60 00
Siro-kin-ha	-	west	32	21	21	-	50 00

\$3,395 00

GEORGIA, *Muscogee county.*

Personally appeared before me, Eli S. Shorter, who, after being duly sworn, saith, that he furnished to his agents, in silver coin, every dollar of the sum attached to each of the foregoing thirty-three Indian reservations; that his agents reported to him that the money had been paid as stated on the foregoing page; that the contracts were all fairly made, and the proper Indians certified, and that his agents were particularly instructed by him not to purchase even *disputed* contracts. This deponent further saith, that he has never received back one dollar of said money, nor is there any promise, obligation, or understanding existing between him or any other person, for the return of the same, or any part thereof.

ELI S. SHORTER.

Sworn to and subscribed before me, this 2d January, 1836.

JAMES HITCHCOCK, J. J. C.

MARDISVILLE, ALABAMA,
January 8, 1836.

SIR: Two Indians came with Colonel Howell Rose to sell their reservations this day: in both cases the claims of the purchasers had been relinquished, but Colonel Rose could not ascertain the Indians who had sold those places originally. I was therefore compelled to refuse to let these Indians, who are the rightful owners, sell their lands, as the sellers as well as the purchasers consent to rescind the former contract if required, by my last instructions from the commissioner. In some cases the seller is dead, and if purchases are not permitted to be made, manifest injustice to the

owners of reservations will be the consequence. These Indians came a long way, were barefooted, and yet could not sell. Mr. Rose offered to pay them \$700 each; one of those places was sold for \$60, and the other for \$87. Colonel Rose was willing to risk his money on the contracts, and contends that it is unjust not to let them sell, and has requested me to lay his case before the Department. It is unnecessary on these cases to make any remarks of my own, as the Department is in possession of my opinion upon the subject which is unchanged.

I am, very respectfully,

Your obedient servant,

LEONARD TARRANT.

Hon. LEWIS CASS,

Department of War, Washington, D. C.

COLUMBUS, GEO. January 9, 1836.

SIR: I am unexpectedly under the necessity of writing you once more, and I hope this will be the last trouble that I shall give you. I am just informed that Benj. Marshall has denied to Col. Hogan, that he ever wrote you any letter in regard to statements made in the letter first written by the chiefs of the Lower Creeks, or that he ever signed any paper except his answers to the interrogatories propounded to him. I am also informed that at his request Col. Hogan has written to you for a copy of his letter. As the letter in question was procured and forwarded by my advice, and as I have frequently in my correspondence with you, alluded to this letter as being genuine, I feel a deep and determined interest in having the truth made to appear in this matter, no matter when or upon whom the blow may fall. That a letter in the name of Marshall was written and sent, I do myself know, but by whom *written*, I do not know. My impression is, that the signature was Marshall's own writing, but of this you can perhaps satisfy yourself, by comparing it with his signature to the interrogatories which I know to be genuine. The letter was shown to me, by Mr. Luther Blake, and was mailed by Mr. John D. Howell, both of whom do say that Marshall did sign, and their remembrance is that he *wrote*, or at all events *directed* the letter. The object which I now have, is to request the favor of you to send the *original* letter to Col. Hogan, that he may sift and probe the matter to the bottom. And as I leave home to-morrow for the Mississippi land sales, and consequently shall not be present with Col. Hogan, I beg you to furnish him with a copy of this letter. By calling upon the above persons, with Gen. McDougald and Mr. Wooshane, he will be able to get at all the facts.

Respectfully, &c.

ELI S. SHORTER.

To the Hon. SECRETARY OF WAR.

TUSKEGEE, January 11, 1836.

SIR: Dr. McHenry joined me last evening, and we have been engaged in examining the report prepared and his books. He has exhibited to me your letter of the 4th ult. directing him to re-certify the cases of frauds that were given up; he has not acted under that order; and I think he has

acted very prudently in not acting until the report is before the Department and is approved. The cases given up are all frauds, but were he to obey this order, the parties would contend for the land, until they could get the Indians frightened into a disposition to take any thing, rather than incur a loss, the speculators would then bring up the right Indians and make a great show of honesty, by giving up their contracts and have them re-certified to by the bona fide owner, at a little over the prices set opposite the stolen contract. If the Department wish to put a stop to these frauds, they must put a stop to certifying those stolen contracts until the report is approved, and then give peremptory orders to the agents to fix certain days, to appear at certain hours, and then in the presence of the chiefs and Indians, and all others who choose to attend, to certify to such bonds as are sold, and the parties ready to pass the papers before the agent. If this is done a full stop will be put to the rascally practices heretofore pursued; and public notice must be given of the days that the agent goes round. It will not do to permit the agent to put off for an Indian town upon the invitation of any individual. If he does, there will be no publicity of his going, and consequently imposition will be practised. I have just been informed that two speculators from Columbus, with Paddy Carr, went into the Casetas, and there bought all the land, and took back all the money, under promise to keep it for them to pay the expenses of a delegation to go to Washington, to endeavor to get back all their land and the twenty-nine sections. This is another of those rascally schemes that has been resorted to, to swindle those poor deluded people. I am told that an extensive plan of swindling is prepared and ready to be put in operation, if they can get an agent appointed to re-certify in Sanford's district. I am assured that nearly three-fourths of the cases in that district are fraudulent, and among the Uchees, nearly all. You shall have the report as soon as it is fully examined; and a clear copy prepared of this district.

I have the honor to remain,

Your obedient humble servant,

JNO. B. HOGAN.

To the Hon. E. HERRING.

TUCKABATCHEE TOWN, *January 14, 1836.*

To our Father the PRESIDENT.

Your agent, Col. Hogan, has just visited our town and communicated to us the welcome news, that the disposition we had made of the twenty-three sections, that were given to the Creek tribe, has met your approbation. As we have heretofore informed you, that we were preparing to quit the land of our nativity, and seek a new home in the far distant west, we again take the liberty of advising with our great father on this subject; believing, as we do, that our great father has ever been disposed to render us all the facilities that are in his power; and as the day we have set to commence removing is fast approaching, and as we are anxious to go with as little trouble to the Government as possible, we again beseech our great father to exercise towards us that same humane and friendly care, that has heretofore characterized his administration.

We have, in our former communications, spoken to our father of the new method of emigrating his Creek children by contract. We hope by intro-

ducing this subject to his consideration, he will not consider us as being too strenuous or importunate on this point, as it is one of vital importance to us. When we came to the determination to never again rekindle our council fire on the eastern side of the Mississippi, it was under the belief that we were to be removed under the superintendence of Col. Hogan. And we now say to you, in the undisguised language of sincerity, that our people are opposed to, and protest being removed by the present emigrating company, but beseech our great father, to say to our people that they can go, as they formerly expected to go, with Col. Hogan, and under his immediate control, and we vouch that our people will take their line of march and go without a murmur; but we fear, unless the plan of emigrating is changed, our people will be found lingering behind in a state of degradation for years to come, for a large majority of the nation have already expressed their determined opposition to the present contractors.

Our belief is that the present contractors cannot remove us with that same ease, attention, and liberality, that we so fondly anticipated under the management of Col. Hogan, who, by his gentlemanly deportment, has succeeded in gaining our entire confidence. Our people all know him, and profess an ardent desire to go with him, but protest against going with a company of speculating contractors, who have recently extended their company and taken in new partners, who are too well known to us. And as this company have not the interest of the Government in view, we believe the health, comfort, and interest of the Indians will never be consulted, but that all their arrangements will be conducted for their own good and pecuniary benefit.

As the Government has ever professed and exercised a fraternal care and anxiety for our welfare, and has promised to aid us in emigrating in the safest and most comfortable way, we believe that the difference that might be saved by the contract, if any, should weigh nothing, when compared with the immense advantages that would result. If our people were told that they should be carried off, as they have heretofore been done, under the superintendence of men, whose only duty would be to economise on behalf of the United States, and at the same time afford the best attention to the Indians.

If our great father will change the plan of emigrating to the old and original method, he shall have our lasting thanks and prayers for his happiness, and our undivided effort to effect a speedy removal of all our people. But if he still says we must go with the present contractors, we must submit, but we can give no pledges that all our people will start, nor can we say how many will go, but place us under the entire management of our friend Col. Hogan, and we will do our best to get all off with us.

We now wish to again call the attention of our great father to the lands belonging to Indians, who have died since their lands were certified, and we request that the heirs, in all such cases, may be permitted to sell and certify the land, as they generally get nothing when sold under an administration.

Permit us now to call our great father's attention to a promise made by our great father the President, when we were in Washington city, closing the last treaty with the Government: It was then promised to us, for our influence in making the treaty, to give each of us, at some convenient time the sum of one thousand dollars. This promise was made in presence of friends Col. Wm. C. King, and the Hon. Samuel W. Mardis. As we

are now bringing all our matters to a close, we wish our great father to say to us whether we may still calculate on receiving the same.

This letter is directed to our father the President, as we want it to meet his own eye, We now close, and hope to receive an immediate answer, and tender the President, our great father, our best wishes for his health and happiness.

And subscribe ourselves his children,

HOPOTHLEYOHOLO,	his x mark.
LITTLE DOCTOR,	his x mark.
MAD BLUE,	his x mark.
TUCKEBUTCHER MICO,	his x mark.
JIM BOY,	his x mark.
WM. McGILVERY,	his x mark.
OSALCHEE MICO,	his x mark.
SITCHEE COLONELS,	his x mark.
OLD KING,	his x mark.
TUSTENUGA CHOPES,	his x mark.
TUSHATCHEE FIXICO,	his x mark.
OBIE FIXICO,	his x mark.
POSCONE E. MARTLA,	his x mark.
OSOCH FINICO,	his x mark.
LAUGHTER MADAUGHTEAR,	his x mark.
TUSCONA HARGO,	his x mark.
NOELEE EPISSA HARGO,	his x mark.
SPOAK OAK MICO,	his x mark.
COOSA HARGO,	his x mark.
MARDOWAS HARGO,	his x mark.
ARLOCKYOHOLO,	his x mark.
OGILLISSO,	his x mark.

In presence of

JAS L. ALEXANDER.
BARENT DUBOIS.

FORT MITCHELL, *January 22, 1836.*

SIR; I have the honor to acknowledge the receipt of your favor of the 13th instant, in which you inform me that the President has dispensed with the services of Dr. McHenry, and directing me to receive the books and papers of his office.

Dr. McHenry is now here, and received your letter of the 10th instant, announcing to him the same fact. As I could not obtain the assistance of General Sanford, in the investigation of his land district, I requested Dr. McHenry to aid me, and he arrived here the day before yesterday for the purpose. He informs me that it will be out of his power to deliver up the books and papers of his office for two weeks, at least, from this time; at which time I shall appoint Major Thomas J. Abbott to go to his residence and receive them according to your instructions. The Doctor resides about 40 miles from this place, and permit me, sir, in this place to say to the Department, that in the selection of a successor to Dr. McHenry, there is no gentleman better qualified for this office, nor none that I am acquainted with in the Creek nation so peculiarly fitted for this office as Major

Abbott, who is every way deserving of the office. He is the same gentleman who took the census of the lower Creeks, and is familiar with their names, customs, &c. of these people, and, at the same time, is a man of stern honor, and has always been above the contemptible traffic carried on at the expense of these people. If the Department has not already determined on a successor, I would beg leave to recommend Major Abbott for that office.

I commenced hearing complaints at this place, thinking it would be more convenient for the Indians, as well as such whites as chose to attend, and accordingly assembled the chiefs, who agreed to have their people here. Two or three towns assembled, and so did a crowd of land buyers and their interpreters, who are active, smart negroes. The first day we had some sharp sparring between the Indians and the land buyers. The Indians came forward and gave in their statements with rather too much truth, and a scene took place of rather novel character. Some Indians denied having sold their land; but Mr. Hudson, who figures largely in the Creek nation, asserted they had, for they had sold to him. The Indians denied it, but said Hudson had told them their land had been stolen, and they must steal some other Indian's land, and he would give them \$10, and that was all the money he had received, and all that had been paid him before General Sanford had been taken back. I demanded of the Indian the name of the person who took it back, and he pointed to a black fellow present, named Tom. Turning rather quick on Tom, I said, ah Mr. Tom; are these your tricks? The poor fellow replied, master, I had to do what Mr. Hudson told me to do. Hudson flew in a rage, and swore he would blow Tom's brains out if he opened his mouth again. I told Mr. Hudson to keep cool, it was useless to get himself into a passion; I had an unpleasant duty to perform, and it must be done, and it was useless to get into a passion, as nothing could be made out of me by it. That night the interpreters were sent in every direction among the Indians, to induce them to stay away. A council was held at Neomicco's house, and Paddy Carr staid with them to keep the Indians off. Paddy has been deeply engaged in buying Indian's reserves, and is as much implicated as any of the whites, and he has as many complaints against him, as there is against others, and he is, of course, opposed to the investigation. The next day a few Indians and two chiefs came before me; but now all was smooth and fair, and they answered for all their town, and all sold but a few cases. I was now informed that the speculators had bought up the chiefs, and were slaying beeves and feeding them to keep away. Whiskey was also profusely distributed amongst them. I determined, at once, to hear no more complaints at this place, and would remove the whole affair to their own council fires, and dismissed what few had come in, and gave public notice that I should hear complaints and investigate in the town squares. Enclosed is a copy of the handbill issued. The chiefs all seem very much gratified at my determination to go into their towns. It was always my determination to investigate the complaints in the towns; but I had hoped I should be able to enter the complaints here; but two day's experience satisfied me that I could not probe the matter at this place, as the Indians were cowed by the mass of whites assembled on this occasion; but on his own square, he will not fear any one. Major Abbott has just completed copying the report of Dr. McHenry's district. We have reversed 656 cases in that district, and unless your agent, whoever he may be, that will be appointed to re-certify,

goes into the town square, and in the presence of the chiefs and other Indians, on days specially appropriated, and due notice given to all concerned, and then and there only, certify to the land of the Indians of that town, the same, if not a more extended system of fraud, will be carried on by the agents of these land buyers. This plan, and this plan alone, will check it. I have reason to believe that companies have been formed on a very extensive scale to speculate in the reversed cases, and unless Doctor McHenry's successor is wide awake to those people's plans, they will deceive him, and impose the wrong Indian upon him; and the same complaints will be again reiterated. In taking testimony when it was necessary to have it, I found at first I was quite in the dark. Men of fair standing would be bought up to testify to a particular fact; but when I made the inquiry as to their interest, direct or indirect, I found them members of the same land company. In order, therefore, to know how far I could rely on the disinterestedness of the various persons grouped around me, and who constantly followed me from place to place, I procured a list of the names of the several land companies; as far as I was able to get them, and I send you a copy of what I have obtained; but I am convinced it is very defective, and that these companies are much more extensive than are generally supposed, although we have done much in ferreting out frauds in that district. I am well satisfied I have not been able to get all the cases, for on my return from Mobile, and whilst I remained at Tuskegee, there were complaints coming in every day; and when I asked the Indians why they did not appear before me in the square, they said they were told by the white people that their land was gone, but if they made no complaint against them to the agent, (meaning myself) that they should be paid the full price of their land; consequently, having believed what was told them, they had remained away, believing it was better for them, but now they found they had been fooled, and that if they deferred making complaint any longer, they would lose both land and money; and in every instance of this kind, it was an admitted case of personating one Indian for another. In this district, I find there has been a very loose method of doing business, and much embarrassment must inevitably grow out of the course practised or permitted by General Sanford. It seems that the agent has been in the habit of permitting the agents or strikers (as they are termed) of land companies to enter the names of their firms opposite to the name of an Indian; it stood then as if sold, but the paymaster of the company, or cashier, would enter the office, examine what lands had been marked as purchased, and if he did not choose to pay the price, he would not take a bond; but when the money was paid, the agent entered on the margin (\$). A stranger looking at the book would suppose all the land thus entered as sold, but the knowing ones knew better, and even when another land speculator did purchase one of these pieces that had thus been previously marked as sold, the agent made no erasure, but entered on another part of his book, an abstract of the bonds sent forward to be approved. This practice led me into an error upon calling over the roll of a town, complaint being made, and on examining the book to see if the land was sold, found it marked to a particular firm, and looking on the abstract sent to Sanford from your office, of the unapproved bonds, I found the land marked to another person. Upon expressing my surprise to those standing around me, (all land speculators) the above explanation was given me. I do not mention these things as a matter of complaint against General Sanford, whom I believe to be an

honorable man, but as an instance among the many difficulties that I have had to encounter, in getting at a thorough knowledge of the affairs of this district.

I have received an order from General Gibson to discharge my two assistants, Major Abbott and Mr. Leonard, who have been employed in aiding me through these investigations, and without their help, I could not pretend to perform these duties; for no two men could do it in the time allowed me. I have, therefore, taken the responsibility of retaining the services of those gentlemen, believing that the honorable Secretary of War will sanction my doing so, when the necessity of the case is made known to him. In Judge Tarrant's district, I am informed there is not over one hundred cases of fraud, and if the Department will exonerate me from the labor of investigating them, I shall be very much obliged by so doing. I have no doubt but Judge Tarrant is as well qualified to ferret the schemes that have crept into his district as I am, and there is but one reason why my going there, may prove more beneficial than the Judge's. It is the impression that has been created, that I can cure all complaints; and in a great many instances where the Indian has had the money taken from him by the purchaser, and complaint has been made to me of that fact, I have compelled them to settle and satisfy the Indian, by threatening them to report their conduct, and keep them from titles. Judge Tarrant, I understand, would take no cognizance of such complaints; but I have told the speculators that my duties were "to right the wrongs committed on the Indians, as far as in my power lies," and if they would not pay up the Indians, I would report them. In a great many cases, they have come forward and paid the Indians, and made them satisfied, although the bonds were approved. This is the only reason why my personal attention to that district would be of any advantage, except the fact that the examinations have given me more influence, and made me more generally known to the Indians, and may be made useful in emigrating them; but if the Department would relieve me from Judge Tarrant's district, I should be very glad; if not, I hope they will not urge the examination of that district while the weather is so cold, wet, and unpleasant as it is at present. I shall go through this district if I have to swim every creek in it; but my duties have been laborious enough, and if I can be excused for the present, as to Tarrant's district, it will be duly acknowledged. You will find the abstract and reports now forwarded, no small affair, and will give the Department some idea of the labor and circumspection necessary to be observed in hunting up such a mass of cases from such materials as we possessed and within our reach, and I hope it will prove satisfactory to the Department.

I have the honor to remain,

Your obedient servant,

JOHN B. HOGAN,
Superintendent Creek Removal.

To the Hon. E. HERRING.

P. S. The abstract will be forwarded in a tin case, to preserve it from rubbing, &c.; the affidavits in a package.

FORT MITCHELL, Jan. 22, 1836.

SIR: I have the honor to acknowledge the receipt of your favor of the 13th inst. in which you inform me that the President had dispensed with the services of Dr. McHenry, and directing me to receive the books and papers of his office.

Dr. McHenry is now here, and received your letter of the 10th instant, announcing to him the same fact. As I could not obtain the assistance of Gen. Sanford in the investigation of his land district, I requested Dr. McHenry to aid me, and he arrived here the day before yesterday, for the purpose. He informs me that it will be out of his power to deliver up the books and papers of his office, for two weeks, at least, from this time; at which time I shall appoint Major Thomas J. Abbott to go to his residence and receive them according to your instructions. The Doctor resides about forty miles from this place; and permit me, sir, in this place, to say to the Department, that in the selection of a successor to Dr. McHenry, there is no gentleman better qualified for this office, nor none that I am acquainted with in the Creek nation, so peculiarly fitted for this office, as Major Abbott, who is every way deserving of the office. He is the same gentleman who took the census of the Lower Creeks, and is familiar with the names, customs, &c. of these people; and at the same time is a man of stern honor, and has always been above the contemptible traffic carried on at the expense of these people. If the Department has not already determined on a successor, I would beg leave to recommend Major Abbott for that office.

I commenced hearing complaints at this place, thinking it would be more convenient for the Indians, as well as such whites as chose to attend, and accordingly assembled the chiefs, who agreed to have their people here. Two or three towns assembled, and so did a crowd of land buyers, and their interpreters, who are active, smart negroes. The first day we had some sharp sparring between the Indians and the land buyers. The Indians came forward and gave in their statements with rather too much truth; and a scene took place of rather novel character. Some Indians denied having sold their land; but Mr. Hudson, who figures largely in the Creek nation, asserted they lied, for they had sold to him. The Indians denied it, but said that Hudson had told them their land had been stolen, and they must steal some other Indian's land, and he would give them ten dollars, and that was all the money he had received, and all that had been paid him before Gen. Sanford had been taken back. I demanded of the Indian the name of the person who took it back, and he pointed to a black fellow present, named Tom. Turning rather quick on Tom, I said, ah! Mr. Tom, are these your tricks? The poor fellow replied, master, I had to do what Mr. Hudson told me to do. Hudson flew in a rage, and swore he would blow Tom's brains out, if he opened his mouth again. I told Mr. Hudson to keep cool, it was useless to get himself into a passion, I had an unpleasant duty to perform, and it must be done, and it was useless to get into a passion, as nothing could be made out of me by it. That night the interpreters were sent in every direction among the Indians, to induce them to stay away. A council was held at Neomicco's, and Paddy Carr staid with them to keep the Indians off. Paddy has been deeply engaged in buying Indians' reserves, and is as much implicated as any of the whites. He has as many complaints against him as there is against others. He is of course opposed to the investigation. The next day a few Indians

and two chiefs came before me; but now all was smooth and fair, and they answered for all their town, and all sold but a few cases. I was informed that the speculators had bought up the chiefs, and were slaying beeves and feeding them to keep away. Whiskey was also profusely distributed among them. I determined to hear no more complaints at this place, and would remove the whole affair to their own council fires; and dismissed what few had come in, and gave public notice that I should hear complaints and investigate in the town squares. Enclosed, is a copy of the handbill I have issued.

The chiefs all seem very much gratified at my determination to go into their towns. It was always my determination to investigate the complaints in the towns, but I had hoped I should be able to enter the complaints here; but two days ago, experience satisfied me that I could not probe the matter at this place, as the Indians were cowed by the mass of whites assembled on the occasion; but on his own square he will not fear any one. Major Abbott has just completed copying the report of Dr. McHenry's district. We have reversed six hundred and fifty-six cases in that district, and unless your agent, whoever he may be, that will be appointed to re certify, goes into the town square, and in the presence of the chiefs and other Indians, on days specially appropriated, and due notice given to all concerned, and these, and these only, certify to the land of the Indians of that town, the same, if not a more extended system of fraud, will be carried on by the agents of the land buyers. This plan, and this plan alone, will check it. I have reason to believe that companies have been formed on a very extensive scale, to speculate in the revised cases; and unless Dr. McHenry's successor is wide awake to these people's plans, they will deceive him and impose the wrong Indian on him; and the same complaints will be reiterated. In taking testimony when it was necessary to have it, I found at first I was quite in the dark. Men of fair standing would be brought up to testify to a particular fact; but when I made the inquiry as to their interest, direct or indirect, I found them members of the same land company.

In order, therefore, to know how far I could rely on the disinterestedness of various persons grouped around me, and who followed me constantly from place to place, I produced a list of the names of the several land companies, as far as I was able to get them, and I send you a copy of what I have obtained; but I am convinced that it is very defective, and that the companies are much more extensive, than is generally supposed. Although we have done much in ferreting out frauds in the district, I am well satisfied I have not been able to get all the cases; for on my return from Mobile, and whilst I remained at Tuskegee, there were complaints coming in every day; and when I asked the Indians why they did not appear before me in the square, they said they were told by the white people that their land was gone; but if they made no complaint to the agent (meaning myself), that they should be paid the full price of their land; consequently, having believed what was told them, they had remained away, believing it was better for them. But now they found they had been fooled, and if they deferred making complaint any longer, they would lose both land and money; and in every instance of this kind, it was an admitted case of personating one Indian for another. In this district, I find there has been a very loose method of doing business, and much embarrassment must inevitably grow out of the course practised or permitted by General Sanford. It seems that the agent has been in the habit of permitting the

agents or strikers (as they are termed), of land companies, to enter the names of their firms opposite the name of an Indian. It stood then as if sold; but the paymaster of the companies or cashier, would enter the office, examine what lands had been marked as purchased, and if he did not chose to pay the price, he would not take a bond; but when the money was paid, the agent entered on the margin (\$). A stranger looking at the book would suppose all the land thus entered, as sold; but the knowing ones knew better. And even when another land speculator did purchase one of these pieces, that had thus been previously marked as sold, the agent made no erasure, but entered on another part of his book, an abstract of the bonds sent forward to be approved. This practice led me into error upon calling over the roll of a town, complaint being made. And on examining the book to see if the land was sold, found it marked to a particular firm; and on looking on the abstract sent to Sanford from your office, of the unapproved bonds, I found the land marked to another person. Upon expressing my surprise to those standing around me, (all land speculators) the above explanation was given me. I do not mention these things as a matter of complaint against Gen. Sanford, whom I believe to be an honorable man; but as an instance among the many difficulties that I have had to encounter in getting at a thorough knowledge of the affairs of this district.

I have received an order from Gen. Gibson to discharge my two assistants, Major Abbott and Mr. Leonard, who have been employed in aiding me through this investigation, and without their help, I could not pretend to perform these duties; for no two men could do it in the time allowed me. I have, therefore, taken the responsibility of retaining these two gentlemen, believing that the honorable Secretary of War will sanction my doing so, when the necessity of the case is made known to him.

In Judge Tarrant's district, I am informed, there is not over one hundred cases of fraud; and if the Department will exonerate me from the labor of investigating them, I shall be very much obliged by so doing. I have no doubt but Judge Tarrant is as well qualified to ferret the schemes that have crept into his district, as I am. There is but one reason why my going there, may prove more beneficial than the Judge's. It is the impression that has been created, that I can cure all complaints; and in a great many instances where the Indian has had the money taken from him by the purchaser, and complaint has been made to me of that fact, I have compelled them to settle and satisfy the Indian, by threatening them to report their conduct and keep them from titles. Judge Tarrant, I understand, would take no cognizance of such complaints; but I have told the speculators that my duties were "*to right the wrongs committed on the Indians, as far as in my power lies;*" and if they would not pay up the Indians, I would report them. In a great many cases they have come forward and paid the Indians and made them satisfied, *although the bonds were approved.* This is the only reason why my personal attention to that district would be of any advantage, except the fact, that these examinations have given me more influence and made me more generally known to the Indians, and may be made useful in emigrating them. But if the Department would relieve me from Judge Tarrant's district, I should be very glad; if not, I hope it will not urge the examination of that district, while the weather is so cold, wet, and unpleasant, as at present. I shall go through this district, if I have to swim every creek in it; but my duties have been laborious enough, and if I can be excused for the present, as to Tarrant's district, it will be duly acknowledged.

You will find the abstract and reports, now forwarded, no small affair, and will give the Department some idea of the labor and circumspection necessary to be observed in hunting up such a mass of cases from such materials as we possessed and within our reach, and I hope it will prove satisfactory to the Department.

I have the honor to remain,

Your obedient humble servant,

JOHN B. HOGAN,

Sup. Creek Removal.

To the Hon. E. HERRING.

P. S. The abstract will be forwarded in a tin case, to preserve it from rubbing, &c.; the affidavits in a package.

MARDISVILLE, ALABAMA,

February 13, 1836.

SIR: Your letters of the 21st and 23d ultimo have been received. The 1st, in relation to the claim of Poleche, of Coucharteta; and the other, directing me to discontinue the re-certifying of any contracts unless authorized by the Department; but few contracts had been re-certified, and those, according to your directions, both parties relinquished. Mistakes in recent contracts have also been corrected, and may still be corrected I suppose, where the mistakes are obvious, and the parties willing to correct.

I am, sir,

Very respectfully,

Your most obt. servant,

LEONARD TARRANT.

ELBERT HERRING, Esq.

Office of Indian Affairs,

City of Washington, D. C.

FORT MITCHELL, *February 14, 1836.*

SIR: I have the honor to acknowledge the receipt of your communication of the 3d instant, which has in a great measure relieved me from the various reports that has reached this place through letters from Washington city, viz: That I had been removed from the appointment of superintendent of emigration, and that I was hereafter to be retained for the purpose of investigating these cases of frauds, connected as this duty has been with that of emigration. I had not hesitated to perform the duties assigned me, no matter how unpopular or odious they may be; but if the single duty of investigation were tendered me unconnected with that of superintendent, I could not be prevailed on to accept the office under any salary. The office I sought and received was that of superintendent, and while I am that, I will never shrink from the performance of any duty that may be required of me by the Department. It is true, I should be glad to have been relieved from investigating Tarrant's district, but I shall, nevertheless, perform that duty, as it is required of me. The duties of superintendent are of themselves light, while the contract exists, and with

the aid of Captain Page, I could easily perform, in connection with the other duties; but the duties of superintendent can certainly be better performed in connection with those I am now charged with, than separately. I have given my views upon this subject to General Gibson, previous to the reception of your letter of the 3d instant, and while I was under the impression that the arrangement made of me was a final one, and perhaps wrote under some excitement; your communication, however, has placed this change on a different footing, and I am satisfied with the arrangement, provided my connection with the emigration is not entirely suspended. If it is to be considered that I am to have nothing further to do with the emigration, I wish to leave it in time to prevent blunders. I have examined in this district fourteen towns, and some of them very large ones, and my notes have increased so rapidly on me, that I shall have to suspend the investigations after this week, in order to copy the notes taken, in a rough book; and to afford the whites an opportunity to file affidavits, &c. I shall leave here for the western portion of this district on to-morrow, and will continue the investigation until Thursday. I shall then be near Tuskegee, which is forty miles from Montgomery; and I will then go to Montgomery, and meet the chiefs in Tallahassee, and pay over the \$43,000, which is in the Bank of Montgomery; after I pay over the money, which I shall do on Sunday, 21st instant, I shall then make a short visit to my family, and be back in two weeks. In the meantime nothing will be lost by my absence, as Major Abbott will be engaged in carrying the minutes on the report; and so far to facilitate the report on this district. Captain Page has not yet arrived here, but is daily looked for; and he being charged with the duties of emigration, any matters connected with that branch of the service will be attended to by him.

I am gratified to learn that my report has been received, and is acceptable to the Department. A greater mass of corruption perhaps has never been congregated in any part of the world, than has been engendered by the Creek treaty, in the grant of reservation of lands to those people. I am followed from place to place by gangs of from twenty to forty speculators, as they are termed, and nothing but my long residence in Alabama, and known character, has prevented me from coming into collision with these people, who occasionally break out, but generally behind my back, when I do not hear them.

I have the honor to remain,

Your obedient servant,

JOHN B. HOGAN,

Superintendent Creek Removal.

To the Hon. E. HERRING.

COLUMBUS, GEORGIA,
February 18, 1836.

SIR: Having just returned home from Mississippi, I have been surprised and mortified to learn, that in an interview which you had with Judge Iverson during his recent visit to Washington, you remarked to him, that in a letter which I had then recently written you, in relation to certain Indian contracts certified before Judge Tarrant, I had *admitted fraud*. This information came to me second-handed, and not directly from the

Judge himself, for such are the personal relations between him and myself, that we only commune together upon matters of necessity. If you made such a statement, you have greatly misconceived my letter alluded to, and thereby done me great injustice. The letter contains *no such admission*. On the contrary, it states the integrity of my own conduct, and that the frauds were charged, as I was informed by my agents, who had made those very contracts; but that I did not know whether in doing so, they were actuated by a regard to truth, or from feelings of vindictiveness toward me. And in order to adjust the matter with as little delay as possible, I proposed to make the payments the second time; to make the agent the sole judge, and if he found in any case that the wrong Indian had been certified, that he should pay over the money to the rightful owner of the land, otherwise to return the money to me. - I have since learned that my agents absolutely bribed the Indians to go before the agent and complain, and are themselves banded with the extensive and immaculate company that are going the rounds with Colonel Hogan, armed to the knife; tampering with, and bribing the Indians, to complain; and who are determined to break up all the contracts in the nation, and to repurchase the whole territory themselves. Under such circumstances, and especially as my proposition has not been accepted, I now here withdraw it.

I could say much founded upon universal rumor in regard to the course pursued by Colonel Hogan, of the unbiassed judgment of the whole community as to its wisdom and propriety, the mischief already done, and the disastrous consequences likely to result; but fearing that I should not receive even a respectful hearing, I shall forbear; and with as much patience and fortitude as I can command, will await the result. If it is the pleasure of the Government to strip myself and others of the earnings of our whole lives, by such means and upon such evidence, be it so, we must submit to the power with which we are unable to contend.

Respectfully, your obt. servant,

ELI S. SHORTER.

To the Hon. SECRETARY OF WAR.

RUSSELL COUNTY, ALA. *February 20, 1836.*

To the Hon. SECRETARY OF WAR:

The undersigned, being resident citizens of said county and State, beg leave most respectfully to spread before you a true expose of our situation and that of our county, and to ask from you a redress of our wrongs. What we say to you we believe to be true, and we further believe that we utter the wishes and opinions of nine-tenths of our fellow-citizens, residing within the Creek territory. You may discover from the files of your office that but few of us belong to what are called speculators in Indian lands. We are mostly planters, who make our living by tilling the ground, and by the sweat of our brow. We moved into the country and purchased our lands. We have built our own houses, and cleared our own lands. We have in some instances purchased Government lands, but most generally derive our title second or third handed under Indian contracts, certified in due form, and approved by the President of the United States. These contracts have been assigned or transferred to us by the original purchasers, and is all the title we have. We never until yesterday entertained the shadow of a doubt

of the validity of such a title. We never believed that our own country would attempt to entrap and ruin her own citizens, nor can we yet believe that the President will sanction or permit such an act. The terms of the Creek treaty are well known to you, and most of the acts of your agents are known to you, but some of them and their consequences are not sufficiently known. From the ratification of the treaty up to about one year back, the whole matter of the treaty went on in one smooth and unruffled stream. Seven-tenths of all the valuable reserves in the nation had then been sold, certified, and approved. There was up to that time no complaint of fraud—such a thing as personating an Indian had not been attempted. Mistakes had been made, and were corrected cheerfully upon discovery. The Indians were universally friendly and contented. They anticipated removing west during the ensuing summer, and were preparing for it. About that time an unusual number of Indian contracts were certified, and frauds were charged. At this point all of our difficulties commenced, and permit us to say that every act of the Government upon the subject from that time to this has had a most pernicious effect. The complaints were made in behalf of the Indians, and professedly for their benefit, but were intended to end in an extensive speculation by white men, many of whom would have committed the same frauds, and worse ones too than they charged upon others. You believed the Indians had been wronged, and actuated by a sincere and laudable desire to do them justice, you directed certain investigations to be instituted. How they were conducted by Dr. McHenry we forbear to mention, as it is understood he is no longer in office; but we must say that the course pursued and pursuing by Colonel Hogan is, in our opinion, equally misconceived and unfortunate. It is unfortunate, we think, that any inquiry was ever instituted, unless founded upon certain and specific charges, and confined to certain and specific cases. And, especially, it is unfortunate that the door for investigation has been opened so wide. In endeavoring to avoid one evil, you have encountered others still more formidable, and, in escaping one extreme, you have run upon the opposite one. The investigations have done no good and much harm, and future investigation will do no good but still further mischief. The evil stops not at the impeachment of false contracts, but has already involved hundreds, if not thousands, of as fair and bona fide contracts as were ever made, and many of the spurious contracts still remain unscathed, and will remain so, for we assure you that all this business is done by the tact and management of white men. The present course of your agent seems to give every advantage and favor to the Indian, and to deny every thing to the white man. His course is a direct and powerful inducement to the Indians to complain, and, when complaining, they are listened to with fearful favor. His course is to visit each town, assemble the Indians, and without waiting for them to make their complaints, he calls over the roll of names, and enters upon an enumeration of each case, and inquires himself as to the sale, price, payments, &c. When an Indian is found to be dead, removed, or absent, he enters into an examination of the chiefs and other Indians as to all the particulars of the sale. There is an extensive and well organized band of most inveterate Indian traders continually in attendance on the agent with their interpreters. They are unceasingly engaged with the Indians, urging them to complain, teaching and bribing them and the chiefs how to act and what to say. The consequence is that more than one-half of all the contracts approved, as well as unapproved, are impeached, and, so far as the

agent has the power, are reversed. These same land dealers generally wind up the show by purchasing up these impeached and reversed contracts. Under the tuition of such men, with so indulgent and partial an agent, and when the testimony is of so easy procurement and so difficult to be disproved, it is not strange that so many contracts should be involved. The wonder is that any one escapes. The single word of an Indian, especially if corroborated by a chief, silences every thing. Many of the contracts under which some of us and our neighbors and friends hold titles to our homes are impeached, although we hold the Indian's contract, approved in due form, and under the hand of the President. The consequences of this course, which you have pursued from the best motives, have already developed themselves to an alarming extent. The Indians, instead of being generally friendly, have, to a great extent, become sullen, insolent, and hostile; instead of being universally satisfied, they are universally dissatisfied; and, instead of preparing for emigration, none of them will even hear of such a thing. The war that has taken place, the lives that have been lost, the present delicate and dangerous state of the country, are all attributable to the policy which has been pursued. We do earnestly believe that, unless the present policy is at once abandoned, and a firm and decisive course pursued, the scenes now enacting in Florida will be enacted with aggravation in this territory. This catastrophe may be arrested by a timely change of policy. A little more delay and temporising will put the matter beyond your reach. We have heard much said about the frauds on the part of the purchasers of Indian lands, but we have seen no good reason for the charge. We believe that the Indians very generally have been fairly treated. They have wasted their money, loaned or given it away, but that is their own business. If frauds have been committed, they will no doubt be adjusted between the parties to some extent, if left to themselves. We do verily believe that the best and the only safe course you can pursue is to stop at once all further investigation, to have approved all contracts that have been certified, and to push the uncertified contracts as rapidly as possible, and then to let the Indians know that their lands are gone by their own acts, and that they must remove. Things must come to this result, and the sooner the better for all concerned. By this course, wrong may be done in a few cases, but this can hardly be avoided; and, in any effort to avoid it, greater mischief will be done. The Indians really never have had, and now have not, any substantial interest at stake in this controversy. Their names are used for effect, but the contest is really between the white people. Should every contract in the whole territory be swept from the record and the lands resold, we are absolutely certain that, by no arrangement that you could invent, is it possible that the result would approach nearer to justice than what has been done. The purchases now going on are by men notoriously unable to pay for the lands, and in every respect tinctured with as much fraud as attaches to the worst contracts heretofore made. If what has been done has led to such protracted investigations, and has left the Indians dissatisfied, how much more protracted must be the investigation, and how much more dissatisfied must be the Indians, under these same recertifications? The Indians have been tampered with so much, and have had such strong inducements held out to them to tell falsehoods, and they have indulged in it so far, that the truth is not now to be had from them. The chiefs are as worthless and false as the common Indians. The further this matter is pursued the more confused

and difficult it will become. We, therefore, recommend and pray you to put a final and immediate end to the delicate and embarrassing controversy.
Respectfully, &c.

G. W. ELIOTT, *Sheriff*.
WM N. RICHARDSON,
JOHN WIRNBULY,
JOHN PRISE,
IRLY JURDIN,
H. A. THORN,
THOMAS P. NOBLITT,
WILLIAM BRYAN,
JAMES DAVID,
HENRY ROOT,
WILLIAM PRIDE,
A. M. WEATHERS,
ISHAM DORSEY,
JONATHAN THOMAS,
NIMROD W. LONG,
WM. W. PITTS, *J. P.*
THOMAS HARVEY,
JAMES MULL.

RUSSELL COUNTY, ALA. *February 20, 1836.*

To the HON. SECRETARY AT WAR :

The undersigned, being resident citizens of said county and State, beg leave most respectfully to spread before you a true expose of our situation and that of our county, and ask from you a redress of our wrongs. What we say to you we believe to be true, and we further believe that we utter the wishes and opinions of nine-tenths of our fellow-citizens residing within the Creek territory. You will discover from the files of your office, that none of us belong to what is commonly called speculators in Indian lands. We are planters, possessing large interests, and who make our living by the sweat of our brow. We moved into the country, and purchased our lands. We have built our own houses, and cleared our own lands. We have, in some instances, purchased Government lands, but most generally derived our title second or third handed under Indian contracts, certified in due form, and approved by the President of the United States. These contracts have been assigned and transferred to us by the original purchasers, which is all the title we have. We never until recently entertained the shadow of a doubt of the validity of such a title. We never believed that our own country would attempt to entrap and ruin her own citizens, nor can we yet believe that the President will sanction or permit such an act. The terms of the Creek treaty are well known to you, and most of the acts of your agents are known to you, but some of them and their consequences are not sufficiently known. From the ratification of the treaty up to about one year back, the whole matter of the treaty went on in one smooth and unruffled stream. Seven-tenths of all the valuable reserves in the nation had then been sold, certified, and approved. There was up to that time no complaint of fraud—such a thing as personating an Indian had not been attempted. Mistakes had been made, and were corrected cheerfully upon

discovery. The Indians were universally friendly and contented. They anticipated removing west during the ensuing summer, and were preparing for it. About that time, an unusual number of Indian contracts were certified, and frauds were charged. At this point all our difficulties commenced; and permit us to say that every act of the Government upon the subject, from that time to this, has had a most pernicious effect. The complaints were made in behalf of the Indians, and professedly for their benefit, and was intended to end in an extensive speculation of white men, many of whom would have committed the same frauds, and worse ones too than they charged upon others. You believed that the Indians had been wronged, and, actuated by a sincere and laudable desire to do them justice, you directed certain investigations to be instituted. How they were conducted by Dr. McHenry we forbear to mention, as it is understood that he is no longer in office; but we must say that the course pursued and pursuing by Colonel Hogan is, in our opinion, equally misconceived and unfortunate. It is unfortunate, we think, that any inquiry was ever instituted, unless founded upon certain and specific charges, and confined to certain and specified cases, and especially is it unfortunate that the door for investigation has been opened so wide. In endeavoring to avoid one evil, you have encountered others still more formidable, and, in escaping one extreme, you have run upon the opposite one. The investigations have done no good, and will do still further mischief. The evil stops not at the impeachment of vicious contracts, but has already involved hundreds, if not thousands of as fair and bona fide contracts as ever were made, and many of the presumed spurious contracts still remain unscathed, and will remain so, for we assure you that all this business is done by the tact and management of white men. The present course of your agent seems to give every advantage and favor to the Indian, and to deny every thing to the white man. His course is a direct and powerful inducement to the Indians to complain, and, when complaining, they are listened to with fearful favor. His course is to visit each town, assemble the Indians, and, without waiting for them to make their complaints, he calls over the roll of names, and enters upon an examination of each case, and inquires himself as to the sale, price, payment, and what they have done with their money. When an Indian is found to be dead, removed, or absent, he enters into an examination of the chiefs and other Indians as to all the particulars of the sale. There is an extensive and well-organized corps of the most inveterate Indian traders continually in attendance upon the agent with their interpreters. They are unceasingly engaged with the Indians, urging them to complain, teaching and bribing them how to act and what to say. The consequence is that more than one-half of all the contracts approved, as well as unapproved, are impeached, and, so far as the agent has the power, are reversed. These same land dealers generally wind up the show by purchasing up these impeached and reversed contracts. Under the tuition of such men, with so indulgent an agent, and where the testimony is so easy of procurement, and so difficult to be disproved, it is not strange that so many contracts should be involved. The wonder is that any escapes. The single word of an Indian, especially, if corroborated by the chief, silences every thing. Many of the contracts under which we and our neighbors and friends hold title to our lands and our homes are impeached, although we hold the Indian contract, approved in due form, and under the hand of the President. The consequences of this course, which you have pursued from the best of mo-

tives have already developed themselves to an alarming extent. The Indians, instead of being universally friendly, have, to a great extent, become sullen, insolent, and hostile; instead of being generally satisfied, they are universally dissatisfied; and, instead of preparing for emigration, none of them will even hear of such a thing. The war that has taken place, the lives that have been lost, the present delicate and dangerous state of the country, is all attributable to the policy which has been pursued. We do earnestly believe that, unless the present policy is at once abandoned, and a firm and decisive course pursued, the scenes now enacting in Florida will be enacted with aggravation in this territory. This catastrophe may be avoided by a timely change of policy; a little more delay and temporising will put the matter beyond your reach. We have heard much said about the frauds upon the part of the purchasers of Indian lands, but we have seen no good reason for the charge. We believe the Indians very generally have been fairly treated; they have wasted their money, loaned, or given it away, but that is their own business. If frauds have been committed, they will no doubt be adjusted to some extent between the parties, if left to themselves. We do verily believe that the very best and the only safe course that you can pursue is to stop at once all further investigations, to have approved all contracts that have been certified, to push the uncertified contracts as rapidly as possible, and then to let the Indians know that their lands are gone by their own act, and that they must remove. Things must come to this result, and the sooner the better for all concerned. By this course wrong may be done in a few cases, but this can hardly be avoided. The Indians really never had, and now have not any substantial interest at stake in this controversy, their names are used for effect; but the contest is really between the white people. Should every contract in the whole territory be swept from the record, and the lands resold, we are absolutely certain that by no arrangement that you could invent, is it possible that the result would approach nearer to justice than what has been done. The purchases are now going on by men notoriously unable to pay for the lands *bona fide*, and in every respect tinctured with as much fraud as attaches to the worst contracts heretofore made. If what has been done had led to much protracted investigations; and has left the Indians dissatisfied, how much more protracted must be the investigations, and how much more dissatisfied must the Indians be under the same re-certifications? The Indians have been tampered with so much, they have such strong inducements held out to them to tell falsehoods, and they have indulged in it so far that the truth is not now to be had from them. The chiefs are as worthless and false as the common Indians. The further this matter is pursued, the more confused and difficult will it become. We, therefore, recommend and pray you to put a final and immediate end to the delicate and embarrassing controversy.

We, the subscribers, reside in the Hatcolbbee, Parlachola, Sowelco, Hili-chely, and Uchee towns. Some of us have resided there between two and three years; we purchased under Indian titles. The Indians whose names were to our contracts we have often seen at our own houses and at other places. We have frequently heard them admit that they had sold their lands, and that the Indians of those towns had almost universally sold. We never heard from them or others any complaint of fraud until the recent investigation of Colonel Hogan, when many of these very Indians have come forward and denied having sold, and have urged many other

complaints never before heard of by us. Indeed these towns have almost universally complained, when it is notorious that they were the first Indians in the nation who sold, and that they sold all in a body as rapidly as possible. These same Indians are, moreover, exceedingly roguish, michievous, and hostile, and always have been so. Colonel Hogan has certainly induced a very general belief amongst the Indians and whites that he has power to alter and change locations, to give back to the Indians their lands; and he has promised them more than can be performed for twelve months to come. His operations, however well intended, have created much confusion and excitement, and the consequences which may ensue can never be sufficiently deplored.

A. B. DAWSON,

Russell county, Alabama.

WM. B. FLOURNEY,

JOEL HURT, Sen.

HENRY HURT, Sen.

JOHN CANTY,

South Carolina.

JAMES E. GLENN, Jr.

Barbour county, Ala.

MEM. GLENN,

JOHN S. GLENN,

DANIEL A. TARRANT,

L. T. SANS,

THOS. A. HOLLAND,

JONATHAN W. RAINS,

BINUM HOWEL,

WILLIAM P. ALLLISTON,

RICHARD RICHARDSON,

WILLIAM RICHARDSON,

JOHN E. DAWSON,

JOEL CULBREATH,

THOMAS CULBREATH,

JNO. CROWELL, Jr.

Russell county, Ala.

EXECUTIVE DEPARTMENT, ALABAMA,
Tuscaloosa, February 25, 1836.

DEAR SIR: Information upon which I can rely having reached me, that there are at this time about 2,500 Creek Indians who have taken up their residence in Cherokee county, in this State, without any apparent means of subsistence, and much against the inclination, not only of the white settlers, but of the Cherokees themselves, I would respectfully beg leave to direct the attention of your Department to the obvious necessity of removing them to the country destined for their residence beyond the Mississippi, at as early a period as practicable. Reduced almost to a state of starvation, and driven as they have been from that part of the Cherokee nation within the limits of Georgia, by the rightful owners of the soil, it is to be apprehended that the present state of excited feeling against them, may drive them to some deed of rapine or murder, which may excite the

white settlers to acts of retaliation, and ultimately lead to their utter extermination. Having sold their reservations secured to them by the treaty, and removed from the territory formerly claimed by their tribe, it is respectfully suggested that they have no longer a legal claim to a residence in any part of this State, and that nothing short of their entire removal beyond the Mississippi, will secure to our citizens in their vicinity the peaceful enjoyment of their homes. Though no positive evidence has been adduced of any hostile intentions on their part, indications of the sort have been reported to me, which require that a strict watch should be kept over them. Should you think it advisable, and will authorize or request me to do so, I will order out a sufficient force, and will deliver them to any authorized agent of your Department, at any designated point on the Tennessee river within the limits of this State, at such time as you may appoint. It is believed that nothing short of the exhibition of a force entirely competent to remove them, will induce them to go, though it may be hoped that no actual appeal to arms will be necessary. I send you enclosed documents received from the part of the country into which the Creek Indians alluded to have introduced themselves. My health is and has been bad for some time, having been confined almost constantly to my bed for the last sixteen or eighteen days.

I have the honor to be,

Very respectfully,

Your most obedient servant,

C. C. CLAY.

Hon. LEWIS CASS,
Secretary of War.

DEKALB COURT HOUSE, *February 8, 1836.*

DEAR SIR: I hasten to lay before you the situation of our country. Some two or three weeks since, about nine hundred Creek Indians have emigrated from the Creek nation to this section, and are settling down on the Lookout mountain, dividing the counties of Dekalb and Cherokee, and it is reported on most respectable authority, that one thousand more are actually on their way here, all of whom are without the least visible means of support, and consequently will depend on plundering, pilfering, &c, for subsistence. Their intention is to settle the Lookout mountain from one end to the other, which mountain is only about six miles wide. It is also rumored, that the anti-treaty party of Cherokees intend rising and massacring the white population in the night time; and, from the number and manner of the emigrating Creeks, more than probable they may have something to do with it also. The anti-treaty Cherokees have lately held a private council, the object of which is not known. I speak not alone: it is the voice of many of your liege subjects: we think that something ought to be done. Is there any guards for the defence of our country? If so, is it not expedient for them to be placed where danger is expected?

I am, dear sir,

Your most obedient servant,

R. M. HOOK.

Hon. C. C. CLAY.

STATE OF ALABAMA, *Cherokee county, mouth of Chattuga :*

The undersigned, a committee of the citizens of the State of Alabama, Cherokee county, who met in convention on the 6th February, at the mouth of the Chattuga, have had the matter upon the intrusion of the Cherokee Indians into our territory under consideration, and have sought for all the means of information to them practicable, and find that there are quite a large population of the Creek Indians intruded into our country, and would suppose that a schedule of the relative locations, and the number so well ascertained, will give one of the best views of the case that can be presented to your Excellency, viz :

Spring creek	-	-	-	200	or upwards.
Terrapin creek	-	-	-	60	Polecat town.
“	“	-	-	60	Little Hogstown.
Coosa river	-	-	-	500	Hillbulga and villages.
Wolf creek	-	-	-	200	on Lookout mountain.
Chattuga	-	-	-	40	
Ball Play creek	-	-	-	1,500	
Emigrants, two weeks successive	-	-	-	50	bound N. E.
				<hr/>	
Making in all	-	-	-	2,610	
				<hr/>	

Thus we suppose we are below the actual number, yet we conceive that we are near the true number ; and your Excellency can at once make up an opinion, whether such collections on the soil of Cherokees, seems to lead to an idea of their compliance in the humane policy of our venerable Chief Magistrate, in transplanting them to a more fertile soil, which is to be theirs, and one much more congenial to their pursuits, and the interests of them as a people, pure in nationality, and aloof from the temptations to debauchery and drunkenness, and consequently deterioration and demoralization. The committee would also beg leave to remind your Excellency, (for it is to you well known,) that the soil which the Creeks held of right is now in the hands of citizens of the State, who are paying a tax to the State for the land they occupy ; and that, by being transposed on our soil here, they will be stopping or at least blunting the prospect of the real ownership of our lands here ; that by being placed here among us, we shall be deprived of part of the influx of population we were expecting to come among us this season—the consumption of provisions being increased, and consequently the prices advanced : thus Alabama is losing population for the present, and it may be that they may never again be ready to remove, that is, those who have not set out, and the part that has passed through it ; and thus a population that is useless will be rivetted on us that may, if suffered, remain for years, and the places they fill be kept out of the hands of tax-paying citizens that would be useful to our State, and be advancing her towards her destined stand in the scale of comparative representation in Congress. There are good reasons for the supposition, that a Cherokee of distinction, viz. David Vann, has encouraged them thus to migrate and settle on lands of his nation ; and furthermore, that in so doing, he has procured many reserves from the poor deluded creatures at very reduced prices, promising settlement, (or ought we know reservations,) here. The mode of redress is in the breast of your Excellency, unless there has been legislation on the subject, of which we are unapprised ; and it is only with

us to say, that we expect a removal, and feel confident that your Excellency will adopt such a measure, and that immediately, as will ensure the dignity of the State, the prosperity of our country, the safety of our property, and the security of our families. The committee would beg leave respectfully to call to mind the influx of the Georgia Cherokees also, by which possibility may not be known to you: the number of such is as yet limited, yet the course of the Georgia legislation being the occupancy of all her lands by the fortunate drawers thereof, we may expect that the number will weekly increase, unless some countervailing measures shall be speedily adopted, or a treaty soon be ratified. Should Creeks and Cherokees be suffered to remain among us, our population will be small, and not so valuable as if the lands were ceded and occupied by real owners; and in so far as our three counties here are concerned, which, although mountainous, has yet much valuable valley land in them, the State will be deriving no income by tax so long as we remain as we are, nor will our territory be strongly represented in Congress, the people mostly being deterred from emigration among us by the unsettled state of our affairs as at present.

By the unsettled state of society now, in our present state of matters, in fine, the sooner we have our Cherokee and Creek friends confined to their own proper residences, the sooner shall we have our territory peopled by valuable citizens, our State deriving succor from them by taxation, and support from their suffrage for members to Congress. Thus will civilization and occupancy, residence and ownership of soil, go hand in hand to increase the happiness of our citizens, the prosperity of our State, and the general good of the whole body politic.

Respectfully, your obedient fellow-citizens,
 JOHN PATEY,
 J. J. SCOTT,
 IVY RICHERSON,
 R. H. REYNOLDS,
 E. W. LANGSTON.

To the Hon. THE GOVERNOR
of the State of Alabama.

The report and petition was agreed to before the citizens convened, after the nomination of Singleton Hughes, Esq. as chairman, G. Clifton assistant, and Major White, secretary, without a dissenting voice, and the subject of the importance of the matter was thought to be of sufficient importance to procure the courtesy of Major Samuel Martin, to go as express to Tuscaloosa, and we hope that he will be able to give you a more extensive view of the matter than is afforded by our feeble petition; and, on motion, he was named, and agreed to undertake the trip; and subsequently the meeting, on motion, adjourned.

SINGLETON HUGHES,
 GEORGE CLIFTON.]

JOHN A. WHITE, *Secretary.*

STATE OF ALABAMA,

Cherokee co. mouth of Chattuga, Feb. 6, 1836.

At a meeting of a respectable number of the citizens of Cherokee county, to consider what measures should be adopted in relation to the intrusion

of the Creeks into our county, the following committee were appointed to draft resolutions expressive of the sense of the meeting, after the appointment of Asa W. Allen chairman of the meeting, and Henry Smith secretary, viz. John Pates, Henry Bullard, Francis Adams, sen. J. J. Morrison, J. S. Street, J. J. Scott, sen. Reuben Runnels, Ivy Richardson, and E. W. Langston, withdrew and reported the following resolutions :

Your committee have had the subject of the intrusion of the Creek Indians into our territory, and our county in particular, under consideration, and beg leave to submit the following resolutions for the adoption of the meeting :

1. *Resolved*, That we view all men as having the right of self-preservation, yet would believe that the Creeks, by their removal among us, are depriving the Cherokees and whites of a part of their means of subsistence, without their consent or concurrence, and we therefore are decidedly opposed to their removal among us, and would suggest the propriety of the appointment of a committee, to report at a subsequent meeting, to draft a petition to his Excellency, C. C. Clay, requesting him to aid and succor us as citizens, to accompany our resolutions.

2. *Resolved*, That we now, in general meeting, will pledge ourselves to aid and support any agents, civil or military, that may be sent among us with authority to expel our new neighbors gently, if possible, but forcibly if there should be a necessity.

3. *Resolved*, That we now express our decided opinion, that we have both natural and inalienable rights here, and we therefore believe we shall be supported by his Excellency in such way as will ensure the safety of our families, the security of our property, and the dignity of our State.

4. *Resolved*, That the committee be requested to hear the suggestion of any citizen, and, if agreed to, embrace them in the report.

5. *Resolved*, That his Excellency be requested to address to the post-masters at Spring Creek, Childer's Ferry, and Turkeytown, copies of his plans for the expulsion of our Creek neighbors from our territory.

JOHN PATES.

E. W. LANGSTON, *Secretary*.

The resolutions were read and sanctioned singly, and in whole subsequently, and the only question of dissentience was in regard to signatures, and it was agreed that the knowledge of the number present would supersede the necessity of the signatures, all present having sanctioned the resolutions, which was supposed to be 230 to 250. The committee appointed were John Pates, R. Runnels, J. Richerson, J. J. Scott, and E. W. Langston ; and on motion, the meeting adjourned to meet on the 13th instant, at the mouth of Chattuga.

A. W. ALLEN, *Chairman*.

HENRY SMITH, *Secretary*.

EXECUTIVE DEPARTMENT, ALA.

Tuscaloosa, Feb. 25, 1836.

DEAR SIR: Deeming it necessary, from the doubtful state of affairs among the Creek Indians, that some force should be stationed among them,

in order the more effectually to watch their proceedings, and to restrain them from acts of depredation and hostility, I have, agreeably to the requisition of Colonel Lindsay, made by the authority of General Scott, called into the field a regiment, to act as a corps of observation upon them. The requisition called for infantry, but conceiving with Colonel Lindsay that one regiment of infantry was perfectly inadequate to the performance of the duty required of them, and that mounted men in such service would be far more efficient than thrice their number on foot, I have called for mounted infantry, to rendezvous by the 10th of March, ready for service. Colonel Lindsay, for want of authority, did not make a requisition for this kind of troops, yet expressed himself most decidedly in favor of them, and doubted not that the Department, taking into consideration the object of the regiment, the extent of the country (near two hundred miles) they had to guard, and the present spirit of discontent manifested by the Indians, who are reduced almost to a state of starvation, and are collecting together and committing depredations, would readily concur in the same opinion, and sanction the order thus given. Earnestly desiring that the course I have pursued may meet with your entire approbation, and requesting an answer as soon as it may be consistent with your convenience,

I have the honor to be,

Very respectfully,

Your obedient servant,

C. C. CLAY.

Hon LEWIS CASS, *Secretary of War.*

ATTORNEY GENERAL'S OFFICE,

February 26, 1836.

SIR: In reply to the question proposed to me in your note of yesterday, I have the honor to state, that, in my opinion, patents from the United States are necessary to complete the title of the purchaser, in all the cases provided for in the second and third articles of the treaty made with the Creek Indians, under date of the 24th of March, 1832.

By the first article, the Creeks cede to the United States all their land east of the Mississippi river. The Indian title to the whole territory is thus extinguished, and that of the United States rendered absolute.

The second article authorizes certain tracts to be selected from the lands ceded: and the third, after providing that the tracts so selected may be conveyed by the persons selecting the same to any other persons, for a fair consideration, in such manner as the President may direct that the contracts shall be certified by some person appointed for that purpose by the President, and that it shall not be valid till approved by the President, declares that "a title shall be given by the United States on the completion of the payment."

The third article thus takes a distinction between the President's approbation of the contract, and the perfection of the title: it evidently contemplates the necessity of a further act. It is obvious, also, that as no title had been given to the Indian making the selection, some further act would be requisite to vest in the purchaser the title of the United States.

In the cases provided for in the fourth and sixth articles, it is expressly declared, that "*patents*" shall issue to the Indians for the selected tracts.

There is no difference between these cases and those before provided for except that, under the second and third articles, the title is to be given, not to the Indian making the selection, but to the purchaser from him. The means of title must be the same in both cases; that is to say, a patent from the United States.

The letter of Mr. Mardis is herewith returned.

I am, Sir, with high respect,

Your obedient servant,

B. F. BUTLER.

The Hon. LEWIS CASS,
Secretary of War.

TUSKEEGEE, *March 31, 1836.*

GENTLEMEN: I have the honor to acknowledge the receipt of your communication of this date, and hasten to reply. You state that, as contractors for the emigration, you are desirous to know the reasons of the delay in making known to the public, prior to the 29th instant, the order of the War Department of the 15th January last to the certifying agent.

I cannot conceive what object the contractors can have in view in making this inquiry, but as your company desire the information, whether it will forward your duties as emigrating contractors, or land speculators, you are welcome to the information sought, and I shall be proud to gratify your desires. By reference to my letter book, I find that on the 3d of February last I was at Fort Mitchell, and had returned a day or two before from Irvington, and acknowledged, in a letter addressed by me to the Secretary of War, the receipt of his several communications of the 15th, 16th, and 23d of January; his order of the 23d countermanded his order of the 15th, and of course it was not made known to the public. On our return here, from the last council, Major Abbott received, through the medium of this post office, his orders, and among them, as such, a copy of the Secretary of War's letter addressed to me, and dated the 15th January, consequently I felt myself bound to consider the reiteration of that order as the will and intention of the Department, and made it public accordingly.

I have the honor to remain,

Your obedient humble servant,

JOHN B. HOGAN.

Messrs. J. W. A. SANFORD & Co.

TUSKEEGEE, *March 31, 1836*

SIR: The contractors for the emigration are desirous to know the reasons of the delay in making known to the public, prior to the 29th instant, the order from the War Department of the 15th January last to the certifying agent.

J. W. A. SANFORD & Co.

Col. JOHN B. HOGAN.

COLUMBUS, *March 20, 1836.*

SIR: Mr. Iverson, the junior editor of the Columbus Centinel, informs me that he has been called upon by Mr. Van Ness, of this place, for the author of an article which appeared in the Centinel of the 26th ultimo, headed "new appointment," but as Mr. Guerny, the senior editor, was absent, he declined giving Mr. Van Ness his authority. I was not at home at the time the demand was made by Mr. Van Ness, and as I do not see a necessity for delay in giving you the desired information, I herewith enclose you the copy of a letter from Gen. George Gibson, dated Washington, 30th January, and addressed to the company of contractors for the migration of the Creek Indians. The company is under the impression that Captain Page's appointment is permanent. The letter was by me shown to the editor of the Centinel, with a view to the publication of some such article. Whether the company is right or wong in their opinion, remains still to be seen.

Very respectfully,

Your obedient servant,

JOHN D. HOWELL.

Col. JOHN B. HOGAN.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub. Jan. 30, 1836.

GENTLEMEN: Captain John Page, U. S. A. is charged with the duties heretofore assigned to Colonel Hogan, in connection with the Creek emigration, and will be governed by the instructions to Colonel Hogan of the 1st of September last.

Respectfully, your obedient servant,

GEORGE GIBSON, C. G. S.

Messrs. JOHN W. A. SANFORD & Co.

EXECUTIVE DEPARTMENT, ALABAMA,
Tuscaloosa, March 22, 1836.

SIR: Enclosed, I forward a communication from Major General Garrett; another from Colonel William B. Martin, (who is Inspector General of Gen. G's division;) another from the officers of three companies, which were sent by General Garrett to Vernon, the place of rendezvous for the regiment of observation, (of which I spoke in my last,) but did not arrive till the regiment was disbanded; besides communications from meetings of the citizens of several counties, or from their committees, and from individuals, expressive of their own views, and those of their neighbors, in reference to the probable course that may be pursued by the Creek Indians.

Those communications disclose the apprehensions of the citizens of several of the counties, formed out of the territory lately claimed by the Creeks, and also those of the citizens of Montgomery county, which borders on that territory. These are only specimens of the sentiments and feelings of the counties generally in that part of the State, as I am led to believe, from communications which I am receiving by almost every mail.

From those documents, it is hoped, you will perceive the expediency, if

not *necessity*, of calling out such force of mounted militia, as will give safety, as well as tranquillity, to all who are amongst, or on the borders of the Creeks and Cherokees. I cannot doubt that such a measure is necessary, from all the information I have upon the subject. And I have no doubt that a body of well armed and equipped mounted men, ranging through the country inhabited by the Creeks and Cherokees, would have a most favorable influence on the emigration of both tribes. Let me most earnestly entreat you to take such steps, *or give me such authority*, as will, at least, protect the lives of my fellow-citizens.

Should my request be granted, I trust you will cause such orders to issue, *as to arming, equipping, and mustering the troops into service*, as will prevent another failure. I received a communication from Capt. John Page, of the U. S. Army, by the last mail, bearing date on the 15th inst. by which I am informed, that he has been appointed mustering officer, by General Scott, for all the troops called into service by the Executives of Georgia and Alabama. I cannot say by whom these duties are performed, but beg that I may be furnished with a duplicate, or some other official evidence, of any such order, as soon as it may be given.

By the mail of the 19th inst. I received another letter from Captain Harding, dated, Mount Vernon Arsenal, March 12, 1836, a copy of which you will find enclosed. In this letter, he refers to his second letter, of "the 9th inst." shewing *that* to have been the *true* date, and says, "on the 14th *you may depend* on my being at Mount Vernon, &c." The troops were not discharged till the 14th, when Capt. H. had not arrived, nor did he till the 16th, as I learn by the Montgomery Advertiser, which is published in the vicinity. You will observe, moreover, his last letter being dated on the 12th, and assuring me that he would be at Vernon on the 14th, he only considered *two days* necessary for the trip from one point to the other. If this be the fact, (and I have no doubt it is,) what prevented him between the 9th and the 14th, (being five days,) from performing the duty? And why did he not address the commanding officer at Vernon, directly, informing him that he would come, instead of merely addressing me at this place, about one hundred and twenty miles distant across the country? There is something inexplicable to my mind, in the circumstances attending this failure.

Hoping to hear from you at as early day as it may suit you to communicate,

I have the honor to be,

Very respectfully,

Your most obedient servant,

C. C. CLAY.

HON. LEWIS CASS.

MOUNT VERNON ARSENAL,

March 12, 1836.

SIR: Owing to some unaccountable delay on the part of the mail, your communication of the 20th ult. was not received until after my letter to you, of the 9th inst. had been despatched.

I perceive your Excellency did not send me the written authority of Col. Lindsay, for calling the Vernon regiment into service, which paper

will be necessary to legalize the muster, and ought to accompany the roll to Washington. I will, however, waive this objection, and on the 14th, you may depend on my being at Vernon, to muster the men into service; and in the meantime, you will please forward the orders of Col. Lindsay, to my address at this place.

Very respectfully,

I am sir,

Your obedient servant,

E. HARDING,

Capt. Ordinance.

To his Excellency C. C. CLAY,

Governor of Alabama.

TUSKEGEE, Feb. 18, 1836.

SIR: To my astonishment, I learn that a part of the detachment of militia, destined for the Florida service, is to be raised from the new counties, or that part of the State that is already occupied by a large number of Indians, that might, from the most trifling circumstances, be induced to take up the gun and scalping knife, and with ease, could put to the slaughter every white inhabitant within the new counties or Creek territory. The people of the new counties are not opposed to rendering all the aid that should be required of them, to the people of Florida, but circumstances forbid a man leaving this part of the State at present. I am well acquainted with the situation of this county, and know there cannot be more than one hundred and fifty men able to bear arms, and there is at a moderate calculation, six thousand Indians now in the limits of this county, and fifteen hundred or two thousand of them warriors. Under circumstances like these, should the Executive determine to have the order for draft put in execution, within the limits of the new counties, it certainly will render the situation of the settlers much more dangerous than it is now, which is at present not considered safe. I do not wish to be understood, that I anticipate an immediate attack from the Indians, but they have already committed a number of murders on the whites, and there has been so little, if any, exertion used on the part of the Executive, to have the murderers apprehended, that the Indians have been quite impudent and troublesome in many parts of the nation. Another thing, which will in all probability place the settlers in a more unpleasant situation, is, that the Government intend to try the most effectual course to emigrate, which will necessarily be accompanied with a little salutary force, and that no doubt will make a number of the Indians restive, and disposed to do mischief.

Your most obedient,

And humble servant,

THOMAS S. WOODWARD.

His Excellency CLEMENT C. CLAY.

MONTGOMERY, Feb. 4, 1836.

SIR: From information recently received in this place, from Columbus, Georgia, that the Creek Indians had assumed a hostile attitude towards the whites, and have actually commenced depredations on the Chattahoochee,

together with the fact, that many of the Creeks have joined with the Seminoles in Florida, and that the Indians in the counties of the nation, are now purchasing all the guns and amunition they can procure, present, in our opinion, sufficient evidence of a design on the part of the Creeks, to follow the examples of the Seminoles, and push a war against the whites, to the last extremity. We, therefore, the committee appointed to address your Excellency, in behalf of the citizens of Montgomery county, (being on the frontier,) feel it important that some measures should be adopted for the defence of our inhabitants of this, as well as the counties in the nation. It is a fact too well known, that in case of a sudden invasion from the Indians, the people on the frontiers would be utterly defenceless, in consequence, not only of the disorganized condition of the militia, but for want of proper munitions of war.

In conclusion, we respectfully request, that your Excellency will forthwith forward to this place, five hundred stand of muskets and accoutrements, three hundred yaugers, and two hundred pistols and sabres, and any other number or description of arms, which your Excellency may deem proper and expedient.

With much respect, we remain,

Your obedient servants, &c.

SAMUEL D. HALT,
G. D. SHORTRIDGE,
B. S. BIBB,
JOHN GINENAT,
JESSE P. TAYLOR,
HUGH D. HENRY,
C. CROMELIN,

*Committee on the part of
the citizens of this county*

To his Excellency GOVERNOR CASS.

TUSKEEGEE, MACON COUNTY, ALA.,

February 16, 1836.

DEAR SIR: The solicitude I feel for the citizens of this section, must be my apology for troubling you with this communication. I presume you are already informed of the difficulty in this part of the State. The Indians for some time past have manifested considerable hostility. The white citizens now in the nation capable of bearing arms, are only, in proportion, as one to fifteen. Should a portion of those here be taken away it will be easy to see that many helpless families will be left exposed to the cruelty of the savages. Should the citizens of this, Columbus, and Russell counties be called to Florida, it will be necessary to take their families out of the nation, or provide for their security in it. If, however, we are compelled to go, we are voluntary. For myself, I have no family, and am ready to volunteer to-morrow; and I presume the citizens will generally do the same.

You will, perhaps, be addressed by others on the same subject.

Yours, very respectfully,

W. BASKIN STOGNER.

To his Excellency C. C. CLAY.

SATURDAY, *January 23, 1836.*

At a meeting of the settlers on Uchee creek, Russell county, Alabama, assembled, according to previous notice, to consult for their general safety, and adopt such plans of defence, against the surrounding savages, as, in their judgment, may seem most expedient. On motion, John B. Tate was called to the chair, and Mr. Thomas Reid appointed secretary.

On motion of Colonel N. W. Long, a committee of five citizens were appointed to draw up resolutions expressive of the sense of this meeting, with regard to the danger with which they were surrounded, and to suggest such plans for immediate self defence as may be within the reach of this settlement.

Mr. McKean, Mr. Matthew Turner, H. B. Green, Colonel N. W. Long, and Richard L. Kemp, were appointed the committee.

On motion of H. B. Green the chairman was added to the committee.

On motion, of Mr. Turner, it was

Resolved, That when this meeting adjourn, it adjourn to meet again on Saturday next, the 30th inst.

January 30, 1836.

The meeting of the settlers of Uchee creek met according to adjournment, when the committee, appointed at the last meeting, reported the following resolutions; which were adopted without dissent.

Resolved, That, from our earliest acquaintance with the Indian character, they have, in all the colonies and States, been a dangerous, a vindictive, and a treacherous neighbor; that exasperated, as many of them justly are, from the heartless and insatiable avarice of interested persons, who have had influence over them, and the known sympathy that exists between the lower Creeks, in Alabama, and the Seminoles, in Florida, and from many recent overt acts, and other circumstances, we have abundant reason to apprehend immediate danger.

Resolved, That the settlers be requested forthwith to form themselves into a volunteer company, and to submit to a regular drill exercise, for the defence of the settlement, once a fortnight, or oftener if occasion may require.

Resolved, That a committee of three be appointed, again to memorialize the governor, and freely and fully suggest to him our particular situation, requesting that he would place arms and the munitions of war within our reach, and take such other steps for our safety as he in his wisdom may direct. Mr. Adams, Mr. Brown, and chairman, were ordered to compose said committee.

Resolved, That the citizens of the late Creek purchase, and on the frontier thereof, be requested to form volunteer companies, and committees of vigilance; and that they be requested to communicate to each other every movement, of a hostile nature, that they may discover, that the proper measures may be adopted for our general safety.

Resolved, That a committee of seven men be appointed to superintend the building a fort or fortification, to be commenced to-morrow morning, (Sunday) and carry on the same till completed. Colonel Long, H. B. Green, J. Dorsey, J. Lawrence, William Threadzett, William Dormant, and John B. Tate, were appointed.

Resolved, That all persons, within and without the nation be, and they are hereby, requested to abstain from selling the Indians ardent spirits and

powder; and that we know no difference between a murderer and one who is accessory thereto, by furnishing our common enemy with the means of death and bloodshed.

JOHN B. TATE, *Chairman.*

E. T. REID, *Secretary.*

JACKSONVILLE, ALABAMA, *February 12, 1836.*

DEAR SIR: The bearer of this visits the seat of Government on an errand, which will, doubtless, call into lively action those kind and solicitous feelings, which a patriotic chief magistrate ever feels for the welfare of our citizens, when their rights are in danger of invasion from savage warfare.

That large bodies of armed Indians have, and still are assembling in various parts of this country, is substantially true. The exact number is not ascertained; but from information, which strikes me as authentic, I am inclined to think they can muster near one thousand, competent to bear arms. Embodied too, under circumstances manifestly indicating hostile intention, and warlike preparations.

On the tenth a gentleman traveller passing through the country was shot through, by a small band, and on yesterday died of the wound.

In the action of our citizens, caution and prudence have been their guide. Out of a population of over one thousand souls, in this town, there are not sixty guns, embracing all kinds, mostly small shot guns, which would be of little service if we should be invaded.

Whether the Creeks intend an assault in this part of the country, or whether they are preparing to join the Seminoles in Florida, time alone can develop. They have been visited in friendship by prudential men to ascertain from them their intentions; nothing can be obtained from them as to their purpose or mind. Under these circumstances we feel fully warranted in making this appeal for aid, and do believe that a patriotic State will sustain us.

The bearer, Doctor Smith, is a gentleman, and implicit confidence may be had in any statement he may make to you.

I have the honor to be, sir, respectfully, your most obedient servant,
W. B. MARTIN:

His Excellency C. C. CLAY,
Governor of Alabama, Tuscaloosa.

AUTAUGA COUNTY, AT CAMP, *March 15, 1836.*

To his Excellency C. C. CLAY, *Gov. &c.*

The undersigned have been regularly constituted officers of three companies of mounted volunteers, raised in pursuance of your official order to Major General T. H. Garrett, of the seventh division Alabama militia, dated the 18th day of February last, to act as a corps of observation over the Creek Indians for three months, &c. and have under the command of Col. William B. Martin, inspector general of said division, proceeded thus far on a direct route to Vernon, the point of general rendezvous, designated in said order; but having been informed that no provision whatever has been made for the reception of the troops there, and that those who had already rendezvoused had been disbanded by your Excellency's order, have thought it most advisable to remain here until further orders from your Excellency.

The undersigned would respectfully represent the importance of enter-

taining the troops under their command for the purposes at first contemplated, inasmuch as the same causes of alarm now exist that have existed; the same feelings and fears entertained, to wit, that the Indians are rapidly approaching a period when the means of subsistence will be exhausted, and nothing left but the property of the white people, which perhaps, with their persons, will be subjects of savage aggression.

Further we would represent, that an official communication from General Garrett to yourself in reference to the situation of the Indians, recommending a corps of observation, was generally known in this county, upon which it was designated to have effect. That the same was approved of by the citizens generally, as likely to secure the means of keeping in awe the Indians, and ensure security against any hostilities which might be conceived by them.

Again we would represent, that information from respectable sources induces us to think there exists hostile feelings in the bosoms of many of the Indians, especially in the counties adjacent to the counties of Benton and Talladega; that we have learned a considerable number of warriors from Tallapoosa have gone off for the purpose of joining the Seminole Indians. And, indeed, we feel justified in saying that the citizens of the Creek and Cherokee country, generally, look to your Excellency for security against the dangers, which they consider surround them continually, and that there has not been a period since the settlement of the country, when the movements of the Indians should be more vigilantly guarded than at present. And, further, that if the troop is disbanded, it will be, perhaps, more injurious to the citizens than if it had never been raised; inasmuch as the Indians may be encouraged to acts of violence, from the consideration that they are not guarded by the constituted authorities of the State. We would further remark, that considerable expense has been incurred, and sacrifices made, by many who are now under our command; that such arrangements have been made by many for the engagement of their services to the Government, that now to disband and send them home, would be attended with great pecuniary distress and inconvenience, and their confidence in the Government, in some measure, destroyed. The premises considered, the undersigned pray that your Excellency will retain them in service according to the tenure of their enrolments, and that the troops under their command be permitted to retain and elect their officers according to your first order to General Garrett; and that they be directed to carry out the original design of the Government, as a corps of observation over the Creek Indians for three months; unless sooner discharged by your Excellency; believing as we do, that the selection of our troops from Talladega, and Benton, and De Kalb, and Cherokee, they will be better prepared to guard and detect the movements of the Indians than troops selected from distant parts of the State.

Respectfully, your obedient servants,

THOMAS M. SIKENS,	<i>Captain.</i>
M. H. HUGHES,	"
J. D. SHELBY,	"
WM. GARRETT,	<i>Lieut.</i>
JNO. H. TOWNSEN,	"
H. H. PORTER,	<i>Ensign.</i>
JNO. D. MILLER,	"
M. CHANDLER,	"
JNO. O. BRACKEN,	<i>Quartermaster.</i>

JACKSONVILLE, ALA. *March 3, 1836.*

DEAR SIR: I am called upon again by the citizens amongst whom I reside, to address you, more particularly of Cherokee county. I have been in that country for the last week. I have been through the Creek camps, upon Terrapin creek. I have also been in the most populous Cherokee settlements; and from all latter indications, the citizens have become somewhat alarmed, fearing a union between whichever party in the Cherokee nation (which may be displeased at the action of their delegation now in Washington city,) and the Creeks who are settling in the Cherokee nation by request of the Cherokees. Such an occurrence may happen.

The people in this section of the State are anxious that a troop be stationed among them, under command of their own officers, who have families alike with the soldier to protect. They have confidence in Gen. Garrett, who is a liberal, high-minded officer, and is better acquainted with the Indian character than any other officer perhaps in the State, having resided among them for the last four years.

One fact is also of importance to the people here, and is in existence, and is this: that the Indians are absolutely destitute of the means of subsistence, and are now *stealing the corn and bacon from those who are unable to lay in other supplies*, and from the scarcity of provisions in our country, must suffer, unless the Indians are checked. Hence arises the necessity of immediately filling the place of those who have volunteered in the service of the United States, unless they are ordered to be stationed in this county, or Cherokee. The fact is, by taking volunteers from among us, is opening the avenue by which the Indians have access to the volunteers' corn and meat-house.

I have the honor to be, sir,

Respectfully, your obedient servant,

W. B. MARTIN.

Honorable C. C. CLAY.

HEAD QUARTERS,
Jacksonville, March 3, 1836.

SIR: Your order of date 18th of February has been, thus far, promptly executed, and all things in relation to it will be fulfilled at the time it commands.

Yours of the 20th ult. is also before me, and, in relation to it, I communicate to you the following facts. In the first place, the order requires to "guard carefully the Indians, and to prevent any disturbance, either on the part of the citizens of the State, or the Indians," &c. Such an order was deemed of the utmost importance, for many reasons. The Creek Indians are now, and have been, embodying from all points in their former country to the Cherokee nation. The Cherokees have, (as I have been informed,) invited them hither, and meet them with the kindest feelings of friendship. To the number of from three to five hundred have embodied within one mile of my residence; the men keep out in the eve and recede all day; meet at night and dance, to the great annoyance and alarm of the white citizens. They are destitute of the means of subsistence, consequently they plunder indiscriminately the corn-houses of all citizens within the range of their rambles. The Cherokees, on their part, say, in relation to

the Creeks, that they are no more intruders in that country than the whites are. It is known to every Alabama citizen, that there are two parties in the Cherokee nation; one party desires a treaty based upon the reservation plan, the other without reservations. The Government of the United States is endeavoring to contract a treaty on the latter plan, and, if successful, it is said by the Ross party, that they will leave their bones upon the soil that gave them birth; and it also is the opinion of almost all the citizens, that if a treaty is effected, and reservations not allowed, that a union will take place between them and the Creeks, and a general massacre ensue. This is, from every indication, to be feared. Now, in consequence of the requisition upon me to raise three companies, connected with the foregoing facts, and in the event that the regiment of observation are not ordered immediately back to this country, I hope you may, without delay, forward me instructions to raise, say, two hundred men, for such length of time as you may deem necessary, and that they be under my command as a corps of observation over the Indians in this country. The reasons why I make this suggestion are, that the citizens are greatly displeased that they are to be taken off from their homes, and the seat of savage theft, and placed under the command of officers of the United States; and they require, in return, that I should communicate these facts, and suggest to you the propriety of the order for the two hundred additional men, to be under my immediate command, as I reside upon the Coosa river, and about the centre, too, of the Indian settlement in the county of Cherokee. The fact is, I made the requisition from these new counties as small as I could, and I can now raise two hundred more men to send, as above suggested, from the counties of Benton and Cherokee.

In addition to the three companies ordered to be raised, I presume a company of cavalry will volunteer from Morgan county: if they do, will they be received when marched to Vernon? Please inform me upon that subject.

I am, sir, respectfully,

Your obedient servant,

JOHN H. GARRETT,

Major General, 7th Division, Alabama Militia.

Honorable C. C. CLAY.

TUSKEEGEE, March 31, 1836.

SIR: On my return here from Lowcha-pogoy, (Creek council,) Major Abbott received his instructions as certifying agent, and with them a copy of your letter of the 15th January last. The sixth article of that order was countermanded, as I considered, by your letter of the 23d of the same month, and was never published by me, as I received the two communications on the same day. The receipt, however, of that letter by Major Abbott, as constituting a part of his instructions, without any exception that part of it which related to the re-certification of contracts given up by the parties, and which had been countermanded by your order of the 23d January, induced me to consider it as the will of the Department, and I forthwith caused an extract of that part to be published, by sticking it up at the tavern in this place, where I then held my office. This morning I received a formal demand of the reason that induced me to withhold this

order from the public until the present time. It is easily to perceive the object of the contractors in making this demand: they had supposed they could find something to make a complaint out of, and I therefore sent in the enclosed note, which was replied to by me as will be seen by the enclosed copy.

These gentlemen have, from the moment they obtained the contract, been driving at me in every manner they can, by writing to the Department that I was unfriendly to their *interests*, &c.; and upon the order being received, that Captain Page had charge of the emigration until I got through with the other duties assigned me, attacked me through the Columbus Centinel, as being removed. I wrote to a friend at Columbus, demanding the author, and it turned out, as I anticipated, that it was Mr. Howell. Enclosed is his acknowledgment. It is very unpleasant to transact business with such people, who are constantly on the alert to make complaints, and I may expect nothing else. I know the Department does not wish to be troubled with such subjects, as I know they will.

I think it proper to apprise you at once of the whole cause of the present complaint, and that you may look out daily for more equally as strong.

I have the honor to remain,

Your obedient servant,

JNO. B. HOGAN,

Sup. Creek Removal.

To the Hon. LEWIS CASS.

TUSKEEGEE, *April 7, 1836.*

SIR: Enclosed are copies of letters addressed to the board of investigators by General McDougald, and the replies which are forwarded for your information. I understand that a new plan is on foot, and a repetition of Eli S. Shorter's memorials are to be gotten up, and the Department is to be assailed in that manner, as well as through another source.

I am, most respectfully,

Your obedient servant,

JNO. B. HOGAN.

To the Honorable LEWIS CASS.

TUSKEEGEE, *April 7, 1836.*

GENTLEMEN: I have received yours of the 6th instant in reply to my note of the same date, requesting you to prosecute the investigation in General Sanford's district, and do most sincerely regret your determination not to do so at this time. The deep interest I have in this business; I hope, will be a sufficient apology for the request that I am about to make, which is, that you will either furnish the Department with a statement of the cases, in which I am a party in Sanford's district, where any dissatisfaction has been manifested by the Indians, or any proof has been made against my contract, or furnish me with such statement, in order that I may use it to have the cases where no complaint has been made approved.

Your obedient servant,

D. McDOUGALD.

MESSRS. HOGAN, BURNEX and ANDERSON.

P. S. Of a list of such cases as no complaint has been made against.

D. McD.

TUSKEEGEE, April 7, 1836.

DEAR SIR: Your note of this date is now before us; in answer to which we say, that it would afford us much pleasure to comply with your request, but, in obedience to instructions received from the War Department, we are required to re-examine the whole matter in relation to alleged frauds. We are consequently unprepared, at this time, to accede to your wishes.

Very respectfully,

Your obedient servants,

JNO. B. HOGAN.

JOS. BURNEY.

GEO. D. ANDERSON,

Investigating Agents.

To General McDOUGALD,
Columbus, Georgia.

TUSKEEGEE, April 6, 1836.

GENTLEMEN: I have learned with some regret, when I arrived here this morning, that you intended commencing your next investigations in Tarrant's district. This determination, if made, is different from what I anticipated and had a right to expect, from the simple fact that I have been twice called before the agent of the Government, in General Sanford's district, to sustain my purchases of Indian reserves—that the investigations in this district were nearly completed by one of your board last winter, and when the investigations were suspended, we were informed that they would be resumed prior to this time. We have been in a state of preparation, and most respectfully ask, if it is intended to make further investigations in that district, that it be done at as early a day as your convenience will permit.

Very respectfully,

Your obedient servant,

D. McDOUGALD.

Messrs. HOGAN, BURNEY and ANDERSON.

TUSKEEGEE, April 6, 1836.

SIR: Your communication of this date is before us, and, in reply, will state that, from information received from Judge Tarrant, there is not over one hundred cases of alleged fraud in that district; and understanding that the Indians in that part of the nation have it in contemplation to *emigrate* immediately, we have deemed it most proper to commence there, and had made our arrangements to that effect before the receipt of your communication.

We can assure you, we have no disposition to retard the investigation, and as soon as we get through that district, we shall then visit Sanford's.

Respectfully, your obedient servants,

J. B. HOGAN,

J. W. BURNEY,

G. D. ANDERSON,

Investigating Agents.

General D. McDOUGALD.

At a meeting of the citizens of Russell and Barbour counties to take into consideration the hostile movements of the Creek Indians, General A. Abercrombie was called to the chair, and Edward Carey appointed secretary.

The chairman having explained the object of the meeting, on motion, the following resolution was adopted.

Resolved, That a committee of three be appointed by the chair, to draft an address to the Governor of the State, embracing such facts as have been made known to the meeting, and to urge the necessity of placing forthwith such military force in the nation, as will effectually protect the settlers. The committee appointed, were Edward Carey, hon. Thos. S. Martin, and William Williamson, Esq. The committee appointed, reported the following, which was unanimously adopted.

GERARD, RUSSELL COUNTY, *April 9, 1836.*

To his Excellency, CLEMENT C. CLAY,
Governor of Alabama.

The citizens of Russell and Barbour counties find themselves under the painful necessity of addressing your Excellency on the subject of our Indian relations, a subject so often discussed, and fraught with so many difficulties and contradictory opinions, that it is difficult to impress its importance on the minds of the constituted authorities of the country. We had hoped, after the recent difficulties on the borders of a sister State, and the interview between her authorities and the chiefs of the nation, peace had been permanently restored. Recent developments, however, have awakened us to more alarming apprehensions of our danger than ever. Within a few days past, the Indians have been seen by many of our most respectable citizens embodied in numbers from two to three hundred, marching and countermarching, and going through all the manœuvres incident to savage warfare.

They go in numbers to the houses of our settlers, (some of whom are present at this meeting,) break open their corn cribs and houses, take their corn and other provisions, shoot down their stock, tear down their fences, have shot at some of them, threaten their lives generally, and have, in some instances, actually ordered them to leave their homes, avowing a determination, if they remain, to murder them. Some of our citizens, apprehensive that they would execute their threats before relief could be extended to them, to avoid the tomahawk and scalping knife, have abandoned their homes, and left their all to savage devastation and plunder, while many others are preparing to follow their example.

This state of things is supposed to have been produced by the return of three noted Indians of bad character from Florida, to wit: Jerry, Jim Henry, and Boson. Jerry has avowed the object to be the murder of the whites and capture of the slaves, which they intend to claim as their own. Others say that the land in the occupancy of the settler is theirs, and they intend to keep it and live on it, with many other threats of a similar character, shewing a spirit of decided hostility.

Under these circumstances, we, the citizens of the counties aforesaid, beg leave respectfully to suggest to your Excellency the propriety of immediately ordering into the field such military force as will show to the Indians a determination to reduce them to unconditional submission, should they attempt any further aggression on our citizens. To accomplish this purpose, we do not believe a less number than two thousand effective troops

will be sufficient. A less number will only encourage them to hope for success, as in the case of the small forces first sent to subdue the Seminoles. We believe, with the force mentioned, backed by the active exertions of the emigrating contractors, the Indians would see the utter hopelessness of their condition, and that before the close of the summer, our State would be relieved from the presence of these troublesome and dangerous neighbors. To the facts and conclusions contained in the foregoing remarks, we beg leave most respectfully to invite your Excellency's most serious consideration.

On motion, it was unanimously resolved, that the proceedings of this meeting be signed by the chairman, and countersigned by the secretary. And that the chairman be requested forthwith to proceed to the seat of Government, and lay it before his Excellency, the Governor.

A. ABERCROMBIE.

EDWARD CAREY, *Secretary.*

TALLASSA, *April 14, 1836.*

TO THE PRESIDENT OF THE UNITED STATES:

Please receive this a petition from your red children. When we were last at the city of Washington, in taking leave of you, we were promised aid when we got into difficulties. Many of us are now placed in difficulties with white men, who have personated our people with wrong Indians, in the sales of our reservations of land. We have never failed in getting your assistance, when called for. Your agent, Col. Hogan, did us every justice in getting back our lands.

You have sent other agents among us, as yet we are not acquainted, but have understood they are to re-investigate what has been done and what is to do. We are sorry to learn that these people, who have stolen our lands, are continually troubling you with letters which, it is likely, caused the last agent to visit us.

The great difficulty now existing among us, is, that such of us as have had our lands stolen, cannot dispose of them without a relinquishment from the stealer.

This we believe oppressive: it is giving a double ascendancy over both us and any other purchasers, for the stealer will not relinquish without a considerable portion in the price of the land as a premium. We solicit your intervention in such a manner as to cause the sales hereafter, of such lands as are reserved, to be made without such relinquishment. We cannot believe that such persons should have any right, for they stole our lands with their eyes open, and we have been put to much trouble; therefore, we crave the right to have the liberty of selling to whom we please. We are now all ready for removing: nothing prevents but having the right of selling our land. Last fall (we) many of us would have moved, but the situation of our land prevented it.

Such lands as are stolen, are generally from the old and infirm, and such as are anxious to move.

Before we close, we wish to remind you of a case it is likely you have been informed of before.

The Tuckabache king's mother: she was floated off from her improvement, and another woman placed thereon. We wish for your agent

among us to be instructed to inquire into it, and, if possible, to have the case changed, that each Indian may have her own. All investigations have been held in our presence; we have endeavored to cause justice to be done. We have, in every case, cautioned our people not to complain when there was no grounds of complaint. If you believe us and your agents, we think there will be no further investigation on such cases as have been investigated in this district.

With great respect, we have the honor

To acknowledge ourselves, yours,

HOPOITH YOHOLO,	his x mark.
TUCKEBACHE KING,	his x mark.
LITTLE DOCTOR,	his x mark.
MAD BLUE,	his x mark.
WILLIAM MCGILVERY.	his x mark.

In the presence of
BARENT DUBOIS.

HOUSE OF REPRESENTATIVES,
April 15, 1836.

SIR : Enclosed are papers relating to a sixteenth section in Macon county, Alabama. Colonel Abert's reasoning is, to me, perfectly unintelligible, and I beg *your personal* attention to it. Does he mean that the right to the sixteenth section under the compact of the Government with Alabama, does not accrue to a township, except by special act of Congress, or some transfer of title from the Government? If so, he is clearly in error, and the opinion is at war with all practice. Under the agreement between Alabama and the United States, the title to the township vests, as soon as the surveys of the township are completed; and the inhabitants thereof can forthwith procure the appointment of commissioners to take charge of the section. This subject of Indian location upon the sixteenth section, may yet create much difficulty both with the people and the Government, unless it is managed with that scrupulous regard to the rights of the townships which I know you will readily evince, whenever the question is brought under *your own* notice. Suppose the commissioners were to sue those holding under the Indian title for the land, would not a court determine, that the compact with Alabama could not be superseded by any subsequent treaty, and that the right to grant locations to Indians under such treaty, was controlled by the prior right of each township to the sixteenth section? The words quoted by Colonel Abert, "that where such section has been sold, granted, or disposed of, other lands equivalent thereto, and most contiguous to the same, shall be granted to such township for the use of schools," certainly never intended to refer to dispositions of sixteenth sections, made by the Government, prior to the compact with the State; and surely cannot authorize subsequent transfers of the very land, it was the object of this provision, to secure to the township. I think any court would so determine, and as the Government of the United States is as much responsible for the title to Indian reservations, as for any other public land it may dispose of, the consequence of such a decision would be, to create on the part of the ejected purchasers of such reservations, numberless just claims against the Government, not only for the value of the lands, but for whatever improvements they may have placed on them.

I have made the above suggestions strictly in reply to Colonel Abert's letter, which to say the least of it disposes of the rights of the township, so far as the argument is concerned, in a very unceremonious manner, though I have no doubt, he did what he thought was best, in assigning the 15th section to their use, and there is but little question that the 15th would have been satisfactory, had it not have been previously entered. As it is, the township is now without a section, and I very much fear, unless great indulgence is given the commissioners in making a selection, that the entries in the township will make it difficult for them to procure one of "equivalent value." I hope therefore, you, will allow as much latitude in making the selection, as your sense of official duty may permit.

It may be proper to remark, that, I have received no suggestion from the commissioners that they are disposed to test their rights by an appeal to law; on the contrary, I presume they will be satisfied, if they can procure another section of something like equal value, and this will certainly be better, as to open the sluices of litigation it would be almost endless.

I am, sir, your obedient servant,

DIXON H. LEWIS.

HON. LEWIS CASS, *Sec. of War.*

EXECUTIVE DEPARTMENT, ALABAMA,
Tuscaloosa, April 15, 1836.

SIR: On the 22d ultimo I had the honor to enclose certain documents and letters forwarded to me from the counties inhabited by the Creek Indians, showing the apprehensions felt by the citizens of those counties and some of the adjacent ones on the subject of threatened and probable hostilities on the part of that tribe; and requesting a competent force for the protection of that part of our population. I now enclose a copy of a letter from Captain John Page, United States army, dated at Fort Mitchell, on the 5th instant, and also a letter from Major John H. Howard, commanding a battalion of Georgia militia at Fort Twiggs; dated 2d instant, together with a copy of one from James E. Glenn, Esq. of the 29th ultimo, enclosed in the latter, all in reference to the continued depredations and hostile indications of the Creek Indians. The letter from Captain Page is in reply to one from me to him bearing date 24th ultimo, in which I sought information which I thought it peculiarly in his power to furnish, as he commands in the quarter alluded to; the other communication was made spontaneously by Major Howard.

Not having yet received a reply to my letter of the 22d ultimo, (before referred to) and from the tenor of your communications of the 12th and 19th ultimo, entertaining some doubt as to the character of the answer which may be received, I felt it my duty to forward this additional information for your consideration, and that of the President. I think the facts stated in the letters of Captain Page, Major Howard, and Mr. Glenn, in connection with those heretofore communicated, will abundantly prove, that if there be not "actual hostilities" already commenced by the Indians, there is "evidently impending danger of them."

Referring to my communication to your Department of the 22d ultimo for my views on this subject more at large, and which remain unchanged, I beg leave to renew the expression of my most earnest hope that such

militia force will now be authorized to be called into service as may be sufficient to ensure *safety* and *tranquillity* to our citizens.

I am, sir, very respectfully,
Your obedient servant,

Hon. LEWIS CASS.

C. C. CLAY.

FORT TWIGGS, April 2, 1836.

DEAR SIR: I have taken the liberty to enclose you the copy of a letter which I this day received from one of your citizens, a very respectable and intelligent man, who resides about fifteen miles from the Chattahoochie river, on the upper line of Barbour county. It was directed to me, I suppose, because I am in the command of a station which the Governor of Georgia assumed the responsibility of establishing, to prevent the predatory incursions of the Creek Indians upon our frontier. My orders prohibit me from crossing the river unless in pursuit of Indians, with whom I may come in conflict upon the Georgia side. The Governor of Georgia found it *absolutely necessary* for the protection of the persons and property of the people of this State to establish this post; and with Mr. Glenn I regret to learn that the forces which we understood to have been raised to awe the Indians into a proper regard for your laws have been disbanded, since upon our arrival their thefts and violence have been directed upon the people of Alabama. Though I must apologize for the liberty I have taken, I hope to be excused from the appearance of officiousness, when I venture the suggestion, that a corps of mounted men cantoned in the neighborhood of the Uchees, Hitchitys, and Chehaws, (all of whom reside in the upper part of Barbour, and on the lower line of Russell) would add greatly to the security of the people in that quarter of the country, as well as to accelerate the emigration of a people destitute of the means of subsistence, and, consequently, growing every day more reckless and desperate.

These towns are understood to be most restless and most opposed to emigration of any in the nation, and have given more manifestations of hostility than any other. They need a check *now*, and the timely interposition of a competent force to punish summarily such acts of violence, would no doubt prevent much mischief. Otherwise such acts as are described in the enclosed letter, and perhaps murder, may be frequently expected to recur. I command three companies of mounted men (rank and file about 180) which is abundantly sufficient for Georgia's protection, unless we should have a general war with them. An equal force, or something less, on the part of Alabama, could not fail to have a most salutary influence.

I am, very respectfully,
Your obedient servant,

JOHN H. HOWARD,

Major Commanding.

His Excellency GOVERNOR CLAY.

BARBOUR COUNTY, ALA. March 29, 1836.

DEAR SIR: Much to my surprise and mortification I have just learned, through the Alabama Journal, that the Governor of this State had ordered certain troops to rendezvous at Vernon, to act as a corps of observation in this section of the country, but that they were now disbanded. I

fear the consequence will be very serious. A party of hostile Indians are collecting all the force they can among themselves and from the negroes, they say, to march against the people of Georgia: but if they fail to get a sufficient force for this purpose, they will go to Florida, where the negroes are to be free. Five of Mr. Brown's have left, eight of Dr. Richardson's, and perhaps others. The Indians certainly design mischief. They have taken all Dr. Wellborn's hogs and cattle. Last Sabbath several Indians and one negro drove Mr. Everett's cattle from his pen in open daylight. The same night they came and broke open my corn crib. About daylight we pursued and overtook them within a few hundred yards of the house loaded with corn. We ordered them to stop; they fired one rifle at us, and we had to retreat as we were not armed. It is now certain, unless something is done, the whites will have to leave this part of the State. I remember the whites were driven from this section by the United States soldiers because they intruded on the Indians; but now the Indians intrude, and are suffered to remain and do as they please. This ought not so to be.

Respectfully,

JAMES E. GLENN.

To Major JOHN H. HOWARD,
Bryant's Ferry.

FORT MITCHELL, ALA. April 5, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of 24th of last month, in answer to which I must say, that I think troops (say five companies) are absolutely necessary for the protection of the inhabitants of this part of the State. The people that are living in the nation (so called) are living under Indian laws and not of the State. No longer than two days ago the Indians collected (about three or four hundred) in a swamp with their rifles, and commenced firing them off. It was done, of course, to frighten off the families, and they accomplished their object; inhabitants moved off their families from their plantations, not knowing what might be their lot.

The Indians called the Lower Creeks are cross and hostile, and are well disposed to make trouble, and are pilfering every day. But the people are obliged to put up with it, for they dare not attempt to punish them as their lives are in jeopardy. Since the battalion of mounted militia have been stationed on the Georgia side of the river, the Indians have never crossed, and no depredations committed. There is not an Indian in this section of the nation but what has sold his land; they have no more claims here than they have in Georgia or Tennessee. They are living on lands they have sold long ago, and say they will not move off. If they see a command of troops who will tell them they must leave the land, I have no doubt but it will cause them to emigrate at once. They must know there is an Alabama law, and they must abide by it, and that every man is entitled to his own.

Unless some step of this kind is taken, the State of Alabama will be involved in difficulties for years. There is but one way to deal with those people; that is, tell them what they have got to do, and make them do it. They have heard tell of the Alabama law but have never felt it.

I shall concur with you and write to the War Department on the necessity of troops to keep the Indians from committing so many depredations.

From what I can learn there are but few that have joined the Seminoles.

With respect, I have the honor to be,

Your obedient servant,

JOHN PAGE, *Capt. U. S. A.*

Sup. Creek Removal.

His Excellency C. C. CLAY,
Governor of Alabama.

KEELIJAH TOWN, *April 16, 1836.*

SIR: I have been up to Mardisville to meet Judge Tarrant, who had left his residence to certify in the lower part of his district. I did not know of his absence until we reached Mardisville; we immediately returned and joined him in the Hillabris, and examined the few complaints that exist in that town, and appointed a meeting for the Fish Pond, Arselarnaby Oakchoy, Oak Tarsarsey and Hatchet Creek town, on Monday next, and then came on here, and yesterday inquired into the complaints of this town, and will return to-morrow to the Fish Pond town: after we examine those towns, Judge Tarrant will return to Mardisville to sell the orphan's lands, and Colonel Burney will have to return to Georgia to attend his court, and, consequently, we shall have to suspend our further visits among the towns until they return. By this mail Judge Tarrant sends on his resignation of sub-agent; he puts it on the ground that he cannot attend the payment of the next annuity. I may as well state to you what I think is the true cause for his resigning that office: he has intimated to me his intention of becoming a candidate for the Legislature at the approaching election, and if so, he cannot hold that office, as it is a salary office under the United States. The office of certifying agent being a per diem compensation, is viewed as not incompatible with the provision of the constitution of this State; holding the office of sub-agent will debar his taking his seat in our Legislature. The payment of the annuity should take place as soon as possible; the upper towns are now only awaiting the payment to be off, and if it is not sent on immediately, they will go to planting corn, and there will be no emigration. I have never seen so fair a prospect of a large emigration as at this moment, but I fear the proper steps are not taken to get them off.

I have the honor to remain,

Your obedient servant,

JOHN B. HOGAN.

To the Hon. E. HERRING,
Washington City.

FISH POND, TALLAPOOSA COUNTY,
Alabama, April 17, 1836.

SIR: Having commenced the investigations under our instructions, we consider it not altogether unimportant that we should make to the Department the present communication.

Before accepting the trust tendered us, we were aware of the many difficulties that would probably attend us, in the efforts to discharge our duty satisfactorily to the Government and the other parties interested ; but until we had actually commenced the business, we were not, and could not have been, apprised of the extent of our perplexities.

In the prosecution of our duties, we are sometimes troubled as to the nature and character of the testimony to be received. Our instructions require us to take the affidavits of all such witnesses as understand the nature and obligation of an oath, but are we to understand from this, that the *mere statements* of chiefs or Indians are not to be received as evidence when offered by the parties or either of them to the investigating agents ? We are likewise instructed to give notice, &c. of the times and places of our investigations. Are we to construe it as the will of the Department, that complaints shall first be heard, and notice afterwards given for trials ? If such be our directions, we would respectfully give it as our opinion, that the progress of the business will be greatly retarded. We would suggest that equal justice can be done by hearing and investigating at one and the same time, provided sufficient notice is previously given for all persons to attend who are interested.

On joining our colleague, Col. Hogan, we ascertained that in the trial of cases of alleged fraud, he had been governed by a rule of law laid down in the 22d section, (we believe,) of the intercourse act passed in 1834. In that section, it is stated, that in any trial of the right of property between an Indian and white man, the burden of proof shall be on the white, provided the Indian be in possession of the property in dispute. We have strong doubts whether this act, or any part thereof, is applicable to cases for our investigation. We are inclined to believe that the law does not extend to Indians the title to whose lands has been *extinguished by treaty*. We would be gratified to have the decision of the Department on the foregoing points as early as possible. It will relieve us from some embarrassment, and, in all probability, expedite the termination of our commission.

If we adhere rigidly to our instructions, we must attend in each town to hear complaints. This is troublesome, and we think sometimes unnecessary. There are many small towns subject, and somewhat dependent on a few larger ones. If these were all to be assembled together at some central point, or in the square of the larger towns, and in the presence of all the chiefs, the same justice could be done, and our duties greatly facilitated. In our consultations with the Indians, we have, with our colleague, Col. Hogan, endeavored to impress on them, the imperious necessity of an early emigration beyond the Mississippi. We are happy to state, that the most of them seem determined to leave for their new homes very shortly ; and if their annuity could be quickly paid, it would, no doubt, accelerate their removal. If the law has not yet passed, we consider it of some importance that the attention of Congress should at once be turned to the subject. So soon as we complete our investigations in Judge Tarrant's district, we shall commence in that of General Sanford. We began here, learning there were but few complaints, and that in this section the Indians were were most anxious to remove to the west. We have thought proper to present the foregoing views to the Department, in obedience to what we conceived a duty, as well as to the wishes of our other colleague, Colonel

Hogan, who informs us he has previously touched on some of the same subjects.

We would feel honored with an early answer directed to Tuskegee, Alabama.

With great respect,

We are your obedient servants,

J. W. BURNEY,
GEO. D. ANDERSON.

Hon. LEWIS CASS,
Washington City.

EXECUTIVE DEPARTMENT, ALA.

Tuscaloosa, April 18, 1836.

SIR: On the 15th instant, I addressed you on the subject of apprehending hostilities from the Creek Indians, and enclosed copies of letters from Capt. Page of U. S. A., Major Howard, commanding a battalion of Georgia mounted militia, and a Mr. Glenn, a respectable and intelligent citizen of Barbour county, in this State, all showing the grounds on which those apprehensions were entertained. In the same communication I expressed my desire that a competent military force should be ordered into service, for the protection of that portion of the citizens of this State, amongst whom the Indians remain; and referred you to my letter of the 22d ultimo, for my views upon this subject more at large. My last had not been mailed an hour before General Abercrombie sent us an express from Russell county, and having a communication from a highly respectable meeting of citizens of that county and Barbour, arrived at this place, you will find a copy, which I have compared with the original, enclosed. The apprehensions which I have heretofore expressed for the safety of the citizens in that quarter of the State, are not only *confirmed*, but *increased by late developments*. If I am not justified in saying "actual hostilities" have commenced, *I am, at least, fully sustained by well ascertained facts*, in affirming *there is "evidently impending danger of them."* If the evidence, heretofore communicated, has not been sufficient to satisfy the President of his authority to call out a militia force against the Creek Indians, I think I may now, upon this additional testimony, appeal to him with confidence for the exercise of that power. I entertain sanguine expectations, however, that your reply to my communication of the 22d ultimo, which I may expect to receive in a few days, will bring me all the authority desired.

To be prepared for emergencies, and ready for the most prompt defence of our citizens, if the Indians should unfortunately realize our apprehensions, by commencing a war, I have despatched an agent to the United States Arsenal at Mount Vernon, with a requisition on Captain Harding for two thousand muskets, and sufficient ammunition for that number of arms, during an ordinary time of militia service, to be transported without delay to Montgomery, and deposited in the care of a responsible officer of the military division, which includes that place. In the course of a week, I expect this order to be executed by Captain Harding, or by my agent, whom I have instructed, if Capt. Harding declines, or refuses to perform the duty required, to demand the arms, &c. and if obtained, to transport and deliver them himself.

I hope I shall hear from you at the earliest moment, compatible with your convenience.

I have the honor to be,
 Very respectfully,
 Your most obedient servant,
 C. C. CLAY.

Hon. LEWIS CASS.

TUSKEEGEE, April 22, 1836.

SIR: I returned to this place last evening, after an absence of two weeks in Tarrant's district, we travelled about 300 miles on horse back, and examined into the complaints of eight towns, and should have gone through in two more, but Judge Tarrant was compelled to return to Mardisville to make sale of the orphans' land, which stands advertised for Monday, 25th instant. Col. Burney had also his engagements to attend to in Georgia. And Col. Anderson accompanied him home, and I returned to this place after our agreeing to meet in Mardisville on 10th proximo to continue the business through that district. I have addressed to-day a letter to the President, and if the course I have pointed out is adopted, I can assure you that in three months we can close up all the land sales, and leave nothing to detain the Creek Indians in this country. The course I have suggested is to make the investigations. Colonels Burney, Anderson, and myself, if he has confidence in our integrity, if not, to dismiss us and appoint three others in whom he can place this confidence in; and then to authorize us to investigate, and if we are satisfied that a case is fraudulent, reverse it and order the certifying agent to sell it: while acting alone I wanted no such authority conferred on me. But now that you have formed a board of three, I should have no objection to my share of responsibility, and there would never be wanting purchasers, as our investigations are always attended by a large concourse of whites, and as the certifying agents would, and do, in all cases accompany us. We should have to close in each town every disputed case before we left the ground, unless it would be in cases of approved contracts; in such cases, we should, as matter of course, have to refer the testimony to the Department, that steps might be taken in the courts, should you think it proper to prosecute the case. As soon as we get through a district we should report our proceedings, with the evidence in each case; now, for instance, in Tarrant's district as well as in McHenry's, the bonds or contracts are all in the possession of Tarrant and McHenry; the former has never placed his certificate to any that he suspected as fraudulent, and consequently there could be no difficulty in pursuing this course, and I am convinced, and so are my colleagues, who have both authorized me to say so to the Department, that unless this course is adopted, our investigations will be useless; and in fact it is now laughed at all over the Creek nation, and received as a humbug, to send three men to take down the testimony in each case and to report it, and then to await two months for an answer; in the mean time the Indians are forced to leave the country, or are killed up or starved to death, and the rogues enjoy their ill-gotten wealth. If the President cannot extend to us as much confidence as he now extends to each of the certifying agents, discharge us and appoint such officers as he can trust, and give them this power, and then there will be a chance of closing this busi-

ness. If a certifying agent sends him a contract with his certificate attached, he takes it for granted it is right, and he approves of it. If he gives us authority to reverse fraudulent contracts, and we order the certifying agent to recertify it to a new purchaser, the order we give will be in writing, and assign our reasons for the course we have taken; and when it is presented to the President for his approval, the Department will be in possession of our report and the evidence in the case, and can recommend its approval or rejection. The fact is, if three of us, united with the certifying agent, are not to be relied on, it would be better to stop the investigation, and approve or disapprove of all that is unapproved at this time, for this state of affairs cannot, nor ought not, to continue. It is painful, in the extreme, to witness the disappointment exhibited by the Indians, after we examine and take down testimony enough to reverse any case, and tell the Indian we are through with his case, and to stand back: he then asks if he cannot now sell his land, as he wants to emigrate with the first party? We reply, and tell him he cannot sell until we send on our report to Washington: he asks how long it will be before we can hear from there, and tell him perhaps a month or two; he retires evidently dissatisfied and is immediately taken in tow by the land speculators, interpreters, who laugh at him, and tell him the agents are only fooling him; did I not tell you so before: the poor fellow begins to think it is true, and then is ready to accept any compromise with the man who stole his land. The two gentlemen selected to assist me in the investigation are good appointments, and I am much pleased with them; they appear to be high-minded and honorable men, and well calculated for this business, and what is better, they appear to have a correct view of the subject committed to us, and all that is now wanting to enable us to close this business, is to authorize us to reverse when we believe the evidence justifies it, and issue a written order to the certifying agents to re-sell it; if this is done we can go over the whole of these districts and close every case in them in three months, and by fall emigrate every Indian that is willing to go. The prospects of emigration in the upper towns are as good as you could wish it. If authorized, I could in ten days start 2,000 Indians, who are actually impatient to go, and who are in some places already encamped at their own expense. But I regret to say, there is no provision made for their removal, by the contractors, *but empty professions*; nor do I believe any will be made until they can get their contract renewed, and *an increased compensation allowed them*. I understand that General Watson and Judge Iverson are to set out in a day or two for Washington to remodel, if possible, their contract, and to obtain an advance of five or ten dollars on each emigrant. These facts I have learned from one of the company who made a proposition to me to become a member of the same; the proposition was first verbally made, but I insisted that it should be in writing. I now enclose you a copy of Captain Walker's proposition, and my reply to it. What object these gentlemen had in making me this proposition, is best known to themselves, but one thing I do know, that it did not proceed from any love they bear to me; and I have treated it as a business matter, and rejected their proposition, but deem it my duty to apprise you of the plan they had in view, that you might form your own opinion on the subject.

I have this day received a copy of your letter of the 12th inst. appointing Mr. Slator certifying agent. I shall of course assign him to Sanford's district, but there is little or nothing to do there. Here Major Abbott is pushing ahead with the business of this district, and Judge Tarrant will finish his

in course of two months: he tells me there is 300 pieces of land unsold in his district, but mostly very poor and not desirable, but the Indians will sell these for what they can obtain; and if the dead Indians' land can be authorized by Congress to be sold at auction, and the proceeds paid over to the heirs in Arkansas, nothing will then afford them a pretext to remain.

I have the honor to remain,

Your obedient servant,

JOHN B. HOGAN.

To the Hon. LEWIS CASS.

P. S. Should the President give us the authority to close each case where the fraud is deemed sufficiently proved before us, to authorize its reversal, we should adopt a certificate in each case, something like the following: take for instance a case in Keiljah town, upon our reversing it we should issue to the certifying agent the following order:

Keiljah Town.

No. 5. Spoake Micco, W. $\frac{1}{2}$, 4, 10, 16, marked sold to A. B. for \$800. We certify that upon an investigation in the open square of Keiljah, held this day, it appears from the complaint of Spoake Micco, and the testimony adduced in his behalf, that he has never sold his land to A. B., but that he has been personated and that the sale made to A. B. was fraudulent, and the testimony being deemed by us as sufficient to reverse said contract. We, therefore, do adjudge that it be set aside, and that Spoake Micco be authorized to come forward and sell the same, according to the regulations now in force for the sale of Indian reserves in the Creek nation. Given the 10th April, 1836.

J. B. H.	} Investigating Agents.
J. W. B.	
G. D. A.	

FISH POND, April 14, 1836.

SIR: I have been engaged for the last seven days back in bringing about a permission to make a proposition to you to decline your present appointment under the Government of the United States as investigating the contracts in the nation, and to turn that over to some other person, and to accept an interest with us in the emigration of the Indians to their homes west of the Mississippi. This permission I have obtained from a respectable member of our company, and I therefore submit for your consideration the following proposition, to wit: that the company consist of six persons, to wit: Colonel John B. Hogan, A. Iverson, J. C. Watson, S. M. Ingersoll, Wm. Walker, J. Beattie. The company still to be known under the name of J. W. A. Sanford, & Co. until such time as the contract can be renewed and extended, at which time the name of the company may be changed, to John B. Hogan & Co. You to be placed at the head. Such persons of the company as are not actively employed with the business of the company, shall furnish a substitute at his own expense; this substitute to be selected by the company, or the persons in active employment, or any other plan that may suggest itself to you that may be equally fair, will meet my

approbation. In the emigration I feel a deep *interest*, and I have thought for some time back to propose something of this to you. I am fully aware that you can render much useful service, and by uniting our forces, as things now stand, I feel no doubt but that success will be the result. Do let me hear from you.

I am yours,

With sentiments of great regard,

WM. WALKER.

To Col. JOHN B. HOGAN.

KEILIJAH, *April 16, 1836.*

SIR: The proposition you verbally made me on leaving Tuskegee, on Thursday last, as well as the conversation we had yesterday on the road, as well as the written plan you have now submitted to me of becoming a partner in the concern of J. W. A. Sanford & Co. in removing the Creek Indians from Alabama to the west, have been duly considered by me in all its various branches, and as it is a business in which I should expect but one object to be accomplished, viz: profit, I have received it entirely as a business transaction and have so considered it.

I will therefore enumerate the propositions and conversations we have had on the subject, in order to lay the whole matter fairly before us, that no mistake may take place. You may recollect you requested to speak to me the morning I left Tuskegee, and stated to me you wished to know if I could not be induced to take an interest in that concern, and I asked you what object you had in asking me that question; you replied that I had children and that it was a business that money could be made at, and that you did not wish to flatter me, but if I would join, every thing would be smooth, and the Indians go. I asked you if you meant that I should become a partner and continue in office, and you said no, that I could do as I pleased, and I replied that if I took an interest, I should, as a matter of course, resign, and that I would not be connected in the concern unless it was with the entire approbation of the President and Secretary of War, and that with the present company I could not be induced, on any terms, to become interested. You then asked me, on what terms I could be induced to take an interest? I replied, that if the company was re-modeled and reduced to six members, three to be sleeping partners, and three to be charged with the whole management of the concern, and to be an executive committee, and give me the management of the whole arrangement under the executive committee, and the company to pay me a salary equivalent to my present salary, (\$2,000 per annum) and the plan met the approbation of the President and Secretary of War, I would be willing to resign and become a partner; if I could be induced to believe that money could be made at the present prices allowed, viz: \$20 per head; but I did not believe that the company could make one cent during the continuance of the contract at present, as provisions of every description had risen, and it would be impossible, in my opinion, to save yourselves under the contract. In reply to this, you urged that there would be no difficulty in obtaining an increased compensation of five dollars per head, making the price 25 dollars, and also to obtain a further time for removal of the whole Creek nation. To my view of the subject, in relation to my entering the company, I understood

you to be perfectly satisfied, and that you would have matters so arranged as to make me a written proposition, and when received, would give you a written reply in the affirmative or negative; and if to the affirmative, would then submit the matter to the Department for its approbation; as whatever part I took in the concern should be made known to the Department, and be open and above board. The proposition you now submit for my consideration is as follows, viz: that the company shall be constituted of eight shares, and that General Watson, Doctor Ingersoll, Judge Iverson, yourself, Mr. Beattie, and myself, and two whose names you at present decline to mention, shall constitute the company; that I shall have the entire management of the concern; that Woodward and Howell are not to be of the company; and that Watson and Iverson are to pay for an active man each to do their duty; and that I am not to have a salary, but to receive, in lieu thereof, one sixth of the profits of the concern. I have also understood you to say, that these propositions are now made by, and with the consent and advice of your company, and if accepted by me will be immediately carried into effect. I have therefore to answer them, as I now find them presented for my consideration.

1st. Then your contract expires on the 1st of July, now within two months and a half, and there is no security whatever that it will be renewed, or continued, or increased.

2d. If I accept your proposition I must give up my salary of \$2,000, as well as the re-payment of my travelling expenses while engaged in this investigation.

3d. I must submit to take my share of losses, which I fear will far exceed my share of profits, under the present contract.

4th. The high prices of corn and every other description of provisions leaves no hope of profit; and the immense number of Indians now awaiting the movements of your company, and anxious to emigrate, and must be immediately provided for, will increase the scarcity of provisions and raise the prices much above what it is at present, and leaves not a vestige of hope of profit under the present conditions of the contract. With these facts staring me in the face, and no hope of realizing one dollar by joining the concern, all I could expect would be hard, incessant labor, day and night; an entire loss of time and money. Under such circumstances I should be more than mad to enter a business concern with such prospects; a ruin of health, constitution and property, would follow, and nothing else. In this letter I have not taken any notice of the situation of your concern as no showing has been made me; I, of course, cannot speak of what has been the result of your first experiment—the removal of the small party that emigrated last winter—I must therefore beg leave to decline your invitation.

I am, respectfully,
Your obedient servant,

JOHN B. HOGAN.

Capt. W. WALKER, *Present.*

TUSKEEGEE, *April 24, 1836.*

SIR: Your communications of the 14th and 16th are at hand, enclosing a talk for the chiefs. As the alarm is entirely in and about Fort Mitchell.

I have requested Major Abbott to set off immediately to that post, convene the chiefs and deliver your talk; the upper chiefs are to be here to-morrow. But there is no more disposition among these people for hostilities than there is among the citizens of Washington; nor do I believe there is any among the lower chiefs, but that this alarm is another of the tricks of the land speculators, who have alike imposed on Gov. Clay and Lieut. McCrabb, by false alarms. Major Abbott is very popular among those chiefs, and can do as much as any man can, should there be any thing in the report; it is true they do steal corn and sometimes kill a beef or two, but they have been doing the same thing for three years back, and it was on that account that I believe that a small force of two hundred mounted men would give countenance to the settlers, and act as a check on their stealing, and would have been glad that Gov. Clay had succeeded in his plan of bringing into the nation his battalion of mounted men. Many of the new settlers in that quarter have removed over into Georgia, not that there is any more danger than formerly, but their fears have been operated on by the same men who kicked up the fuss the last of January, who are again at their tricks.

In answer to your letter of the 14th instant, I must beg leave to remark, that in forwarding you the copy of the correspondence between J. W. A. Sanford, & Co. and myself, it was not that I wished to annoy you with complaints, but to place before you the facts should they attempt to do me an injury; and in relation to my own course, I have nothing to do with them but aid in carrying your views into effect by making speeches in each town, in favor of emigration, nor will I have any thing to do with them, although you will see by my letter of the 22d instant that they even make propositions to me to become a member of their company. I do assure you, sir, that I am not disposed to make complaints, and in future will cease writing of them in every manner that I can.

I am, very respectfully,
Your obedient servant,

JOHN B. HOGAN.

To the Hon. LEWIS CASS.

P. S.—Since writing this letter, I have received a letter from Captain Page, in which he says, the Indians have had a plot to do as much mischief as possible, and that they have been instigated by a half-breed, named Jim Henry, who I have no doubt is the tool of certain designing white men. I am compelled to attend the United States District Court, and shall be absent ten days, and shall meet my colleagues in Mardisville, on the 10th of May, by agreement.

EXECUTIVE DEPARTMENT,
Tuscaloosa, April 25, 1836.

SIR: Notwithstanding all I have said upon the subject, in my communications of the 22d ult. and of the 15th and 18th instant, I feel it my duty to forward the enclosed copy of an address from a committee, appointed by a meeting of the citizens of the town of Irvinton, on the 12th instant, which I received this morning by express. This place I understand is about forty miles below the place at which was held the meeting of the citizens of Russell and Barbour, whose communication I enclosed in mine of

the 18th instant, and as far as I can ascertain from a conversation with a member of the Irvinton committee, (who appears to be a very respectable and candid man,) the meeting of the latter place was held without any knowledge of that of the former, and consequently, there could have been no previous understanding or preconcert between them. I am conclusively satisfied, that the Indians are meditating and preparing for hostilities against the whites, and that, unless their designs are frustrated by the exhibition of a military force, sufficient to inspire them with some fear of consequences, like murders and conflagrations, will soon be enacted in Alabama, with those which we witnessed so painfully in Florida. Perhaps a single battalion (of five companies,) would be sufficient to ensure the safety of our, otherwise almost defenceless citizens. A regiment would be certainly so, if sent into the region inhabited by the Indians; before the actual commencement of hostilities.

I have the honor to be, very respectfully, your most obedient servant,
C. C. CLAY.

HON. LEWIS CASS.

We, the undersigned, a committee appointed at a meeting of the citizens of the town of Irvinton, on the 12th instant, for the purpose of inquiring into the present state of excitement about the Indians, do, after examining all the circumstances presented, believe that our lives and property are in danger. We understand that the Indians have, at several times, collected in bodies with fire arms, and painted, and when asked their motive, they were silent and would give no answer. That they have told some of our farmers they must leave the country; that they, (the Indians,) were determined not to emigrate soon; and from their hostile attitude, a number of our farmers have vacated their possessions and taken refuge in Georgia. Among those are persons well acquainted with the Indian character. And some of those Indians had declared they were in the battle in Florida, in which General Gaines was wounded. A few days since one of our citizens was stopped in the road by a body of about fifty Indians; his money was demanded, which he refused; then his horses, and no doubt they would have robbed or killed him had not an old Indian interfered. We also understand they are offering exorbitant prices for powder and lead.

They requested one of this committee the other day to meet them near this place; he did so, and they demanded of him where they should plant corn? He told them he did not know. They were very angry and said they would plant corn where they pleased; and they did not intend to emigrate.

We would therefore request your Excellency to consider our dangerous situation, and send us immediate assistance.

We have deputed John Morgan, Esq. to attend your Excellency on this subject. We are, sir, your Excellency's most obedient servants,

S. A. BILLING,
E. A. DUNN,
JOHN MORGAN,
JOHN R. TULLY,
SAMUEL N. BROWN,
JOHN M. MOORE,

To His Excellency the GOVERNOR.

Committee.

GENERAL LAND OFFICE,
April 30, 1836.

SIR: The enclosed petition respecting patents to the assignees of the reserves under the Creek treaty of 1832, having been left at this office by the hon. Mr. Lewis, of Alabama, I avail myself of the occasion to call your attention to the subject.

When the estimates for this office were prepared, no calculation was made of the expense of the patents, records, etc. which it will be necessary to procure, to carry into effect the late decisions of the Attorney General, by which patents will have to be issued under the Creek treaty of 1832, and the Choctaw treaty of 1830; it not being then supposed that patents would have to be granted, and as the cost of those articles must properly be considered as forming part of the amount required to carry those treaties into effect; and as I have no means of estimating the number which will have to be issued under those decisions.

I respectfully beg leave to request that you will submit to the proper committees of Congress such estimate, for the purchase of patents and records, as, from the information in your possession, as to the number of those claims, you may deem necessary, calculating the cost of parchment, printing, and records, at not less than twenty-five cents in each case.

With great respect, sir,

Your most obedient servant,

ETHAN A. BROWN.

The Honorable LEWIS CASS,
Secretary of War.

To the Congress of the United States, now in session.

The petition of the undersigned, owners of land in the Creek territory, within the limits of the State of Alabama, and many of them resident citizens thereof, respectfully sheweth: that by the provisions of the last treaty between said Indians and the United States, it was, among other things, provided, that said Indians should be entitled to reserves of land in said territory; which said reserves they should have the power to alien and dispose of, subject in all cases to the approbation of the President of the United States. Your petitioners further represent, that the Indians have generally received their locations, agreeable to the provisions of the treaty; and that many of them have sold their reserves, the contracts for which, were duly certified by an agent appointed for that purpose, and have been approved by the President. Your petitioners further represent, that they are in no instance, the purchasers directly from the reservee, but have purchased second-handed; and that the only title that they hold, is the transferred contract, certified and approved as aforesaid. Your petitioners further represent, that they supposed such title to be paramount to all other titles, and complete and perfect in itself; but they have since understood, that upon this important question, a contrary opinion is entertained by many, whose opinions are entitled to great weight and consideration. Such persons hold, that the title is not complete until a patent in each case shall issue from the Government. Your petitioners are informed, that no appropriation has been made by Congress, to defray the expenses of issuing patents; that no direction or provision has been made for that purpose by any Department

of the Government; and that under the existing laws, if patents ever issue at all, they cannot issue for several years to come, inasmuch, as each patent must be signed by the President himself; and the number in the various land offices is so great, that it is impossible for one man to bring up this branch of business now in arrears, for a very considerable time to come. Your petitioners are extremely unwilling that the titles to their homes, the homes of their families, and the property which they expect to descend to their children and heirs, should longer remain in this unsettled, if not unsafe condition. They therefore, respectfully, but earnestly ask of Congress, the necessary legislative action, to relieve promptly and efficiently, this subject from the embarrassments thrown around it.

Your petitioners beg leave, respectfully, to ask that patents be directed to be prepared; that a suitable person be appointed, invested with power to fill up, sign, and deliver patents, to all purchasers of Indian reserves, where the contract has been approved by the President; that it be specially provided, that in every case where the Indian contract has been transferred, the patent issue to the transferee and holder of the contract; that such officer, during the term of his employment, be required to keep his office at some place convenient to the territory in question; and that to defray the necessary expenses incident thereto, a suitable appropriation of funds be made. And your petitioners, as in duty bound, will ever pray.

J. R. Jones,
James N. Owens,
Elijah S. Owens,
Augustus Howard,
J. W. Sprague,
B. A. Sorsby,
John R. Dawson,
H. K. Hill,
James C. Sullivan,
Henry Mims,
W. R. Evans,
Sterling Bass,
Cullen Battle,
Wilson Williams,
William Holland,
W. E. Jones,
Marshall J. Wellburn, and a number of others.

John Warner,
W. P. Malone,
J. R. Boon,
E. G. Rogers,
Isaac Mitchell,
J. W. Howard,
John Colman,
John B. Glinn,
Robert B. Alexander,
William N. Richardson,
Hartwell Bass,
Abel Farrar,
F. S. Williams,
A. Battle,
Charles S. Buss,
Thomas C. Evans,

HEAD QUARTERS, GEORGIA,
Milledgeville, May 2, 1836.

SIR: The mounted volunteers, consisting of about two hundred men, under the command of Major John H. Howard, were mustered into the service of the United States, on the — day of — 1836, and stationed on the line of the *Chattahoochie*, for the protection of the south western frontier of Georgia, against the incursions of the Creek Indians. Their term of service will expire on the — day of June next, and they will consequently be discharged. The danger to the citizens of both Georgia and Alabama, is greater than when this force was first stationed there, and, therefore, an equal number at least, should take their place, when they are discharged.

General Scott, who has charge of this subject, is in the interior of Florida, and for want of mail facilities, it will be difficult for me, to communicate with him. I have, therefore, thought it proper to make this representation of facts to you, and to ask that you will give me your sanction and authority to keep up this force, until the danger shall have passed away.

Your early reply will confer a favor.

I have the honor to be,

Very respectfully,

Your obedient servant,

WILLIAM SCHLEY.

HON. LEWIS CASS, *Secretary of War.*

HEAD QUARTERS, GEORGIA,
Milledgeville, May 12, 1836.

SIR: The Florida campaign has ended, but the Seminoles are not conquered. On the contrary, they remain the undisputed masters of the field, and what may be the final result of our failure there, it is perhaps difficult to say. But I think one effect of this state of things is, the present condition of Alabama and the western frontier of Georgia. The Creek nation is now in arms and open hostility. Many of the citizens of Alabama, residing in the Creek nation, have been within a few days past murdered, and all are fleeing to save their lives. The people on the Georgia side of the Chattahoochie, are in a state of great alarm. An attack is daily expected on Columbus. The nation can muster, as I am credibly informed, from seven to ten thousand warriors, and have the power and the disposition to do us great injury. The small force, two hundred men, which I have had on the frontier, under Major Howard, is totally inadequate for our defence; and I am therefore endeavoring to increase it. The militia in the vicinity of the Chattahoochie, have been called out temporarily, and a heavy expense will be incurred. But there must be some more permanent arrangements made, as I am induced to believe that we shall have a regular war with these people, and the sooner it is prosecuted with vigor, the better.

These Indians must no longer be permitted to remain where they now are, to murder our people and destroy their property *ad libitum*. It is idle to talk of treaties, and national faith, with such savages. The proper course to adopt with them, is to treat them as wards or children, and make them do that which is for their benefit and our safety. If a portion of the great surplus revenue, about which there is daily so much said in Congress, were applied to the removal of the Indians to the west, much more good would be done to the people, than to spend it as Congress is doing in talking and quarrelling about it.

The Creeks are in a starving condition, and must be fed where they now are, by the United States, or they must be killed, or driven out of the country. There can be no peace or quiet for the inhabitants of either side of the Chattahoochie, while they remain; and the law of self-preservation will force Georgia and Alabama to rid themselves of this population, "peaceably if they can, forcibly if they must." The United States ought no longer to delay the employment of some effectual means to relieve us from these troublesome, murdering neighbors; and I hope the President will be able to find a sufficient justification in the present attitude of the Creeks, to induce him to take the responsibility of doing so.

Be pleased to show this letter to the President, and give me his views as soon as may suit your convenience. I do assure you, sir, that our situation is by no means an enviable one; and whilst the sickly sympathies of some of the fanatics of the nation are excited in behalf of the "poor Indian," it would be well if a portion of their commiseration could be drawn forth for their murdered fellow citizens, men, women, and children.

I have the honor to be,

With great respect,

Your obedient servant,

WILLIAM SCHLEY.

Hon. LEWIS CASE,

Secretary of War, Washington.

P. S. Since writing the above, it has occurred to me that it would be a good plan to establish in the nation a depot of provisions under a competent military force, and inform the Indians that all who would come in and deliver up their arms, might draw rations, and that those who refused to do so, should be considered enemies, and treated accordingly.

W. S.

COLUMBUS, *May 13, 1836.*

SIR: You have, no doubt, been promptly informed of the state of our Indian matters, by those whose duty it was to do so. The state of things is indeed most gloomy; the country is suffering most severely, and relief seldom has been more wanted. In the present aspect of affairs, I know you will be willing to receive information and useful suggestions from any quarter; and by this, I am encouraged to trouble you with this letter.

There will doubtless be a great diversity of opinion, as to the strength of the *hostile* Indians, and especially as to the course of conduct to be observed toward the *friendly* ones. Upon these vitally important points, do not suffer yourself to be misled; especially do not *underrate* the strength of the enemy. I am here, near the scene of action. I have been a deliberate but anxious observer of the events transpiring for some time back, and I will stake my neck upon the truth of this remark, that four-fifths of the Creek nation are at heart, and in principle, hostile. That in this feeling a large portion of the Cherokees fully participate; and that there is an intimate understanding and concert of purpose between these two tribes and the Seminoles. In making your arrangements for the protection and defence of the country, I beg and implore you to believe, that we *must*, we are *fated* to have a severe and sanguinary war with these people. If you send a force at all, let it be under every aspect of the case, *fully adequate to the purpose*, and conducted by efficient officers. There are, and will be, *many, very many*, propositions of friendship from the Indians; but be on your guard in listening to them; remember the *white flags* in Florida. Those who have already made such professions, have been required, as an evidence of sincerity, to go in with their families and arms, to Fort Mitchell, for protection. They have *promised* to do so, but have delayed it under various pretexts. Some hundred women, children, and old men, have gone in, but their *warriors are in the swamps*. The *inclination* of almost all is for war; some may be restrained from cowardice, and others by interest.

But what disposition shall be made of such as *profess*, and are *believed*, friendly? Shall they be induced to join us in a war with the *hostile* party? I think not. First: because they are so treacherous and uncertain, that they ought not so far to be trusted. Second: because they could only be useful as *guides*; but such aid is not now wanted, because our own people know the whole country intimately. Third: because they will clog and embarrass our operations, rather than add to their celerity. Fourth: because, when the war is over, and the Indians all settled down in Arkansas, this might, and no doubt would be made, a pretext for dissension and war amongst themselves.

What disposition, then, should be made of them? Shall they be kept in camp, and subsisted at the expense of the Government? I think not, because they can do no good, and will answer no useful purpose. We all know they *must*, sooner or later, emigrate. Why put off or delay this *necessary and inevitable* result? Whenever as many as a thousand shall be encamped, let them be sent out of the country. By this means we gradually shake off the encumbrance; we gradually reduce the number of Indians in the nation; and every party that goes will leave some relatives or friends amongst the hostile party, who will therefore be themselves the more willing to follow. These suggestions are respectfully offered for your consideration; if destitute of merit, reject them.

In the present state of things none of us can attend to our land controversy, nor do I suppose that your agents can continue in the field. Be this as it may, however, I am exceedingly anxious to bring that matter to a final issue as speedily as possible, and to do it with an eye, not only to our own interest, but to the rights of the Indian and the wishes of the President. Captain Page has advised me of the proposition made by the Tuckabatchee chiefs, through him, to the purchasers. He has also said to me, that all this had been submitted to you. The purchasers at once accepted the proposition; for notwithstanding they may have once purchased the lands and paid for them, yet they will cheerfully make up and pay to them a considerable sum of money, whenever they are ready to surrender up the land, and leave the country. This has been done in regard to each of the last emigrating companies, and was intended to be done in regard to each succeeding one. The Government has attempted to control this whole business, so as to secure justice to the Indian; but this has been done not in reference to their habits and mode of doing business: they are not to be traded with as our people are: an Indian must be paid when he signs a paper for his land; he must be paid when he goes before the agent; he must be paid whenever he afterwards meets the purchaser; and he must be paid when he gives up the land or emigrates; so that it is a continual scene of paying from first to last. Hence the necessity of the purchasers getting the land at the start, for as little as possible. All these things are not known, and cannot be, to the Government. Hence the purchaser, in his attempts to cover and provide for them, is made often to *appear* in the wrong. If you have not yet answered the proposition of Capt. Page, I beg you to do so with as little delay as possible. It is all important, if possible, to get those western towns to leave the country at once. I doubt, however, their sincerity. If they are disposed to go, and they can do so, being perfectly satisfied, both with the Government and purchasers, let them do it by all means. As there may be much difficulty in assembling the Indian claimants; as there is much danger in travelling through the coun-

try; and as expedition is now essential, I ask if it will not be proper to instruct Capt. Page to ratify whatever those chiefs may recommend, and to assure the purchasers that whatever Capt. Page may do or recommend, will be approved, sanctioned, and executed by the President?

Respectfully, your obedient servant,

ELI S. SHORTER.

To the Hon. SECRETARY OF WAR.

HEAD QUARTERS, GEO.

Milledgeville, May 17, 1836.

SIR: In the letter I had the honor of addressing you on the 12th inst. I stated to you that the Creeks were hostile, and that the situation of the inhabitants on both sides of the Chattahoochie, was extremely distressing. Since then I have received several expresses giving accounts of the war, and this morning I am informed that the Indians have penetrated into Georgia, burnt Roanoke, and captured two steam-boats on the Chattahoochie, one at Roanoke, and the other about three miles below Columbus. A great many persons in Alabama have been murdered, and all who could have fled to Georgia. Thus far I have been acting on the defensive, but as soon as I can assemble a sufficient force, which I am endeavoring to do, by ordering to the scene of action, the volunteer companies within a reasonable distance, I shall cross the river and carry the war into the enemy's country. We are in a bad condition for want of arms and ammunition; all, or nearly all, we had at this place were taken to Florida by the troops, and have not been returned. As the Creeks are now in a state of open and offensive war, it is feared that the Seminoles and the Cherokees may join them and that we shall have a general and extended war. If you can do any thing for the people on the frontier, it should be done quickly; there is no time to lose. I have no money to buy provisions for the militia, unless I can borrow from the banks. I cannot draw from the treasury of Georgia, unless an appropriation is made by law. The small contingent fund of twenty thousand dollars, under my control, has been nearly exhausted. If therefore it be in your power to do so, I would be glad you would send me fifty or one hundred thousand dollars. Be assured sir, that it will require this sum, and a great deal more, before this matter is settled. The Indians must now be conquered and sent to the west at the point of the bayonet.

I have the honor to be,

With great respect,

Your obedient servant,

WILLIAM SCHLEY.

Honorable LEWIS CASS,
Secretary of War.

REGULATIONS CONCERNING THE REMOVAL OF THE INDIANS.

The experience of the past year in the business of removing the Indians, a constant observation of the accounts and reports of the various persons employed, and a consideration of the information which has reached the Department from other quarters, have led to the conviction that a more systematic plan of operations is essential to the economy and to the satisfactory progress of these movements. With this view the following regulations are adopted, and all persons employed in the business of emigration will be held responsible for a faithful observance of them.

I.—Directing Department.

All the subjects connected with the removal of the Indians, whether they relate to subsistence, transportation, payments, or any other matter, will be committed to the Commissary General of Subsistence, who will take the necessary measures to carry into effect the object of the laws and treaties relating to this business, and the instructions of the Government. All communications will be addressed to that office in this form :

*Emigration of Indians,
Commissary General of Subsistence,
Washington City.*

II.—Special Agents.

1. A special agent will be appointed to superintend the removal of each tribe, or of the Indians living within certain specified limits.

2. To the special agent will be committed the general operations: comprehending the duties and conduct of the various persons employed, the preparatory arrangements, the collections of the Indians, the route, the mode of travelling, their movement and subsistence, and, generally, every thing connected with this object.

3. All persons appointed by the Government to aid in the business of removal, will report to, and receive the instructions of, the special agent, and may be suspended by him from employment for causes appearing to him to be just; but the same shall be immediately forwarded to the War Department for its consideration and decision.

4. Each special agent shall, immediately upon entering on his duties, or whenever thereafter it may become necessary to employ assistants, submit to the War Department the names of the persons proposed to be employed, the nature of the duties to be assigned to them, and the amount of the compensation proposed to be given. No persons will be employed, except temporarily and from necessity, without the previous sanction of the Department.

5. The special agents will communicate to the department every occurrence, the knowledge of which can be useful. They will make weekly reports of their progress and operations; they will certify the quarterly abstracts of the disbursing officers, they will at least once a quarter transmit a

statement of the names, stations, and employment; of the various persons in service, and the business they have performed during the preceding quarter. And they will, from time to time, furnish the disbursing officers with such information as may be necessary to enable the latter to prepare and forward the requisite estimates.

III.—*Disbursements.*

1. All the disbursements required for the various objects connected with the removal of the Indians, will be made by officers of the army who will be assigned to that duty, and who will from time to time be furnished with funds for that purpose.

2. These officers will carry into effect the instructions of the special agents, so far as the same are in conformity with the general authority given by these regulations, or by special direction from the War Department.

3. Payments for all services, as well as supplies, will be made by these disbursing officers, and duplicate vouchers will in all cases be taken, expressing fully the nature of such services and supplies, and whatever may be necessary to enable the accounting officers to judge of the propriety and reasonableness of the charge.

4. The disbursing officers will transmit *estimates* whenever funds are required, showing in detail the application it is intended to make of such funds, together with a statement of the amount, if any, on hand, and the payments for which such amount is required. And funds will be furnished, either by the remission from the Treasury, or by drafts upon the War Department, as the Commissary General may judge best; but no drafts shall be drawn by any officer upon the Government, unless previous authority for that purpose has been given.

5. All accounts and vouchers will be transmitted immediately after the close of each quarter, and abstracts of expenditures, showing the application of the funds, will be transmitted at the expiration of every month.

IV.—*Transportation.*

1. The route and mode of transportation will be determined by the special agent, having a just regard to economy and the health and comfort of the Indians.

2. When persons or families agree to transport themselves, and are considered capable of doing so, they will be allowed a just commutation therefor, which will be fixed by the Commissary General on an examination of the probable expense. And to those emigrating from the chartered limits of Georgia, under the provision of the eighth article of the treaty with the Cherokees of May 6, 1828, the sum of fifty dollars will be paid in addition, as is provided thereby.

3. The amount necessary to be advanced to such persons previous to their departure, will be determined by the Commissary General, and will be paid when they are upon the point of commencing their journey.

4. No persons except those who are too young or too infirm to travel on foot, will be transported in wagons or upon horses.

5. The amount of baggage will not exceed 1,500 weight for every fifty persons; nor will any wooden furniture or heavy utensils be carried. The baggage must principally consist of necessary clothing, bedding, &c. light cooking utensils, and a few tools for agricultural and mechanic purposes.

6. The baggage of each detachment will be weighed, and a certificate thereof, signed by some respectable person employed, will be transmitted with the accounts. The quantity to be carried in each wagon must, of course, depend upon the judgment of the conductor of the party, who will likewise point out the persons whose circumstances require they should ride. Only one wagon shall be allowed to every fifty persons for the transportation of themselves and baggage.

7. Where the route is by water, a contract will be made, if the same can be done upon reasonable terms, for the transportation of each individual from the place of departure to the place of destination, or for as much thereof as can be effected. If this cannot be done, it will then be proper to charter a boat for the voyage at a fixed rate. And, lastly, should either of the other modes be found unreasonable or impracticable, then a contract may be made for the hire of a boat by the day. But this is considered the least economical plan, and therefore not to be restored to till the others fail.

8. Should the steam-boats owned by the Government not be wanted for the improvement of the navigation of the Ohio and Mississippi rivers, and be found suitable for the purpose of transporting the Indians, they will be employed for that object, and the preceding article will, in that event, be superseded where these boats may be used.

9. The wagons and teams, now owned by the United States west of the Mississippi, will be employed in the business of transportation; but no future purchases for this purpose will be made. It is better for the Government to hire than to buy the means of transportation. Wagons will hereafter be hired at a fixed rate by the hundred, if convenient, and if not, by the job; and where neither of these can conveniently be done, then by the day, with a previous understanding, as to the weight and persons to be carried, and the daily distance to be travelled. Where forage can be found by the owners, the contracts will be so made; but, where it cannot be, it will be supplied by the United States.

The United States will not be responsible for any accidents.

10. Forage for the teams will be purchased in the manner prescribed for other supplies, and will be issued upon returns in the mode pointed out for provisions. The quantity will be the same as is directed by the army regulations.

11. Every detachment of Indians shall, if practicable, be conducted by an officer of the army, who will have under him such assistants as the number of the detachment and other circumstances may require to be appointed, as is before provided.

12. Every detachment, previously to their departure, will be mustered; and muster-rolls exhibiting the names of the heads of families, and the numbers and ages of the persons composing the same, distinguishing their sexes, and naming also those individuals not members of any families, will be made out, and certified by the superintendent upon his personal examination, one of which shall be forwarded to the War Department, and another shall be delivered to the agent* taking charge of such detachment west of the Mississippi: and a re-muster shall then take place, and any changes in the detachment shall be accounted for in a column of remarks, a copy of which shall be forwarded to the War Department.

* See article 8th, section VI.

V.—*Supplies.*

1. It is desirable that all the important supplies should be procured by contracts upon previous public notice inviting proposals; and this rule will be adhered to where there are not strong reasons to the contrary. And where there are, they will be reported by the Commissary General.

2. All contracts, not immediately executed and completed, and not exceeding fifty dollars in value, will be in writing, and duplicates thereof will accompany the vouchers. Adequate security for the faithful performance of all contracts exceeding three hundred dollars in value will be required.

3. Special instructions will be given by the Commissary General respecting the provisions required for the subsistence of the Indians after their arrival in the country west of the Mississippi. These will, in all cases, be procured upon contract, to be based upon proposals previously issued.

4. Blankets and other articles required by treaty stipulations to be delivered to the Indians, and which can be better procured in the principal commercial cities than in the interior, will be purchased by the Commissary General in the same manner as the army clothing is purchased, and forwarded for delivery to the proper agent. None but the Machinac blankets, so called, will be procured for the Indians. These are much better suited to their wants and tastes than any others. Three and a half points must weigh ten pounds per pair; three points, eight pounds per pair; and two and a half points, six and a fourth pounds per pair. One-half of any quantity should be three and a half points, one quarter three points, and one quarter two and a half points. Certificates of delivery, witnessed by two creditable persons, will in all cases be required at the Treasury Department.

VI.—*Provisions.*

1. The ration will consist of one and a quarter* pound of fresh beef or fresh pork, or of three-quarters of a pound of salt pork, and of three-fourths of a quart of corn or of corn meal, or of one pound of wheat flour, to each person; and of four quarts of salt for every one hundred persons.

2. Provisions will be issued in steam-boats as frequently as convenient, to prevent their being improvidently used; and by land they will be issued once a week or oftener, depending upon the situation of the party, and upon the facility of reaching points where provisions may be deposited or purchased. On land routes, it will be proper to have depots of provisions at reasonable distances, unless where such routes are through the settled country, affording at all times, and at reasonable prices, adequate supply.

3. These provisions will be procured either by contract, as already provided, or by purchase in open market. Except in a country where supplies are abundant, and while travelling, the former mode is preferable.

4. It is recommended that contracts be previously made for issuing such quantities of provisions as may be wanted at a proper places during the collection of the Indians, and at suitable points upon the route. The contractors to be at every expense attending the delivery and distribution of the provisions, and the issues to be made under the inspection and direction of the officer having charge of the detachment; and none to be issued which are not examined and approved by him, and weighed or measured in his pre-

* The ration of fresh beef or pork changed to one pound, for the year 1834.

sence. Under such an arrangement, however, it will be necessary to ascertain, previously to the departure of any detachment, that the necessary provisions are ready, and to provide them otherwise when there is a failure, lest the Indians might suffer where provisions could not be procured.

5. Where provisions are issued by contractors, the issues will be made upon provision returns to be drawn by the officer having charge of the detachment, which detachment will be divided, for their more convenient receipt, as he may think proper. He will abstract the whole in the usual mode, at the end of each month, or sooner if the contract relating to his detachment is fulfilled, and will certify that he saw the provisions delivered; and he will take special care that the issues do not exceed the quantity due by the muster-rolls. These abstracts will also be certified by some other respectable person in employment, and will, together with the contracts and the bills of parcels, form the vouchers of delivery. The provision returns will be transmitted to the Commissary General.

6. Where the provisions are not issued by the contractor, but by the officer in charge of the detachment, he will call to his aid some respectable person employed in the business, upon whom the returns will be drawn, and who will take immediate charge of the issues.

7. The same principles will in like manner regulate the issues to the Indians during the first year after their arrival at the places of their permanent residence. But as they will then be placed beyond the reach of many of those temptations which now assail them, such issues may be made at longer intervals, and in larger quantities. Cattle or hogs may be delivered, upon just estimates, on foot, and by these means much expense will be saved. The agent* will determine whether a just regard to the convenience of the Indians requires the designation of more than one place at which these issues shall be made.

8. The year within which subsistence is to be provided will commence upon the day each party arrive in the country assigned to them. The agent will immediately report to the Department the arrival of every party, and will at the same time transmit any explanations rendered necessary by any change since the last muster.

9. Families or individuals detained by sickness or other unavoidable causes, and unable to reach their destination at the same time with the party to which they belong, will be allowed to draw for the term of one year after the termination of their journey. But those who quit their party unnecessarily, will only draw as long as such party draws.

VII.—*Appraisement and Payment of Property.*

1. In the appraisement of property, the appraisers will always act under oath; and improvements will be estimated by the real fair value they add to the land. The appraisement returns will exhibit, in separate columns, the number of acres cleared and under fence; the value of the improvement, whether orchard, meadow, cornfield, or otherwise; the number, extent and description of the buildings; and any other circumstances having a bearing upon the subject, and each of these will be separately valued.

2. Stock will in like manner be estimated under different descriptive heads. Where it can, in the opinion of the superintendent, be more profitably issued as provisions to the Indians than sold, it will be delivered

* The Indian Agent.

† The Conductor—see article 12, section IV.

upon an estimate to an issuing officer to be selected for that purpose, who will receipt therefor: such receipt will be transmitted to the Commissary General, and the quantity charged to such officer, who shall be credited, from time to time, with the issues as these are made.

3. When it is deemed most advisable to sell such stock, the same shall be advertised and disposed of at public sale by the superintendent, and the amount paid over to the disbursing officers, whose receipt shall be forwarded to the Commissary General. But the danger of losing such Indian cattle is so great that they will not be received till the superintendent is ready to dispose of them, at which time they will be delivered by the owners at a place to be pointed out.

4. To prevent re-valuing cattle or other frauds, the appraisers will provide branding irons, the letters U. S. upon them; and all cattle, at the time they are received from the Indians, shall be distinctly branded therewith.

5. Appraisement returns will be transmitted to the Department from time to time as the work is in progress, if the same cannot be finished within three months, and at the end thereof, if no longer time is required. These returns will be signed by the appraisers, and countersigned by the superintendent, and duplicates thereof will be sent at the same time to the agent of the proper tribe west of the Mississippi. When received at the War Department they will be examined, and, if approved, the superintendent will be instructed to have them paid before the emigration of the persons, if the treaty stipulations require such payment. If not, the superintendent will give a certificate in each case corresponding with the approved return, and numbered, stating particularly the person, amount, nature of the claim, &c. and requesting the proper officer west of the Mississippi, on the presentation of such certificate by the person named therein, and by no other person, to pay the amount thereof to him; and such officer shall, if he has received an approval of the return from the War Department, and if such certificate is in conformity therewith, pay the amount to the owner. The receipt of the party upon such certificate in the latter case, and his receipt referring to the return of the former, will be required as vouchers in the settlement of the accounts.

6. Where the Indians, under treaty stipulations, require that the cattle received from them east of the Mississippi should be replaced by others west of that river, it shall be so expressed in the certificate; and the cattle received shall be so particularly described, that the purchasing agent may be enabled to procure others of similar value. But this will not be done till the subject has been approved by the War Department.

VIII.—*Miscellaneous.*

1. A journal will be kept by the conducting officer of each detachment, in which will be entered a daily memorandum of the number of miles travelled; of the impediments, if any, which prevented a more rapid progress; of the time of marching and of encampment, if by land; and, generally of such occurrences as may best enable the Government to form a judgment of the mode in which the business has been done.

2. No horses will be purchased or supplied by the United States for the use of those who are engaged in this business, but the compensation allowed them will be in full for all services and expenses of every nature and description, excepting, while such persons accompany a detachment of

Indians, their actual transportation and subsistence will be paid, and ten cents per mile, computing by the nearest route, will be allowed for their return. But this article will not extend to expresses.

3. In the collection of the Indians, special care will be taken that sufficient previous notice is given, and a day and place of meeting assigned; and in this their wishes and opinions will be consulted, so as to allow them ample time to make all their arrangements; and, in the mean time, they will be reminded of the necessity of punctuality. No provisions will be issued till the arrival of the day which has been fixed, and on that day the journal of occurrences will be commenced. Every exertion will be used to set out as soon thereafter as possible. Two weeks, if necessary, will be allowed for them to collect after the day fixed, but no longer unless some unforeseen accident happens.

4. The Commissary General will prepare the necessary forms to render the mode of doing duty under these regulations uniform, and to facilitate the settlement of the accounts; and these forms will be strictly adhered to.

IX.—*Compensation.*

The following will be the compensation allowed, and will be in full of all expenses and services whatever:

It is to be distinctly understood that persons engaged in this duty will travel from place to place, wherever required, finding their own horses and bearing all their expenses, with the single exception stated in the 2d article of the 8th section, when they are ordered to accompany a detachment of Indians west of the Mississippi.

A special agent two thousand dollars.

An assistant agent, to aid the special agent in the discharge of the more important duties connected with emigration, four dollars a day.

An enrolling agent four dollars per day.

An appraiser three dollars per day.

A conductor of Indians, where an officer of the army is not present, four dollars per day.

An assistant conductor three dollars per day.

An interpreter two dollars and fifty cents per day.

Persons employed in collecting Indians, taking charge of teams, and other duties of a similar nature, will not be allowed more than two dollars and fifty cents per day, to include their expenses; and laborers will be employed agreeably to the custom of the place where their services are wanted.

Principal disbursing officers, pay and emoluments of a quartermaster. Other disbursing officers the pay and emoluments of an assistant quartermaster.

LEW. CASS.

DEPARTMENT OF WAR, *May 15, 1832.*

EMIGRATION OF INDIANS,
Office Com. Gen. Sub. May 15, 1832.

The following forms have been prepared in pursuance of the 4th article of section VIII. of the foregoing regulations; and will be observed by the disbursing officers and others in the removal and subsistence of Indians.

FORMS OF ACCOUNTS, &c.

Quarterly.

1. Account current.
2. Return of provisions and forage.
3. Do. property.
4. Abstract of disbursements on account of subsistence.
5. Do. do. do. transportation.
6. Do. do. do. contingencies.
7. Do. provision issued.
8. Do. forage do.
9. Provision return on the contractor.
10. Forage do. do.
11. Estimate of funds.
12. Baggage certificate.
13. Quarterly statement of agents.
14. Bill of parcels.

Monthly.

15. Abstract of disbursements for subsistence.
16. Do. do. transportation.
17. Do. do. contingencies.
18. Appraisal return, to be rendered according to article 5 of section VII.
19. Muster-roll, to be rendered according to article 12 of section IV.

In addition to the above, the following papers will be required; but as to the forms of which the agents and others will be governed by their own views:

Weekly report.	See article 5, section V.
Estimation of stock.	" 2, " VII.
Certificate of claim.	" 5, " VII.
Journal of occurrences.	" 1, " VIII.

GEO. GIBSON, C. G. S.

The United States in account current with _____, on account of the removal and subsistence of Indians for the quarter ending the _____ day of _____, 183 .

274

DR.

CR.

Dates.		Dollars.	Cents.	Dates.		Dollars.	Cents.

[Doc. No. 276.]

I certify that the above account of moneys received and expended by me, in the period above stated, is just and true.

Return of provisions and forage received by _____, and issued to the removing _____ Indians, at _____, in the
 quarter ending the _____ day of _____, 183 .

Date.	No. of Voucher.	From whom received.	Pork.		Beef.	Flour.		Corn.		Corn meal.		Salt.	Rations.	Remarks.
			bbls.	lbs.	lbs.	bbls.	lbs.	bush.	qrts.	bush.	qrts.			
		Total to be accounted for,												
		Total issued,												
		Balance on hand,												

I certify, on honor, that the above return is correct.

[Doc. No. 276.]

Return of property received and issued by

, agent in the removal and subsistence of
in the quarter ending 183 .

Indians,

276

[Doc. No. 276.]

Dates.	Number of vouchers.	From whom received.					

Total received,

		To whom issued,	

Total amount issued,

Total amount on hand,

I hereby certify, on honor, that the above return is correct.

Signed,
of the removal and subsistence

Indians.

Note.—Fill up the property list *alphabetically*.

** Abstract of disbursements on account of subsistence by
subsistence of the Indians, in the quarter ending*

*Agent of the United States for removal and
day of 183 .*

Dates.	No. of voucher.	To whom paid.	Pork.		Beeves.	Slaughtered beef.	Flour.	Corn meal.	Corn.		Salt.	Rations.	Amount.		
			bbls.	lbs.	No. and esti- mated weight.	Pounds.	bbls.	lbs.	lbs.	bush.	qs.	bush.	qs.	Number.	dolls.

I certify, on honor, that the above abstract is just and true.

Note.—When any charge is made for which there is no head, to wit, for transportation of subsistence, it may be described in the space for remarks.

* See article 5 of section II.

Abstract of provisions* issued by

ending to the removing day of

Indians, at the , 183 .

in the quarter

280

Dates.	Number of persons.	Days drawn for.	Commencing.	Ending.	Rations of pork.	Rations of beef.	Rations of flour.	Rations of corn.	Rations of corn meal.			Remarks.
Total rations,												
					Bbls. lbs.	Pounds.	Bbls. lbs.	Bbls. lbs.	Bsh'ls. qrts.			
Quantity in bulk.												

[Doc. No. 276.]

I certify, on honor, that the above-mentioned provisions were issued to the Indians as above stated.

*See article 5 of section VI.

Dates.	Number of voucher.	Number of horses, &c.	Days drawn for.	Commenc- ing.	Ending.	Rations of corn.		Rations of		Rations.	Remarks.
Total number of rations.											
Quantity in bulk,						Bush's.	q'rts.	Bush's.	q'rts.	Pounds.	

I certify, on honor, that the above-mentioned forage was issued as stated.

See article 10 of section IV., and 5 and 6 of section VI.

* Provision or forage return.

No. Numb. Number days	No. Return for for on the days, commencing on the day of emigrating day of 183 , inclusive. Indians and ending										
Rations Dated at 183 .	<table border="1"> <tr> <td data-bbox="609 424 707 631">No. of</td> <td data-bbox="707 424 797 631">No. of days.</td> <td data-bbox="797 424 887 631"></td> <td data-bbox="887 424 976 631"></td> <td data-bbox="976 424 1066 631"></td> </tr> <tr> <td data-bbox="609 631 707 699"></td> <td data-bbox="707 631 797 699"></td> <td data-bbox="797 631 887 699"></td> <td data-bbox="887 631 976 699"></td> <td data-bbox="976 631 1066 699"></td> </tr> </table> The will issue dated at 183 .	No. of	No. of days.								
No. of	No. of days.										

* See article 5 and 6 of section VII.

[Doc. No. 276.]

* Estimate of funds required in the removal and subsistence of the Indians for the quarter ending 183 , with the application, in detail, intended to be made of them, by

Deduct amount estimated to remain on hand		
Amount required - - - -		

Signed,

* See article 4 of section III.

*Baggage Certificate.**

I hereby certify that I have seen the baggage of a company of
Indians about to remove west of the Mississippi under the direction of
, weighed, and that said baggage weighed _____ pounds, and did not
exceed the amount allowed by the regulations.

Dated _____ 183 .

(Signed)

* See article 6 of section IV.

Quarterly statement of agents and others employed in the removal and subsistence of the
for the quarter ending 183 , by , Special Agent.*

Indians,

No.	Names.	Stations.	Dates of employment.	Compensation.	Remarks, showing the nature of the employment, what business was performed during the quarter, &c.

See article 5 of section II.

[Doc. No. 276. 1]

The United States,

To

Dr.

286

Date.		Dollars.	Cents.

[Dec. No. 276.]

Received 183 , of dollars and cents, in full of the above account. Agent of the United States for the removal and subsistence of Indians,

* *Monthly abstract of disbursements for the subsistence† of the*
month of 183 , by

Indians for the

Dates.	To whom paid.	For what paid.	Dols. cts.	Remarks, showing whether the payments will continue—how long—the necessity for their continuance—what addition may become necessary, or reduction will be made—distinguishing between payments for the consumption or use of the present month, and for succeeding months, &c.

I certify that the above abstract is just and true.

Signed,

Dated 1st, 183 .

In the removal and subsistence of the Indians.

* An abstract under EACH of the heads of subsistence, transportation, and contingencies, is required *monthly*.

† See article 5 of section II.

* Appraisement return of

lands and improvements, by

Appraiser.

288

Names	Location.	Land cleared and under fence.					Buildings.		Total value of land and buildings.	Remarks.
		Acres of orchard.	Acres of meadow.	Acres of cornfield.		Total acres.	Value.	No. and description.		

[Dec. No. 276.]

*See article 5 of section VII.

* Muster roll of a company of

Indians, about to emigrate west of the Mississippi river, under the direction of

19 Names of heads of families.	Number and ages of Indians.								Number of slaves.		Total number.	Remarks.
	Males.				Females.				Males.	Females.		
	Under 10.	Of 10 and under 25.	Of 25 and under 50.	Over 50.	Under 10.	Of 10 and under 25.	Of 25 and under 50.	Over 50.				

I certify that I have examined the above roll.

Signed,

Enrolling Agent.

Signed,

Special agent and Superintendent.

Note.—The names of individuals not belonging to any family will be distinguished by an (*).

* See article 12, section IV.

[Doc. No. 276.]

EMIGRATION OF INDIANS,
Off. Com. Gen. Sub. June 6, 1836.

SIR: I have the honor to transmit herewith, copies of, and extracts from, the correspondence and documents in this office, in compliance with the requisition of the Committee on Indian Affairs, made in pursuance of a resolution of the House of Representatives, of the 3d of June instant, so far as appertains to the emigrating Indians' bureau to answer said requisition.

I have the honor to be,

Very respectfully,

Your obedient servant,

GEO. GIBSON, *C. G. S.*

Hon. LEWIS CASS,
Secretary of War.

MOBILE, *March 31, 1835.*

SIR: Having received and accepted the appointment of emigrating agent, for the Creek nation, it is my desire to enter on the duties of said office with zeal, and also understandingly. From the book of regulations I have gleaned much information, but I find there are much left to the sound discretion of the agent, and as I wish to exercise no powers that are of a doubtful character, I must seek at your office for explanations, and may often appear to you as too troublesome, but I hope you will make all allowances, when you understand my object is to avoid difficulties, and at the same time to give satisfaction to the Department. The first object is the removal of those Indians. To commence this work we must first induce them to enrol, and, as a stranger to them, it cannot be expected that I can do this unless I am aided by persons residing among them, and who have influence over them. This influence may be used against their removal, and from what I have heard, from the various speculations practised on the Indians by speculators that are residing among them, I may calculate to meet their opposition, unless I can counteract it in some way. This I propose to do (if authorized) by hiring certain men residing among the Indians, and who speak their language, as strikers, to ride among them and urge them to enrol, and ferret out the machinations of those evil-disposed persons who may be opposed to the removal. I believe the regulations would justify me in hiring, for a limited time, such persons; but as there will be time enough to receive your views fully on the subject, before any thing can be done, I am induced to address you now. Major Uriah Blue, an old officer of the army, I have named to the honorable Secretary of War as my assistant, and hope my choice will be confirmed. I would prefer him to any man I am acquainted with. With Major Hunter I formed some acquaintance at Tuscaloosa, and believe with those too gentlemen I can do very well, by having the other assistants of capable men. I shall require the aid of some one to act as clerk, to aid me in that department; the regulations make no provision for one: will I be allowed the privilege of using an assistant wagon-master as clerk? By the regulations, the mode and route of removal is left to the agent. If the Indians could be induced to remove in steam-boats from Wetumpka, on the Alabama river, at this season, I could obtain boats on

very low terms, and would greatly facilitate their removal; but in a conversation with Major Hunter, held last fall, he informed me the Indians could not be induced to remove that way. This may be a mistake, as an exploring party has just returned from Red river, whither they went and returned in steam-boats. I learned yesterday from a late member of our legislature, who resides in that country, that the nation were to hold a council on Monday last, to hear the report of the exploring party, and it was this gentleman's opinion they would not go to Arkansas, but would be willing to emigrate to the country bordering on Texas. Should such be the case, what course will the Government adopt? Should they be sent to the Red river, steam-boats will be the cheapest and best plan of removal. A boat can leave Wetumpka, and in five days may be before New Orleans, and in four or five more, land them near their place of destination. The navigation between Mobile and New Orleans, has now become a matter of a day's run, and all sorts of steam-boats now run between the two places daily, and as all the cotton is now nearly in, boats could be chartered on very low terms. Your views on this subject are also requested.

I shall remain here until I receive my orders and instructions. This will allow me two weeks to arrange my domestic affairs, which is necessary before I leave home. Should you address me at any place in the nation, send me a duplicate here.

I have the honor to remain,

Your obedient servant,

JOHN B. HOGAN,

Em. Agent.

MOBILE, April 3, 1835.

SIR: I have the honor to acknowledge the receipt of your communication of the 20th ultimo, containing the instructions necessary for my government in the discharge of the duties now assigned me by this appointment. The importance of being in the nation I am well aware of, and will assure you that I shall proceed there with as little delay as possible. In the mean time I will direct Major Blue (who is now ready) to proceed there forthwith, and ride among the towns and form acquaintances with the chief men of each town, (a memorandum of their names I have obtained,) and counteract the machinations and bad councils of those men who are throwing every obstacle in the way of emigration. I learn from Doctor Weir, a late member of our legislature, and the gentleman of whom I referred in my letter of the 31st ultimo, the Indians have held a council, and have resolved not to emigrate to Arkansas, but to Texas; and that a deputation will be sent on to Washington immediately, to treat with the Department on this subject, and also to make offers of selling out their annuity for a commutation of pay. These movements are evidently the work of those abominable men, who are daily in the habit of plundering them of their land and their money. The stories that have been related to me of the tricks of these people, exceed any thing I ever heard. I am told they will give an Indian ten dollars to personate another Indian who possesses a valuable piece of land; they carry him before the agent, who opens his book, and finds an Indian of the name entitled to a piece of land, and the agent asks if he is the same man; the reply is in the affirmative. Are you willing to sell to this man? Yes. What are you

to get? \$400. The money is laid down, and the agent hands it to the Indian, who retires; *others* out side of the door receive back the money, all but ten dollars, and if they cannot get it in any other way, they take the Indian into another house and there choke him until he gives it up. Perhaps the very next day the proper Indian comes with another person to sell his land, and he is found on the book to have already sold it. The agent does not know him, but tells him to bring proof that he was not there before; this proof must be white proof. They go to the man who had obtained the land, and he pretends he does not know one Indian from another, and asserts he bought from a man who called himself that name, &c.; and thus the poor devils are robbed, without a chance of redress. As long as their money last, or they have land to sell, it is to the interest of such men to detain the Indians where they can plunder them with impunity. To counteract the influence of these men, I must have numerous men through the nation, each and all urging them to emigrate. Their minds must be brought to believe it is their duty to their children, and their interest to go, and that opinion must be kept up by having my agents near and with them all the time, urging them onward. Should I be restricted to a few assistants, the moment my agent left one town these men would occupy their places, and persuade the Indians not to move; that the United States were driving them off, and were no friends to the Indians, but that they were their friends; and by a few barrels of whiskey defeat all of my efforts. Doctor Weir says these men govern the nation, and make them go or stay. Who those three *important men* are, he refuses to tell, and I believe I shall have to contend with much secret opposition. Overcome it I will, if it is in the power of *one man* to do so. The marching the Indians from the nation is a small affair in comparison to the collection and enrolment, and the necessity of having sufficient help to effect this object, must be obvious to the Department. In procuring this help, you may rely on my exercising a sound discretion as to the economy and the selection of proper persons; but it certainly cannot be considered economy to prolong the removal of these people, and the want of help might force me to do so, or give up the effort. I can assure the Government I do not accept this appointment with a view of having a life estate in it, and the sooner I can get through the duty, the better for the Indians and the Government. I shall require the services of Colonel Hunter immediately, and if I knew his address would direct him to report to me at Tuckalachi town, by the 9th proximo, and must request you will direct him to report to me as soon as possible. I think it probable Captain Page may reach here before I leave this city; should he not, I shall leave a letter for him. In your instructions you say nothing about procuring blank forms of returns of *every description*. To be uniform, they should be printed, and would save a great deal of time and trouble to have them done here, where there are several job-offices. In your circular, under the head of contingencies, I see you embrace *clerks*, but fix no compensation. If I employ one, which I must do, to copy, I will make him conductor, or assistant conductor, unless you prohibit it; but to keep up my correspondence weekly with the Department, upon written orders to each person employed, and retain copies of all returns, &c., I must have an active pensman to aid me. I shall, however, be governed by your instructions on this and every other matter in relation to this subject, and what *industry, perseverance and rigor* can effect, you may rely on me that nothing shall be left undone to

accomplish the object of the Government in this case. Enclosed you have a copy of my instructions to Major Blue.

I have the honor &c.

JOHN B. HOGAN,
Special Agent.

To Gen. GEORGE GIBSON,
Com. Gen. Sub. Washington City.

MOBILE, April 8, 1835.

SIR: Three of the head men of the Creek nation, viz: Opothleholo, Jim Boy, and Davy Burnet, accompanied by a white man, a Mr. Dubois, (a native of Albany, N. Y.) reached here yesterday and left this city this morning in the New Orleans steam-boat. Opothleholo is said to be the most influential chief in the nation, although not the highest in rank. As soon as I learned they were here, I sought an interview with them and held a long talk to ascertain if possible their views and object in again visiting the south; the object of their visit to New Orleans, I could not draw from any of them. I stated to them that I was appointed special agent to remove them to their new homes, a country where they would be free and unmolested by bad white men; that the Government had made ample provision for their comfortable removal, and that it was their interest and the interest of their wives and children to go; that, in fact their very existence now depended on getting away from a country that was no longer their own, and over which they could exercise no jurisdiction; that their great Father, the President, had sent all the new rifles and blankets for their use, to meet them on landing in their new homes; that those who had gone there had done well and were making plenty of corn, and had plenty of hogs and cattle, and should be my duty and would be a great pleasure to me to aid and assist them and their families to remove in as comfortable a manner as possible, and that every kindness and attention should be paid them; that I had often heard of the great warrior Opothleholo, and was anxious to be his friend and serve him, if he would permit me, &c. When I had finished, Opothleholo said, he knew the President, Gen. Jackson, well; that he (the President) had told him before, that the Indians must remove, but that he did not like the Arkansas country; that their women and children would all die there; that the nation had just held a talk, and would not go to Arkansas; that they were willing to remove to Texas; that if the United States intended to force his people away to Arkansas, they might do so, but they must cut his throat before they could remove his body there; he said, his people had been robbed of their land; that while he was on a visit to Texas, they had stole most of his people's land; that he hoped I would write to Washington, and tell the President of it, as he thought it ought to be upset and inquired into. He spoke with great feeling and energy. After he had concluded, I told him I would write to Washington and repeat what he said; but although I knew the President would do all in his power to preserve his people and make them happy, yet a great difficulty might arise to prevent the Government from removing them to Texas; that Texas was a foreign state, and that the United States had no jurisdiction over that country, and perhaps had no right to send our Indians into a foreign territory; that if the United

States should do so, it might be the means of giving offence to the Mexican Government, and if the Spanish people should make war on them, the United States could not protect them, and they might all be killed up, without a chance of help from this Government. He replied and said, the United States had sent a portion of the Seminoles and Shawnees into Texas, and he could not see why they could not let the Creeks go there; that as for war with the Spanish people, they had no fear of that; that they liked the country better than the Arkansas, and his people could make better terms for that country, and could keep it; that if they went west, it would not be long before the white people would again force them off, &c. From all the conversations I had with these men, I am led to believe they will be the most obstinate and difficult to manage; and I believe they are under the influence of a company of speculators who have found them money to make these visits. I learned they carried with them about \$30,000 to New Orleans, and it is supposed they are to close a contract for some of those large grants that have been made by the Mexican Government in Texas: as yet, I cannot get the exact state of the case. I did not like the movements of a certain person who stepped on board the boat just as they were putting off. If my business would have admitted of it, I would go over and find out their plans, for I am convinced that a plot is on foot to defeat the views of the Government. Opothleholo said, he hoped I would not rush on the Indians when I went up, and force them off. I told him no; that I would be very kind to them, and do all in my power to serve them; that I was convinced they had been badly treated by these land robbers, and the only way to avoid similar misfortunes, was to remove at once. With Mr. Dubois I had much conversation; he was an old acquaintance of Major Blue's, and knew me while I acted as paymaster at Fort Montgomery. Dubois said, the chiefs were very anxious to obtain an invitation to go to Washington city to close up all their old matters and have explanations about their emigration. He said the speculators had set up the common Indians against the chiefs, and got them in such a situation that they could not control them. I made an effort to employ Dubois when he returned, as a striker; he has acted in that capacity before, and removed a large party three years ago. I inquired what his compensation was at that time; he informed me he had obtained \$5 per day; he said he would see when he returned whether it would suit him to engage or not, as he evidently possesses much influence with these Indians. I must have his services as a striker, if I can get him; he has resided a number of years among them, and married to one of their women. Major Blue has started for the nation, and I will follow very shortly. Your communications to me had best be sent to the town of Montgomery, where I can always have them sent to me by a safe hand; for if they are sent on through those cross mail routes, I may not get them as soon as if they were sent to that office. In this communication you will perceive I state what has occurred here, but give no opinion as to what would be best to do, nor can I make up an opinion until I visit the nation and have a talk with each town separately; and if I find them adverse to going to Memphis, I will apprise you and endeavor to prevent any general council from meeting, until I can have made partisans enough to oppose the Texas scheme. Should, however, the Government agree to send them up the Red river, it has only to say so, and I will get all off that is willing to go. If these refractory chiefs are determined to go, then would it not be policy to get

them off as soon as possible and get clear of their influence. The balance of the Indians may be induced to go to Arkansas if Opothleholo and those big men are out of their way? I have been unable to procure a copy of the late treaty with the Creeks. If you can furnish me with a copy, I think I shall want it, as I must be in possession of a knowledge of that instrument, to enable me to understand the subject properly.

I have the honor to remain,

Your obedient servant,

JOHN B. HOGAN,
Special Agent.

To General GEORGE GIBSON,
Com. Gen. Sub. Washington City.

FORT MITCHELL, ALA. *May 9, 1835.*

To Gen. GEORGE GIBSON :

SIR: In my letter of the 1st instant, (No. 5) I stated that I should set out the next day for Tuckabatchee, which place I reached in due time, and spent a day in visiting Tallassee, another town, and also Opothleholo at his own residence, which afforded me a fair opportunity of holding a free and open conversation with him on the subject of emigration. I found him very talkative, but decidedly opposed to visiting Arkansas, and not disposed at present to remove any where. He spoke of his wish to see the Secretary of War and the President, to settle up old matters, and understand things better in future, &c. I asked him why he did not go at once to Washington and see the President or Secretary? He said "*they had not invited him, and he did not like to jump up and go without he was invited.*" Previous to seeing Opothleholo, I met Dubois at Tallassee, and learned from the two the full views of Opothleholo, who is, without doubt, the greatest Indian in the Creek nation, and a very shrewd man, but still he is the dupe of three white men; these men are Doctors Weir and Billingsly, and Major Coules, under the firm of Weir, Billingsly, & Co. three leading nullifiers of Montgomery county; they control Opothleholo, and Opothleholo controls all that part of the Creek nation. These men have stores in Tuckabatchee, and are large buyers of Indian lands, and are no doubt the originators of this Texas scheme; they have persuaded Opothleholo that he is the Creek nation, and wherever he chooses to remove, the Government must recognize him as chief, and pay the annuities to him. I determined to undeceive him at once by telling him that when the five years expired, the Government would know no Indians as the Creek nation, but such as were in Arkansas; that if he went to Texas, he would expatriate himself and all who went with him; if he remained here, he would only be known as a citizen of Alabama, without the full privileges of one, for he could never have a vote in the selection of the persons who would make laws for his government. I told him that General Jackson would rigidly fulfil every article of the treaty, and at the same time would require an exact performance of the same on the part of the Indians. I found I had staggered him in a tender point, and he again reverted to the annuity, and asked me what difference it made to the Government, whether they paid the annuity on the Red river or on the Arkansas? I told him, the Government would pay but in one place, and that would be in Arkansas:

from Dubois I learned that their object in wishing to visit Washington, was to ascertain the amount of the reserved fund for paying the citizens of Georgia for depredations; they think there will be enough left of that fund, after satisfying every claim, to buy the Texas land, and also they want to make some arrangement for their share of the annuity should they go to Texas. In my letter of the 6th of April, I mentioned this Texas scheme; from all I can ascertain, I have no doubt the following are the facts of the case. Weir, Billingsly, & Co. have set up Opothleholo to buy this grant; they have, by occasionally lending money to the chiefs, obtained an uncontrolled influence over them, and particularly over Opothleholo. The plan is, to buy an entire grant of 150 miles square, from a Mexican, who is bound in two years more to place 200 families on this land; they were to give him \$60,000, and place the 200 families of the Creek Indians on the land. On reaching New Orleans, the agent of the Mexican had gone to New York, and they despatched a Captain Hodgekiss or Hodgekith with \$23,000 to buy the grant, the titles to be made in the name of Weir, Billingsly, & Co. who are to undertake to comply with the requisition of the Mexican Government, by placing 200 families on the land; the balance of the money is to be made up out of the annuity, or by the sale of the mile chiefs' reserves which are immensely valuable. Weir, Billingsly, & Co. will get the whole of these tracts of land, and they certainly are the finest body of land I have seen in Alabama. Among the actors in this scheme, is a celebrated half-breed, by the name of Ben Hawkins: this Hawkins is a great scamp, and runaway from Arkansas to Texas, and is now on his way to New York, and will be in Washington. This fellow was brought here to spread dissatisfaction among the Indians, by telling stories about Arkansas. Hawkins, it is said, will try to see the Secretary of War, to find out his views about such matters as most interest them. In my conversations with those men, I gave an unqualified opinion, that the President would not recognise the removal of these Indians to Texas, or would ever order any portion of the annuity to be paid at any other place but in Arkansas, or the country now assigned the Creek nation; and I warned Opothleholo to beware of frauds, or he might repent when it was too late. The old fellow seemed in a fine humor, but I could see he did not like that part of my discourse in which I told him that at the expiration of the five years, there would be but one Creek nation, and that in Arkansas, and to those people would the rifles, blankets, and annuities be paid. After leaving him, I determined to proceed to Dr. McHenry's, in Chambers county, distance 45 miles. Dr. McHenry is the certifying agent; and as the reports of excessive frauds practised on the Indians had been published in the Alabama papers, the Doctor had assigned this week for a review of those cases, and I was apprized that there would be at least 1000 Indians on the ground; believing it would be a fair opportunity to see them collected and give them a talk. I repaired there and met Major Blue, who had come there for the same purpose. I sent my interpreter to say, to the chiefs that I was desirous of holding a talk with them, and sent me word they would all repair to the camp of the Tuckabatchees at 12 o'clock, whither I repaired and gave them a long talk, I told them what I had said to Opothleholo on the subject of Texas and the annuity, and what the Government would consider the Creek nation, &c. Little Doctor, Mad Blue, and Jim Boy, each occasionally asked questions, and finally told me they could not now give me any answer, but that before the Indians left

the ground, they would give out the broken days, as they called it, for a general council, and then if I would attend, they would tell me the voice of the nation. After remaining a day there, and making some arrangements for an enrollment of such Indians as reside in that neighborhood, I came on to this post. From all I have been able to ascertain, I am confident that in that portion of the Creek nation, there is at present little or no hopes of emigration, and my efforts must be directed to this quarter, Hillabies, Taladega, and Black's Store, in Chambers county; and that while the Government continue to pay the annuities in Alabama, or the Indians have lands to sell, or negro property, these speculators will not let them go; and if the Government can dispense with paying any further annuities except the present one, *which should be paid immediately*, they should let it be distinctly understood that this was the last annuity the Government would ever pay in Alabama, and all future annuities should be paid in Arkansas. As yet, I have not been able to procure a copy of the Creek treaty, and write without a knowledge of that instrument. I believe that a letter written by the Department to Opothleholo and the head men of the Creek nation, setting forth the views of the President on this Texas scheme, would have a happy effect upon him. Should you agree with me, I should be furnished with a copy of it to read to the head men of the different towns, and at this grand council I could make a good use of such a letter, particularly if it went so far as to assure the nation that they must remove or lose their annuity, their rifles, blankets, &c.

The Indians have become quite hostile in this part of the nation; they shot a man and woman in Chambers county, and some in this, and people are afraid to ride alone among them. One fellow threatened Major Blue, that if he attempted to remove them, he would kill him. I shall send down, to-morrow, to Barbour county and make arrangements for seeing each of the towns. I have appointed Major Phipps, an assistant conductor, and authorized him to enrol the Indians residing in his vicinity near Black Store, and I have also appointed John P. Cunningham and Edward Royster, assistant conductors: I will station them in Benton and Talladega. Colonel Hunter I have heard nothing from as yet. Major Blue will be here to-night, to receive his orders as to enrolment, and preparatory for an encampment. Mr. Sommerville will remain with me. After visiting the Lower Creeks, I shall proceed to Talladega, Benton, &c. As yet, I have received no letters but your circular and your letter of instructions, accompanying the circular, and yours of the 14th ultimo. I have received no blank forms: I shall want the enrolling blanks immediately, and shall use every effort to have an encampment at this place forthwith, as well as at such other points as will best suit. What I have stated in relation to the Texas scheme and the names I have given as concerned, I have no doubt are correct; but in writing to the Government on so delicate a subject as this, I presume it is confidential, as much injury might result to me personally, were those persons to know I had probed their secret and given in their names and plans. My information was obtained from a person in their confidence, and who was to have been a co-partner. Under the 5th rule of the second article, I am required to give the Department every occurrence, the knowledge of which can be useful; and believing it all important that the Department should know every obstacle that operates against the removal, I have given you what I consider the principal obstacle in my way. If Opothleholo is once convinced

that it is his interest to go, he will carry off the entire nation. It is only for the Government to let him know they are apprized of all his plans, and that they will not be sanctioned, and that if he persists in it he must do it without the countenance of the Government and without the aid of the annuity, and he will soon come to his senses, and his interested friends will leave him after they get all he has to part with.

I have the honor to remain,

Your most obedient servant,

JOHN B. HOGAN.

FORT MITCHELL, ALA. *May 14, 1835.*

SIR: I have just returned from an excursion to the Indian settlements in the lower end of this and Barbour county; the Indian towns and settlements on the Chattahoochie are entirely abandoned and the Indians driven into the pine woods, some ten or fifteen miles in the rear; to hunt them up in detached parties made it extremely difficult; my object was principally with the head men or chiefs, as I find nothing can be done in emigration unless the chiefs agree to it. To see them then, was a paramount duty, and I regret to say after all the fatigues of a ride through a country without a road and the difficulties of crossing deep creeks with high perpendicular banks, I was compelled after visiting the domicile of the chiefs, to return to this place without seeing them. My ride, however, was not entirely lost, as it afforded me an opportunity of seeing many leading Indians, though not chiefs, and I left a message with the families of the chiefs that I had come to see them and tell them of the arrangement making to remove them and their families, and to request them to call on me; and from what I could gather from those I saw, I am induced to believe I shall get a party from that quarter, although I must acknowledge, that I feel rather below par when I look around me and see so many obstacles thrown in the way of emigration; the annuity first, nothing will induce the Indians to go while they are expecting the annuity; again it is reported that the certifying agents are stopped, and a new agent, Gen. Sanders, appointed to investigate the frauds; while there is a hope of getting back the land stolen from them they will not move; again this infernal Texas scheme is in the way of the Tuckabachians and while that is on foot Opothleholo will not go, and unless he does his Indians will not move. I am told that the last annuity was paid and immediately divided into two parts, Opothleholo took one, \$2,400, and the other part was handed to the principal chief in this end of the nation, (Neahmatla) this money, I understand is then put into the hands of certain white men, who hold it to pay the claims of each part of the Nation, their own store accounts is first in order, and the balance is paid to the orders of the two chiefs, and the common Indians get nothing, or get orders on the stores, &c. Now it strikes me, that unless this plan is broken up in some way, there is little or no prospect of removing these people in a body, and no plan seems so feasible as to order Capt. Page to pay this annuity, and to pay it to the Indians individually in a pro rata order according to rank or otherwise; this plan would break the influence of the chiefs and would destroy the prospects of the speculators, who now control Opothleholo and the other chiefs, and would break up the Texas scheme, for it would scatter the money among the common Indians, and leave none for Weir, Billingsly & Co. to pay for Texas. Capt. Page states

he would be perfectly willing to pay the annuity in this way if requested ; and at the same time the Indians should be informed, that this was the last annuity to be paid in Alabama ; unless the Government take some decisive steps with these Indians, they will not emigrate, but remain here a curse to the country and themselves ; they are in such a starving condition here, that they kill all the stock they can lay their hands upon, and the people are becoming very much alarmed and will not travel through the nation except in parties of three or four. What I mentioned in my letter of the 9th inst. (No. 6) has been fully corroborated by Major Blue, who left here on the 10th ; he had the story from Major Coules, one of the firm of Wier, Billingsly & Co. who stated to Major Blue, the whole transaction, and acknowledged that Billingsly has gone again into Texas to ascertain from the Mexican authorities, whether the introduction of the 200 Indians will be considered as a compliance with the conditions of the grant, or whether they must be white families. It seems they fear the Indians may not be received by the Mexicans and the money paid for the grant will be lost. I have no doubt from what I know of that country, but the location of the Indians will be resisted by the citizens of Texas, who are now looking about for a plan to rid themselves of their present Indian population ; and by a failure of that scheme, and a few decisive steps in relation to the annuity, Opothleholo and his whole people will be ready in the fall or early in the spring.

I have heard nothing of Col. Hunter as yet.

Your obedient servant,

JNO. B. HOGAN.

Sup. Rem. of Creek Indians.

Gen. GEO. GIBSON,
Com. Gen. Sub.

P. S. I omitted to mention that on yesterday I was informed by a Mr. Sims, that the murderer of Mr. Fanning was there all day on Monday last, and boasted of his shooting Fanning, and the fears of the other Indians are so great that no one will dare to go after this miscreant and bring him in, for the Indians have threatened Sim's brother, that if the one they have captured is hung, they will shoot him for taking him up ; the murderer of Marshall is to be hung on to-morrow opposite Columbus ; these things and the starving condition of these wretches have created such dread among the whites, that they will not travel except in parties of four or five. Mr. Beatty who went with Capt. Page to the court has just returned from Irvinton and brings such accounts from that quarter, of the fears of the people, that he has declined entering the service as one of the emigrating party, although he could be of great service to me, but he does not think it prudent to ride among them. I shall set out on Monday next for the Fish Ponds, Talladega, and Benton, and ascertain what can be done in that quarter ; this route will take me two weeks at least. Capt. Page and Mr. Leonard will remain here to attend to this quarter until my return.

Extract of a Letter from Col. John B. Hogan, to the Commissary General of Subsistence, dated Fort Mitchell, 3d June, 1835.

"The Creek nation is to have a grand council on the 11th inst. The object of this meeting is to determine their course on the sub-

ject of emigration. Ben Hawkins has returned and made no purchase of Texas; as I suspected the land was sold to a New York company. Major Blue saw Hawkins and held a conversation with him, and says he has changed his views and will advise Opothleholo to remove to Arkansas. If he does so, in good faith, Opothleholo may be induced to go, but there are so many obstacles arising every day. Tuskina has a plan of colonizing his part of the nation on a large tract of land south of the Federal road, belonging to Captain W. Walker, who is to receive in payment the lands of such Indians as may join Tuskina. This is a speculation of Captain Walker's. Opothleholo, and his party, on the other hand, are for breaking Tuskina and defeat his project. Again, Sampson Grayson, a half Creek, of the Hillahes, an emigrant of last fall, has written letters to his relations making great complaints. These complaints, Judge Tarrant informed me, had been spread over that part of the nation, and did the cause much injury. Whether true or false it is all the same, the Indians believe every thing Sampson Grayson writes or says."

FORT MITCHELL, *June 8, 1835.*

SIR: Major Blue and Mr. Sommerville have just returned from visiting the towns in the south of this, viz: Hitchetee, Youfaloo, Uchee, Oswitcha, Chehaw, Holatlahoanna, and Yolannar towns; they report that nothing can be known satisfactorily of the views of these Indians, until after the grand council; many told them that they would go, but they seem to have no confidence in their professions; but in the fall they say there is little doubt of a very large emigration. This corresponds with all I have heard from the various parts of the nation, still I think I shall be able to get a party as soon as the annuity is paid. I shall make a long talk to the Creek nation at this council if I can get an opportunity to do so, and shall explain to them their true situation, and request an answer at the payment of the annuity. This is all I can do until I try the effect of an encampment, and I am of the opinion that is the only effectual mode of knowing the success of my efforts; I am glad to know it is the opinion of Col. Crowell and all that is fully acquainted with the Indian character, they all say, that until that is done, no opinion can be obtained truly of them; I shall therefore pitch my tent as soon as possible after the payment of this annuity, and tell all such as say they will go, to come into camp and enrol their names and receive provisions; if this does not succeed I do not know what will. The fact is there is so many rascals at work to defeat the views of the Government, that it is a most perplexing duty, and makes me almost regret I accepted the appointment, but as I have engaged, I cannot in honor back out, and shall continue to struggle on, and see if I cannot ultimately overcome these difficulties. I have never yet failed to surmount the numerous difficulties I have had to encounter through life, and should dislike to be found failing in this; but I hope that by perseverance and patience, I may ultimately succeed, and I will persevere to the end; but I can assure you that the lenity and mildness of the Government, as well as its patriotic and parental feelings towards these people are not appreciated by them, but are entirely lost on them; their principle chiefs as well as all their chiefs are a poor, drunken, lying, worthless set of rascals, and the truth is not in them. They are quick at exacting every thing for their own benefit, and will not

hesitate to lie themselves out of a performance of their own obligations. A few days ago, I met at the tavern at this post six of the chiefs, among them Neo Micco and Efiamatla, they took no notice of me, and appeared as if they did not wish to know me. I sent my interpreter, and told them I wanted to have a talk with them, and invited them to my room. They asked me if I could not say to them then, what I wished to communicate? I replied yes, and then informed them who I was. They said they knew me, and said those Indians that wanted to go, might do so, they did not stop them. I told them they should advise their people to go who had sold their lands? They said they had done so. I asked them why they did not do so too? I asked them if they had not sold their own land? They said they had not. I repeated my question, they still denied it, and I was assured by Capt. Page and others, that they both had sold their lands. It is to be regretted that the provision in the twelfth article of the treaty was ever placed there; the obligation to emigrate should have been peremptory after the sale of their land; and I am convinced that before they will consent to go, force will have to be used by the State authorities. If Capt. Walker can effect his project of colonizing them on his land, we shall be cursed with a portion of this wretched population. The people in this country made a requisition on Gov. Gayle, for an armed force, and I learn he has written the Department on the subject. The Governor has written me also on this subject. Enclosed is a copy of his letter and my answer. I have no doubt but a company of infantry may be serviceable at this post, (but more than one company will be useless,) to furnish small parties to back the civil authority when required, is all sufficient. The people have asked for it and it will be well to let them have at least the countenance of such protection. I hope I shall have to report more flattering of my affairs in my next, as I shall meet all my agents at the council. Neither Lieutenant Deas or Col. Hunter has yet joined or been heard from. I leave here tomorrow for the council ground.

I remain,

Your obedient humble servant,

JOHN B. HOGAN,

Superintendent Creek Emigration.

To Gen. GEO. GIBSON,
Com. Gen. Sub. Washington City.

P. S. Enclosed are copies of a few of my letters to my agents: I send them to show the manner I am performing this duty, and hope it will meet your approbation.

TUSCALOOSA, *May 18, 1835.*

DEAR SIR: I have recently received several communications from the Creek country, from which I am advised that several persons have been lately killed, on the highway, by the Indians. It would appear, from their communications, that travelling has become unsafe, and that the settlers are overawed by their red neighbors; indeed, I am left to draw the inference that the Indians, being more numerous than the whites, feel at liberty to commit on their persons and property, daily depredations, and that many of our citizens have been induced to abandon their homes. I have been hesitating whether I ought not to go over and ascertain every thing myself,

but the accumulation of business while I was at Mobile, and a sick family, renders it nearly impossible. I have finally determined to send Mr. Van Dyke (express) to you, and to bring with him your views fully on the subject. I am urgently requested, as you will see from the communications, I send you, to place in that quarter, a military force sufficient to protect the citizens and to overawe the Indians: this will be attended with great expense to the State, and should not be resorted to, without the strongest necessity.

Let me have your answer by Mr. Van Dyke to these inquiries, to wit:

1st. Has travelling on the highway become unsafe?

2d. Is the civil authority, in that quarter, sufficient to arrest the murderers, and to prevent a repetition of the offences now complained of?

3d. Is there any real cause for alarm to the settlers generally?

4th. Would not a proclamation to arrest any Indians who might be embraced by our vagrant act, bring them to sense of their true situation, and induce them to enlist for emigration?

5th. Under all the circumstances, is it your opinion that a troop of mounted men is necessary to correct the difficulties complained of?

I beg you to respond to these interrogatories promptly and candidly. I have been on the point of setting out myself, to visit personally the scene of their complaints, but the instant it occurred to me that you were there, I determined that sending an express to you would do as well. I expect that Mr. V. will be back on Sunday next. Despatch him as soon as possible.

Your friend,

JOHN GAYLE.

Col. J. B. HOGAN,
Fort Mitchell.

FORT MITCHELL, June 2, 1835.

SIR: On my arrival last evening at this post, I was handed your letter of the 18th ultimo, and regret very much that Mr. Vandyke did not remain here a few days longer, that I might have had a personal interview with him on the subject of your communication. I shall, however, answer your several interrogatories in the manner you have propounded them.

1st. Has travelling on the highway become unsafe? Answer. There has been a murder or two near this place, and the Indians are now arrested and in jail. The travelling may be considered unsafe, while the country is full of drunken, worthless Indians; but, at the same time, I consider there is as much danger travelling on any other part of the world, for the depredations are the act only of a few, without any concert or combination of Indians, and as opportunity or chance may present a favorable opportunity to plunder; and it is better, therefore, for persons travelling from Montgomery to Columbus, to go in companies of two or more. I have just returned from a tour of 5 or 600 miles through the whole nation, and believe that all the danger that exists, is in this quarter. 2d. Is the civil authority, in that quarter, sufficient to arrest the murderers, and to prevent a repetition of the offences now complained of? Answer. It is my opinion, that in this quarter the civil authorities are not competent to arrest the murderers; but this does not proceed from any opposition or combined efforts of the Indians to oppose the civil authority, but from a dread that

appears to exist among the white population of the Indian character ; as for instance, a white man told me, when I visited his house, that only two days before, the murderer of Fanning was there all day. I asked him why he did not arrest him. He said he was afraid to do so, because his, the Indian's, relations would be certain to kill him when the Indians were hung, and he did not know why he should expose his life in such a cause, when he might be certain the Indian's relations would be certain to have a sacrifice ; and as for the white population turning out "en masse," and hunting up the murderer, nothing could be gained by it. In conversing with an intelligent old chief on the subject, he remarked, that the chiefs had no power over their bad men ; the laws of Alabama are extended alike over chief and common Indian, and if the chiefs punished bad men, the laws of Alabama would punish them for it, and the white people would not hunt up the bad men, and would run at large. The fact is, the Indians have a great repugnance to delivering their bad men to the whites for punishment.

3d interrogatory. Is there any real cause for alarm to the settlers generally ?
 Answer. In this county and Barbour, there may be, but I do not believe there is any in the upper counties. This may be attributed to the known dissoluteness of the Uchees. They have ever been known and stigmatised as a bad and rogueish set of Indians ; their language is different from the Creeks, and they are said to be great thieves and rascals. Those Indians inhabit these two counties, but bad as they may be, if half the reports be true that is asserted of the conduct of the land buyers towards these people, it is not to be wondered at that those ignorant savages resort occasionally to revenge, and take the law in their own hands and redress their own grievances. They only know that it is the white man that has injured them, and the killing of one white man, whether innocent or guilty, is the same to them ; they have their revenge, and that the settlers or land buyers, in this quarter, may have reason to fear these Indians, I should think may be the case ; the complaint goes forth from them, and they must know best.

4th. Would not a proclamation to arrest all Indians, who might be embraced by our vagrant act, bring them to a sense of their true situation, and induce them to enroll for emigration ?

Answer. Perhaps it might, but I am not prepared to say what effect it might have on such Indians. I should think that such as would fall under the vagrant law, would not think at all ; they leave all the thinking to their chiefs and head men ; they have told me they had nothing to eat, no money ; in fact, nothing to urge them to enrol. When the chief says go, they will go ; and all the proclamations in the world will not make them go, until their head men say go, and they are ready at a moment's warning. The proclamation, however, may have a good effect on the chiefs if addressed to them, and properly worded, but the Indians can only be removed through the medium of their chiefs. Whatever operates on the chiefs, and makes them restless and anxious to remove, will operate most powerfully on the people. Each town, as they are called, have their law-makers and chiefs, and they possess the most ample and unbounded influence over the people of their town ; and Opothleholo, although not the principal chief of the nation, is in fact, and deed, the greatest Indian in the nation, and exerts a powerful influence over all the chiefs in this nation, and I consider him the greatest obstacle in the way of emigration. He sends out his talks to the chiefs, not to sell their land or go to the Arkansas, until he gives the word, and when he does, the nation will go "en masse,"

and not an Indian will be left behind. Your 5th interrogatory. Under all the circumstances, is it your opinion that a troop of mounted men is necessary to correct the difficulties complained of? I answer, that I do not think it is necessary; but, at the same time, I cannot see how you can do otherwise, than apply for a military force to be stationed at this post. The applications have gone to you from the people of this county, and you cannot do otherwise than forward them; but one company of infantry to afford protection, would be as good as 500 mounted men, for there is no one to hunt up, but can be done as effectually by infantry as by horse-men, and the saving to the Government, in the expense of the two corps, will be immense.

I have the honor to remain,

Your obedient servant,

JOHN B. HOGAN,

Sup. Rem. Creek Indians.

To his Excellency JOHN GAYLE,
Governor of Alabama.

FORT MITCHELL, *June 18, 1835.*

SIR: I returned last evening from Leteleckee, the council ground, after an absence of eight or nine days, attending on those people. I met the sub-agent, Judge Tarrant, and we agreed to make an effort to pay the annuity at that place, and sent off to this fort for Captain Page, who promptly repaired there with the funds; but as this meeting was an irregular one, that is, one of their own calling, we could not compel them to receive the annuity, and had, therefore, to wait their pleasure. They wanted Judge Tarrant to agree to pay over to them the \$700 appropriated for feeding them during the payment of the annuity; this, however, was refused, as he had not advertised for proposals. They then refused to receive the money, and we were on the point of leaving the ground with the money, when one party requested us to remain until they could further consult. The next day they agreed to receive the money, and did so. Van and Ridge, the Cherokees, were there, and claimed a debt of \$5,000. They, the Creeks, seemed to deny it, but Judge Tarrant told them he was instructed by the Secretary of War to say to them, that it was a debt which they were in honor bound to pay. They finally agreed to deposite the money in Captain Page's hands, to be deposited in bank, to be subjected to the direction of the Secretary of War. They seemed to think the money had been paid, and Colonel Crowell had a receipt, but if the Secretary of War said it was not paid, then Captain Page should pay it over to Van and Ridge; this was done. Although the Indians came into the square every day, they held no consultation there; all their councils was done in the woods, by themselves, at night and during the day; the subject they discussed, was, of course, unknown to me, although I had several spies among them. Ben Hawkins was there, and no doubt was acting with Opothleholo's party; but even Hawkins, Dubois and Broadnax, all agreed that the Indians must emigrate in the fall; and as the Government would not pay for their removal to Texas, they must go to Arkansas, and those who chose to emigrate to Texas, might go from there. I was often consulted to know if the Government would not allow a deputation to go to Washington, to

settle their old claims; these questions were asked by Broadnax and others of the same feather. I was glad they did so, as it afforded me a fine opportunity of putting down any such project, by telling them, at once, that the Government had no use for any delegation; no treaty to make with these Indians; no money to squander on an idle set of vagabonds, who wished to accompany them; and that no friend of the Indians, or the country, would put such nonsense in the heads of the chiefs; and if they really had any cause of complaint to make to the Government, they could do so through their agent, and receive an answer by mail; and that they might rest assured that it was the only way left those people to reach the Government, through the medium of their agent and the mails. I found it necessary to be firm and explicit with the white people who swarmed on the council ground. The news that this was, in all probability, the last annuity to be paid in Alabama, was communicated by Judge Tarrant to the Indians. It flew like wildfire among the whites, for nearly every second man on the ground had his pockets filled with accounts against the Indians; and these scamps are the very men that retard the emigration, although they make great professions in favor of their removal. It is now evident, that in a month or two, I shall have enough to do in sending off parties. I have no doubt but in September I shall have as many to remove as I can well manage; but I begin to despair of a party in this month; my assistants, however, are sanguine that a summer party can be obtained. The annuity, however, is not yet disposed of; it was divided in two parcels, and given to the upper and lower towns; the broken days was given out, (fourteen days from this time) but the Indians have so many claims set upon them, that they have concealed the place of meeting. There was two jack-legged lawyers on the ground, threatening to sue if the Indians did not pay the claims they held. This man Grayson has returned home, and has set to work in opposition to the country west, and has told so many lies about that country, that I fear we shall have hard work to overcome the prejudices already raised. The Hillabies were ready to go the moment Grayson came in and reported favorably; they have now given it up for the present. I have sent Mr. Grayson a message to look at the State law, and the penalty against any one who opposes emigration, by force or words, &c. If I can do nothing else, I shall make him fear the law. I may by this means prevent his mischievous tongue from operating against us. The weather is now intolerably hot, and we are resting for a few days in quarters. Our horses are jaded and worn down, and every man looks as if he required a little rest; in a few days, however, we shall all be again afloat. As Colonel Hunter has not joined, and Mr. Ragsdale has seen him but a week ago, at home in good health, I have given him up, and assigned his duties to Mr. Estell, whose pay will be raised one dollar per day. Enclosed is my letter to Mr. Estell. I have appointed Mr. Ragsdale and Mr. Vandeburg, assistant conductors for that part of the nation. Lieutenant Deas reported himself yesterday to Captain Page.

I have the honor to remain, your obedient humble servant,

JOHN B. HOGAN,

Sup. Creek Emigration.

To General GEORGE GIBSON.

P. S. 19th June. Since writing this letter, Ridge and Van have arrived here with an order for the money, signed by the chiefs. Ridge informs

me, that Opothleholo has employed a Kentucky lawyer, by the name of Chilton, a brother of the member of that name. This Mr. Chilton has written a letter for him to the Secretary of War, complaining about Arkansas, &c. It is intended by Mr. Chilton to keep up a correspondence, and this letter is the opening one, and each letter will no doubt contain Mr. C.'s views. As he resides 70 miles from Opothleholo, at Majdisville, it is proper that the Department should know that this Mr. Chilton is an open-mouthed, abusive opponent of the administration, and is eternally disputing on political questions with those who will hold arguments with him. I understand he is to get \$2,000 a year from the Creek nation, as their lawyer. His object is to induce the Department to allow Opothleholo, and his party, a certain sum for their emigration, and this money they will take to Texas. Ridge says Opothleholo will be the first party to emigrate. That if they can't make an impression on the Department, and induce a change, they will then go in the fall to Arkansas. It is only for the Department to be positive and peremptory with these people, and they will then come to a sense of their duty; and all communications sent by these pettyfogging lawyers, should be treated with contempt, or, if answered at all, should be answered through the Government agents. It is such fellows as these that destroy the influence of the Government agents with the Indians, and continually thwart the views of the Government. You will excuse the warmth with which I write; but when I see such scamps pushing their own selfish schemes forward, to the injury of these unfortunate people, and the general detriment of the State and general Government, I cannot feel otherwise than warm. Ridge informs me that one Indian stabbed another on the council ground. The relations of the dead Indian immediately took the murderer, tied him to a tree, and stabbed him to death, and left his body hanging to the tree. There were a great many white persons on the ground, but neither of them, or the chiefs, took any notice of the affair. The necessity of a small military force, in this quarter, is becoming more apparent.

Your obedient humble servant,

J. B. H.

FORT MITCHELL, ALABAMA,
June 28, 1835.

SIR: Nothing new has occurred here since my last report, except a publication which appeared in a Columbus paper, taken from the Natchitoches Gazette, purporting to be a letter written by Colonel Bean, of the Mexican army, and followed by a statement made by a gentleman of that country. Believing a few copies of this paper would be serviceable, I sent over to a friend to procure me four or five of the papers containing this letter, but not being able to procure them, he had a few copies struck off in the extra form, a copy of which I herewith enclose. Mr. Sommerville has just returned from the western part of the nation, and informs me that the Columbus Enquirer had been received there, and had created much excitement; that Opothleholo had kept back from the Indians, a full knowledge of this business, and was now much alarmed for his own safety; and that it was the opinion of the well informed, that he would hurry off to Arkansas. I hope it may be so. But it appears to me, that if this letter of

Colonel Bean's is genuine, and has been answered by the Department, that the publicity of the answer would do much to convince these people that their views and projects were entirely discountenanced by the Department. The letter of the Secretary of War to the sub-agent, (Judge Tarrant,) on this subject, was copied, and the copy sent Opothleholo; but he has kept the substance of that communication to himself; and, as I am assured, he has never communicated it to Tuskina, or the other principal chiefs, and they know nothing yet of the opinions and decisions of the Department on this subject. Another benefit that would result from a publication would be, that those friendly to the emigration, would have to contend with those mischievous persons who are secretly opposing the emigration.

The lower towns are to meet here on the 1st of July, to receive from the chiefs their portion of the annuity. I shall make another effort among them. But there is one subject I must call your attention to, and ask for further powers. By your regulations, you allow twenty days to encamp, and that each party must be 500 strong. The twenty days allowed for encampment, I think is ample, indeed it is more time than I am willing to allow, but the restriction on the number (500) should be left to my discretion; and it is a subject that bothers me more than any other part of the regulations. If I open camp, and 350 or 400 come in, and the twenty days expire, and still we are short 100, more or less, what am I to do? Disband those we have been for 20 days feeding? that will never do; to march them off, I am restrained by your regulations, and cannot go with less than 500; and it is impossible to calculate with any degree of certainty before we do encamp. If you will authorize me to use a sound discretion on this subject, I shall at once commence, and if the first party should be sent off with 3 or 400, it will be much to our advantage, for it will convince those intending to go in the fall, that with me they must be punctual, for I will not allow them more than from five to ten days in camp, before I send them off. If the Indians were or could be collected in one camp, much of the difficulty which now attends this subject, would be obviated; but in making up our parties, we have to collect them scattered over nine large counties; and suppose I start with 150 from Fort Mitchell, at Fort Hull I am joined by 100 more, those in Coosa, Benton, and Talladega, concentrate at Shelton station, and cross the Coosa river, and do not unite with the lower party until they reach Tuscaloosa; the two parties may then be over 500, or fall short. Is it not better to send them on, than to remain longer, and thereby exhibit a doubtful and unsteady habit, which will always have a pernicious influence on the Indians? On the score of expense, give me discretionary power on this subject, and I will take care that the expense shall not exceed, that the same number will cost in a party of 500. Captain Page thinks the Department does not care for parties less than 1 or 2,000, but this is a different affair from most emigrations. The treaty, in the first place, does not compel them to go; and to get them out of the country, the greatest patience and perseverance will be required, and by promptly sending off those who come into camp, none will come but such as are ready. When they are ready, they should be marched off at once. These suggestions are made, because I feel the delicacy and tediousness of my situation. I shall, however, be governed strictly by your orders. The allowance of discretionary powers over this subject, I believe will have a good

effect, but it is for the Department to determine; and with that determination I shall be content.

I have the honor to remain, &c.

J. B. HOGAN,

Sup. Creek Emigration.

GEN. GEORGE GIBSON.

Com. Gen. Sub.

FORT MITCHELL, July 5, 1835.

SIR: Our prospects for a fall emigration are very flattering, and I now have no doubt but we shall, in a few weeks, have enough for all to do in this quarter. On the 1st, 2d and 3d of this month, the lower towns, viz. Casetas, Cowetas, Broken-arrow, Ostretchees, Uchees, Chiehaus, Hitchetees, Tolowarch, Locko, and Sonwuckolo, met at this place, to divide their share of the last annuity. It afforded me a fine opportunity of cultivating their acquaintance, and of publicly addressing them, which I did through Benjamin Marshall, who acted as interpreter. I reminded them of their present situation, and explained to them why they could not remove to Texas; and how ridiculous it was for Tuskina and Captain Walker to think of colonizing them on the prairie near Fort Hull. I explained to them the advantage of emigration, under the foster care of the President, their father; and that to him alone they must look for protection; that the promises of individuals would prove false; that many of them had sold their land to persons who had promised them that they might for ever remain and live on it; that those promises in the end would prove false; for those very men would, in nine cases out of ten, sell the land to strangers, who would turn them off as soon as they went into possession, &c. I told them I was sorry I could not tell something that would be more pleasing, but I must tell them the truth, it was my duty to do so, and it was their interest to believe what I told them. After they had settled their private business, several of the principal chiefs of the Cowetas, Broken-arrow, and others, came to my room, and told me they would take my talk; that they were satisfied that they could not remain here, and would all go with me in September; that all their people would go together; that they were now satisfied that there was no confidence to be placed in the talk of their head men, Neomicco, Tuskina, and Opothleholo; and that it was now time to go; and they would be ready in September. While I was addressing the chiefs in council, Neomicco, Efiat Martla, and Eneat Martla, started up and left the room; these three are all men of high rank and influence, but much opposed to emigration; they fear if they go west, they will be reduced in rank in the new country. After I had concluded, Marshall and Paddy Carr, two intelligent half-breeds, each addressed the council, and lashed their chiefs very severely for leaving the council; they asked their countrymen if that was the way to treat the agents of the Government when they were sent among them? and that it was evident those chiefs were going astray, and following bad counsel; that if those chiefs thought proper to do so, they would not follow them; and advised the Indians to look and act for themselves. In the afternoon Neomicco was arrested at the suit of a Mr. Williams, for harboring his negroes, and held to bail; this circumstance afforded another opportunity of drawing a contrast between their situation here, and what it would be in their new country.

I shall leave here the day after to-morrow for the upper towns, and shall visit every station in the nation, and every Indian town, and hope shortly to receive an answer to my letter of the 28th ultimo. The enlargement of my authority, as requested, would release me from the painful difficulty I feel on that subject. There are now a great many Indians ready to go, but whether they will amount to five hundred, is more than I can tell until they are encamped.

I have the honor to remain,
Your obedient servant,

J. B. HOGAN,
Sup. Creek Emigration.

To Gen. GEORGE GIBSON,
Washington City.

Major Estell reports very favorably of his section, so does Major Blue.

FORT MITCHELL, July 8, 1835.

SIR: Things really begin to look up in this quarter. I had a visit yesterday from Neah Martla, the head chief of the Hitchetees; he called on me in company with his son-in-law, Hardridge, to tell me he had studied the matter fully, and was now determined to take my talk, and emigrate to Arkansas, and would be ready in three weeks; that he had a small patch of corn which he wanted to eat and fatten his poney, and he was ready; he states he had no money, no meat, and little or nothing to eat, and could not remain here any longer. I gave him out of my own pocket a little money, which delighted the old man, and he shook me very cordially by the hand and went off; he says he will carry with him all his tribe, the Hitchitees. Enclosed is a copy of a report from Major Blue, who attended at Tuckabatchee, the division of the other half of the annuity; he speaks very favorably of our prospects in that quarter, so does Col. Harrison Young, for our fall movements, which is now close at hand.

I shall either go through the nation, or send a party, in a few days, as nothing tends so much to stir up the subject of emigration, as to keep the officers constantly moving among them; it keeps their minds bent on the subject, and forces them to reflect on their present condition, and compel them to anticipate better times in a new country. I still hope you will give me the discretionary power asked for in my letter of the 28th ult.

I have the honor to remain,
Your obedient servant,

J. B. HOGAN,
Sup. Creek Emigration.

To Gen. GIBSON,
Com. Gen. Sub.
Washington City.

Report from Colonel Harrison Young, dated

SQOKAPORTOY, June 27, 1835.

DEAR SIR: I drop you a line by your son. When I last saw Col. Hogan, promised to report to you at Fort Hull. I have been constantly among the Indians since I saw you at the council, and it is the same old tale over

again, that a great many will emigrate in the fall. At this time it is out of the question to do any thing but to visit their towns, and encourage them for fall emigration; you will report to Col. Hogan, at Fort Mitchell; excuse my bad pen; I will refer you to your son for further particulars.

Yours respectfully,

H. YOUNG.

To Major BLUE.

Report of Major W. Blue, Sen.

FORT HULL, July, 4, 1835.

DEAR COLONEL: I received yours of the 29th June, three days ago, at Tuckabatchee, where I have been ever since the day after Mr. Sommerville was here. 1st. The land investigation. 2d. The distribution of the annuity, which they had not, when I left this morning, yet accomplished. Young, Grayson and some of the Fish Pond and Hilabees, say there will be a thousand at least from that neighborhood ready by the 1st of September. They are now preparing; they say they don't intend to wait to gather corn; as soon as it gets fit to feed on, they mean to fatten their ponies on it, and they don't want to be later in starting than the first of September. I have also seen old Gov. Bruner, who says that he and McGilvery, of the Hickory Ground town, has come to an arrangement between themselves, that as soon as all those talks are over (the investigation of stolen land and arrangement of the 29 sections) they have fixed their boundary line among the towns in that quarter, so that such as are to have their own towns are to operate in each they dont want any thing said about it yet, but when they get their plans ripe they will let me know, and they will go right to work with all their might, and shove them right into camp. They have both got large connections, and they think they will be able to take from 500 to 1,000. The Old Dog Warrior of the Ala town, who was more hostile when I first came here than any of them, sent me word a few days ago he discovered they could not stay here; that he wanted to see the Mad Tiger of the Coosandas, and would then let me know when they would remove. Yesterday, I had a talk with the Mad Tiger, who says they have now given out all idea of Texas, and they will be ready to remove to Arkansas the last of August. Those two towns, I think, will amount to three or four hundred. I have little doubt but the Tuskeeges and Cheurkany will go with them as they live joining, and have sold their lands. Enclosed is a report from Colonel Young. We have enrolled but few for the summer emigration, and those express some disappointment in not having the camp opened; there is a few more who say we don't enrol, but open your camps we will then come in and enrol; but we can make no certain calculation on the number that would come in. Suppose we should get only two hundred for the summer, and you were to start them, what would be the additional expense to the Government? My idea is there would be none only to the contractor, and don't you believe the advantage of keeping up the camps would overbalance all the extra expense?

Your obedient servant,

W. BLUE.

Colonel HOGAN,
Fort Mitchell.

FORT MITCHELL, July 14, 1835.

SIR: It is a common report here, that the War Department has accepted of an offer to remove the Creek Indians by contract, and invited the contractors to visit Washington city to close the contract. Should this be the case, I ask the indulgence of the Department to permit me to visit Washington city. My object is to meet my wife and daughter, who are now on a visit to my father-in-law in Pennsylvania, and to escort them from Alexandria, when they will be in a few weeks to my residence in Mobile. I only ask this indulgence in the event of the contract being closed or accepted. Should that be the case, I feel assured I can leave here without any detriment or injury to the fall emigration; and should my services be still required here, I can be back in thirty days from the day of my departure. A visit to your city will afford me an opportunity to understand much more completely the views of the Government on Indian removal; and until the decision of the Government is known in relation to this contract, nothing can be done here. Your early attention to this request will greatly oblige,

Your obedient servant,

JNO. B. HOGAN.

Supt. Creek Emigration.

General GEORGE GIBSON,
Com. Gen. of Sub. Washington city.

FORT MITCHELL, July 19, 1835.

SIR: Enclosed are reports received this day by mail from my assistants Messrs. Blue, Sommersville, and Estill; they speak for themselves. The council, which was to have taken place at Dudley's on the 23d, is again postponed to some period in August by the sub-agent Judge Tarrant, and is a further proof that there should be no agency here except that of the emigrating officers. If the Government wish the emigration to go spiritedly on, they should abolish this sub-agency, and, if there is any duties for that officer to perform, transfer them to Captain Page or myself, and I will guaranty they will be well performed without additional charge, as they are now by an officer in the receipt of \$700 per annum. It is my duty and interest to get these Indians away, and, of course, will resort to every proper and honorable mode of doing so; but it cannot be supposed that an officer who has a snug little sinecure of \$700, can wish to see it cut off by the removal of the Indians. I am not desirous for any increase of duties, but I am satisfied that while that agency is kept up, and annuities are paid here, the Indians will never believe the Department is serious in wishing to remove them. Captain Page informs me that when the Choctaw emigration commenced, every other agency was withdrawn. The whole object of this council is only to certify to the transfer of the 29 sections of land to a *Creek Indian*, and yet this business has been put off from June to July, and now to August, and all to suit the convenience of the sub-agent. I hope, sir, you will submit this matter to the hon. Secretary of War. I wish to make no complaint against any one; but these delays are very injurious and deleterious to the cause of emigration, and nothing bet-

ter calculated to prolong the fall emigration to a late and improper period in the season.

I have the honor, &c.

JOHN B. HOGAN.

Supt. Creek Removal.

General GEORGE GIBSON,
Com. Gen. Sub.

Copy of a Report from Mr. Isaac Estell, Assistant Agent.

MARDISVILLE, July 4, 1835.

DEAR SIR: Since my letter of yesterday, I have received your communication of the 14th June, and will promptly attend to your instructions. I have also received a report from Major Connor, and have the honor to report to you the result of his operations, which, considering the difficulties we have to contend with, I consider somewhat encouraging. He reports the enrolment of 50 in Conehartree, 19 in Chockalock, and 21 in Cherhaw town making in all 90, 24 of whom are enrolled for the summer emigration; add to my former report 25, making 49 for the present emigration. He, Connor, complains of the removal of the Creeks to the Cherokee country; and from the best information I can obtain, there is about 1,200 now in that country, and they are still increasing daily; and unless there are measures used from some source to stop this emigration to that place, half of the nation will shortly be there. Be assured that no means in my power shall be left unturned in order to induce the Indians to emigrate. It is, however, impossible to keep you advised of our success, unless the assistants were punctual in making their reports. It seems to me vitally important that you should be informed weekly of our success, that you may the earlier take measures to ensure success in our efforts, and a unity of action, in all the assistants, is the only means to effect this great object.

I have the honor, &c.

ISAAC ESTILL,

Assist. Creek Emigration.

JOHN B. HOGAN,
Supt. Creek Emigration.

Major Blue's Report.

FORT HULL, July 13, 1835.

DEAR SIR: On my arrival at this place, I am informed the council at Dudley's is postponed in consequence of its interference with Mr. McHenry's investigation at Tuckabatchee. I met Tuskina going to Neo-micco's, where he told me he should remain five or six days. I told him you were at Fort Mitchell, and would be glad to see him, and requested him to go and see you, which he promised me to do. On my arrival at the Creek stand, a Mr. Smith, who has got an Indian wife, says he had a long conversation with Tuskina on the subject of emigration by this company. Tuskina says the Indians will not go with them; they are the very men who have cheated the Indians out of their lands, and they now want to cheat them out of what little they have left; and, while on the march, they will be

drove like a parcel of pigs to market. He also says, he and Neomicco will immediately write a letter to Jackson and send a man with it, so that they will be certain he will get it; that there has been several written, and they got no answers, which makes them think their letters have never been sent. Nothing new respecting our emigration. Would it not be well for you to see Tuskina?

I have the honor, &c.

W. BLUE.

JOHN B. HOGAN,

Supt. Creek Emigration.

(*Mr. Sommerville's Report.*)

TALLASSEE, July 10, 1835.

SIR: On passing Tuckabatchee I crossed the river to see Opothleholo, but was disappointed in seeing him, as Hotchkiss had returned from the north, and sent word from the Potecat Spring to the chiefs to meet him at Montgomery on the ninth. This being the case, all the chiefs of any note were gone to Montgomery to meet him: what the meeting will result in, I am unable to say, as I can get no information from any person as regards the matter. Billingsly has just returned from Texas, and is also to be at Montgomery. I think, myself, from the looks and appearances of some of the party concerned, and the manner in which they talk, that they have failed in every thing. From the conversation I have had with some few of the under chiefs, I think the prospect of getting a party to emigrate this fall, is becoming more flattering every day. Opothleholo has advised his people, if they wish to go to Arkansas, to do so, and that they had better go this fall. I shall leave this in the morning for McGilvery's, the chief of Hickory Ground town. I am told that he is in favor of removing this fall. If it should be the fact, he will take a great many more with him. Dick Johnson, a son of Opothleholo, night before last, in a fight with another Indian, stabbed the other with a knife in several places in the breast, which caused the Indian's death instantly: yesterday, the sheriff went to apprehend him, but could not find him, as his father had run him off. The belief is, that he has left the country entirely. It has made a considerable change in Opothleholo, so say the people that have seen him, since his son killed the Indian. The sheriff is still in pursuit of him, and I am in hopes will succeed in apprehending him. The Indian that he killed, is a brother of David Barnett's wife. I wrote a few lines to Dudley, yesterday, to reserve situations for us. Lieutenant Deas is getting better. In haste, the gentleman I send this by is waiting.

I have the honor, &c.

ALEX. H. SOMMERVILLE.

Colonel JOHN B. HOGAN,

Supt. Creek Removal.

P. S. I have just been informed by a nephew of Col. Connor's, that Colonel Hunter is now in the nation, and has been for eight or ten days. He says that Hunter is riding about in the nation through Talladega county amongst the Indians. Ragsdale and Hunter were together a few days since.

A. H. S.

(Extract of J. B. Hogan's letter to Isaac Estell, dated July 11, 1835.)

"I hope you will see Grayson. Mr. Sommerville has his instructions to do so, by all means, and put a stop to his mischievous and lying tongue. I have no doubt he has been put up to do so, by certain scamps, who are at work elsewhere, on the same subject."

FORT MITCHELL, July 12, 1835.

SIR: I enclose you copies of two reports received by this mail from the upper end of the Creek nation. These reports both concur in the statement, that this man Grayson, is operating against the emigration, by statements well calculated to alarm and intimidate the Indians against emigration. I have sent Capt. Sommerville, with Mr. Cunningham, accompanied by Lieut. Deas, to that part of the nation, and as Col. Hunter has at length made his appearance in that quarter, I am in hopes they will make Grayson acknowledge the falsehoods he has propagated against the officers who conducted them over last fall. But in the meantime these reports, as I stated in a former communication, whether true or false, had their effect, and has operated much against the spirit of emigration. In this quarter, every thing wears a steady appearance of a large fall emigration. I am told that Opothleholo has had a letter written to the Department, saying he had quarrelled with the emigrating agent. If such a letter has been written, it is untrue. We have had no quarrel. But in a conversation held at Tuckabatchee, he remarked, that this scheme of emigration, was only a speculation; that he supposed I was to have so much a head, for taking each Indian to Memphis: and then another party was to speculate still further, by taking them on to Arkansas; and when they got there, it would not be long before another scheme of speculation would be on foot, to push them still further. I replied, he must not rank me with the speculators; that I had not come here to speculate, but to carry into effect the instructions of the Government. Dubois came into the room and said, some damn rascal had put that into Opothleholo's head, or he would not have said so. I told him it made no difference to me, but I feared the effect of such stories, as I was well aware it would be fatal to the emigration if it was reported we were to receive a certain sum a head; and he should not accuse me of speculating on the Indians in any form or manner. I was the well-wisher of their people, and would do every thing in my power to make their situation as comfortable as possible, and expected to receive different sort of treatment from that of being accused of wishing to speculate by taking them to their new country. We parted very friendly, and at the last council met very friendly; but I thought it right to let him know that I considered him the only and greatest obstacle in the way of emigration. And I am glad to find that what I said to him, has had a good effect; for, at the last council, the 2d inst. he came out publicly, and advised all his people to prepare and go, for it was now certain they could not remain here any longer. Hoping soon to have the pleasure of hearing from you,

I have the honor to remain,

Your obedient servant,

JNO. B. HOGAN,

Sup. Creek Removal.

To Gen. GEORGE GIBSON,

Com. Gen. Sub. Washington city.

(*Report of Isaac Estell, Assistant Agent.*)

MARDISVILLE, July 3, 1835.

SIR: In my last communication, I stated that I would be able to give you a satisfactory statement of our prospects in this district; but having no returns from Connor and Capt. Page, of Coosa county, the section of country they are operating in, and their success is entirely unknown to me, though I am in hopes somewhat favorable.

Since my last communication I returned to the Cherokee line; there joined Mr. Vandeburgh, and found that all the influence the respectable Cherokees had, had been used in concert with Mr. Vandeburgh, and all failed. I left for Rabbit town, and found a few Indians that had not sold their lands, the others have scattered to different parts of the nation. I thence proceeded to Abucochu town. There I found those that remain there, opposed to emigration, alleging Grayson's tales as their reasons, and some lands unsold; though they say they will emigrate at any time their chiefs say they will go with them. I thence proceeded to Fishhead valley; could not see Grayson; found some of the Indians that had enrolled, fled from Chockalocha, and settled on the Tallapoosa. I conversed with them, and they agreed to return, and alleged their reasons for leaving, that Grayson told them the Government only found them provisions for half way, and the other half they had to pay \$100, for grown persons, and children \$50, and be made slaves to the sugar plantations of Mississippi. So you can readily perceive the difficulties the emigration are laboring under here. I have only enrolled twenty-five in number, that are ready to start at this time. Col. Hunter arrived last evening, and has promised to set out with me on Monday next, to pay Mr. Grayson a visit, and pledges himself to make him deny all he has said with respect to the emigration.

I have the honor, with great respect,

To be your most obedient servant,

ISAAC ESTELL.

Col. J. B. HOGAN.

(*Report of Major Connor, Assistant Conductor.*)

DEAR SIR: I yesterday wrote to Isaac Estell, Esq. informing him that I had enrolled ninety-one Indians from the towns of Chockalocha, Coujeoudy, and Cheanhaw; twenty-four are enrolled for the summer emigration, and the remainder for the fall. I think after the expiration of the council now in session, the enrolment will be more brisk. The great impediment to enrolment, has been the horrid description Sampson Grayson gives of the Arkansas, and the cruel neglect of the former agents of emigration; by which neglect, he says, many died, and that their dead bodies were denied the right of sepulture. I might mention another serious obstacle, viz: many Creeks have already moved into the Cherokee nation, under the erroneous idea that they will there obtain a permanent home, and many more will follow unless decisive measures are taken to remove those already there, and stopping those who intend going there. Mr. Vandeburg mentioned the place he has proposed to you, in relation to the Creeks in the Cherokee nation, of which I much approve. Colonel Hunter has returned from Arkansas in good health; left my house this morning. Rest assured

my best exertions will be called into action in promoting the object of the Government.

I am, respectfully yours,

DAVID CONNOR.

Col. JNO. B. HOGAN.

FORT MITCHELL, July 20, 1835.

SIR: Enclosed is Major John Phipps, assistant conductor's report. As it did not reach here in time to enclose with the other reports, I made it a special communication, and also a copy of my letter in reply to Major Phipps.

I have the honor to remain,

Your obedient servant,

JNO. B. HOGAN, *Sup. Creek Rem.*

Gen. GEO. GIBSON, *Com. Gen. of Sub.*

Washington city.

BLACK'S STORE, July 19, 1835.

SIR: I this day have been with the Cowetaw chief, Kotcher Fustanugge, and he informs me that the whole of his people are, or will be, ready for a march in four or six weeks, which will be in number 1,000 persons, and I think the prospect good for a good many Cusetaws, though no certainty what number. I wish you to inform me by the bearer what the prospects are in other parts of the nation, and what news from Washington, and whether you will be at the council, at Dudley's, on the 23d. If you go there I would like to know at what time. This old chief wishes to hear from you immediately, as there is a rumor out that there are different arrangements made or making.

I am, sir,

Your obedient servant,

JNO. PHIPPS.

JOHN B. HOGAN,

P. S. If you go to Dudley's on the 23d instant, I would be glad you would come by Black's Store and I will go with you. J. P.

FORT MITCHELL, July 20, 1835.

SIR: Your letter of yesterday is this moment received, and I hasten to answer it. The reports from every part of the nation are very favorable for a full emigration of the largest kind. From Talledaga, Coosa, Fort Hull, I learn every thing wears the appearance of a determination on the part of the chiefs to remove. The troops have at last arrived here, and that will be another motive to induce these unfortunate people to get away to their own country. I am glad to hear Kotcher Fustanugge is firm. He speaks and acts like a sensible man, and is worthy of being a chief: how much more manly is his conduct than Neo-micco's, and those other silly men

who think they can remain here and enjoy any comfort among the whites, when they do not even understand the language. I wish you to tell him to get his people ready as soon as possible, and hurry all to be ready at one and the same time. They shall make a party of themselves if they all go, and need wait for no others. As for the talk of the company that has gone on to obtain a contract to remove these people at a certain price per head, I know nothing on the subject except the reports, which it seems you have also heard, and we must not relax in our efforts, because we have heard such reports, but proceed as if no such report had reached us. My own impressions are, that, when the parties reach Washington, they will find themselves bound up in such close stipulations that there will be no contract made, and it would be very wrong for any of us to be governed by a report, and by that means relax our efforts; should, however, it be otherwise, it cannot be long before we shall be officially informed on the subject. I have no news from Washington, not even a letter, on any subject since the 26th of May, and 16th of June, the latter merely acknowledging the receipt of one of my letters. You will, therefore, continue your exertions, and I wish you to visit those towns on the Tallapoosa river, and up in Randolph, and do not fail to write me every week the state of your district; it is all important that I should be kept regularly apprized of all that is going on in every part of the nation. The meeting at Dudley's has been postponed by Judge Tarrant, to suit his convenience, as he had business in Tuscaloosa; the time and place he has appointed I know nothing of as yet. Mr. Sommerville will be here in a day or two, and he will bring in the information. Tell Kotcher Tuskanugge to pay no attention to the various rumors he may hear of other arrangements; but rest satisfied that his great father, the President, will make no arrangements, except such as are for the good of his red people, and to rely on his agents for correct information on all matters in relation to emigration, and pay no attention to the idle talk of busy bodies who have nothing to do but ride about and spread stories.

Your obedient humble servant,

JNO. B. HOGAN,

Sup. Creek Emigration.

To Maj. JOHN PHIPPS,
Black's Store, Chambers county.

FORT MITCHELL, July 25, 1835.

SIR: Enclosed is the only reports I have received this week, but every thing, as far as heard from, confirms the opinion that we shall have a large fall emigration, and that in four or five weeks we shall be preparing to move west. It seems that Colonel Hunter has at last consented to report himself in writing from Tallassee, and asks for instructions, when, had he obeyed his original orders, and gone four miles down the river to Tuchabatchee, he would there have found his written orders, dated in May last. What to do with this man I do not know, but must turn him over to your Department to be dealt with as you may think proper. He seems to think that as his appointment came from the War Department he is irresponsible. He has been driving the officers about in the Talladega district, and given orders as if he was independent of any authority. In consequence of his

absence I had to make Major Estell, an assistant, to take his place, and attend to that end of the nation. Mr. Estell is the half brother of Mr. Mardis, and a very respectable man, and much better qualified than Colonel Hunter for his station. I shall leave here to-morrow for the west end of the nation, and may cross over to Tuscaloosa and be absent a week, but hope to soon hear the result of the contemplated change by contract. Until we hear what the determination of the Department may be, nothing decisive can be expected here.

I have the honor to remain,

Your obedient humble servant,

JNO. B. HOGAN,

Sup. Creek Emigration.

Gen. GEO. GIBSON, *Washington city.*

P. S. I omitted to mention that the next day after the arrival of Lieutenant Allston, and company C, at this post, the sheriff of this county called on Mr. Allston for a party of his company to attend him in hunting up some Indians who, it is said, have threatened a man named James Sims. It appeared this man Sims beat an Indian over the head a short time since and killed him, and as yet there has been no other notice taken of Sims than the issuing a writ at his instigation to take up and confine the relations of the deceased Indian. As Lieutenant Allston had no orders from the Department, except to repair here, he very properly declined furnishing the men for such purposes. I think it very well to have a military force here, but do not think they should be used to annoy and distress these poor devils at the instance of every scamp who resides in the nation, who seem to think that the troops must move at their beck and call upon all occasions.

Colonel Hunter's report.

TALLASSEE, July 13, 1835.

SIR: I arrived at this place to-day, and take the earliest opportunity to let you know the cause of my detention. I informed you on my arrival at Talledaga of my determination to visit Sampson Grayson, and try if possible to put down the bad talk he had made since his arrival from Arkansas. He has promised me that he will do all he can for the emigration. He is now convinced that the Texas project is all laid cold, and they have no alternative but Arkansas; and my opinion is, that we shall have a respectable emigration from this end of the nation. I want you to send me special orders what to do, and where to go. I have seen most of the Indians of Tuckabatchee, Tallassa and Keilijah, and the towns above, and am of opinion that a reaction is taking place, and nothing is wanting but industry and perseverance. The great council will commence at Tuckabatchee on the 21st instant, and if convenient it would be well for you to be on.

I am, sir,

Your most obedient and humble servant,

WM. HUNTER.

Col. JOHN B. HOGAN,

Special Agt. of Creek Emigration.

N. B. The chief Opothleholo has sent for me to visit him to-day. I set out in a few hours and spend a day or two in his town.

W. H.

*Extract of Mr. Vandeburgh's report.*JACKSONVILLE, ALA. *July 11, 1835.*

SIR: Mr Estell, sometime on the 20th ultimo, called on me at Major Connor's, and I accompanied him to Terrapin creek, in the Cherokee nation. He returned the next day to Mardisville, leaving me with my (or his) interpreter for five days, when he returned. During the absence of Mr. Estell, I visited nearly all the encampments of Indians in the southern part of the Cherokee nation, where the renegade Creeks could be found. They all appeared to be under the erroneous impression that they could have a permanent home in the Cherokee nation, and were, consequently, opposed to emigration. I then made out a statement of the situation of the Creeks, (among the Cherokees) their notions, accompanied with suggestions of the most expedient course to be adopted in order to relieve the county of Benton from at least 1,200 Creeks, who are already here, and their numbers daily increasing, and prevent probably one fifth of the Creek nation from coming here. Mr. Estell and myself, on our return from the Cherokee district, went by the White Plains down the Chockalocho, crossed it, and passed into Randolph, visited some Indians on the Tallapoosa, and returned to Mardisville. I was despatched by Mr. Estell to find a Mr. Ragsdale, in the county of Coosa, whom I found, and brought him with me to Mardisville. When we left, on the 6th of this month, we met with Major Hunter, who directed me again to visit the Cherokee district, with which I complied, and am now here endeavoring to carry into effect your wishes in relation to emigration. I have seen Messrs. Vance and Ridge, of the Cherokee nation, who have promised me their prompt assistance. I have obtained strong letters of recommendation to Mr. Shermehorn and Mr. Curry, commissioners and agent for the Cherokee nation, and it is my intention to be at the council of the 21st instant, to be held at Ridge's, and under the rose, to effect an application at the council of the Cherokees to the Government to remove the Creeks. Should the agent of the Cherokees conclude to remove the Creeks, the cause of emigration will be eventually benefited. It will be necessary for me to employ an interpreter temporarily, which I will do on the morrow, which accords with the direction of Colonel Hunter. Rest assured, dear sir, every exertion on my part to promote the wishes of the Government in the relation of the removal of the Creeks will be strained to accomplish so desirable an object.

I have the honor to be, your friend and humble servant,
HENRY VANDEBURGH.

Col. JOHN HOGAN.

FORT MITCHELL, *July 26, 1835.*

SIR: Enclosed are copies of letters received to-day by Mr. Somerville, who has just returned, after an arduous tour through the nation. It appears that Judge Tarrant attended at Dudley's, but as all the chiefs in this end of the nation did not attend, there was nothing done. You will see by these letters that our opponents are hard at work to induce the Department to enter into the contract. I have no doubt but it is the agents of this Columbus company that have so strenuously opposed emigration.

Your obedient and humble servant,
JOHN B. HOGAN.

Gen. GEORGE GIBSON,
Washington City.

(*Extract from Mr. Estell's report Assistant Agent.*)

DUDLEY'S, TALLAPOOSA COUNTY,

July 24, 1835.

DEAR SIR: I attended this council with a hope to see you and receive any instructions you might have to communicate. You have, no doubt, received my regular reports weekly, as they have been promptly attended to. I have received no communication from you since the 14th June. From the best information I can gain, we will be able to send from my district something like two thousand this fall. We have about three hundred enrolled, and the principal part say they will enrol in good time to go. You may rest assured that no exertions on my part shall be spared to effect the great cause of emigration, at the same time urging all my assistants the great necessity of enrolling, and a constant presence with the Indians, as this is the only way to success.

Yours, &c.

ISAAC ESTELL.

Col. J. B. HOGAN.

(*Benjamin Young's report, Assistant Conductor.*)

TALLAPOOSA COUNTY, AT DUDLEY'S,

July 24, 1835.

SIR: I was very much in hopes of seeing you at this place, but ascertaining that you would not attend this meeting, I drop a few lines by Mr. Sommerville, informing you that I have been visiting the Keilijah and Fish Pond towns personally, to ascertain how many would emigrate this fall. The prospects are somewhat more favorable than when you passed through this section of the country. I hope that my brother and myself will be able to enrol several hundred in a very short time, as they say they will certainly go as soon as their crops can be gathered. We spare no pains in doing all that is in our power. The Indians are worked on very much by designing white men, to prevent them from emigrating; but I hope we will be able to start a considerable number this fall.

Very respectfully, &c.

BENJ. YOUNG.

Colonel J. B. HOGAN.

(*Solomon Robbin's report.*)

July 24, 1834.

DEAR SIR: I inform you that I have been through eight towns, and find the prospects good for a fall party, though there is considerable opposition to emigration. I have enrolled but few; they hold back for the council that is now in session. I understand from the Indians in my district that there is some man, or men, of influence, saying to them not to enrol until they all come to a conclusion, and all enrol at the same time. I should be glad to see you. I shall continue enrolling for a party, and I wish you to instruct me when to open an encampment.

Yours, respectfully,

SOLOMON ROBBINS.

Colonel J. B. HOGAN.

(H. Young's report.)

AT DUDLEY'S, July 25, 1835.

DEAR SIR: I have to say that I am truly sorry that you did not attend at this meeting, as I anticipated seeing you here, where I could have communicated more fully on the subject of emigration. The designing white men of this country are doing all they can to prevent the Indians from emigrating, which you are no doubt apprized of. I further remark to you that some persons are endeavoring to urge the chiefs, that if they will apply to the Department, they can choose their own emigrating agent. There is no doubt but there are strong efforts making against you, which I feel it my duty, as a friend, to communicate to you. Many obstacles are presented to the chiefs to hold their people back, but my prospects are better every day for a fall emigration. I hope I shall be able to enrol 5 or 600 in a short time, as I have a pledge from some men whom I can rely on. The lower Grason's, and all their friends, will emigrate, and they are giving all their aid in the cause. I am very anxious to see you, as I could communicate more fully than I can possibly write at this time. I am waiting to see the result of this meeting, when, perhaps, I can be able to give more information. I am sorry to state to you the death of Joseph Sharp; he died on the 17th instant. I shall attend the meeting at Tuchabatchee on Tuesday next. At that place I hope to see you; if not, I will report from that place. For further particulars I refer you to Mr. Sommerville.

Yours truly,

H. YOUNG.

Col. J. B. HOGAN,
Emigrating Agent.

(Mr. Ragsdale's report.)

TALLAPOOSA COUNTY, July 25, 1835.

DEAR SIR: Since I wrote you, I have been in Coosa, Talledaga, Benton, Randolph, and am now in this county. The prospect of emigration is not flattering at this time, though I believe many in the fall will go; but, sir, with astonishment I have become convinced that there is strong opposition, from some cause, to the removal of the Indians this year.

With respect,

M. RAGSDALE.

Colonel HOGAN.

(Mr. Sommerville's report, Assistant Agent.)

DUDLEY'S, July 25, 1835.

SIR: Agreeable to your instructions of the 9th instant, I proceeded to the different Indian towns west of the Tallapoosa river, in the counties of Coosa, Talledaga, Benton, and part of Randolph and Tallapoosa. In each of the above mentioned counties, there appears to be a wish on the part of the Indians to remove west this fall, particularly in the Hickory Ground towns, and also in the Keilijah, Fish Pond, Hilabees, Chockalock, Econcharty

Ahcharalar, and Coweta towns. I saw a great many of the chiefs of the different towns, who are anxious to remove, and I think, from the information obtained, that you may safely depend upon there being from two to three thousand that will emigrate this fall, which you will see by the enclosed letters from the different agents employed in the service. There appears to be an unaccountable opposition to the emigration, in almost all the Indian towns that I have visited, by the whites, and particularly by the agents or men. There can be no doubt of their being agents of a company of men in the town of Columbus, Georgia, that are now petitioning the Government for a contract to remove the Indians, at so much a head. This was very plainly to be seen at the late council of the chiefs, held at this place, by the manœuvring of the different persons present, and by the secret manner in which they managed to enlist the many interpreters in their favor that was on the ground. To avoid being detected in this underhand opposition to emigration, they make all their communications through a negro interpreter. In addition to the above, there was a gentleman at this place who arrived directly from Columbus, on the second day of the council, and stated, positively, that it was currently reported in Columbus that the aforesaid mentioned company had succeeded in making the contract with Government, to remove the Indians at eighteen dollars per head. I was unable to find out what the report was until several of the chiefs came to me, with an interpreter, to know whether it was a fact or not, and if it was, to let them know. They appeared to be very much excited, and stated that they had no idea of being hired out at eighteen dollars a head, to be removed by a company of individuals. In addition to the above opposition that we have had to contend with, there are a set of men in the nation, that have a considerable influence over the Indians that are opposed to the emigration, who are telling the Indians every day not to remove yet, but to remain, as they have still time enough to remove in. If they should remain two or three years to come, that the Government would remove them as readily as it would at the present time. There are, also, a great number of whiskey shops in the nation, the owners of which are universally opposed to the Indians removing, until they can get the last cent of money they have. They also advise the Indians not to remove to the country west of the Mississippi; that the country is sickly and bad, and that they will all die directly. With such opposition, in almost every part of the nation, it is difficult for the agents to meet with a great deal of success; but regardless of all opposition, and all they can do to oppose the emigration this fall, I think you will be enabled to get off from three to four thousand. I shall proceed to the lower part of the nation immediately, as you directed, and see all the chiefs that I possibly can, and join you at Shelton's on the 10th of August.

I remain your obedient servant,

ALEX. H. SOMMERVILLE,

Assistant Agent.

Col. JOHN B. HOGAN,

Sup. Creek Rem. Fort Mitchell.

WASHINGTON, August 24, 1835.

SIR: Your letter of the 28th ultimo, reached me at Shelton's Station, Talledaga county, on the 11th instant. Having directed several of my

assistants to meet me there on that day, for the purpose of preparing to open camps throughout the nation, it afforded me an opportunity to send word to each and all to meet me at Fort Mitchell, on the 16th, when I drew up the orders for discharge, and those who had not reached there when I left that post.

I left the drafts in Captain Page's hands, to discharge them as soon as they came in. Enclosed are the reports of such as reached me subsequent to my last report. By these reports you will be able to form some opinion of the feelings existing in the Creek nation, in consequence of the change, and the substitution of contractors for Government agents. I regret to say that the change is obnoxious to the Indians, and the white inhabitants in the Creek nation do not hesitate to say, and do all in their power to make it appear odious to the Indians, and excite them against the company, several of whom have been heretofore engaged in speculating in Creek lands, and who are rather unpopular. One of the company, it is said, has already sold out his interest for \$5,000, and these things are blazoned forth by the parties themselves, and has given the contract the appearance of a great speculation. The course I have pursued in the Creek nation I knew would lead to ultimate success, and if I had been let alone for two months more, I would have had from three to five thousand Indians on the march; there cannot be the slightest doubt of this fact. Whether I can be of any service to the Government under the new arrangements, must depend on the details of the plan. If, after examining them, I find I can be of service to the Government and Indians, I shall have no objection to continue. If, on the other hand, I find I cannot continue without a sacrifice of feeling and character, I shall unhesitatingly hand in my resignation.

I have the honor to remain,

Your obedient humble servant,

JOHN B. HOGAN,

Sup. Creek removal.

To Gen. GEORGE GIBSON,
Washington city.

RANDOLPH, ALABAMA,
August 5, 1835.

SIR: Agreeable to instructions from Mr. Estell, I proceeded to the different Indian towns in Randolph, Coosa, and Tallapoosa counties, and find that the Indians are anxious to remove to their new country, west of the Mississippi, as soon as they can dispose of their lands; but the certifying office being closed at present, prevents a great many from coming forward and enrolling themselves for emigration. I have, since I left the council at Dudley's, on the 5th of August, enrolled twenty-seven persons, but owing to some unaccountable tales that are constantly circulating amongst the Indians by designing persons, prevents a great many from coming to enrol themselves for emigration; they are still holding back until something decisive is done, so that they can come immediately into camp.

What the conclusion will be amongst the Indians, as regards their removal, since the report has been circulated amongst them that they are to be removed by a company of men from Columbus, Georgia, at twenty dollars per head, I know not, but in many places that I have visited, it has created

a great deal of excitement, and the Indians appear to be very much opposed to any such arrangement on the part of the Government.

I remain, respectfully,

Your obedient servant,

MOULDER RAGSDALE

Assistant Conductor.

To Col. JOHN B. HOGAN,

Sup. Int. Creek Rem. Fort Mitchell.

BLACK STORE, August 10.

SIR: In compliance with your request I have again gone round my district, and daily add new recruits to my list, (to the one handed you in my last,) and no doubt, I will be able to make a powerful emigration. Many hundreds have disposed of all their effects and are very impatient to come into camp. I believe I can start, in fifteen or twenty days 1,000 Cowetas, and a fair prospect of several hundred Cusetas. I should be pleased to hear from you on all matters relating to our affairs, as we have heard a report that the Indians are to be carried by contract, which they are very anxious to hear particulars. I am fearful, if that should be the case, it will retard for some time a general emigration, which I am now satisfied will take place this fall, if no change in our relations takes place.

I am, sir,

Your obedient servant,

JOHN PHIPPS.

To Col. JOHN B. HOGAN,

Supt. Creek Emigration, Ala.

KEILIJAH, TALLAPOOSA COUNTY, ALA.

August 3, 1835.

SIR: After the council broke up at Dudley's, I returned to my district, which is composed of six towns, and it is with much pleasure I can inform you, that our cause is favorably progressing, and without some change of the present prospects, I think you can calculate on a large emigration from this quarter; the number I cannot exactly name, as I did not enrol them, but feel satisfied in naming five hundred, and prospects at present of a much greater number. It is with much pleasure I have discovered, that our party is becoming popular with the Indians, and all speak favorable of the course which you have adopted towards them, which I hope may result favorable in our object. I believe it will require now but little time to effect a general removal, and feel very anxious for an early encampment; there is a great number now ready and very anxious to come into camp which will induce many, no doubt, to follow their example; and not knowing how to act, I feel anxious to learn your wishes on the subject. There is a report here in circulation, which was stated by Colonel Hunter, he believed to be the fact, that is, they are to be carried off by the Georgia company; if such is the case I believe there will be a very small number that will consent to go with them, indeed if any; but I hope for the interest of the Government and the wishes of the people, it may not be the case. We have all concluded

that it is impossible for us to remain longer as neighbors, and nearly all, of both parties, now agree on that subject, and should the Government adopt such a course, no one can say how long we will have them amongst us. There appears but one opinion throughout my entire district, which will be strongly opposed by every one in opposition to the plan as has been named. I have much more to name, but will shortly, I hope, see you.

I have the honor to be,

Your obedient servant,

HARRISON YOUNG.

Col. JOHN B. HOGAN,
Supt. Creek Emigration, Ala.

COOSA COUNTY, ALABAMA,
August 15, 1835.

SIR: Agreeable to your instruction I have been operating diligently among the several towns allotted me, and have made but little progress in enrolling, having enrolled but thirteen up to first of this month. Since that time I have made somewhat better progress, and I believe, at present, the prospect to be fair. Should nothing interfere with my present arrangements, many of the towns, I am flattered with a belief, will make considerable emigration for this fall, viz: Fish Pond, Hickory Ground, Weoka, and Ossalorida. We have all heard a report of some change in the plan of emigration, and feel anxious to learn particulars; if such is the case, as represented, I am very fearful emigration will receive a serious check, as they are very much dissatisfied with the plan as reported.

I have the honor to be, &c.

SOLOMON ROBBINS.

Col. JOHN B. HOGAN,
Supt. Creek Emigration.

KEILIJAH, *August 12, 1835.*

SIR: Agreeable to your request I visited the council ground at Arselar-nathy, where Judge Tarrant was investigating the fraudulent transfers of land, and found a large party of Indians and many chiefs, and delivered your message to them. I told them that you were instructed to discharge the officers that had been engaged in the emigration, and to assure the Indians that the emigration was only suspended, not stopped, and that it would be resumed with vigor this fall; that you had been instructed to say to them, that no further annuity would be paid on this side of their new country; and, further, that unless they removed within the time limited by the treaty, that the United States would not pay the expense of their removal. They answered that they were nearly ready to go; that they were willing to go; but that they had heard it said that a Georgia party had made a contract to remove them, and they wanted to know if that was true? I replied that I presumed it was, but that you had no official information on the subject; that you were going immediately to Washington to see the President and Secretary of War, and would be able to tell them all directly on your return. They replied that they would never go with that Georgia

company; that they believed that some of those very men, were among those who had stole their lands; that they were willing to go with the men you had sent among them; but they would die before they would move under men they had no confidence in, and who, they believed, would abuse them. I told them you were to be retained to see that their rights were respected; but all I could say had no effect on them, they were in a fury, and swore they would never move under these Georgians.

I remain your obedient servant,

WM. HUNTER.

To Col. JOHN B. HOGAN.

We were present and heard Colonel Hunter deliver your message, and the above is, in substance, the exact reply and talk delivered, and we will add, that we have never seen so much excitement among those Indians as was manifested on the receipt of the news.

HARRISON YOUNG.
S. ROBBINS.
M. RAGSDALE.

FORT HULL, August 4, 1835.

DEAR SIR: I received your letter by Mr. Wilson, at Tuckabatchee. I did not think it necessary to keep Mr. Wilson, as I knew there could be nothing done with the Indians during the land investigation, and the green-corn dance, which was going on at the same time. I waited until after Opothleholo had got through his black drink, (or physic as they call it,) during that operation they will not talk on business, or shake hands with any person, for fear of spoiling the charm; on Saturday morning he got so far through as to give me a small hearing; (the dance lasted until Monday, and he was in a hurry;) he says he has never written to the Government any thing about the emigration or the agents; that he never had any quarrel with any of them, nor is he dissatisfied with them; that he had heard something of this company proposing to carry off the Indians by contract, which he considered as intended for a speculation and should oppose it; that he was in favor of the Indians emigrating as fast as they could dispose of their lands; but he was opposed to their being taken by any set of men except the Government agents. I asked him if he would give his talk to the Indians, he said he had done so, and that it was his talk and he would give it again; he said the Tuckabatchee town considered themselves a little above the other towns, and when they were ready they could move themselves—(meaning as Debois explained it, himself and a few of the principal chiefs)—that he knew the Indians could not stay here, and the sooner they got away the better; that *Tuskina* was operating very much against the emigration by his colleague, and he was opposing *Tuskina* with all his might, for he knew if the Indians staid here, they would, in a few years, be a poor miserable people. Debois says, when the land claims are all settled, they will almost all go. Debois thinks it would be well, perhaps, for you to return through Tuckabatchee and give the chiefs a small talk, encourage Opothleholo a little, he thinks it will please him, and have good effect. I am inclined to think Mr. Sommerville is mistaken as to the object of Debois's negro going among the Indians. I am informed that *Tuskina* sent a talk

to the Ufawlas, advising them not to emigrate, and inviting them to come and join in his colony; this Opothleholo told me: and Debois said they had been, and still was, using all their influence to counteract that talk; this, I believe, was the object of Debois's negro: and I also believe that Debois and Opothleholo are both now in favor of emigration as soon as they can get those land claims settled. As an evidence of this belief, the marshal, or orator of the day, at the commencement of the green-corn dance, exhorted them to keep themselves sober, and not disgrace themselves, that there was a great many white people to look at them, and as it was the last dance of the kind they would ever have on that ground, he wanted them to leave the place with honor; and on Monday, at the close of the dance, he repeated the same to them.

Very respectfully,

Your friend and

Obedient servant,

W. BLUE.

To Col. JOHN B. HOGAN.

MARDISVILLE, ALA., August 7, 1835.

SIR: Since my communication at Dudley's, I have visited the different posts of the conducting agents, in my district, and am happy to inform you that the cause of emigration is rapidly advancing; we have enrolled four hundred and fifty-three that is willing to go into camps by the 15th of September next.

Concharta town, Chockoloco, Chearhau, and Hillabee towns, their chiefs are willing to emigrate, and the most influential have enrolled for this fall's emigration, which, I have no doubt, will induce the balance remaining to remove early next spring, and have no doubt that my former anticipation, expressed, of raising two thousand in my district, will be more than realized, unless some cause, that I am not at present aware of, may throw difficulties in the way. We have had a current report in circulation that the Indians are to be removed by contract, by the Georgia company, which has caused much excitement among them, and unanimously protest against such a mode of carrying them off, and many settlers are afraid, if such is the fact, that they will remain permanent neighbors, which is our greatest desire to get rid of.

I have the honor to be,

Your obedient servant,

ISAAC ESTILL,

Assistant Agent, Creek Emigration.

Col. JOHN B. HOGAN,

Supt. Creek Emigration.

CHOCKOLOCO, August 6, 1835.

DEAR SIR: I would have written to you sooner, but expected to see you at the council; I therefore drop you a few lines to inform you that I think the prospect very good for emigrating. There has been several ball plays, and reen-corn dances, in this section, which has created a great deal of

confusion, but I find a great number willing to go. I think, upon the whole, that little more can be done until they are called into camps. I would like to hear from you, and the news from head quarters; please write to me on receipt of this. In my next, I shall give you a full return of the whole amount.

Yours very respectfully,
DAVID CONNOR.

Mr. JOHN B. HOGAN.

BLACK STORE, CHAMBERS CO, August 4.

DEAR SIR: I have, since the last time I wrote to you, been with the Cussetas and Cowetas. The Cowetas are firm; no alteration since my last. I was yesterday at a ball play where I saw James Islands and Rotcher Tustanuggee, they are making every preparation for an early start. I have appointed the first day of September, though I think it best to strike camp by the 15th, at least, as there is a number of them wishes encampment. The Cussetas I find but little alteration yet, though I think the prospect good for a part, and likely the whole. The old chief, Tuckabatchee Hadjo, talks very pleasant, but does not agree to go, yet at the same time does not object to his people's going. If any thing new you will please inform me.

I am, sir, your obedient servant,

JOHN PHIPPS.

Col. JOHN B. HOGAN, *Special Agent.*

FORT MITCHELL, October 5, 1835.

SIR: I reached this post this morning after a detention of two days at Fayetteville, North Carolina, in consequence of reaching that place in an extra. I am now on the spot, and in a day or two will report the situation of affairs in full. As far as I have heard, and from what I can learn from sources that I believe may be relied on, that there will be little or no emigration this fall; if the contractors get a party it will be a very small one. This is Capt. Page's opinion, and coincides with that of others that I have heard speak on the subject. Col. Samuel Benton has withdrawn from all participation in the contract, and refused to sign it; his share, it is said, has been divided between Mr. Beaty and Ben. Marshall, a half breed Creek Indian. The Indians are in council at Dudley's, making another effort to transfer the 29 sections. General Sanford and others are at that place. As I was charged with a packet from Judge Herring for Opothleho, and as it contained important information, which, when obtained, may induce him and others to immediately prepare for a removal, I hired an express and forwarded the document to the care of Judge Tarrant, the sub-agent, to have it read and explained to him at the council. Doctor Randall has not yet joined; his orders to my care reached me to day as well as my instructions.

I have the honor to remain,

Your obedient servant,

JOHN B. HOGAN,
Supt. Creek Emigration.

Gen. GEORGE GIBSON,
Com. General, Washington City.

(Extract.)

FORT MITCHELL, *October 12, 1835.*

SIR: General Sanford and party returned to Columbus from Dudley's, on Friday evening, and I went up to see him on yesterday; he seems to be in high spirits, and thinks he will get a party from Tuckabatchee and a few of the Cowetas. It seems the chiefs have finally made a transfer of the twenty-nine sections to Benjamin Marshall, William McGilvery, James Islands, and another Indian; and they are to be sold at public auction at Tallassee, on the 22d and 23d inst. for cash. The council has broken Tuskenawhaw, who is no longer to be recognised as a chief. This will no doubt break up Walker's plan of colonizing Tuskenawhaw and his friend, on the prairies, near Fort Hull. I proposed to General Sanford to commence the investigation of frauds in any part of the Creek nation that would best facilitate the cause of emigration, and would make it subservient to his views on that subject. He was first of opinion that it would be best to commence in Tuckabatchee, as his first party would go from that town; but after a few moments of reflection, he thought that it would be best to commence here, as there was a probability that the Ufawlees might be induced to emigrate this fall, and he would go down and see them next week. Finding from his conversation that he was unsteady in his opinions, I deemed it proper to submit my proposition in writing, and receive his answer in the same way. Enclosed are copies of my letter and his reply. My object in addressing him thus formally, was to prevent any complaint that might hereafter be made, viz: that this investigation had interfered with the emigration. You will see that he leaves me to open the investigation whenever I choose. The Indians about here have said expressly, they will not go this winter; and I may as well make their cases the last. If the Tuckabatchians will go this fall, their cases should be the first examined. I am looking for Major Blue every moment from that town, and will be able to speak more positively as to the feelings of those people when he returns.

Benjamin Marshall, who is now engaged with Sanford & Co. told me yesterday, that he was of opinion that the contractors would get a party to go west. I asked him if there would be one thousand in all, black, red, big and small? He said no; he did not think the party would be over a few hundred. Marshall is very anxious to go himself and take his negroes, but will leave his wife and children until next year. James Islands, who I had made great calculations on, has declined going this fall, and will retain at least half of the Cowetas. From all I have heard, I have not much reason to change the opinion expressed in my last,

I have the honor to remain,

Your obedient humble servant,

JNO. B. HOGAN,

Sup. Creek Removal.

To GEN. GEO. GIBSON,

*Com. Gen. Sub. Washington city.*COLUMBUS, *October 10, 1835.*

SIR: Having been appointed by the President of the United States to investigate certain frauds said to have been committed on the Indians in

the sale of their lands, and having exhibited to you my instructions, it will be unnecessary to repeat the contents of them to you in this communication. My object in now addressing you is, to ascertain from you, your opinion as to the most proper place to commence this investigation, so as to facilitate your operations in the removal of such Creek Indians as will be first ready to emigrate. You have recently been over all the nation, and know best where the first party will start from. And will it not be best to commence this investigation there, leaving those that will not emigrate this fall, to be the last cases that are to be looked into? Will you please to give me your opinion on this subject, at as early a moment as practicable?

I have the honor to remain,

Your obedient humble servant,

JNO. B. HOGAN.

Sup. Creek Removal.

Gen. J. W. A. SANFORD.

COLUMBUS, *October 11, 1835.*

SIR: Your communication of yesterday was handed to me last evening by Dr. Chipley, and in reply, I would remark, that not having been informed by that portion of the Creeks who have expressed their willingness to emigrate, of any impediment to their doing so, by the existence of the abuses, which it has been the object of your appointment to correct, I am unable to determine at what time or place, the exercise of your remedial agency may be necessary.

I avail myself of the present occasion to tender you my ready co-operation upon every occasion when my services may be useful, in assisting you in the discharge of the duties which may have been assigned you.

Very respectfully,

Your most obedient humble servant,

J. W. A. SANFORD.

To Col. JNO. B. HOGAN,

Sup. Ind. Affairs, Fort Mitchell.

FORT MITCHELL, *October 17, 1835.*

SIR: Since my last, I have had a visit from Neomicco Eifahmartla, and a number of inferior chiefs. Their business with me was to know when and where I would commence the investigation of frauds said to have been committed on them by the whites in the purchase of their lands. I inquired if any of them, or their people, would go this fall? They all said no. I then told them that the Tuckabatchee towns had expressed a desire to go immediately. I should make their cases the first looked into. They seemed very well satisfied with that determination, and I made the arrangements with them that they would all come to this post, after I had investigated the other cases in the upper towns. Major Blue has returned from Tuckabatchee, and says that Dubois had informed him that Opothlehole had sent to Mobile for new wagons to remove his family, and that of his principal chiefs; and that they would be ready after the sale of

the twenty-nine sections, and the investigation of frauds, and that they were waiting for me to commence. From this information, and from a belief that no party of emigrants will go from this vicinity this fall, I have notified Dr. McHenry to meet me in Tallassee, on Monday, the 19th inst. and have issued public notice (a copy of which is enclosed); and shall remove my head quarters, for the present, to Tuskegee, Macon county, Alabama; although I shall remain in Tallassee until I get through such cases as can be conveniently attended to at that place. Tuskegee is on the new mail road, and is the seat of justice for Mason county, and possesses the advantages of a daily mail from Washington city to Mobile. Tallassee has a weekly mail from Tuskegee, but is only fifteen miles apart, so it will be better to forward my documents to Tuskegee. I have employed Thomas J. Abbott, Esq. as an assistant, to help me in the investigation. He is a lawyer, and will be of great service to me in this duty, and will receive \$3 50 per day.

I have addressed to Messrs. J. A. W. Sanford & Co. a note on the 13th inst. to obtain from them such information (officially), as would enable me to be prepared, on my part, for such duties as would devolve on me, and at the same time to keep you apprized of their success (a copy of my letter is herewith enclosed). I regret to say, that thus far, they have paid no sort of attention to that communication, although I have seen half the company once or twice since. On yesterday, I visited Columbus, and saw Messrs. Blake, Ingersoll, Howell, and Marshall. I understood from them that they would all be in Tallassee next week, to attend the sale of the twenty-nine sections, &c. General Sanford came here last Tuesday, but after consulting with Capt. Page, he abandoned the idea of visiting the Ufawlees, and returned to Columbus, where all the company was on yesterday.

From all I have seen and heard, I am sorry to say, I have no reason to change the opinion expressed in my letter of the 5th inst. I have received a copy of Lieut. Deas and Dr. Randall's orders, and that of a letter to J. W. A. Sanford & Co. of the 23d of September.

I have the honor to remain,

Your obedient humble servant,

JNO. B. HOGAN,

Sup. Creek Emigration.

To Gen. GEO. GIBSON,
Commissary General.

To all concerned:

Having been invested with authority to investigate the charge of certain frauds, said to have been committed on the Creek Indians, in the sale of their lands, I shall commence the investigation in the town of Tallassee, on Tuesday the 20th inst. where all concerned may appear if they think proper.

JOHN B. HOGAN,

Sup. Creek Emigration.

FORT MITCHELL, October 13, 1835.

FORT MITCHELL, October 13, 1835.

GENTLEMEN: Will you do me the favor to state when and where you will open your camp for the collection and enrolment of the emigrating

Creek Indians; and, also, whether you contemplate sending more than one party this fall to the west? And when you contemplate that party shall leave the Creek nation?

I have the honor to remain,

Your obedient humble servant,

JNO. B. HOGAN,
Sup. Creek Emigration.

To Messrs. J. W. A. SANFORD & Co.

TALLASSEE, *October 24, 1835.*

SIR: I reached this place on Monday last, and sent for the chiefs of the several towns, and gave out the broken days for the purpose of convening each town in their own square, and as the sale of the twenty-nine sections were advertised to take place on the 22d and 23d; my investigation was postponed until this day, when I commenced in the Tallassee square, and disposed of all the complaints in that town, as well as Cheahhau, Tuskegee, and Coosawda. On Monday I commenced in Tuckabatchee square, and will go through all the cases in ten towns that are connected with Tuckabatchee. General Sanford and his party of agents are here, and I am told expects a definitive answer to-morrow on the subject of emigration. He says, that unless the chiefs give him some more positive assurance of going, he will give up the contract. Should he do so, it will put an end to any fall emigration, as it will be too late to make the necessary preparations before we shall have falling weather. I am now satisfied that there is a small number that are willing to go this fall, but I have no great faith in the promises of the chiefs. I had a number of them in my room at this place, and, in the presence of General Sanford and others, I gave them a talk, explained the nature of the contract, and told them that they should not hold out false promises; that if they intended to go, to say so, and say when they could be ready; that if they wished to retain the confidence of the Government, and the agents of the Government, they must adhere to the truth, &c. Little King, who is the next big man to Opothleholo, answered me by saying, that the chiefs would have a council among themselves in a day or two, and would give an answer.

In a conversation I had with Little Doctor, he said, whatever Opothleholo and myself would say would be the law, but that their cattle was scattered through the woods, and it would be hard to collect them at this season of the year, but that if they had a short time longer to do their business, they could be ready. The chiefs made an attempt to sell the twenty-nine sections at auction. There were two, if not three, companies of speculators on the ground; fearing that if they opposed each other at the sale, the land would run up too high for speculation, and they came to some understanding among themselves, and set up a simple fellow, by the name of Brazel, to run the land up so as to have them all knocked down to him. This they attempted, but were completely foiled in their manœuvre. Foreseeing their plans, I advised Marshall, and the other assignees, to have a man who they could rely on, to bid up the land to within a few dollars of a fair valuation; which was done, and the whole sale amounted to \$60,000. \$27,000 was struck off to Brazil, about \$8,000 to John Crowell and James Abercrombie, who immediately came forward and paid up their account, and received deeds, and the money deposited in my

hands. Mr. Brazel was not ready at 4 o'clock, the hour appointed to close the sales, but came in next morning, and wanted to sell the land, and take two sections, and refuse the balance. The assignees had a deed executed for all the lands he purchased, and tendered it as ready on the payment of the money, which was refused by him, and we then left this place for Tallassee square, to go on with the investigation. On the return of Marshall and others they served writs on them at the suit of Brazel, who is notoriously not worth \$500, a mere tool of Dr. Weir & Co. instigated by Squire Chilton, a pettifogging lawyer, who instituted these suits. The object of these suits is to alarm and frighten the Indians' assignees into measures. In the mean time, some of the company made bids of \$30,000, \$32,000, \$33,000, and finally \$35,000, and even the Squire Chilton offered \$40,000, but says the difficulties that will arise from the suits will now compel him to decline complying with his bid.

I have told the chiefs to pay no sort of attention to the suits, but to make sale of the land at private sale, for such sums as the chiefs would be satisfied with, and prepare for their removal. Although this position has been taken by the chiefs, and it is Sunday, all the speculators are still on the ground, expecting the chiefs to give way. I have heard much of land speculators, and their plans to amass fortunes, but I have seen nothing to equal the manœuvres of these people. So far they have been foiled in their tricks on this occasion.

I have the honor to remain,
Your obedient humble servant,
JNO. B. HOGAN,
Sup. Creek Removal.

To General GEO. GIBSON.

TALLASSEE, *October 29, 1835.*

SIR: At the request of Major Hogan, I attended at the Tuckabatchee square for the purpose of receiving their final answer on the emigration this fall. None of the chiefs appeared. Dubois said they were all drunk, and authorized me to say to you, they had determined not to move this fall, and gave as their reason that they could not dispose of their lands until there was an authorized agent appointed to certify to them. Colonel Hogan requests that you will give him your determination on this subject as early as possible.

Very respectfully,
Your obedient servant,
W. BLUE.

General S. W. A. SANFORD.

TALLASSEE, *November 2, 1835.*

SIR: I returned here about an hour since from Chop-tok-sof-kar, (old Merrawnaytown) where I closed the investigation of Doctor McHenry's district, with a small exception that will be attended to hereafter. Nearly the whole of the town had been stolen, but was given up by the thieves without an effort at defence. It will take some time to prepare a report in detail.

I shall leave that duty to Major Abbott, who accompanied me through the various towns and acted as secretary on the occasion. When I left here last week Opothleholo had convened his people for the purpose of consulting on emigration; I left Major Blue here to attend on the council and receive their answer; he informs me that the Indians all got drunk, with Opothleholo at their head, and that Dubois answered for them; that there would be no emigration this fall; and that he had written by Mr. Somerville to General Sanford, informing him of that fact. On leaving here this day week, General Sanford informed me he had no confidence in Opothleholo's going this fall, and that if any part of the Cowetas went with Marshall, he would furnish money to buy the necessary provisions and let them go themselves. I told him that would not answer; that he was restricted to parties of one thousand, for the obvious reason that the Government was compelled to send certain officers with each party; but if he sent only one party this fall I would throw no difficulties in his way, but would send the officers now here with the party even if it should be but five hundred strong. He seemed to think that he had a right to send them off in such numbers as he could obtain; but at last yielded to the reasons I assigned in behalf of a contrary opinion. I now consider the emigration for this season at an end, and shall send Major Blue over to Fort Mitchell in the morning, and from thence to Columbus, to know General Sanford's final determination. When he left here he intimated that he should convene his partners and withdraw from the concern, and have nothing more to do with it. The circuit court for Mobile county commences this day, and I am compelled to be there next week. I shall set out to-morrow for that place and will return here in two or three weeks and resume the investigation, and go through the whole before I leave the nation. Indeed I expect that this investigation will keep me here nearly all the winter. Your communications can be sent to Tuskegee.

November 4, 1835.

Since writing the above I received a message from Opothleholo requesting me to visit him, stating his indisposition and inability to come and see me; accordingly I determined to remain here another day, and this morning after breakfast I crossed the Tallapoosa and went to his house. I found him surrounded with Indians, and among them Tuckabatchee, Micco, the Young King, as he is called, and Mad Blue, and some minor chiefs. He commenced by asking me after my health and stating his sickness and fever, all of which proceeded from his late debauch; he then went on to regret his inability to emigrate this fall, by stating that the town chiefs had given orders on the principal chiefs for money their people owed, to be paid out of the next annuity; that the principal had accepted these drafts and were now responsible, and that if they attempted to go the white people, who were the holders of these papers, would seize on their negroes and horses and ruin them all; that he was sorry to hear that their great father, the President, had sent word that no more annuities should be paid his people here, that unless they got their next year's annuity they must be ruined. He continued his conversation for two hours and was followed by the Young King and also by Mad Blue. I found them pretty humble and made good use of the feeling I found them in, to show them the necessity of acting in good faith with the Government, and not to deceive the agent of the Government; that their course heretofore had been a bad one, and that

the President had done every thing in his power to protect and preserve them; that he had urged them repeatedly to remove, because he knew they could not live here among the whites; that they had paid no sort of attention to his wishes or the advices of his agents; that they now began to feel the effects of their conduct; that the Department had lost confidence in them: that nothing but a straight forward honest course of conduct would restore the confidence of the Department; that the President had said no more annuities should be paid on this side of the Mississippi river; that I could not promise them that his orders would be countermanded, but that if they would give me their united promise to go early in the spring (as they said they could not go this fall) and take with them all their people, I would promise them that I would write to the President and lay their situation and complaints before him. They then gave me their sacred promise that they would go in the spring whenever I said the word; that they would convene, in twenty days, the chiefs of the nation, and would give out the talk they had now agreed on; and tell the Indians to prepare for a final move in April, and that no more corn should be planted by any Indian in Alabama; that they had no doubt but that they could take with them all of the Indians except such as adhered to Tuskinahaw; that they would tell their people to collect their stock, sell it, sell their lands, and when I gave out the broken days in the spring they would all come into camp and be ready to move in a body when I said the word; this they have most solemnly pledged themselves to perform, I have no doubt but they will rigidly comply; that they are in debt I know, and I believe it will be a stroke of policy to pay the next annuity to them a few days before they start, but on the day they come into camp they can then pay off their debts and go in a body, and even if the chiefs were to fly from their promises after the Indians had come into camp the chiefs could not prevent their going. I have written as promised to the President, and hope that I may be authorized to assure these chiefs that upon their complying strictly with these pledges they shall receive another annuity, to be paid in April. Your letter of the 15th of October, enclosing a copy of a letter to Messrs. Sanford, & Co. is received. I am rather surprised that those gentlemen should write such a letter. On the very day I left Fayetteville, North Carolina, on receiving yours, I addressed the company a small note, and by this day's mail received their answer; a copy is enclosed; by it you will see that they retract any and all charges that they may have made against me. You will also receive a copy of my letter to the company of yesterday, and one to Captain Page. Major Blue left here this morning for the Cowetas, thence to Columbus, and will return by Fort Mitchell, and will meet me at Montgomery unless his services will be required to see enrolled any that may be disposed to go; but I assure you I have no expectation that a party will be made up. The contractors have all gone home and left no one in the nation to attend to their business. General Sanford is the only effective man in the company, and if he does retire the Government had at once better annul the contract; for I can assure you it will be useless to continue the system with such contractors. Colonel Iverson is a still partner and has never been in the nation; Blake, Howell, and Ingersoll have all been land speculators and are unpopular with the Indians who know them. The investigation of these land cases have added thrice to my duties, and is more perplexing than all the other parts of my duty, and will keep me in the nation away from my family all the winter, but I suppose I

must go through with it, although I sincerely wish it had been entrusted to other hands; there is hardly an hour or moment but some speculative gentleman is after me to know what I have done in his case, as if I could recollect every case I have decided, out of perhaps three or four hundred in a day, and every chap wants to give me a history of the merits of his particular case; thus it goes.

I have the honor to remain,

Your obedient humble servant,

JNO. B. HOGAN,

Sup. Creek Emigration.

General GEORGE GIBSON,
Com. Gen. Subsistence.

TALLASSEE, November 2, 1835.

GENTLEMEN: I have just returned here from the town in the upper part of Doctor McHenry's district, and learn from Mr. Dubois that Opothleholo and all his Indians that convened on Wednesday last to take into consideration the subject of emigration were drunk, and nothing could or would be done, and that they had abandoned the idea of going this fall. Duboise states that Opothleholo cannot go until he makes some moneyed arrangements. I have requested Major Blue to visit you and ascertain whether you have any Indians encamped, or whether you expect to have any this fall, and if so, how many? And when you calculate to leave the Creek nation with the first party? It is all important that I should be informed on those points, as I have to make necessary arrangements on the part of the Government, and if any thing is to be done it should be done soon, as the season for operating is nearly if not already at an end; my business calls me to Mobile but I shall await Major Blue's return with your answer.

I have the honor, &c.

JOHN B. HOGAN,

Sup. Creek Removal.

The Messrs. J. W. A. SANFORD, & Co.
Columbus, Georgia.

COLUMBUS, November 5, 1835.

DEAR SIR: I arrived here this morning. General Sanford informs me he has withdrawn from the company, and has informed the Government of it; a copy of his letter I enclose you. Major Phipps was absent, but from the best information I could get in that neighborhood was, that Cotcha-tuck-sha-nuba was determined to go, and would start in the course of next week. Doctor Ingersoll says he is determined to start them under the contract. I suggested the difficulty which might arise from the Government not acknowledging the company after the withdrawal of General Sanford; he replied he would risk it; that he knew the Secretaries were pretty hard to get over, but put two or three members of Congress at them, and they generally could manage them. Under these circumstances, I shall come on to Montgomery and see you. I will then have sufficient time to

meet their encampments. General Sanford gave your letter to him on the subject of the emigration to Mr. Howell to answer. As soon as I receive it, I shall put them all into the office for this evening's mail, and go on to Fort Mitchell to-night. General Sanford's books have been left with Doctor Mills, and he is absent, and has locked them up; the General has promised, as soon as Mills returns, he will get them and leave them with Mr. Van Ness as you requested.

Very respectfully, yours, &c.

W. BLUE.

Colonel JOHN B. HOGAN.

COLUMBUS, November 5, 1835.

DEAR SIR: On the 3d instant I wrote the Secretary of War as follows:

COLUMBUS, November 3, 1835.

SIR: Having thus far unsuccessfully attempted to fulfil my obligations as one of the company engaged in the removal of the Creek Indians, and believing my services no longer of any avail in the accomplishment of that object, amidst the continued accumulation of new difficulties, I consider it my duty to apprise the Department of my withdrawal from that connection. It may not be necessary to enumerate the various causes which have led to that determination; but it would be perhaps wrong not to mention that the policy which has been adopted by the suspension of the sales and certification of Indian lands has, in itself alone, presented an insuperable obstacle to the undertaking; and so long as that measure is persisted in, all future efforts at emigration, whether on the part of the Government, or the company, must prove futile and abortive.

I have the honor to be,

HON. SECRETARY OF WAR.

From the above, it will be seen that, so far as I am individually concerned, the matter has reverted to the Government.

Truly,

J. W. A. SANFORD.

Colonel JOHN B. HOGAN, S. C. E.

COLUMBUS, November 5, 1835.

SIR: The note of the 2d instant by Major Blue is at hand. We expect to make up a party of Indians in this neighborhood within two or three weeks; cannot say as to numbers; none as yet in camp; probably not over 500. You shall be informed so soon as the Indians begin to collect.

We are very respectfully,

Your obedient servants,

J. W. A. SANFORD & Co.

Colonel JOHN B. HOGAN,
Superintendent Creek Emigration.

MONTGOMERY, November 6, 1835.

SIR: My last letter will apprize you of the course I have pursued previous to leaving Tallassee, by sending Major Blue across to Columbus, and thence to Fort Mitchell; and, as it was as well to remain a day or two for him at a good tavern as at a miserable hovel in the nation, I came here yesterday, and to-night have received by mail the letters, the enclosed are copies of. By these letters it will be seen that General Sanford has withdrawn, and that the company are determined to hold on. You will see by Major Blue's letter what sort of views are entertained by them; and by the letter from the company, you will see they say in two or three weeks they calculate to make up a party. I shall leave Major Blue to attend on their movements until my return, at which time I presume I shall know the full determination of the Department whether the contract is to be continued or not. I can assure the Department it is only a waste of time to continue the contract with those gentlemen. General Sanford was the only efficient man in the company; Colonel Iverson I have never seen, but he is a silent partner, (if a partner at all;) Howell, Blake, and Ingersoll have been land speculators, and are unpopular with the Indians; and Ben Marshall has a bond from all the company that they will keep him free from all expense and harm; his object in joining was to get his negroes removed this fall. The reason assigned by General Sanford of stopping the sale of the lands is nothing more or less than the echo of every land speculator in the Creek nation, and it may have had some little effect on Sanford & Co.'s prospects; but the main reason is, the fact that, with the exception of General Sanford, the company is unpopular with the Indians and whites, and the white gentry set their hands to work to defeat the company; and knowing that the Department was very anxious to get the Indians off, they calculated to get the contractors to write to the Department to urge that land offices might be reopened, and they have kept up this drumming in all our ears; "Oh, if the lands could be certified to now, the Indians would go." This has been their constant tune, at the very same time they were poisoning the minds of the Indians against the contractors. I have no doubt but General Sanford thinks that this has had an effect on his prospects, but it really has not; but every land speculator in the nation will say it has, but I know better. Be that as it may, we cannot recal time; all we can do is to do better hereafter, and this winter will afford the Government the opportunity of getting back for the Indians the lands stolen from them, and then to enable them to sell. The Indians will then believe in the honesty of their Government, and will cheerfully go in the spring; and it would be better for the character of the Government that no Indian ever left here, than to force them to remove in the distracted state of their land question, robbed as they have been of the provision made for them by the treaty, and thus forced to go without an investigation. I omitted to mention that, although Mr. Beaty's name does not appear on the bond, he is nevertheless a partner. Of this gentleman I have heretofore spoken of. Marshall and Beaty take the place of Benton.

I have the honor to remain, your obedient servant,

JOHN B. HOGAN,

Superintendent Creek Emigration.

TO GEN. GEORGE GIBSON,
Washington City.

P. S. I have procured here a map of the Creek nation on rollers, as requested by Mr. Easton, and it will be forwarded as soon as a tin box can be made for it. The register of the land office here will attend to it for me.

BLACK'S STORE, CHAMBERS COUNTY,
November 20, 1835.

DEAR COLONEL: Major Phipps has about one hundred Indians encamped in this neighborhood, and says they intend starting on Monday; they calculate on 200, and expect Ben Marshall will bring the same number on with him. Mr. Sommerville has returned from the Fish Ponds, and says he expects from 150 to 200 in that quarter ready to join the others as they go on. From the above calculations, you will perceive that 500 will be a full estimate. I shall go on with the Indians until they all get together, and then enrol them, which I expect will detain me in the nation until the 1st of December.

Very respectfully,
Your obedient servant,

W. BLUE.

To Colonel JOHN B. HOGAN,
Superintendent Creek Emigration, Mobile.

Extract from a letter from J. B. Hogan to General Gibson, dated December 5, 1835.

"Your letters of the 13th and 24th ultimo and 4th instant are at hand. Your views in relation to the payment of the annuity are correct. I am aware that I asked for permission to say to the chiefs that no more annuities should be paid, and was highly gratified that I was authorized to say so: it was one of the means I desired to force these people to terms. In my interviews with Hopothleholo, I gave him no hope of success; all I promised him was to write and use what influence I could to procure them the annuity; but I told them I had no hope, and feared the President would not yield to their wishes, but that, if I succeeded, there must be a "quid pro quo." If I procure them another annuity, they must go when I give out the broken days to come into camp. This bargain has been made, and, unless it is strictly complied with on their part, I want authority to order it withheld; this can be done in the instructions given to the disbursing agent who may be ordered to make the payment, directing him to be governed by me in selecting the time, place, &c. This will enable me to bring them into camp before the payment is made, and then put off with them as soon as the money is divided. Hopothleholo intends to make a great parade in leaving the country; he intends to go through with a religious ceremony, and then go."

TUSKEGEE, Jan. 7, 1836.

SIR: Enclosed is a copy of Doctor Ingersoll's letter, dated Tusculum, on the Tennessee river, 22d December, 1835, addressed to Mr. Howell; this letter was sent to Captain Walker, who is said to have taken a part of

the contract, in conjunction with a General Woodward; I understand they are not to be known at the Department as partners; how far this concern is to be extended, is unknown to me, but one thing I do know, that if the Department continues this contract, they will have ample cause to regret it. I know I am not asked for opinions, and when given gratuitously, are often considered as impertinent, but under the 5th rule of the 2d article of the printed regulations, I am directed to communicate every occurrence, the knowledge of which may be useful. I have been permitted to take a copy of this letter, and now forward it for your information. You will see that Doctor Ingersoll has taken the water at Tuscumbia, and divided the party; you will see by the muster roll, forwarded by Major Blue, that there was 171 horses or poneys there, with the necessary number of Indians to take charge of them, have been sent by land, and the rest of the party sent by boats; he does not say what kind of boats, but I presume flat boats. The 7th article of the contract, positively forbids the separation of the poneys from the company to which their owners belong; but the separation of a party must always have a bad effect, because the United States cannot protect them, there being to each party but one surgeon and one military officer, and if divided on the route, how is it possible for the officers to afford their united protection and assistance to each party thus separated; and if this is permitted, the contractors can have the entire control of at least half of every party, by dividing them and sending them separate roads. Again, the contract expressly states they shall be furnished with one 6 horse team to each party of 50 or 80 Indians; this party set out with good teams, and a great many Indian wagons and carts, (being private property of Indians,) the good teams are discharged at Tuscumbia; and Ingersoll states, that if they have good luck, and the Arkansas river favor them, they will make a short trip; if otherwise, they will have to plod their way through a little mud. Should they have to take to the land, how are they to get teams to supply the places of those discharged. He gives a horrid account of the roads, but nothing but what might have been expected from the lateness of the season; no party should ever remove from here after the 1st of October, but this party put off in December, and nothing but bad roads, cold weather, and high waters, could have been anticipated; but it was not anticipated that the contractors would have changed the route from land to water carriage. The 5th article of the contract, requires of the contractors, that they shall, within three months from the date of the contract, establish depots of provisions on the entire route westward, at which provisions are to be issued. Nothing of this kind has been done by the company, and every thing is left to chance and circumstances.

January 10.—Since writing this letter, I have had a visit from Opothleholo, Tuchabatchear Micco or Little King, Mad Blue, Little Doctor, and several others; they come to talk about the manner the white people were taking the lands of their dead relatives, and to ask me to forward a memorial they had prepared, addressed to the President. They say the bargain they have made with them, they will comply with, and go when I say the word; but they do not want to go under the control of the company, and since they have learned that Captain Walker is to be one of the company, they seem to be more dissatisfied. I shall write you more fully in a day or two, as to the prospects of emigration; every thing wears a steady appearance of a full and complete emigration during the approaching season. I am much engaged all day in hearing complaints of frauds

committed on these unfortunate people, and some of them amounting to highway robbery; I have never heard or known of such gross cases of fraud, as is daily developed before me, a full report of which I shall lay before the proper Department in due season.

I have the honor to remain,

Your obedient humble servant,

J. B. HOGAN,

Sup. Creek Emigration.

Gen. GEORGE GIBSON.

FORT MITCHELL, Jan. 17, 1836.

SIR: Your communication of the 5th inst. is at hand, in which I am directed to discharge my assistants, upon the receipt of your letter. Major Blue, I presume, is now at Washington, and from him you will have learned that I have discharged him, and retained Major Abbott and Mr. Leonard, to assist me while I am engaged in investigating the frauds committed on the Creek Indians, in the sale of their reservations. I have just completed the investigation of McHenry's district, and am now engaged in copying the report, and the services of these two gentlemen are absolutely necessary, and if withdrawn, I would be unable to go through with the investigation and report upon the other two districts; in the district just completed, we have reversed upwards of six hundred cases, that is, 600 half sections of land that has been fraudulently taken from those people, the affidavits to be written; the various subjects connected with this duty, require an immense deal of writing, and great deal of care and precision is required in the investigation and reports, for fear of involving the Department in difficulties, in relation to the titles of land in this country, and my correspondence has increased four-fold by the assignment of these duties. If those two assistants cannot be recognised as emigrating assistants, I trust the Indian Department will authorize me to employ them until I get through this duty of investigating the frauds; the fact is, that neither of them are employed now as emigrating officers, but their services are indispensable to the performance of the only duty that requires my presence here; believing that this matter is not properly understood at the Department, I must take the responsibility of retaining these two gentlemen, if I have to pay them out of my own pocket, until I get through this business, which I presume will occupy three or four weeks, when I shall return to Mobile, and there await your further orders, until the opening of the new emigration.

I beg, sir, in the mean time, that you will lay this communication before the honorable the Secretary of War, and if he will not allow the payment of these two officers for the time they may be employed from this date, I must pay it myself, and ask leave to be released from the further investigation of the other districts. I am now expecting a full meeting of the Coosa chiefs, some of them are now here awaiting the arrival of the others, to give me the proper days for a full meeting of the several towns to enter their complaints. The news from Florida, of the massacres, have made the people in this neighborhood very uneasy; if there is any part of the Creek nation that has good reason to apprehend danger, this is the quarter, but I do not believe there is any serious cause for fear, but it is right to be

always on the alert, and I have given this advice to the young gentlemen in command of this post. If, however, these people were disposed to do mischief, there is nothing in this quarter to prevent it, except a young Lieutenant and 30 men, in an open encampment or cantonment. The four principal chiefs of the Tuckabatchee town, viz. Opothleholo, Mad Blue, Little Doctor, and Tuckabatchee Micco, have sold their lands for the sum of \$39,000, and may be considered as an evidence of their fixed determination to emigrate early this spring. You may rely on my doing every thing in my power to push the emigration as fast as possible, and although I feel much displeas'd at the constant complaints made by Mr. Howell, in the name of J. W. A. Sanford, and Co. I shall not permit myself to be the least influenced by his conduct; but while the Department chooses to continue the contract, will do all I can to remove the prejudices of the Indians against that mode of conveyance, and urge them out of the country as fast as possible.

I have the honor to remain,

Your obedient humble servant,

J. B. HOGAN,

Sup. Creek Emigration.

To Gen. GEORGE GIBSON.

Extract of a letter to Gen. Gibson, from J. B. Hogan, Sup. Creek removal, dated January 23, 1836—received Feb. 6.

You will see by the Georgia papers, that the people of Columbus have resorted to their old tricks of getting up town meetings, and calling for troops to save them from the Creek Indians. This farce is too contemptible to excite any other feelings. The investigation of frauds in Indian reservations, is the cause of the real alarm; and the reports from Florida enable these gentlemen to cover other matters, and mix them with the news from the Seminoles. The papers from Columbus, report that from four to six hundred Hitchitees and Euchees have gone to Florida; there is not one word of truth in this report; I had both these tribes before me this week, I told them to go home and keep their people at home, as I would be in their towns next week, to examine their complaints; I asked the chiefs if any of their warriors were absent on hunting parties, or otherwise; the reply was, that their people were all at home, and would all meet me next week. Old Neah-Marthla was here, and all his people; this is the man who commanded the party that attacked Lieutenant Scott's boat during the Seminole war. I was compelled to abandon the investigation at this post; the Columbus land speculators came over in a body, Blake, Howell, and others, and I found I might as well do nothing, as to attempt to investigate here; beeves were slain, and whiskey distributed among the Indians; their interpreters were sent among them to alarm them and frighten them off. The chiefs, I have no doubt, were in some instances bribed to lie against their own people; Paddy Carr, who is completely identified with the speculators, kept off a number of the chiefs at Neo-Mico's residence, where they held a council, with Tuckabatchie Hajo at their head; finding how all things were managed, I dismissed them, and told them I would go into their town square, and there investigate. If by this means I cannot get at the truth, it will at least put these gentry to as much trouble as they have cost me.

IRWINTON, BARBOUR COUNTY,
January 30, 1836.

SIR: I left Fort Mitchell on Monday last for this place, being the site of the Eufaube Indians; on our way down we learned that the Georgians had the night before, fired on a small party of Cheshaws, killed one, and shot another through the foot. That evening, the Indians in a body of 30 or 40, crossed into Georgia, and killed two white men, whose bodies were carried to Columbus. Previous to this, the Georgia guard took an old Indian out of a cotton field below this town, and eight of them shot him; this is the second killing that took place in a cotton field. It seems that these folks are determined on driving these people into hostilities. This morning I have been called on by several gentlemen, urging me to go up to Fort Mitchell, convene the chiefs, and give them a talk, whilst they will go to Columbus, and urge on Gen. McDougald to remain on their side of the river. I shall go into the town square this evening, and endeavor to despatch the examination of this town, and then go up to remove and do all I can to allay on both sides this ferment.

I have written to Gov. Clay, apprizing him of the state of affairs here, and give it as my opinion, that if he will come to Fort Mitchell, his presence may put a stop to these troubles.

Should Gen. McDougald, however, persist in crossing into Alabama, he will be attacked I have no doubt, and it will be the means of creating a Creek war. I still hope he will keep the Georgia side of the river, and if so, the disturbance can easily be stopped, or at least be confined to a mere skirmishing.

I remain, &c. &c.

J. B. HOGAN,

Sup. Creek removal.

Gen. GEORGE GIBSON.

P. S. I have had much opposition to this investigation since I came into this district, and the opposition to the investigation seems to be systematized. Every Creek in the nation is swimming, and it rains in torrents.

IRWINTON, BARBOUR COUNTY,
January 30, 1836.

SIR: I left Fort Mitchell on Monday last, for this place, for the purpose of investigating the frauds said to have been committed on the Creek Indians in the sale of their reservations. On our way from the fort to McLeod's ferry, we met an old Indian, well known by the name of Washington, who informed us that the night before, a small party of Creeks were at a camp fire on the Georgia side of the river, and were asleep, when a patrol party of Georgians fired on them, killed one, and shot another through the foot. That evening, I have since learned, viz. Monday, a large party of Creeks crossed to revenge the death of their friend, and two men were killed, whose bodies have since been taken to Columbus. You were informed during the session of a party of Georgians firing on some Indians, in McLeod's cotton field, while employed picking out cotton. Since that period another old Indian was employed, below this place, picking out cotton, when a party took him out of the field, and eight or nine of the guard

fired on him, unarmed as he was, and shot him. These frequent causes of irritation have at length assumed a very serious aspect. And, this morning, I have been informed, by several gentlemen of respectability, that General McDougald, of Georgia, had ordered out one thousand of his division, and intended crossing into Alabama and commence the war on this side of the river.

Colonel J. H. Howard, of Milledgeville, and others, have requested me to go up immediately to the scene of action; convince the chiefs and endeavor to allay their fury; while he, with others, will repair to Columbus and endeavor to prevent General McDougald from crossing into Alabama for the present.

If the Georgia troops come over on this side of the river, I have no doubt but that the Indians will give them battle; but if they remain on their own side, the citizens of Alabama have nothing to fear. The presence of your Excellency on the spot, at this critical moment, would be of infinite service, and might be the means, as I have no doubt it will, of putting a stop to these troubles. I shall go up in the morning and do all in my power to collect the chiefs, and urge on them the importance and necessity of restraining their young men.

I remain, &c.

JNO. B. HOGAN,
Sup. Creek Removal.

To his Excellency C. C. CLAY, *Governor.*

FORT MITCHELL, *February 1, 1836.*

SIR: A meeting took place to-day, at this post, between the citizens, the chiefs, and a deputation of militia officers from Columbus, Georgia, Major General McDougald at their head; which has so far resulted in an amicable arrangement between the Georgia officers and the chiefs. I am much gratified that I reached here last night, as I believe my presence has been of some service in conducting this difference to a happy termination; the excitement, on the other side of the river, has been so great that Georgians could not address the chiefs without feeling too much excitement: seeing this, I begged leave to address the chiefs in my own manner; after showing them how futile and unfortunate it would be for them to make any attempt of a hostile character, I then adverted to the great interest, their great father, the President, had taken in all matters that concerned them, and how important it was for them to restrain their young men, and compel them to keep the peace; and that nothing short of a most solemn pledge would now save them from utter annihilation. I told them they must make up their minds to give up the murderers and robbers that molested the opposite side of the river, and to go into council among themselves and make up their minds what they would do. I understood from General McDougald that they would make no demand of the persons concerned in the late fight, and of course none was made. In a very short time the chiefs agreed, and we were called in. They then gave a written pledge that they would restrain their young men, and if they could not do so, they would give them up; this matter being settled, harmony was restored, and the officers set off for Columbus. Thus far all things are settled, and if they rigidly pursue the arrangements as entered into, peace will be preserved. I forgot to say that

it was agreed upon that all stolen property should be demanded through the commanding officer of this post, and that neither Indians nor whites should be permitted to seize on horses or other property said to be stolen; that if a white man lost a horse or other property, and supposed it to be among the Indians, he should leave a description with the commanding officer who would demand it of the chiefs; and if the Indians lost horses, said to be stolen and carried over into Georgia, they should leave a description with the commanding officer who will write to General McDougald, who will use all his influence to recover the property. One of the chiefs stated that he had lost five horses recently. I have no doubt but the Indians have been most grossly sinned against; that they are hostile I have never believed; but that they have ample cause of complaint I do know, and I do verily believe that this excitement has been fanned by designing men, and that with a hope of putting a stop to the investigation now going on; believing so, I am resolved to push it through with vigor, and hope in a week or two to have gone through this district.

Yours, &c.

J. B. HOGAN.

To Gen. GEO. GIBSON.

Extract of a letter to General George Gibson from John B. Hogan, Superintendent Creek removal, dated February 1, 1836.

On reaching this place I have been informed that the citizens of this vicinity had visited Columbus, and remonstrated against Gen. McDougald crossing the Chattahoochie river, with the Georgia troops, and had also requested a meeting of the people of this vicinity, as well as the chiefs of the lower towns, to assemble here to-day. The inhabitants have no uneasiness as to themselves; all they fear is the Georgia militia crossing. If they should persist in doing so, it is very certain that the Indians will give them battle, and God only knows what may be the result or where the mischief thus created may stop. I shall apprise you of the proceedings of this day.

Received February 10.

FORT MITCHELL, *February 5, 1836.*

SIR: In your communication of the 15th ultimo you have expressed so much solicitude on the subject of the removal of the Creek Indians; and the critical situation in which the country now stands in relation to these people, have determined me to make one more effort to convince, if possible, the Department of the difficulties that have, and will retard the emigration. I am aware, sir, that the task I have imposed on myself is an ungrateful one, and a thankless one, and let the consequences be to me what they may, I shall have the consolation, let what will turn up, to know that I have faithfully done my duty to my conscience and my country. In accepting the appointment conferred on me, I had hoped to have been able to give entire satisfaction to the Government, and to have been the means of removing these people from my adopted State. I therefore entered on the duties of my appointment with zeal, and a fixed determina-

tion to be successful; if industry and perseverance could command it. I entered the Creek nation as a stranger to these Indians. I found them cut up into parties, each party under the influence of certain land speculators. It took some time, as might have been expected, to obtain a knowledge of all the parties that existed, and their relative influences, and how they did, and might be made to bear on the emigration. After possessing myself of all the requisite information to enable me to counteract the influence of some, push that of others, &c. &c. and just when I had secured the confidence of the leading men of the nation, I was ordered to discharge my assistants, and make room for the contractors. A majority of that company are, and have been among the heaviest speculators in Indian reservations, and consequently had incurred the enmity of other companies of speculators, as well as of many influential Indians. These gentlemen were also much opposed to any investigation that had been ordered.

Believing that the Government wished to make a trial of this mode of removing Indians, although I did not believe that I should be of much service under the contract, yet I determined to aid in carrying it on, and I candidly believe it would be much to the interest of the United States if the Indians could be induced to go under the contract; and in relation to my own personal convenience, it would be entirely to my advantage that it should be continued; for, under it, I am relieved from all responsibilities. If the Indians go, very well; if they do not, it is the contractor's fault; for the gathering; collecting, and encamping them, is entirely with the contractors. If the contract was at an end, I should then be responsible for getting them into camp. It is not one solitary cent's advantage to me by what mode of removal the Government chooses to adopt. All I should derive by either mode, would be my salary. But I feel it due to you and the Government to state candidly my views on this subject; for, sir, it is becoming a subject of too much magnitude to trifle with any longer. Ten days ago I laughed at all reports of hostilities attributed to these people, but I now regret to be compelled to say that I am of a different opinion; for the last three days I have each day visited the three towns that have been considered hostile, and the conduct and appearance of those people are changed. *Not an Indian came* to the council fire but was armed with his rifle, *knife, pouch, horn, &c.* ready for battle; and unless something is done, and that speedily, these people may become extremely troublesome to this State. I have no doubt but they are well apprized of the successes that have attended the Seminoles, they have many half breeds among them who read and write, and can, and no doubt do, communicate to them the Florida news. But this is a digression, which I hope you will pardon. My object is, to endeavor to satisfy you, not only as respects the difficulties which lay in the way of emigrating these people, but to endeavor to point a remedy, if possible, to remove the evil now existing. In the first place, I consider (because I know the fact) that the present contract is the greatest obstacle in the way of emigration; but I presume the Department feels some delicacy about rescinding it, particularly, as certain influential gentlemen of Georgia have an interest in it, and it is supposed that it will make their fortunes. To remove all difficulties on that head (should any exist) I propose that this contract be annulled or modified so as to obviate the objections, and get over the difficulties that now exist in relation to that company. In the first place, they should have nothing to do with the collection, enrolment, encampment, or marching these people; leave all that to your agents, let

them be military men or otherwise. When a party is ready to enter camp, the contractors shall furnish the rations; when wagons are required, they shall furnish them. The contractors shall furnish rations, transportation, pay ferriages, and all contingent expenses of each party, till they reach their place of destination, for which they shall be allowed from fourteen to seventeen dollars per head, and corn, as usual, for poneys; each party to travel twelve miles per day. If kept in camp over twenty days before they start, an account shall be kept, and if the whole amount of rations issued from the day they go into camp, until they reach Fort Gibson, exceeds an average of twelve miles per day the entire route, then the excess of rations to be paid for at a stipulated price.

If a contract were made of this character, the opposition to the company would be removed; the reduced price from fourteen to twenty dollars would cover all the expense of employing, should the Department think it necessary, the citizen agents for their collection. If, however, the Government choose to employ the United States officers of the army, on this duty, their pay is already provided for. I am convinced that a plan of this kind would facilitate emigration, and the present company would be more than willing to have their contract thus modified, and the change would not involve the Department in any additional expense, or any charge of bad faith towards the company.

The bad success that has attended this emigration has mortified me exceedingly, but I could do no better; my hands have been tied by the contract; I have no power to do any thing. There is a part of the Creek nation that the contractors have never made any effort in, (I mean Talladega and Benton, the counties where your sub-agent, Judge Tarrant, resides.) I rode through those counties last summer, fixed my agents there, and would have obtained a party, but the contractors have never thought it worth their trouble to send any agent there. I assure you that I do not feel satisfied. The mere fact that I hold the office is not enough for me, I must know that I am serviceable to my country, or I cannot hold the office; the salary does not satisfy me, it is not that I seek, it is a higher reward I require. I shall continue till I see what course things are to take, and if I find I cannot be serviceable in this business, I must adopt the only alternative left me, and tender my resignation.

I have the honor to be, &c.

JNO. B. HOGAN,
Sup. Creek Removal.

To the Hon. LEWIS CASS.

MOBILE, *May 13, 1836.*

SIR: The letter you forwarded me stated that it contained a copy of one addressed to J. W. A. Sanford & Co. No such copy has reached me. Please forward the copy to Tuskegee.

What has occurred between the contractors and myself, you must be aware, was anticipated by me in the outset of this contract. I knew no man could act as superintendent and do his duty honestly toward the Department and the Indians without coming in contact with that company; and if you ever have a superintendent that can do so, and not be secretly a partner, he is an angel, and should be sainted as well as brevetted.

I have no doubt but they will heap every kind of calumny on my head; and why? because I have refused to be a partner.

Yours, &c.

JNO. B. HOGAN.

General GEORGE GIBSON,
Com. General Subsistence.

MOBILE, March 8, 1836.

To the Hon. LEWIS CASS.

SIR: I have the honor to acknowledge the receipt of your communication of the 24th ultimo, and contents duly noted.

On the subject, of separating me from the duties of emigration, the reasons assigned for it are perfectly satisfactory, and no further dissatisfaction was felt by me, after the receipt of Judge Herring's letter, of the 3d ultimo, which fully explained every thing that was necessary to be known, and no dissatisfaction would have ever been expressed by me, if I received that letter before I wrote to Col. King and Gen. Gibson on the subject.

But the contractors had given publicity to my removal, and had it announced in a Columbus paper, said to be owned and edited by Judge Iver-son, and on my arrival here, compelled me to publish an extract from Judge Herring's letter, to protect my character, as the annunciation of removal in this country always implies an idea of disgrace. I enclose the publication as re-copied into a nullifying paper of this city, and who first copied the removal.

The duties of investigating the complaints of each town has been a great auxiliary in making me known to every chief, as well as every Indian in the nation, and will be a means of making me more efficient in the duties of emigration should I ever return to those duties; whether I live to do so, or not, is more than I can say, but I shall continue as I have heretofore done, upon every proper occasion, to urge upon those people the great importance of a speedy removal, and the absolute necessity of restraining their young men, from all and every act of hostility towards their white neighbors. Upon several occasions I have been quite successful in stopping difficulties that had arisen between the settlers and the Indians, and in every instance the Indians have willingly listened to my advice. But, sir, while I am thus urging these unfortunate people to remove, what are we to think of the conduct of those who, to amass wealth, are holding out inducements to remain, and whose whole professions are false, and must ultimately prove so. I will here relate to you what I have heard and seen since I first went into the Creek nation. In some of my letters to Gen. Gibson, I stated the project of these people going to Texas, and also, that of Capt. W. Walker's scheme to colonize Tuskena and his followers on the land of Walker. A full history of these plans, I gave Gen Gibson last summer in my letters. I will now state what occurred just before I left the nation. A secret council was called, at which all the chiefs opposed to emigration were present, viz: Neomicco, Efa Martla, Tuskena and others. Those who called this council was Gen. McDougal, Luther Blake, Doctor Mills, Capt. W. Walker, and some others. The object of the meeting, and in fact the meeting itself, was kept a profound secret from me; it, however, leaked out, and I set persons to ferret out their designs. Paddy

Carr, who I believe is as great a rogue as any in the nation, was the prime agent there, and it is said he was to receive two thousand dollars, if all went on smooth. Paddy told the Indians to keep away from my investigations, that I was an emigrating agent, and was sent to fool the Indians, and if I got their names down I would force them off to Arkansas; that if they chose to remain, Gen. McDougal owned ten sections, and they might go and live on it as long as they pleased, &c. &c. In this town, which was the Casetas on Tolanulgar, the land was very fine, and most of it had been reported as stolen. When I came to investigate this town, it was apparent that a deep scheme was on foot, that the chiefs were bribed, for they refused to come into council until they held a secret one with Paddy Carr, Doctor Mills, and Luther Blake; Gen. McDougal was also present, but kept aloof. I sent several times to the chiefs to come in or I would saddle my horses and leave the ground; Gen. McDougal remarked "that he hoped I would not hurry them, as they wanted a little time to drill the boys." When they came into the square, it was manifest that the Indians were bribed, they answered incorrectly in almost every instance, as Sanford's book contradicted them, as to price and name of purchaser. They all said sold, to whom? Blake or Mills was the answer, but the book said to a very different person. When I asked for an explanation, Doctor Mills said "it was all right." After the examination, I was requested by McDougal to go to a caucus that was holding in a ring, with Paddy Carr in the centre, and hear some of those who had said they had never received any money on here before the certifying agent recant their first declaration. I went there to accommodate as far as I could, but finding all the interpreters had left the ground but two, and those two their own, mine I had sent with Major Abbott a few moments before, I declined hearing any thing through Paddy Carr or Negro Tom. Paddy had kept himself out of my way for the last two days, and this was the first good opportunity I had to call him to an account for his lies, and I took a seat in the ring and asked him if he had not been making efforts to keep the Indians away, and break up the investigations; and whether he had not offered land to this town to colonize on?

Paddy denied, but McDougal spoke up and said, *that* affected him, that he had offered them the use of nine sections of his land, to reside on; that it was his own property, and he had a right to do as he pleased with it, &c.

I told Gen. McDougal that I had no right to question him, but I would not permit Paddy Carr, or any other rascal, to make assertions about me that were false, that he had been throwing obstacles in the way of emigration, and I would enforce the laws of Alabama on him, if I ever detected him again in making misstatements among the Indians.

Paddy most manfully denied having done so, but I am assured he did. It is to be recollected, that McDougal is the head of a large land company, and Blake, Mills, Walker, Howell, Iverson, Woodward and Watson, and others are concerned. After I left the ground I have been told that McDougal scattered a few handful of dollars among the Indians of this town.

The whims you allude to, and the view you take of them in preferring one set of persons to that of another, is, no doubt, correct. The Indians do object to this company, and there is no doubt, but all their objections is to the *company*, and not so much to *the system*. The opposition to the *contractors*, has grown out of the fact, that they have all been, and are now

land speculators, and in this way have come in contact with other land company's in the purchase of Indian reserves, and all the hatred and animosity existing has been thus created, and, I have no doubt, that all the opposition they have met, is from the influence of those hostile companies. Many of them openly boast of their hostility to the *Columbus company*. These men tell the chiefs who are under their influence, not to go with these contractors, that they are the very men that had their lands stolen, and the Indians believe them. Opothleholo has always been under the influence of Weir, Billingsly and Dubois, and their company, which is very extensive. They hate Walker and his company, who have always commanded Tuskina, and who is the enemy of Opothleholo, and all last summer Tusktina, under the direction of Walker, Woodward and Harris, was employed making efforts to colonize a party on their land in the prairies, and did every thing he could to defeat Opothleholo, and prevent his selling the 23½ sections of chief's lands, and he actually succeeded in breaking up two councils, and prevented the order of sale at that time. These tricks of his was all directed by Walker, who wanted to get the land himself. At last Opothleholo and his friends became too strong for Tuskina, and had him broke in general council, and had the land sold. Opothleholo was as much under *one* influence, as Tuskina is under the other, and both parties are governed by selfish views and their own aggrandizement. Weir and Co. was for purchasing a portion of Texas with the money of the Creek nation, the titles to be made to them and Opothleholo, who has always been in favor of emigration, but feared the McIntosh party in Arkansas, was easily led into the scheme of buying Texas. Weir and Dubois was to manage the purchase, and Mr. Carpenter, of Montgomery, agreed to loan them \$23,000, if they would give him a draft signed by all the upper chiefs, for the sum of, \$32,000.

Opothleholo immediately called a council, (March 1835) and obtained the assent and signatures of all the chiefs. Weir, Dubois, Opothleholo, Jim Boy, and Davy Barnett, set off for New Orleans to complete the trade, where they met Hodgekiss and Sam. Hawkins.

The trade, however, has never been effected, nor can I find out what went with the \$23,000. This debt is still unpaid, and was at Tallassa the other day, when I paid over the \$43,700, and is now one of the greatest stumbling blocks in Opothleholo's way, for he cannot remove until this and other debts are paid, for fear they will seize his negroes. It is easy to perceive the effect created among such an ignorant set of people by two strong companies, with their strikers, opposing each other. It is a perfect knowledge of these facts and the manner that those persons have heretofore acted and stood towards each other, that induced me to say, candidly to you, "*that it was my opinion that no land speculator should have any thing to do with the emigration.*"

Among other reasons for this opinion, is the fact, that the laws of Alabama prohibit persons from holding councils with the Creek Indians, except officers of the United States, engaged in paying annuities, or engaged in the duties of emigration. The possession of this contract enables this land company, under the pretence of emigrating, to hold secret councils for speculating purposes.

These meetings and their objects are generally found out by the other land companies, and increases their hatred and jealousy, and stimulates them to oppose them in the emigration, and there is no doubt, but from

these sources, the chiefs derive their feelings of hostility, and cause them to make the representations they have made.

As I said before, it is the persons, and not the system, that make this contract obnoxious to the chiefs. If, therefore, the collecting, enrolling, and marching, was placed under charge of your own officers, these difficulties would be overcome, the confidence of the chiefs would be restored. I am well aware of Capt. Page's partiality for the members of this company, and know too, that his opinion has great weight with the Department, and I do not wish, (if I could,) to weaken it, but would prefer to satisfy him as well as every one else, that my views and opinions are not founded on prejudice or caprice, or hostility to any one; if you will, therefore, comply with one request I shall make at this time, I am sure much good will result from it, even if Captain Page should be of the same opinion still. The request I shall make will involve the Department in no expense or put it to no inconvenience. My request is simply this, to order Captain Page to go with me into every town I visit, for the purpose of investigation, for him to be accompanied by one of the contractors, and in each town, after I get through with the investigations, for him to give a talk to the chiefs, and urge them to emigrate; to explain the contract, and to assure the chiefs that they have nothing to fear, and for the contractor to do the same.

I will aid them at each of these talks, and enforce such points as they may omit: if no other good will result from his taking such a tour, it will at least make him better acquainted with the chiefs of the upper towns. At present he is unacquainted with those chiefs, with the exception of Opothleholo, who he is very slightly acquainted with. A tour of this kind will afford a much better opportunity of seeing the several towns than were he to convene them for the purposes of emigration only, and they would be much better attended. In the vicinity of Fort Mitchell the chiefs have no idea of going this spring; they have actually began hewing their town-houses, and have given every indication of a fixed determination of remaining, and my only hope of getting them out of the country is to first get off the upper towns, and leave them unsupported by the presence of the other parties. The Uchees, which are said to be such a rogueish set, I think could be gotten off if some extra labor was bestowed on them, but most of the contractors are really afraid of them. Mr. Blake was supposed to have great influence with them, but when he went among them, last summer, he was glad to get away as fast as possible. These people have a deep sense of injury, and do not easily forget it. Blake, Howel, Fanning and Mills kept a store among them; Fanning they shot on the road, and in the examination of their town, enough escaped, to satisfy my mind, that the Indians knew who they were shooting at when they killed young Fanning, who had resided with his brother, in the nation. His brother died first. The alarm given Mr. Blake last fall, has not subsided, and I presume they will make no effort among these people at present. The Osevitches have removed from the river and gone on a piece of land lately purchased by their chief, Tukavatchee, of Isco, who at present does not intend to go. I have several times mentioned Neahmartla, a Hitchetee chief, the same that attacked Lieutenant Scott's boat, in 1817. He has a high reputation as an assassin. This old man, last fall, promised to go with me, but declined when the contract was made. I recently visited his town and house, and was most hospitably received, but he met me first in the Hatchachubbo square, and there were four towns present, and a great many whites, among

them Dr. Richardson and Parson Glenn, and Mr. Howel, the contractor. After I had gone through with the investigations, Neahmartla said he wanted to talk with me. We took our seats and he commenced making complaints. He stated how he had been swindled by Paddy Carr out of his land and money. I directed him to come to Fort Mitchell, and I would see justice done him; he then commenced complaining of the white settlers taking their fields from the Indians. I replied that as the Indians had sold those fields, they could not expect to be allowed to retain them. He replied "but they have the impudence to take our rails that we made to fence them in!" I then explained to him that the white man's laws always gave them the houses, rails, &c. &c. with the land, and then advised him to think of his new country, and went into a long talk, to show him the advantage of emigration, that when he reached there no white man would go into that country to live without their consent, &c. I saw very plainly that the old man did not listen to my talk with any satisfaction; at length he replied, and said "he had heard me with great patience three times urge that subject on him, that he had no doubt I was right, but he did not want to hear any more on that subject, that he had a higher chief to whom he must look for orders, and if his chief would say, get up and go, he would do so, but until he did say *go* he would stay." I asked him who that chief was that he would obey? He replied Neomicco. I then attempted to raise his pride by telling him what a great man and warrior he was, and that old Neomicco was an old woman, and had said he would never go, and was he to let his people remain here until a foolish old man brought them to destruction, &c. He replied that all the chiefs had their duties, and he could not go without Neomicco said the word. Another old chief, the one Scott stole his land from and sold to Dr. Richardson, spoke up with great bitterness, and said "he would stay and die here, and then the whites might have his skull for a water cup, they wanted every thing, and when he was dead they might have his skull too." I presume he had obtained the idea of the whites wanting the skulls from a Phrenologist a few months before visiting the nation and digging up a number of Indian skulls, and carrying them off, which greatly incensed these people, who threatened to kill old Adam for showing him where to find the skulls. I mention these things to show the sort of feeling that exists among these people, and how completely Neomicco controls the lower towns, as does Opothleholo those of the upper. The difference between these chiefs, as I have said, is that Opothleholo is in favor of going, and Neomicco is not. It is, therefore, all important that our greatest efforts should be made among the upper chiefs, and get them up as fast as possible. A council is to take place, as I have apprized the Department, on the 23d of March, and if at least one half of the annuity was paid to the upper towns, it would help them to get away; and I should think that no part of the annuity should be paid to the lower towns until they agree to go. The condition, however, which has been put on the payment by Judge Herring's letter of the 18th January, will be impossible to be carried out. The Creek nation is scattered over nine very large counties, and to expect to encamp them all, is asking for more than can be ever performed; and to withhold the annuity from all, would be unjust to those who want to go, and who cannot without the assistance of their share of the annuity. I shall now close this long letter by assuring you, that so far as in my power lays, every thing shall be done to aid the contractors to get companies of emigrants, and no obstacle shall be thrown in their way

by me. I have been honestly opposed to them because I have seen enough to convince me that they care nothing for the contract, only as far as it enables them to carry out their speculations, and affords them an influence over other land companies, with the Indians, and that when they get through with their land matters they will *abandon the contract*. Believing these things, because I could not close my eyes to what I have seen, my hostility to them has been entirely directed to the informing the proper Department, as I believe I was in duty bound to do, but I have never shown it by acts of opposition among the Indians. It is true that when I have heard the Government abused for not getting the Indians out of the country, by the settlers, I have sustained the measures of the Department by showing that they gave the contract to these gentlemen, who were supposed to possess unbounded influence with the Indians, and that the Government had done every thing in their power; and if the contractors did not succeed, it was their faults and not that of the Department. I shall leave here in two or three days for Tuskegee, which will be my head quarters, as most central for every description of duties among the Creeks, and with the aid and company of Captain Page, through the upper towns, I hope to be able to give a much more flattering account of the emigration, although not immediately charged with those duties, I shall not fail to aid in carrying your views into effect. I shall, as you direct, report to General Scott any thing that occurs worthy of his notice. Governor Clay will bring a regiment of volunteers into the nation in a few days, which will be of immense service if properly managed, if not it will be injurious. Governor Clay intends to accompany them. He has written to me to meet him and will consult me, as to their location and duties, all of which I shall duly apprise you of.

My health has been so bad since my return home, that for several days I have been confined to my house.

I remain, &c.

JOHN B. HOGAN.

COLUMBUS, *September 30, 1835.*

SIR: Our letter of the 8th inst. acknowledged your last favor of the 20th ult. with the contract for the removal of the Indians enclosed. Our letter informed you that in consequence of the absence of a part of the company, the instrument could not be completed until their return. Gen. Sanford has but within two or three days reached Columbus, having been detained in Milledgeville up to that time, by a severe injury which he received by the upsetting of the stage. This will account to you for the delay which has occurred in completing the contract. We have executed the instrument as drawn up by the Department, and now enclose it, although it varies in several important particulars from what was our understanding of it when at first agreed upon at Washington. The variations consist in the insertion of the 11th and 12th articles. It certainly was our understanding that our contract was to extend to the whole Creek nation, and to embrace the whole time up to 26th March, 1837. Your letter however explains the reason of this article, and makes it rest upon the want of any appropriation by Congress, for the removal of more than five thousand Indians. We have acceded to this article under the expectation of course, and which

is justified by your letter of the 20th ult. that if we are successful in the removal of five thousand Indians, agreeably to the contract, we shall be entitled to a full extension embracing the whole nation.

To the 12th article we do not object, but it must be with this proviso, that the Government must give us reasonable notice of its determination to rescind the contract, and must take off of our hands, at cost, such provisions or other necessary articles, which we may have purchased for the purpose of carrying on the emigration. We have taken the contract, sir, under the belief that at the price per head, we can make a handsome amount to compensate us for our time, trouble, and other important engagements which each member of the company gives up, the sum is much less than the Government has ever been able to emigrate these people for, still we believe it can be done with full justice to both the Government and the Indians, and the moment we discover this cannot be done, we shall at once give back into the hands of Government the important trust which has been placed in our hands. As it is not our desire or intention to make money at the expense of kind treatment to these people; so, also shall we expect not to be made losers by the contract, at a time when the views of Government are being faithfully and fully carried out. It will readily occur to you, that if the Government were to put an end suddenly to the contract, we might be caught with corn, beef, and other provisions on hand, which have and may be purchased for the purpose of emigration, and which would be troublesome for us to get rid of at once. A sudden stoppage again would probably subject us to heavy damages, for a non-compliance with agents and wagoners. All we desire is not to be made losers by the contract, upon the faith of which we have entered into these several contracts, to all of which we presume there can be no objection.

We are happy to inform you that the prospects of carrying off a considerable party this fall, are very good. Several chiefs, living in different parts of the nation, and who have immense influence among their people, are now only wanting the settlement of a question relative to the disposal of the sections of lands given by Government to the chiefs. This question will be settled at a council which is to be held on the 2d proximo. If the land is sold, (and of which we have but little doubt) we shall at once be enabled to take off a party of at least 2,500 Indians. Gen. Sanford and other members of the company will be present at the council with a view to operate upon some of the leading men, and to promote the views of the company. The Department shall be advised of the result of their labors.

Opothleholo, the principal chief of the upper towns, has pledged himself to start with a large number of his people, in all of next month, and we do not doubt a fulfilment of his pledge, if the question above alluded to is settled.

The contract which we have executed and enclosed, you will perceive has been signed by Benjamin Marshall, instead of S. C. Benton. Mr. B.'s long and continued illness has rendered him unable to join in the active labors of the company, his interest has therefore been transferred to Mr. Marshall. We presume the change will not be unacceptable to the Government. Mr. Marshall is a much more efficient member, having extensive connections and influence among the Indians; possessed of great intelligence, and wealth, and integrity, he will be a powerful instrument in the furtherance of the object in view.

It is expected that Government will, through its agents, use all proper

exertions to further the great object, which is as desirable to the country as ourselves, should be speedily accomplished. The chief agent can do much good in bringing the minds of the Indians to this important point, and a corresponding injury will be done, either from hostility or indifference to the success of our project. We have therefore to request the Department to give its agents the most positive instructions, to co-operate with the contractors in obtaining the consent of the Indians to move. Rumor with her ten thousand tongues, is already circulating the report in the country, and especially among the Indians, that Col. Hogan is very hostile to our company, and is using means to thwart our views and prevent our success. We are loath to believe that one holding the character and situation which he has and does occupy, would act thus unfaithfully. We informed you that we should expect strong opposition from interested white men residing in the nation, this report may have been started by these persons, knowing that if they can succeed in inducing the Indians to believe that the principal Government agent is hostile to us, they will be enabled to break up our plans. From our knowledge of Col. Hogan, we are not prepared to believe such reports, but it may not be amiss to give a spur to his zeal in the cause of emigration, by such instructions from the Department, as may seem proper, and to be demanded by the occasion. We shall not fail to notify the Department from time to time of our acting and doings.

We are very respectfully, &c.

JNO. W. A. SANFORD & Co.

Gen. GEO. GIBSON.

COLUMBUS, *October 23, 1835.*

SIR: We have the pleasure of acknowledging your letter of the 23d ult. and notice particularly the latter clause of it. The contract was completed and sent forward before the reception of this letter. Our letter of the 20th ultimo, accompanying the contract, will we hope satisfactorily explain our reasons for making the change of one name from the original company. Mr. Benton's health was in such a state at the time, that his active services were required by the company, as to compel him to decline a participation in the project; he is not yet perfectly recovered, and we do not believe would be able to engage in so laborious a business as this is necessarily compelled to be for the next six months. With this fact before us we cast about for a substitute, supposing that the Secretary of War would desire the full six names, and made choice of Mr. Benjamin Marshall, a naturalized citizen of Alabama, who in a pecuniary point of view is fully as responsible as Mr. Benton. His influence being much greater, the change we believe to be an important one to the company, and will go far in forwarding the views of Government in relation to emigration of Indians.

We cannot suppose that this change will affect the contract. I have, therefore, gone on to make such necessary arrangements for provisions, wagons, agents, &c. &c. as the occasion has called for.

We have also the pleasure of acknowledging the receipt of your letter of the first instant, together with the several instructions of the Government officers. Having made ample moneyed arrangements here we do not purpose to demand but a small sum, if any, of such moneys as may be due us upon the delivery of a party west of the Mississippi; on this point you need not further delay the instructions of Captain Page.

You will have received from the hands of Judge Tarrant the proceedings of the Indian council held on the 4th instant. The meeting was quite full, and the evidences and assurances given us of a general disposition to emigrate was indeed cheering. One strong feature in their proceedings was the deposing of Tuskenawahaw, the principal upper town chief, on account of his opposition to the emigration, which all appear to believe is their best interest. The sale of their public lands takes place to-day at Tallassee. General Sanford, Messrs. Blake, Marshall, and Ingersoll, are there with a view to opening a camp. Mr. Marshall sends me word on the 21st that there will be no difficulty in making up a large party in that section; on this side of the nation we shall be able to make up a party, but owing to the lateness of the season deem it best to throw both into one; the party will, therefore, be a large one, but at the same time will be a saving of expenses to Government and ourselves.

You shall be kept advised of our actions when necessary.

Respectfully,

Your obedient servants,

JNO. W. A. SANFORD & Co.

COLUMBUS, GEORGIA, *October 29, 1835.*

SIR: At the time we entered into a contract with Government for the removal of the Creek Indians, we did not anticipate other difficulties than those which arose from the prejudices of the Indians to the country to which they were to be removed, and the opposition of interested speculators and traders in the country, whose hope was the gain of the last dollar's worth of property could the stay of the Indians be prolonged. These were the only *serious* difficulties which we could foresee, and for which we could prepare ourselves to combat. The pledge given us, by the President and Department, that no delay should occur for the want of a certifying agent, we supposed would have been fulfilled; for the lack of such an agent, we are sorry to inform you, our hopes of making up a party of any considerable number are very faint. We refer you to a letter of Mr. Blue, one of Colonel Hogan's citizen agents for proof.

The company acting under the belief that no obstacle would be thrown in the way, by the Department, have gone on to use every legitimate means in their power to prepare a large party for this fall emigration, and had succeeded, at a council of head chiefs held at "Dudley," in September last, in obtaining their consent and fixed determination to remove west so soon as their twenty-nine sections of land was sold; this sale took place at Tallassee on the 23d instant, of these things the Department has been duly informed. In anticipation of a large party the company have made extensive arrangements for beef, corn, wagons, and all the other necessaries for such a party, in accordance with the contract; and General Sanford, and three other members of the company, went out for the purpose of receiving such Indians as were ready to come into camp. Colonel Hogan, no doubt, with a view to facilitate the wishes of the Department, relative to the emigration, arranged to be at Tallassee, on the 20th, for the purpose of looking into and rectifying such frauds as were alleged against those who purchased lands in that section of the county. His investigations began on the 21st, and he found sufficient cause to induce him to reverse a large number of contracts

supposed to have been made by the very Indians who were preparing to emigrate. He, however, had not authority to certify anew, and the Indians, of course, could not be induced to remove and leave their land behind them. General Sanford had an interview with Opothleholo on the subject, and was informed that himself, and all the other Tuckabatchee chiefs, was ready with their people (three thousand in number) to go into camp, in ten days, provided Colonel Hogan would certify to their lands. The company waited on Colonel Hogan and stated the necessity of his certifying to these sales; he, however, declined doing so. These people have disposed of all their provisions, corn, stock, cattle, &c. preparatory to a removal; their disappointment, therefore, places them in a very awkward situation, with little or nothing to eat, and winter rapidly approaching; their situation is one not to be envied.

Thus sir, you see by the omission of an important act of the Department, are we prevented from fulfilling our contract after having gone to a heavy expense in getting ourselves ready; our pledges forfeited to the Indians, a people naturally suspicious of the whites, who are left without provisions, to get them through the winter, except such as chance, theft, or charity may place before them.

Our expenses thus far, exclusive of our own services, are about \$4,000, and must continue to increase, without the hope of reduction, until the Department see proper to remove the obstacle which bars our way to action. None but those opposed to the contract system can charge a lack of exertions on our part to effect the removal of these people. We are aware of the great exertions, which have been, and are still making, by designing and interested men, to prevent the removal of the Indians under this system, and we have not been slow in meeting and counteracting their secret opposition so far as lay in our power; we should have succeeded in our efforts but for this absence of a certifying agent. We supposed as Colonel Hogan had been appointed investigating agent, he also was a certifying agent, and, therefore, did not call the attention of the Department to that important point. Winter, now rapidly approaching, will make it too late for a party this fall even if an agent was appointed. Our opponents know this full well, and will use it against us next spring, by saying that by our promises of removal the Indians were induced to sell their provisions, and were then left to starve; they know that this will have a powerful influence in prejudicing the Indians against us, and thereby force a failure by means of circumstances over which we could have no control, but which we do not hesitate to charge upon the Department. Had an agent been appointed in time, as we had every reason to believe there would be, we should by this time have been on our march with a large party of Indians, but instead of this we are thrown back with a heavy expense account upon our shoulders, and the daily certainty of its increasing, without even the prospect of relief.

We are, sir, ready to comply with the strict letter of our agreement, if we can be permitted to do so, if not, we shall, of course, expect to be reimbursed for our outlay by the Government.

We are making up a small party in this neighborhood; it probably will not exceed five hundred, and it may go to a thousand; these will go provided the investigating agent does not get among them before they start.

We shall inform the Department of the progress of this party.

J. W. A. SANFORD & Co.

Gen. GEO. GIBSON.

COLUMBUS, GEORGIA, *November 3, 1835.*

SIR: Having thus far, unsuccessfully, attempted to fulfil my obligations as one of the company, engaged in the removal of the Creek Indians, and believing my services no longer of any avail in the accomplishment of that object, amidst the continued accumulation of new difficulties, I consider it my duty to apprise the Department, at the earliest opportunity, of my withdrawal from that connection. It may not be necessary to enumerate the various causes which have led to that determination; but it would, perhaps, be wrong not to mention that the policy which has been adopted in the entire suspension, at this time, of the sale and certification of Indian lands in all cases whatever, has in itself alone presented an insuperable obstacle to the undertaking, and so long as that measure is persisted in must render all future attempts at emigration, whether of the Government or of the company, alike useless and abortive.

I have the honor to remain,

Your obedient humble servant,

J. W. A. SANFORD.

To the Hon. Sec. of War.

EMIGRATION OF INDIANS,

Office Com. Gen. Sub. November 12, 1835.

GENTLEMEN: Your letter of the 29th ultimo has been received at this office.

I regret that any circumstances should have occurred to delay or impede your operations in the removal of the Indians. But while I yet indulge the hope, that you will be able to go on and fulfil your contract, it is proper that I should notice some of the remarks made in your letter. It is not known here what pledge you refer to when speaking of the appointment of a certifying agent. While the Department of War was very desirous of taking all proper measures to effect the removal of the Indians, it was still its duty and the determination of the President to investigate and, as far as possible, to correct the frauds which, it was alleged, had been committed. These frauds were of a very extensive nature, and the proper mode of proceeding was a question of much embarrassment. And it certainly was never intended to give you any pledge which would interfere with any proper measures in the performance of this duty. How far, or how rapidly, it was proper to proceed, from time to time, in certifying contracts, was a question which could only be determined by circumstances as they arose. You are well aware of the facts under which the suspension originally took place. When Col. Hogan was selected to examine these alleged frauds, the certifying agents were authorized to proceed with their business. But, in consequence of the returns subsequently received from Dr. McHenry, exhibiting nearly one-fourth of the contracts certified by him as fraudulent, it was deemed proper again to suspend the business for further examination. Afterwards, however, with a view to expedite the movements of the Indians, the instructions were again given to the certifying agents to certify all contracts where there were no allegations of fraud. These instructions they now have, and it is presumed that they are acting under them.

Your letter charges the Department with neglect in not authorizing

Colonel Hogan to certify the new contracts made in lieu of others declared by him to be fraudulent. The charge is unfounded. This course was not the result of neglect but of intention, nor, in fact, could any other course be adopted. It was not intended that Colonel Hogan's action should be final. Under the treaty with the Creeks, when the instructions were carrying into effect, many contracts were formed for the conveyance of these lands. After these had been received here, and before the action of the President, allegations of fraud were made against them. These it became proper to examine with a view to the final action of the President under the provisions of the treaty. The necessary facts could not be procured here, and therefore an agent was appointed to collect and report them, together with his opinion. The decisions would involve the rights of the Indians and another party, and the power of making them could not be transferred to Colonel Hogan or any other person. The President alone could decide in these cases; and the authority is one which could not be transferred. It was the view of the President and of this Department, that Colonel Hogan should make the proper examinations and report the subject here, and that the whole matter should then be laid before the President for his decision. It will be seen, at once, that no power to re-certify these contracts could be conveyed to Colonel Hogan, until the President had decided that the previous contracts were invalid, by reason of fraud, and that of course that a certifying agent is unnecessary, till this report is received and acted upon.

I do not precisely comprehend the object of some of your remarks, but if they lead to the expectation of any claim against the Government, founded upon the arrangements which you have made or may make, and which may be defeated by the unwillingness of the Indians to go, it is proper to remark, in this stage of the business, that such a claim cannot be admitted here. The understanding of this office was, that you went on at your own hazard to remove as many of the Creeks as could be induced to go within the number limited. But no guaranty on the part of the Government was given, that one should go, or that the expense encountered and rendered unavailing, should be refunded. You had a right to expect the fair co-operation of the Government in its agents. This, I believe, has been given. But if good faith towards the Indians and the dictates of common honesty required an investigation into alleged frauds under the treaty, and if circumstances, properly growing out of such investigations, interposed delays to the removal of the Indians, the risk, and every other risk attending the operation, was one which belonged to the contractors. But even as it is, I do not see that the unsold lands should detain the whole body of the Indians. Out of the large portion who have sold, there must be many ready to go. And if the circumstances, in which the Indians may be placed by their further continuance in Alabama, may be as distressing as you suppose, it certainly would be better to prevail upon those whose land is unsold to remove, leaving in that country, till after the receipt of Colonel Hogan's report, the reserves themselves to dispose of their land at their own pleasure.

Your letter was laid before the Secretary of War, and the foregoing was written by his order and under his direction.

Respectfully, &c.

GEO. GIBSON,

Com. Gen. Sub.

J. W. SANFORD & Co.

Con. Creek Rem. Columbus, Georgia.

COLUMBUS, December 3, 1835.

SIR: We have to state to the Department, that our work of emigration has, at length, commenced. A party of Indians, consisting of about five hundred, left their encampment on Monday last for the Arkansas, under the superintendance of Doctor Ingersoll and Ben. Marshall, accompanied by Lieutenant Deas of the army and Doctor Randall. They expected to be joined west of the Tallapoosa river by another party, who, it is understood, were assembling under our agent, Mr. Sommerville, and probably making in the aggregate six or eight hundred. The present party is intended more as an experiment than otherwise, and as an inducement to further emigration next spring. The weather will be too cold for several months to carry on our operations, and we shall suspend them until February or March. We shall, however, in the mean time, be actively engaged in preparing the minds of the Indians towards a general movement in the spring. From all the information we can obtain, and which we think may be relied upon, there is no doubt of a general disposition in all parts of the nation to emigrate at once; and, unless some unforeseen cause occurs to prevent, we shall be enabled to move the whole number embraced in our contract before the time limited. Indeed, we feel confident by the 1st of July, a much larger number may be got off, and we have to suggest to the Department the importance of obtaining at an early day a sufficient appropriation from Congress to cover the expense of their removal. The greatest obstacle, at present, presented to the speedy and complete removal of these people by the contractors, is to be found in the confused state in which the sales of their reservation seems to be involved. The examination into the alleged frauds progresses very slowly, and we fear that this matter will be so much prolonged as to operate a serious injury to the success of our operations. If all the disputed cases could be settled in the course of the winter, and agents appointed to certify contracts set aside, or which have never been made, we cannot doubt but that early in the spring or ensuing summer, almost the entire nation will have sold their lands, and be ready and willing to move away. As long, however, as these disputed claims remain undecided, and the Indians are looking forward to the sale of their lands, those interested will, of course, be unwilling to leave, and their stay will detain others, their relations and friends. We have respectfully to request of the Government, that it will hurry its operations upon this subject to a speedy termination, and notify the Indians through its agents of its entire close and of the final action of its officers in relation to these land cases.

We feel bound once again to request the Department, that the proper instructions be given to its agents and officers here to co-operate *actively* with the contractors in their efforts to induce the Indians to emigrate. We could derive great aid from the active, and positive and zealous exertions of your principal agents. Their official stations entitle them to much influence amongst the Indians, which, if properly and judiciously exercised, would certainly produce a good effect. We regret to have formed the opinion that Col. Hogan has not heretofore pursued the course in relation to this company which we think he ought to have taken, and that he has not given us that assistance which his office and character would have commanded. We make no charge against Colonel Hogan of unfaithfulness to the Government, but we are constrained to say, that he has been too lukewarm in his efforts to promote our success, and has been too ready

in the expression of opinions unfavorable to our operations, the natural tendency of which is to defeat us. It is not necessary to particularize these expressions, but if it should become proper to do so, we can point to conversations held too frequently by him, in which, amongst other things, he has expressed his utter want of confidence in our ability to perform our engagement, that we would be compelled, in a short time, to abandon the contract, and that the old mode would again be resorted to. These coupled with expressions of ridicule and disparagement towards at least a portion of the company have induced us to *suspect*, at least, that Col. Hogan has taken up an unfavorable prejudice against the contractors, and is not disposed to co-operate freely and fully with us in our efforts to accomplish the object in hand. We may have formed an erroneous opinion upon this delicate subject, if so, we shall regret it exceedingly, but we conscientiously entertain the opinion here expressed, and so entertaining it, we have felt it due as well to the Government as to ourselves, to make it known to the Government.

What course the Government should take in relation to it, is not for us to suggest or advise. We have no doubt, the Department will do all in its power, properly to facilitate our operations, and we shall, hereafter, look with more confidence to the open and active influence of its agents in our behalf.

We have this moment received your favors of the 12th and 23d ultimo, the contents of which shall receive our most respectful consideration.

We are respectfully,

Your obedient servants,

J. W. A. SANFORD, & Co.

Gen. GEO. GIBSON.

P. S. We still use the co-partnership term, although Gen. Sanford has retired from the active operations of the company.

COLUMBUS, December 14, 1835.

SIR: After several days' absence from this place, upon my return I was honored in the receipt of your letter of the 14th ultimo.

I should be justly charged with a want of candor, not to acknowledge that the determination expressed in mine of the 3d ultimo, to which the one now before me is in reply, grew out of the failure of the company to comply with the stipulations they had agreed to perform in the removal of the Indians, and from my convictions, that in the manifold difficulties they had to encounter, there was but little prospect of their being able to do so at any future period. Fully impressed with this belief, I am far from being certain that I have acted precipitately or prematurely, in being unwilling to encounter, any longer, a responsibility which I could not discharge. At the time the contract was undertaken, there was every probability of its speedy fulfilment, and the company, in its exertions, have left nothing undone or unessayed which could realize that expectation. The principal towns throughout the nation were frequently visited; councils were as often convened, and every argument employed to demonstrate the great importance, as well as absolute necessity, of the measures recommended for their adoption; but up to the period of my retirement, our labors were neither

attended with success, nor encouraged with the hope of ultimate triumph. Under these circumstances, I felt justified in pursuing the course which I have done, in order that the Department, if it thought proper, might adopt such other measures as might be demanded by the exigency of the occasion, and the importance of the object to be effected.

I have, however, since learned, that brighter prospects have dawned upon the company, and that in its present organization, there is every probability of its being able to achieve the purpose of its original formation. Nevertheless, having myself ceased to be one of its members, I must still claim to be indulged in that determination; and more especially seeing that in my retirement not the slightest detriment will result to that interest, or to the views they are endeavoring to accomplish.

In adverting, in my former letter, to the suspension of the duties of the certifying agents, I beg the Department not to understand me as casting the slightest censure upon any measure which may have been deemed necessary to protect the Indians from the wrongs to which they have been exposed. Whatever may have been their effects upon the prospects of the company, whether they have retarded emigration or not; whether they have or have not afforded a pretext to the chiefs, for evading the assurances which were given, at different times, of their intention to remove to the west, I am fully persuaded that they have been dictated by the feelings of humanity and justice, and, as such, they have had, and will continue to receive, my most hearty concurrence.

I have the honor to be,

Your obedient humble servant,

J. W. A. SANFORD.

HON. LEWIS CASS,
Secretary of War.

TUSCUMBIA, December 22, 1835.

DEAR SIR: It is night, and we have just finished getting on board of boats, the Indian wagons and our beef and corn. We go in the morning on board, bag and baggage, save the horse party, which has to try the swamp and the deep roads. We have most appalling accounts of the Mississippi swamp. It is said that hundreds of people are in the mire, without a prospect of getting out; and it is believed it will be very difficult to get horses through, if not impossible. Their bones may be found one thousand years hence, by a different race of men than white men. If the Arkansas river should favor us, we shall make a short trip of it; if it should not, we shall yet have to plod our way through a little mud. The Indians are pleased with the plan of going by water, and entered into it with spirit, so soon as we declared to them the necessity of it. The roads, we are informed, are almost impassable between this and Memphis. I should like to have you here, just that you might be able to judge between a camp life, and the enjoyments of a warm parlor and a pretty wife.

Yours, &c.

S. M. INGERSOLL.

Major JOHN D. HOWELL.

Extract from a letter from Messrs. John W. A. Sanford & Co. to the Commissary General of Subsistence, dated Columbus, Georgia, January 6, 1836.

"It is, we presume, hardly necessary for us to call your attention to the recent Indian disturbances on the frontiers of Georgia. The public prints, and the acts of the Georgia Legislature, shows too plainly that these disturbances have assumed a very alarming aspect, and demonstrates, very clearly, the great necessity of their speedy removal to their intended homes, otherwise, in a short time, we shall have such scenes enacting at our very doors, as is now going on in Florida with the Seminoles."

Extract of a letter from Messrs. John W. A. Sanford & Co. to the Commissary General of Subsistence, dated Columbus, Georgia, February 2, 1836.

"Our town and the frontier below it, for fifty miles, have been for the last ten days under arms, in expectation of an attack from the Indians, but, with the exception of one little skirmish in which two whites were killed, nothing of a serious character has taken place. On the first instant, a meeting was had of the Indian chiefs, and General McDougald and Baily, at Fort Mitchell, by which peace was restored to all parties. Colonel Hogan, we presume, will write you the particulars.

"Letters received from the two members of our company having command of the Indian party, now on their way to Arkansas, dated at *Little Rock*, 8th ultimo, say that all are getting on finely; not one on the sick list; and expect to arrive at Fort Gibson in six days after the date of their letter. This trip will be made in about *forty-five days*, satisfying, at the same time, the Indians, your agent, and ourselves.

"Colonel Hogan agrees with us, that it is worse than useless to attempt moving in the way of emigration, until after all this investigation is brought to a close. Our movements, therefore, very much depend upon the actions of the Department, and the investigating agent."

COLUMBUS, *March 1, 1836.*

HON. LEWIS CASS:

SIR: The interest which we have in the prompt removal of the Creek Indians, is our excuse for troubling you with this communication. Convinced, as we are, that things are taking an unfavorable turn, we consider it due to ourselves, as contractors to the Government, and the public, to point out to you the causes which seem to us to be producing that effect, and to make a few suggestions as to the remedy. You will do us the justice, we trust, to believe that opinions and suggestions upon this subject, are influenced entirely by a strong desire to see the policy of the Government carried out, for our individual interests are deeply and closely connected with the speedy accomplishment of it. We have contracted to carry off the Indians; the sooner it is done, the better for us, as well as the Government and the people generally. We doubt not, therefore, whatever we may say in relation to the matter, will be received and acted upon in

the spirit with which the communication is made; and that we shall have the cordial co-operation of the Department in producing the result desired by all.

Three months ago, we had great hopes of being able to remove a large portion of these Indians in the course of the ensuing spring, and perhaps the whole tribe within the year. There certainly was, at that time, a pretty general inclination to emigrate, and we received communications from several influential and principal chiefs, that they would go so soon as the weather would permit; we regret to be compelled now to state, that our expectations seem likely to be disappointed. We learn, from every quarter, that the disposition to emigrate has much diminished of late; that the Indians are generally preparing for another crop; that they are disposed to decline going away for the present; and many of them have expressed a determination not to go at all. The conduct of the Seminoles may, in some degree, have contributed to produce this state of things, although we do not believe that it has had any serious effect. The great cause may be found in the investigation of the alleged frauds; in the obtaining of certificates to individual reservations; the delays which have occurred, and still exists, in the prosecution of these examinations; and in the unwise and unfortunate course and conduct of the agents of the Government, who have been commissioned to make them. It is not to be denied, that the treaty itself was an unfortunate one, as the granting of individual reservations to the Indians, has been productive of but little real benefit to them, and has given rise to the commission of frauds, and involved the whole of our relations with the Indians, and their lands, in much confusion. If, however, the agents of the Government had used that *caution, diligence, and scrutiny*, which the nature of their duties and office demanded, few cases of fraud could have been practised, and the difficulties which have occurred, would have been avoided. In one or two instances, the Government seems to have been unfortunate in its selection of certifying agents. From some cause or other, frauds are said to exist, and no doubt have been committed.

We believe that it would have been better for all parties concerned, as well the whites as Indians, if the President had confirmed every contract as soon as it was received having the forms prescribed; but inasmuch as the public authorities thought otherwise, and have instituted investigations with a view to correct the alleged frauds, we do not presume to question its propriety. If the investigations had been properly conducted, we have no doubt but that they would long ago have been concluded; the action of the President upon suspended contracts been had, and most of the difficulties in the way of the removal of the Indians have ceased to exist. But the *manner* in which these investigations have been carried on, have, in our opinion, been exceedingly unfortunate. We cannot suppose that fault lies with the Department of War from whence the instructions issued. The instructions given, as we understand them, have met our decided approbation, and could not fail to be approved of by all. If they had been carried out in the spirit which dictated them, we feel confident that the whole matter would have been brought to a just and proper conclusion before this. But what has been the course of your investigating agents? Your instructions, amongst other things, stated explicitly, that nothing like a *general and indiscriminate* examination into *all* the contracts certified, was either expected or intended; that the agent should only attend to such cases as should be brought before him *by the parties aggrieved*, supported

by evidence showing probable cause; that then he should give the purchaser notice, if possible, and proceed to the examination, &c. The course pursued has been altogether different, both by Dr. McHenry and Colonel Hogan. They have gone around to each Indian town; assembled the people; opened the certifying agent's books; called and examined every name in the town; proposing such questions to their limited capacities as were calculated to confuse them; receiving as the *best* evidence, the *assertion* of the *lowest* drunken Indian, who prompted either to complain or testify to the complaints of others; passing by, with *indifference*, the *obscure* evidence offered at *the time* of the investigation, by the purchaser; *assuring* them that a separate day will be given them to introduce their testimony; thereby *inviting* complaints on the part of the Indians and leaving the impression every where among the Indians, that upon such *evidence* the case would be decided in their favor, and they have an opportunity of disposing of their land again. The inevitable effect of such proceedings could be no other than to *induce* complaints when no just ground existed; and to create the hope amongst the whole nation of being permitted once more to realize the price of lands already sold. It is, sir, unfortunate that your agents appear to have considered themselves the *advocates of the Indians*, rather than impartial judges or collectors of evidence for the just decision of the President. But this is not all: your instructions direct a *speedy* termination of this business; and you have authorized the principal agent to appoint others under him for that purpose. Instead, however of going through at once, we regret to say that unaccountable delay has occurred and great apparent neglect taken place. Col. Hogan was appointed, if we remember rightly, last September: he came into the Nation and examined some two or three towns in Dr. McHenry's district, and then went to Mobile: he returned about the middle of January, following, and commenced the investigation of Gen. Sanford's district, and continued there some three weeks; he has again suspended operations and returned to Mobile, with the understanding that he is to return in March, to see the annuity paid out, and to attend to sales of the orphans' lands, in April, and then he will go on with the investigations; commencing at Judge Tarrant's district, and completing in turn Dr. McHenry's and Gen. Sanford's district. We regret again to state that Col. Hogan has pursued a singular, and we think, an unwise course in another way. He has said to the Indians in several towns that have already been examined individually, that he will return once more and give them an opportunity of entering complaints. We respectfully suggest that such a course will take the whole year, or *longer*, to complete the investigation, and defeat not only the contractors, but every effort which can be made on the part of Government to remove these Indians to their given homes within the specified period. Are these acts agreeable with the instructions of the Department? When and where are these examinations to end? We are clearly of the opinion that no respectable body of Indians will go off as long as the question in relation to their lands are left open. There are already a large number of contracts complained of (perhaps 600 altogether) and favorable reports made in their behalf. These of course will not go until the matter is decided. Every one there interested is connected or related to others, and his or their story prevents the others from going also; many of them are chiefs and head men who control large towns. In addition to these already interested in these cases, there are hundreds who are only waiting for an

opportunity to enter complaints, with the confident belief that they shall have nothing else to do, but complain and get back their lands. The conduct of your agent holds out the belief every where, that opportunities will be offered to them to complain. In short, sir, the investigating ground presents the scene of a shameful farce. The words and oaths of men who would stand high in any community, are pushed aside, and the *simple assertion* of an unprincipled Indian taken as *prima facie* evidence: under such circumstances can it be expected that the labors of the contractors, however active and zealous they may be, can be crowned with success. In the mean time, the spirit of hostility is spreading itself throughout the nation: contests are going on every where betwixt the white man and the Indians; these latter, emboldened by the one-sided proceeding of the agent of the Government, are contending for lands to which they have no claim, but which by the supposed countenance of the agents may be surrendered to them.

The contests are growing more and more frequent and inveterate, and the time is near at hand when worse consequences must ensue. They can only be avoided by a *prompt, energetic and decided* course on the part of the Government. We have to suggest the propriety of the following course: let the President decide at *once* upon all the cases which remain in his hands unapproved; by approving those contracts which have been certified to by *General Sanford* and *Judge Tarrant's*, in whose districts little or no real cause exist for complaint. In *Dr. McHenry's* district, much injustice has been done the Indians, and we would advise the reversal of all such cases as was reported by the agent. It is better, sir, in the present confused state of things that a little injustice should be done than further investigation should be had. In all reversed cases, the agents might be instructed to give to the ostensible purchaser the preference in renewing the contract or the right to a new certificate upon his producing the *bona fide* owner of the land and the Indian's acknowledgment before the agent of the correctness of the former sale. This course would allow every one who had purchased *bona fide*, to obtain the benefit of his contract before the certifying agent, and it would lead to a speedy result. Let all investigation cease for the future. It seems to us that sufficient has been done upon this subject to satisfy the most *scrupulous*. *Gen. Sanford* was appointed to investigate cases in his district; he gave a *fair* opportunity to the Indians to have their cases examined; the result of that examination was reported to you. *Col. Hogan* has also gone into most of the towns in this district, and under a *general investigation* but few cases have presented themselves, and most of these are contracts which have been approved some two years ago or longer. We do not know a great deal of *Judge Tarrant's* district, but *we know the man*, and believe him fully capable to manage the affairs in his district. In these two districts ample justice has been done to the Indians.

The reported cases in *Dr. McHenry's* district being set aside, and the duties and office of the investigator ended, let there be four or five *certifying* agents appointed, stationed at the following points, viz: *Judge Tarrant's*, at *Talladega*, (his present district); two in *Dr. McHenry's* district, one to remain at "*Tallassée*," the other at "*Casataw*;" one in *Gen. Sanford's* district, to be stationed at this place or *Fort Mitchell*, the duties of this officer could not be great, as but few contracts remain to be certified to. Let these officers remain constantly at their post and adopt such a plan for

certifying as shall ensure good faith in all future sales. With this number of agents their facility for executing contracts, with the present rage for speculating on these lands, and we have no doubt that in two months nearly every Indian will have sold out and will be ready for emigration. Instruct your emigrating agent Captain Page to go into the towns, and say officially, that all investigations had closed; that those who had sold, *must emigrate*, and those who had not, must sell at once, and go off. It is our deliberate opinion derived from *strict* and anxious scrutiny into this whole matter, that the course here suggested, or something like it, would have a most decided effect, and that nothing short of it will prove effectual in removing these unfortunate people. We are the more confident in the expression of these opinions, from the fact that they are corroborated by the opinion of every intelligent man with whom we have conversed. We believe, that with the faithful and zealous co-operation of your officers, we shall be enabled, not only to comply with the contracts to remove 5,000 by the first of July, but we shall succeed in carrying off the whole tribe within the present year, with economy to the Government, and peace and tranquillity and happiness to the Indians.

In conclusion, we have to state our firm conviction, that if matters are left discretionary in the hands of the present investigating agent, whether he desires such a result or not, it will end in our discomfiture and loss, and in the defeat of the humane and benevolent policy of the Government which dictates the speedy removal of these Indians, to their destination west of the Mississippi.

I have the honor, &c.

JOHN W. A. SANFORD & CO.

P. S.—Should the plan proposed be accepted by the Department, the appointment of certifying agent might be given to the emigrating agent, (Capt. Page) with instructions to employ two others as assistants.

J. W. A. S. & Co.

COLUMBUS, *March 17, 1836.*

SIR: Your letter of the first instant is at hand. We are happy in being able to state to you, that our prospects of Indian emigration this spring are very promising. Messrs. Ingersoll, Howell, Woodward, and Walker, have been out in the country into various directions, and report that heavy parties may be made up directly after the meeting which takes place at Luchipoga, on the 23d instant. We shall open our camps on the first, and leave, if possible, on the 15th April. We shall give you good accounts, provided a damper is not again thrown over our prospects by Mr. Hogan, who, in his great effort to break down the contract company, has certainly done more to prevent the speedy emigration of these Indians than the acts of every other person besides. On the subject of this opposition we will write you in a few days—so soon as we can get possession of such information as we are in pursuit of relative to the conduct of this gentleman.

I have the honor, &c.

JNO. W. A. SANFORD & Co.

To Gen. GEORGE GIBSON,

Commissary General Subsistence.

COLUMBUS, *March 30, 1836.*

SIR: We are sorry to have to inform you, that the land operations of one of our company have been, and still continues to be, of such a character as to interfere very much with the emigration of the Indians. The company have therefore been obliged to vote him out of the contract. The person is Mr. L. Blake: he is no longer a member of the company.

Five camps will be opened forthwith; one in Talladega county, one in Coosa county, one in Tallapoosa county, one in Macon county, and one in Russell county: at least five thousand will be on the road in less time than a month from this time.

Very respectfully, &c.

JNO. W. A. SANFORD & Co.

General GEORGE GIBSON,
Commissary General Subsistence.

COLUMBUS, GEORGIA, *March 30, 1836.*

DEAR SIR: In our letter of the 17th instant, we remarked, that we were in pursuit of certain evidence of Colonel Hogan's opposition to our company and the emigration, and that so soon as we could get hold of it, we would lay it before you. This we now do, in the precise language that it was given to us.

A report reached us that Colonel Hogan had advised the Indians of the Tuckabatchee towns to make another crop before they emigrated, saying that they had yet plenty of time to move in. To ascertain the correctness of such a report, Messrs. Ingersoll, Howell, and Woodward, were dispatched to investigate the matter. They called on the person who had the conversation with Colonel Hogan. This person is David Barnard, an intelligent half-breed Indian, and is the interpreter to the chiefs of the Tuckabatchee towns. Barnard stated to Messrs. Ingersoll and Co. that last fall the chiefs had held a talk with Colonel Hogan about emigration; that Colonel Hogan told them that *he* would be ready to move the Indians in the following spring. Barnard further informed them, that this spring, or about the 23d of February, that chiefs called on Colonel Hogan to know whether he was ready to emigrate them according to promise; that Colonel Hogan told them, "that he had so much to do in their land matters, that it would be impossible for him to emigrate them before the fall." The chiefs said they had sold every thing, and were then ready to move. Col. Hogan replied, "that if they would not wait for him, that probably they might find some fellow about Columbus who would emigrate them." We give you the words as we received them. We forbear comment on such a course of conduct. We have felt it our duty to lay the subject before you, for the purpose of showing the kind of opposition that we have had to contend with since we first got the contract.

We know that Colonel Hogan has never spoken of our company to the Indians in such manner as to forward the object of the company, or the emigration of the Indians under it; on the contrary, he has done every thing in his power to induce the general opinion in the nation, that he is the proper person to emigrate them, and, we know, has so expressed himself at several of their councils.

We have felt exceedingly mortified that Colonel Hogan should have entertained the least feeling of hostility to us or the contract; but such, sir, is the fact, and is too notoriously known throughout the whole community to be denied.

We are, very respectfully, &c.

JNO. W. A. SANFORD & C

General GEORGE GIBSON,

Commissary General Subsistence.

COLUMBUS, GEORGIA, April 3, 1836.

SIR: Your letter of the 23d ultimo is at hand. We regret exceedingly, sir, that the appointment of Captain Page is not permanent, for the reason, that, from him we should receive every assistance consistent with his duties, while from Colonel Hogan we have, still do, and always shall receive the most violent opposition to our success. We state these charges, sir, very candidly to you, and we do so *because we can prove them to be correct.*

The emigration of these people is certainly cheap to the Government at twenty dollars per head, provided they are well fed and well treated. The reports of Lieutenant Deas, we believe, state that this was the case with the last party. We cannot, then, see why this unfair opposition to us should have commenced, and have continued this long. Is it the honor of moving Creek Indians that is so strongly sought for? or is it the re-establishment of the old system where forty dollars per head is paid?

A letter received from one of our company (Captain Walker) states, that he started, on the first instant, in company with Opothleholo, to establish the Tuckabatchée camp. We think near fifteen hundred will go from this camp.

We shall keep you constantly advised of our operations.

We are, sir, with great respect, &c.

JNO. W. A. SANFORD & Co.

General GEORGE GIBSON,

Commissary General of Subsistence.

COLUMBUS, GEORGIA, April 16, 1836.

SIR: We have the honor to reply to yours of the 7th instant.

We shall very soon, we believe, give you good accounts of our success in the emigration of our Indians. Every thing looks favorable for four large parties to reach Tuscumbia in all of the month of May.

Provisions of every description are very high, and hardly to be got for any consideration.

We shall keep you constantly apprized of our operations.

We are, sir, with great respect, &c.

JNO. W. A. SANFORD & Co.

General GEORGE GIBSON,

Commissary General of Subsistence.

COLUMBUS, GEORGIA, *April 12, 1836.*

SIR: We have the honor to acknowledge the receipt of your letter of the 28th ult.

Doctor Ingersoll (one of the contractors) returned to-day from the upper country, Coosa and Talladega counties, and reports the Indians ready and willing to move. We have taken them at their word, and three camps are being opened in that section for their reception, to start about the first of next month. Two of these camps will be opened in Coosa county, and the other in Talladega county. A camp will be opened in ten days, in the vicinity of this place, for the reception of such families as will emigrate. The emigration on this side of the nation will not be large at present. We still express the opinion that a large portion of the Indians will emigrate this spring and summer.

We shall keep you constantly advised of our operations.

Respectfully, &c.

JNO. W. A. SANFORD & Co.

Gen. GEO. GIBSON,
Com. Gen. of Sub.

COLUMBUS, GA. *March 28, 1836.*

DEAR SIR: The contractors attended in a body (with the exception of Judge Iverson, who is now holding his courts,) the Indian council at *Luchipoga*. After dividing their money, the Indians met Col. Hogan, Capt. Page, and the contractors, in two separate councils, on the subject of emigration. We are happy to say to you, sir, that we met with the most favorable reception from the upper chiefs; they have pledged to emigrate at once. We shall open camps so as to be able to start by the latter part of April, with two companies.

We can guaranty for at least *eight thousand* removing this spring and summer, and should not be surprised if the whole nation were to emigrate this year, provided no serious obstructions is thrown in their way by the calling of councils, land investigations, &c. &c. We have the benefit of the services of all the influential men living among the Indians, and have, we think, so arranged our affairs, as to render defeat in our object almost impossible.

With respect, &c.

JNO. W. A. SANFORD & Co.

Gen. GEORGE GIBSON,
Com. Gen. of Sub.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub. April 15, 1836.

GENTLEMEN: I have to acknowledge the receipt of your communications of the 28th and 30th ult. and also of the 1st and 3d inst. which have been submitted to the Secretary of War, who instructs me to say that he cannot release from the liabilities of the contract, any one of the original contractors. The Secretary of War is extremely gratified at the fair prospects of emigration this spring. By his instructions, I forward to Colonel

Hogan a copy of your communication, to afford that gentleman an opportunity of convincing you that he is not opposed to your successful removal of the Creeks under your contract. The Secretary exceedingly regrets to see these continued manifestations of a want of confidence between the contractors and Col. Hogan, and says the public service is injured by it, without corresponding advantage to any one. I am instructed to request both Col. Hogan and yourselves, to go on and discharge your respective duties, and disregard all private feelings.

The Secretary of War farther instructs me to say, that Col. Hogan's recent communications respecting your operations, evince a cordial desire of promoting the objects of the Government; and that Col. Hogan has faithfully fulfilled his promise, is apparent from your letter of the 28th March. The Secretary is the more satisfied on this subject, in consequence of the very judicious proposition recently made by Col. Hogan, to allow Captain Page and some of the contractors, to accompany him to the Indian towns, and of his promise to co-operate with them, in order to induce the Indians to remove.

Respectfully, &c.

GEO. GIBSON,
Com. Gen. of Sub.

Messrs. J. W. A. SANFORD & Co.
Cons. for Rem. Creeks, Columbus, Ga.

COLUMBUS, GA. April 22, 1836.

SIR: We have made every exertion that could be made by us, to get up a party of Indians from the vicinity of this place, but all will not do, *they will not go*. They say that the investigating agent has made them promises, and they must wait to have them fulfilled. It is a singular fact, that a man who could not persuade one Indian to move, can induce one hundred to remain; so much are these people opposed to moving away from this country.

We learn that Col. Hogan has returned from Mr. Tarrant's land district, having, as usual, only half finished the business that he was sent to do. He is, we also learn, either gone, or going to Mobile, to be gone three weeks, or more. Is it not strange that this officer is allowed to spin out a labor of *two months only*, to *seven months*, and in all probability will continue six months longer? Would it not be best for the nation, and all concerned, that either the investigation cease, or that all attempt at emigration stop? The one is a complete check upon the other. The contractors, backed by the whites, do every thing to get these people away. The investigating agent (Col. Hogan), backed by the War Department, work for the opposite points. The consequence is, that the Indians, in this unnatural strife, determined upon a course, which they, if left to themselves, would select—they stay where they are. The condition of the Indians around Columbus, is indeed miserable; no farms to cultivate; not allowed to pass into Georgia to hunt; game very scarce in the nation; no corn and no money to purchase it: they must either starve or steal. We know which of the two they will choose. You may say, that if this is their condition, why do they not emigrate? They would do so, if these worse than useless investigations were brought to an immediate close. Their hopes have

been raised by this agent, *which never can be fulfilled*; and so long as there remains a shadow of a chance, the Indians will remain to see the last of the game.

This far, we have lost money by the contract; but we would certainly advise that either one or the other stop at once. If the investigation must go on, let the emigration cease, until that is brought to a close.

Parties are making up in the upper country, between the Tallapoosa and Coosa rivers. We shall be busy there, as the Indians up in that quarter have become quite as tired of the investigation as the whites, and have determined to move at once.

We shall inform you of our progress.

Very respectfully, &c.

JNO. W. A. SANFORD & Co.

Gen. GEO. GIBSON,
Com. Gen. of Sub.

COLUMBUS, GA. *May 14, 1836.*

DEAR SIR: We have the honor to acknowledge the receipt of your letter of the 15th ult.

We presume the superintendent of emigration, Capt. Page, has duly informed you of the hostile attitude of the Creek Indians, of the recent murders, and of the general destruction of the property of the settlers in the nation, by these people.

Emigration has stopped entirely—the Indians being generally hostile.

Members of the company have traversed the nation as far up as the northern line of the Creeks, and even into the Cherokee territory, in hopes of being able to get up a party in that section of the country, but all will not do. Those who were ready and willing to go, have now declined entirely, in consequence of the detention of the principal chief Opothleholo. In the Tallapoosa and Coosa districts, we had two camps opened, and near two thousand Indians ready for march, when a message was received from Opothleholo, of the *Tuckabatchee town*, telling the Indians not to move until he could go with them; and notwithstanding every effort was made to keep them in camp that were then in, yet all would not do, go they would not, without this chief.

Opothleholo has been detained by a *bail writ* for a debt, for which he is as much responsible as he is for the national debt of Great Britain. The prosecuting attorney in the case is *Mr. Abbott*, the Government's certifying agent, and the *pliant tool* of Col. Hogan. No man knows better than *Mr. Abbott*, the great influence which this chief possesses over the action of the whole nation. And instead of aiding the contractors to carry out the wishes of the Government, we find him, although holding an honorable appointment under the Government, using his limited influence to balk us, and even accepting of a paltry fee as an attorney, for the purpose of oppressing and detaining a man from emigration, well knowing that upon his removal every thing depends.

You inform us, that you have sent our letter of the 30th March, to Col. Hogan, for the purpose of allowing that officer to convince us that he is not unfriendly to our contract. This, sir, he will hardly attempt to do: he knows, that we know, *too well*, his hostility to us. Col. Hogan may be able

to convince the Department, that he has acted correctly as investigating agent, and that he has done every thing which lay in his power to aid emigration, but he cannot play off this trick either upon us or the people living in the Creek nation. Col. Hogan may be able to convince the Department of his disinterestedness throughout the whole business, but we have evidence before us that will clearly prove that his only object is *profit*, and that if we have not silenced his opposition to us before this, it has been *only* because we were not able to pay him his price.

This evidence shall be laid before you in a few days. We risk nothing in charging the whole outbreak of the Indians upon the conduct of the investigating agent: he could, if he had been disposed, have brought his business to a close, in all of two months, and probably would have been compelled to have done so, if he had been any other man than Col. Hogan.

Our town is under military law, expecting an attack every night. Our operations have ceased entirely. We shall, however, keep in active communication with the emigrating agent, Capt. Page, and shall take advantage of any symptom of success for the removal of a party of Indians.

We have the honor to be, &c.

JNO. W. A. SANFORD & Co.

Gen. GEO. GIBSON,

Com. Gen. of Sub.

FORT MITCHELL, ALA. *Sept. 15, 1834.*

SIR: I have obtained all the information up to this date, relative to the probable number of Indians that will emigrate this year.

Col. Hill returned yesterday from a tour in the nation, and thinks there will be from three to five thousand. I have been among them in the vicinity of this place; most of the Euchee tribe will emigrate this year, all of them having sold their land. Some of them say, notwithstanding they have sold, they intend to stay, as the persons that purchased, told them they could live on it as long as they pleased; this may prevent some few from going this year.

I shall start to Irvington to-morrow, and endeavor to prevail on a town to go, that we have not yet seen. I am told they have all sold, and as I am well acquainted with them, I think I can prevail on them to go. There is a considerable excitement among some of them here about emigration. Those in favor, have been attacked several times, (when small parties have met together,) by those opposed to emigration.

I collected a party together who are strongly opposed to emigration, and told those who were in favor of it, to come out and speak their mind freely, and not be afraid to acknowledge their willingness to go, and I would protect them. I also stated to them, if Indians were opposed to emigration they should not make threats to prevent those who were willing to emigrate, &c.

Some of them were so mad and so excited, that they actually turned pale.

I found it necessary to be a little severe with them, as there were many of them willing to go, but did not dare to acknowledge it. The chief of the nation, (Neomicco,) as also many of his town, were present, all of which have been opposed to emigration, but he admitted all I had said was true, but that he had not sold his land and was opposed to going himself. I told him he had a right to live on it, but those who had sold were bound

to go, and that the white people would consider them as intruders after they moved into the nation.

It had a very good effect; large numbers came forward at once, and said they were now willing to go.

The annuity having been withheld from them so long, is a great obstacle in our way.

The emigration will be twenty days later than it would have been, if the annuity had been paid to them about this time. It appears the money had been lying in the bank at Columbus for some time, and no one knew any thing about it.

I should like to have sixty or eighty thousand dollars deposited in whatever bank I am to get my money from, and so soon as I know what number of Indians will emigrate, I can take, as near as I can calculate, the amount I shall want and no more. Very little can be done till funds are remitted; blanks of every description are very much wanted, particularly those for enrolling the Indians; I have had some written out that will do for immediate use.

As regards fodder for horses or mules employed, no one would engage their team without it; on the other side of the river, where cane is plenty, and use nothing but oxen, fodder or hay can be dispensed with, but on this side of the Mississippi where there is no grazing, it cannot be dispensed with. Their horses cannot be turned out to graze like oxen. I endeavored to engage teams agreeable to your instructions, and no one would accede to it, consequently I had to tell them I would furnish fodder, but I shall do with as little as possible; I shall endeavor to be as economical as possible through the whole emigration, and hope, to the satisfaction of the Government. All letters for Col. Hill or myself had better be directed to this place, as we can get them much quicker than from any other point. Should you direct any communications to Centreville, it may be three weeks or a month before we should get them; it is 190 miles from this place, and the mail only runs through that place once a week, and very irregular at that. Col. Hill is a very excellent man, and will do all in his power towards emigration, but he has but little knowledge of the business. Every exertion on my part will be used to promote the cause.

With respect,

I have the honor to be,

Your obedient servant,

JOHN PAGE,

Capt. and Disbursing Agent.

Brig. Gen. GEORGE GIBSON,

Com. Gen. Sub. Washington city.

FORT MITCHELL, ALA. Nov. 7, 1834.

SIR: When I left this place for Mobile after funds, I was in hopes, on my return I should be able to give you a correct account of the number of Indians that would emigrate this year, and the exact time we should start, but every thing appears to be about the same as before I left. Col. Hill has been very unsuccessful in the upper part of the nation, where he has been operating, notwithstanding it is in that section of country where he lives.

I have been deceived by his calculations; he told me he had five encamp-

ments, and things looked very prosperous, but I believe he has only collected about four hundred; it is possible he may get some few more, but I think the prospect a bad one.

I have just returned from among those towns that I had been visiting previous to my going to Mobile; they are all willing to go, and are getting ready; so soon as I can see Col. Hill, I shall rendezvous them, which I can do in a very short time.

I have sent for him and requested him to come and decide upon something at once. I think I have enough to make a party sufficiently large to start with. I could have collected mine three weeks ago, if he had been ready. I have never till yesterday called a team into service, but I engaged them the first thing I done, and they have at all times been ready when called for. I told Col. Hill particularly, that I had engaged teams, and that they were ready when they were wanted, but he has brought into service several teams, long before he got any Indians, and they have been under pay and subsistence ever since; they are none of those that I engaged; I believe he took them from Centreville; my accounts will show what were employed by him. I have incurred no expense myself of any consequence. The Colonel has had all the assistant agents with him, six or seven, I have understood.

I have had one man as assistant commissary at \$2 50 per day and an interpreter, that is all.

On my way to Mobile the stage turned over and crippled me, but in a few days I got so I could ride about and attend to business.

As I passed by a place called Fort Hull, I see one of the encampments Col. Hill had made, and there was an enrolling agent and an assistant agent, an interpreter and two five horse teams, and they had been there about three weeks, they told me, and had enrolled but one Indian. I immediately wrote to Col. Hill the unnecessary expense he was incurring without any prospect, and he told me he would break it up immediately. I advised with the agent the best mode of collecting them, but he got these encampments in his head and established them, and appointed agents to them before he got any Indians. They have appeared to me to adopt the same plan they would to enlist soldiers.

I have had to feed about 170 Indians for about two or three weeks, they were some poor families that were scattered a long ways apart, and had no means of subsisting, and teams could not get to them; they said they were ready, and I told them to pack their own plunder to this place and I would give them rations till the emigration was ready to start; this is all the subsistence I have paid for on account of my own movements. When Col. Hill and myself separated, he went into one part of the nation and I the other one. I did not see him for three or four weeks; he had some business at Centreville that detained him there, and before he returned he had adopted the plan of encampment, and from what he told me I thought he was going to succeed very well, but he was led away by taking the advice of people who wanted employ and had corn to sell, and when he stated to me what people in the nation had told him, I requested him not to pay any attention to their plans, but adopt the ones laid down in our instructions, which were the most economical and sure of success.

Col. Hill will be here in a couple of days, and in my next communication I shall endeavor, if possible, to give you the number that will emigrate this year, if any.

I have apprized William Armstrong, at different times, of our success, so he may know what to depend on.

With respect,

I have the honor to be,

Your obedient servant,

JOHN PAGE,

Capt. and Disbursing Agent.

Brig. Gen. GEORGE GIBSON,
Com. Gen. Sub. Washington.

FORT MITCHELL, ALA. Dec. 3, 1834.

SIR: I have the honor to report to you that the whole number of Indians we shall emigrate this fall, will not exceed six or seven hundred. Col. Hill arrived here on the 16th of November after an absence of four weeks in the upper part of the nation, and sent about two hundred and eighty-six at or near Centreville, Alabama, there to remain until what few in this vicinity could join them. I had never rendezvoused them, and of course they had to be collected after his return. Our prospect being dull, and I presumed unless he met with better success than he had, that he would give it up for the present time, as our instructions say from two to five thousand. I could not tell or know whether it was his intention to start with so small a party, which are now nearly all collected, and will start in two or three days. He had no reason to depend on me to make up a party sufficient to make it an object to emigrate this fall. One month ago I could have started from this place a much larger number than I now shall. I told him they were strongly opposed to emigrating this fall, as the season was so far advanced; what *few* are going are generally very poor and destitute of clothing, and it would be a prudent and humane act to give it up till spring; when, if the *proper measures* are taken, they would emigrate very willingly. I know six or seven hundred out of twenty-odd thousand was no object. I believe he has appointed assistant agents enough, and had them stationed in the upper part of the nation, to have emigrated ten thousand, and all they have collected, from what I can learn, are two hundred and eighty-six. I do not know what number of assistant agents he has got, but I know of eight or nine, and they are all with his small party at or near Centreville, unless he has discharged them, except Mr. Sommerville, who is bringing in camp those I have been amongst. Col. Hill is also with him. I returned from the nation a few days since, and expected Col. Hill would have been here before this. We shall not get to Tuscaloosa till January, probably the 20th.

With respect, I am,

Your most obedient servant,

JOHN PAGE,

Capt. and Dis. Agent.

Brig. Gen. GEORGE GIBSON,
Com. Gen. of Subsistence.

FORT MITCHELL, ALA. Dec. 4, 1834.

SIR: I have the honor to enclose herewith an article of agreement and a bond, to furnish the emigrating Creek Indians with rations, &c. from this place to Memphis, Tennessee.

The lowest bid was J. C. Troitley, he was not a responsible man, and could not give any security. Henry was the next, but finding the prospect so dull and believing the number would be small and corn so high, that he declined giving bonds, unless I would ensure him a certain number would emigrate this fall, which I could not comply with. Alexander Roberson was the next lowest, and consented to take the contract, but he thought the number would be larger than it will be. Corn cannot be purchased on the road between this and Montgomery, short of one dollar, and more frequently one dollar and twenty-five cents per bushel; the new settlers are moving in the nation so rapidly that the market for corn and beef is very high. I shall endeavor to get along as economical as possible, but it is so late in the fall, the frost has destroyed the grass for horses, and my issues to Indian horses must necessarily be much greater than it would have been six weeks ago. There is no other way now than to tie them up at night and give each Indian a gallon of corn for his horse; but every economical step on my part shall be used. I have appraised William Armstrong the probable number that will emigrate this fall.

We shall have in all six or seven hundred, and more cannot be had this fall, the weather is getting so cold they are unwilling to attempt the journey. One month ago many more could have been started, but the time has passed for the present season. So soon as we get started I will inform you.

With respect,

I have the honor to be,

Your obedient servant,

JOHN PAGE,

Capt. and Disbursing Agent.

Brig. Gen. GEORGE GIBSON,
Com. Gen. Sub. Washington.

FORT MITCHELL, ALABAMA,
December 5, 1834.

SIR: I have the honor to acknowledge the receipt this day of yours of the 19th and 20th November last. Colonel Hill is not here, although in my last communication I expected him here every hour, but still he does not come. I have sent the communication to him.

As the business now stands I am unable to prolong the emigration any longer for the sake of getting a few more at this time, as the party I spoke of that Colonel Hill had sent to Centreville, there to wait till the party goes from this place could join them, and having already brought into camps nearly all that will go from this point, it is practicable to start with what we have as soon as possible. I know not the number of teams, &c. he has got employed with that party; I have asked him, but he did not appear to know himself; it is two hundred miles from this where the advance party is; I shall pay them off on his certificate of the hire, &c.; all the teams previous to the 14th or 13th of November, were ordered into service by him contrary to my knowledge or wish, for I told him several times that I had

made every arrangement for teams when they were wanted, and were at my command without any expense to the Government. Whenever I had a chance to see Colonel Hill I told him he was not aware of the expense he was incurring without any prospect; and I at all times told him our instructions enjoined it on us to try the experiment without incurring unnecessary expense; and if the Indians would not emigrate this fall to report our progress as it was, and give it up, or start with what we had, but his answer was, never mind, I will take it all on my shoulder. Nothing more at this late period can be done towards emigration than take what *few* we have got. One month ago we could have got off with a much larger party, many who were disposed to go this fall have given it up in consequence of the cold weather. I shall take on, with as little expense as possible, the small party I have in charge. As I pass through Montgomery I will look at the public property your letter of the 19th speaks of, and act accordingly.

I have the honor to be, very respectfully,

Your obedient servant,

JOHN PAGE,

Cap. and Dis. Agent.

Brig. Gen. GEORGE GIBSON,

Com. Gen. Sub. Washington, D. C.

FORT MITCHELL, ALABAMA,

May 9, 1835.

SIR: I have honor to acknowledge the receipt of your letter of the 28th of April, and circular of the 28th February, and copy of Colonel Hogan's instructions.

There appears to be a considerable excitement among the white people and the Indians in the vicinity of this place. They do not appear disposed to talk about emigration at this time. I can account for it in this way. There is to be a meeting of the chiefs shortly and the Indians generally keep back to see what the object of this meeting is; no particular day is appointed for them to assemble. I understand they are waiting to hear from Washington to see if the Government will sustain them in their Texas plans. If they find that the treaty will be complied with and they need not expect any thing more, they will come to some settled point. Neomicco, who is chief of this part of the nation, is opposed to emigration and always has been, for he finds no difficulty in living here, having persons to sustain him, and it is done in this way: When the annuity is paid out the chiefs meet, Opothleholo takes one-half and Neomicco the other, it is paid out of the agent's hands into theirs; a second meeting is called by him to divide this money, he pays what claims are presented by one or two individuals and no others, the balance remains in his hands to defray the expenses that might come against the nation. After the second meeting was called to divide the money among the different towns, I see them repeatedly and they told me that there never was the first dollar received, and in fact I know it to be the case; this is what makes this old chief so easy and opposed to emigration. When the annuity ceases he will not find a place to get money whenever he calls for it. I am well aware that while the annuity is paid out this side of the Mississippi, as it was last year, a few individuals, who are opposed to emigration, will get the whole of it,

and not one dollar will be paid to the different towns. I will admit it would not do them much good there is so much whiskey about, but it would prevent these opposers to emigration from living in affluence when the other Indians are starving.

With respect,

I have the honor to be,

Your obedient servant,

JOHN PAGE,

Capt. and Dis. Agent Creek Removal.

Brig. Gen. GEORGE GIBSON,

Com. Gen. Sub. Washington, D. C.

FORT MITCHELL, ALABAMA,

March 14, 1836.

SIR: I have the honor to acknowledge the receipt of your several communications directed to me at this place, all of which will be strictly adhered to.

Your letter dated the 10th of last month directs that I ascertain, if possible, the number of warriors that have joined the Seminoles. I have conversed with some few, it appears to be a subject that they do not wish to have any knowledge of. There is to be a meeting of the chiefs on the 27th of this month, when I will endeavor to get what information I can on the subject. The contractors commence opening encampments the 1st of next month, and start a party as soon as possible. It will be requisite that a physician be ready for the business, as it will take one some time to get here, if he is to be detailed from the army.

With respect,

I have the honor to be,

Your obedient servant,

JOHN PAGE, *Captain,*

Dis. Agent Creek Removal.

Brig. Gen. GEORGE GIBSON.

Com. Gen. Sub. Washington city.

FORT MITCHELL, ALABAMA,

March 27, 1836.

SIR: I have the honor to report to you that I attended a meeting of the chiefs of this nation on the 18th instant, and made all the inquiries about the number of Indians that have gone from this nation to the Seminoles, and from what information I can get the number is very small. The chiefs will not admit that there are twenty absent. I have made inquiries from different sources, and I am of the opinion that when the war is terminated it will be known that not there is not one hundred Creeks among them. The contractors were all present at this meeting. I gave the Indians a talk in council on the subject of emigration. The upper towns said that they were ready so soon as the investigation was closed and their annuity paid.

Mr. Flourney and Mr. Watson went from this place to Florida to see General Scott, and returned with a letter from the General that he would

receive five hundred warriors from the Creeks if they presented them, and the letter directed all agents to render such assistance as they could to procure these warriors. I called on the chiefs and found it was a very unpopular thing among them, they thought (and very justly) that should they meet west of the Mississippi it would create feelings towards each other that could not be settled without the loss of lives.

In consequence of the poor encouragement these two gentlemen received from the chiefs they gave up the expedition.

I think it is a very good thing at this late period the expedition has failed, and there are many reasons I could give for saying so if it were necessary.

Lieut. Deas and Doctor Randall have returned to this place. The Doctor expects to be relieved from this duty. An assistant surgeon may be required very shortly to accompany another party west.

I have paid the contractors agreeable to my instructions for the removal of the party last winter.

With respect,

I have the honor to be,

Your obedient servant,

JOHN PAGE, *Captain,*

Emi. Agent Creek Removal.

Brig. Gen. GEORGE GIBSON,

Com. Gen. Sub. Washington city.

FORT MITCHELL, ALABAMA,

April 9, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of 28th of last month.

I wrote to you I had attended a meeting of the chiefs of this nation; there I stated to them I had just returned from Washington city, and gave them a talk as coming from the President.

I explained to them their situation; that it was the last year they had to emigrate. I stated to them the President had not withheld any thing from them that they were entitled to; he had done all he could for them; they had sold their land, and, agreeable to the treaty, he expected them to move to the country allotted them. On their arrival there, he had made every arrangement for their reception agreeable to the treaty, (which I explained to them.) I told them the people they had sold their land to wished to occupy it; they would be warned off, and, if they did not go, they would be forced off. I asked them where they would go, and what they would do? I requested them to consult each other, and to let me know what their intentions were, and to let their talk be a straight one. Hopothleholo, (the chief of the Upper Creeks,) said he and his people were going to emigrate; the contractors were present in the square; the chiefs all know them. I told them the contractors were ready to take them agreeable to the contract, (which I explained to them;) they all understood it, and were perfectly satisfied. The contractors then addressed them. Hopothleholo said he would be ready so soon as Colonel Hogan would close the investigation; that he had selected a spot to assemble his people on. Colonel Hogan has suggested the propriety of my accompanying him on his tour to remove any prejudices that may have been entertained against this mode of emigration. I

can only say to the Department there are no prejudices to remove; the Indians are satisfied. I have but a few days since, returned from among them, and know their minds on the subject. Colonel Hogan must know the Upper Creeks, most of them, are ready to emigrate when he closes the investigation.

I will state to the Department a difficulty that prevents emigration. It is well known that the investigation of frauds has been going on part of last summer, this winter, and spring, and I understand it is all to go over again. If the investigation had been limited to lands that were stolen, and listen to no other complaints, I do not see what should prevent the business from being closed long ago; but, if a person will listen to every complaint that is made, he will never see the end. One Indian will come forward and say he sold his land, and the purchaser took back a hundred dollars to keep for him, and did not give it back to him, and he wants his pay; and an old woman will step up and tell a story an hour long, when she gets through, it amounts to this: she sold her land and got so much money and an old horse, and the purchaser still is in debt to her so much, and, when you bring both parties together, the purchaser presents an account for goods he has let her have, some of which she acknowledges, and others she denies having received them, but still there is the account, and it cannot be got over. These are things that never should be listened to, because they are unavoidable. All the Indians that lodge these complaints think they are going to be benefited, as well as those that have actually had their lands stolen, and furnished the necessary proof. Colonel Hogan, I believe, is now about investigating Judge Tarrant's district. It will probably take him some ten or fifteen days, after which he sends on his proceedings to Washington city for the approval or disapproval, as the case may be; when they return, and the decision of the President is known, they are ready. This is the cause a party cannot be got off immediately. When the Upper Creeks have all been examined, the investigation will go among the Lower Creeks, and the same thing to go over. I have stated this that you can judge the difficulty the contractors have to contend against. The contractors are with the Indians that have expressed a wish to emigrate. I got a letter from Captain Walker; he had promised to meet the Tuckabatchee Indians the next day at one of their dances, and he intended to appoint a day for them to go into camp. He has great influence with them; if any person can get them to appoint a day, it will be him.

What are termed the Lower Creeks are most of them opposed to emigration. Neomicco and Efimartla, the two principal chiefs of the Lower Creeks, always have been opposed to emigration, and there is not an Indian among them but what have sold their land; they are a cross, hostile set of Indians, and are well disposed to do a great deal of mischief.

I doubt whether they will consent to emigrate unless some decisive measures are taken with them. The white people who live among them have had to quit their plantations. No doubt the policy of the Indians was to frighten them off, so that they could plunder their corn cribs. I reported the circumstances to the Governor of Alabama, and the necessity that some measure should be taken to keep these people in subjection. I am closing my accounts for the last quarter. Agreeable to instructions I will accompany Colonel Hogan through General Sanford's district; I have just returned from the district where he is now investigating, and, as I have stated, there is no difficulty after the investigation is over.

By request of many citizens I shall leave here in two or three days to visit the Hitchées, the Chehaws and Ufawla Indians; they are the people that have created alarm with the white inhabitants, they are inclined to be hostile, and as I am well acquainted with all of them I think by explaining to them the situation they have placed themselves in by their movements, I am convinced I can operate on their minds very favorable towards emigration, having conversed to-day with one of the chiefs on this subject, and he thought it advisable. As I dislike to travel alone among them, I have thought it advisable to hire Mr. Sommerville, who is also acquainted with them, as an assistant at \$3 50 per day, and hope it will be sanctioned by the Department.

With respect, your obedient servant,

J. PAGE, *Captain,*
Disbursing Agent.

Brig. Gen. GEORGE GIBSON,
Commissary General Subsistence.

FORT MITCHELL, ALABAMA,
April 11, 1836.

SIR: Preparatory to emigration, I must request that ten thousand dollars be forwarded as soon as practicable, as it will take some time to go to Mobile after the money. The contractors are in hopes to make a break among the Upper Creeks; should they succeed, I think they will go in large numbers, and it is my intention to be ready for them.

I am very anxious about the annuity; should they get them in camp, I am sure they cannot be started till the annuity is paid to them. I stated to you, in my letter of the 9th instant, that I had employed Mr. Sommerville for a time. It is well known to all the Indians and white people that I am the disbursing agent, and all suppose, when I am travelling among them, that I carry large sums of money with me. I have been cautioned two or three times by several friendly Indians not to travel by myself, particularly at this present time, and the country is a very difficult one to travel through, and Mr. Sommerville being well acquainted with it, I think the good of the service requires that I should be allowed to employ him as an assistant, and, should the Indians break more rapidly than I am aware of, I should have to send him to superintend a party of emigrants, as there would be a deficiency of officers, and he is a person more capable for this service than any other that could be selected. I hope the Department will grant this requisition. The Governor of Alabama, from a letter I have just received from him, is determined to send a force of mounted militia among the towns that have shown so much hostility. It will have the desired effect, and cause them to emigrate. I am convinced I can manage them.

With respect, I have the honor to be, your obedient servant,

JOHN PAGE, *Captain,*
and Superintendent Creek Removal.

Brig. Gen. GEORGE GIBSON,
Com. Gen. Sub. Washington city.

N. B. It becomes necessary that I should be furnished with a complete set of blank accounts, also muster-rolls for the Indians.

J. PAGE.

FORT MITCHELL, ALABAMA,
April 30, 1836.

SIR: I have the honor to acknowledge the receipt of your several communications of the 13th, 16th, 19th, and 20th April. I leave here this day to visit the Upper Creeks, and ascertain if it is possible to emigrate them before the investigation is closed. Colonel Hogan has never closed any one district; he has gone partly through one, and then commenced in another. If the Indians will not start till the investigation is closed, the Government can judge the time as well as I can. There are about three thousand say they are ready so soon as their business is settled. If I could break in upon those who have had no complaints to make, a party or two could be started in ten days or less; the contractors are all ready for them, and are among them to see if any thing can be effected. The whole power is in the hands of the investigating agents. When they close their business they will go, that is, those who have any idea of emigrating. If the investigation is not closed till the contract expires, the Government must judge for themselves on this business.

As soon as I return, I will state what success I met with, and the reasons advanced by the chiefs for not going into camp, &c.

With respect,

I have the honor to be,

Your obedient servant,

JOHN PAGE, *Captain,*
and Emigrating Agent.

Brig. Gen. GEORGE GIBSON,
Com. Gen. Sub. Washington city.

P. S. I have just received a letter from Colonel Hogan, in which he states the investigation has ceased for a short time. He has gone to Mobile.

FORT MITCHELL, ALA. May 8, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of 26th last month, notifying me ten thousand dollars had been despatched to meet my requisition. I have notified you of the state of the Indians; I have always been cautious that a false alarm should not be created by me. The Indians below this are committing all the depredations they can. They are determined to have possession of all the plantations in three or four towns, and in fact they have now got them, the occupants having fled to Georgia for safety. Major Wm. Flournoy, a respectable planter, was carried by this place yesterday a corps, shot and his scalp taken off by the Indians while on his way to this place; his horse was also shot. A Mr. Tarrant, residing in the neighborhood of Major Flournoy, is also reported to be shot. A young man this moment reports a Mr. Hobbs shot in his bed last night. Our informant was by his side; he sprang out, and raising a plank, (it being a log house, the planks not nailed,) secreted himself under the house. The Indians then broke the bolt, entered the house, took out all the trunks, broke and robbed them of their contents. This man was shot by placing the gun between the logs of the house. Sentinels were placed round the house; this young man made his escape after they left the house; he remained in the woods all night. There were two plantations about a

mile off; he heard five guns near those, after the Indians left. Whether any person is shot we know not. Negroes they do not kill, as this man had three in a house about one hundred yards off. He says the Indians told them they intened to kill all the white people. I stated to you I would communicate the talk I had with the Upper Creeks; I will do so by next mail. They are disgusted with the investigation, and say they will not wait any longer than it will take to settle their debts. There are from five to eight thousand ready to be off, were it not for this investigation, which I think cannot be closed in six months. The upper Creeks say they have adopted a plan of their own, in regard to the disputed lands, and will be off in a month. By to-morrow's mail I will detail to you their plans. Those upper chiefs said they had rather hear any word mentioned than investigation. The upper Creeks are determined to be off. They are at this time perfectly friendly. But the lower Creeks, as I have heretofore reported, are hostile, and must be treated as such; the *war whoop* has been sounded among them. Colonel Hogan is in Mobile, but reports to the editors of newspapers that the Indians are not hostile, &c. I do say he knows as little about Indians as any man I ever saw, and I assure you they are getting tired of his talks; promises every thing and gives nothing. Flattery will do for Indians for the moment, to be popular, but in the end it will have a very serious effect. These Indians do not hesitate to say the Seminoles have whipped the white people. They know all the movements in Florida; but all can be checked, if taken in season. I stated some time ago that force was necessary.

With respect,

I have the honor to be,

Your obedient servant,

JOHN PAGE, *Captain,*
and Sup. Creek Rem.

Brig. Gen. GEORGE GIBSON,
Com. Gen. Sub. Washington city.

FORT MITCHELL, ALA. *May 9, 1836.*

SIR: I have the honor to report to you that I have just returned from the Upper Creeks. I was sent for by the chiefs, requesting me to come immediately. I met them at Tuckabatchee town. I stated to them that, by their request, I had come to see them, and to hear what they had to say; but before the talk commenced, I told them I should report to the Secretary of War every thing they communicated to me, and to let their talk be a straight one. Opothleholo commenced by saying, the last time he saw me was at Luchorbogo; that then I gave him a talk, and it was a straight one. You told me, said he, the situation of my people, the troubles they would get in by staying here, and what the President said, and what he expected of us. The white people have ploughed and planted round our houses; none of my people have planted any thing; you told us not to plant. We have been told by Colonel Hogan, several times, the investigation would stop in a short time, and we should have our lands back. The investigation was stopped, and he left the nation, and was absent some time; when he returned, I requested him to finish as soon as possible, that my people were anxious to be off. He commenced again, associated with two agents, and

have gone about half through one small district ; and that Col. Hogan has now gone to Mobile, but said he would return in a little while. He said that his hand was hardly cold from the greeting of one agent, before another was presented to him; and now I wish you to tell me when this business is going to be closed. I told him I could not answer the question. He told me he was tired of hearing the name of investigation, and if he had got to go through, as he was then doing, his people could not stand it. He asked me this question: Can you give my people rations? I told him I could not, until they were ready to emigrate. The contractors, he said, have been feeding some of the poorest of them; but they say unless we come into camps, and enrol for emigration, they cannot feed them any longer. There is nothing but some debts, and the investigation, that keeps us here. I am endeavoring to keep my people together as much as possible. I talk to them, but they have nothing to eat, and what can I do? They must eat, they cannot live on air. I have come on one plan, which I wish to adopt, and be off immediately; which is this, a company of gentlemen have seen nearly all the companies who purchased our lands, and they have agreed to raise a sum of money equivalent to the value of the lands we claim to have been defrauded of. They propose to pay us in this way, for instance: I will call all the persons in my town together, whose lands have been taken by personating, or other frauds have been practised on them, the purchaser, or his agent, being present, in the presence of the two principal chiefs of each town, and an agent of the United States, pay to the rightful holder of the land a sum of money, to his and the chief's full satisfaction, and in case the parties cannot agree, two respectable and disinterested white men shall, one by the chief and one by the purchaser, be selected to value the land, and the amount of their valuation, under oath, shall be paid. The receipt of the money, the acknowledgment of satisfaction by the Indian, shall be certified to by an agent of the United States, and the chief of the town, and the title to be perfected in the name of the purchaser, written in the face of the first deed, passed and certified to by any of the certifying agents, whether the President may have reversed and made void the deeds approved or not approved, and consequently the land and titles belong to the original purchaser, before either of the certifying agents. The chiefs of each town are well acquainted, and know well the frauds, and the injured persons, and in this way we can settle all our difficulties, and relieve the Government of all further trouble with us. He then asked me if I could not be present and witness these payments. I told him if he was determined to adopt the plan, I would; if I could not be there all the time, Lieut. Deas, Doctor Randall, or Mr. Sommerville, would answer in my absence. He then asked me if I would be present when his people were enrolled. I told him I would. He said when this business was done, he should bring all his people in camps, break up at home, so as never to return to them again. I asked him the probable number that would assemble. He said from five to eight thousand. I told him he had better consult the contractors, because they would expect to be fed until all this business was done. He said he had, and they would make arrangements immediately for them. I am fearful it will be injurious to the contractors. Corn is not less than from \$1 50 to \$2 per bushel. Beef from five to six cents per pound; but under existing circumstances they have consented to it, and, of course, will have to suffer the delay after they come in camps. Should I be sent for to witness the payment for these lands, I should be

particular that the Indian was paid to his satisfaction. The money is to be carried into camps, after they have assembled. The chiefs appeared to be satisfied at the prospect of coming into camps immediately. They said about two thousand had scattered, not having any thing to eat, and gone into the Cherokee nation; but they would send for them, and collect them, if possible. I did not see Col. Hogan; he is in Mobile; but I saw his clerk, Mr. Leonard. I asked him to tell me when the investigation would close. He said it would be at least six months, in the manner they were proceeding. If this plan succeeds, and the Indians compensated to their satisfaction, I think the object of the Government would be accomplished with the upper Creeks. It was absolutely necessary that some decisive measures should be adopted with these people, to encourage them, and let them see there was a prospect of a speedy emigration; and their feelings appeared elated at it. Opothleholo had too much pride to come out and say, I am fearful my people will scatter and commit depredations, like the lower Creeks; but still he interrogated me so strong, and alluded to it. I understood at the time the lower Creeks are almost a separate and distinct people from the upper Creeks. These lower Creeks sold their lands soon after the locations were made, and before frauds were practised among them. Nearly every Indian sold his lands and received his pay, but still, when I would hold a talk with them, they pretended that great results would arise to them from the investigation. I have talked with a great many of them I knew had sold. I requested Col. Hogan one day, at this place, to ask Efiemartla, the second chief of the lower Creeks, (who is hostile, and always has been,) if he had sold his land. He done so, and the old chief said no. I knew he had, and was paid for it. I knew the person who purchased it. These people have commenced; they have drove the people from their plantations; they have got possession of them, to plunder and take what they please. Numerous families are now suffering, having lost all their subsistence for the present year, and deprived of raising any thing for the next. Now I will state to the Secretary, when troops arrive, I can make all these people emigrate, by going to them, and telling them the time is come, they must be off, and that this is all the talk I have got for them. They will understand me. I gave them the talk you sent. I warned them of their situations, but they never would promise me any thing. They were determined, I saw, never to go off till they were drove off, and now is the time. Any thing like investigation, to give these people three or four months to prepare for war, might cost the Government a million of dollars, besides many valuable lives. But their party is too small at present; there are enough, but they dare not show themselves; but time would bring it about. The upper Creeks being roused, and ambitious in the cause of emigration, will have great effect on these lower Indians. I promised them, when they got ready to emigrate, I would pay them their proportion of the annuity, to enable them to pay off their debts the chiefs had become accountable for; and the contractors went their security that they should not be taken with bail writs when they commenced rendezvousing. I hope you will give me your views on the subject of this communication, as something must be done immediately. News has just come from old Emehe Emathla that the Indians are assembling to fight, and have commenced taking

the negroes from the plantations, all of which you will probably hear from reports from different sources.

With respect, I have the honor to be, your obedient servant,
 JOHN PAGE, *Captain,*
and Sup. Creek Rem.

Honorable LEWIS CASS,
Secretary of War.

FORT MITCHELL, ALA. May 12, 1836.

SIR: I have the honor to acknowledge the receipt of your communication of the 29th ult. also a copy of the contract with Messrs. Sanford & Co. In my last communication, I stated I would give you an account of my visit among the upper Creeks; I must refer you to my letter to the Secretary of War, for the situation of these people. The hostility that has broken out among the lower Creeks, did not astonish me in the least; I have been looking for it. On reference to my communications, you will find I have mentioned the disposition of these people, and was particular in drawing a line of distinction between the upper and lower Creeks, for instance, my talk to them at Luchorbogo. Col. Hogan was present when I gave these people a talk; I told him then they should be considered in no other light than a hostile band. In my communication to Judge Herring, 28th last month, I stated to him some decisive measures would have to be taken with these lower Creeks. I communicated to the Governor of Alabama, and told him a month ago, war was waging with these people, and if a battalion of mounted men was sent among them, it would check them. I have endeavored to impress it upon the minds of every one around; I have warned the people to look out for them. I received a short time since a talk from the Secretary of War to give to these Indians; Mr. Abbot, who is a certifying agent, was present when I received it; I explained to him the situation of these people, and told him I had got my information from a different source, one that could not be doubted; I impressed on his mind that there was great excitement and danger, and that I could get information that neither him nor Col. Hogan could obtain. He left here the next day, and gave the people to understand there was no excitement among the lower Creeks, and endeavored to put public opinion against all my reports; and his manner of doing business with the Indians, has had a tendency to excite the Indians, and encourage them in their acts. He talks in this way; the white people have stolen from the Indians, and the Indians are only getting it back again; I told him he never should make use of such language so Indians could get hold of it. He is getting five dollars a day, and I will venture to say, I can do in three days all he does in a month, and would willingly do it, rather than have such a person to encounter with in the nation. He makes a great parade, and has a great deal to say, and the Indians think something wonderful is to be done, and when he is through, it amounts to nothing, and probably has not found a single case to certify. To a person that is acquainted with the Indian character, all this formality and parade at these existing times, has a bad tendency. Business with Indians should be done in a most simple manner, easily to be comprehended, and with as few words as can be done, so they may understand it: they are always much more satisfied with this manner of doing busi-

ness. "Since yesterday, we have had but very little communication with the interior; the planters occasionally send a negro to their plantations; they find them constantly plundering their houses of every thing they can carry off; I do not believe five hundred thousand dollars will repay them for their losses; the people just fled from their homes with but the clothes on their backs, some few packed up in wagons a few things, and started; wherever the Indians met with them they massacred them, men, women and children; they have generally let the negroes escape, except in one or two instances, when they have killed them. I hope as fast as they are taken prisoners, or give themselves up, the orders will be to emigrate them without ceremony. I am afraid some will try to make their escape to Florida; if they have this in view, I shall be able to find out in a few days; Ene-har-micco and Nehe-Emarthla and Efmarthla, the three head chiefs of the lower Creeks, Col. Crowell and myself sent for them, but they would not come, but have since left their homes; they are hostile, but will not fight themselves; I am sure they will come forward after a little, and pretend they are trying to stop the fighting. Last evening we discovered the Euchee bridge on fire, and all the buildings at that place, only two miles from this place; we sent some friendly Indians to ascertain the fact, and found it to be so. I see we are surrounded by these people; we have men, women and children, more than can get inside of the pickets." I have given out word for all the friendly Indians to come in; I have been applied to by them for something to eat, as they are in a starving condition. I shall give them some corn and beef, and hope it will be sanctioned by the Government; it is impossible to see them in a starving condition; I will write as often as practicable, and give you all the intelligence I can.

With respect,

I have the honor to be,

Your obedient servant,

JOHN PAGE,
Capt. and Sup. Creeks.

Brig. Gen. GEORGE GIBSON,
Com. Gen. Subsistence.

FORT MITCHELL, ALA. *May 16, 1836.*

SIR: I have the honor to report to you the state of the Indians since my last communication.

I discover the hostility extends further than I was aware of. A few days since a Mr. Davis, his wife and seven children, were all killed, and their heads cut off; one child they threw into the yard, and the hogs eat it nearly up. This happened at Oloucha, being about 65 miles from this. It is the place where I reported to you I had given the Indians a talk, and the lower Creeks evinced so much hostility. I reported to you they had burnt a bridge that was over the Euchee river; yesterday they burnt another bridge over the same stream, higher up, on the direct route to Montgomery, on the old road; there was a tavern, they also burnt it and every thing in it, and yesterday they were burning houses all around us on the plantations; what corn and provisions they do not want, they burn up. Last evening a steamboat passed up, and about three miles above us they attacked it, killed some of the crew, four men were killed before the captain made his escape; two

women made their escape with the captain; he heard the fire kept up and persons hallooing in the boat; what was done since, no one knows. I learn that twenty miles below this, at a little place on the Georgia side, called Roanoke, another steam-boat had been taken, as also the Indians had possession of the village; but still I cannot report this to be a fact, as it does not come direct. I also learn the stage on the new road is stopped, and some of the drivers killed. The stage agents will report the facts as they are, so I shall say nothing about it.

There is so much distress and excitement, that it is impossible to get correct accounts, but as far as I find them substantiated, will report. The Indians know they have got possession of the whole country around us; corn cribs, houses full of meat, all the stock in their possession; plenty of clothing in their possession, and some money; they have got very daring. They send out patrols to watch the movements, and see what is going on, and if we only had three or four disposable companies, or could have got them about this time, we could have relieved these distressed people, and stopped their career; but all that could be sent here was thirty-five men from Augusta, hardly enough to protect ourselves inside the pickets. If they should attack us with a large force, in five days we should have to open our gates for water, as it is all outside about twenty yards from the pickets; but I assure you there will be hard fighting as long as there is one man left, before they get possession. Let the Government depend on the militia system rather than augment the army, and they will have no occasion to quarrel about the surplus fund. Gaines, for the want of regular troops in Florida, at the time they were called for, is the cause that the campaign has ended as it has. It is now the same case here. If we could have got 300 at the time we wanted them, it would have saved three millions of dollars, besides many lives; but after the Indians have done all the mischief they can, and a great parade of militia passing through the country, the Indians are off; this will always be the case with our present army.

Two days ago I went to Columbus, Geo. and made the best arrangement I could to feed the friendly Indians that had come there. I found them in a starving condition. I have also issued rations to those that come here for protection. I have just learned that some Indians were discovered about half a mile from this, on the bank of the river, where we cross at the ferry to go to Columbus; if so, they are way-laying to cut off our communication, and there will be danger in going outside the pickets, until we are reinforced. I have just learned the little town of Roanoke is burnt by the Indians, as also a steam-boat; seven persons were discovered dead by a person passing by this place; I presume what were not burnt, made their escape. There has been but one scalp taken since the war whoop was sounded. It is a rule among them, that scalping is prohibited unless the majority of the tribe is hostile. This will prove the hostile party are in the minority at present, and I think it will remain so, as I have sent runners in every direction with a strong talk. Major McIntosh has concluded to dig a well inside the pickets; this will ensure us protection. I have no idea they will attempt to attack the fort, we are so well prepared, and they know it.

With respect, I have the honor to be, your obedient servant,

JOHN PAGE,

Capt. and Sup. Creeks.

Brig. Gen. GEORGE GIBSON,
Com. Gen. Subsistence.

FORT MITCHELL, ALA. *May 20, 1836.*

SIR: Since my letter of the 16th inst. two Indians were sent to Wato-lah-anar, where Ne-he-micco, Efe-matla (the two principal chiefs of the lower Creeks) with a letter to Ne-he-micco, and a talk for his people that were assembled around him. The two Indians returned yesterday. Ben Marshall and Paddy Carr were the interpreters. They say they went to the camp and inquired for Ne-he-micco, the Indians said he was not there; they then asked for other chiefs, and found Efe-matla, and held the following conversation. They said they had been sent to invite in all the friendly Indians; that if they would come in, the white people would protect them; their answer was, we can say nothing, Ne-he-micco is absent; they said, here is a letter for Ne-he-micco, and if the Indians wish to come in to the white people, and will show this letter, it will protect you. The answer was, we cannot take the letter, Ne-he-micco is not here, and if he was, he would not take it; we in this camp have murdered no whites as yet, but we were starving, and were obliged to plunder; it is not safe for us to go to the whites now; our people are bent on war, and we must stick together; they have shot and killed so many white people, that we shall be exterminated, and we shall fight it out. Efe-matla said, we hear from some of the Indians at Fort Mitchell, all about the strength of the post; the number of men there, and the very spot where the ammunition is; we are determined to have it, and we can get it. Our warriors are in the swamps from the new road down below the fort, and we will burn the bridge;* the white people seem to love Columbus very much, they all get there to take care of it; we do not care, we can go all around the town and do what we please.

Captain Page scolded us for not emigrating, and said we would be exterminated if we remained here.† We will not go. We can whip the white people; our swamps are full of our young warriors. This is the substance as detailed by these chiefs. This old chief, Efe-matla, is so well known to me, that the word he sent I paid but little attention to, as it is the way he generally talks. If they were going to make this attack immediately, they would not have said it; he only done it in a boasting manner, to make his people believe he was a very bold daring chief. When I received the Secretary of War's talk to give these people, they were then assembled at Wato-lo-harcun, making arrangements for this war; I was going there to give it to them, but thought it would be imprudent; so soon as they retired, I then went to the houses of those chiefs, and gave it them in round terms. I stated to them the object of their meeting up there, and the letter from the Secretary of War, which I would read to them; would detail to them their situation if they persisted in the course they were then taking. I made this old chief tremble, for he thought he might be taken immediately, which I would have done, if he had been any ways insolent, but I thought it might put a check to their proceedings after consulting with each other, but it appears the die was cast, and they would not retract. It has been two or three weeks since we have been expecting some Alabama militia here, but none comes; what troops have turned out in Georgia, are at Columbus for the protection of that place. Our friendly Indians are getting very much alarmed, thinking nothing will be done; they cannot

* Alluding to the toll bridge over the Châtahoochee, at Columbus.

† Alluding to a talk I gave him from the Secretary of War.

get inside the pickets, and we cannot protect them outside; they have warned and sent them word every day, if they do not clear out, they shall share the same fate of the whites; but I keep encouraging them that troops will be here shortly; and tell them to be on their guard; they do not sleep any nights; I tell them where to place their sentinels, and what course to pursue. There is no tribe of Indians that fears us with our present army; they do and say what they please. Our situation is a very unpleasant one; to have these people challenge and threaten us, and we unable to do any thing; whereas, if we at this time had 500 regular troops, we could cut these people up; they are not organized as yet, and we could take advantage of their situation, as we know where they are, and what point to strike at; but their forces are increasing every day; they are getting supplies of ammunition, by plundering small stores on the road, and they always find small quantities in the houses the people have abandoned, not having time to take any thing away with them.

With great respect,

I have the honor to be,

Your obedient servant,

JOHN PAGE,

Capt. and Sup. Creeks.

Brig. Gen. GEORGE GIBSON,

Com. Gen. Subsistence,

Washington City.

Extract of a letter from Lieut. Edward Deas, dated Encampment of Indians, four miles N. W. of Wetumpka, Ala. December, 6, 1835.

GENERAL: Thus far nothing of particular importance has occurred upon the route. The Indians appear well satisfied, and every disposition has been evinced, upon the part of the company, to comply with the conditions of the contract.

I am, respectfully,

Your obedient servant,

EDW. DEAS, *2d Lieut.*

and Dis. Agent Creek Emigration.

To Gen. GEO. GIBSON,

Commissary General of Subsistence.

ENCAMPMENT OF INDIANS,

One mile west of Tusculmbia, Ala. December 21, 1835.

GENERAL: I have the honor to state that the party of emigrating Creek Indians to which I am attached, arrived and encamped at this place this afternoon. On the 6th of this month I had the honor to address you from near Wetumpka, giving an account of the progress of the party up to that time. On the 7th inst. the Indians having been mustered and enrolled, proceeded on the way to Memphis, in the direction of Montevallo; the contractors preferring what is called the northern route, through Elyton, Moulton, and Tusculmbia, on account of the roads being, generally at this season, better than that which was taken last year, through Tuscaloosa, although the

latter is somewhat shorter. Up to this time nothing of particular importance has occurred upon the way. The weather has been uncommonly fine, and the roads consequently very good. This being the case, the party has been enabled to travel rather more than the average of twelve miles a day, but of course when the weather becomes bad, and the roads muddy, the rate of travelling will be diminished accordingly. As yet I have had no occasion to remonstrate upon any subject with the agent of the contractors. The means of transportation and subsistence have been of the proper kind, and in the quantity required by the contract. The rations have been issued regularly under my observation, and have consisted of beef and corn, with the exception of three days, when meal was issued instead of the latter. I purchased before starting such medicines as Dr. Randall required, but up to this time few cases of sickness have occurred, and it has not been necessary to leave any upon the route from that cause.

An unfortunate quarrel took place upon the 7th instant amongst some of the Indians whilst intoxicated, which resulted in the death of one of them. This, however, was supposed to be accidental, or rather unintentional, in consequence of which the friends of the man killed have taken no steps to punish his death in the usual manner, according to their laws. No other difficulties have occurred, and, as far as I am able to judge, the removal of the party has been well conducted according to the contract. I have nothing further of interest to communicate at present upon the subject of the emigration.

I am, sir, very respectfully,

Your obedient servant,

EDW. DEAS, *2d Lieut.*

and Disbursing Agent Creek Emigration.

General GEO. GIBSON,

Commissary General of Subsistence.

PADUCA, KENTUCKY,

Mouth of Tennessee river, December 28, 1835.

GENERAL: On the 21st I had the honor to address you from Tusculumbia, Alabama, on the subject of emigrating party of Creek Indians, now on their way to the west. At the time I wrote it was intended to proceed at least as far as Memphis by land, but the day after, travellers arriving from that direction gave such extremely unfavorable accounts of the state of the roads, that it was decided to take water at Tusculumbia, which was done accordingly. The Indian ponies were, as usual, sent on by land under charge of agents, and a sufficient number of volunteers from the Indians, to take proper care of them. The party arrived at this place to-day, at 9 o'clock, A. M. on board the steam-boat Alpha, and two keels, and landed, and will proceed this afternoon, as soon as the necessary provisions can be procured and placed on board. Nothing of particular importance has occurred since I last wrote.

One negro boy died at Tusculumbia on the 22d, but thus far little sickness has occurred. We left Tusculumbia on the afternoon of the 23d, and since that time the mode of travelling has been to stop before dark, and allow the party to encamp, and start the next morning ~~after~~ day-light. In this way the Indians prefer this mode of conveyance to travelling by land, and ap-

pear well satisfied in all respects. The same plan is intended to be pursued until we arrive at Fort Gibson, unless circumstances should make it preferable on all accounts to continue to run at night. Fresh beef and meal have been regularly issued since we left Tuscombua, and temporary hearths have been constructed on the decks of the two keel-boats, by which the people are enabled to prepare their food and keep themselves warm through the day. They are also cleaned out every night after stopping, and I shall continue to see that all proper precautions are taken to ensure the health and comfort of the emigrants.

There is nothing further to communicate upon this subject at present; but I hope that, in a short time, I shall be enabled to inform you from Memphis that the party is still progressing upon its route in good condition.

I have the honor, &c.

EDW. DEAS, *2d Lieut.*
and Disbursing Agent Creek Emigration.

General GEO. GIBSON,
Commissary General of Subsistence.

MEMPHIS, TEN. *December 31, 1835.*

GENERAL: I have the honor to report, that the emigrating party of Creek Indians arrived near this place to-day. I had the honor to address you from Tuscombua, Alabama, on 21st instant, and from Paduca on the 28th, giving an account of our progress up to that time, and also the mode of proceeding intended to be pursued until our arrival at Fort Gibson. Nothing of particular consequence has since occurred. The boats were landed this morning on the opposite bank of the river, to prevent the Indians having access to the whiskey shops of the town, and it is intended to proceed this afternoon. The party having charge of the poneys also arrived this morning, and will proceed without delay through the Mississippi swamp towards that destination. Thus far there has been but little sickness on our route, and no deaths since we left Tuscombua. I have nothing further of interest to communicate at present.

I am, sir, respectfully,

Your obedient servant,

EDW. DEAS, *2d Lieut.*
and Disbursing Agent Creek Emigration.

To General GEO. GIBSON,
Commissary General of Subsistence.

STEAMBOAT ALPHA,

26 miles above Little Rock, Arkansas, January 9, 1836.

GENERAL: It was my intention to have written yesterday, from Little Rock, but after reaching that place it was found expedient to make our time of stopping so short as not to admit of my doing so properly. There is a small town a short distance above us where I shall have an opportunity of mailing this. I had the honor last to address you from Memphis, on the 31st ultimo, reporting the progress of the party, now emigrating, up to that time. We did not leave that place until the next morning, the 1st

instant, about 9 o'clock, at which time also, the poneys were assembled on the west bank of the river, ready to proceed towards Fort Gibson, through the Mississippi swamp. Since that time nothing of consequence has occurred to the party on board of the boats. The Arkansas is not high, but is on the rise, and we hope to reach the end of our journey without being again obliged to travel by land. The boats have stopped every night since entering this river, and we have averaged about forty miles a day. The weather has been remarkably mild and favorable to our progress, and the Indians are healthy and apparently well satisfied. The horses and poneys were not all ferried over the Mississippi, at Memphis, until the evening of the 31st ultimo, and until this was done their numbers could not be ascertained. I then found that out of 154 that had left Tuscumbia, on the 23d ultimo, upwards of twenty had not crossed the Mississippi. They had been disposed of on the way, with the exception of two, which were lost. This sacrifice of property the agent who accompanied them informed me was owing to a want of sufficient forage, the allowance of two quarts of corn not being sufficient to support them. I ascertained the above facts from the agent who had charge of the poneys, and as soon as I had done so, finding that the average rate at which they had travelled from Tuscumbia to Memphis had more than doubled that laid down in the contract, I stated to the agent of the company that it was my opinion that when the average rate exceeded that laid down, the amount of forage should be increased by them in proportion, and that unless it was their intention to do so, I explicitly objected to the poneys being obliged to travel more than an average of twelve miles a day. After some discussion my proposition was acceded to, and directions were accordingly given that for the future four quarts of corn should be issued, as it was expected they would probably travel between twenty and thirty miles a day. We hoped to hear from them yesterday at Little Rock, but did not. We shall probably do so at Dardanells, about one hundred miles above. The above embraces all the facts of interest that have occurred since I last wrote, and I have nothing further at present to communicate upon the subject of the emigration.

I have the honor, &c.

EDW. DEAS,

Sec. Lieut. Dis. Agt. Creek Em.

Gen. GEORGE GIBSON, *Com. Gen. Sub.*

ENCAMPMENT OF INDIANS,

Two miles west of Fort Smith, Ark. Ter.

January 28, 1836.

GENERAL: On the 9th ultimo I had the honor to address you from near Little Rock upon the subject of the party of Creek Indians now emigrating. Since that time we have met with much detention from the low state of the water in the Arkansas river. On the 22d instant we reached this place, and it was found impossible to proceed further by water. The party was therefore encamped at this place on the north bank of the river, and the agents of the contractors proceeded to provide the necessary means of transportation by land. Messengers were also sent on to Fort Gibson for the return of the Indian poneys and wagon horses, which by some mistake had gone on there instead of encamping near Fort Smith, as was directed; until

the arrival of the boats. Those that were fit for use returned this afternoon, and the requisite number of wagons having been procured, every thing is in readiness to proceed to-morrow morning. The weather and roads being good at present, the party will probably reach Fort Gibson within five days.

The Indians have remained healthy, and nothing else of particular importance relative to them has occurred since I last had the honor to address you upon this subject.

I am, sir, respectfully,

Your obedient servant,

EDWD. DEAS,

Sec. Lieut. Dis. Agt. Creek Em.

Gen. GEORGE GIBSON, *Com. Gen. Sub.*

FORT GIBSON, ARKANSAS TERRITORY,
February 5, 1836.

GENERAL: I have the honor to state that the party of emigrating Creeks which I have accompanied from Alabama, arrived at their destination near this place on the 2d inst. On the 3d they were mustered in the presence of Captain Stephenson, the agent of the contractors, and myself, as directed, and the rolls have been signed accordingly. The Indians expressed their wish to be carried no further than the western bank of the Verdigris river, where they were received by Captain Stephenson, who commenced issuing provisions to them yesterday. Dr. Randall and myself having no further business here, will return to the Creek nation, east, as soon as possible.

Nothing else of particular importance has occurred in relation to the Indians since I had the honor to address you upon the 28th ult. My journal exhibits in detail, all occurrences upon the route, and will be forwarded as directed upon my return to Alabama.

I am, sir, respectfully,

Your obedient servant,

EDWARD DEAS, *2d Lieut.*

and Disbursing agent in the Creek Emigration.

Col. GEORGE GIBSON,
Com. Gen. Sub.

EMIGRATION OF INDIANS,
Office Com. Gen. of Sub. March 28, 1836.

GENTLEMEN: I have received your letter of the inst. and am gratified to learn that there is a prospect of the immediate removal of a considerable portion of the Indians.

The Secretary of War has received a letter from Col. Hogan; in which that gentleman has stated his disposition, zealously, to co-operate with you in your efforts to remove the Indians. He has suggested the expediency of Captain Page's accompanying him in his tour through the Indian towns, in order to explain the views of the Government; to impress on the Indians the necessity of a speedy removal; and to destroy any prejudices which may have existed against this mode of removal. He has also recommended

that one of the contractors should accompany them, to make any necessary explanations to the Indians, and by personal conversation with the influential men, to endeavor to remove the erroneous impressions under which they may have labored.

The Secretary of War has approved the suggestion of Col. Hogan, and has directed Capt. Page to accompany him. He has also instructed me to recommend that one of your company should join Col. Hogan and Capt. Page, for the reasons before stated.

I think the measure may produce very happy effects, and it seems to me, that nothing now is wanting to ensure success, but zealous co-operation on the part of the agents of the United States, and the company. Allow me, therefore, to recommend that all other considerations be laid aside, and that you meet Col. Hogan in the spirit of his proposition, and endeavor, in conjunction with him and Capt. Page, to forward the objects entrusted to you.

GEO. GIBSON, C. G. S.

Messrs. J. W. A. SANFORD & Co.
Columbus, Georgia.

EMIGRATION OF INDIANS,
Office Com. Gen. of Subsistence, April 29, 1836.

SIR: You will co-operate as disbursing agent, with Col. Jno. B. Hogan of Mobile, who has been appointed the superintendent of the Creek removal. Col. Hogan has, ere this, gone into the Indian country, but will have left his address for you at Mobile. A copy of his instructions has already been sent to you at that place. They will apprize you of the commands, and the expectations of the Department, the circular of the 28th February, also forwarded to you, will point out some important rules regarding the accounts and sources of expenditure.

There being no recent returns of any description from you, and the result of the late emigration not being known, I can scarcely tell what deviations may be required in the mode of operation from the proceedings of last year. The route then taken will, I am under the impression, be pursued. The knowledge you have acquired of the country through which it passes, and of the people among whom you have been so strenuously employed, will give you great advantages hereafter.

You will consult with Col. Hogan upon every thing touching the business of emigration; and he will doubtless freely communicate with you upon all points. There must be the most entire reciprocity, or the public interests will suffer. This is, indeed, the more requisite, because of the discontent known to exist among many of the leading chiefs, with the prospect of a removal to their new country; and of the machinations of interested whites to induce them to go elsewhere; to Texas it is believed. The united exertions of the agents of the Government, with the exercise of all the firmness and intrepidity which they possess, will be demanded.

You will inform me, at an early day, of the amount of money remaining in your possession, or deposited in Bank; so that I can place to your credit such sum as may be required in the approaching removal. If you will make an estimate of the amount you will need, I shall be glad. I know, in your present situation, little reliance can be placed on an estimate; still

if it be somewhat in detail, it may unfold more clearly to my view the anticipated sources of expenditure. And you will forward to me, a full report of the proceedings in the late removal, with your accounts complete, that they may be settled, if practicable, prior to your again commencing disbursements.

It is provided in the instructions of Col. Hogan, that, as soon as a party of five hundred can be got together, it will proceed under the care of a suitable person. When a party or parties go west without you, which may be the case, you will transfer to the agents conducting them, a sufficient amount of money to pay their contingent expenses. No more will be required, because you will have previously made full arrangements for supplies of subsistence on the route, and the teamsters and others will be paid on their return. Persons to whom money is thus confided will be instructed by you how to keep their accounts to make up their vouchers, and in the nature of the expenditures they are to make. Should they improperly disburse the public money, their compensation will be withheld. A decision can be had by application to this office.

I am of opinion that a large and combined movement of the Creeks, during the present year, is not to be expected. But I believe several parties as large as that conducted by you may emigrate. You cannot, therefore, attend personally to all these parties, for they will move at different times. Indeed it is desirable that there should be no delay, and as soon as the number specified above can be got ready, that it be started. In these detached movements, with but one disbursing agent, much confusion and difficulty will arise, except there be a good plan for the active operations adopted and adhered to. This, then, I propose for a plan :

Enter into contract, through the whole line of march to Memphis, with the most competent and respectable individuals, for complete rations. Fix your points of issue at convenient distances. Let advice be given regularly a day or two before hand, of the approach of the parties, so that the contractors can be in readiness. Let the conductor when he arrives at an issuing stand, fill up a provision check with the proper number of Indians, and quantity of provisions, hand it to the contractor, and when the issue is made, let the conductor, or his assistant if he has one, witness the issued, and certify on the back of the check to the fact. And instil into their minds the necessity of watching over the interest of both the Government and the Indians ; and to take care to note on the check, also, what deductions should be made from its face, on account of provisions not issued. The like course with regard to the forage, if the teams are furnished by the United States. The muster roll will show the number of Indians at starting, and all changes on the route, it will of course agree with the issues. The journal to be kept by each conductor will exhibit the incidents of the travel, the daily progress, &c. Let it be understood that the utmost exactitude will be expected in the rolls, the provision and forage checks, the journal, &c. The last named will invariably be forwarded with your quarterly accounts.

The mode of contracting for wagons and teams will be that pointed out in the accompanying circular. The wagons will go as far as Memphis. The time of starting each party will be communicated by mail to the agent, and to the contractor for the other side of the Mississippi at Memphis, with the number of Indians the number of wagons, and probable time of arrival, so that every thing may be there ready for an uninter-

ted progress westward. Each conductor will take with him a copy of the wagon roll, a form of which is herewith, and at the end of the route, or whenever the services of a team cease, he will fill up the blanks with the performance of the team; and note whatever besides may be proper for the information of the disbursing agent, to whom he will speedily hand or transmit, for without the roll you will not pay the team hire.

When you make up your accounts, you will clearly exhibit the operations and expenses of each conductor, so that there may be no doubt in the settlement as to the propriety of any charges incurred. The bills of contractors for provisions and forage, should show the dates on which each issue respectively was made, specifying the name of the conductor and any other particulars. And these entries should be based upon and supported by the checks.

It cannot be known whether it will be advisable for you to go west of the Mississippi or remain on this side; that will depend upon circumstances of which the superintendent and yourself must judge. I now think it will be necessary for you to remain east; and from present appearances, you will be fully employed in superintending the disbursements between the Creek nation and Memphis. From Memphis to the new Creek country, Capt. Brown will provide for the transportation and subsistence, and Capt. Wm. Armstrong will act as superintendent.

Further instructions may be given to you after the reception of your report.

Blanks will be forwarded by this and the succeeding mails.

Respectfully, &c.

GEO. GIBSON

Com. Gen. Sub.

Capt. JOHN PAGE,

Dis. Agent, Creeks, Mobile, Ala.

EMIGRATION OF INDIANS,
Office Com. Gen. Sub. May 9, 1835.

SIR: I am directed by the Secretary of War, to say that in case of a necessity arising in the Creek country for the interference of an armed force to preserve order and protect the lives of our citizens, the President will, on application of the Executive of Alabama, order a detachment of United States troops to be sent into the Creek country. And I am further directed to say, that the intercourse law is now inoperative, and that the Creek Indians must be considered liable to the operation of the laws of that State. In this state of things you will redouble, if possible, your efforts to effect early removal. It is hoped the Indians will yield to the manifest benefits that await their emigration, and fly the evils that encompass them on all hands whilst they remain in the State.

GEORGE GIBSON,

Com. Gen. Subsistence

Col. JOHN B. HOGAN,

Sup. Creek Removal, Fort Mitchell.

EMIGRATION OF INDIANS,
Office Com. Gen. Sub. May 20, 1836.

SIR: I communicate to you, for your information, the subjoined extract from an order of the Secretary of War this day received in this office, viz: "General Gibson will inform Colonel Hogan that the removal of the Creek Indians will, in consequence of their hostilities, be a military operation, and, like the removal of the Seminoles, be entrusted to the military authorities. General Jesup has been assigned to the command and the whole matter will be under his direction. Colonel Hogan's services, therefore, will not be required to superintend it."

As a consequence of the above quoted order of the Secretary of War, I have to inform you that on the receipt of this communication your duties and compensation as superintendent of the removal of the Creek Indians will cease.

Respectfully, &c.

GEORGE GIBSON,
Com. Gen. Subsistence.

Col. JOHN B. HOGAN,
Mobile, Alabama.

DEPARTMENT OF WAR, August 20, 1835.

MY FRIENDS: Circumstances have prevented an earlier attention to your letter of June 13, to the President. I embrace the first moment in my power, after my return, to acknowledge its receipt, and to communicate the views of the President on the subject presented in it.

I have no doubt that many of your people have been injured, as you allege, by the frauds committed by the white people. Of this your great father was apprehensive at the time the treaty was formed at this place, and demonstrated strongly with your delegation against the expediency of making individual reservations to your people. He believed, and the event unfortunately shown that his opinion was correct, that individual reservations, with the power to sell, would be sacrificed by the improvidence of your people, and by the anxiety of ours to possess them. He, therefore, earnestly requested your delegation to accept a proper consideration for the whole country ceded, and secure this in a way that would be permanently beneficial, and then to remove together to the country west of the Mississippi. This advice was not, however, followed, and the consequences are now before you. Every measure in the power of this Department has been taken to prevent these frauds. The different agents have received detailed instructions providing, as far as possible, for the confirmation of bona fide sales, and for the rejection of those which are not so. And when the extent of the evil was made known to this Department in May last, the agents were called upon for specific reports, and were directed to suspend the confirmation of grants subsequent to the 15th February. If any individual cases can be pointed out in which the owner of a reservation has been defrauded, the Government will not hesitate to institute any proper judicial proceedings for the recovery of the land, and for the punishment of the offenders. Your great father has every disposition to protect your rights and do you justice. But this he can only do in the mode pointed out in the treaty itself and by the laws.

The statement you make respecting the impossibility of your longer continuance in Alabama, fully coincides with what has repeatedly been stated to you by this Department. You have been urged time after time to remove. You have been told that if you endeavor to remain where you now are, you must decline and ultimately disappear. The operation of ardent spirits upon your people, so feelingly deplored by you, has been heretofore urged as one of the strongest reasons for your departure. Situated as you now are, I do not see how it is possible to stop this traffic. If the white people are wrong in selling you are wrong in buying. Why do you drink this poison when you know full well it must destroy you? As long as you are intermingled among our citizens, determined to drink, and to pay almost any price for spirits, persons will be found who, disregarding all legal and moral restraints, will supply you to any extent.

You seem now to agree with the Government in the idea that your removal to the west of the Mississippi is the only plan which can be devised for your preservation. A country has been provided for your residence west of the Territory of Arkansas which, it is believed, that in climate, extent, and fertility, is adequate to all your wants, and will be so for generations yet to come. You object to it, however, as a residence for two reasons:

First. Because you are dissatisfied with it on account of its climate, soil, and extent. The information before this Department is altogether different from this representation. I feel confident that there is great abundance of land fit for cultivation, and far more than your people will occupy probably for a century.

Second. You object further that if you should settle in that country, that the white people would soon obtain possession, and you would be placed in the same condition you now are.

You are under a misapprehension on this subject. Your present residence is within the limits of an organized State, and you are necessarily subject to the operations of its laws. But west of Arkansas no government is established. The United States alone hold the ultimate jurisdiction of the country, and Congress has given its solemn pledge that you shall forever be without the limits of any State or Territorial Government. And the President is prepared at any time to issue to you a patent expressing this pledge, and conveying to you the land as long as you may occupy it. White persons, except those in public employ, will be excluded from that region. And you may enjoy unmolested your own institutions.

You ask permission to remove to the province of Texas. This permission your great father cannot give. Texas is a part of the Republic of Mexico, over which the United States has no control. It is an independent Government, regulating its own policy at its own pleasure. Your great father, therefore, has no right to say who shall enter it. That power belongs to the Mexican Government. And there is reason to believe that that Government would not be pleased if the United States should take any measures to induce the Indians within its limits to remove into any part of the Mexican possessions. Under these circumstances, therefore, you will perceive that the plan you propose cannot be sanctioned by your great father, the President.

I hope you will see the necessity and propriety of emigrating to the country prepared for you west of the Mississippi, where I do not doubt

you can establish yourselves happily, and lay the foundation of permanent prosperity for your people.

Very respectfully, &c.

LEWIS CASS.

To the Creek chiefs

OPOTHEHOLO,
NEHALOCCOHOBBIE,
TUSTANUGGEE EMARHTLA,
COOSA TUSTANUGGEE,
TUCKEBATCHEE MICCO,
SECHE COLONELS,
WM. MCGILVERY,
CHECOTTEFIXICA.

September 21, 1835.

(Col. J. B. HOGAN, *Sup. Creek Indians* :

SIR : Enclosed is a copy of a contract for the removal of the Creeks from Alabama, by a company of gentlemen, residents in Georgia, acting under the firm of J. W. A. Sanford & Co. This contract has not yet been executed. The original was transmitted to Columbus, Georgia, on the 20th ultimo; and this office has, within a day or two, received information from one of the above mentioned firm, that it would be executed and returned in a few days. It may, therefore, be deemed a settled question, that the Creeks are to be removed by this company.

An examination of the instrument will show you, that the company are to get twenty dollars a head for all who emigrate the whole distance, with a proportional amount for those who die, or are under certain circumstances sick, on the way; that the contract is for the removal of five thousand Indians; that the United States are to appoint certain agents to superintend the interests of the Government and of the Indians; and that in certain contingencies the contract may be annulled by the Commissary General of Subsistence, on the part of the United States. These are the main features, but there are others of great importance, and upon which depends more particularly the character of your duties, and that of the duties of those who will be connected with you in this business.

You will be charged with the following: To see that the Indians are not put under restraint; that they enroll freely and voluntarily; that the means of subsistence and transportation provided in Alabama are such as the contract guarantees; that improper persons, such as whites not allied to Indian families before the date of the Creek treaty, are not enrolled; that assurances are given of ample preparation, on the intended route of any large party, of means or preparation to meet the demands of the emigrants. You will, in fine, see, that the whole course of procedure, on the part of the company and its agents, is characterized by lenity, forbearance, and humanity towards the Indians, and a strict compliance with the terms of the contract. Whenever there is cause for complaint, urge it to the immediate source of that cause, and to the company, if your representations be not attended to. The contract provides for cases in which a pecuniary expenditure can remedy the evil complained of.

The enrolment of the Indians is a most important step towards accuracy in the operations of the removal. The contractors will, of course, be at all

the expense incident to it, but you will see that it is correctly done. The mode of enrolment by heads of families is preferred. The agent of the contractor accompanying a party will keep the roll of that party, a true copy of which, as originally made out, will be put into the hands of the Government agent attached to the same party, and a third will be forwarded by you to this office.

You will visit, if practicable, each party before it starts west, that you may be the better judge of the manner in which the contractors propose to conduct it, and point out any deviations from their obligations under the contract.

The military agents and physicians, accompanying the parties, will have special instructions, of which you shall be furnished copies. As they will act under your superintendence, they will be directed by you, and advise with you in all matters prior to starting west, and communicate to you copies of all their reports to this office whilst pursuing their way with the Indians.

The contractors will be paid at such points as they may select. They have not indicated where they desire to be paid, and until they do so, this office cannot complete the pecuniary arrangements. But it has been intimated by them that they will demand only a small portion of the whole amount that may be due to them west of the Mississippi; if so, a disbursing agent west will be directed to make an advance on the muster roll presented to him after the arrival of any party at its place of destination, which roll will be forwarded to the disbursing agent east, and by him paid in full. Instructions will hereafter be given on this subject.

The contractors are allowed to leave the sick on the road. It may be proper to see that such persons as must inevitably be left on the way are not enrolled. It would, perhaps, be better, if the sickness be but of a temporary nature, that they should be left behind and taken care of in Alabama, than put at the mercy of strangers. Those who may be left on the way will be reported, and you will see that they are taken up by the next party; or, if unable to travel, that they are restored, if possible, to those persons who may best be able to take care of them. It is probable that where a sick person is left by a party under any circumstances, friends or relatives will also stay behind. In such cases care will be taken to pay no expense not incurred for the sick alone; but every facility will be secured, for emigrating, to the others who may afterwards wish to go west.

Many difficulties are apprehended, in the outset of the emigration, from the cupidity of the whites. Frauds are reported to have been extensively attempted, and sometimes successfully, upon the Indian's negroes and other personal property. These may not, perhaps, be entirely prevented; but the exercise of all your vigilance is called for to secure the Indians their rights, and to guard against an invasion of them. Should legal measures be advisable, you are authorized to take them, avoiding as much as possible great expense and frequent occasion for such interference. But you will by all means take care, even in serving the cause of the Indians and humanity, you do not resist the legal process of the States, or of the United States.

You will enjoy upon all, as well the agents of the contractors, as the agents of the United States, those moral restraints in their intercourse with the Indians, the violation of which, besides consequences not necessary to advert to, would produce an interruption of harmony between them and the Indians, and cause them to lose the influence so necessary to the success of the enterprise about to be undertaken.

Reports will be made to this office by you weekly, in which you will embody every thing that is of a nature to elucidate the transactions taking place under your supervision.

You are authorized to appoint three assistant agents, whose duties shall be of a character similar to those of the military agents. Their compensation will be at most three dollars and a half a day, in full of all allowances; but will be less if suitable persons can be procured for a smaller compensation.

The first clause of the 10th article of the contract makes it your duty to "decide whether fifty or eighty, or any intermediate number of Indians ought, consistent with the health and comfort of the Indians to be assigned to each wagon." In making this decision it will not be understood that you are to examine every wagon's company with that view, but that you are to take into consideration the condition and circumstances of the whole body of emigrants forming one emigrating party.

The proviso at the end of the contract, provides that infractions of the instrument shall "be alleged by either party at the time of their occurrence." When you intend to report an "infraction," you will notify the company, and as soon as possible furnish them a copy of your report.

The foregoing instructions will be considered as superseding all others heretofore given, on the subject of the Creek emigration, except where the printed regulations, and the *circular* of the 25th February ultimo, may especially apply to a given case; but these instructions are not to exclude your action upon the stipulations of the contract itself, any of which, though not referred to here, you are to see carried out in all their practical effects according to their true spirit and meaning.

September 21, 1835.

SIR: The mode in which the Creek Indians are to be removed from Alabama has been changed, and will be in accordance with the contract made with Messrs. J. W. A. Sanford & Co. of Columbus, Georgia, a copy of which is enclosed. The superintendance of the removal; so far as the comfort and security of the Indians, and the interest of the United States are concerned, has been confided to Colonel John B. Hogan, a copy of whose instructions is enclosed. You will see, by the instructions of Colonel Hogan, in connection with the contract, the objects which the United States have in view, and the relation their agents bear towards the contractors and between themselves. The duties to be performed in the Creek nation, prior to your being attached to a party of emigrants, will be designated by the superintendent; those you are subsequently to perform will be as follows:

To see that the Indians of the party are correctly enrolled and regularly subsisted; that the transportation is of a proper kind, and kept in good order; to examine daily the condition of the party, and to note in a journal the occurrences of each day; to protect the Indians in their rights; any invasion of which to be remonstrated against, and to report to this office and to the superintendent, a want of attention to your remonstrances; and where the contractors are not concerned, the cause and result of any difficulty into which any emigrants may get; to consult with the surgeon in regard to the health of the Indians, the quality of provisions, &c. as pro-

vided in article eleventh of the contract; and to make arrangements for the support of such Indians as may be left on the way.

It will be your duty, also, agreeably to the contract, to supply provisions or transportation on the route, in cases where the contractors may fail to do so to the stipulated extent: but no steps will be taken in this until the contractors, or their agent, is notified, at least twenty-four hours, of your intention to do so, accompanied with a statement of the reasons why. If the deficiency is remedied by the contractors, you need only enter the transaction on your journal; if it is not, you will proceed immediately on the most favorable terms to supply it by purchase or hire. Your arrangements will continue until the contractors are ready to substitute their own. And you will, as soon as it becomes necessary for you to act, as above directed, inform this office and the superintendent, whom you will also apprise of the extent and continuance of your arrangements.

You will be provided with a roll of the party, which you will see corresponds in the outset with that of the contractors; and you will submit it to the surgeon, that he may enter the facts referred to in section 3, article 11, of the contract. You will also occasionally compare the rolls, that they may be kept in conformity, thus preventing differences of opinion as to facts that may occur on the route.

On your arrival near Fort Gibson you will inform Captain J. R. Stephenson, disbursing agent of the Creeks west, of your approach to the Indian lands, that he may, according to the contract, direct the party to a proper stopping place, within twenty miles of the Fort. As soon as the designated place is reached, you will, in presence of Captain Stephenson, and the contractor's agent, have the Indians mustered. The actual number present will be accurately ascertained, by showing upon the rolls the absentees, and the cause of their absence. The rolls will be compared, and the differences involving pecuniary considerations of any character, noted on the contractors' roll, which will be signed, by the contractors' agent, countersigned by you, and certified by Captain Stephenson. You will sign your own roll, and Captain Stephenson will certify it.

You will keep a regular journal, in which will be particularly noted the transactions and occurrences of every day, and the number of miles travelled. You will also keep a memorandum of your expenses from day to day, and place to place.

Captain Page will advance you such sum of money as the superintendent may deem requisite to meet expenditures contemplated in the second section of article eleventh. If any be made, you will furnish a regular account to this office, first getting the signature of the superintendent to the abstracts. The surgeon may also be furnished on the way with articles of medicine, &c. he may require.

As soon as you have delivered a party of emigrants, it will be necessary for you to return to the Creek nation east, and meet the superintendent at a place to be agreed on.

Upon your return your journal will exhibited to the superintendent, and then transmitted to this office. It is desirable, in fine, that between yourself and the superintendent there should be the freest communication at all times; and to this office you will transmit, as often as circumstances will allow, an account of the transactions in which you are engaged.

GEO. GIBSON, C. G. S.

To Lieut. EDW. DEAS,

Dis. Agent Creeks, Fort Mitchell Ala.

WAR DEPARTMENT, *Feb. 24, 1836.*

SIR: I have received your letter of February 5th, and have requested the Commissary General of Subsistence to correct the mistake respecting your suspension from the duties of your office. His letter will have shown you, that it was not intended to separate you entirely from the business of emigration, but to confine your services to the re-examination of contracts, as that is the most pressing and important matter, and as it was presumed to be impracticable for you, officially, to perform both branches of duty at the same time. You perceive it is expected that you will resume the direction of the emigrating business as soon as you have finished the investigation of the contracts.

The President, on full consideration, has determined to make an experiment, to remove the Creek Indians by contract; and an arrangement for that purpose has been entered into; and it is believed with such stipulations as will be safe for the Government and for the Indians. All that is expected by the Department; is, that you should zealously co-operate in endeavoring to procure the removal of the Creeks, and as far as possible aid the efforts of the contractors, while they keep themselves within the line of their duty, and I am sure that I shall not be disappointed in this expectation.

You appear to concede that this system of removal would be more economical to the United States, and if the contract is faithfully superintended and executed, it will certainly secure the comfort of the Indians, and faithfully fulfil all our promises to them. You have full power to see the most ample justice done to them, and if this justice is not done, you have authority to make other necessary arrangements. Under these circumstances, I am at a loss for any reason to yield to the idle whims of the Indians, and indulge them in unnecessary preferences, which amount, in fact, merely to a wish, that certain individuals, rather than others, should be concerned in their removal. It is well known that interested persons may easily induce the Indians to prefer almost any request, and I have no doubt that some such influence has operated upon them, and has led them to make representations to you. You state the case very justly with regard to your own responsibility, and certainly that responsibility is lessened by the contract system.

The President is not now willing to change it until a fair experiment has been made. When this is done, and the effect fails, then it will certainly be proper to recur to the former mode. Captain Page, however, in whose judgment and knowledge of this subject, great confidence is placed, expressed, while here, his firm conviction, that the plan of removing the Indians by contract might be successfully carried into effect. I have to request, therefore, that you will, in conjunction with Capt. Page, use your best efforts to co-operate with the contractors, and to give them an opportunity of making a decisive experiment on the operation of removing the Indians.

You express your regret at the bad success which has attended the emigration. It is indeed seriously to be regretted, but so far as the causes have been made known here, they have been attributed to the situation of the Indian contracts, rather than any peculiar mode adopted for the removal of the Indians.

I feel great solicitude upon this subject. The state of affairs with the Seminoles, and the possibility that the Creeks may join them, or may them-

selves commence hostilities, increase the anxiety I have had for the removal of these Indians. If they once break out, I think their destruction inevitable. A regard for our own citizens, would require the adoption of the most prompt and decisive measures. General Scott has full authority to call out any force that may be required to subdue them, or to repel their aggressions. I will thank you to correspond freely and fully with him on the subject, and to keep him advised of any indication that may appear among these Indians to commit hostilities. The same information you will please to communicate from time to time to this Department; and in your intercourse with the Indians, I have to request that you will enjoin upon them, as they value their own existence, the necessity of being tranquil while they remain in Alabama, and of preparing for their removal as quick as possible.

LEW. CASS.

Col. JOHN B. HOGAN,
Fort Mitchell, Alabama.

WAR DEPARTMENT, *March 12, 1836.*

GENTLEMEN: Your letter of the 1st instant, to the Secretary of War, has been referred to this office. I am instructed to say, that you are fully aware of the great desire of the President to remove the Creek Indians without unnecessary delay. But the President has another duty, under the treaty, besides that of removing them. He is bound to take care that the treaty is faithfully executed, and that the Indians are not defrauded of their property. With all the allegations and statements before the War Department, how could he justify it to himself, or to the country, to stop all these investigations, on the mere ground that he was desirous of sending the Indians away? By doing this, he would violate the plainest principles of justice, and bring the Government into reproach. You recommend that Doctor McHenry's returns of cases, set aside, should be confirmed, and that the further prosecution of the matter, in General Sanford's and Mr. Tarrant's districts, should be stopped. The reason urged for this course, is, that there are but few fraudulent cases in the two latter districts. And how few ought there to be to justify an examination? The allegations here, do not lead to a confirmation of this opinion, that there are but few cases, and if there are just grounds to suspect any, those, thus suspected, ought to be inquired into. And it would indeed be a bad justification on the part of the Government, to assume that there were few cases of fraud, and that, therefore, the whole matter should be stopped, and the Indians sent away.

The investigations have not been conducted agreeably to the intentions of the Department. By the possession and certificate of a contract, prima facie rights are certainly acquired by the party holding it. It may, indeed, have been improperly and fraudulently obtained. But this must be shown by some evidence, before it can be set aside. The returns made from Dr. McHenry's district, do not exhibit, with the exception of a very few cases, in which a summary of the evidence is given, and with the exception of others, stated to have been set aside by the consent of the parties, any grounds for the action of the President. They have been, therefore, returned, and detailed instructions have been given as to the mode of proceeding. Two gentlemen, of high character, in Georgia, have been asso-

ciated with Colonel Hogan, and all the necessary information, for their prompt action, has been transmitted to them. They have been requested to proceed with as much despatch as possible, and to close the whole matter with the least possible delay. Immediately on receiving their report, the President will make his decision, and those contracts not reversed, will be delivered to the parties. When a reversal takes place, a new contract may be entered into, and certified without delay, and for that purpose, one or more additional certifying agents will be appointed.

I do not see the necessity of appealing to each Indian to ascertain whether fraud has been committed. If a contract is fraudulently obtained, I should suppose that the Indian party would, of his own accord, make the complaint, particularly, as all the Indians must know the investigating commission will be going through their country, for the purpose of making these inquiries. The instructions have never been to make indiscriminate investigation. The examining agents are directed to inquire into those only where probable cause is shown. It is impracticable to define here, what shall be a probable cause. That must be entrusted to the discretion of the agents.

You will see, by this communication, that the President deems it his indispensable duty, from which he cannot depart, to investigate these allegations of frauds, wherever there is probable cause to suspect their existence, even if the causes are but few. You will see also, that in doing this, he considers himself bound not to exercise an arbitrary discretion, but to judge in each case, upon a summary of such facts as may be collected and exhibited. And you will finally see, that every measure which seemed to be proper to bring these investigations to an immediate close, and thus to lead to the removal of the Indians, without unnecessary delay, has been authorized.

Very respectfully, &c.

LEWIS CASS,
Secretary of War.

MESSRS. JOHN W. A. SANFORD & Co.
Columbus, Georgia.

WAR DEPARTMENT, *April 14, 1836.*

In acknowledging the receipt of the letter from J. W. A. Sanford and Co., contractors for removing the Creek Indians, to the Commissary General of Subsistence, dated March 30, 1836. Gen. Gibson will inform the contractors that the Department gives no consent to this measure.

Gen. Gibson will also signify, in answer to their letter of the 28th March, the gratification of the Department at the prospect which they express of being able to remove so many of the Indians during the present season.

General Gibson will also transmit to Colonel Hogan, a copy of the letter from the contractors to the Commissary General, dated March 30, 1836. But at the same time, he will inform Colonel Hogan, that the Department is satisfied that there has been a misapprehension with respect to Colonel Hogan's views, and that the letter is sent merely to afford Colonel Hogan an opportunity of putting the matter in its proper light. And the Department is the more satisfied on this subject in consequence of the very judicious proposition recently made by Colonel Hogan to allow Captain Page

and some of the contractors to accompany him to the Indian towns, and of his promise to co-operate with them in order to induce the Indians to remove. Which promise, it appears by the contractor's letter of March 28, must have been faithfully complied with by Colonel Hogan.

General Gibson will also write to the contractors, stating that a copy of their letter has been sent to Col. Hogan, and for the reasons stated. He will also inform them that the Department exceedingly regrets to see these continued manifestations of a want of confidence between the contractors and Colonel Hogan. The public service is injured by it, without corresponding advantage to any one. Nor does there seem the least necessity on either side for such a state of feeling. Let them both be requested to go on and discharge their respective duties, and disregard all private feelings.

General Gibson will also inform the contractors that Colonel Hogan's recent communications respecting their operations, evince a cordial desire of promoting the objects of the Government. And that Colonel Hogan has faithfully fulfilled his promise, is apparent, from the contractors' letter of March 28, in which they state their prospect of success, after having had interviews with the Indians in the presence of Colonel Hogan. After this manifestation of the favorable intentions of Col. Hogan, it is not very obvious why the letter of March 30, was written.

Very respectfully, &c.

LEWIS CASS.

To the COM. GEN. OF SUBSISTENCE.

MARDISVILLE, ALA. *March 27, 1835.*

SIR: At a council at Cooswoda, near Tuskegee, the county seat of Macon county, the Indians held their councils altogether in private. I believe the chief object of the meeting was to give an account of their late visit to Texas. After they had interchanged their views and opinions with each other, they sent for, and gave me an account of their visit to Texas, and of their determination to emigrate forthwith, or as soon as practicable to that country; and showed me an instrument of writing by which it appeared they had made a purchase of a gentleman by the name of Hodgkiss, agent for a Spanish or Mexican gentleman, by the name of Brasores, of a grant of land belonging to Brasores. They have agreed to pay for this grant eighty thousand dollars, twenty thousand of which they are to pay immediately, and the balance when the title to the grant is completed by Brasores. It is a large body of land, and described by the delegation to be one hundred miles square. I could not learn from them where the grant of land lies, but it is described by them as being wholly uninhabited. Tuskenehaw, Opathleholo, Mad Blue and Little Doctor, held a private communication with me, and from them I learned that they were unwilling that I should communicate their views to the President, but they are extremely anxious to have a conference with him themselves. I think they are fearful that he would not approve of the course they have adopted, but would urge them to go to Arkansas, a place which they seem to have an unconquerable aversion to. From what I could learn of their views they wish the President to call a delegation to Washington, and think if they could see him, and converse with him themselves, he would forward their views.

They wish to make some arrangement in relation to their perpetual annuity, and to be allowed to emigrate themselves to the country they have purchased. Their object, I believe, is to raise the money to pay for their late purchase.

From what I could learn of them, they wish Barrant Dubois, a white man who has married a native, to accompany them to Washington, as he went with them to Texas, and has their confidence; his interest they consider identified with theirs.

I knew not what advice to give them on the subject, as I had no knowledge of the course the Department would pursue in such a case. And of course, proposed to communicate their wishes to the Department, which they seemed unwilling for me to do. I have, however, thought it my duty to apprise the Department of these movements, and if it is not inconsistent with propriety, I wish this communication to be considered a private one, and as the Department is now in possession of the wishes of these people, I see no necessity in letting them know by what means the information was obtained. I feel, however, justified in what I have done, as the Department can now forward or oppose their views, the latter of which I feel persuaded it will not do unless it is considered for the benefit of the Indians themselves:

I remain, &c. &c.

LEONARD TARRANT.

The Hon. LEWIS CASS, &c.

WAR DEPARTMENT, *April 14, 1835.*

SIR: I have received your letter of March 27, and have laid it before the President. I do not see any good reason for considering your communication as a private one, as the matter relates exclusively to a subject of public concern. I therefore write to you officially, although I shall not communicate the fact to the Indians, as you seem desirous that they should not know that the Department had any knowledge of the subject.

As to their coming here it is out of the question, so far as any rate as relates to their expenses being borne by the Government. We have no funds for such a purpose, and if we had, the journey would be unnecessary, for all the business they can have to do would be much better done by written communications than by personal interviews. You will therefore discourage any such attempt on their part.

Their project of emigrating to Texas cannot receive the sanction of the United States. The procedure would give offence to the Mexican Government, and you will therefore signify to them, upon all proper occasions, that in the attempt they will not receive the slightest aid from the United States. There is no necessity for the measure, for the country offered them west of Arkansas is amply sufficient, both in extent and fertility, for their permanent establishment and subsistence; and the repugnance which you think they evince to going there is but an idle whim, which ought not to be yielded to. I am apprehensive from what you state that they have been encouraged in this project by some persons in Texas, who are desirous of procuring their money, and who would only lead them into difficulty, both as regards their title and their political condition.

I do not understand from your letter whether or not the Creeks are about

to address a communication to this Department on these subjects. If they do the answer given will be in conformity with these views. If they do not, you will seek some proper occasion to convey to them the sentiments of the Government on the subject.

In all your intercourse with them, however, I would thank you to impress upon them the necessity of an immediate and entire removal. No other course remains promising them the slightest chance of eventual improvement or even of existence.

Very respectfully, &c.

LEWIS CASS.

LEONARD TARRANT, Esq.
Mardisville Alabama.

FORT MITCHELL, ALA. *August 20, 1835.*

SIR: It is reported several communications have been forwarded to the Department that the Creek Indians were greatly opposed to their being removed by *contract*, and that they would die where they now lived. My reason for addressing you on this subject, is to say to you that the spirit of opposition on the *part* of the *Indians* does not exist; they being told that an officer of the army would accompany each and every party to see that they did not suffer on the road, gives general satisfaction to all who have any disposition to remove.

I profess to know something of Indian character, and I make bold to assert, that their being removed by *contract*, will not retard the progress of emigration, but greatly facilitate it; and I flatter myself that the company now empowered to remove them, will be able to show to the Department and the citizens of Alabama that there does not exist that spirit of opposition on the part of the Indians.

I remain, &c.

S. C. BENTON.

Gen. GEORGE GIBSON.

CONTRACT.

Articles of agreement entered into this seventeenth day of September, one thousand eight hundred and thirty-five, between George Gibson, Commissary General of Subsistence, under the authority of the President of the United States, on the part of the United States, and John W. A. Sanford, Alfred Iverson, John D. Howell, Benjamin Marshall, Luther Blake, and Stephen M. Igersoll, of Georgia, to be known in said article as, and acting under the firm of, John W. A. Sanford and company.

This agreement witnesseth, that the said George Gibson, for and on behalf of the United States, and the said John W. A. Sanford and company, their heirs, executors, and administrators, have agreed, and, by these presents, do mutually covenant and agree:

I. That the said John W. A. Sanford and company, their heirs, &c. shall remove the Creek Indians, occupants of the Creek nation, in the State of Alabama, from said nation to a point in the new country allotted to the Creeks, west of the Territory of Arkansas, and within twenty miles of Fort

Gibson, to wit, men, women, and children, with their slaves, and their goods and chattels, as hereinafter provided, in manner and form, and for the consideration specified in these articles of agreement.

II. That the said John W. A. Sanford and company, their heirs, &c. shall collect the Indians together at convenient times and places, and that the Indians shall be subsisted by them from the day they commence to march to the place of assemblage.

III. That the said John W. A. Sanford and company, their heirs, &c. will despatch to the new country aforesaid, parties of one thousand Indians or more, under the conduct of such agents as the said John W. A. Sanford and company, their heirs, &c. may deem it proper to appoint, the Indians having first been carefully enrolled.

IV. That the following shall be the rations and the kind and quantity of transportation to which the Indians, &c. shall be entitled; the ration of bread shall be one pound of wheat flour, Indian meal, or hard bread, or three-fourths of a quart of corn; the meat ration shall be one pound of fresh or three-fourths of a pound of salt meat or bacon, and, with fresh meat, two quarts of salt to every hundred rations. The transportation shall be one six horse wagon and fifteen hundred pounds of baggage to from fifty to eighty persons. The provisions and transportation shall be the best of their kind. The average daily travel shall not exceed twelve miles.

V. That the provisions shall be issued daily, if practicable, and not less frequently than every other day, as well while at rest as during the travel, until the day inclusive of arrival at the point of destination west; and that there shall be established, within three months, points upon the entire route westward, at which the provisions are to be issued.

VI. That the sick, those enfeebled from age or other cause, and young children shall be transported in wagons or on horseback; that those who may be pronounced unable to proceed may be left on the route at some proper place, and under the care of some proper person, at the expense of the United States.

VII. That the Indian ponies shall be given, from the day of starting westward, one half gallon of corn each; provided such disposition in the active operations of the removal may be made of them (not to include the hauling of the wagons before mentioned) as the said John W. A. Sanford and company, their heirs, &c. may deem proper, but that they will not be separated from the company to which their owners respectively are attached, nor compelled to carry any other baggage or persons than those belonging to the family of their owners.

VIII. That the said John W. A. Sanford and company, their heirs, &c. shall be entitled to twenty dollars a head for each person transported from the Creek nation to the place of delivery before mentioned; and for all persons who may die, or be necessarily left on the way, as authorized by article six of this contract, an amount in proportion to the distance travelled; provided that the evidence herein required in such cases, of arrival westward, &c. to be furnished to the proper Department; the amount due to the said John W. A. Sanford and company, their heirs, &c. to be paid promptly at such points as may be previously indicated by them, and under instructions hereafter to be given by the War Department.

IX. That the said John W. A. Sanford and company, their heirs, &c. shall not coerce the Indians to remove, all threats and violence towards them being prohibited; and that they shall be treated by the said John W.

A. Sanford and company, their heirs, &c. and by the agents of the same, with lenity, forbearance, and humanity.

X. That the United States will furnish the following agents :

1st. A superintendent, whose duty it shall be to remain within the limits of the Creek nation during the proper season for operations under this contract, for the purpose of seeing that its stipulations are fulfilled by the parties thereto. He shall receive his instructions from the Commissary General of Subsistence, and will not be accountable in any way for his acts to the said John W. A. Sanford and company, their heirs, &c.; and that such superintendent shall decide whether fifty or eighty, or any intermediate number of Indians ought, consistent with the health and comfort of the Indians, to be assigned to each wagon.

2d. Two or more military agents, one of whom shall accompany each party west. The duties of these agents shall be to attend particularly to the treatment received by the Indians, their rations, and transportation; to remonstrate against any course of conduct on the part of the agents of the said John W. A. Sanford and company, their heirs, &c. inconsistent with the letter and spirit of this contract; and to protest to the proper Department, and, if a remedy can be found in a pecuniary expenditure, to make it, which, if approved by the Secretary of War, shall be deducted from the payments to be made under this contract to the said John W. A. Sanford and company, their heirs, &c.

3d. A surgeon for each emigrating party, whose duty shall be to attend to the sick thereof. He shall also be the arbiter in cases of difference of opinion between the agents of the United States, and of the said John W. A. Sanford and company, relative to the quality of provisions; the time and place of issuing the same; and the time of starting and stopping on the daily travel; and he shall also decide whether invalids may be left on the way, and take care that they are provided for agreeable to article six of this contract; and enter upon the roll the time and place of such occurrence, with the date of decease of all Indians who may die on the route.

4th. A disbursing agent in the new Creek country west of the Mississippi, whose duty it shall be to receive the Indians as they arrive; to muster them, and certify upon the roll presented to him by the agent of the said John W. A. Sanford and company, their heirs, &c. the result of that muster; said muster to take place on the day of arrival (if practicable) at the point of destination.

And that the said John W. A. Sanford and company, their heirs, &c. shall render every facility to the aforesaid superintendent, military, medical, and disbursing agents, that may be necessary to enable them freely to attend to the duties of their several offices.

XI. That the said John W. A. Sanford and company, their heirs, &c. will without delay, and within sixty days from the date of this contract, commence active operations in the Creek nation, Alabama, and by and before the first day of July next, remove to within the limits of the Creek nation west five thousand persons. And it is expressly understood, that the rights of the said Sanford and company, their heirs, &c. under this contract, so far as regards the removal of Indians from Alabama, cease after the removal of five thousand Indians, or on the first day of July, one thousand eight hundred and thirty-six, allowing afterwards due time for Indians moved prior to that date, to reach the new country west.

XII. And it is further agreed, that within the period specified in article

eleven, for the termination of this contract, whatever expense per head, in addition to that stipulated to be paid to said John W. A. Sanford and company, their heirs, &c. may be incurred by the United States, shall be repaid to the United States, by said John W. A. Sanford and company, their heirs, &c. and be recoverable by suit at law. And it is also hereby reserved to the United States, to annul this contract to all intents at any time the foresaid George Gibson may deem proper; but it is understood, that the privilege guaranteed in section eleven, to the said John W. A. Sanford and company, their heirs, &c. of time for the removal of those who start before the termination of the contract, shall be extended to this case.

Provided; and it is hereby understood by the contracting parties, that all such matters as are merely in the nature of regulations, and do not affect the pecuniary interest of the said John W. A. Sanford and company, their heirs, &c. are saved to the United States, and that under all circumstances, the United States have complete control of their own officers and agents. And further that where infractions of this contract exist, they must be alleged by either party at the time of their occurrence, and that no effect whatever is to be given hereafter to allegations not thus brought forward.

GEO. GIBSON, *Com. Gen. Sub.*

Witnesses,

W. C. EASTON, *Prin. Clk. In. Em.*

WM. BROWNE, *Clerk.*

J. W. A. SANFORD.

ALFRED IVERSON.

JNO D. HOWELL.

B. MARSHALL.

LUTHER BLAKE.

STEPHEN M. INGERSOLL.

Witnesses,

EDW. BARNARD,

D. HUDSON, *Notary Public.*