

IN THE SENATE OF THE UNITED STATES.

JUNE 26, 1854.—Ordered to be printed.

Mr. CLAYTON made the following

REPORT.

[To accompany Bill S. 417.]

The Committee on Indian Affairs, to whom was referred the memorial of the Muscogee or Creek nation of Indians, have had the same under consideration, and report :

That in consequence of the magnitude of the claim presented by this memorial, and its being one in which, if well founded, the honor, justice, and good faith of the United States are deeply involved, they have given to the facts stated in the memorial the fullest and most attentive consideration and examination, to ascertain, if possible, whether there was anything to militate against them, or weigh against the conclusions to which, if true, they irresistibly lead.

The facts stated in the memorial, and the arguments addressed to the committee, are either historical, or drawn altogether from our own records. The memorialists make no averments, resting on their own testimony. They state the case against us, as it is stated by ourselves. All human experience shows that if, in such a history, injustice is done to any one, it is not to the nation by whose pen it is written.

The case presented by the memorial was thus stated by the Commissioner of Indian Affairs, at the second session of the thirty-second Congress: "That a great government, at the close of a war, waged against her and her allies, who had fought bravely in every battle by the side of her own troops, forces those allies to make a treaty, by which, in order to cut them off from a foreign country, she takes from them nearly nine millions of acres of land, they claiming compensation for it, and signing with protestation against its injustice; and yet, for this land they have never received a dollar."

As the commissioner remarked, it does not appear that any other such case ever occurred in the history of this country; and the committee were slow to believe that such had been the course pursued towards any of our allies, at any time. Reluctant to arrive at such a conclusion, they have carefully verified the authorities referred to, contained, with few exceptions, in the volumes of the American State Papers on Indian affairs; and after the most patient and laborious investigation, they are constrained to admit that every allegation in the memorial and arguments is fully sustained by evidence furnished by our own records.

Upon the breaking out of the second war with Great Britain, that power undertook to enlist against us, under its flag, all the Indian tribes over which it could exercise any influence. To effect this it secured the powerful assistance of the celebrated Tecumseh, its most efficient emissary, who was born in Ohio, though his father and mother, of the Shawnee race, were born and bred at Souranga, on the Tallapoosa river, amongst the upper Creeks. In 1787, he had visited the Cherokees and Creeks, and remained with them two years. In 1793 and 1794, he fought the whites in several battles, and from that time to 1812, he was constantly engaged in British intrigues.

As early as the year 1811, British agents, in Florida and Canada, were busily endeavoring to procure the co-operation of the whole southwestern Indian force. The Creeks, more powerful and numerous than any other nation, were particularly urged to join the British, whose emissaries also operated upon the Spaniards, and made use of them to inflame the Seminoles and Creeks.

The Creek confederation was composed of two parts: the Lower Creeks, who were the original Muscogees, owners of the national lands, inhabiting the country on the Chattahoochie river, and thence eastward to the Ocmulgee; and the Upper Creeks, composed of the Tookabatchees, Alabamas, Natchez, Savannahs, Ozeailles, Tuskeegees, Coosas, and others, who had either been conquered by, or who had taken refuge among, the Muscogees, and had lands assigned them to live on.

The Lower Creeks had ceded to Georgia and the United States the lands from the Savannah to the Ocmulgee; and the Georgians on one side, and the Tombigbee settlers on the other, were pressing upon the Creeks. The Upper Creeks, with the exception of the people of Tookabatchee and a few other towns, were exasperated by the cessions made by the Lower Creeks, and some of their own chiefs had long been under French and Spanish influence, and in constant communication with Pensacola, and so were prepared to lend a ready ear to the persuasions of the British.

In 1812, after conferring with the British at Detroit, Tecumseh went thence with thirty warriors, through the Chickasaw and Choctaw country, and into Florida among the Seminoles, who were originally a band of fugitives from the Creeks. He was unsuccessful with the two former nations, but met with complete success among the Seminoles. In October he entered the Creek country, harangued the Creeks at Autauga, went to Coosawda and the Hickory ground, on the Alabama, where his reputation had preceded him, and visited Tookabatchee, where Col. Hawkins, the agent, was holding his grand council with the Indians. Remaining there until Col. Hawkins had concluded his business, and set out for the agency at Flint river, he made the Creeks a long speech, full of fire and vengeance, urging them to throw aside the plough and loom as unworthy of them, and return to their primitive customs; and announcing that "the British, their former friends, had sent him from the big lakes, to procure their services in expelling the Americans from all Indian soil; and the king of England was ready handsomely to reward all who would fight his cause."

A prophet of his party then urged them to take up arms against the Americans, promising that none of them should be killed in battle, that

the Americans should be swallowed up by quagmires, and that they should drive away every Georgian as far as the Savannah river.

When the council adjourned, half the audience had resolved to go to war with the Americans. Tecumseh then visited all the important Creek towns, enlisting all he could on the side of England; but he could not overcome the reluctance of many of the prominent chiefs, even among the Upper Creeks, to go to war with the United States. He wrought upon their superstition by predicting an earthquake and the appearance of a comet, and commissioned as prophets many shrewd and cunning Indians to carry out his plans. He then returned to Detroit, carrying with him Little Warrior, a Creek chief, and thirty of his braves.

By Little Warrior and his party the British sent back letters to their agents in Florida, with orders to furnish the Creeks extensive supplies of arms and ammunition. On their way home they murdered seven white families near the mouth of the Ohio. Colonel Hawkins demanded of the friendly upper chiefs that they should punish these murderers, and they sent out parties of warriors who killed Little Warrior and ten of his men. Two others were executed for another murder, their *uncles* going with the chief's party and pointing them out.

The adherents of Tecumseh then determined to kill all who had assisted in executing these murderers. Several of them were accordingly killed, and hostilities thus commenced prematurely, it not having been intended that they should break out until the British were ready to give assistance.

The hostiles were resolved to force the whole nation to join them, and announced that they were determined to put to death every one who refused to do so; that their intention was to unite the whole nation in aid of the British and the Indians of the lakes against the Americans, to kill the friendly chiefs, Colonel Hawkins and others, attack the settlements on Tensaw and Tombigbee, destroy Tookabatchee, Coweta, and Cussetah, and then invade Georgia and wage a war of extermination. They hoped that the Cherokees would fall on the Tennesseans, and the Choctaws on the people of Mississippi.

In prosecution of these schemes they burned and destroyed Kialigee, Hache Chubbee, and other friendly towns among the Upper Creeks; killed the stock and carried off negroes at the Hilober towns, and murdered many Indians who refused to join them. The friendly Indians, much alarmed at these demonstrations, collected at Coweta, on the Chattahoochie, that town and Cussetah, on the same river, being the principal towns of the Lower Creeks, and called on Georgia and the United States for assistance, arms, and ammunition, offering to join the white troops and march against the hostiles.

Tookabatchee, a friendly town among the Upper Creeks, being threatened by the hostiles, two hundred friendly warriors marched thither from Coweta and brought the people to the latter town, where they remained during the war, their own town and their property being immediately destroyed.

In the meantime McQueen, a hostile chief, with 350 warriors, went to Pensacola, obtained munitions of war, was attacked on his return by Colonel Collier, with 180 men, at Burnt Corn creek, defeated him, re-

turned to Pensacola for more supplies, and returned to the upper towns with a liberal quantity of arms and ammunition, furnished from British vessels at Pensacola.

The Lower Creeks were all friendly, with the exception of some of the Uchees, although their annuities for 1812 and 1813 were unpaid. They were a settled people, desirous of living peaceably with the whites, and wholly opposed to the war. In October, 1813, they were 1,000 strong at Coweta. They extended strong patrols up the Chattahoochie, foraged as far as the Tallapoosa, and sent out war parties, thus preventing the hostiles from invading Georgia, as they desired to do. They were attacked because of their fidelity to us, and because they would not join Tecumseh and become the allies of the British. The war against them was a branch of the war of Great Britain against us. The hostile Creeks fought against them and ourselves, as the northern Indians fought at the river Raisin and the Thames, as allies of England. The friendly Creeks were between these allies of Great Britain and the trembling people on the frontiers of Georgia, and, therefore, it was necessary that they should first be conquered.

When McQueen returned expeditions were organized against the white settlements. One thousand warriors, from thirteen of the upper towns, marched against Fort Mims. A strong force from three other towns was thrown out toward Coweta, as a front of observation, to conceal from the friendly forces the main movement, and a hundred warriors, under Francis the Prophet, were dispatched into the fork of the Alabama and the Tombigbee.

Fort Mims was destroyed on the 30th of August, 1813, and five hundred of its inmates slaughtered. Francis destroyed and murdered everything in the country which he had invaded. The whole population of eastern Mississippi was panic-struck, and every person went into some kind of defensive work. The Spaniards urged all the Creeks to unite against the Americans; and the governor of Pensacola wrote to Weatherford, and the other hostile chiefs, congratulating them on the victory of Fort Mims, and promising them aid. A British schooner anchored at Pensacola with a large supply of munitions of war. The hostile troops now threatened to attack Coweta and ravage Georgia. The Georgia troops, a fine and powerful army, delayed entering the Creek country, and, Colonel Hawkins said, "were kept inactive until their usefulness was destroyed by inaction, discontent, the camp-rot, and home-sickness."

The friendly Indians attacked a force of Uchees and Seminoles marching into their country, and drove them back into Florida. Notwithstanding the dilatory movements of the Georgia troops, they still protected our frontier, refused to make peace or come to terms with the hostiles, and offered that the lands on the Alabama might go to pay the expenses of the war. The Choctaws and Chickasaws also declared for the United States, and their warriors took the field for us. Had it not been for them and the friendly Creeks and Cherokees the whole of that portion of the Union would have been overrun, and two thousand five hundred hostile warriors would have invaded Georgia.

Such was the state of things when in October, 1813, General Jackson, with a large force, entered the Creek country. On the 3d of No-

vember General Coffee fought the battle of Tallasseehatchie, in which he was assisted by a company of friendly Creeks and Cherokees. On the 9th of November General Jackson fought the battle of Talladega, and relieved one hundred and sixty friendly warriors, with their wives and children, there besieged.

On the 29th of November General Floyd, with nine hundred and fifty militia and four hundred friendly Creeks, fought the battle of Autlose, where the Cowetas, under McIntosh, and the Tookabatchies, under Mad Dragon's son, fought with great bravery, and two hundred hostiles perished.

In December, 1813, more English vessels with Indian supplies arrived at Pensacola. On the 23d of December General Claiborne fought the battle of Econchaca, or the Holy Ground, on the Alabama, and then fell back to Fort Claiborne, where the Mississippi volunteers and cavalry were mustered out of service. In January, 1814, General Jackson's forces were reduced to one hundred men. But on the 14th of January he was reinforced by eight hundred and fifty men, enlisted for sixty days only. With them he marched to Talladega, where he was joined by two hundred friendly Creeks and Cherokees. On the 22d of January he fought the battle of Emuckfau, where he was compelled to retreat, and where the friendly Indians twice saved General Coffee from defeat. On the 24th, upon the retreat, the battle of Enitachopco was fought, in which the friendly Indians again took a part.

On the 27th of January, General Floyd, having again advanced into the Creek country with one thousand two hundred and twenty-seven men, rank and file, a company of cavalry, and four hundred friendly Creeks, was attacked at Calabee; and although the hostiles were repulsed, was compelled to abandon the expedition.

On the 27th of March, General Jackson, with two thousand men, fought the decisive battle of the Horse Shoe against about one thousand hostiles. A large body of friendly Creeks and Cherokees took part in the action, forded the river with Coffee, and took and burned the town, while General Jackson stormed the breast-work in front. This bloody battle, after which five hundred and fifty-seven dead bodies of the hostiles were found, virtually concluded the war. The hostiles fled in the direction of Florida, where some two thousand were received by, and afterwards incorporated with, the Seminoles.

In April General Pinckney took command at Fort Jackson. The country was scoured in every direction for the wretched hostiles, who were unable to rally, though the British vessels anchored at the mouth of the Appalachicola, landed five thousand stand of arms and abundant ammunition, and three hundred British troops, under a colonel, and commenced a fortification, to which many of the Red Sticks repaired for food and military supplies. In the subsequent operations against the British, Spaniards, and Indians, a large force of friendly Creeks was engaged under General Jackson and Major Blue, participated in the capture of Pensacola, and aided in bringing the war to a close. To the very last the hostile Creeks were aided by the British, and led by them against the Americans; having been clothed in British uniform in August, 1814, drilled by British officers in the streets of Pensacola, and offered a bounty of ten dollars for every scalp of man, woman, or child.

On taking command, General Pinckney received instructions from the Secretary of War, to make a treaty, or as was afterwards suggested, to effect a capitulation with the *hostile* Indians—one of the terms of which should be an indemnification for the expenses of the war, by a cession of so much land as might be deemed an equivalent for such expenses. When General Jackson succeeded him, he received the same instructions, and was ordered to carry them out.

On the 23d of April, 1814, General Pinckney directed Col. Hawkins to communicate to the hostile Creeks the terms on which peace would be granted to them. He said, as one of these terms: "The United States will *retain* so much of the *conquered* territory as may appear to the government thereof to be a just indemnity for the expenses of the war, and as a restitution for the injuries sustained by its citizens and the *friendly Creek Indians*." And he directed these terms to be communicated to the friendly Indians, and said: "You may likewise inform *them* that the United States will not forget their fidelity; but in the arrangements which may be made of the lands to be *retained* as indemnity, *their claims will be respected*; and such of their chiefs as have distinguished themselves by their exertions and valor in the *common cause*, will also receive a remuneration in the ceded lands, and in such manner as the government may direct."

On communicating these terms to the friendly Indians, Col. Hawkins informed them that they received them only by way of information, that no action on their part was expected, and they were merely expected to communicate them to the hostiles.

It is too clear to admit of dispute, that General Pinckney, and after him General Jackson, were authorized only to receive a *capitulation* from the hostile Creeks; and that neither had the slightest authority to make any *treaty* with the friendly Creeks; that the lands obtained by the United States were to be *retained* out of those *conquered* from the hostiles, and not to be taken from our allies; that such was the promise and pledge of the United States, solemnly given through the commanding general; that out of these *conquered* lands, so *retained*, the friendly Indians were to be paid for the losses of property sustained by them; and that lands were to be taken to such extent *only*, as would cover the expenses of the war and the losses sustained by the whites and the friendly Creeks, and not for any other object and purpose.

It is equally clear, that the war was waged against the friendly Creeks, as faithful allies of the United States, by the hostiles as allies of Great Britain. So far as it was a *civil* war, it was waged against them because they continued faithful to the United States; and it was through us that they were involved in it. There is no evidence of any intestine discord among them, produced by any other cause, except the ill feeling generated by their cessions of land to us. The United States were, therefore, bound by every consideration of justice and honor, as well as of self-interest, to aid them in this struggle; and could not decently, or with any pretence of propriety, call on them to pay the expenses of *such* a war, to which they were parties as our allies only.

On the 10th of July, 1814, General Jackson, appointed a major general, superseded General Pinckney. He appointed the 1st day of August for a general meeting of the submitting hostiles at Fort Jack-

son. But when the time arrived, only *one* hostile chief was present. Nevertheless he drew up articles of a treaty or capitulation, reciting that an unprovoked, inhuman, and sanguinary war had been waged *by the hostile Creeks against the United States*; that numberless aggressions had been committed by them against the whites and friendly Creeks; that the hostiles had violated their national honor, and the respect due that part of their nation which was faithful to the United States and to the principles of humanity; and then saying that the United States "demand an equivalent for all expenses incurred in prosecuting the war to its termination, by a cession of all the territory belonging to the Creek nation," lying west, &c., of a line therein defined; including, as ascertained by the Indian office, 8,849,940 acres of land, belonging exclusively to the friendly Creeks, of which 7,084,800 acres lay in the southern part of Georgia, and inured to that State under the treaty by the compact of 1802, and the residue lay in the southeastern part of Alabama, east of a line drawn south from the head of Ockfuskee creek. In addition to this, the treaty gave to the United States 12,434,860 acres of land in Alabama, including all the hunting grounds of the friendly upper Creeks, and 393,520 acres in Mississippi, besides a claim to about a million and a half of acres, loaned by the Creeks to the Cherokees, south of the Tennessee river.

It is unquestionably true that the land so taken from the friendly Creeks, was, in no sense of the word, *conquered* country. General Jackson's forces never entered it, nor did General Claiborne. The lines of march of General Floyd were wholly north of it. The friendly Indians had held and defended it themselves, and protected our own frontier in addition. It was undoubtedly a friendly, and not a conquered, territory.

The friendly Indians were exceedingly unwilling to part with these lands. They could not understand upon what grounds General Jackson took them. He told them that it was for political reasons, to separate his enemies from his friends, to have a border between them and the Floridas. As he wrote to the Secretary of War, "considerations interesting to the United States, relative to the Spanish dominions immediately south of us," had induced him to *procure* the cession of "all the Creek lands of consequence, bounding on foreign claims of territory, in order to prevent future connexions injurious to the tranquillity of the United States."

He marked the line, and demanded their acquiescence. The thirty-five friendly chiefs who signed the treaty, and the single hostile one, were in no manner consulted in regard to it. General Jackson fixed the line, and said he would not alter it. The chiefs could only submit. He told them, it is true, that he gave them an equivalent for the lands taken from them, by leaving to the *hostiles* the lands in the fork of the Coosa and Tallapoosa, but this, they told him, they looked upon as no equivalent. Acting under duress, they required that an instrument should be drawn up stating upon what consideration they agreed to sign the articles of capitulation; who were really the owners of the national lands; that they had been uniformly friendly to the United States, and faithful to their engagements, in peace and war; that they considered the extending of the line through their lands in the Lower Creek coun-

try, as taking from them more than the equivalent offered, and that they had claims which ought to be attended to.

Such an instrument was drawn up and signed as their part of the treaty. Such, Colonel Hawkins says, they regarded it. And it is very clear that, in equity, the treaty and this paper must be taken together as one instrument. By it they declared that Cussetah and Coweta were the head towns of the Creeks, and with Tookabatchee and Ooseoochee, owners of the land; that the line from the Ockfuskee to the Georgia boundary ran through lands actually their property, for which the lands left to the conquered Indians, between the Coosa and the Tallapoosa, were no equivalent; but that this should not interfere with the running the line, *as they relied on the justice of the United States to cause justice to be done them*; on which conditions, and General Pinckney's letter, and Colonel Hawkins' answer to it, being sent up as part of the treaty, they would sign it.

That the lands so taken in the southern part of Georgia, and the southeastern part of Alabama, belonged exclusively to the friendly Creeks, there is no manner of doubt. The evidence referred to in the memorial, simply shows, indeed, that the Lower Creeks were the owners of all the national lands. All the treaties with Georgia were made with *them*; and even at the important treaty of 1821, only one Upper chief was present. Colonel Hawkins stated that General Jackson took nearly eight millions of acres belonging, obviously, to the friendly Indians. General Jackson, when appealed to, at the time, to say why, when he was authorized solely to *retain* lands *conquered* from the hostiles, he took this land from the friendly Indians, did not pretend that he took it as hostile country; but said that he took it for political reasons, and endeavored to convince the friendly Indians that he gave them an equivalent for it. There could be no more distinct, or stronger, recognition and admission of the complete validity of their title.

It is certainly not necessary to argue that this spoliation of our faithful allies, can only be justified on the ground that it was a measure of political necessity, and because it was to be expected that Congress would make them a reasonable compensation. It is not creditable to the country that this has been neglected for forty years.

It is equally true that no remuneration was ever made the friendly Creeks for these lands. That they could not justly be required, with their own lands, to pay the expenses of the war, we have already shown. It has been imagined that the sum of \$85,000, paid the Creeks in 1817, and \$110,417 90, paid them in 1852, were in consideration of these lands, or, at least, that they would not have been paid, but for the cession made by the friendly Creeks. But this idea, in any shape, is totally untenable and unwarranted by the facts. Such a condition would have been a violation of every principle of justice, and of the positive promises of our commanding general. These promises were, as we have seen, that the United States would *retain* *conquered* lands, out of which to pay the friendly Creeks their losses of personal property. If the United States had insisted that, as a condition precedent to the performance of this promise, based as it was, on a good consideration, and made in good faith, our allies should submit to be despoiled of nine millions of acres of *their own* lands, the act would have been

dishonest, and disgraceful to the country. *Tides observanda est*, is a maxim among all civilized nations. It is expected by them that even barbarians will observe it; and, therefore, they are more strictly bound by it in their intercourse with a barbarous or semi-civilized people. It is more shameful to break our plighted faith with a weak nation than with one that is our equal in power.

The claims on which the sums mentioned were paid were those of individuals, some of the lower, but mostly of the upper towns. They were in no sense national claims. Colonel Hawkins showed that to be the case when, in response to the inquiries from the War Department, in 1815, he stated the nature of the claims for which indemnity was asked. And a full list of the claims, so far as they were liquidated by him, with the name of each individual claimant, will be found in the volume entitled "State Papers, 1st session, 20th Congress, vol. 5, 1827-'8," in doc. 200, pp. 16 to 35.

It is impossible to imagine any principle on which the friendly Lower Creeks, as a people, could be required to pay these claims of individuals, partly of their own people and partly of the Upper Creeks, out of their own lands. The proposition would have been both absurd and monstrous; and accordingly we do not find that any such idea was entertained at the time, nor, indeed, at any time subsequently. When the balance due for these losses was settled, in 1852, it was attempted to make it a condition that the Creeks should relinquish their claim for compensation for these lands; but the attempt was too repugnant to the sense of justice of the House, and it signally failed.

The committee do not think that the delay of the Creeks to press this claim ought to be made an argument against its payment. No doubt they long supposed that it would be useless. The line had been marked by the sword, and the country taken despite their expostulations. They were forced to submit to a cession in which they had no voice; and the hope entertained that justice might be done them was no doubt soon abandoned. Their losses, which it had been solemnly promised they should be paid, were liquidated by agents of the United States at \$195,417 90, prior to 1817. When \$82,925 had been paid them, and \$2,075 lost by them by way of discount, they were told by a committee of the House that their claims were found to amount to only \$110,417 90, and that the payment of \$85,000 was as much as they could reasonably expect; and payment of the residue was delayed for thirty-five years. Another amount of \$149,000, retained from them in 1821, was not paid them until 1848, and then without interest. And in the year 1821 they were forced to pay \$100,000 claimed by citizens of Georgia for spoliations prior to 1783, and between that time and 1802.

The committee is of opinion that the United States cannot with honor rely upon the lapse of time. Even if subsequent treaties, if made by a civilized people, dealing with us at arm's length and on equal terms, could be construed as a waiver of such a claim, it would not be so in the case of a depressed and dependent people. In ascertaining, under the treaty of 1821, the amount due the citizens of Georgia, the treaties of New York and Coleraine were not considered

to waive the claims under those of Augusta, Galphinton, and Shoulderbone, though the Attorney General decided that they did so.

The United States, in a far more liberal spirit than that which has actuated other nations, and especially France and Spain, have always recognized the right of the Indians to the occupancy of their lands. Those of the Creeks had been solemnly guaranteed to them by the treaty of New York, and by General Washington, acting in accordance with the express advice of the Senate. It has not been the habit of the United States to take lands from the Indians at peace with us, except by way of purchase. It has been well said by the late Commissioner of Indian Affairs that, except in this single instance, the government has never desired to obtain lands from friendly Indians, except by treaty, mutually assented to, and for a satisfactory compensation. The Creeks have ceded to Georgia and the United States more land than has been obtained from any other nation, and have received for it less remuneration. The memorialists truly say: "For these lands along the Spanish border they have received nothing. Out of the conquered lands they have received nothing," (except payment for their actual losses.) "Their rights in these lands have *not* been respected; their chiefs have *not* been remunerated."

They consented to cede these lands because they had no option to do otherwise, saying that they relied on the justice of the United States to cause justice to be done to them. They ask if they had not a right to expect, under General Pinckney's promises, under the eternal principles of justice, that they should not be despoiled by a nation in whose quarrel they had been involved, and for whom they had shed their blood? The committee think that this right cannot be denied. They say that even the country taken from the hostiles was conquered by the joint arms of themselves and the United States, and therefore, by every principle of equity, belonged to them jointly; that out of those lands *they* have received \$195,417 90, while we have realized and are to realize over twenty millions of dollars; and they ask us if, in addition to this, we ought to retain *their own* lands without compensation? The committee has found it impossible to answer this question in the affirmative.

They truly say that this claim is an appeal to the sense of justice of Congress, and that the national honor and good faith are concerned in it. It is, of course, to be dealt with in a spirit of equity. The United States are too proud of their honor to desire to enrich themselves by despoiling the weak, or to confiscate the property of their allies without making them a fair compensation. They are not poor enough to need to do so—even in purse, and far less in honor.

It appears that during the eight years of General Jackson's administration 93,401,637 acres of land were obtained from Indians, for which was paid or to be paid, in cash or its equivalent, \$26,982,068 and 32,381,000 acres of land; making, of cash payments alone, besides the land given in exchange, 29 cents an acre; and valuing the land at only 50 cents an acre, the average paid per acre was over 46 cents. The cash payments per acre to many tribes was far more.

The case of the Sacs and Foxes is one closely in point. At the close of the Black Hawk war, the government, demanding a cession of lands

as indemnity for expenses of the war, and to secure the future tranquillity of the frontier, but considering that part of the tribe had been *neutral*, (for they had not fought *for* us, as the friendly Creeks did,) took from them 5,104,960 acres of land, for which they paid *in cash* \$736,924, or 12 cents an acre. *Half* of that paid to the Creeks for *all* the lands taken, would have been \$1,300,000.

The Sacs and Foxes were dealt with in a manner becoming a great and magnanimous country, mercifully sparing a prostrate enemy. An American citizen can look *them* in the face without a blush. But when he reads the respectful and even humble memorial of the Creeks, he cannot but feel that they, having aided us in our time of need, and been despoiled and not rewarded when their services were no longer necessary, occupy the position of one who has conferred favors, and been recompensed with ingratitude.

By the celebrated ordinance of 1787, it was declared "*that the utmost good faith should always be observed towards the Indians; that their lands and property should never be taken from them without their consent; that in their property, rights, and liberty, they never should be invaded or disturbed, unless in just and lawful wars, authorized by Congress.*"

The committee recommend the payment to the Creeks of the sum of \$500,000, the value of 8,000,000 acres of land taken from the friendly Creeks, at $6\frac{1}{4}$ cents an acre, and bring in a bill accordingly.