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RATIFIED TREATY NO. 116
DOCUMENTS RELATING TO THE NEGOTIATION OF THE
TREATY OF JANUARY 8, 1821, WITH THE CREEK INDIANS

Indian Talks

1819. ?

Creeks

5340

Answer of the Chiefs to
the Commissioners from
Georgia

4399

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L-2-11

Copy of the answer of the Chiefs to the talk of the Georgia Commissioners, delivered by Genl. McIntosh.

He said he was glad to hear of the friendly disposition of the Commissioners on the part of the state of Georgia, that he felt the same friendly disposition himself & will now proceed to answer them - He then observed that two commissioners on the part of the President of the U. States, had delivered him the talk of the President, & he hoped the commissioners of Georgia & himself would be able to settle amicably all differences between them.

That he did not know he was called him to answer for the claims of the State of Georgia, until he heard the talk of the State Commissioners on yesterday, that he had looked over the statement of claims exhibited by the Commissioners of the State, that many of the items in the account, he knew nothing about; that 30 years ago after Genl. McGilvery held the treaty of New York, on his return to the nation he informed the people that he had promised to deliver up all the prisoners & negroes of the whites, then in the nation, but were not to be liable for any that were dead or removed, and nothing was said about any other claims. That shortly after the treaty of New York, another was held at Coharain, before which some of the white & black prisoners had been collected, principally from the upper towns & delivered to Capt. Leagrove, then the U. States Agent. At the treaty of Coharain a similar account with that now exhibited, was presented by Genl. James Jackson, & the Chiefs then refused to acknowledge it, except so far as the items therein contained, were embraced in the provisions of the treaty of New York, in which

no other property is promised to be restored, than negroes and prisoners. At the treaty of Cherokee they agreed to restore the stolen property in the nation. That in conformity with the treaty of New York, they have collected & delivered to Col. Hawkins, a number of the negroes alluded to, that Col. Hawkins in all his talks reminded them of the provisions of the treaty of New York, but never brot forward such a claim as the present one, nor did he ever insist for any compensation for damage done before the treaty of New York, that Col. Hawkins once informed them that he had an account in fa-
vour of the people of Georgia, against the nation, that he never laid it before the nation, but said he had sent it to the President of the U. States. These things all passed before he was a chief, since that he has himself collected some & delivered them up.

During the late war, the British collected many of the negroes of the nation and carried them off, but left some of them in a fort with a large quantity of arms & ammunition and many of the negroes of the Country joined them, he took his warriors and joined the American army under Col. Clinch, attacked the fort & blew it up, many of the negroes were destroyed in it, those which remained were taken and delivered to Col. Clinch for their owners. Some of the negroes yet remained in Florida among the Seminoles, he joined Genl. Jacksons army, went down & took some of them, which were reported to the U. States agent & some of them delivered. Some of them remain there yet, if the President admits that country to belong to the Creek nation, he will take his warriors go down and bring all he can get & deliver them up. He thinks the Creeks have complied with the treaties of New York and

Cohrain, if however any of the negroes remain in the Nation
he will hunt them out & deliver them up, or pay for them.

On looking over the account he finds many tripling things
which he did not expect would be presented; the Indians
have also many claims against the white people, he does
not think this the right way to settle them, but is willing
to refer all the claims on both sides to his father & protector
the President of the U. States - He observes that no credit is
given upon the accounts exhibited, for the property which
has been returned, when all the claims are exhibited and
examined, he does not think there will be much difference
between the Georgians & the Creeks - He will not say there
is no property in the nation, belonging to the Georgians,
but he does not know of any, if there is any he is willing
to restore it or pay its value - This is all he has to say
if two friends, one owe to the other, even individuals, they
should not be too hasty in calling for pay, when the debtor
is unable to pay - he is willing to pay whatever is just.

Copy of a talk delivered
by the U. States Commissioner

Introductory

No 2-1

/

4400

Friends & Brothers :

Genl. Meriwether and myself have been directed by your Father the President to meet you here, to shake you by the hand and renew ^{to you} the assurances of his friendship and protection.

Friends & Brothers, The people of Georgia have complained to your Father the President, that you have not done them justice, that you have not ~~done them~~ given up the property which your people took from them and which you promised to restore, by the treaties which you made with him at New York and Colerain.

Friends & Brothers,

2-9
Your Father the President is very sorry to hear of any difference between his white and his red children, he loves them both, and wishes them to love each other, and has sent us [to hear what each has to say. The Governor of Georgia has sent commissioners to talk with you on the subject and your Father the President wishes you to listen to them. Your Father the President wishes to do justice to all his children and has instructed us to endeavour to settle the differences between his children, like friends and brothers.

Brothers,

Listen to the talk of your brothers from Georgia, think on it, and make your answer, when this is done we will tell you what further business your Father the President has directed us to lay before you.

Forney. D. M.
Hewitt. D.
Indian Spring,
Creek Nation,
9 Jan'y, 1821.

Relative to Treaty
with Creek Indians
of 8 Jan'y 1821; also
enclosing talks in
relation thereto.

5340

Indian Spring, Creek Nation
January 9th 1821

For

We have the honor herewith to enclose a treaty with the Creek nation of Indians. In conformity with our instructions, we proposed to them a cession of Country adjoining the Cherokee boundary, but found it impracticable to obtain such a cession at this time.

As an inducement to a cession we also proposed an exchange of Territory, but were informed that, they were rather disposed to remain where they now are, & gradually turn their attention to husbandry, than cross the Mississippi in search of game, that they had made a law by which those who abandoned their country in pursuit of game, were deprived of all their rights in the Creek nation, but that in the event of any town or towns wishing to cross the Mississippi the nation here would be willing to give up their land to the U. States for lands there. With regard to the cession now made, so far as the wishes of the people of Georgia was to influence our conduct, for whose benefit we were instructed this treaty was to be held, we must believe that no tract of Country of equal extent within the Indian boundary, is as fertile or as desirable as the one now ceded.

The only difficulty that has presented itself to our minds in the execution of this business, is

the sum stipulated for the cession. We have endeavoured to make this as easy as possible for the government, by the extension of the time of payment.

The quantity of land embraced in the cession, by the most accurate calculations we have been able to make, falls but little if any short of five millions of acres, for which you will perceive by the treaty we have engaged the government to pay four hundred & fifty thousand dollars. But it is necessary to state that the sum of Two hundred and fifty thousand dollars set apart as a fund for the payment in full, of the claims of the citizens of Georgia against the Creek nation of Indians, must be considered more in the light of a nominal sum, than an actual debt, for from the partial investigation we have given this subject, we cannot believe these claims, on a fair settlement, will exceed One hundred thousand dollars, and if they should be restricted to the stipulations of the treaties of New York and Colerain, for which the Indians contend, the amount will be much lessened. Upon this point we forbear to express an opinion, as under the articles of reference, which accompanies this, it is left with the President to decide upon all matters touching these claims, in such manner, and under such rules, regulations and restrictions, as he may prescribe. To enable you to

judge men correctly on this subject, we enclose the substance of the communications between the Commissioners of Georgia and the Indian Chiefs, and for more particular information, we beg leave to refer you to Genl. Mitchell the agent, in whose possession the Indians will deposit a copy of a schedule containing nearly the whole of these claims collected and embodied under an act of the Legislature of Georgia. But independent of this consideration, we believe the whole amount would only be a fair and reasonable consideration for the cession. The annuities were arranged so as to meet the wishes of the nation, communicated to us through the agent Genl. Mitchell. In order in some measure to comply with the expectations of the Chiefs, which had been improperly and unreasonably excited, we found ourselves compelled to make a payment in hand, or to place another item in the account of expenditures which to us was extremely odious and objectionable.

We have been considerably embarrassed in negotiating this treaty, by the claims of the citizens of Georgia and conflicting instructions, emanating as was pretended from the ^{same} source. But however unpleasant this may have been to us, it will afford us great pleasure to have been able to accomplish the views of the government - Owing to the inclemency of the weather and other causes, there have

been but few Indians attending the treaty and the issues dur-
ing the whole period have not exceeded sixteen hundred
rations. Genl. Meriwether in compliance with a previous
promise of Genl. Flournoy, advanced three thousand dol-
lars to the contractor - the issues having fallen so far
short of what was contemplated in the contract, the con-
tractor thinks an allowance should be made him for
losses sustained on the provisions purchased. Not feeling
compelled warranted in making him the allowance he
wished, we forward you his receipt for \$3,000 & have
left this account open. Enclosed also is an ac-
count of all expenditures - It would be doing an
injustice to our own feelings to close this communica-
tion, without acknowledging the great obligations
we are under to the agent for his promptness in
affording us every assistance to the extent of his
influence in bringing this negotiation to a suc-
cessful termination.

Very respectfully,

Yours &c

D. B. Torrey
D. Meriwether 4685

Hon. J. C. Calhoun

Geo. J. War.

1-8-1821

Whereas a treaty or Convention has this day been made
and entered into by and between, the United States
and the Creek Nation, by the provisions of which the United
States, have agreed to pay and the Commissioners of the State of
Georgia have agreed to accept for and on behalf of the
Citizens of the State of Georgia, having claims against the
Creek Nation, prior to the year one thousand eight hundred
and two, the sum of two hundred and fifty thousand
dollars - Now know all men by these presents
that we the undersigned Commissioners of the State of
Georgia, for and in consideration of the aforesaid sum of
two hundred and fifty thousand dollars, secured by the
said treaty or convention to be paid to the State of Georgia
for the discharge of all bonafide and liquidated claims
which the Citizens of the said State, may establish
against the Creek Nation, do by these presents release
exonerate, and discharge, the said Creek Nation, from
all and every claim and claims of whatever descrip-
tion, nature or kind, the same may be, which
the Citizens of Georgia, now have or may have had
prior to the year, one thousand eight hundred and two
against the said Nation, and we do hereby, assign
transfer, and set over, unto the United States, for the

use and benefit of the Said Creek Nation, for the Consideration
herein before expressed, all the right title, and interest, of the
Citizens of the Said State, to all Claims, debts, damages, and
property of every description, and denomination, which the
Citizens of the Said State, have or had prior to the Year, one
Thousand eight Hundred and two, as aforesaid, against the Said
Creek Nation —

In Witness Whereof we have hereunto affixed
our Hands and Seals at the Mineral Springs in
the Said Creek Nation this eighth day of January.
one Thousand eight Hundred & twenty one

Do
resunt

D. M. Torrey

D. Merriam

D. B. Mitchell

Capt. Geo. A.

J. W. Antick

Daniel Adams

Daniel Newman

Canton, Nov. 14th 1822

I Certify that the Annexed Receipt is a true
Copy taken from the Original, given on a Book.
Containing, the Claims of the Citizens of Georgia, against
the Creek Nation, of Indians; which book and Receipt
are now held by the Chief of Said Creek
Nation, for their Security against Said Claims -

W. Crowell

Agent for S. A.