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RATIFIED TREATY NO. 144

DOCUMENTS RELATING TO THE NEGOTIATION OF THE
TREATY OF JANUARY 24, 1826, WITH THE CREEK INDIANS

Copy.

Outline of an Interview between
The Secretary of War and
The Delegation of Creek,
now in this City -

Opothle - Yoholo, Head Chief
and Speaker -

November 30th 1825.

Ct

Outline of an Interview between the Secretary of War
and the Delegation of Crocks, now in this City. —

O. Pothle, Yoholo, Head Chief, and Speaker —

November 30th 1825.

Secretary of War —

Are you prepared now, to enter upon the
business of your Mission? or is it your wish to defer it 'til
the arrival of your friends?

O. Pothle - Yoholo -

We are prepared; and I think it desirable
to proceed to business, at once, as the Great Council of our
Great Father is about to assemble, and we want to know,
before the Great Council fire is lit, what are the views of
the Government in relation to us. We do not think it
necessary to wait the coming of our Brothers. We have
power to proceed.

Secretary of War —

I wish you to state by what power you
have been appointed.

O. Pothle

O. Pothle - Yoholo -

At the Council at the Broken Arrow, Gen. Gains expressed a wish to see some of us here; and when at Tuckabachee we were delegated by the whole Nation to come on.

Secretary of War -

Have you any written document showing this appointment?

O. Pothle - Yoholo -

We have no writing. We got our power from the mouths of the Nation, as is usual. We thought of a written power, and intended to come to the Choctaw Nation to get clerks - but the power was written, and will be seen, as we know it was to be sent on.

Secretary of War -

I wish to correct a mistake which it appears you labor under. You are here now at your own request, which was made known to your Great Father by your agent Col. Brownell, in April last. That request was granted. It is true General

Gai

Gaines said what you state, but it was only a repetition by him of what was granted before. I mention this only for the purpose of correcting an error in regard to the origin of this visit.

O, Pothle - Yoholo -

It is true, - The Head Chiefs of the Nation were talking last Spring of their distresses before the agents. Our troubles bore hard upon us. We turned our eyes to our Great Father. He is our guardian. We said we want to see him. We asked the agent to say so. We got his answer, as you say. We heard the same thing from Gen. Gaines.

Secretary of War -

I am directed by your Great Father the President to whom you looked in your troubles, and who sent you word to come and counsel with him as you wished, to tell you how deeply you grieved him, when after that permission was given, you took up the Tomahawk and did the great violence with it which you have done. He expected you to seek your redress of him, and not to strike yourselves. But you did strike,
and

and by so doing you have caused very general and deep dissatisfaction; made yourselves many enemies, embarrassed your Great Father, and fill'd him with deep regret. He thinks it due to the occasion that he should make this known to you, frankly.

O-Pottle-Yoholo -

It is true, we did in our grief strike. -
But it was an affair of the nation. In all cases of National concerns the consent of the Nation is first had. The names of its Chiefs are taken down - The names of the agent and the Interpreter also. In the late affair this was not done. A new way was attempted not known to the nation. The Nation could not walk in it.

Secretary of War -

These violences embarrass the United States. Had they not been committed your Great Father would not feel the difficulties which now attend this interview, and which must attend every step of this business. The other party say they are aggrieved. They are coming on - at least the papers tell us so. What their object is, they will make known also.

O-pottle

(2.)

O-Pothle-Yoholo-

I expect all the transactions of the late disturbances have been laid before our Great Father - I know writings were entered into in our Nation on both sides. I doubt not the President has seen them all. We can judge. We are willing that he should judge. I wish our negotiation now begun to be in writing also. I wish it for my people. I look for protection to the United States. I expect the late Treaty to be cancell'd.

Secretary of War-

What is the number of the other party?

O-Pothle-Yoholo-

The number of M^cIntosh's followers is very small. They all lived near him. Since his death they fled - some to Georgia and others elsewhere. The heads of families, I do not think exceed Twenty. When the agent arrives with the Coweta part of our delegation he will be able to tell how many there were who undertook to sell our country.

Secretary of War-

I have no objection to conduct the
nego-

Negotiation in writing. I think it best, however, first to converse with you to ascertain the nature and object of your visit from yourselves, that when these are fully disclosed, we may proceed to business upon the points which you may wish to discuss, and confine the discussion to them.

O. Pothle - Yoholo -

I am well satisfied.

Secretary of War -

What are your objections to the late Treaty? Do you object to the substance of it, or to the manner in which it was made? If your objections be to the manner, only, and the President would be willing to look across it, as if it did not exist, would you be willing to make another, substantially, like it?

O. Pothle - Yoholo -

I have objections to the manner of making that Treaty and to the substance of it. It was not made by the Muscogee Nation, and who else had a right to make it? But that is not all.
The

The Muscogee Nation have objections to selling any more lands. They have parted from a great deal. The land that stands fast under the White people's feet keeps slipping from under the feet of the Red people. We have now hardly enough for our women and children to stand upon. Why cannot we be allowed to have laws, and homes, and live like our white Brothers, and learn of them how to be comfortable?

Secretary of War -

You say you have but little lands left, and hardly enough for your women and children to stand upon, what is the number of your people who live on the ceded Territory?

O-Pottle - Yohols -

We do not understand any thing about lines that we can't see - all the lands belong to all our people, the ceded and those that were not ceded. There are four present as delegates who live on the ceded Territory. Selocta - Mad Wolf - Lsdagi and Yohols Micco, They have so little land, that they could not live upon it.

Sec? -

Secretary of War -

How many acres of lands were left
you under the late Treaty?

O. Pothle - Yoholo -

We do not know how to reckon by acres
but the Country left by the Treaty is so small that the
Nation could not live upon it. We have come here to
make complaint - to tell our sorrows - to utter our
grievances to our Great Father, to shew that the Treaty
was made by fraud, by thieving, by walkers in the
night. The Muscogee Nation would not object to
a fair Treaty, honestly made, a Treaty that had no
foul blots on it, and that should be made at their Council
house where their Chiefs sit, and who should be properly
authoriz'd.

Secretary of War -

Your Great Father in sending
Commissioners to you to treat for your lands did
not intend to commit fraud. They were sent to
make a fair Treaty. And now that a Treaty
is made there is great difficulty, because if it be
fraud.

fraudulent, your Great Father cannot cancel it. It can be done only by the great Council of the Nation who put their seal upon it and made it fast - if it is done at all. Your Great Father did hope that as there is so much difficulty in this affair, that some method would be agreed upon by you for a reconciliation of these difficulties; and that you would agree to carry the substance of this Treaty into effect, in a new one made by yourselves as the heads of the Nation; and that you would be willing to occupy lands West of the Mississippi away from the white man, to live in future, and under some friendly helps for your improvement in peace and prosperity. If to accomplish such a reconciliation an additional sum of money would be acceptable, and you would name it, Your Great Father would consider the offer, and do all he could to settle this difficulty.

O. Pothle - Gohols -

The Creek Nation are not unfriendly to the Whites, and have no objection to live near the white people, and it is their wish to live near their Great Father the President of the United States. -

The

The land they live on is their own. Their homes are there. They never sold them. But an attempt has been made to take these all away - We have come as orphans to ask our Great Father's protection.
Secretary of War -

Your Great Father saw and pitied your situation, and seeing that your difficulties had grown to a great height, and wishing to reconcile the parties, as far as possible, determined to convene your Nation which was done by Gen. Gaines. He was instructed to ask you as a Nation, whether you had any objection to cede your lands in Georgia; and what price you would be willing to take for those lands. Your Nation consented to dispose of their lands within the limits of Georgia, and have stated the price they are willing to take for them. They fixed the price at 300,000 Dollars, and an equal quantity of lands, acre for acre West of the Mississippi, and I now hold in my hand the written agreement to that effect, with the names of your Chiefs to it. You will know them when they are read to you.
(The

(The paper was read and the names of the
Chiefs) Your Interpreter, Hambley, has one of these,
and will bring it with him.

A. Pothle - Goholo -

I have heard of that paper before -
It is the power I refer'd to at the beginning of
this Council. I believe it to be correct.

Secretary of War -

I will now read to you a letter from
Gen. Gaines. In it is his talk to your Nation. -

(It was read.)

Secretary of War -

Are the names to that paper (the
paper containing the terms of the proposed cession &c.)
the names of your Chiefs?

A. Pothle - Goholo -

Yes - they are the Chiefs of our Nation.

Secretary of War -

After the deepest reflection, and beset
with great embarrassment Your Great Father thought
it best to direct Gen. Gaines to make you the
pro-

proposal he did, and which has been read to you.
I suppose you have no objection to carry the agree-
-ment into effect, according to the direction of your Nation.

O-Pothle - Yoholo -

The subject is embarrassing to us also.
It is of great importance. Clouds rest upon it.
Our Nation expects us to act under a clear sky.
We must reflect well, and Counsel about what is
to be done, and will give you an answer tomor-
-row.

Secretary of War -

It is not the wish of your Great
Father to urge you as to time. You can wait if
you think it desirable 'til your friends arrive.
But it would be agreeable if the business could
be settled this week.

O-Pothle - Yoholo -

I have full confidence in the Govern-
-ment of the United States. I am here as a suppliant.
I am glad to be spoken to familiarly and kindly. The
delegation will reply in writing tomorrow, if possible; if not,
as soon as they can.

Sec 2

Secretary of War -

We can do more than prepare an agreement. The Congress must decide upon it; and accept, or reject it. Your Great Father, as I told you has no power beyond this, in this case. The power is with the great Council of the Nation to which all will be submitted.

O-pothle-Yoholo -

As I have said before the subject is of great importance to us - and we must think much about it. Our responsibility is great.

Secretary of War -

Your responsibility is lessened by the instructions to you from your Nation. Your Nation has agreed what it will do; and you are instructed to carry their decision into effect. This will make your Councils light.

O-pothle-Yoholo -

I have nothing more to add for the present.

Item N^o 2
Opethyohole &
others, Creek deputatin,
to the Secy of War.

3. Dec. 1825

Relative to Gen Gaines'
"last proposition was
reasonable & just"
J. H.

CW

CS

Brown's Hotel 3^d December

Hon. James Barber

1825.

Secretary of War.

Friend & brother,

Since we had the honor of an interview with you, in regard to our difficulties, we have had your proposals under our careful consideration. We have particularly attended to the instrument of writing given by our Chief Council to Genl. Gaines, in which our great Council has expressed the opinion that Genl. Gaines' last proposition was reasonable & just, agreeable to existing circumstances. We also in that paper find, that we are clothed with the highest authority of our Nation, at a time, our hearts are compelled to look on the dark clouds which hang over our Nation. We know & we hope that you are convinced — as the great Master of breath knows that our troubles & difficulties have been produced by our enemies, men who regard speculation more than truth & honor. But it is vain at this time to complain of our wrongs; we feel but can't find utterance to express them. We are convinced that our

Great father, the President, is a just & mag-
nanimous man. We see this in his talk and we
also know that the nature of his Government is such
that however well convinced, he may be, of the
badness of the Treaty ratified in his Council last
winter, that he alone has not the power to declare
it null & void. When we first started to see our
father, it was our determination to appeal to Con-
gress for redress, and request of that civilized body
the annulment of the Treaty made ^{by} the U. S. Com-
missioners and the traitor W. H. Tucker. We came to tell
them that as our destiny, & the happiness of our
wives & babes were in their hands, to restore the
whole Four Lands, and as we had not done wrong
to withhold their strength from oppression. But
we have heard the talk of our father the President.
It has done our hearts good to notice, his disposition
to render justice and restore peace & harmony to his
children. We have yielded to parental kindness.
Long has been the struggle & painful the effort -
to sacrifice a piece of our heart to aid our father
to restore tranquility to his children. We have
yielded to policy & contrary to our previous
determination. Nothing less than powerful rea-
sons has influenced our decision - that the tears
of our grey headed mothers may cease to flow, &
that the Onseoga females may no longer suckle
their babes in grief. It is on their account we
have consented not to run the risk of hazarding the -

whole, in our appeal to the Representatives of a
Great Nation. As we have no desire to leave the
Graves of our fathers for the west, we have agreed
to surrender all our claim & title to the Lands
east of the Chatahoochy river, for money.
We respectfully suggest to you our determination
not to cede any more than the Lands east of
the river & to have the east Bank, up to high
water mark as the boundary between us & Georgia.
A dry line will never do between us. The ac-
knowledgment of that line on your part, will
afford facility to an arrangement with you &
under other conditions will the Delegation consent
to enter into an agreement. We may as well be
annihilated at once as to cede any portion of
Land west of the river. We have enclosed a
Sketch of the terms on which we will make the
desired arrangement and hope that it will
meet your approbation & the acceptance
of the Great Council. Our Sketch contains
the items, which we wish entered in the articles
of agreement & will expect that the instru-
ment to be signed by the contracting ^{parties} to be
written at your order. As our Lands are
now reduced to narrow bounds, we shall in case
not commenced the work of civilization to render
our state of existence tolerable. We shall ere
long ^{to} address a Memorial to the Great Council
of our fathers, when he submits the Talks on paper.

connected with the late Treaty. We have strong
enemies, who from childhood have talked with
Books. We can say but little and that little we
are proud to say will spring from uncorrupted
sources. We are sons of the Forest, but endowed
in intellect, by the same Spirit, who thro' us
not unworthy of his creation. Free as air and
as free as the birds of sweetest song, we claim
the privileges acknowledged to all Nations, and en-
titled to be considered as friends & allies of
the U. States. We know that an attempt has
been ^{made} by the Governor of Georgia & his friends
to prejudice the good people of the U. States
against us. We however console our selves with
a belief, that Government will not respect
an assertion without proof. When the fran-
tiers of Georgia were pillaged by the Red-
sticks we were the first to protect it. In
the fierceness of battle, when the War whoop
was keenest, were we not found by the side
of the Whiteman? Let those who have been
so unkind as to call us "Hostile", seek a reply
from General Jackson. Our characters
have been assailed and we have thus frankly
told our feelings to our father the President.
We entertain the best friendship for the U. States,
and we shall never be found wanting in duty to

assist our white brothers in repelling the assault
of enemies from over the Big Water.

In concluding our letter we will observe, that
the last proposition mentioned by our Chiefs
made by Genl. Gaines was the request, to
our Nation to cede to the U. States all the
Lands east of the Cb. atahovich. This
was the understanding of our Council &
the understanding of the Chiefs now present
who have signed that paper. This explan-
ation ~~may~~ have been omitted by the Genl.
in his Journal, to which you have called
our attention. When we shall suppose you
have perused this letter, we will call on you
to receive your reply. We are with great
respect your friends & brothers.

Opotee Nisholo ^{his} +
John Steekham +
Nisholo Mico +
Mad Wolf +
Menawee +
Iskie Kue Gusteruggi +
Selocta +

Timothy Barnard +
Pauli Postumy +
Charles Correll +
Coosa Postumy +
Nathaniel Hopkins +
Pedagi +

John Ricey.

Respectfully M. S. Postumy.
David Vann

Crothleychole, & others

Morrison's Hotel

Decr 10. 1825-

Acknowledges magnan-
-imity of the President,
interview with him &
proceeds relative to the
differences in the Creek
Nation, execution of
Mr. Intark &c &c

Cw

Brown's Hotel
10th December 1825.

Hon. Secy. of War.

Friend & Brother,

As our letter of the 5th inst. in reply to ours of the 3rd has been attended to, with the utmost respect & deliberation. So our great Fatherly talk, we respectfully answer, that we entertain the highest respect for his magnanimity & kindness. & officially take this method to express to him our cordial & grateful obligations, in permitting us to take him by the right hand, & to express our grievances to the general Government; & personally to submit ourselves, our rights & our happiness to his protection.

It appears from your expression that "the differences" (in our Nation) "were not ended, but stifled", you labor under the impression that our internal agitations, are of a character as materially to disturb our repose. These differences among ourselves are not the leading evils -

When we, permitted to close them, by the authority
of our own laws. McIntosh has been laid a-
sleep by that authority, & from it, the balance
of his party sought refuge in Georgia & were
protected as a party distinct, from the
Nation by Georgians, & on them, high hon-
ors, rights & powers, were ascribed & fab-
ricated, unknown to the proper authori-
ties of our Nation. At the request of Genl.
Gaming at Broken Arrow Council in June
last, we solemnly pardoned "to all in-
tents & purposes", this party, & permitted them,
to return among us & then dwell in peace &
obey the Laws. Instead of doing this, they are
now here in this City, for purposes best known
to themselves, & which we have reason to think,
are in opposition to the Muscogea Nation.
By what power they are sent, & what pow-
er they represent, would, if enquired for, be
hard to determine. We make then remarks,
not that we wish to recal, the charitable
act of our Nation, in pardoning this
party, but to show, that by it, they have
not as yet been placed on the Hot stool of
Repentance. Gh

The greatest source of ^{our} trials & which is be-
yond our control, is, in the ratification of
the base treaty, entered into, at the Indian
Spring. The nature of your law, it ap-
pears, is such, that after a Treaty is rati-
fied, tho' unjustly effected, can not ~~be~~ be
annulled, but by the Great Council fire
of the United States. We are far from in-
dulging any suspicions of the Honesty of the
Council fire, that ratified the Treaty. Ignor-
ant of our laws, the names our Headship,
& seeing on a Long Talk, a long list of
Indian Names, they accepted the Treaty, un-
der the presumption that it was effected in
good faith. Our Nation as soon as practicable
informed our father, the President, their posi-
tive disavowal of said Treaty & in a respect-
ful & filial manner, refused to receive a single
dollar of the money, stipulated to be paid by
that Treaty. As we were & are now anxious to
aid our Great father, in restoring tranquility
to our people, by giving to the possession of
Georgia, a portion ^{of} our Lands, we yielded to our
Great Father's Kindness & promised as the basis

of an arrangement, to surrender our Lands
to the Chatachoochee river. Painful as the ef-
fort was to us, we cannot claim credit to
ourselves, in promising a part of our Territory
to effect a reconciliation of troubles, not be-
caused by us, but by those who would have
realized the benefits of those Lands.

We have reconsidered our father's proposi-
tion and still find, that our Nation could not
subsist on the Land, after giving up the chartered
limits of Georgia. And as for an Emigration
to the west, our eyes are overwhelmed at the
thought. We therefore prostrate ourselves, to the
protection of the United States. Let the
Great Council Fire look on us as Chil-
dren, guilty of no other crime, but being pla-
ced, by the Great Master of Breath, in the neigh-
borhood of Georgia. Let them, picture to themselves
Our aged ~~men~~ ~~and~~ ~~women~~ Females in tears, cal-
ling upon them to cure & restore their Mother
Earth, which is now pierced, by Walkers in the
Night, & who have permitted Strangers to stand
ready to kick her Sons, from off her Bosom.
As we

As we have not had the pleasure of address-
ing, from the mouth of our Speaker,
our Father the President, We respectfully
request an interview with him in the pres-
ence of our Great Brother, the Secretary of
War. From our ~~lips~~ lips state our grievances
to him, before he submits the papers, con-
nected with the Treaty, to Congress.

We do not wish to intrude too much on his
time, which at this time must be precious:
but it would if permitted, afford us some
consolation, to speak, even of our sorrows,
to our Father. If this interview is granted,
we would wish, the Secretary of War to in-
vite the McDutosh party to be present, & in-
case of refusal, that their Interpreter should
attend & listen to the Interpretation of our
Talk in detail.

We are your friends & Brothers

Op the Yoholot
John Stickham ^{his} ^{mark}

Gyoholothio his
+ mark
Mad Wolf his
+ mark
Menawee his
+ mark
Juskeku Jus tuggie his
+ mark
Selsita his
+ mark
Jimpochy Barnard his
+ mark
Apanli Jus tuggie his
+ mark
Charles Comuels his
+ mark
Coosa Jus tuggie his
+ mark
Nabetho Hopie his
+ mark
Ledayi his mark

John Ridge ser. y. Creek Dept.

David Vann do

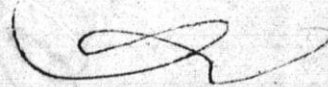
Mr Hambley

P. S. J.

Spothleychole, & others
Chief deputation
To Secretary of War
16. Decr. 1825.

Relative to the Treaty
of Indian Springs
See See

Da



Washington. Brown's Hotel

16th Dec. 1823.

Hon. Secy of War,

Friend & Brother,

Yours of the 13th in reply to ours of the 10th has been perused with attention. The motives of an interview, we requested, which is declined by our Father, on the ground of inconsistency to usage, were, to show the General Government, that we were, ~~in~~ not ~~reticent~~ afraid to speak our sentiments in the face of day.

The time approaches, when the merits of a Treaty, so called, are to be discussed, the issue of which is, in the highest degree, interesting to our Nation. A Nation, wealthy, Powerful & Enlightened, as yours, & whose influence is felt beyond the expanse of Big Water, we believe will not suffer itself to yield, & to incur the blame of knowingly deciding to the prejudice of the weak Nation, its character will be corrupted, & as politics, seem to be involved, we

We hope, that in the war of words, the Great
men will not forget, the infant object, that gave
rise to discussion & unconsciously trample its in-
terests underfoot.

The Creek Nation has had many
Treaties at different times & at different places.
Never have they disputed a bargain, legally made,
or have they been guilty of perjury.
Many years ago, the immortal Washington &
Alexander McMillan & certain chiefs of our
Nation shook hands & made peace at New
York. The talk received from that great
man, at that time, has been handed down
to us, in which he promised that the U. S.
would treat the Muscogees, as children -
protect them from intrusion & respect their
boundaries, as they should be defined by
Treaties - that as long as they conducted well
Peace & Protection, should be their portion,
until the Great Spirit saw cause to de-
stroy the world, either by the elements of
water or fire, when boundaries & Landmarks
should cease in general Oblivion. This talk
has been kept by the proper authorities of our Na-
tion to this day.

Given foreign Emisaries & Super-

Superstitious fanaticism, a part of our citizens
became hostile & painted themselves Red.
Our Head Chiefs, the Little Prince & the
Big Warrior with their warriors, adhered
to good Talks and assisted Genl. Jackson
to conquer this deluded people: and at Fort
Jackson in 1814 entered into a Treaty with
the general, when peace was proclaimed -
boundaries prescribed & protection promis-
ed. He told our chiefs to surrender Land
& permit the U. States to populate the coun-
try all around us, & as we had been faith-
ful friends to the President, we should
hereafter live in peace as he would keep at
a distance the Bad people from our
Big Water - that his friends the Braves
should Sleep in Security & Awake in
peace. Our talks to the U. States have been
scrupulously observed & fulfilled & the United
States have also walked in the white path
of truth. If they are now soon to tell the
world, whether they still intend to Respect
Treaties, even with the least of their allies.
The nature of treaties is sacred & for trivial rea-
sons should not be subject to reinvestigation. In the

In the present instance, the Creek Nation declares the Treaty of McIntosh & certain Indians & the United States' Commissioners at the Indian Springs on the 12th Feb. last to be counterfeit & defunct contrary to usage & Justice. A few questions may not be amiss to insert here by way of illustration & let the inferences be drawn agreeable to the dictates of candor & ~~impartiality~~ impartiality.

Were Duncan G. Campbell & James Merriweather, instructed by the President, to treat for Lands with McIntosh & his party, or were they sent to the Creek Nation, at the head of which were the Little Prince & the Big Warrior?

Were not the Commissioners, at Broken Arrow met, by a vast body of chiefs & then told the Nation had no land to sell?

Was it right, after the sense of the Nation was thus given, to appoint a meeting within the jurisdiction of Georgia, and that at short notice.

After a meeting was so convened & the author-
ised chiefs dissented & invited the commis-
sioners within the Nation if they had any
new communications to make, to treat with
the Nation, was it reasonable to hold official
intercourse with unauthorised Individuals?

After the chiefs of the Nation were recalled
& obeyed the summons, if they were chiefs
of Law Grass as the Commissioners say,
what object had they in sending the "Inde-
fatigable Col. Williamson" to pursue &
try to induce them to come back?

When all were gone except McDurtok's
party, what right had the Commissioners
to ~~pronounce~~ pronounce the Council
to be a legal one & the Soil Still Rep-
resented. And could such a Declaration
make it a lawful Council?

If McDurtok's party were the regu-
lar authority of the Nation & the
the Idol of the Nation why did the Com-
missioners promise protection in

in the Treaty?

If a Loaded Gun was not in the corner
and a noose suspended over McIntosh's Head,
if this law was unknown to the Georgians,
Why did Gov. Brown, for purposes of intimi-
dation, send his aid Col. Lanier to our
Head Chiefs to tell us, that if we did
any harm to McIntosh or his friends, he would
pursue us for full satisfaction, as if the
same had been done to the people of
Georgia?

Are not all Nations entitled to
support & interpret their own laws & pun-
ish their own citizens agreeable to those laws.
And had not the Creek Nation a right to
execute an out law, who like McIntosh
had rendered himself such: and would
not the United States, for a less offence
hang a Traitor?

Could the Compact of 1802 between the
U. S. & Georgia, with the ~~pro~~ specifying
that the Indian title to lands should be
extinguished on "reasonable & peaceable condi-
tions", excuse an officer, in departing from

from Instructions to effect a Treaty cal-
culated to injure a Nation?

Would such a Treaty stand, made by a noble-
man of France or Britain, unauthorised
either by a written or verbal power & would
it be insisted upon as lawful, on the ground
that he had once with others been, invested
with Diplomatic powers? And would it not be
more consonant to the magnanimity
of a Great Nation to render Justice to
the weak than to oppress them?

As the weak Nation has refused to receive
a dollar of the money, stipulated to be paid
in that Treaty, what excuse can the Con-
gress of the U. S. make to itself in con-
firming a Bargain, which our Nation it-
has not sanctioned & for which they have
not value Received.

We do not expect answers in detail to the
above questions, but it is our wish, that up-
on their principles Congress should decide.
The leading principles of Justice, in all Nations
will teach all Councils, that to keep clear-

Keep clear of error, to decide for the United States, as they would wish to be treated, were they in like circumstances.

Our Nation respectfully demands the repeal of the Treaty of the Garden Spring in 1846. In doing this sufficient reasons are assigned & none stronger, to be found on Earth, than the fact, that our Nation, in its legal capacity was not a party to the Treaty, & that they have refused to ratify a bargain calculated to annihilate the happiness of our people.

In our first letters, in the spirit of reconciliation & loyalty to the U. States, we agreed to surrender all the lands east of the Chatahoochy River. This ought to convince the general Government that we are not incapable of reciprocating, in proportion to our ability, the liberality of the U. States. Farther concessions cannot be made & after the reasons first assigned, more, you cannot well demand. We now appeal to the magnanimity of the United States. We have travelled along the road to perform this duty. It is ordained by the Great Creator, that we are so reduced

so Breda as to be dependent on your
power & mercy: And if, in the hugeness of
* Strength, you determine to decide by power
and not by right, we shall return to our
* friends and live there, until you take pos-
session of our Country. Then shall we be
Breda from the whites & live, the life of vaga-
bonds on the soil of our progenitors. We
shall not touch a cent of money for our Lands
thus forced from our hands, and not a drop
of a whiteman's blood will we spill. And
as fast as we are knocked in the head - the
throats of our wives & children are cut, by
the first ~~of~~ tide of population that know
not law, we will then afford the United
States a Spectacle of Emigration, which
we hope may be to a Country, prepared by
the Great Spirit for the honest and un-
fortunate Indians.

We are your friends &
Brothers.

Opothle Yoholo^{his}
mark
John Stehman +
Mad Wolf +

Cypholo Elliot +
Mena wee +
Gusku Mu Gustunggut +
Selocta +
Simprochy Barnard +
Apanli Gustunggut +
Charles Cornells +
Cossa Gustunggut +
Nkathu Koppie +
Leaagi +

John Pige Survey Creek Delegation.

David Vann do

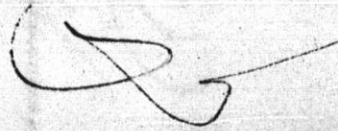
Wm Hambley

P. S.

Opothleycholo Gother
Morrison's Hotel.
Jan'y. 25. 1826

Relation to their
acquiescence to surrender
lands within the chartered
limits of Georgia &c &c

D e



Brown's Hotel
Washington 16th Jan.
1826.

Hon. Secy of War,

Friend Brother,

We have perused yours of the
10th inst; in which, by order of the President,
you urge our ~~acquiescence~~ acquiescence in the
proposition, which demands the surrender of
all our lands in the chartered limits of Georgia.
So well, & with an able tongue have you
painted the Degradation of the Indian race,
& ~~the cause~~, that impels the last Remnant
to the goal of their final extinction!

If in the womb of the United States winds are
conjured, & at their pleasure a tempest can be
raised to disperse the Indians, as winds main-
tain, drive before it, the leaves of the forest,
cannot, they now, when all are nearly blown
away, stem the torrent and permit the few
to live on the soil that gave them birth.

We thank the President for his parental
regard, & we hope that as children, he can
love us as well, east of the Mississippi as in
the wilds west of that river.

Speaking

Speaking of our race, you observe, "In the
plan of thousands, you see only a few scat-
tered bands, and these are fast disappearing.
Is there any thing in the Constitution of the
Creeks, or their Government to save them
from a like destiny?" This is an important
question I've only can observe, that when
civilization shines on a Nation, they generally
grow in knowledge & in number. Look
at the Cherokee who are not only becoming
civilized, but Religion illumines their
hearts & they worship the Great Spirit in the
same way as you do. Their population is
increasing. The Creek Nation has long
been in darkness, but now the first rays
of civilization gilds their forests, & their
Missionary Stations, like stars in the night,
are seen by the Muscoga Nation & their
benefits are already enjoyed in the Hearts
anticipation. We believe that we, as a
Nation are also gradually increasing
in number. But if in the awful destine-
ies of the Great Spirit, we are doomed
to melt away from the face of the Earth,
may we be permitted to mingle our ashes with
the dust of our Ancestors on our own soil—

bestowed on us by the master of Breath!
As we have so far agreed to surrender our
Lands to the Chatahoochy, you ask, - of
what avail to you would be the little country
that would remain beyond. You might re-
tire to it, but would Georgia be satisfied?"

Georgia would not be satisfied, we know
from what has passed. It is our policy
to secure a natural boundary, as we
are convinced that a dry one would not
do. Our property would be exposed to
continual depredation from Georgia &
their range over into our country, for
which the Georgians would impeach our
citizens as the cause. The Land of itself is
not of so much value, if it was located
east of the river. As it is acknowledged
that this portion of Land, west of the river
is comparatively trifling, why cannot
the Georgians be satisfied, ~~that~~ with the
possession to the Chatahoochy? An inch
of land west of it, we we will not yield
for all the money in your coffers, when
our existence depends upon the recognition
of the natural boundary. If it is any
accommodation to the Government, we -

we will, after the late Treaty is annulled, add to them all the lands east of Chatahoochy for a reasonable compensation. If the Georgians refuse to settle upon & take possession of it, the compensation can be withheld.

We claim our Country by a firm title. Our fathers discovered it. We have it by possession & inheritance, & our boundaries are defined by Treaties made with yourselves. We cannot acknowledge the right of a Self important King of England to give away Lands he never saw & in the legal possession of a race placed there by the GOD of Heaven.

If this title is not good & who can say it is not, and if the people of the U. States are anxious for our preservation, let them protect us as they have promised in Treaties & permit us to flourish in our own climate & place within our reach "Honors trust & profit."

As the Decision of Congress is of vital importance to our Nation, we wish to be permitted to remain and witness the Result.

Our presence we know would be of no effect in our favor, but we wish to be saved from the pain of returning with an empty mouth. What Report could we send to our Council & Head Chiefs of our Nation? This request is officially made to our Father & we hope that he will permit us to remain to see our destiny fixed. If it is not agreeable to him & if he determines to send us away, we as the Representatives of the Muscoga Nation, demand the annuity due our Nation from the Government to be paid in our hands.

We are your friends
and Brothers
Opokle Goholo^{his} +
John Stickham +
Mad Wolf +
Goholo Mior +
Sus Kee Kee Gusteruggie

Menaul +
Charles Comuel +
A Pauli Sustenuggi +
Timpochy Barnard +
Coosa Sustenuggi +
Nahethu Hopie +
Lectagi +

John Ridge Seny. Helocta +
David Vann do

Wm Hambley
Ad J 1

Department of War

January 10. 1826

Wahpshko Bec Chief
to the Delegates from

The Creek Nation / Friends & Brothers /

Your great Father

The President of the U States viewing you as his
children and being anxious for your peace &
happiness has directed me again to call your
attention to the late treaty of the Indian Springs.
This would have been some time, but he waited
to hear from Georgia in regard to your
proposal to make the Chatahoochee the boundary,
& give up the lands east of the river. The
answer was rec^d yesterday, and ~~was~~
is ~~in consequence~~ ~~to you~~ ~~the answer from Georgia,~~

The offer is rejected.

I have heretofore explain'd to you the embarrassing
circumstances in which you are opposite to ~~that~~ the
Treaty has placed your great Father. Upon the one
hand

hand the Treaty has been made, & ratified by his
Council, and as matters now stand he is bound to
carry its provisions into effect. Upon the other hand
^{not only} you protest against any measures being taken
^{towards fulfilling its provisions}
~~in regard to it~~, but ask for its annulment, while
Georgia demands its execution. Men on such
circumstances you must rather who is the
Friend of peace & who is anxious for ~~the~~ your
prosperity is desirous of obtaining at least so
much of your assent to that Treaty as will
secure to Georgia all the lands within the
Charter's limits of the State. You will
see in this new effort to urge upon you
a compliance with this ~~assent~~ proposition,
the great anxiety of your great Father for your
peace & prosperity. You are too well acquainted
with the past not to know how utterly
inapplicable it is for the Red & the white
man

man to line & probe together. Look at the
~~present~~ present reduced state of the Indian
population in every state in ^{as a people you} which they were
once numerous & powerful. In the place of
thousands, you see only a few ^{scattered} ~~scattered~~ bands,
and these are fast disappearing. — ~~There are~~
~~scattered~~ ~~bands~~ ~~there~~ are any thing in
the constitution of the blacks, or their habit to
save them from a like destiny? But how
debatable is your project, even more or than
^{was that of} other tribes once ~~as~~ ~~powerful~~ ~~as~~ you,
when you look at the present, & contemplate
the future! The fires of discord are lit in
every part of the country you now inhabit — your
spirit is distracted, and your people ~~are~~ bend before
the blast which is thinning your numbers, like
the wind in autumn which scatters in all
directions the leaves of the forest. Will
you

you still cling to your purpose of living amidst these
unquieting circumstances, with every ~~eye~~ ^{eye} they to convince
you that you are ~~in~~ fast approaching the same
state of the ~~things~~ who have gone before you,
whom ~~situations~~
& ~~whose~~ ^{lives} were ~~unhappily~~ or much
more likely to presume than ~~there~~ is yours.
I wish to impress it upon you that you owe it
to your ^{children} ~~parents~~ to pursue the policy which will
not only be best for you but for them also. I
~~must~~ consider you in the light of intelligent men,
and therefore it is that I reason with you;
I know you have hearts that cherish a warm
attachment for your children, & therefore I
would point to you the way for their
happiness.

You have yourselves expressed a willingness to
make the Chetyshele the boundary - of what
avail to you would be the little bounty that
would ~~remain~~

would remain beyond? You might retire to it,
~~but~~ but would Georgia be satisfied? Would
you not be subject, there, to the same
embarrassing consequences, which would produce
~~an~~ like they have in former times,
among the Indians, your extension as a
race? — Why then be so blind to your
own interests?

But there is another consideration which
you cannot as a high-minded people be insensible
to. There is ^{indulged toward} ~~an~~ an Indians a feeling of
great kindness ^{not only by the Government, but} by our citizens generally. It is
wished to place ^{all} them as a people in
a situation of ~~separation~~ where they shall no
longer be subject to the ~~effects~~ ^{causes} which
have operated ^{heretofore} to destroy them,
but where they may live and flourish.

I would a Government ordered to them, every
place of honor & trust & profit. The
opportunity is now offered to you to take
a lead in this great work. It would
become the Greek Nation to do so. Why
not therefore ^{be the first to} ~~take this~~ ~~as a people~~ ~~take~~ ~~these~~ ~~steps~~ in the
way which is pointed out to you?

But when your present very perilous condition
is viewed, the obligation appears binding on
you to do so. The Treaty has been made,
The compact with Greece proper upon the part of the - But there is no
of such extent in regard to the ~~obligation~~ ~~any~~ ~~other~~ ~~countries~~ ~~sections~~ ~~of~~ ~~territory~~
& ratified in ~~it~~ is to this I am directed by

~~your first~~ ~~to~~ ~~the~~ ~~officially~~ ~~to~~ ~~call~~ ~~your~~
attention. You have been told ~~that~~
that of your father has no power
over this treaty. All that ~~is~~ ~~remaining~~
for him to do is to ~~execute~~ ~~it~~ ~~execute~~
it

its provisions. He reasons with you, and
counsels you. He wishes to see you do well.
His advice is given with the best feelings.
If you resist it, he cannot answer for
the consequences. Upon the other hand
if you approve, I will act according to
his advice, you will entitle yourself
to his special protection & friendship. —
For you will in addition be paid for
your bounty, & have one witness to your
in its stead, in ~~all respects~~ ~~out~~
your property. There is too much
reason in this proposition, to authorize
I believe that you will reject it.
By accepting you have a bright
prospect before you, & every thing to gain;
By

mind in regard to the present question
by rejecting it, your destiny is dark, and
dubious; ~~but~~ certain however as to the
waning away of your people, like the nations
which men loved like you, but are now
~~gone~~ no more! —

I wish you aware as soon as you
can think well upon the prospect; &
the you bring it in person, as it is
my wish to see you ^{all} before you return
to your homes.

I am yr^s &c J. B. [unclear]

Dd

July 10 1826.

Secretary of War
Christie & Nichols

John Ridge
to Col McKenney
18 Jan'y 1826 -

Relative to Col McKenney's
exertions to induce the
Creek Delegation to make
a treaty &c

Dg

J

Washington 18th Jan.
1826.

Col. McKim -

Friend & Brother,

Your private letter
to me I read on yesterday. It is in
these words.

"You know me. I am ^{your} ~~the~~
~~friend~~ ^{and the friend} of ~~your~~ your people; and of all
red men. I need not refer you to proofs
they are to be seen ~~every~~ ⁱⁿ yr. own country.
~~every~~ in the schools there, and in all my acts.
I can therefore feel at liberty to speak
freely to you. The Secy of War does
not know any thing of this. It is ~~at~~ my
^{and friends act.} own. What I please to say is this - advise
Opotkeyoholo, to write a few lines to the
Secy authorizing him to propose to his
great father the small variation suggest-
ed by the Secy, from the great bend in the
Chatahoocky, following the creek (cedar
creek as it is called on the map) to where
it strikes the Cherokee boundary. This

It is a small thing, but it may lead
to peace & a settlement of differences.
If possible read up the letter by the
beaver. I do not know that it will be
accepted. But it is worth the trial.
I advise you in the sincerity of my
heart, and for the good of my Friends &
Brothers the Creek. Yr. friend & Br's

This Delegation is composed of the choicest
men of their Nation & as patriots are
second to none in the world. They
were particularly instructed to secure the
natural boundary, which they have
attempted to do. A letter of the 1st
inst was yesterday rec'd which urges
them to be firm on their proposition. This
they were determined to be previously.
Gov. Cass had made large promises
to them at Baltimore. Col. Crowell
has been arduous in urging by all means
to prevail with them to yield to the
wishes of the President, so much so
that he has altogether lost his influence
with them. Maj. Hamby in his attempt
to cooperate with the Agent is injured &
the Delegation had authorized me to wait

upon the Secretary to notify that they would
shake hands with the President &
start home. Such was the state of
things when yr. letter was handed me.
I was convinced that the Secretary of War had
conducted the Negotiation with great abil-
ity & was disposed to do them justice.
But on the hand I was acting in the con-
fidence of the weak Nations. Mr. Bar-
ber's question, "is it worth the hazard to
risk all by not yielding the little strip
of land west of the river?" came with
force to my mind. Your friendship
has prevailed & Mr. Varnum & myself
have attempted to convince them of
the prudence of this Delegation, from the
least possible uncertainty as to their
Destiny. ^{to secure it} They have agreed, if the
President will accept of the proposition
of Mr. Barber to make the arrange-
ment. Mr. Varnum & myself are au-
thorized to agree with the Secretary on the
~~preliminary~~ articles of the Treaty. If
the President will authorize the Secretary
to make this arrangement, we are ready

to commence the work, if not we
must shortly leave & let the world
witness the result. This Delegation have
no secrets to hide & what they have
already said to the Government, you
may rest assured to be strictly the
fact. If they, the Pres. & Geny will
make the arrangement, I am glad
to have it in my power to do with
them on the conditions, ^{which have been suggested,} as the Delega-
tion is not in a condition to talk on
a subject which excites their hearts
to bleed. What ever arrangement
is made, it will be done, by the Dele-
gation from a full conviction that it
is best, all things considered for them
to do so.

I am your friend &
Brother
John Riess.

Whereas the Government of the U. States
and the Creek Nation are anxious to settle
amicably all differences which have arisen, out of
the late unauthorized and illegal proceedings at
the Indian Springs in February last, by Duncan
G. Campbell of James Meriwether on the
part of the U. States and Genl. Wm. McIntosh
and sundry Indians; and whereas a Delegation
of the Creek Nation, clothed with full powers
to settle said differences in the highest re-
gard for the honor & magnanimity of the U.
States did dispose to yield as much as possible
to the wishes of the said U. States do enter into
the following articles of agreement with James
Barber Secretary of War, on the part of the
United States.

Article 1st The Treaty entered into, between Duncan
G. Campbell, James Meriwether on the part of the
U. S. and Wm. McIntosh & sundry Indians, at
the Indian or Indian Springs in Geo. in February
last is hereby declared null & void and shall have
no effect, but shall forever be considered as if it had
never been made.

Article 2^d All & every one of the signers of the said
illegal Treaty shall be compelled by the U. States
to leave the Creek Nation, and each head of a
family shall be entitled to one mile square of

Land to be located in the U. States western Lands - beyond the Mississippi and for said western Lands - an equal quantity of acres shall be exchanged for by the Nation east of the Chatahoochy river.

Article 3^d

The U. States will pay the expense of the removal of said party, who call themselves of the Friendly party or McIntosh party and their number shall be allowed to consist as equal to the number of them by Genl. Gaines at the Mineral Springs.

Article 4th

The Creek Nation acc^t & surrender to the U. States all of their Lands east of the Chatahoochy river, after deducting the quantity of Land provided for the use of the McIntosh party in the 2^d article, and which is exchanged for an equal quantity of western Lands as provided for the use of the McIntosh party as and said. And it is hereby understood that in thecession of land by the Creek Nation - that the ~~Chatahoochy river shall be the boundary~~ line of Eastern Bank, up to the high water mark, of the Chatahoochy river, except a reservation for the Creek Agency, the limits of which will be described in the fifth article, shall be the boundary line between Georgia and the Creek Nation.

Article 5th The Creek Nation reserve to themselves

and for their own use and jurisdiction, a quantity of Land on the east Bank of the Chatahoochy -

figures to embrace the 640 acres of our said.

Article 8. The Reservations shall be surveyed at the expense of the U. States agreeable to the description of said Reservations, previous to the survey to be made by Georgia of the ceded Land & the Result to be Reported to the War Department by the surveyors.

9th The U. States agree to pay, to individuals who reside on the ceded land, for their improvements which ~~add real value~~ value to the Land, on which such improvements are made.

10th The U. States in consideration of the saidcession and the surrender of the title and claims on the part of the Creek Nation, promise to pay the Delegation of said Nation now in this City two hundred thousand dollars at the Ratification of the Treaty and one hundred thousand more at the expiration of one year; besides twenty thousand dollars per annum, in perpetuity or forever.