

THE ATTITUDE OF CONGRESS TOWARD THE
PIONEERS OF THE WEST

1820-1850

I

RELATIONS BETWEEN THE PIONEERS AND THE INDIANS

THE FRONTIER IN 1820

In the year 1820 a line of outposts extending from the Lakes to the mouth of the Mississippi marked the military frontier in the West. At the northern end of this line stood the island town and fort of Michilimackinack in the straits of Lakes Michigan and Huron. Thence southward lay Fort Howard on Green Bay and Prairie du Chien at the mouth of the Wisconsin River. Two regiments of infantry were encamped along the Missouri River; while in the South, the Sabine River was guarded by a small detachment. Thence eastward several small posts completed the border defenses through Louisiana to New Orleans.¹

A glance at the census map of 1820 will show that there existed a gap between this far-spreading military line and the established settlements.² In the South the pioneers had advanced beyond the Mississippi into Missouri and Arkansas; and parts of western Louisiana had long been occupied. But north and west of the Missouri settlements the Missis-

¹ *Niles' Weekly Register*, Vol. XIX, p. 251; *American State Papers, Military Affairs*, Vol. II, p. 37. For a picture of army life on this frontier, see Colonel Cooke's *Adventures in the Army* (Philadelphia, 1859).

² Map facing page xxii, *Eleventh Census, Population*, Vol. I, Part 1. See also Turner's *Colonization of the West* in the *American Historical Review*, Vol. XI, p. 307. For a comparison of the "farmer's frontier" and the military frontier, see Turner's *Significance of the Frontier in American History* in the *Annual Report of the American Historical Association*, 1893, p. 211.

Mississippi Valley was unbroken Indian country. On the eastern side of the river, the body of settlements had hardly advanced further northward than a line drawn from the mouth of the Missouri River to Detroit in Michigan.

Eastward, also, within the interior lay large districts barren of legal habitation, because the Indian title had not been extinguished. Along the old Spanish border of Florida, the army had but recently been employed in subduing the Seminoles and their allies. Again, in the States of Indiana and Illinois and in the Territory of Michigan there were extensive wildernesses where the Chippewas, Ottawas, Potawatomies, Winnebagos, Menomonees, Miamis, and Sac and Fox Indians still retained their possessory rights to the soil and sullenly resisted the encroachment of settlers. Even as far east as the State of Georgia the Cherokees and the Creeks stubbornly clung to their native land, as did the Choctaws and Chickasaws in Mississippi and Alabama. White settlements encroached upon these Indian lands from all directions, so that some tribes like the Cherokees and the Creeks were almost surrounded by citizen pioneers. Thus conflicts between the two races were inevitable. Frontiersmen, impatient at the Government's delay in acquiring the Indian title to these rich valleys, frequently staked out their little claims within the Indian territory and thereby brought down upon themselves the resentment of the original claimants who retaliated by pilfering corn and stealing cattle. The Indians on their part, after ceding their lands to the United States and agreeing to retire to other possessions, were often loath to leave and hung about the new settlements much to the annoyance of the settlers.³

The relations between the pioneers and the aborigines were theoretically prescribed by Federal laws. These "trade

³ The *American State Papers, Indian Affairs*, contain a mass of evidence concerning the relations of the backwoodsmen and the Indians.

and intercourse acts," as they were called — the first one being passed as early as 1796 — provided severe penalties not only for attempting to settle upon any lands, the Indian title to which had not yet been extinguished, but they even imposed a penalty for going into the Indian country without a passport. The military force of the United States might be used to expel such intruders.⁴ But in spite of these Federal enactments, there always existed on the frontier more or less irritation and tension. Pioneers impatient for land eluded the scattered dragoons of the small western army and encroached upon the Indian country. The Iowa country was thus invaded by a few bold settlers who crossed the Mississippi at Dubuque in 1830.⁵ The majority of the frontier pioneers were content to wait until the Government had bought the Indian title to the western lands. But even after this title had been secured troubles sometimes arose — due to the failure of some Indians to comprehend the papers which they had signed or on account of their simple and savage unwillingness to perform their obligations.⁶

To this state of things the plan to remove all tribes from the east to the west of the Mississippi owes its origin in the early years of the nineteenth century. Jefferson was the first to elaborate the idea. Colonization in Upper Louisiana was the plan that occurred to him in the year 1803.⁷ Al-

⁴ *United States Statutes at Large*, Vol. I, pp. 470, 745; Vol. II, p. 139; Vol. III, p. 332.

⁵ Parish's *The Langworthys of Early Dubuque and Their Contributions to Local History* in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. VIII, No. 3, p. 317.

⁶ The Indians' side of the story is well told in the *Life of Black Hawk* (Boston, 1834). *Mrs. Gratiot's Narrative* in the *Wisconsin Historical Collections*, Vol. X, p. 261, is a good type of the pioneer accounts.

⁷ Ford's *The Writings of Thomas Jefferson*, Vol. VIII, pp. 241-243. Jefferson's first proposal of such a plan to any tribe was his address to the Chickasaws in 1805.—Washington's *Writings of Thomas Jefferson*, Vol. VIII, p. 199.

though he made no definite recommendations thereon to Congress his views were widely known by correspondence and personal conversations; and through such means it was that the sixteenth section of the Louisiana Territorial Act of 1804 was written, empowering the President to exchange Indian lands east of the Mississippi for lands on the west side. Attempts to secure removal during Jefferson's administration were neither energetic nor successful, although the application of this remedy to the Indian problem was urged by the Governor of the Territory of Indiana, William Henry Harrison, and was occasionally advocated in Congress.⁸

The idea of westward removal appealed most strikingly to Southerners. Four great tribes — the Cherokees and Creeks and the Chickasaws and Choctaws — were coming to be a most serious menace to the progress of the southwestern frontier. These tribes still retained their possessive rights to large tracts of most fertile land in Tennessee, Georgia, and the Territory of Mississippi, and thus their presence threatened seriously to retard industrial development. In the Northwest the need of removal beyond the Mississippi was not so ardently demanded until after the War of 1812 because the over-strenuous administrations of General Anthony Wayne and Governor Harrison acquired from the Indians vast sections of land years in advance of

The origin of the removal policy is exhaustively discussed by Dr. Abel in *Indian Consolidation West of the Mississippi* in the *Annual Report of the American Historical Association*, 1906, Vol. I, p. 235 *et seq.* Dr. Abel describes the Indian removal chiefly from the side of the Executive Department, while Phillips in *Georgia and State Rights* describes the episode of the Creek and Cherokee removals from the viewpoint of the States concerned.—*Annual Report of the American Historical Association*, 1901, Vol. II. On the other hand, the removal of Indians across the Mississippi is portrayed from the Indians' side in the monograph by Royce entitled *The Cherokee Nation of Indians* in the *Fifth Annual Report of the Bureau of Ethnology*, p. 129.

⁸ *Annals of Congress*, 1st Session, 8th Congress, pp. 41, 440. Senator James Jackson of Georgia and John Randolph of Virginia casually mention the plan.

the actual economic need of that section of the country; and, moreover, the Indians themselves retreated westward more rapidly than did their southern brothers before the stream of eastern emigration. Perhaps the first serious proposal to exchange the lands of the northern Indians for lands beyond the Mississippi occurred in 1817, when Lewis Cass, Governor of Michigan Territory, was instructed by Monroe's Secretary of War to propose to the Indians of the Ohio that they exchange their lands for equal tracts beyond the Mississippi — reserving, however, a certain number of acres in the ceded territory to each head of a family who wished to remain.⁹ A year later the first treaty whereby a northern tribe — in this case the Delawares — ceded their lands in Indiana for a tract beyond the Mississippi was negotiated by Lewis Cass and two other commissioners.¹⁰ In 1819 a similar treaty was negotiated with the Kickapoos of Illinois.¹¹ Then the score of years following was marked with similar zealous and successful efforts to evict the Indians from the Old Northwest under the guise of solemnly negotiated treaties.

In July of the year when removal was inaugurated in the Indian affairs of the North, Andrew Jackson secured with much effort a treaty with a southern tribe, the Cherokees, providing for the removal of such individuals of that tribe as were willing to make the change.¹² The question of the removal of these Indians and the Creeks soon became involved in the fierce controversy between these nations and the State of Georgia. Thereupon the whole affair was several times reviewed in Congress as will be further noted.

These then were the beginnings of the removal policy.

⁹ *American State Papers, Indian Affairs*, Vol. II, p. 136.

¹⁰ Kappler's *Indian Affairs, Laws and Treaties*, Vol. II, p. 170.

¹¹ Kappler's *Indian Affairs, Laws and Treaties*, Vol. II, p. 182.

¹² Kappler's *Indian Affairs, Laws and Treaties*, Vol. II, p. 140.

Its origin was executive, not congressional. Indeed, we shall see that the stimulus for a national plan of removal came almost entirely from the Executive Department, although local interests never ceased to memorialize Congress for the removal of individual tribes whose presence annoyed particular States. Before the third decade of the century the plan was little dreamed of; but what the attitude of Congress would be when it should seriously consider the subject was already forecasted. Commiseration for the retreating Indians, whether maudlin or philanthropic, was to be put aside. The story of Clay's futile eloquence on behalf of the Seminoles has already been told.¹³ On all points was Jackson's decisive conduct with the Florida Indians sustained, not only in the Fifteenth Congress but as well in the first session of the Sixteenth Congress.¹⁴

BEGINNINGS OF THE GEORGIA INDIAN CONTROVERSY

Of the thirteen original States, Georgia was the only one possessing in 1820 a considerable frontier.¹⁵ In the North, the Indian frontier had passed westward beyond Ohio, although a few isolated tribes and individuals still remained in New York and in New England. From Virginia the border difficulties in the back country which filled the correspondence of Governor Patrick Henry were now long vanished. Even Kentucky — the first of the admitted States in the West — was quite free from aboriginal inhabitants. Prosperous plantations covered these once famous hunting grounds.

¹³ THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. VIII, No. 1, pp. 109-114.

¹⁴ *Annals of Congress*, 1st Session, 16th Congress, p. 1542.

¹⁵ No less a historian than Frederick J. Turner has included the back country of Georgia, during the years following 1820, as a part of the western frontier.— *Rise of the New West*, p. 57. The settlers who were encroaching upon the Cherokee and Creek lands west of the Ocmulgee River had much in common with the settlers who were crossing the Mississippi at the same time.

But Georgia presents another story. One-third of the State, in fact all of the lands north and west of the Ocmulgee River, was still held by the Creeks and Cherokees.¹⁶ The Cherokees were semi-civilized but annoying. The Creeks were more war-like. Divided in their councils, a part had struck the Government in the War of 1812, while the other part had been actively loyal. The danger of their presence was ever a source of worry; and this the Georgia delegation often told Congress.¹⁷ "The unprotected situation of the frontiers invited aggression and the predatory and sanguinary depredations of a dark and insidious enemy, whose track was to be traced by blood and desolation, cried aloud for vengeance", declared one Georgian Representative.¹⁸ This utterance was made when Georgia was advocating her Militia Claims. The debates upon these claims, although referring to conditions at the close of the eighteenth century, reflect much of the contemporary attitude of the Georgia delegation. As an example of the hundreds of similar claims presented to Congress by western members almost every year they may beg the attention of the reader for a moment. The Georgia Militia Claims originated in the border outbreaks of 1792, when the State had employed her militia in suppressing the Indians. Some years later Georgia demanded recompense therefor, although these claims were said to have been liquidated in the transactions of 1802 when Georgia ceded her lands to the United States.¹⁹ For a score of years thereafter the impassioned speeches of the Georgians presented Congress

¹⁶ *Annals of Congress*, 1st Session, 18th Congress, p. 465.

¹⁷ Gilmer's *Sketches of the Settlers of Upper Georgia*, p. 504 *et seq.*

¹⁸ *Annals of Congress*, 2nd Session, 17th Congress, p. 163.

¹⁹ The argument for these claims is given at length in Senator Elliott's report of 1822.—*Annals of Congress*, 1st Session, 17th Congress, p. 383. *Annals of Congress*, 2nd Session, 7th Congress, p. 461. For the argument against the claims, see pp. 523, 535.

with a vivid picture of the State's border position. That eastern members could never appreciate the horrors of Georgia's exposed condition nor comprehend the service that she was rendering to the nation by standing as a bulwark against the Indians was the burden of these harangues. Heart-thrilling accounts of the "midnight character of Indian hostility" depicted in rather lively colors this frontier and idealized the settlers who ventured with their families so close to the aborigines.²⁰ Persistence in these addresses finally won an appropriation from Congress in the year 1827, in spite of the bar to the claims.²¹

Meanwhile Georgia had carried to Congress the most obstinate of all frontier problems. Should the Creeks and Cherokees continue to hold wildernesses in a civilized State and bar the progress of American settlement? True, the Cherokees were of all American tribes the most civilized; both they and the Creeks had made progress in agriculture and were becoming attached to the land they occupied by stronger bonds than those which bound the roving Indians of the Northwest to their hunting grounds.²² But the economic interests of Georgia were ready for expansion upon

²⁰ Mr. Wiley Thompson of Georgia exclaimed that Georgia had been "deluged by the blood of her citizens, slaughtered in defending the United States; and still justice . . . is withheld from them."—*Register of Debates*, 2nd Session, 18th Congress, p. 81.

Indian troubles were unavoidable, Thompson contended. Eastern States seemed not to appreciate Georgia's position—how she stood as "a bulwark between the Indians and the interior States, while she received the death stroke of the Indian tomahawk in her own bosom".—*Register of Debates*, 2nd Session, 19th Congress, p. 1245.

John Forsyth charged that the claims had been rejected simply because the State operations against the Creeks and Cherokees had taken a direction offensive to the Administration.—*Register of Debates*, 2nd Session, 18th Congress, p. 581.

²¹ *Register of Debates*, 2nd Session, 19th Congress, pp. 1266, 488.

²² Royce's *The Cherokee Nation of Indians* in the *Fifth Annual Report of the Bureau of Ethnology*, p. 231.

the Indian lands; the aggressive settlers demanded portions of the unused districts still held by the Creeks and Cherokees; but demand as they might, these tribes began stubbornly to refuse any further cessions of their remaining domain.²³

Such a condition boded trouble indeed. One third of a Commonwealth in the hands of some thirty thousand persistent aborigines was a fact which naturally provoked the citizens, who were nearly two hundred thousand in number and rapidly increasing.²⁴

The problem would have been quickly solved had the State controlled the lands in question. But in 1802 Georgia had ceded her public lands to the United States. In the compact, however, the Federal Government stipulated that the title to Indian lands lying within the State should be extinguished as early as could be peaceably done upon reasonable terms.²⁵ This the Federal Government proceeded to accomplish, and by treaties with the Creeks and Cherokees secured for both Georgia and Alabama prior to the year 1824 some fifteen million acres of land.²⁶ Ten million still remained in the possession of the two tribes when they manifested their determination to cede no more.

Since 1802 the Executive Department had been sincerely willing to fulfil its promises, although ever insisting upon treating the Indians with diplomatic courtesy. And Congress as well had voted generous appropriations to conduct treaties of cession. Now, however, it was apparent that if the diplomatic attitude of the Executive continued no more

²³ For a comparative map of Indian land cessions in Georgia, see the *Eighteenth Annual Report of the Bureau of Ethnology*, Part 2, Plate XV.

²⁴ For population of Creeks and Cherokees, see *American State Papers, Indian Affairs*, Vol. II, p. 546.

²⁵ *American State Papers, Public Lands*, Vol. I, p. 125.

²⁶ Report of Secretary of War.—*Annals of Congress*, 1st Session, 18th Congress, p. 465.

cessions could be obtained. A commanding attitude was necessary to make these Indians retreat; and the Georgians were disappointed and provoked because such a course of action was not vigorously followed by Monroe and Madison.²⁷ The Governor and legislature frankly told the Government so at different times with increasing irritation.²⁸

That the Federal Executive was disinclined to coerce the Cherokees and Creeks was evident in Monroe's message of March 30, 1824. "I have no hesitation", wrote the President, "to declare it as my opinion, that the Indian title was not affected in the slightest circumstance by the compact with Georgia, and that there is no obligation on the United States to remove the Indians by force." But he added: "My impression is equally strong that it would promote essentially the security and happiness of the tribes within our limits, if they could be prevailed on to retire west and north of our States and Territories, on lands to be procured for them by the United States, in exchange for those on which they now reside."²⁹

²⁷ Calhoun when Secretary of War under Monroe disapproved the policy of treating with the Indian tribes as with States or nations.—*American State Papers, Indian Affairs*, Vol. II, p. 276.

The attitude of Monroe and Adams in this respect is open to just criticism. The Georgia delegation pronounced formal treaty-making to be a farce. Why should the Government act as if the Indians were foreign powers? asked Forsyth. The question seems never to have been satisfactorily answered.—*Register of Debates*, 1st Session, 19th Congress, p. 2614.

For an army officer's opinion in later days, see *Centennial of the United States Military Academy at West Point* (Washington, 1904), p. 527.

²⁸ Phillips's *Georgia and State Rights* in the *Annual Report of the American Historical Association*, 1901, Vol. II, p. 52 *et seq.* The attitude of Georgia was nicely expressed in the memorial addressed by the legislature to the President of the United States in 1819. "The State of Georgia", read this protest, "claims a right to the jurisdiction and soil of the territory within her limits. . . . She admits however, that the right is inchoate—remaining to be perfected by the United States, in the extinction of the Indian title; the United States *pro hac vice* as their agents."—See *Worcester vs. State of Georgia*, 6 Peters 585.

²⁹ *Annals of Congress*, 1st Session, 18th Congress, p. 463. The Message and

Monroe admitted that the question had developed beyond executive control; and he therefore submitted to the consideration of Congress, trusting that the Indians as well as the people of Georgia would receive equal justice. If Monroe hoped by this message to throw the responsibility for action upon Congress he was doomed to disappointment. The solution which he tentatively proposed was to peaceably incline the Cherokees toward accepting the removal plan. But Congress was not ready to assume the responsibility. The President possessed the treaty powers under the Constitution. Why should he not continue to treat and the Senate to ratify?

While Congress hesitated to touch the affair, the Georgia delegation were loud in their attempts to secure decision. "If the Cherokees are unwilling to remove," they said, "the causes of that unwillingness are to be traced to the United States. If a peaceable purchase cannot be made in the ordinary mode, nothing remains to be done but to order their removal to a designated territory beyond the limits of Georgia".³⁰ It is needless to say that their efforts were in vain. The Senate Committee on Indian Affairs passed over the matter without reporting.³¹ The House Committee, being headed by John Forsyth, naturally reported that immediate removal was wise, but the measure was lost in the House.³² The times were premature for drastic solution, although the issue had become well defined. If the Georgia Indians refused to emigrate should their possessive rights

accompanying documents were printed in *Senate Documents*, 1st Session, 18th Congress, No. 63.

³⁰ *Annals of Congress*, 1st Session, 18th Congress, p. 471.

³¹ The Senate referred the Georgia Indian controversy to its Committee on Indian Affairs, of which Benton was chairman.— *Annals of Congress*, 1st Session, 18th Congress, p. 474. The *Journal of the Senate* does not indicate that the Committee reported during the session.— *Journal of the Senate*, 1st Session, 18th Congress, p. 28.

³² *Annals of Congress*, 1st Session, 18th Congress, p. 2348.

to soil in Georgia's jurisdiction be maintained by Federal authority? Or, should the stubborn Indians be forced to emigrate? The first horn of this dilemma was intolerable to the State of Georgia and to her sympathizers; while neither eastern Congressmen nor the President would seize the latter.

MONROE AND THE REMOVAL POLICY

The Georgia delegation little realized that their persistent demands in Georgia's behalf would gradually force Congress and the Executive to the adoption of some general plan for disposing of the Indians. But that event was to be in the future and at present was little contemplated by members of Congress, although signs of the disastrous policy, then being pursued, were not lacking even in the halls of Congress. In December, 1823, a most egregious blunder had been exposed, concerning the assignment of lands to the Choctaws and Cherokees west of the Mississippi. It appears that the most fertile of the lands ceded to these tribes during the years 1817 to 1820, in exchange for their eastern possessions, lay within the Territory of Arkansas and were already occupied in part by white "squatters". In the case of the Cherokee tribe the United States agreed by treaty to remove all intruders upon the ceded lands; while the Choctaws relied upon the promise of General Jackson, who was acting as commissioner on the part of the United States, that "the arm of the Government was strong, and that the settlers should be removed."³³

Their reliance upon the Government was disastrous to themselves, for within a few years local interests caused even the national legislature to undermine their rights.

³³ Kappler's *Indian Affairs, Laws and Treaties*, Vol. II, p. 142; *American State Papers, Indian Affairs*, Vol. II, p. 549. For a map of the cessions, see Royce's *Indian Land Cessions* in the *Eighteenth Annual Report of the Bureau of Ethnology*, Plate VI.

The occasion was an angry remonstrance from the Territorial legislature of Arkansas against the action of Congress in establishing the western boundary of the Territory.³⁴ This line, the citizens complained, cut off from the Territory large numbers of "most respectable inhabitants" who had intruded upon the public domain. Henry Conway, the Delegate from Arkansas, loudly maintained the alleged rights of the intruders. "I can never consent", he wrote to the Secretary of War, "to any measure which is calculated to check the prosperity of my Territory, or to destroy the interests of any portion of its inhabitants."³⁵

In the Senate the memorial from Arkansas was presented by Benton and it was referred to a select committee consisting of Benton, King of Alabama, and Lowrie of Pennsylvania.³⁶ This occurred in December, 1823. In March the committee reported a document of surprising ingenuity.³⁷ There were three questions comprising the solution of the case, the committee began to explain. Should the inhabitants cut off by the line of 1823 be left as they were without law to govern them? Or, should they be compelled to come within the present limits of the Territory? Or, should the western boundary be extended to include them?

The first method the committee rejected, for reasons "too obvious to require specification." The second was also rejected with a confusing number of objections. And so, by elimination, what was left but the third plan? Accordingly, the committee reported a bill for the extension of the western boundary. How the adjustment of the Choctaw and Cherokee boundary lines with this new Territorial line

³⁴ *American State Papers, Indian Affairs*, Vol. II, p. 556; *United States Statutes at Large*, Vol. III, p. 750.

³⁵ *American State Papers, Indian Affairs*, Vol. II, p. 556.

³⁶ *Annals of Congress*, 1st Session, 18th Congress, p. 47.

³⁷ *Annals of Congress*, 1st Session, 18th Congress, p. 420.

might be accomplished the committee did not venture to prophesy, save merely to express a hint that the Executive would find such conflicts occasions for further treaties with the Indians.

The bill as later amended in the Senate directed the President to treat with the Choctaws for a modification of the Treaty of 1820.³⁸ In this form it passed both houses and became law in May, 1824. Thus the Executive Department was forced into the position of breaking public faith with the western Choctaws. The consequence was what might have been expected: the Choctaws were compelled, in 1825, to retire west of the Arkansas line, leaving their promised lands in the hands of the irrepressible pioneers.³⁹ The Cherokees on the lands to the north of them soon met the same fate.⁴⁰

That such miserable procedures were the inevitable outcome of the haphazard and sporadic attempts in solving the Indian problem, Monroe was more than ever convinced. The last years of his administration were enough to show him that sectional bickerings and extravagant expense would ever be attendant upon a continuation of the present unsystematic Indian policy. With the opening of the second session of the Eighteenth Congress barely three months of legislative sittings were left to his administration; yet he did not evade the bold presentation of the problem in its larger scope. He recommended to Congress the advisability of adopting "some well digested plan" of establishing

³⁸ *Annals of Congress*, 1st Session, 18th Congress, p. 778; *United States Statutes at Large*, Vol. IV, p. 40.

The Executive Department apparently disregarded that part of the act which extended the boundaries of the Territory of Arkansas west of the southwest corner of Missouri.—Note the *United States Statutes at Large*, Vol. VII, p. 311; Vol. V, p. 50; *Congressional Globe*, 2nd Session, 26th Congress, p. 54.

³⁹ Kappler's *Indian Affairs, Laws and Treaties*, Vol. II, p. 211.

⁴⁰ Kappler's *Indian Affairs, Laws and Treaties*, Vol. II, p. 288.

an Indian district "between the limits of our present States and territories, and the Rocky Mountain[s]", where the Government should carefully supervise their progress in civilization.⁴¹

Having announced his attitude, the President left the elaboration of his ideas to his Secretary of War, John C. Calhoun. Calhoun developed a plan — one unusual compared with those hitherto proposed. It was communicated to Congress on the 27th of January, 1825.⁴² It contemplated the establishment of a permanent Indian Territory west of the settlements with a government uniting all tribes in one organization. To this end the Secretary recommended that Congress provide for a convention of the leaders of all eastern tribes in order to explain to them the views and promises of the government.

Already the committees on Indian affairs in both houses were considering the first suggestions of Monroe in his message at the opening of Congress. Benton, the chairman of the Senate committee, approved a definite national plan of relieving the western States from their undesirable Indian population. The bill which this committee reported came from the pen of Calhoun and gave legal form to the "well digested" plan which Monroe had suggested. Its title announced it as an act for the preservation and civilization of the Indians. On February 23rd it passed the Senate.⁴³

In the lower chamber the bill was referred to the standing committee of which John Cocke of Tennessee was chairman. The records do not indicate that it was ever considered in the Committee of the Whole House — perhaps because of the press of other matters. A bill of similar nature, con-

⁴¹ *Register of Debates*, 2nd Session, 18th Congress, Appendix, p. 7.

⁴² *Register of Debates*, 2nd Session, 18th Congress, Appendix, p. 57; *Senate Documents*, No. 21; *Niles' Weekly Register*, Vol. XXVII, p. 404.

⁴³ *Journal of the Senate of the United States*, 2nd Session, 18th Congress, p. 187.

cocted by the House committee itself, met the same fate. To the proposals of the President little further attention was given, save by the easily frightened Delegate from the Territory of Arkansas, who demanded that no lands of his constituency be granted to the emigrating Indians.⁴⁴

Such apathy on the part of western Congressmen, when Illinois, Indiana, Michigan Territory, Missouri, Mississippi, Alabama, and Georgia were looking with restless glances at the Indians within their borders, can only be explained by the supposition that sectional interests had not yet been combined into one great national plan. While Elliott of Georgia supported Calhoun's bill in the Senate,⁴⁵ the remainder of the Georgia delegation appeared strangely silent in the House, except in respect to their own grievances with the Creeks and the Cherokees. Headed by Forsyth they called for the vengeance of Congress to descend upon these stiff-necked Indians. Their vexation — fanned into a passionate rage by the inertia of Congress — adopted the method of blocking all proposals to extend any act of courtesy or justice to these Indians, even when such acts would not interfere with the rights of Georgia.⁴⁶

⁴⁴ *Niles' Weekly Register*, Vol. XXVII, p. 271.

⁴⁵ *Register of Debates*, 2nd Session, 18th Congress, p. 639.

⁴⁶ The Cherokee claim in regard to the Wafford Settlement gave one occasion for this ungenerous display on Georgia's part. Among the items of the military bill, the Committee on Ways and Means had included an appropriation to cancel the obligation of the long neglected treaty ceding the lands in question. — *Register of Debates*, 2nd Session, 18th Congress, p. 536.

The gist of the matter was that the Government had undertaken in the year 1804 to protect certain settlers who had invaded the Indian lands in violation of the Federal laws and treaties, but had failed to recompense the Cherokees for the land thus illegally seized. — Royce's *The Cherokee Nation of Indians* in the *Fifth Annual Report of the Bureau of Ethnology*, p. 186.

John Forsyth and his colleagues protested against this appropriation. They were outvoted. — *Register of Debates*, 2nd Session, 18th Congress, p. 546.

The episode is an illustration of Congress condoning illegal settlements. "The Cherokees", said McLane of Delaware during the debate, "were in possession of this land within the limits of Georgia, in 1804. Their lands were in-

THE END OF THE CREEK CONTROVERSY

Before the last session of his administration had closed Monroe was able to submit to the Senate tangible results of his efforts to continue the policy of treaty-making with the Creeks in Georgia. At Indian Springs on the 12th of February the commissioners of the Government had succeeded in persuading certain chiefs of the Creek nation to sign a treaty ceding all their lands lying within the State of Georgia.⁴⁷ Without inquiring too closely into the history of the negotiations Monroe transmitted it, late in February and only a few days before the end of his administration, to the Senate. This body, on the third of March, hastily advised and consented to ratification,⁴⁸ although the fact had become officially known that the Alabama chiefs of the Creek nation had never agreed to the cession.⁴⁹ On March

truded on by citizens either of that state or some other; and an application was, in consequence, made by the Cherokees to the United States to dispossess the intruders. The Government of the United States felt that it was their duty to do so. Orders were issued accordingly, and, military force sent to put them into execution. When the troops arrived on the spot, they found that the settlers, for the most part, had crops then growing, and not gathered; and the officers interceded with the Cherokees to delay the removal of the intruders until their crops could be gathered in, and finally succeeded in persuading them to sell the land to the United States. The Government accordingly issued a commission to Messrs. Meigs and Smith, to negotiate for the purchase. A treaty was held, in which the Indians agreed to sell, and the commissioners to buy their land. . . . As soon as this treaty was made, the Indians abandoned their land, and the settlers were suffered to remain, and others to enter. The Indians executed the treaty in good faith, and the only question that we ought to have any difficulty in deciding, would be, not whether they are entitled to receive the arrearages of the annuity, but whether we ought not to allow them interest for the whole time it has not been paid.—*Register of Debates*, 2nd Session, 18th Congress, p. 539.

⁴⁷ Kappler's *Indian Affairs, Laws and Treaties*, Vol. II, p. 214.

⁴⁸ *Executive Journal of the Senate* (1828), Vol. III, p. 424.

⁴⁹ *Memoirs of John Quincy Adams*, Vol. VII, p. 12. The correspondence transmitted to the Senate along with the treaty, must have appeared to a careful peruser strangely suspicious.—*American State Papers, Indian Affairs*, Vol. II, p. 579.

7th John Quincy Adams, respecting the acts of his predecessor, proclaimed the treaty without ado.⁵⁰

To the Georgians, who coveted the Creek lands like the vineyard of Naboth, the treaty was most gratifying. It promised to end their long contention with the Creeks and undoubtedly would have ended the affair had the treaty been genuine. But the scandalous conduct of the commissioners, although legalized by the Senate, was not to stand unrepudiated by either the President or the Senate itself. Before the next session of Congress the ugly rumors and hints of the early part of the year were fully confirmed in Washington. It became well known that an impotent and discredited faction of the Creeks had signed the treaty in direct opposition to the will of the whole nation. Acting upon this light Adams directed the Secretary of War to negotiate a new treaty with the accredited chiefs of the Creeks who had journeyed to the capital protesting the affair of Indian Springs.⁵¹

By his action the President found himself immediately attacked by Governor Troup and the Georgia delegation in Congress.⁵² While Governor Troup directed the quarrel with so much vehemence that his name was ever after known for angry defiance to the Federal Executive, the Georgia delegation in Congress were none the less extreme.⁵³ On January 7, 1826, they declared to the Secretary of War that Georgia would never admit the invalidity of the treaty of Indian Springs. Their method of proving its genuineness was an *argumentum ad ignorantiam*. The citizens of

⁵⁰ *Memoirs of John Quincy Adams*, Vol. VII, p. 12. Compare with the message to the Senate, January 31, 1826.—Richardson's *Messages and Papers of the Presidents*, Vol. II, p. 324.

⁵¹ *Memoirs of John Quincy Adams*, Vol. VII, pp. 74, 108.

⁵² Phillips's *Georgia and State Rights* in the *Annual Report of the American Historical Association*, 1901, Vol. II, p. 59.

⁵³ *American State Papers, Indian Affairs*, Vol. II, p. 747.

Georgia, they maintained, being "resident near the scene of this controversy, and deeply interested in its result have been attentive observers of the process by which it has been conducted"—evidently meaning to imply that the Georgians were better judges than the Federal Government.

The President did not surrender to the demands of Georgia, although his position was rendered the more perplexing by the Creeks who, while willing to legally cede part of their lands, refused to cede any west of the Chattahoochee.⁵⁴

In his annual message on December 6th, Adams had promised to submit the whole tangled affair to the consideration of Congress.⁵⁵ If the President hoped thereby to secure congressional coöperation in solving the problem as Monroe had hoped in the preceding year he evidently changed his mind, for the special message was never transmitted. Webster undoubtedly helped him to this decision by his sound advice that nothing would be gained, since Congress would do nothing. He even explained to the President the various motives by which different members would be actuated to do nothing, leaving the Administration to pursue its way alone.⁵⁶ Adams was so impressed with the fear of provoking a damaging controversy in Congress that he submitted none of the papers concerning the Georgia question when at last he sent to the Senate the new treaty which Barbour had negotiated with the Creek delegation in Washington as a substitute for the Treaty of Indian Springs.⁵⁷

Barbour's treaty did not provide for the cession of the entire Creek country in Georgia.⁵⁸ So its reception by the

⁵⁴ *Memoirs of John Quincy Adams*, Vol. VII, p. 66.

⁵⁵ *Register of Debates*, 1st Session, 19th Congress, Appendix, p. 4.

⁵⁶ *Memoirs of John Quincy Adams*, Vol. VII, p. 73.

⁵⁷ *Memoirs of John Quincy Adams*, Vol. VII, p. 110.

⁵⁸ Kappler's *Indian Affairs, Laws and Treaties*, Vol. II, p. 264.

Senate Committee on Indian Affairs might easily be fore-known, since Benton was chairman and Cobb of Georgia a leading member. The committee reported on March 17, 1826, that the Senate should not advise and consent to the ratification.⁵⁹ Two weeks later Adams was able to submit a supplementary article by which the Creeks conceded the Senate's point and ceded what was then supposed to be all their remaining lands in Georgia.⁶⁰ Benton's committee of course accepted this concession, and reported back to the House the article without amendment.⁶¹ In the Committee of the Whole a stubborn but unsuccessful effort was made by Berrien of Georgia to alter the first article so as to annul the treaty of Indian Springs without reflecting upon the nature of its negotiation.⁶² Upon the final question of advising and consenting the vote stood thirty yeas and seven nays.⁶³ The negative vote was headed by the two Georgia Senators. The five Senators who voted with them probably based their objection to the treaty on constitutional considerations.⁶⁴

Realizing that the Indians would be loath to emigrate even from the ceded lands, Berrien immediately introduced resolutions looking toward the Government's assisting and encouraging such emigration.⁶⁵ With that purpose in view a bill appropriating sixty thousand dollars passed both houses.⁶⁶

⁵⁹ *Executive Journal of the Senate* (1828), Vol. III, p. 521.

⁶⁰ Kappler's *Indian Affairs, Laws and Treaties*, Vol. II, p. 267.

⁶¹ *Executive Journal of the Senate* (1828), Vol. III, p. 526.

⁶² *Executive Journal of the Senate* (1828), Vol. III, p. 531.

⁶³ *Executive Journal of the Senate* (1828), Vol. III, p. 533.

⁶⁴ This at least was the supposition of contemporaries.—See *Niles' Weekly Register*, Vol. XXX, p. 297.

⁶⁵ *Executive Journal of the Senate* (1828), Vol. III, pp. 527, 532; *Register of Debates*, 1st Session, 19th Congress, p. 620.

⁶⁶ *Register of Debates*, 1st Session, 19th Congress, p. 2623; *United States Statutes at Large*, Vol. IV, p. 187.

Within a week of the ratification of the Washington Treaty the Committee on Appropriations in the House introduced a bill to carry into effect its provisions. The discussion thereon was almost entirely by the Georgia delegation, who protested against the late action of the Senate and criticised the whole policy of Federal control of Indian Affairs as an abridgment of State sovereignty.⁶⁷ Their speeches did not, however, long delay the roll call on the bill which passed with 167 affirmative votes. All but one of the Georgia delegation voted in the negative.⁶⁸ Again returning to the Senate we find Senator Benton self-righteously assuming the task of amending the bill so as to prevent the "corrupt distribution" of the purchase money "among a few chiefs" instead of to the whole nation.⁶⁹

The ratification of Barbour's Treaty would have practically ended the Creek Indian contention with Georgia had not Governor Troup insisted upon surveying the boundary between Georgia and Alabama before the date set for the relinquishment of the Indian lands — and, moreover, the line which he sought to establish passed through lands not ceded by the treaty.⁷⁰ This action of surveying territory where the Indian title had not been extinguished was a palpable violation of the treaty and of the Federal trade and intercourse law of 1802.⁷¹ Adams ordered Governor Troup to desist;⁷² but the Governor supported by his legislature

⁶⁷ *Register of Debates*, 1st Session, 19th Congress, pp. 2606 *et seq.* Adams was also criticised by the opposition for not fulfilling his promises concerning submitting the whole Georgia transactions to Congress.— *Register of Debates*, 1st Session, 19th Congress, p. 2607.

⁶⁸ *Register of Debates*, 1st Session, 19th Congress, p. 2626.

⁶⁹ Benton's *Twenty Years' View*, Vol. I, p. 60.

⁷⁰ Phillips's *Georgia and State Rights* in the *Annual Report of the American Historical Association*, 1901, Vol. II, p. 60 *et seq.*

⁷¹ *United States Statutes at Large*, Vol. II, p. 141.— See Section 5.

⁷² *American State Papers, Indian Affairs*, Vol. II, p. 744.

again violently defied the Federal authority.⁷³ The United States Attorney for the District of Georgia refused to obey the President's order to prosecute the surveyors.⁷⁴

On February 5, 1827, Adams appealed to Congress. He sent "the most momentous message he had yet written".⁷⁵ In both houses it was referred to select committees; of the one Senator Benton was chairman, and over the other Representative Edward Everett of Massachusetts presided. The report of Benton's committee on March 1st upheld the claims of Georgia; while the House report maintained that the Treaty of Washington should be executed by "all necessary constitutional and legal means".⁷⁶ Both advised the Executive to continue his exertions to obtain a cession of the remaining Creek lands in Georgia as the only possible alleviation of the embarrassment. This, indeed, was what Adams had already undertaken.⁷⁷ Late in the year the hundred and ninety thousand acres of pine barrens still held by the Creeks in Georgia were relinquished by treaty.⁷⁸ Thus Georgia's contention with these Indians was brought to an end. But this was not the end of all Indian quarrels. Ten thousand Cherokees still remained on Georgian soil, promising troubles of their own; while the attitude of the State of Alabama toward the Creeks still within her borders promised a repetition of the strife so lately consummated in the sister State.⁷⁹

⁷³ *American State Papers, Indian Affairs*, Vol. II, p. 149 *et seq.*; *Niles' Weekly Register*, Vol. XXXII, p. 16.

⁷⁴ Phillips's *Georgia and State Rights* in the *Annual Report of the American Historical Association*, 1901, Vol. II, p. 62.

⁷⁵ *Memoirs of John Quincy Adams*, Vol. VII, p. 221.

⁷⁶ *Register of Debates*, 2nd Session, 19th Congress, pp. 498, 1534. The Senate report is in *Senate Documents*, 2nd Session, 19th Congress, No. 69.

⁷⁷ *House Documents*, 1st Session, 20th Congress, No. 238, p. 7. Secretary Barbour to Colonel Crowell, January 31, 1827.

⁷⁸ Kappler's *Indian Affairs, Laws and Treaties*, Vol. II, p. 284.

⁷⁹ *American State Papers, Indian Affairs*, Vol. II, p. 644.

AGITATIONS FOR A GENERAL REMOVAL POLICY

Meanwhile the movement for westward colonization of the Indians was gaining ground. The story of the Senate bill of 1825 for "the preservation and civilization" of the Indians — how it failed in the House — has already been told. The next congressional attempt at a general plan originated in the House, and likewise received inspiration and direction from the Executive Department, particularly from the new Secretary of War, James Barbour. In the early months of his administration Barbour tentatively nursed a plan for incorporating the Indians in the body politic of the several States.⁸⁰ By the time, however, that the House Committee on Indian Affairs applied to him for advice in January of the year 1826 he had completely revised his first opinions.⁸¹

The project of a bill which the Secretary prepared for the House committee aimed to establish an Indian Territory to be maintained by the United States and quite similar in details to the first grade of territorial government.⁸² This Indian government he proposed to locate west of the existing States and Territories and entirely west of the Mississippi, save that it was to include a part of the Michigan and Wisconsin country. That the bill proposed an Indian reservation so close to the settlements in the Northwest would have been an object of protest had it received much attention in Congress. Despite this mistake Barbour's intentions were evidently, as he himself said, the result of a "desire to comply with the requests of the People of the United States residing in the neighborhood of Indian settlements." As it

⁸⁰ *Memoirs of John Quincy Adams*, Vol. VII, p. 89.

⁸¹ *Memoirs of John Quincy Adams*, Vol. VII, p. 113. The Committee on Indian Affairs had considered reporting to the House Calhoun's bill of the preceding session.—*Register of Debates*, 2nd Session, 24th Congress, Appendix, p. 55.

⁸² *Register of Debates*, 1st Session, 19th Congress, Appendix, p. 40.

was Chairman Cocke of the House committee reported a bill comprising the essential features of Barbour's plans on February 21st;⁸³ but the records indicate that the Committee of the Whole House never reported progress thereon. There can be no doubt of Cocke's earnestness in the matter of removal and that he really did view with regret, as he said he did, the condition of the aborigines.⁸⁴

In the next session the opinion of the Secretary of War was again sought, this time by a resolution of the House requesting information upon the obstacles in the way of removal beyond the Mississippi.⁸⁵ The mover of the resolution was John McLean of Ohio. Another Representative, Haile of Mississippi, presented a resolution exhibiting a different side of the removal question.⁸⁶ It has already been noted that settlers were intruding upon lands in Arkansas granted to the Choctaws who had migrated from Mississippi and Alabama.⁸⁷ Haile now demanded an investigation. Such breaches of the public faith, he explained, were causing suspicions among the remaining Indians in the State of Mississippi and increasing their opposition to emigrate. "If these encroachments are permitted," he said, "the Indians will be fastened upon us without the hope of removal."

The Delegate from Arkansas, who two years before had so energetically defended these pioneer intruders in the western boundary episode, moved an amendment to the resolution, the real purport of which was to exonerate the citizens upon the lands in question. The House readily agreed

⁸³ *Journal of the House*, 1st Session, 19th Congress, p. 276. The title of this bill copied that of the year 1824, namely: "A bill for the preservation and civilization of the Indian tribes within the United States."

⁸⁴ *American State Papers, Indian Affairs*, Vol. II, p. 667.

⁸⁵ *Register of Debates*, 2nd Session, 19th Congress, p. 538.

⁸⁶ *Register of Debates*, 2nd Session, 19th Congress, p. 544.

⁸⁷ See above p. 207.

to the amendment.⁸⁸ The question was too trifling for debate, but a world of prophecy lay hidden therein and portended the fate of the wanderers. Was the tragedy of the eastern portion of the Mississippi Valley to be repeated on the western side? Were local interests to hamper and clog the already weak policy of Indian preservation? Were these tribes to be cast from territory to territory as soon as their lands were desired by settlers, all for the lack of a definite national system of removal and colonization?

Congress had been advised for years that some system should be adopted. Jefferson, the Reverend Jedidiah Morse, the Reverend Isaac McCoy, Monroe, Calhoun, and Barbour had outlined plans and formulated projects for bills, but to no purpose. Local communities easily prevailed upon Congress to effect local removals; but a national plan to colonize the removed went begging.

While Haile in the House was attempting to interest the Government in the removal of the Mississippi Indians, Senator Reed of the same State was calling upon the Administration for the causes of the failure of the late negotiations with the Choctaw and Chickasaw Indians.⁸⁹ Personally he attributed the failure to the interference of certain whites living among these Indians, and hinted that missionaries to these tribes were also not above suspicion. The wretchedness and misery of the Indians is so great, he said, that they "are desirous of seeking a new abode on our Western borders", but are prevailed upon to remain by the intrigues of "a few interested individuals, white men, and mixed-blooded Indians". Continuing Reed said:

It is well understood, that a great many white men, fleeing from their crimes, and from debt, have sought refuge from the consequences of both, upon the Territories occupied by the Indian tribes

⁸⁸ *Register of Debates*, 2nd Session, 19th Congress, p. 546.

⁸⁹ *Register of Debates*, 2nd Session, 19th Congress, p. 71.

within the State of Mississippi. They are there contrary to the laws of the United States to the great detriment of the Southern country; and provision ought, long since, to have been made for their removal. Those are the People, many of them more savage than the Indians themselves, who instigate the tribes, for their own purposes, to decline every overture made for their removal, and for a cession of their Territory.⁹⁰

In the House it appears that John Cocke of Tennessee, chairman of the Committee on Indian Affairs, also held that removal was retarded by the "influence of a number of profligate white men, who had fled from their debts or from justice, and had a personal interest in preventing the removal of the Indians."⁹¹ And when John Woods of Ohio expostulated at the coercive language used by the late commissioners who had attempted to negotiate a treaty with the Choctaws and Chickasaws, Haile in reply thanked "the gentleman from Ohio for the sympathy he had manifested towards the Indians of Mississippi. The Indians are removed beyond the limits of the State of Ohio, and they no longer annoy the gentleman. His sympathy manifests itself at a late period."⁹² James K. Polk of Tennessee also defended the commissioners against the charge of using coercive language,⁹³ as did John Forsyth of Georgia, who could not well refuse aid to a sister State in the same predicament that Georgia had faced from the beginning of the national epoch.⁹⁴

The session passed with no more serious accomplishment than calling upon the Executive Department for information concerning the obstacles to removal. The reports which Barbour and his Commissioner of Indian Affairs,

⁹⁰ *Register of Debates*, 2nd Session, 19th Congress, p. 73.

⁹¹ *Register of Debates*, 2nd Session, 19th Congress, p. 838.

⁹² *Register of Debates*, 2nd Session, 19th Congress, p. 839.

⁹³ *Register of Debates*, 2nd Session, 19th Congress, pp. 842, 843.

⁹⁴ *Register of Debates*, 2nd Session, 19th Congress, p. 847.

Thomas McKenney, prepared gave encouraging signs that a well directed continental plan of colonization would meet the disposition of the Indian tribes and succeed in practice.⁹⁵ But Congress responded with no law.

When Congress again convened on December 3, 1827, there was a brighter prospect for the adoption of some scheme of removal. In the summer of 1827 Thomas McKenney had made a tour of the southern States in the interests of removal and had returned confident that at least three of the principal nations in the South were disposed to emigrate.⁹⁶ The results of his investigation were summed up by the Secretary of War and transmitted to Congress in the President's annual message.⁹⁷ Another stimulus to action was found in the person of Isaac McCoy, a Baptist missionary to the Pottawatomies who had become convinced that removal and colonization was the only hopeful solution of the Indian problem and who arrived in Washington to lobby for that purpose.⁹⁸

Early in the session the House Committee on Indian Affairs took into consideration a plan for the gradual removal and establishment of a Territorial government for all the Indians.⁹⁹ But distracting sectional jealousy robbed the plan of its national scope and allowed it to develop into an undignified scramble of the several States to insure their individual accommodations. The Georgia delegation knowing that Georgia's legislature contemplated extending the State jurisdiction over the remaining Cherokee lands in that State refused to consider any plan which did not have

⁹⁵ *House Documents*, 2nd Session, 19th Congress, No. 28.

⁹⁶ *Niles' Weekly Register*, Vol. XXXIII, p. 274.

⁹⁷ *Register of Debates*, 1st Session, 20th Congress, p. 2789.

⁹⁸ *Register of Debates*, 1st Session, 20th Congress, p. 661; *Memoirs of John Quincy Adams*, Vol. VII, p. 410; McCoy's *History of Indian Affairs*, p. 321; *Remarks on the Practicability of Indian Reform* (Boston, 1827), p. 25.

⁹⁹ *Register of Debates*, 1st Session, 20th Congress, pp. 819, 823.

peculiar reference to Georgia. The Mississippi delegation blocked all proposed legislation which did not conform to their peculiar needs.¹⁰⁰ And two Representatives of Ohio in the House, Woods and Vinton, intentionally embarrassed the proposition — the former because he opposed any plan of inducing the Cherokees to emigrate from Georgia, and the latter because he was seized by a fear that the proposed Indian Territory might be so placed as to impede the expansion of Free-soil territory.¹⁰¹ The Delegate from Arkansas did not fail to denounce all proposals for removing the Indians in the direction of his Territory.¹⁰² And an unexpected opposition was found in a New York Representative — Henry R. Storrs — who opposed removal to the West as placing “an insuperable bar to the progress of emigration, in that direction, by the Whites”. A sparse and uncivilized Indian population, he contended, should never hold these lands in the face of industrious white citizens who would turn the wilderness into fruitful fields.¹⁰³

There were not lacking, however, signs that the day for the adoption of a concerted policy was about to come. In June, 1828, Barbour was sent on the mission to England. He was succeeded in the portfolio of War by Peter B. Porter of western New York. The Indian policy of the new Secretary forecasted what might be expected when would begin the inevitable administration of the Tennessean whose four years of waiting were now nearly at an end. Porter believed that the missionaries and teachers among the Indian tribes were defeating the efforts of the Government agents to further the project of emigration. He rec-

¹⁰⁰ Note the wrangle over the Indian Appropriation Bill.— *Register of Debates*, 1st Session, 20th Congress, p. 1533 *et seq.*

¹⁰¹ *Register of Debates*, 1st Session, 20th Congress, pp. 1539, 1566, 1568-1584.

¹⁰² *Register of Debates*, 1st Session, 20th Congress, p. 2494.

¹⁰³ *Register of Debates*, 1st Session, 20th Congress, p. 2482.

commended that Federal aid to the cause of civilizing the Indians be withdrawn from all tribes east of the Mississippi and be expended solely upon those in the far West.¹⁰⁴ A similar opinion had been held by Coker who was chairman of the House Committee on Indian Affairs in the eighteenth and nineteenth Congresses and who once reported to the House that the failure of the removal policy was due to the obstinacy of the Indians arising from their partial civilization.¹⁰⁵

But despite these manifestations the removal policy had not gained sufficient momentum to call for a definite committal on the part of Congress. It is a curious commentary on American legislation to note that the western States did not attempt to conceal their true motive for expelling the Indians. No veil was thrown over the thoughts which rose uppermost in the minds of Congressmen from the frontier. The demands of western communities were hid under no shabby coats of hypocrisy. It was seldom if ever denied that the settlers coveted the lands of "the children of the forest". White of Florida referred to the Seminoles as the Indians "which are the annoyance of my constituents", and Lumpkin of Georgia declared that the Cherokees should learn the destiny of their race, namely, to flee before the face of civilization.¹⁰⁶ An Alabama Representative frankly pronounced the Indians a "curse upon the newer States".¹⁰⁷ Nor were there lacking Eastern members to sympathize

¹⁰⁴ *Register of Debates*, 2nd Session, 20th Congress, Appendix, p. 10.

¹⁰⁵ It is interesting to note that Indian Commissioner McKenney reported to Barbour, in 1827, that all teachers of Indian schools were believed to be, with a single exception, in favor of emigration westward. Concerning the effects of becoming civilized in prejudicing the Indians against removal Coker was right. Witness for instance the tenacity with which the most civilized tribe, the Cherokees, clung to their Georgian lands.

¹⁰⁶ *Register of Debates*, 1st Session, 20th Congress, pp. 1537, 1587. See also 1st Session, 24th Congress, p. 1463.

¹⁰⁷ *Register of Debates*, 2nd Session, 19th Congress, p. 838.

with the West. A Maryland Representative declared that he had seen the Indian half-breed, whose hand he declared was against every man and every man's hand against him; and for his own part he would rather have him "a little farther off".¹⁰⁸ M'Duffie of South Carolina held it to be "the settled opinion of a large majority of the House, that the Indians within the limits of our settled States must either be induced to emigrate, or must infallibly sink into a state of indescribable and irretrievable wretchedness." He considered "the idea of civilizing and educating them as wholly delusive. The experiment had been tried, and the result had proved, that, while surrounded by the whites, the Indians acquired all the vices of a civilized People, and none of their virtues."¹⁰⁹

Strangely enough it remained for a western Representative to suggest at this time that the pioneers were responsible for the sufferings and degradation of the Indians. In a most sarcastic speech Vinton of Ohio declared that it would ever be impossible to place the Indians beyond the pale of corruption.

If it were so much as known to what district the Indians were to remove, no matter how distant the country . . . the pioneers would be there in advance of them; men of the most abandoned and desperate character, who hang upon the Indians to defraud them. You cannot run away from these men nor shut them out from access to Indians, scattered over the wilderness; for, with the pioneers, the law is a jest, and the woods their element; the farther you go with the Indians, with just so much more impunity will they set your laws at defiance.¹¹⁰

Harshly stigmatizing the plan of colonization as "a high handed outrage upon humanity", he maintained that the Indians were fully capable of civilization, and proposed as

¹⁰⁸ *Register of Debates*, 1st Session, 20th Congress, p. 1566.

¹⁰⁹ *Register of Debates*, 1st Session, 20th Congress, p. 1540.

¹¹⁰ *Register of Debates*, 1st Session, 20th Congress, p. 1579.

an absolute solution of the whole matter that they should be granted farms in fee simple like the settlers.

Before sectional jealousies and diversity of opinion the project of colonization crumbled again with the adjournment of the first session of the Twentieth Congress. Four sessions had now opened and adjourned since Monroe first asked for some well-digested plan for relieving the western States of their Indian encumbrance and preserving the Indians from the inevitable and destructive pressure of western settlements. Many plans had been suggested but none crystallized into law. It was indeed with a melancholy but an altogether true reflection that Adams referred to the subject in his last annual message. "We have been far more successful", he said, "in the acquisition of their lands than in imparting to them the principles, or inspiring them with the spirit, of civilization."¹¹¹

JACKSON AND THE REMOVAL POLICY

President Adams, although deeply interested in the welfare of the Indians, lacked the confidence of Congress to inspire any far-reaching solution of the problem; nor is it certain that he had any definite solution in mind. It remained to the President of the eleventh administration, filled with the spirit of the West, to grip the discordant clamors of sectional interests into a nation-wide scheme: and that scheme was of course westward removal.

Jackson understood the Indian problem. He was a Tennessee pioneer, educated in the life of the woods, the prairies, and militia camps. His military prestige rested as well upon his exploits as an Indian fighter as upon his defense of New Orleans against Pakenham. In three pitched skirmishes he had vanquished the Creeks, and the episodes of his Seminole campaign were household stories.

¹¹¹ *Register of Debates*, 2nd Session, 20th Congress, Appendix, p. 5.

As an Indian commissioner he had been the guardian of many tribes. Four important treaties with Creeks, Cherokees, and Chickasaws he had negotiated in person. There was scarcely an Indian community in the South but had endured his chastisement or listened to his talks. Those who had accepted his advice had seldom regretted it; those who had repulsed him had learned to rue their mistake. But withal Jackson had attained a reputation for justice. In some peculiar way he impressed the minds of his savage wards with respect, trust, and confidence. His election as President was actually hailed by the Cherokees with rejoicing.

The first year of the new administration sufficed to show how utterly useless were their hopes. The Cherokees had attempted to establish a national government upon their lands within the State of Georgia. The President's attitude toward this anomalous Indian organization was instantly hostile, and the first annual message in December, 1829, minced no words in declaring that all attempts on the part of the Indians to erect independent governments within States would be rigidly suppressed. "It is too late to inquire", read the message, "whether it was just in the United States to include them and their territory within the bounds of new States. . . . That step cannot be retraced. A State cannot be dismembered by Congress, or restricted in the exercise of her constitutional power."¹¹² But in order to render a tardy justice to this long neglected race, Jackson resurrected the old plan of an Indian district west of the Mississippi.

Despite the air of justice which pervaded the message there was one sentence which to Adams men wore the veil of hypocrisy. These words were: "This emigration should be voluntary: for it would be as cruel as unjust to compel

¹¹² *Register of Debates*, 1st Session, 21st Congress, Appendix, pp. 15, 16.

the aborigines to abandon the graves of their fathers, and seek a home in a distant land." From any charge of inconsistency, however, Jackson saved himself at this point by the admission that if the Indians chose to remain within the limits of the States they might so remain providing they be subject to State laws. And in return for their obedience they would without doubt, thought Jackson, be protected in the enjoyment of those "possessions which they have improved by their industry." These fair words could hardly have deceived anyone into believing that Jackson's policy was any other than a force policy. Could anyone doubt the true meaning of the closing sentence which read: "It seems to me visionary to suppose that claims can be allowed on tracts of country on which they [the Indians] have neither dwelt nor made improvements, merely because they have seen them from the mountain, or passed them in the chase".

A month later the President's attitude was tersely interpreted by Governor Cass of Michigan Territory. The President offers them a country beyond the Mississippi, wrote the frontier governor in the *North American Review*, but those who refuse to migrate must submit to the jurisdiction of the States.¹¹³ Congress and the country needed no further elucidation of the Presidential program.

The new Congress received the dictation of the White House with a willingness that boded a speedy conclusion to the whole matter. The Committee on Indian Affairs in both houses immediately took the matter into consideration. Their reports might easily have been predicted by a perusal of their membership. Of the Senate Committee, Hugh L. White of Tennessee was chairman, and his four colleagues

¹¹³ *North American Review*, January, 1830, Vol. XXX, p. 86. This article provoked various controversial replies among which may be noted the semi-religious appeal in the *American Monthly Magazine* (Boston: 1829-1831) Vol. I, p. 701.

were Troup of Georgia, Hendricks of Indiana, Benton of Missouri, and Dudley of New York.¹¹⁴ The House Committee was also headed by a Tennessee member, John Bell; and his colleagues were Gaither of Kentucky, Lewis of Alabama, Storrs of Connecticut, and Hubbard of New Hampshire.¹¹⁵

On February 22, 1830, the Senate Committee reported an elaborate argument in favor of removal, and a bill "to provide for an exchange of lands".¹¹⁶ Two days later the House Committee made its report accompanied by a bill "to provide for the removal of the Indian tribes".¹¹⁷ The two bills were practically the same; and since the Senate bill was passed first the Committee of the Whole in the lower house substituted it for the original House bill.¹¹⁸ The fact could not long be concealed from the Whigs that the leaders of the Democrats were making the bill a party measure and that the friends of the Administration were pledged to support it.¹¹⁹ Jackson had issued his *pronunciamiento*: the Indians must be removed. That fact was reason enough for the Jacksonian Democrats to vote aye. And the votes of most States Rights Democrats might certainly be relied upon in this affair.

The crux of the subject was contained in the second section of the bill. It empowered the President to exchange any lands occupied by Indian nations within the boundaries of a State or Territory for lands beyond the Mississippi.¹²⁰

¹¹⁴ *Journal of Senate*, 1st Session, 21st Congress, p. 23.

¹¹⁵ *Journal of the House of Representatives*, 1st Session, 21st Congress, p. 30.

¹¹⁶ *Register of Debates*, 1st Session, 21st Congress, Appendix, p. 91. *Senate Documents*, No. 61.

¹¹⁷ *Register of Debates*, 1st Session, 21st Congress, p. 581.

¹¹⁸ *Journal of the House*, 1st Session, 21st Congress, pp. 570, 648. The House asked the President for estimates of the expense of removing and supporting the Indians west of the Mississippi.—*House Documents*, No. 91.

¹¹⁹ *Niles' Weekly Register*, Vol. XXXVIII, p. 402.

¹²⁰ *Niles' Weekly Register*, Vol. XXXVIII, p. 234.

Not one word of coercion was employed. To all outward appearances the act called for voluntary removal. But the friends of the Indian read between the lines and found there extortion, force, and heartlessness.¹²¹ For if the bill became law, would not its executor be the hero of the Seminole Indian War?

The philanthropists of the East were now fully aware that the crisis in Indians affairs was reached and about to be passed. The rise or fall of the Administration's Indian policy was to be determined by the vote on Senator White's bill. And if at first there was any doubt as to what this policy was, that doubt had entirely vanished on the appearance of the bill. Churches and benevolent societies, colleges and villages began to frame protesting petitions by the score.¹²² The "friends of the Indians" had studied the able articles of Jeremiah Evarts appearing in the *National Intelligencer* under the name of William Penn. "Cursed be he, that removeth his neighbor's landmark. . . . Cursed be he that maketh the blind to wander out of the way", exclaimed this devoted idealist; and the New England people said "Amen".¹²³

As the Opposition were convinced that the inherent evil of the bill lay more in the drastic manner with which the pioneer President would certainly enforce it than in its contents, so the delegations from Georgia, Alabama, and Mississippi and from the northwestern States saw the Indians within their borders disappear before the iron hand of the President when he should come to apply the second section. Especially did the Georgia delegation rejoice that at last legal means for disgorging the Cherokees were in

¹²¹ Compare *Niles' Weekly Register*, Vol. XXXVIII, p. 67.

¹²² *Senate Documents*, 1st Session, 21st Congress, Nos. 56, 66, 73, 74, 76, 77, *et cetera*; *House Documents*, Nos. 253, 254, *et cetera*.

¹²³ *Essays on the Present Crisis in the Condition of the American Indians* (Boston: 1829), p. 100.

sight and they thereupon lost no opportunity to maintain the proposition of States Rights in the debate.¹²⁴ The case for Georgia was strong. Who was there but would admit that such a condition as the erection of an independent Indian government within the borders of a State and not under the jurisdiction of the State was not only intolerable but unconstitutional? Constitutionally there could not be an *imperium in imperio*. But what if the Indians resisted the jurisdiction of civilization? Could there then be a better solution to the whole problem than to remove them to the far West — gently if possible, harshly if necessary? In the Senate the case for removal was tersely stated by Forsyth of Georgia, White of Tennessee, and McKinley of Alabama.¹²⁵

Not only did these advocates base their argument upon State Sovereignty, but they also flung wide the doctrine that removal was in the best interests of the "ill-fated Indians." Their position had been well canvassed in the committee report itself. How can Georgia have a republican form of government, read this document, unless a majority of the citizens subscribe to the rules to which all must conform? The Indians must either submit to State law or they must remove. The committee apprehended no reason that any of the States contemplated forcing them to abandon the country in which they dwelt, should they subject themselves to the laws of these States. But obstinacy on the part of the Indians would, the committee admitted, result only in further distress.¹²⁶

Frelinghuysen of New Jersey replied for the Opposition, and he was ably supported by Sprague of Maine and Rob-

¹²⁴ *Register of Debates*, 1st Session, 21st Congress, p. 325 *et seq.*

¹²⁵ *Register of Debates*, 1st Session, 21st Congress, pp. 305, 324, 325, 377, 381.

¹²⁶ *Register of Debates*, 1st Session, 21st Congress, Appendix, pp. 91-98.

bins of Rhode Island.¹²⁷ Their speeches, while maintaining a dignified reserve, were nevertheless scathing criticisms of both the doctrine of State Sovereignty and of Georgia's attempt to oust the Indians from their lands. That the claim of the Cherokees outdated the Constitution was their principal contention.

In the end the bill passed the Senate.¹²⁸ Webster and Clayton were among the nineteen who voted in the negative, although neither spoke at length against the bill. From the beginning of the session the result had been evident although the Opposition, small as it was, had been so persistent as to cause much anxiety to Judge White. On April 28th, the Chairman expressed his relief in writing to a friend in these words:

The Bill to provide for a removal of the Indians west of the Mississippi has finally passed the Senate by a vote of 28 to 19. This has taken off my mind a burthen which has been oppressive from the commencement of the session. I hope it may pass the other House.

Cold as the notice taken of our exertions in the *Telegraph* is, no Georgian nor Tennessean will ever be mortified by hearing the debate spoken of, if truth be told. We had, I think, in the estimation of all intelligent men, at least as much ascendancy in the argument as we had in the vote. As good fortune would have it, Judge Overton, Collingsworth, district attorney of West Tennessee, Major Armstrong, and many others from different quarters, were present, and know that our side was sustained in a style which gratified our friends, and mortified our enemies.¹²⁹

While congratulating himself upon the ascendancy of the Administration's argument, Judge White rejoiced that his bill had escaped the lime-light of the Webster-Hayne de-

¹²⁷ *Register of Debates*, 1st Session, 21st Congress, pp. 305, 343, 374.

¹²⁸ *Journal of the Senate*, 1st Session, 21st Congress, p. 268.

¹²⁹ *Scott's Memoir of Hugh Lawson White*, p. 270. The newspaper referred to, the *Telegraph*, was the organ published by Duff Green in the interests of Calhoun.

bate. In the lower house, on the other hand, he had more to fear. Here the opposition was to be more intense. The sharp discussion was such as might be expected from a party measure. On May 13th the debate began in the Committee of the Whole.¹³⁰ Bell of Tennessee, Lumpkin, Wayne, and Wilde of Georgia contended with Bates of Massachusetts, Edward Everett of Massachusetts, Storrs and Judge Spencer of New York, and Evans of Maine. Storrs in a logical speech pointed out the usurpation of the President when he refused protection to the Cherokee nation from the Georgia laws of 1828.¹³¹ By this action, Storrs maintained, the President had (without consulting Congress) not only admitted the sovereignty of the State of Georgia, but also virtually nullified the Federal intercourse laws and denied the validity of Indian treaties solemnly ratified by the Senate. The Executive has no power, declared Storrs, to abrogate treaties "by an order in council", or to "give the force of law to an executive proclamation."

Everett adroitly confronted the argument that removal would improve the condition of Georgia Indians by an embarrassing question. What benefit would accrue to the already civilized Cherokees to be driven from "their houses, their farms, their schools and churches" to lead a wandering and savage life in the wilderness?¹³² He produced evidence to show the advanced stage of civilization attained by the Cherokees, and attempted to prove that the Choctaws and Chickasaws were not far behind them. Wilde of Georgia answered Everett with an argument similar to that displayed in the report of the Senate committee. He maintained that Georgia would not object to permitting the

¹³⁰ *Register of Debates*, 1st Session, 21st Congress, p. 988.

¹³¹ *Register of Debates*, 1st Session, 21st Congress, p. 1000.

¹³² *Register of Debates*, 1st Session, 21st Congress, p. 1069.

Cherokees to remain and occupy such land as they could cultivate, provided they submitted "in obedience to our laws, like other citizens."¹³³ But what right had the Cherokees under the present conditions to impede progress by refusing their lands for settlement? If five-sixths of the Cherokee lands in Georgia were ceded there would yet remain one thousand acres to every Indian family. Foster of Georgia further expanded the idea of the Indian obstruction to the progress of civilization.¹³⁴ They possessed, he maintained, no national sovereignty: their title to lands was based strictly on occupancy. So far he did not exceed the opinion of the Supreme Court delivered by Justice Marshall in the case of *Johnson vs. McIntosh*.¹³⁵ But since that court declined to "enter into the controversy, whether agriculturists, merchants, and manufacturers, have a right, on abstract principles, to expel hunters from the territory they possessed, or to contract their limits" it was necessary for the Georgia Representative to outdistance the Federal Judiciary when he proceeded to the last conclusions of his argument, namely: the Indians had no rightful claim upon the vacant lands surrounding them. And to the support of this conclusion Foster called no less an authority than the late President himself. Three decades before Adams, in an oration delivered at the Anniversary of the Landing of the Pilgrims, had given the clearest expressions on this moral question, when he said:

The Indian right of possession itself stands with regard to the greatest part of the country, upon a questionable foundation. Their cultivated fields; their constructed habitations; a space of ample sufficiency for their subsistence, and whatever they had annexed to themselves by personal labor, was undoubtedly by the laws of

¹³³ *Register of Debates*, 1st Session, 21st Congress, p. 1095.

¹³⁴ *Register of Debates*, 1st Session, 21st Congress, p. 1030 *et seq.*

¹³⁵ 8 Wheaton 543.

nature theirs. But what is the right of a huntsman to the forest of a thousand miles over which he has accidentally ranged in quest of prey? Shall the liberal bounties of Providence to the race of man be monopolized by one of ten thousand for whom they were created? Shall the exuberant bosom of the common mother, amply adequate to the nourishment of millions, be claimed exclusively by a few hundreds of her offspring? Shall the lordly savage not only disdain the virtues and enjoyments of civilization himself, but shall he controul the civilization of a world? Shall he forbid the wilderness to blossom like the rose? . . . No, generous philanthropists! Heaven has not been thus inconsistent in the works of its hands! Heaven has not thus placed at irreconcilable strife, its moral laws with its physical creation.¹³⁶

All the debates for the last score of years had never exhibited a more beautiful argument for Indian expulsion. Was the contempt of Georgia for the Cherokees better expressed than by the words, "lordly savages"? Should the "liberal bounties of Providence"—one-third of the fair Georgia—be conferred upon a meagre Indian population, while civilization chafed in constrained limits? And should philanthropists forbid the wilderness to blossom like the rose? No, generous philanthropists!

Throwing sarcasm to the winds Foster's speech discussed the question from the broadest view-point. No matter how much his opponents might yearn to prove that "the superior title of civilization" could never override the original claims of the natives, few were so bold as to attempt this impossible argument. Evans, however, did declare that civilization should never demand that savages give space until its borders were full to overflowing— which certainly was not the case in Georgia nor in the Middle West.¹³⁷

But the fate of the bill was to be decided by party votes and not by argument. On the 18th of May the Committee of

¹³⁶ *An Oration Delivered at Plymouth, December 22, 1802* (Boston: 1802), p. 23; *Register of Debates*, 1st Session, 21st Congress, p. 1031.

¹³⁷ *Register of Debates*, 1st Session, 21st Congress, p. 1043.

the Whole House reported the Senate bill with amendments. These were accepted, and on the 26th the bill passed by a vote of 103 to 97 and returned to the Senate.¹³⁸ For the minority, defeated by six votes, there was nothing left but to "record the exposure of perfidy and tyranny of which the Indians are to be made the victims, and to leave the punishment of it to Heaven", Adams furiously wrote in his diary.¹³⁹

On the same day the amendments from the House were considered in the Senate. In the upper chamber the attitude was plainly intolerant of further discussion. Prompt concurrence in the relatively unimportant amendments was the ruling sentiment. But Frelinghuysen seized this last opportunity to move an amendment providing that all tribes should be protected from State encroachment until they chose to remove.¹⁴⁰ It was voted down. Another amendment by Sprague to the effect that all existing treaties should be executed according to the original intent was promptly rejected. Likewise was Clayton's proposal that the act extend only to the Georgia Indians.¹⁴¹ The Senate thereupon concurred in the House amendments. The President attached his signature on the 28th of May, and the bill facilitating Executive expulsion of Indians from the South and Middle West became a law.¹⁴²

Such was the victory of the removal scheme under the leadership of Jackson. The project long entertained by Jefferson, Monroe, Calhoun, and Barbour was at last consummated by a short act of eight briefly worded sections. As a measure to relieve the frontier of its encumbering Indian

¹³⁸ *Register of Debates*, 1st Session, 21st Congress, p. 1135.

¹³⁹ *Memoirs of John Quincy Adams*, Vol. VIII, p. 206. The speeches in this debate were collected into book form and published at Boston in 1830.

¹⁴⁰ *Journal of the Senate*, 1st Session, 21st Congress, p. 328.

¹⁴¹ *Journal of the Senate*, 1st Session, 21st Congress, p. 329.

¹⁴² *United States Statutes at Large*, Vol. IV, p. 411.

population it was all that might be asked; for it granted *carte blanche* to an energetic President — himself a man of the frontier. And no one doubted how he would use his newly granted power.¹⁴³ But as a measure to promote the civilization of the removed aborigines it was an engine of destruction. The Indian Territory of Monroe, Calhoun, and Barbour had crumbled into dust.

In despair the Cherokee delegation at Washington came to Webster and Freylinghuysen for personal advice: they were counselled to expect no relief from the legislature. Their last resource, said their counsellors and friends, lay in petitioning the Supreme Court. And this advice they accepted.¹⁴⁴

With the appeal of the Cherokees to the judicial department the problem concerning the removal of this nation passed for a time from legislative consideration. The Cherokee question, indeed the question of removal of all tribes, as far as Congress was concerned, was settled by the act of May 28, 1830. Whether the Judicial Department would decide against the removal of the Cherokees and whether the Executive would enforce any such decision if it were rendered were questions outside of legislative competence.

AN INDIAN TERRITORY IN THE WEST

The inadequacy of the Act of 1830 in disposing of the Indians after they had emigrated beyond the Mississippi was

¹⁴³ In 1836 John Ross, the principal chief of the Cherokees, in a memorial to Congress, said concerning the act of May, 1830: "That law, though not so designed by Congress, has been the source from which much of the Cherokee sufferings have come."—*Executive Documents*, 1st Session, 24th Congress, No. 266, p. 9.

For an account of how Jackson used his power, see Abel's *Indian Consolidation* in the *Annual Report of the American Historical Association*, 1906, Vol. I, p. 381 *et seq.*

¹⁴⁴ Kennedy's *Memoirs of the Life of William Wirt*, Vol. II, p. 254.

apparent to even the uninterested. The friends of the Indians confidently expected more congressional action, and the several years following were full of proposals of all sorts.¹⁴⁵ Even before the birth of the act of 1830 Secretary Eaton had recommended the establishment of an Indian Territory in his first report of December, 1829.¹⁴⁶ But the emphasis of the Executive had been so emphatically upon removal that the complete program of the Government had been overlooked.

By 1832 the confusion of Indian affairs in the West could scarcely be further overlooked. Congress resorted to the expedient of providing a commission to examine the apportioning of tribes to lands in the West and to arrange the quarrels among the various tribes. To these duties was also added that of preparing a plan for Indian improvement and government.¹⁴⁷ In short the commission was to devise a solution of the whole matter.

By this time had occurred the resignation of Jackson's first cabinet. Lewis Cass who had interpreted the President's Indian policy in 1830 now succeeded Eaton as Secretary of War. Cass already had his solution in mind. Eighteen years of governing both the settlers and Indians of Michigan Territory had convinced him that the visions of Calhoun and Barbour of an Indian State were as vain as the tower of Babel.¹⁴⁸ In his first report as Secretary he

¹⁴⁵ The Reverend Isaac McCoy, a Baptist missionary to the western Indians, commenced in 1835 the publication of an *Annual Register of Indian Affairs* as an organ for advocating reform. McCoy's plan embraced the establishment of an Indian Territory.

Among other plans from different sources, should be noticed that proposing the assignment in severalty of lands belonging to the emigrating tribes.—*Senate Documents*, 2nd Session, 25th Congress, No. 425.

¹⁴⁶ *Register of Debates*, 1st Session, 21st Congress, Appendix, p. 28.

¹⁴⁷ *United States Statutes at Large*, Vol. IV, p. 595.

¹⁴⁸ For eighteen years, 1813-1831, Cass was Governor of Michigan Territory. The Governor was also Superintendent of Indian Affairs for the Territory. In

summed up his conclusions in regard to the proper regulation of the Indians who had emigrated.¹⁴⁹ Laying down as his first proposals the platitudes that the reservations in the West should be permanent, that whiskey should never be sold within the reservations, and that military forces should preserve peace on the borders, he proceeded to establish the proposition that the ownership in severalty of property and the pursuit of agriculture should be encouraged, although the peculiar tribal relations and institutions of the Indians should not be disturbed. These practical considerations of Indian conditions quite discredited any idea of an Indian State as idealistic and visionary. Coming as they did from one so well versed in frontier affairs as was Secretary Cass they carried more than ordinary conviction. In spite of many plans of the next few years they remained substantially the policy of the Government for almost half a century.

The proposals made by the Commissioners of 1832 deserve, on the other hand, some attention. Their long awaited report was ready in the first session of the Twenty-third Congress. The remedy proposed therein was a Territorial government for the Indians.¹⁵⁰ On May 20, 1834, these proposals took concrete form when Horace Everett of Vermont, from the House Committee on Indian Affairs, reported three bills — the work of the Commission. One bill assayed to reorganize the whole Department of Indian Affairs; one to regulate trade and intercourse with the Indians;

this office the success of Cass as guardian of the Indians is highly praised.—McLaughlin's *Lewis Cass*, p. 131.

¹⁴⁹ *Register of Debates*, 1st Session, 22nd Congress, Appendix, p. 14. In 1838, Hugh L. White, who from the year 1828 to 1840 was chairman of the Senate Committee on Indian Affairs reported to the Senate that the assignment of Indian lands in severalty was unwise.—*Senate Documents*, 2nd Session, 25th Congress, No. 425.

¹⁵⁰ *Register of Debates*, 1st Session, 23rd Congress, Appendix, p. 10.

and the third to establish a Western Territory for the Indians.¹⁵¹

The Trade and Intercourse Bill defined the "Indian country" as that part of the United States west of the Mississippi and not within the States of Missouri and Louisiana, or the Territory of Arkansas, and also all lands east of the Mississippi to which the Indian title had not been extinguished. Over this country it extended regulations similar to the Trade and Intercourse Law of 1802 providing that traders should be licensed, that intruders and settlers should be removed by military force, and that the country west of the Mississippi for legal purposes should be attached, part to the Territory of Arkansas and part to the judicial district of Missouri. The first two bills passed both houses, although late in the session, and were presented to the President upon the last day.¹⁵²

The third bill — the only really new feature of the Commissioners' work — met instant opposition in the House and was tabled.¹⁵³ It proposed to establish a Western Territory for the Indians (who should be organized into a confederation of tribes) which should enjoy the right of a Delegate to Congress. Ultimate admission as a State might be the logical outcome of this arrangement. Congress was not ready for any such solution nor were the western members willing to block the expansion of the West by a permanent Indian Territory such as the bill proposed. The excuse for tabling, and undoubtedly the chief reason for the moment, was lack of time for discussion.¹⁵⁴

¹⁵¹ *Register of Debates*, 1st Session, 23rd Congress, p. 4200. Everett accompanied the bills by a scholarly report of his own composition.—See *Reports of Committees*, Vol. IV, No. 474.

¹⁵² *Journal of the House*, 1st Session, 23rd Congress, pp. 852, 911, 912, 915, 916; *United States Statutes at Large*, Vol. IV, pp. 729, 735.

¹⁵³ *Journal of the House of Representatives*, 1st Session, 23rd Congress, p. 834; *Register of Debates*, p. 4779.

¹⁵⁴ Note Archer's speech.—*Register of Debates*, 1st Session, 23rd Congress, p. 4775. *Niles' Weekly Register*, Vol. XLVI, p. 317.

For several sessions following this first attempt Everett and Senator John Tipton of Indiana introduced bills for an Indian Territory. All failed to become law, although Tipton's bill actually passed the Senate in two succeeding sessions.¹⁵⁵

The Executive stimulus to removal having been so effective, what now were the Executive plans in regard to civilization of the Indians in their new homes? Naturally one turns to Jackson. In the annual message of 1829 which preceded the train of debates leading up to the act of May, 1830, Jackson distinctly suggested the plan of separate tribal governments on allotted lands in the West, with enough supervision on the part of the United States to preserve peace and to protect the Indians from intruders.¹⁵⁶ Jackson evidently gave no favor to the Utopian proposals for a united Indian State, although his message of December 3, 1833, indicates a disposition open to conviction on this subject since he tells Congress that he awaits the report

¹⁵⁵ In February, 1835, Everett's bill was taken from the table, half-heartedly debated, and then dropped.—*Register of Debates*, 2nd Session, 23rd Congress, pp. 1445, 1462. On February 19, 1836, Everett reported for the second time a bill.—*Journal of the House of Representatives*, 1st Session, 24th Congress, p. 369. Again in 1837 he reported a third bill.—*Journal of the House of Representatives*, 2nd Session, 24th Congress, p. 325. His fourth bill was introduced in the year 1838.—*Journal of the House of Representatives*, 2nd Session, 25th Congress, p. 330.

In the session of 1835-1836, Tipton introduced a bill supplementary to the removal act of May, 1830. This bill omitted many details contained in the House bill, outlining a more general plan. An amiable report accompanied it.—*Senate Documents*, No. 246; *Annual Register of Indian Affairs*, 1837, p. 71. The bill failed.—*Journal of the Senate*, 1st Session, 24th Congress, p. 220. In the next session Tipton's bill was again introduced.—*Journal of the Senate*, 2nd Session, 24th Congress, p. 31.

Again in 1838 Tipton introduced another bill.—*Journal of the Senate*, 2nd Session, 25th Congress, pp. 367, 385. This bill passed the Senate, but failed in the House. Again, being introduced in the next session, the Senate passed the bill, but it never came to a vote in the House.—*Journal of the Senate*, 3rd Session, 25th Congress, pp. 35, 272.

¹⁵⁶ *Register of Debates*, 1st Session, 21st Congress, Appendix, p. 16.

and recommendations of the Commissioners then examining western affairs.¹⁵⁷ It is difficult to see how this Commission could much enlighten the President. His detailed knowledge of Indian affairs and Indian nature has ever been a matter of fame. Be that as it may, the President desired some definite system of government. As to what this should be the awkward phrases of his message of December 7, 1835, indicate some vagueness on his part.¹⁵⁸ To regulate the Indian affairs of the far West from Washington was a difficult matter. But the real need of the emigrant Indians was undoubtedly protection and competent supervision by honest government agents resident among the tribes rather than any scheme of united Territorial government. If all Indian Agents in the West had been men of Jackson's type order would have been created out of chaos and the bitter criticisms of Calhoun would have been unfounded.¹⁵⁹

While the Government was faltering in the choice of an Indian policy, projects from all sides were never lacking. Horace Everett in the House desired a western Territory and perhaps its future admission as a State. Similar but less definite views were championed in the Senate by Tipton of Indiana. The Reverend Mr. McCoy was ever urging a definite system of colonization and intertribal government; while Forsyth of Georgia presented a plan by which all Indians should become citizens in the year 1900.¹⁶⁰ But the problem was so baffling, the previous efforts at civilization so often discouraging, that Senator Robbins might well exclaim: "Ill fated Indians! barbarism and attempts at civi-

¹⁵⁷ *Register of Debates*, 1st Session, 23rd Congress, Appendix, p. 6.

¹⁵⁸ *Register of Debates*, 1st Session, 24th Congress, Appendix, p. 10.

¹⁵⁹ *Register of Debates*, 1st Session, 24th Congress, p. 1459.

¹⁶⁰ *Annual Register of Indian Affairs*, 1838; *Executive Documents*, 2nd Session, 25th Congress, pp. 566, 579; *Register of Debates*, 1st Session, 21st Congress, p. 327.

lization are alike fatal to your rights; but attempts at civilization the more fatal of the two."¹⁶¹

The administration of Van Buren was a wet blanket to all proposals for an Indian government. Not that the President was hostile to an Indian Territory, for he continually reminded Congress of the need therefor.¹⁶² But neither Van Buren nor his immediate advisers were interested to the extent of making definite recommendations. Tacitly the bills of Everett and Tipton had the Administration support; but curiously enough they were opposed by Benton as well as by Calhoun, while Clay never loaned his eloquence to their cause. Why should the most talented champions of Indian rights hold themselves aloof? The probable conjecture is that both Clay and Calhoun considered the project futile.

The year 1839 was not the end of proposals for an Indian government. Individual schemes were often projected, but never again did any bill similar to Tipton's or to Everett's pass either branch of Congress.¹⁶³

INDIAN WARS OF THE DECADE 1830-1840

It was soon after the termination of the Seminole Indian War that Congress reduced the army of the United States to six thousand men. This was during the session of 1820-1821. Clay, who was ever an advocate of the employment of militia in preference to a standing army, led the sentiment in favor of reduction.¹⁶⁴ A desire on the part of Democratic members to retrench public expenditures induced

¹⁶¹ *Register of Debates*, 1st Session, 21st Congress, p. 377.

¹⁶² *Congressional Globe*, 2nd Session, 25th Congress, p. 7; also 3rd Session, 25th Congress, p. 7.

¹⁶³ For the later history of these efforts, see Abel's *Proposals for an Indian State* in the *Annual Report of the American Historical Association*, 1907, Vol. I, p. 99 *et seq.*

¹⁶⁴ *Annals of Congress*, 1st Session, 16th Congress, p. 2233.

them to follow Clay. The proposal was quite unopposed. Floyd of Virginia, who for two sessions had been advocating the military occupation of Oregon, spoke for the reduction bill.¹⁶⁵ Even western members declared that a small army was sufficient for the protection of the frontier if supported by the local militia.

Trimble of Kentucky went into an elaborate discussion to show that the line of forts from Michilimackinack to New Orleans formed a "cordon" of sufficient strength for the pioneers and was far superior to the protection of the frontier in the year 1802. He claimed that the pioneer settlements now were stronger than those in the early days of the century, and that the Indians of the West had become less numerous and less warlike.¹⁶⁶ Cannon of Tennessee could not refrain from delivering a eulogium upon the superiority of militia organized from the "hardy sons of the West".¹⁶⁷ Such argument cannot but raise the suspicion that westerners were better pleased to execute the Indian trade and intercourse laws with their own hands than to submit to the more impartial supervision of regular army officers. As it was the bill passed both houses with large majorities.¹⁶⁸

As if to further relax the Government's control on the frontier, the factory system was abolished the next year. This department had been established in 1796 upon the recommendation of Washington. Its object was to counteract the influence of Canadian fur traders and to control and protect the Indians by maintaining trading posts where the Indians might exchange their furs for goods at cost.¹⁶⁹

¹⁶⁵ *Annals of Congress*, 2nd Session, 16th Congress, p. 891.

¹⁶⁶ *Annals of Congress*, 2nd Session, 16th Congress, p. 879.

¹⁶⁷ *Annals of Congress*, 2nd Session, 16th Congress, p. 136.

¹⁶⁸ *Annals of Congress*, 2nd Session, 16th Congress, pp. 936, 379; *Niles' Weekly Register*, Vol. XXII, p. 75.

¹⁶⁹ Richardson's *Messages and Papers of the Presidents*, Vol. I, p. 185. Benton's *Thirty Years' View*, Vol. I, p. 21.

The move against the department was by Benton. He accused the factors of "scandalous abuse", and characterized the system as a means "to make the West purchase from the East". Benton proposed that the trade be left entirely in private hands.¹⁷⁰ His bill passed both houses, provoking debate in neither, save a most violent speech by a Kentucky representative who proposed to repeal all acts attempting to civilize the Indians.¹⁷¹

In Congress little attention was thereafter given to defenses of the northwestern frontier. Nor was there any great need of such defenses since peaceful conditions on the whole prevailed until the breaking out of the episode known as the Black Hawk War.¹⁷² Hostilities began in the summer of 1831. In the following session of Congress the condition of the Northwest received consideration and was the occasion of several eulogiums on behalf of the western people by western Congressmen. Senator Tipton of Indiana declared that the pioneers could not be blamed if they exterminated all the Indians from Tippecanoe to the Mississippi, unless the Government more energetically undertook the defense of the frontier. He said:

It is our duty, in self-defence, to do this [i. e. exterminate the Indians]; and, after it is done, let me not be told, you Western people are savages; you murdered the poor Indians. Do gentlemen expect us to beg the lives of our families upon our knees? . . . Congress will adjourn in a few days; and when we return to our people, and tell them that we have done all in our power to procure men for their defence, and have failed, then, sir, our constituents know what to do, and upon you, not upon us, be the charge of what follows; for these wars will be brought to a close in the shortest possible way.¹⁷³

¹⁷⁰ *Annals of Congress*, 1st Session, 17th Congress, p. 317 *et seq.*

¹⁷¹ *Annals of Congress*, 1st Session, 17th Congress, p. 1801.

¹⁷² For an account of the war, see Stevens's *The Black Hawk War*.

¹⁷³ *Register of Debates*, 1st Session, 22nd Congress, p. 1075. This was the same Senator Tipton who later advocated a Western Territory for the Indians.

Again Senator Tipton declared:

We must sweep these people [the Indians] from existence, or keep them peaceable. . . . No one can imagine the distress that an alarm on the frontier produces, without witnessing it. Those who are at the point of attack, flee with their families; those next in the rear, though more secure, are not safe. No man can leave his own family to help his neighbor; and the consequence is, that they break up and desert their homes, taking little with them, and leave their property to be pillaged by the dishonest whites, as well as the Indians.¹⁷⁴

Senator Alexander Buckner of Missouri expressed "a deep feeling for the people of Illinois", which was natural, for like Benton and Tipton he himself had fought in Indian wars.¹⁷⁵

On June 15, 1832, the bill to raise six hundred volunteers was passed — too late, however, to aid even in the closing campaign of the Black Hawk War.¹⁷⁶ The whole affair was reviewed by Jackson in his annual message to Congress in the following December, wherein he urged a more perfect organization of the militia for the protection of the western country.¹⁷⁷ After praising the militia of Illinois and the government troops under Generals Scott and Atkinson, Jackson did not let pass the opportunity of pointing out the moral to be learned by the savages from the defeat of Black Hawk. "Severe as is the lesson to the Indians," he said, "it was rendered necessary by their unprovoked aggressions, and it is to be hoped that its impression will be permanent and salutary." That the Indians in fact were learning this lesson of civilization might be inferred from another part of the message, where Jackson was happy to inform Congress "that the wise and humane

¹⁷⁴ *Register of Debates*, 1st Session, 22nd Congress, p. 1083.

¹⁷⁵ *Register of Debates*, 1st Session, 22nd Congress, p. 1087.

¹⁷⁶ *United States Statutes at Large*, Vol. IV, p. 533.

¹⁷⁷ *Register of Debates*, 2nd Session, 22nd Congress, Appendix, p. 6.

policy of transferring from the eastern to the western side of the Mississippi the remnants of our aboriginal tribes, with their own consent and upon just terms, has been steadily pursued, and is approaching, I trust, its consummation.”

The Black Hawk War was suppressed without any augmentation of the standing army. But the harrowing scenes of this episode were frequently pictured during the debates when Benton in the year 1836 proposed an increase of the army, avowedly for western defense.

In the meantime attention was directed to the South. Hardly had three years passed after peace in the Northwest, when there broke out one of the most perplexing of Indian hostilities — the Florida Indian War. For seven years this conflict continued. The tangled everglades and swampy wastes of Florida and the persistence of the Indians long baffled and delayed the generals and troops of the United States; and withal some thirty millions of dollars were expended before the Seminoles were subdued. To an observer from afar the conduct of the war appeared bunglesome, its cause unjust, and its ultimate purpose simply the oppression and the extermination of a gallant band of exiled Indians. So the opposition to the Administration became loud in condemning the war and its management.¹⁷⁸

Besides the early discussions upon the Florida War in the session of 1835-1836 other questions of similar nature were brought before Congress, which gave occasion for a review of all phases and problems of the question of southern frontier protection. Among these were the demand of Alabama for the removal of the Creek Indians,¹⁷⁹ the

¹⁷⁸ Benton's *Thirty Years' View*, Vol. II, p. 70.

¹⁷⁹ *Journal of the Senate*, 1st Session, 24th Congress, p. 146; *Senate Documents*, No. 132.

threatened hostilities of the Creeks,¹⁸⁰ the memorials praying the recognition of the independency of Texas,¹⁸¹ as well as the demand from the West for an increase in army protection.¹⁸²

In regard to the Seminole Indian War it appears that Congress took prompt action. No matter whether the cause was just or unjust, no delay occurred in providing for the immediate protection of the pioneers from the fury of the Indians. The first act of the session was an appropriation for suppressing the hostilities of the Seminoles and was hurriedly passed on January 14, 1836.¹⁸³ Two weeks later the second act of the session was passed, making a still larger appropriation.¹⁸⁴ Three days later a resolution was passed authorizing the President to furnish rations from the public stores to the frontiersmen in Florida who had been driven from their homes by the depredations of the Indians.¹⁸⁵ All of these measures were adopted without extended debate — only when the second appropriation was proposed Clay asked the cause of this war which was raging with such “rancorous violence within our borders”.¹⁸⁶ No one could adequately reply. Webster, the chairman of the finance committee who reported the bill, avowed that he could not give any answer to the Senator from Kentucky; but he added impressively: “The war rages, the enemy is in force, and the accounts of their ravages are disastrous. The Executive Government has

¹⁸⁰ *Register of Debates*, 1st Session, 24th Congress, p. 2556; *Niles' Weekly Register*, Vol. L, pp. 205, 219, 257, 321.

¹⁸¹ *Register of Debates*, 1st Session, 24th Congress, pp. 1286, 1414, 1759, 1762, 1877.

¹⁸² *Register of Debates*, 1st Session, 24th Congress, p. 3493.

¹⁸³ *United States Statutes at Large*, Vol. V, p. 1.

¹⁸⁴ *United States Statutes at Large*, Vol. V, p. 1.

¹⁸⁵ *United States Statutes at Large*, Vol. V, p. 131.

¹⁸⁶ *Register of Debates*, 1st Session, 24th Congress, p. 290.

asked for the means of suppressing these hostilities", and he conceived it necessary to provide for the immediate protection of Florida. Even the loquacious Benton, despite the fact that he was in the confidence of the Administration, confessed his entire ignorance concerning the causes of the war.¹⁸⁷

Nevertheless, after continued appropriations were demanded by the Executive, and a bill to increase the army was vigorously advocated by its friends, the Opposition began to inquire earnestly into the cause of this commotion. "One would have supposed", remarked Clay, "that all at once a gallant nation of some millions had been suddenly precipitated on our frontier, instead of a few miserable Indians."¹⁸⁸ Yet all the bills providing for the suppression of the Seminole hostilities which Jackson's government asked for were promptly passed.¹⁸⁹ So also was the bill to provide for ten thousand volunteers, Calhoun himself being the manager of the bill on the part of the Senate in the conferences between the two houses.¹⁹⁰ But Benton's proposal to increase the standing army met disagreement as shall be related below.

To the opponents of the Government's Indian policy the cause of the Seminole hostilities was clear enough. Some blamed the pioneers, some the speculators, but all blamed the Government. Calhoun, for instance, exonerated the pioneers but denounced the frauds of the Indian Bureau.¹⁹¹ He regretted that the speculators in Indian lands were not the persons to suffer, instead of the frontier inhabitants. Indeed, he said, it made his "heart

¹⁸⁷ *Register of Debates*, 1st Session, 24th Congress, p. 291.

¹⁸⁸ *Register of Debates*, 1st Session, 24th Congress, p. 1756.

¹⁸⁹ *United States Statutes at Large*, Vol. V, pp. 1, 8, 17, 33, 65, 131, 135, 152.

¹⁹⁰ *Journal of the Senate*, 1st Session, 24th Congress, p. 366.

¹⁹¹ *Register of Debates*, 1st Session, 24th Congress, pp. 1459, 1460.

bleed to think of the sufferings of the innocent frontier settlers." All these evils were the result of mismanagement. The Indian agents had generally been incapable or unfaithful. Calhoun continued:

The Government ought to have appointed men of intelligence, of firmness, and of honor, who would have faithfully fulfilled their obligations to the United States and to the Indians. Instead of that, men were sent out to make fortunes for themselves, and to oppress the Indians. . . . If they would appoint honest, faithful, intelligent men, to transact their business with the Indians, instead of broken down politicians, men sent out to be rewarded for party services, these Indian disturbances would soon cease; but unless that was done, it was apparent that there would be continual disturbances, creating causes for wars, to be followed by a large increase of the standing army.

In the House Mr. Vinton of Ohio expostulated in these words:

When the cry is sent up here that the people of the frontier are assailed by Indian hostility, we raise the means of making war upon them without a moment's delay; we crush them by our superior power. But we never inquire, while the war is going on, or after it is ended, into its causes; we make no investigation to learn who were the instigators of the war, or who was to blame. . . . I told the House there were those on the frontier who had an interest in exciting Indian wars; that there were those who disregarded the rights of the Indians, and were disposed to encroach upon them; that if we omitted to investigate the causes of these disturbances, and thus induce those who have an interest in exciting them to think they can involve us without scrutiny and without exposure, we should have other Indian wars, in all probability, before the end of the session. . . . If we suffer ourselves to go on in this way, in three years' time every Indian will be driven by force from every State and Territory of the Union. In the States and Territories, wherever they are, they are regarded as an incumbrance, and there is a strong desire to get them out of the way; and if we will furnish the means without inquiry, they will be disposed of. Sir, our frontier inhabitants know our strength and their weakness; and if

we are to stand armed behind them, and let them have their way, we must expect they will overbear and encroach upon them. The Indians with whom we are in contact know full well their weakness and our power; and it is hardly credible that they will open a war upon us except from a strong sense of injury. . . . We ought to send the immediate means of defending our frontier inhabitants from massacre and pillage; and it is, in my opinion, our further duty to set on foot immediately an investigation into the cause of these disturbances; and if we are in the wrong, we ought instantly to send commissioners to offer them reparation and do them justice. When we look at the contrast, and see how weak and defenceless they are, and how strong and mighty we are, the character of the House, the honor of the country, and the feelings of the world, call upon us to pursue this course toward them.¹⁹²

Edward Everett summed up the causes of the Florida War to be the efforts of the whites to capture negro slaves among the Seminoles and to wrest from these Indians their lands *per fas aut nefas*.¹⁹³ But of all the speeches the most widely noted denunciation of the war was made by Everett's colleague, Adams the ex-President.¹⁹⁴ The immediate occasion for Adams's speech was a joint resolution from the Senate authorizing the President to distribute rations to the suffering frontiersmen in Alabama and Georgia as had been done to the sufferers in Florida.¹⁹⁵ Although stating that he should vote for the resolution because of his sympathy for the sufferers, Adams maintained that "mere commiseration, though one of the most amiable impulses of our nature, gives us no power to drain the Treasury of the people for the relief of the suffering".¹⁹⁶ After an irrelevant discourse in which the

¹⁹² *Register of Debates*, 1st Session, 24th Congress, p. 3767.

¹⁹³ *Register of Debates*, 1st Session, 24th Congress, p. 4158.

¹⁹⁴ *Niles' Weekly Register*, Vol. L, p. 276; *Memoirs of John Quincy Adams*, Vol. IX, pp. 290, 298.

¹⁹⁵ *Register of Debates*, 1st Session, 24th Congress, p. 4032.

¹⁹⁶ *Register of Debates*, 1st Session, 24th Congress, p. 4037.

venerable statesman detected the curse of slavery in frontier disturbances, he concluded his discourse by charging the cause of the Seminole War to the injustice of the present Administration. All preceding Administrations, he claimed, had sought to civilize the Indians and attach them to the soil upon which they lived. But this humane policy was now abandoned.

Instead of it you have adopted that of expelling by force or by compact all the Indian tribes from their own territories and dwellings to a region beyond the Mississippi, beyond the Missouri, beyond the Arkansas, bordering upon Mexico; and there you have deluded them with the hope that they will find a permanent abode — a final resting-place from your never-ending rapacity and persecution. . . . In the process of this violent and heartless operation you have met with all the resistance which men in so helpless a condition as that of the Indian tribes could make. Of the immediate causes of the war we are not yet fully informed; but I fear you will find them, like the remoter causes, all attributable to yourselves.¹⁹⁷

Toward the end of the session a surprising memorial was presented to Congress from citizens resident at the seat of the Creek and Seminole hostilities, i. e. Eastern Alabama and Georgia.¹⁹⁸ These memorialists represented that the Indian disturbances were “caused by individuals jointly associated under the name of land companies, whose proceedings and contracts were of the most nefarious character.” The memorialists prayed that an investigation be instituted, and intimated that it would be found that “the press of that country is entirely under the control of these heartless agitators, and that, through bribery and corruption, all channels of information to the public and to the Government on this subject are closed.”

Lewis of Alabama moved that the investigation be placed in the hands of the President with power to prose-

¹⁹⁷ *Register of Debates*, 1st Session, 24th Congress, p. 4049.

¹⁹⁸ *Register of Debates*, 1st Session, 24th Congress, p. 4578.

cute the guilty persons if any might be apprehended. Wise of Virginia, Adams of Massachusetts, and Peyton of Tennessee sprang to the opposition. The Virginian moved to amend by selecting a committee of the House to investigate. Executive officers, he claimed, were implicated in the charges and to refer the matter to the President would "have the effect to cover up these frauds, instead of exposing them."¹⁹⁹ After a hot debate, in which Peyton likened Andrew Jackson to Warren Hastings and dubbed all Indian agents as "petty tyrants" engaged in plundering the savages and "then aiding and encouraging them to make war upon your defenseless frontier", the amendment proposed by Wise was rejected and the motion of Lewis passed by so many ayes that the noes were not even counted.²⁰⁰

The last annual message of Jackson in December, 1836, called for further appropriations to subdue the Seminoles and Creeks and urged an increase of the regular army as well as a reorganization of the militia.²⁰¹ The appropriations were supplied by Congress, but not the increase in the standing army.²⁰² In the following December his successor, perforce, repeated similar recommendations not only for the increase of the regular army but also to continue suppressing the Seminole hostilities.²⁰³ Already the members of Congress who had voted for the early appropriations merely in the hope that immediate aid would quiet the disturbances on the frontier were much provoked because of the never-ending campaigns. Webster mildly advised more deliberation in expendi-

¹⁹⁹ *Register of Debates*, 1st Session, 24th Congress, p. 4583.

²⁰⁰ *Register of Debates*, 1st Session, 24th Congress, pp. 4597, 4604.

²⁰¹ *Register of Debates*, 2nd Session, 24th Congress, Appendix, p. 8.

²⁰² *United States Statutes at Large*, Vol. V, pp. 135, 152.

²⁰³ *Congressional Globe*, 2nd Session, 25th Congress, p. 6. Also Appendix, p. 3.

tures.²⁰⁴ Twenty million dollars had been expended, he said, and little accomplished. Before greater appropriations were voted the whole matter should receive a thorough investigation. Preston of South Carolina also demanded an investigation.²⁰⁵ And Senator Southard of New Jersey brought serious charges to the door of the Administration by maintaining that "a fraud was committed upon the Florida Indians in the treaty negotiated with them for their removal to the West; that the war which has ensued was the consequence of this fraud; and that our Government was responsible to the moral sense of the community, and of the world, for all the blood that has been shed, and for all the money that has been expended, in the prosecution of this war."²⁰⁶

These pleas for investigation called down a torrent of abuse and wrath. Benton replied to Southard in a trenchant speech, the burden of which was a condemnation of "the mawkish sentimentality of the day . . . a sentimentality which goes moping and sorrowing about in behalf of imaginary wrongs to Indians and negroes, while the whites themselves are the subject of murder, robbery and defamation."²⁰⁷ Clay of Alabama replied to Webster and Preston in a harangue quivering with invective heaped upon philanthropists who assayed "to take care of the national honor!"²⁰⁸ Other arguments followed depicting the depraved condition of the Indians, and therefore their lack of rights. Indeed, almost all of the arguments in the entire Seminole War debates consisted largely of vivid defenses of pioneer character, and

²⁰⁴ *Congressional Globe*, 2nd Session, 25th Congress, Appendix, p. 373.

²⁰⁵ *Congressional Globe*, 2nd Session, 25th Congress, Appendix, p. 373.

²⁰⁶ *Congressional Globe*, 2nd Session, 25th Congress, Appendix, p. 353.

²⁰⁷ *Congressional Globe*, 2nd Session, 25th Congress, Appendix, p. 354.

²⁰⁸ *Congressional Globe*, 2nd Session, 25th Congress, Appendix, p. 376.

philippics against the American aborigines, enlivened with bloody descriptions of the scalping knife and tomahawk.

The following words from the remarks of Towns of Georgia well illustrate the tone of these debates:

Every mail from Georgia tells me the story of death; butcheries the most revolting are perpetrated every day in the borders of Alabama, and on the frontiers of Georgia. . . . One scene of widespread desolation alone is to be seen in that quarter, where but a short time since there was peace, quiet, and prosperity. And such, sir, has been the unparalleled devastation of property and life, that there is scarcely a human being to be seen in all that country, unless it be the merciless foe, or some unfortunate settler flying from the tomahawk and scalping-knife. So sudden has been this war, when the Indian was ready to deal out death in all its horrors, few, if any, were prepared to give the slightest resistance; unprotected with arms or ammunition, the honest settler of the country felt it to be his first duty to yield to the entreaties of wife and children, to fly for safety; and the melancholy story but too often reaches us, when thus flying, that many of them have fallen victims to the most cruel of all deaths, the scalping-knife and tomahawk.²⁰⁹

Alford of Georgia declared that when he heard appeals for justice to the Seminole Indians his mind "reverted to his own people, who deserved the sympathy of the House more than the savage Indian."²¹⁰ Richard M. Johnson of Kentucky pictured southern rivers as deluged "with the blood of innocence", and that Florida lay bleeding "under the hand of savage barbarity."²¹¹ Mr. Jonathan Cilley of Maine declaimed as follows:

My blood thrills in my veins to hear the conduct of faithless and murderous Indians lauded to the skies, and our sympathies invoked in their behalf, while in the same breath our own government and its most distinguished citizens are traduced and villified to the low-

²⁰⁹ *Register of Debates*, 1st Session, 24th Congress, p. 4034.

²¹⁰ *Register of Debates*, 2nd Session, 24th Congress, p. 1559.

²¹¹ *Register of Debates*, 1st Session, 24th Congress, p. 2725.

est degree. . . . I hope gentlemen, whose sensibilities are now so much enlisted in the conditions of the Seminoles and Cherokees, now in Florida and Georgia, will not forget how their own fore fathers when they were a frontier people dealt with similar enemies.²¹²

In a fiery harangue Mr. Bynum of North Carolina asked:

What are our obligations to protect the exposed inhabitants of that Territory [Florida]? Surely all that is sacred should prompt us to a speedy and determined resolution not only to defend, but reserve that Territory at every hazard from the blood-stained hands of these unrelenting *savages*. Gentlemen surely could not be in earnest to talk of peace, until these bloody, perfidious, treacherous devils were whipped.²¹³

Peyton of Tennessee, replying to Adams of Massachusetts, said: "That gentleman does not know, living, as he does, far from such scenes, the vivid feeling of Southern and Western men, when they see hostile savages hovering around their villages, and lying in ambush, to murder the old and the young".²¹⁴

Thus, figuratively speaking, with brandishing of tomahawk and scalping knife bill after bill appropriating money for the suppression of Seminole hostilities was passed.

The reactions of Jackson's Indian policy fell upon his successor. Throughout the whole of Van Buren's term, the Seminole hostilities raged in Florida, and the conduct of the warfare was constantly used by the Opposition in Congress as a weak point for attacking the Administration. At last Benton in 1839, after consultation with his Administration friends, proposed a plan for the ultimate

²¹² *Congressional Globe*, 2nd Session, 25th Congress, Appendix, pp. 78, 79.

²¹³ *Congressional Globe*, 2nd Session, 25th Congress, Appendix, p. 75.

²¹⁴ *Register of Debates*, 1st Session, 24th Congress, p. 3520.

These speeches may be compared with such current pamphlets as the *Narrative of the Massacre, by the Savages, of the Wife and Children of Thomas Baldwin* (New York: 1836).

suppression of these long-drawn-out hostilities.²¹⁵ Federal encouragement to the pioneers was the basis of Benton's scheme. Settlers were to be emboldened to brave the dangers of Florida settlement by free grants of land, and ammunition, and provisions for one year. Into the defense of this measure Benton flung himself with his characteristic vigor, calling upon the North not to begrudge generous treatment to Southern pioneers since it was by armed occupation only that the treacherous lands of Florida might ever be settled.²¹⁶

That the pioneers should possess the wilderness was Benton's pet axiom. "Every inch of territory on this continent, now occupied by white people," he exclaimed, "was taken from the Indians by armed settlers and pre-emptions and donations of land have forever rewarded the bold settlers who rendered this service to the civilization of the world. . . . The blockhouse, the stockade, the rifle, have taken the country, and held it, from the shores of the Atlantic to the far West; and in every instance grants of land have rewarded the courage and enterprise of the bold pioneer."²¹⁷ Armed settlement was ever the true course of pioneer progress in America. "Cultivation and defense then goes hand in hand. The heart of the Indian sickens when he hears the crowing of the cock, the barking of the dog, the sound of the axe, and the crack of the rifle. These are the true evidences of the dominion of the white man; these are the proof that the owner has come, and means to stay; and then they feel it to be time for them to go."²¹⁸ The story of the recession

²¹⁵ *Niles' Weekly Register*, Vol. LV, p. 314; Benton's *Thirty Years' View*, Vol. II, p. 167, *et seq.*; *Congressional Globe*, 3rd Session, 25th Congress, p. 89.

²¹⁶ *Congressional Globe*, 3rd Session, 25th Congress, Appendix, p. 165.

²¹⁷ *Congressional Globe*, 3rd Session, 25th Congress, Appendix, p. 163.

²¹⁸ *Congressional Globe*, 1st Session, 26th Congress, Appendix, p. 73.

of the Indians before the pioneers as told by Benton (himself a pioneer) thrills with a shuddering coldness; but its truth can not be gainsaid.

Both Clay and Webster, as might be expected, opposed Benton's bill for armed occupation and free grants — but unsuccessfully in the Senate.²¹⁹ In the lower house the bill was lost.²²⁰

Among those who voted against the bill in the House was Joshua R. Giddings, who later leaped into prominence by his vehement speech in opposition to a bill proposed by Thompson of South Carolina. Thompson's bill provided for the removal of the Seminoles to the West.²²¹ Giddings chose the subject of the Seminole War not so much to defend the Indians as to attack the institution of slavery, and in his speech of February 8, 1841, he assigned as the causes of the Florida War the attempts of slave-hunters to capture fugitive negroes who had taken refuge with the Seminoles and intermarried with them. All the public treasure spent to suppress the hostilities, all the blood of the defenseless pioneers, women and children murdered by the Indians, and the disgrace to the American army he attributed to the attempts of the Georgia slaveholders seeking to recover their runaway slaves and to the "unlawful interference by the people of Florida with the Indian negroes".²²² The replies which Giddings received were bitter and offensive, and, as might be expected, concerned slavery more than they did the war.

In the chaos of the Florida discussion Benton alone appeared with a clear-cut and consistent remedy for the exas-

²¹⁹ *Congressional Globe*, 3rd Session, 25th Congress, p. 194.

²²⁰ *Congressional Globe*, 3rd Session, 25th Congress, p. 235.

²²¹ *Congressional Globe*, 2nd Session, 26th Congress, Appendix, p. 346; *Memoirs of John Quincy Adams*, Vol. X, p. 416.

²²² *Congressional Globe*, 2nd Session, 26th Congress, Appendix, p. 349.

perating condition in that Territory. His bill for armed occupation — the same which was rejected by the House in 1839 — was the embodiment of his program. With his usual tenacity Benton introduced this bill in the following sessions, and spoke on the subject, as he himself said, whenever no other Senator manifested a desire to speak.²²³ The scheme was ably supported in the Senate by Benton's colleague, Lewis F. Linn,²²⁴ by Clay of Alabama,²²⁵ and by Tappan of Ohio;²²⁶ and in the House support came from Butler of Kentucky — the latter sighing for the days of primitive simplicity when it was thought no disgrace to kill an Indian enemy.²²⁷ John Robertson of Virginia,²²⁸ Crittenden of Kentucky,²²⁹ and Preston of South Carolina²³⁰ were opposed.

“The inducements which you hold forth for settlers”, declared Crittenden, “are such as will address themselves most strongly to the most idle and worthless classes of our citizens.” And again he said that “these garrison citizens” would in no respect resemble, nor could they accomplish the achievements of, the “hardy and resolute pioneers of the West.”²³¹ Senator Preston prophesied that the settlers under the proposed act would not be such as the “daring, resolute men” who settled the Northwest frontier, but instead “speculators, men expecting a bounty rather than desiring

²²³ *Congressional Globe*, 1st Session, 26th Congress, p. 20; 2nd Session, 27th Congress, p. 503.

²²⁴ *Congressional Globe*, 3rd Session, 25th Congress, Appendix, p. 165; 2nd Session, 27th Congress, p. 623.

²²⁵ *Congressional Globe*, 1st Session, 26th Congress, Appendix, p. 47.

²²⁶ *Congressional Globe*, 1st Session, 26th Congress, Appendix, p. 74.

²²⁷ *Congressional Globe*, 1st Session, 26th Congress, Appendix, p. 669.

²²⁸ *Congressional Globe*, 3rd Session, 25th Congress, p. 202.

²²⁹ *Congressional Globe*, 1st Session, 26th Congress, Appendix, p. 80.

²³⁰ *Congressional Globe*, 1st Session, 26th Congress, Appendix, pp. 74, 84.

²³¹ *Congressional Globe*, 1st Session, 26th Congress, Appendix, pp. 80, 81.

to make permanent settlements".²³² Tappan of Ohio saw the matter in the same light when he said: "The men you will probably obtain under this law, will be the idle and worthless population of our large cities".²³³

Benton's persistence in the end won the day. The bill, despite dire predictions, was passed by both houses and signed by the President on August 4, 1842.²³⁴ Benton, as he tells the story in his *Thirty Years' View* implies that the enacting of this law marked the close of the Seminole Indian War.²³⁵ There continued, however, a smouldering resistance from the wretched remnants of Florida tribes, who were not transplanted West, long after the announcement by the commanding officer of the army in August, 1843, to the effect that hostilities in Florida had ceased. Indeed, as late as 1858 Giddings, writing in his *Exiles of Florida* maintained that the United States was still in open war with these forlorn people.²³⁶

As far as general interest was concerned, this session did mark the end of the discussion of the Florida War, save for the intermittent speeches of Abolitionists who used the subject as a handle for attacks upon slavery.²³⁷

²³² *Congressional Globe*, 1st Session, 26th Congress, Appendix, p. 75.

²³³ *Congressional Globe*, 1st Session, 26th Congress, Appendix, p. 74.

²³⁴ *United States Statutes at Large*, Vol. V, p. 502.

²³⁵ Benton's *Thirty Years' View*, Vol. II, p. 70.

²³⁶ Giddings's *The Exiles of Florida*, p. 316.

²³⁷ The efforts of this Abolitionist in behalf of Seminole-Negro people are not to be cast aside. His exertions for justice to them continued after the greater part of them had been transported to their new homes in the Cherokee lands of the West. Here he sought in Congress to protect the Seminole-Negroes from the Creeks, who claimed them as slaves, and from slave-hunters from the States. During his last term in Congress, 1857-1859, Giddings published a remarkably inspiring account of the exiles of Florida. The object of this book, he frankly stated, was to disabuse the public mind of the opinion that the Seminole Wars were caused by the depredations of the Indians upon the white settlements, but rather by the persecutions of the Southerners and of a government subservient to the institution of slavery. Giddings closed his tragic

PLANS FOR THE DEFENSE OF THE WESTERN FRONTIER

The war panic in the fall of 1835 stimulated an interest in national defense which ultimately accrued to the advantage of the frontier. The President's annual message of December, 1835, had vigorously reviewed the diplomatic friction over the Spoliation payments from France, and his message of January, 1836, definitely called for naval and coast defenses.²³⁸ Some months later the elaborate report of Secretary Cass upon the land and naval defenses was sent to the Senate.²³⁹ But the war sensation was soon ended. For scarcely a month later the delayed installments were in the hands of the United States.²⁴⁰ Meanwhile had occurred both the desultory debate upon Benton's resolution to appropriate the surplus revenues for the purposes of national defense and the debate upon the elaborate provisions of the Fortification Bill reported by the Senate Military Committee.²⁴¹

In this hubbub Benton and Linn contrived to bring some actual advantage to the fortification question. Western men were coming to consider the lack of adequate frontier defense as a matter of acute danger. For some time Benton and Secretary Cass had consulted with each other. Both were impressed with the danger of Indian uprisings in the Northwest (the region where the Black Hawk War was not soon to be forgotten) and both were of the opinion that the Seminole hostilities might stimulate the prairie Indians to like bold attacks. Reports from western army officers con-

story with a relation of the fate of the exiles whom the United States had transported to the West. He pictured this band of miserable people, still harassed by slave-hunters, finally attempting to flee toward Mexico.

²³⁸ *Register of Debates*, 1st Session, 24th Congress, p. 167, Appendix, p. 3.

²³⁹ *Register of Debates*, 1st Session, 24th Congress, Appendix, p. 81.

²⁴⁰ *Register of Debates*, 1st Session, 24th Congress, p. 1426; *Niles' Weekly Register*, Vol. L, p. 185.

²⁴¹ *Register of Debates*, 1st Session, 24th Congress, pp. 130, 591.

firmed their fears.²⁴² These military advices were to the effect that the force on the frontier was inadequate both to protect the settlements and to command respect from the warlike tribes. This condition was exhibited to the Senate in a letter from the War Department early in March.²⁴³ Secretary Cass called attention to the necessity of advancing the troops and posts westward, simultaneously with the receding Indian country. As a basis for the development of the fortification of the new frontier he proposed new military roads and posts west of Missouri and Arkansas, as well as an increase of the army. These plans were substantially repeated in his report on the military and naval defenses made in April.²⁴⁴ Benton had already reported from the Military Committee a bill for the construction of a military road in the West, and now he reported a bill to increase the army of the United States in accordance with the recommendation of the Secretary of War.²⁴⁵

In the House, Johnson of Kentucky had reported from the Military Committee a bill authorizing the President to raise ten thousand volunteers, and a bill for a military road and forts in the western country.²⁴⁶ The bill for the volunteers had special reference to the Florida War.

In support of these measures Benton presented the Senate with a mass of pertinent and detailed information. Using the estimates of Cass, Benton claimed the number of Indians upon the western and northwestern border to be 253,000 souls, of whom 50,000 were warriors.²⁴⁷ To protect

²⁴² *American State Papers, Military Affairs*, Vol. VI, p. 153; *Register of Debates*, 1st Session, 24th Congress, Appendix, p. 100.

²⁴³ *Register of Debates*, 1st Session, 24th Congress, Appendix, p. 96.

²⁴⁴ *Register of Debates*, 1st Session, 24th Congress, Appendix, p. 81.

²⁴⁵ *Congressional Globe*, 1st Session, 24th Congress, Appendix, p. 126; *Journal of the Senate*, p. 244.

²⁴⁶ *Journal of the House of Representatives*, 1st Session, 24th Congress, pp. 253, 454, 3593.

²⁴⁷ *Register of Debates*, 1st Session, 24th Congress, p. 1746.

the people of the West and Northwest from the incessant danger of such a vast array of savages only a small part of the small United States army was employed. The six thousand soldiers of the United States were distributed along the lake, maritime, gulf, and western frontiers — a circuit of some twelve thousand miles. The fortifications upon the maritime and gulf coast required a great part of the force; and of that allotted to the West a part had to be kept not on the frontier but at a convenient position for mobilization. The greater division of the western troops were now on the Red River, watching the progress of events on the Texas frontier. The result was that the Middle West and Northwest, always insufficiently guarded, were nearly stripped of defense — and this at a time when the Indian wars in the South were exciting the Indians in all quarters. The Eastern States, moreover, owed a moral obligation to protect the Western States from the hordes of Indians which had been and were still being removed westward in order to relieve the old States from a dangerous and useless population.

In his dramatic manner Benton appealed to the Senators “in the name of that constitution which had for its first object the common defense of the whole Union” to prevent a repetition in the Northwest of the scenes of “fire and blood, of burnt houses, devastated fields, slaughtered inhabitants, unburied dead, food for beasts and vultures, which now disfigure the soil of Alabama, Florida, and Georgia”.²⁴⁸ Benton’s fascinating arguments were reinforced by the earnest appeals of his colleague, Lewis F. Linn, and of Alexander Porter of Louisiana. The former maintained that the present frontier population of Missouri was “very different from those hardy and warlike adventurers who conquered the valley of the Mississippi. They were generally per-

²⁴⁸ *Register of Debates*, 1st Session, 24th Congress, p. 1750.

sons in easy circumstances, who had emigrated from the East for the purpose of acquiring land for their growing families, and were more fitted for the pursuits of peace and industry than the hardships and dangers of Indian warfare." To such it was all-important to pursue their usual vocations without the constant dread of savage depredations. There was no doubt but that they could conquer the Indians, but it would only be after "many fair fields had been made desolate, and many a widow would be weeping over her fatherless children."²⁴⁹ Linn also referred to the consequences of the removal policy. The Government was, he asserted, peculiarly responsible for the protection of the frontier States, after "throwing large masses of Indians on them, contrary to the wishes of the frontier States, and in defiance of the solemn protest of one of them."²⁵⁰

The unprotected condition of the Texan frontier was another argument for military augmentation. Besides Linn, Preston of South Carolina, Porter of Louisiana, Buchanan of Pennsylvania, and Walker of Mississippi in the Senate prophesied much trouble from this direction and urged a more careful patrol of the southwestern border line.²⁵¹

Of the various army bills under consideration, the Senate passed Benton's for the increase of the standing army, but passed it too late in the session to get action in the House.²⁵² On the other hand the House passed Johnson's bill for the

²⁴⁹ *Register of Debates*, 1st Session, 24th Congress, p. 1852.

²⁵⁰ *Register of Debates*, 1st Session, 24th Congress, p. 1386. See also p. 1304.

²⁵¹ *Register of Debates*, 1st Session, 24th Congress, pp. 1386, 1391, 1394, 1417, 1755. Linn, however, denied that he urged the bill with a view toward the state of affairs in Texas.— See p. 1395.

In the issue of the *National Intelligencer*, December 24, 1835, Rice Garland, a Representative from Louisiana published a statement declaring that the Government had acquired too much land by extinguishing Indian titles and locating the Indians on the southwestern border.

²⁵² *Register of Debates*, 1st Session, 24th Congress, p. 1854.

ten thousand volunteers and his bill for a military road and posts in the West, and the Senate concurred therein.²⁵³

Benton was determined, however, to increase the standing army. In the next session he introduced another bill. The Senate was willing to pass it, with a majority of thirteen, but the House deferred.²⁵⁴ The next regular session (1837-1838), however, saw the triumph of the bill. The irritating hostilities in Florida as well as the universal feeling of insecurity for the western frontier militated against further postponement. Even the sensation caused by the Caroline affair on the Canadian border contributed to the merits of the discussion.²⁵⁵ But the basic argument was that of defense for the West. Benton spoke in these words:

The whole Indian population of the United States are now accumulated on the weakest frontier of the Union—the Western, and Southwestern, and Northwestern frontier—and they are not only accumulated there, but sent there smarting with the lash of recent chastisement, burning with revenge for recent defeats, completely armed by the United States, and placed in communication with the wild Indians of the West, the numerous and fierce tribes towards Mexico, the Rocky Mountains, and the Northwest, who have never felt our arms, and who will be ready to join in any inroad upon our frontiers.²⁵⁶

A Senator from the new State of Arkansas made a plea for his people. The Indians with whom our forefathers contended, he argued, were “wholly undisciplined, and armed only with war clubs and bows and arrows”; they were remote from each other and at war with each other. But the Indians who face the Arkansas frontier are better armed than even our citizens. These western Indians were

²⁵³ *Register of Debates*, 1st Session, 24th Congress, pp. 3375, 3756, 1523, 1930.

²⁵⁴ *Register of Debates*, 2nd Session, 24th Congress, p. 840; *Journal of the House of Representatives*, p. 600.

²⁵⁵ *Congressional Globe*, 2nd Session, 25th Congress, p. 484.

²⁵⁶ *Register of Debates*, 2nd Session, 24th Congress, p. 813.

located "thousands of miles from this Capitol, and hundreds of miles distant from the nearest points from which relief to the frontier settlements could be brought in the event of war. They have been taken from . . . Georgia, Alabama, Indiana, Illinois, Ohio, and the Carolinas, and located together upon the borders of the weakest and most remote States in the Union."²⁵⁷

Linn replied to the charge made against the Missouri people of having plundered and oppressed the Indians on her borders:

There was not a man in either Missouri or Wisconsin who did not possess too much sense to attempt to plunder Indians. They all knew that at that game they were very sure to come off losers: for the Indians could beat all the white men on the face of the earth at stealing. No; the people of Missouri had never robbed or trampled on these natives of the forest. All the injuries in the case had been perpetrated by Indians upon the peaceable white settlers and their families. The Indians had been represented as a poor, spiritless, down-trodden race, ignorant of their own rights, and continually imposed upon by the whites. Nothing could be more opposite to the truth. A deal of trash of this kind had been uttered in the course of this debate, by those who ought to know better. No people on the face of the earth were keener sighted, or more fully awake to their rights and interests, than the North American Indians. . . . Never had they been more fierce, never more bent on war.²⁵⁸

Such speeches exhibited much solicitude on the part of western members; but their statements were so sweeping and so generalizing that the suspicion of exaggeration might well arise. Calhoun, Clay, and Crittenden of Kentucky called in question this warlike panic. "What had created so great a dread of those 70,000 Indians," exclaimed the latter, "composed of the fragments, the broken

²⁵⁷ *Register of Debates*, 2nd Session, 24th Congress, p. 835.

²⁵⁸ *Register of Debates*, 2nd Session, 24th Congress, p. 837.

fragments, of a poor, disheartened, dispirited, down-trodden people? It was in vain to effect a terror of this now fallen race, trampled in the dust, and broken in spirit, as an argument for the increase of the standing army."²⁵⁹ The pioneers of Kentucky and Tennessee, Crittenden told the Senate, had conquered their wilderness without the aid of Federal troops. Why should not the pioneers of the far West do the same in their region?

Concerning the influence that annuities might have in preserving peace with the Indians, the opinions of Calhoun and Linn directly opposed each other. Calhoun believed that the Cherokees, Creeks, Choctaws, and Chickasaws, all of whom were friendly to the United States and received large annuities from the Government, would never forfeit these bounties by a hostile act.²⁶⁰ Linn replied:

The great tribes, to whom large annual payments in money had been guaranteed, would not go to open war with this Government, lest their annuities should be forfeited; but there were some smaller

²⁵⁹ *Register of Debates*, 2nd Session, 24th Congress, p. 829.

The technical objection to Benton's bill which pertained to a point of military economy was that of replenishing the file of the regiments or of increasing the regiments. In other words that of increasing or not the proportion of privates to the officers. Calhoun, who it will be recalled was Secretary of War under President Monroe, held that the staff of the army should be increased, and not the file. Clay disfavored a considerable standing army and advocated reliance on the militia.—*Register of Debates*, 1st Session, 24th Congress, p. 1852; *Congressional Globe*, 2nd Session, 25th Congress, p. 133.

It is interesting to note some of the other objections to increasing the standing army. For instance, Everett of Vermont objected because any increase in the army must be made up chiefly from an enlistment of foreigners, and he hoped never to "see that day when Irishmen, Englishmen, and other aliens should be organized and armed to keep the citizens of his State in order."—*Congressional Globe*, 2nd Session, 25th Congress, p. 484.

²⁶⁰ *Register of Debates*, 2nd Session, 24th Congress, p. 808.

Calhoun's position on this point is self-explanatory. As told by the congressional reporter, Calhoun said in part:—"The bill proposed to increase our existing military establishment. . . . by the addition of 5,500 men, . . . and augmenting the expense of its maintenance by a million and a half or two millions of dollars. Was this necessary? He contended that it was

tribes not so restrained; these were not unlikely to commence a hostile movement; and, the moment they should do so, there were multitudes of the young warriors from the larger tribes ready and eager to join them.²⁶¹

not. . . . Abroad we were at peace with all the world; and as to Mexico, he believed no gentleman seriously contemplated that we were to go to war with her. Never had there been a time when so little force was necessary to put our Indian relations upon the safest footing. Our Indian frontier had, within a few years, been contracted to one half its former dimensions. It had formerly reached from Detroit all the way round to the mouth of the St. Mary's, in Georgia; whereas, at present, its utmost extent was from St. Peter's to the Red river. To guard this frontier, the Government had nine regiments of artillery, seven of infantry, and two of dragoons. He would submit to every one to say whether such a line could not be amply defended by such a force. Supposing one regiment to be stationed at St. Louis, and another at Baton Rouge, there still remained seven regiments to be extended from St. Peter's to Red river. Supposing one of them to be stationed at St. Peter's, one upon the Missouri, one in Arkansas, and one upon the Red river, there were still three left at the disposal of the Government. He contended that this force was not only sufficient, but ample. He should be told that there was a very large Indian force upon this frontier. That was very true. But the larger that force was, the more secure did it render our position; provided the Government appointed among them faithful Indian agents, who enjoyed their confidence, and who would be sustained by the Government in measures for their benefit. Of what did this vast Indian force consist? In the first place, there were the Choctaws, who had removed beyond the Mississippi with their own consent; a people always friendly to this Government, and whose boast it was that they had never shed, in a hostile manner, one drop of the white man's blood. Their friendship was moreover secured by heavy annuities, which must at once be forfeited by any hostile movement. Whenever this was the case, the Government possessed complete control, by the strong consideration of interest. Next came the friendly Creeks, who had all gone voluntarily to the west bank of the river. Then came the friendly Cherokees, who had done the same thing; and next the Chickasaws, whom we also held by heavy annuities. All this vast body of Indians were friendly toward the United States, save a little branch of the Creeks; and it would be easy for any prudent administration, by selecting proper agents, and sustaining them in wise measures, to keep the whole of these people peaceable and in friendship with this Government, and they would prove an effectual barrier against the incursions of the wild Indians in the prairies beyond. But to increase largely our military force would be the most certain means of provoking a war, especially if improper agents were sent among them—political partisans and selfish land speculators. Men of this cast would be the more bold in their measures, the more troops were ready to sustain them''. Note also a further speech on p. 826. Compare *Niles' Weekly Register*, Vol. LII, p. 99.

²⁶¹ *Register of Debates*, 2nd Session, 24th Congress, p. 838.

Throughout the debate there appeared vague accusations against Clay and Calhoun. Were Clay and Calhoun hostile to adequate frontier defense? No one can read the speeches on the Army Bill without perceiving that more than a few individuals considered them so to be. But such sentiments were without foundation. Clay's attitude had been expressed on this very question time and time again for a score of years. It was always the same. Clay disliked a standing army; he would have the western country rely upon an efficient militia.²⁶²

As to Calhoun, if he were seeking an alliance between South Carolina and the West, as his correspondence during this period might lead one to suppose, then there existed a powerful political motive to prohibit his taking an attitude in any way unfriendly to Benton's Army Bill.²⁶³ But as a matter of fact, Calhoun was ever zealous for western defense. His administration of the War Department under Monroe exhibited in that respect a record which he could point to with pride.²⁶⁴ Like Clay he opposed a large standing army. While disapproving Benton's broad plan of military establishment, Calhoun nevertheless voted for the Army Bill in 1836;²⁶⁵ and during the same session he was manager of the Volunteer Bill in the conferences between the two houses.²⁶⁶

²⁶² Clay's opposition to the Army Bill may have contributed to his unpopularity in some sections of the West in the same way that his Land Bill did.—Pelzer's *The Early Democratic Party of Iowa* in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. VI, p. 30.

²⁶³ *Calhoun Correspondence, Annual Report of the American Historical Association*, 1899, Vol. II, pp. 349, 353, 366.

²⁶⁴ *Register of Debates*, 2nd Session, 24th Congress, p. 826.

²⁶⁵ *Register of Debates*, 1st Session, 24th Congress, p. 1853. For Calhoun's votes against the bills of 1837 and 1838, see *Register of Debates*, 2nd Session, 24th Congress, p. 840; *Journal of the Senate*, 2nd Session, 25th Congress, p. 170.

²⁶⁶ *Journal of the Senate*, 1st Session, 24th Congress, p. 366; *Register of Debates*, p. 1503.

More truth, however, lies in the assertion that Benton pressed his Army Bills upon Congress with an eye single to his elaborate scheme of national defense. Benton was almost vindictively opposed to the Surplus Revenue Distribution Bill. So the more surplus of the treasury diverted to the army, the less there would be for distribution to the States.²⁶⁷ The frontier scare was a convenient argument.

As a matter of fact the Indian outcry of the day was somewhat exaggerated.²⁶⁸ Even Benton admitted that the

²⁶⁷ Compare with Meigs' *Benton*, p. 171, and with Linn and Sargent's *Life and Public Services of Dr. Linn*, p. 280. Many charges were made that the Fortification Bill of 1835, as well as the bill for the increase of the army, was a political maneuver. For instance, see *Register of Debates*, 1st Session, 24th Congress, pp. 2390, 2436.

²⁶⁸ The following letters from the southwestern frontier show an ulterior motive in spreading rumors of Indian hostilities. One letter dated August 28, 1836, at Natchitoches, Louisiana, says: "One of the ostensible causes of this permanent military occupation of Texas is the *reported* disaffected state of a number of tribes or fragments of tribes, of Texian Indians, and some that *once* lived in the United States. The Texans are pleased by the presence of our troops as giving their cause countenance, and with that policy they raise and spread rumors of threatened attacks."—*Niles' Weekly Register*, Vol. LI, p. 87. Another letter from Camp Sabine declares: "This frontier is perfectly quiet. No Indian disturbances, and none likely to take place. The Indians are few in number, quietly pursuing their avocations, and in my opinion dare not molest the frontier settlements of Louisiana; and it is believed that they have never entertained an idea of the kind. A thousand stories have been circulated to the prejudice of the Indians, which have proved false. On this frontier, a man would be considered very credulous, who should regard the reports that daily come from Texas."—*Niles' Weekly Register*, Vol. LI, p. 162. A letter from Camp Nacogdoches, dated September 21st, says: "There is something singular in our occupation of Nacogdoches. There *never has been*, nor is there likely to be, any difficulties with the Indians.—They are as peaceable as could be expected, urging the necessity of keeping white men out of their country."—*Niles' Weekly Register*, Vol. LI, p. 162.

The maneuvers of General Gaines upon the Texan boundary in the summer of 1836 raised a storm of protest from those in the United States opposed to annexation, and the denials of possible Indian hostilities were quite likely exaggerated. However, these were undoubtedly false rumors about Indian dangers. Further opinions of the time may be found in Benjamin Lundy's *The War in Texas* (Philadelphia: 1837), pp. 44-51; William Kennedy's *Texas* (London: 1841), Vol. II, p. 291; and Mrs. Mary Austin Holley's *Texas* (Lexington, Kentucky: 1836), p. 161.

western people had their just proportion of the American army.²⁶⁹ It required no elaborate fortifications of stone and mounted cannon to repulse such an enemy as the aborigines. Crudely constructed posts and a few mounted dragoons were enough.²⁷⁰ Such defenses were already on the frontier. But if adventurers advanced beyond the outposts and into the Indian country, did they deserve any further protection from the Government? It was a western Representative, Bell of Tennessee, who turned the question by suggesting that an army was needed on the border as much "to coerce our own settlers to an obedience of the laws" as to awe the Indians.²⁷¹

The War Department was interested in the enlargement of the army, and recommendations of the nature of Poinsett's report in 1837 carried much weight²⁷²—so also did the mass of reports from regular army officers.²⁷³ The Department outlined for congressional consideration an elaborate system of fortifications in the West; and in 1838 Benton introduced a bill to put it into effect, but the bill was lost in the press of other matters.²⁷⁴ Congressional attention, however, had been definitely called to the need of the West, and the appropriation bills for fortifications during

²⁶⁹ *Register of Debates*, 1st Session, 24th Congress, p. 1746.

²⁷⁰ This is the opinion of Secretary Cass.—*Register of Debates*, 1st Session, 24th Congress, Appendix, p. 81.

²⁷¹ *Congressional Globe*, 2nd Session, 25th Congress, p. 483.

²⁷² *Senate Documents*, 2nd Session, 25th Congress, No. 1, p. 171.

²⁷³ *Senate Documents*, 2nd Session, 25th Congress, No. 1, p. 204; *Executive Documents*, No. 276.

²⁷⁴ *Congressional Globe*, 2nd Session, 25th Congress, p. 265.

In the following session Senator Linn's plan of fortifications to extend from the Sabine River to Fort Snelling deserves attention. For several sessions also, Senator Fulton of Arkansas introduced a bill for setting apart a belt of land on the western borders of Missouri and Arkansas as bounty lands, to be granted to settlers for a term of years in defense of the frontier. His argument therefor may be found in *Congressional Globe*, 2nd Session, 25th Congress, Appendix, p. 412.

the following years contained items for carrying out the War Department's plan, especially for establishing posts along the Arkansas and Missouri.²⁷⁵

THE END OF THE CHEROKEE CONTROVERSY

The question as to the Cherokees again came to Congress. This tribe had failed to obtain relief by their appeal to the Supreme Court; and from the Executive Department they received only admonitions to sell their lands and depart westward.²⁷⁶ Now they renewed their earnest but utterly vain petition to Congress. Clayton of Delaware presented their memorial to the Senate on May 20, 1834.²⁷⁷ Forsyth immediately objected to its reception, but was outvoted — three nays to thirty yeas.²⁷⁸ The Senate would not ruthlessly deny these Indians a courteous hearing, nor refuse them the right of petition. But little more than this could the Cherokees expect from either house. Complete extinction of the Georgia Indian title had become a tenet of the Government's policy. All further stubbornness on the part of the Indians made the business only the more puttering and unpleasant. The Senate had learned a lesson, however, from the unfortunate episode of Indian Springs. No more minority treaties would be consented to. So when in the latter part of the session the President transmitted a treaty (negotiated by John H. Eaton as commissioner on the part of the United States) which surrendered the Cherokee lands in Georgia, the Senate investigated the negoti-

²⁷⁵ *United States Statutes at Large*, Vol. V, pp. 582, 609, 660.

²⁷⁶ *Cherokee Nation vs. State of Georgia*, 5 Peters 1. *Worcester vs. State of Georgia*, 6 Peters 515. *Niles' Weekly Register*, Vol. XXXVI, p. 257.

Note also Jackson's supposed remark in regard to leaving Chief Justice Marshall to enforce his decision in regard to the Cherokees.—Greeley's *The American Conflict*, Vol. I, p. 106.

²⁷⁷ *Register of Debates*, 1st Session, 23rd Congress, p. 1772.

²⁷⁸ *Register of Debates*, 1st Session, 23rd Congress, p. 1780.

ations.²⁷⁹ Hugh L. White of Tennessee, much to the irritation of Jackson, conducted the inquiry; and he found that this treaty like the one of Indian Springs was signed by only a minority representation. The Senate was advised of the situation, and without ado refused ratification.²⁸⁰

If the Cherokees saw in this rejection of the Government's treaty any signs to encourage their persistence, they deluded themselves. Both houses were impatient of granting any more consideration to the Cherokees until they should acquiesce in the demands of the Georgians and in the advice of the Executive. The few speeches of philanthropic New Englanders and Ohioans could never change this sentiment. The Georgia members and the delegations from the central and western States were omnipresent and in the majority. And, indeed, when it came to debate it behooved the champions of the aborigines to explain the sins of their own forefathers. Their perorations invited cynical reflections when the Georgia delegation demanded to know what had become of the hordes of Indians who once occupied the soil of New England. Surely small-pox alone had not swept from the woods all of "those pernicious creatures to make room for a sounder growth", as Cotton Mather wrote of the Plymouth fields! The colonists had pushed back the natives. Why should not the Georgians follow their example? Did not the oration of John Quincy Adams in 1802 on the anniversary of the landing of the Pil-

²⁷⁹ *Executive Journal of the Senate* (1887), Vol. IV, pp. 445, 446. Senator White was Chairman of the Committee on Indian Affairs and reported from that committee the resolution that the Senate do not advise and consent to the ratification.

²⁸⁰ In a letter to J. A. Whiteside, September 17, 1835, White defended his action against the charge that he was hostile to the Administration's Indian policy. Speaking of the treaty of 1834, he said: "I could find no principle or precedent which would justify me in calling that a treaty, which not only had not the assent of the Indians, but was made against their express wishes; therefore I held myself bound not to recommend its ratification."—Scott's *Memoir of Hugh Lawson White*, p. 169.

grims apply as well to Georgia as to New England? "Shall the lordly savage", declared the then youthful Adams, "not only disdain the virtues and enjoyments of civilization but shall he control the civilization of a world? Shall he forbid the wilderness to blossom like the rose? No, generous philanthropists!"²⁸¹ Adams, now in the role of philanthropist himself, was compelled to listen to the sarcasm of the Georgians:

Could the principle which regulated the colonies from their earliest day of strength, and beyond which Georgia has never gone, have been more forcibly expressed, or eloquently illustrated [than by this same Adams] Can it be that in such wide-sweeping assertion of colonial right, the mind of the orator had narrowed its vision to the horizon of New England, and the defense of his own puritan ancestors? Who, that has heard the announcement of such a principle, could for a moment imagine that the mind which had adopted, and the tongue which expressed it with such eloquence and force, should now utter unmeasured denunciation against Georgia for having acted short of the extent of his own principle?²⁸²

No, the Cherokees could never ask for further attention from Congress unless they quitted their dourness and accepted the generous grants in the western country — lands indeed desirable, broad in extent and fertile.²⁸³ The advice

²⁸¹ *An Oration Delivered at Plymouth, December 22, 1802* (Boston 1802), p. 23.

A modern defense of the New England Indian policy may be found in Channing's *History of the United States*, Vol. I, pp. 338-341, 402, 403, Vol. II, pp. 76-79.

²⁸² *Register of Debates*, 1st Session, 24th Congress, p. 4505.

²⁸³ For descriptions of the Cherokee country, see *Executive Documents*, 1st Session, 26th Congress, No. 2, p. 466; 2nd Session, 26th Congress, No. 2, p. 310.

During the debates on the bill for the armed occupation of Florida, Benton elicited information from the War Department which he made the basis for a defense — one of the most able ever made — of the United States' Indian policy. — *Senate Documents*, 1st Session, 26th Congress, No. 616. The purpose of his contention was to answer De Tocqueville's rather flippant but withal very picturesque account of the American mode for ejecting the Indian peoples from their lands. — Benton's *Thirty Years' View*, Vol. I, p. 691, *et seq.*

of Webster was as prophetic as that of Jackson was authoritative. They were contending against the inevitable. The reception in the Senate of Clay's proposal of February, 1835, exhibited this fact in a pronounced manner. When Clay brought forward a plan whereby the Cherokees who did not choose to emigrate westward should receive the protection of the courts in confirming their titles to small parcels of land, his proposal was contemptuously brushed aside by Cuthbert of Georgia and by Benton, while Hugh L. White of Tennessee was provoked into delivering a long eulogy upon the now sacred policy of removal whose origin he traced to the great Jefferson.²⁸⁴

Clay might well reflect that his efforts in behalf of the Indians, beginning with his appeal for the Seminoles in 1819, had ended in much the same manner. We might ask, what motive could this Kentuckian harbor which moved him to persist in pleading the Indian cause like Webster and Everett, Calhoun and Vinton. Unlike Vinton, Clay did not harbor any prejudice in his heart against the men and women who left the East to find homes on the frontier.²⁸⁵ Clay was one of them himself. Indeed, this pioneer trait in his own life accounts for his cheerless attitude toward the des-

Reeve's Translation of De Tocqueville's *Democracy in America* (Cambridge: 1863), Vol. I, p. 436, *et seq.*

Benton showed that between the years 1789 and 1840, ninety million dollars had been paid to the Indians by the Government for their land. This was a sum nearly six times as much as the whole of Louisiana cost and three times as much as all three of the great foreign purchases of Louisiana, Florida, and California. To the Cherokees, alone, for eleven millions of acres, was paid about fifteen millions of dollars, the exact price of Louisiana or of California. Benton reviewed the patient efforts of the United States to civilize the Indians, and the careful mode of treating with them for land cessions. Logicians will indeed concede that he proved the trivialness of De Tocqueville's criticism.

²⁸⁴ *Register of Debates*, 2nd Session, 23rd Congress, p. 300, *et seq.* For a description of Clay's eloquence on this occasion, see Mallory's *Life and Speeches of Henry Clay*, Vol. I, p. 177.

²⁸⁵ See above p. 225.

tiny of the Indian race. The *Diary* of John Quincy Adams reveals a light on this phase of Clay's *entente*, although that light is somewhat highly colored.²⁸⁶ Adams records that when Barbour proposed in the Cabinet meeting of December 22, 1825, to incorporate the Indians as citizens of the States, Clay declared himself as utterly opposed to granting the Indians any such privilege. It was impossible to civilize them, said Clay; they were destined to extinction; and although he would never use or countenance inhumanity towards them, he did not think them as a race worth preserving. Their disappearance from the human family would in fact, he asserted, be no great loss to the world.

Such expressions indicate a distinctly pioneer conception of the Indian problem — for pioneers never idealized the American aborigines. Their judgment was Teutonic and harsh. Throughout all of Clay's impassioned appeals in behalf of these benighted people there is seldom a glimmer of hope for their advancement as a race. His eloquent pleadings for justice were but the promptings of a humane heart who pitied their condition, read their destiny, and saw how hopeless and cheerless it was. But, withal, there is a delicate distinction to be noted in Clay's opinion. It was the race — namely, the tribal relations, and barbarous customs, and separatism — that Clay believed to be unworthy of preservation. The civilization of individual members was another matter. Indeed, the ethnology of these peoples might seem to prove that Clay was not far in the wrong.

The Twenty-third Congress adjourned unheeding the Cherokee petition. The day was now at hand when the chapter of Cherokee struggles in Georgia would be closed. In December, 1835, the tribe gave way and at New Echota signed the treaty exchanging all their lands east of the Mississippi for five million dollars and lands in the West;

²⁸⁶ *Memoirs of John Quincy Adams*, Vol. VII, p. 90.

and they promised to remove within the space of two years.²⁸⁷ A stubborn faction, headed by the venerable chief, John Ross, still protested against this decision and denied the validity of the treaty; but they protested and denied in vain.²⁸⁸ Senator White, chairman of the Indian Committee who in the preceding year had defeated the Eaton Treaty, found nothing in the negotiations to invalidate Jackson's new treaty. On April 19th, he reported in favor of ratifying.²⁸⁹ A month later the ratification was considered in executive session, and the champions of the Indians then gave the last battle for Indian rights.²⁹⁰ Clay, Webster, and Calhoun in turn argued for the rejection of the treaty. What they said has not been accurately preserved. But the Administration triumphed on May 18th, when one vote more than the necessary two-thirds was cast for ratification.²⁹¹ A small number of anti-administrationists in the lower house witnessed the defeat attending the efforts of Clay, Webster, and Calhoun in the Senate and prepared to make a resistance to the appropriation necessary to carry the treaty into effect. The Committee on Ways and Means did not long delay the little conflict. In the annual bill making appropriations for Indian treaties, which was soon after reported to the House, an item for the New Echota Treaty was found.²⁹² Adams, supported by Wise of Virginia, moved to strike out.²⁹³ They were answered by Haynes of Georgia, who confused the Opposition with

²⁸⁷ Kappler's *Indian Affairs: Laws and Treaties*, Vol. II, p. 439.

²⁸⁸ *Executive Documents*, 1st Session, 24th Congress, No. 286. John Quincy Adams presented the John Ross memorial in the House of Representatives.—*Congressional Globe*, 1st Session, 24th Congress, p. 576.

²⁸⁹ *Executive Journal of the Senate* (1887), Vol. IV, p. 532.

²⁹⁰ Benton's *Thirty Years' View*, Vol. I, p. 624, *et seq.*

²⁹¹ *Executive Journal of the Senate* (1887), Vol. IV, p. 546.

²⁹² *Register of Debates*, 1st Session, 24th Congress, p. 4501.

²⁹³ *Register of Debates*, 1st Session, 24th Congress, p. 4502, *et seq.*; *Memoirs of John Quincy Adams*, Vol. IX, p. 299.

Adams's own rhetoric on the "lordly savages".²⁹⁴ Jackson's administration was then energetically defended by Haynes as follows:

When that administration came into power, seven years ago, it found a partial system of Indian colonization west of the Mississippi in operation. . . . Within the last six or seven years, the policy of removing and colonizing the Indians in the States east of the Mississippi, to the westward of that river, in a region remote from the habitation of the white man, has been among the topics of universal and bitter discussion from one end of the Union to the other. Nor on any other subject has the course of General Jackson's administration been more violently or unjustly assailed. And here I take leave to say, that so far from Indian hostilities having been provoked, either by the negligence or injustice of that administration, they may, with much greater justice, be ascribed to the political philanthropy, so loudly and pharisaically displayed by its political opponents; and I will further say, that should war arise on the part of the Cherokees, the sin of it lies not at the door of this administration, or its supporters.

Bouldin of Virginia in an attempt to be sarcastic, almost raved when he declared:

What is the policy, the design, of the United States, in regard to the Indians? Whence did they derive the title to all the wide domain of which they are the proud owner? Did they not derive it, or rather wrest it, from the possession of the natives — the Indians? and has it not been the uniform and persevering policy of the United States, hitherto, to drive them off, or exterminate them? What means this change of policy? Have they relented, or repented, and do they mean to change their policy? Let them, then, give up all the lands they have, by the tomahawk and scalping-knife, or the rifle, taken from that gallant but unfortunate race, and I will believe in their pity and their repentance. If they do not mean this, what do they mean? Do they mean, after having driven these unfortunate beings from the North and East to the South and Southwest, by treaties and cruelties far worse than have been lately practiced, to use the whole power of the confederacy, thus acquired,

²⁹⁴ *Register of Debates*, 1st Session, 24th Congress, p. 4505.

to compel the people of Georgia and their neighbors to submit to the scalping-knife and the tomahawk? Do they mean that an independent savage nation shall remain forever in the heart of a civilized sovereign State? Do they mean that these savages shall remain there, scalping and tomahawking, under the protection of the Federal Court or the Federal Government, until they have taken their vengeance on these helpless, defenceless women and children, and obtained as much money for their land as they may think proper to demand?²⁹⁵

Grantland, another Georgia Representative, warned the House against "misplaced philanthropy".²⁹⁶ But no warning was necessary. The amendment offered by Adams was rejected without even a division; and Benton was able to congratulate the country that the North and the South had united, notwithstanding the opposition of Calhoun, in expelling the Indians from the South.²⁹⁷

Jackson's administration was drawing to a close. Much had been accomplished for the policy of a general removal since the President's inauguration in 1829; and Jackson did not forget to congratulate the nation upon the success of the removal policy in his last annual message of December, 1836. He considered this success consummated by the late treaty of New Echota.²⁹⁸ To the Opposition these felicitations appeared, perhaps, premature, for the Cherokees under the terms of their treaty had still a year of grace before quitting their lands.

The end of the first year of Van Buren's administration witnessed an increased public interest in the Cherokee question. The details of Jackson's treaty had become well known, and Webster could truly say in the Senate that there was a "growing feeling in the country that great wrong had

²⁹⁵ *Register of Debates*, 1st Session, 24th Congress, pp. 4526, 4550.

²⁹⁶ *Register of Debates*, 1st Session, 24th Congress, p. 4554.

²⁹⁷ *Register of Debates*, 1st Session, 24th Congress, p. 4565; Benton's *Thirty Years' View*, Vol. I, p. 626.

²⁹⁸ *Register of Debates*, 2nd Session, 24th Congress, Appendix, p. 9.

been done to the Cherokees by the treaty of New Echota".²⁹⁹ Multitudes of petitions adverse to the removal of the Cherokees came to the House, only to be tabled at the motion of the Georgia delegation.³⁰⁰ Lumpkin denounced the "slanders" cast by these memorials with the evil purpose of disparaging the State of Georgia. He condemned "the idle, silly, and false sympathy set forth" as coming from a distant people "who are obviously ignorant of the merits of the subject with which they are impertinently intermeddling."³⁰¹ Clay of Alabama charged the northern Senators with an evident desire to "loose the tomahawk and scalping knife" upon the Alabama frontiersmen.³⁰² King of Alabama declared that the continued discussion of the subject in Congress created false hopes in the minds of the Cherokees and would result in dangerous disturbances. And his colleague, Senator Clay, said that the recent scenes in Florida ought to admonish all of the "danger of tampering with a subject of such fearful importance, and that firmness and energy, with a rigid adherence to the terms of the treaty, was the only course to prevent war and bloodshed."³⁰³

When Webster ventured to say that "many excellent and worthy men had it in their consciences on their pillows, that some great wrong had been done to the Cherokees in the treaty of Echota", the proverbial reply was made by Alfred Cuthbert of Georgia. "Where were the Indian tribes which once covered the territory of Massachusetts?", he said, using phrases almost stereotyped by repeated expression. "Where slumbered the consciences of the people of Massa-

²⁹⁹ *Congressional Globe*, 2nd Session, 25th Congress, p. 403.

³⁰⁰ Many petitions came from Massachusetts.—*Journal of the House of Representatives*, 2nd Session, 25th Congress, pp. 726, 776, 778, 911, 986, 1020, 1127; *Memoirs of John Quincy Adams*, Vol. IX, p. 518.

³⁰¹ *Congressional Globe*, 2nd Session, 25th Congress, p. 376.

³⁰² *Congressional Globe*, 2nd Session, 25th Congress, p. 263.

³⁰³ *Congressional Globe*, 2nd Session, 25th Congress, pp. 263, 402.

chusetts when these tribes were exterminated by them? Yes, sir, butchered!"

Further discussions were vain. "The treaty must be executed", thundered the Georgia delegation on all occasions. No bill was passed for Cherokee relief.³⁰⁴ And at last, close following upon the adjournment of Congress, the problem was put forever beyond the pale of Congressional reconsideration when the treaty was enforced in the Cherokee country by an officer of the army — General Winfield Scott. "The full moon of May is already on the wane," read his proclamation to the Cherokee people, "and before another shall have passed away, every Cherokee, man, woman, and child . . . must be in motion to join their brethren in the far west." When the last remnants of these people passed the Mississippi their petitions against removal ceased to annoy Congress.³⁰⁵

DEFENSE OF THE OREGON COUNTRY

The census map of 1840 presents a different picture of the frontier line than does the map of 1820.³⁰⁶ In Louisiana, Arkansas, and Missouri the settlements had been extended westward to Texas and to the edge of the Indian country. The country on the right bank of the Mississippi River was covered with farms as far north as Prairie du Chien, and straggling claims were found even further to the north and west. On the east side of the Mississippi the northern frontier had been pushed well into the interior of Wisconsin and Michigan. And the great inland frontiers which appear on the map of 1820 were fast disappearing;

³⁰⁴ *Congressional Globe*, 2nd Session, 25th Congress, p. 404. The slogan of the Georgian delegation is illustrated by Lumpkin's speech, p. 403.

³⁰⁵ *Niles' Weekly Register*, Vol. LIV, p. 210.

³⁰⁶ *Eleventh Census, Population*, Vol. I, Part 1, Map facing p. xxiv. For the military frontier, see *Executive Documents*, 2nd Session, 27th Congress, No. 2, p. 80, pl. D; and *American State Papers, Military Affairs*, Vol. VII, Map facing p. 780.

for the land titles of the Cherokees, Creeks, Choctaws, Chickasaws, and of the northern tribes (with a few exceptions like the Miamis and the Menominees) had been extinguished and their lands surveyed and sold to the pioneers and southern planters. The two decades which had passed since the year 1820 had witnessed the consummation of the policy for Indian removal from the eastern half of the Mississippi Valley, and the scene of Indian affairs was now shifted across the Mississippi to the further West.

Benton had long kept before Congress the necessity of patrolling the southwestern frontier bordering upon Mexico, which was peculiarly exposed to the attacks of the nomadic Comanches and Apaches. In the year 1825 he called upon Congress to protect from the depredation of these Indians the overland trade between Missouri, Santa Fé, Chihuahua, and Sonora.³⁰⁷ Five years previously the traders of the prairies had established the Santa Fé Trail over the desert prairie between the town of Independence on the Missouri River and the capital of New Mexico; and, said Benton in 1825, it seemed like a romance to hear of caravans of trade traversing in season the vast plain between the Missouri and the Rio del Norte. The bill Benton introduced for improving the Trail and pacifying the Indians en route was passed by both houses.³⁰⁸

Starting from the same Missourian *locale* another and longer trail traversed the plains and mountains of the Northwest. This was the trail to Oregon. Like the Santa Fé Trail its congressional guardians were the Missouri Senators, Benton and Linn. At an early day they urged Congress to protect the emigrants to Oregon. While the story of the struggle for Oregon belongs to another chapter of western history, there are parts of the story which too

³⁰⁷ *Register of Debates*, 2nd Session, 18th Congress, p. 341.

³⁰⁸ *United States Statutes at Large*, Vol. IV, p. 100.

intimately concern the defense of American settlers on the frontier to be excluded from this narration. A discussion of one particular phase — defense of the Oregon pioneers — tangled as it is in a question of greater importance, will nevertheless throw a new light on the Oregon question.

Since Benton and Linn are the heroes of the tale it is well to begin with their earliest exertions. Benton in his first term as Senator from the newly created State of Missouri ably supported Floyd's bill of 1822 for the armed occupation of the Columbia River, which bill also contemplated grants of land to settlers and supervision of the Indians. He had also introduced resolutions on his own initiative looking towards the retention of the Oregon country.³⁰⁹ Sixteen years later, February 7, 1838, Lewis F. Linn introduced the first of his series of bills for the establishment of an Oregon Territory;³¹⁰ and from that day until his death, he became the special advocate for Oregon.

To what extent Benton and Linn fostered these bills as an open defiance to England and a part of the game in the Oregon diplomacy and to what extent they favored them simply as a means to protect and give the emigrants a government can not be exactly measured; nor would it be profitable to elaborately essay any such measurement. The latter motive is not to be entirely overlooked, although it is probably the lesser, in the case of Benton. It should be remembered, however, that Benton was a western man; and of western problems he studied the real conditions, not merely the theories. Unlike the ex-President who debated the same question in the House, and who had played a part in the early diplomacy of the case, Benton saw not only the *raison d'état* but he also saw the great bare plains of the Northwest through which ran the Oregon Trail to the South

³⁰⁹ *Annals of Congress*, 2nd Session, 17th Congress, p. 246.

³¹⁰ *Congressional Globe*, 2nd Session, 25th Congress, p. 168.

Pass, and the thousand slow moving caravans of daring men and pioneer women travelling toward the West to make their homes in the romantic land of the joint-occupancy. The hopes and the fears of these emigrants he understood. And being himself of kindred spirit he championed their cause. Nor was Benton alone among western members. He typified the sentiment of western expansion. Linn and Douglas were of his mold.

On February 6, 1840, Linn gave a new feature to the Oregon question by moving resolutions calling upon the Secretary of War for his opinion concerning establishing forts along the Oregon Trail for the purpose of encouraging and protecting the American fur traders and caravans to the new country.³¹¹ Poinsett's report in reply was agreeable to such a scheme and proposed locations for three posts along the Trail.³¹² Linn, however, did not include this item in his plan of Columbian colonization, although upon the 28th of April he introduced a bill to extend jurisdiction over Oregon. Later, in May, he agreed not to urge the Oregon question in any phase, pending the delicate state of affairs in the Northeastern boundary negotiations.³¹³

As to the Tyler administration, both the President and his Secretary of War, Spencer, were of the opinion that forts should be established on the Oregon Trail. Indeed, in his annual report of December, 1841, Spencer asked for a chain of posts from Council Bluffs to the mouth of the Columbia, and Tyler added his recommendation in the annual message.³¹⁴ Both, forsooth, cautiously limited their reasons to one, and that was protection of fur traders from the Indians. Nine days following the President's message

³¹¹ *Congressional Globe*, 1st Session, 26th Congress, p. 166.

³¹² *Senate Documents*, 1st Session, 26th Congress, No. 231.

³¹³ *Congressional Globe*, 1st Session, 26th Congress, p. 363.

³¹⁴ *Congressional Globe*, 2nd Session, 27th Congress, Appendix, pp. 4, 12.

Linn introduced his Oregon bill revised up to date.³¹⁵ It contained a section providing for forts along a trail leading from the Missouri into "the best pass for entering the valley of the Oregon".³¹⁶ Before it was discussed at length Lord Ashburton arrived in Washington, and again congressional discussion of the Oregon question was postponed because of the international negotiations.³¹⁷

The treaty with Ashburton was concluded in August of 1842, and when Congress convened in December the persistent and patient Linn again introduced his bill.³¹⁸ In regard to Indian affairs it provided for two agencies to superintend all tribes of the westernmost West.³¹⁹ The omission of any compromise on the Oregon boundary in the Webster-Ashburton Treaty made the time ripe for acute discussion of such a bill. The opposition was decided. First Calhoun,³²⁰ then M'Duffie,³²¹ Choate,³²² Crittenden,³²³ Berrien,³²⁴ and Archer³²⁵ spoke against it. Calhoun interpreted the measure as an act of hostility toward England, and upon this premise he argued for the rejection of the bill. The country was unprepared for war if England resented the action, was the burden of his thesis.³²⁶ The section do-

³¹⁵ *Congressional Globe*, 2nd Session, 27th Congress, p. 22.

³¹⁶ For details of bill, see *Niles' Weekly Register*, Vol. LIX, p. 338; *Congressional Globe*, 3rd Session, 27th Congress, p. 112.

³¹⁷ Linn and Sargent's *Life and Public Services of Dr. Linn*, p. 239.

³¹⁸ *Congressional Globe*, 3rd Session, 27th Congress, p. 61.

³¹⁹ *Congressional Globe*, 3rd Session, 27th Congress, p. 112.

³²⁰ *Congressional Globe*, 3rd Session, 27th Congress, pp. 133, 227; Appendix, p. 138.

³²¹ *Congressional Globe*, 3rd Session, 27th Congress, pp. 198, 240.

³²² *Congressional Globe*, 3rd Session, 27th Congress, pp. 171, 239; Appendix, p. 222.

³²³ *Congressional Globe*, 3rd Session, 27th Congress, p. 105.

³²⁴ *Congressional Globe*, 3rd Session, 27th Congress, p. 212.

³²⁵ *Congressional Globe*, 3rd Session, 27th Congress, pp. 104, 220, 244; Appendix, p. 130.

³²⁶ *Congressional Globe*, 3rd Session, 27th Congress, Appendix, p. 139.

nating lands to settlers he pointedly disapproved as a violation of treaty rights.³²⁷ Calhoun believed the tide of American emigration would soon reach the Rocky Mountains of its own accord and be ready to pour into the Oregon country. Such a theory would seem to preclude the idea that military posts should not precede actual settlement. Be that as it may, Calhoun closed his speech with a long defense of his conduct as Secretary of War when, perceiving the resources of the Northwestern fur trade, he had advanced the military stations high up the Mississippi and Missouri.³²⁸

Choate disapproved of the section making donations to settlers as a contravention of the Convention of 1827.³²⁹ And he further explained at length how Oregon had been exploited by Massachusetts enterprise. Might not the East, therefore, be the rightful judge of the disposition to be made of the country of the Northwest?

So far as to the bill being an act of hostility to Great Britain it is difficult to conceive such a nature therein, save in the section making the donation of land. The other features gave the settlers the protection which Great Britain had already given her own Oregon citizens by act of Parliament in the year 1821.³³⁰ But the proposed land grants were a questionable matter. Calhoun sought the reference of the bill to the Committee on the Judiciary in order to strike out this objectionable feature, but the friends of the bill would permit no such emasculation.³³¹ On the other hand Calhoun was equally stubborn. When Bayard proposed an amendment to the effect that the proposed dona-

³²⁷ *Congressional Globe*, 3rd Session, 27th Congress, p. 134.

³²⁸ *Congressional Globe*, 3rd Session, 27th Congress, Appendix, p. 141.

³²⁹ *Congressional Globe*, 3rd Session, 27th Congress, Appendix, p. 222.

³³⁰ 1 and 2 George IV, cap. LXVI.

³³¹ *Congressional Globe*, 3rd Session, 27th Congress, pp. 134, 239.

tions should be altered to mere claims against the United States, an arrangement which would be in no wise hostile to England, Calhoun objected.³³²

On February 3rd, by a vote of 24 to 22 the bill passed the Senate; but it failed in the House.³³³ Before the next session of Congress death had come to Senator Linn, leaving to his colleagues the legacy of his Oregon bill.³³⁴

In the two sessions following Linn's death several different Oregon bills were considered, but all failed to pass both houses.³³⁵ The discussions thereon were of course a part of the extensive Oregon debate and may be noticed here only because of references to the question of protection from the Indians, which was ever but a side issue. Benton continued to point out, as in earlier speeches, the dangers which would ensue if the agents of the Hudson Bay Company should instigate the natives to war upon the emigrants.³³⁶ Buchanan,³³⁷ Hannegan of Indiana,³³⁸ Douglas³³⁹—soon to be appointed chairman of the House Committee on Territories—and Duncan of Ohio³⁴⁰ also pointed out this danger.

Arguing from the same fact, namely, the hostilities of the Indians, Senator Dayton of New Jersey came to different

³³² *Congressional Globe*, 3rd Session, 27th Congress, p. 134.

³³³ *Congressional Globe*, 3rd Session, 27th Congress, p. 240. For Linn's bill, see Appendix, p. 154. Adams from the House Committee on Foreign Relations to whom the Senate bill was referred reported that the House do not concur therein.—*Journal of the House*, p. 382.

³³⁴ Benton's *Thirty Years' View*, Vol. II, p. 486.

³³⁵ *Congressional Globe*, 1st Session, 28th Congress, pp. 56, 77, 104, 366; 2nd Session, 28th Congress, pp. 36, 38, 63.

³³⁶ *Congressional Globe*, 1st Session, 28th Congress, p. 637.

³³⁷ *Congressional Globe*, 1st Session, 28th Congress, Appendix, p. 346.

³³⁸ *Congressional Globe*, 1st Session, 28th Congress, Appendix, p. 245.

³³⁹ *Congressional Globe*, 2nd Session, 28th Congress, p. 226.

³⁴⁰ *Congressional Globe*, 2nd Session, 28th Congress, p. 216; Appendix, p. 181.

conclusions. He declared that the United States could never wisely make "Oregon a State of this Union [or] a separate government, the effect of which would be to pen up 342,000 Indians between it and our western frontier. It would either be the cause of exterminating the Indians, or making them a horde of depredators, or both."³⁴¹ Senator Choate of Massachusetts, one of the most persistent opponents to the retention of Oregon, sought to prove that the Northwestern danger was overrated by western congressmen;³⁴² and Adams in the House implied that "the enterprising, and warlike young men" of Oregon should be able to protect themselves.³⁴³

In December, 1845, Benton made a sensible move in the Oregon question — a move, indeed, which it is a matter of wonder was not made long before. He separated the proposition of immediate protection to the Oregon emigrants and the vital issue of the Oregon question. This was done by a bill which he reported from the Military Committee, providing for a regiment of mounted riflemen and several outposts with the object of guarding the Oregon Trail.³⁴⁴ Such a bill was one that could consistently be supported by Calhoun and Crittenden, although the latter considered it of little real importance.³⁴⁵ The Senate passed it on January 8, 1846, but the House delayed its becoming law until almost a month after the adoption of the joint resolution to abrogate the Oregon Convention.³⁴⁶ The credit for this bill is not entirely to be laid to Benton. President Polk's bold message at the convening of Congress had practically rec-

³⁴¹ *Congressional Globe*, 1st Session, 28th Congress, p. 315.

³⁴² *Congressional Globe*, 1st Session, 28th Congress, p. 407; Appendix p. 587.

³⁴³ *Congressional Globe*, 2nd Session, 28th Congress, p. 228.

³⁴⁴ *Congressional Globe*, 1st Session, 29th Congress, p. 108.

³⁴⁵ *Congressional Globe*, 1st Session, 29th Congress, p. 162.

³⁴⁶ *Congressional Globe*, 1st Session, 29th Congress, pp. 162, 830.

commended that the question of providing defenses for the pioneers be separated from the question of the acquisition of Oregon. In this matter the President and Benton had, indeed, been in full accord for some time.³⁴⁷

The committees on Indian affairs in both houses reported bills to regulate trade and intercourse with the Oregon Indians and to make peace with them;³⁴⁸ but both bills were postponed pending the outcome of the Buchanan-Pakenham Treaty and were never taken from the table during this session.³⁴⁹

On August 5, 1846, almost at the close of the session, Polk was able to communicate to Congress the fact that ratifications of the convention for the final adjustment of the Oregon question had been exchanged with Great Britain.³⁵⁰ At last the great objection to giving the Oregon settlers a government and protection from the Indians was overcome. The exclusive jurisdiction of the country was now vested in

³⁴⁷ *Congressional Globe*, 1st Session, 29th Congress, p. 7; *Diary of James K. Polk*, Vol. I. p. 70.

It should be noted that President Tyler also had advocated practically a separate discussion of protection to the emigrants. In his last annual message, December 3, 1844, after informing Congress that the negotiations of Secretary of State Calhoun with the British Government concerning the Oregon jurisdiction were still pending, he renewed his previous recommendations for laws "to protect and facilitate emigration to that Territory." Concerning these measures Tyler said: "The establishment of military posts at suitable points upon the extended line of land travel would enable our citizens to migrate in comparative safety to the fertile regions below the falls of the Columbia, and make the provision of the existing convention for the joint occupation of the Territory by subjects of Great Britain and the citizens of the United States more available than heretofore to the latter. These posts would continue places of rest for the weary emigrant, where he would be sheltered securely against the danger of attack from the Indians, and be enabled to recover from the exhaustion of a long line of travel."—*Congressional Globe*, 2nd Session, 28th Congress, p. 3. The Executive attitude in 1844-1845 is discussed on p. 387, but evidently Tyler's attitude had little weight in the matter.

³⁴⁸ *Congressional Globe*, 1st Session, 29th Congress, pp. 121, 888.

³⁴⁹ *Congressional Globe*, 1st Session, 29th Congress, p. 834; *Journal of the Senate*, p. 320.

³⁵⁰ *Congressional Globe*, 1st Session, 29th Congress, p. 1199.

the United States; and Congress under the Constitution was authorized to give the Territory a government. But for two years this power was held in abeyance, and the Oregon country remained in the same lawless state for want of congressional action. The cause of this inaction had already been foreseen. The northern extremists pointed toward Calhoun. His policy of a "wise and masterly inactivity" in 1845 had been interpreted into "no more free soil territory", and now his opponents were to find another sin to lay at his door. Calhoun was too shrewd a man not to know that the northern party would insist upon inserting a slavery restricting clause in the Territorial bill for Oregon. That country was north of the Mason and Dixon line. No one asserted that slavery would ever find a root there. Why then meet the question of slavery on a bill so vital to the Northwest? Simply because this was the logical opportunity to force the issue of the constitutionality of slavery;³⁵¹ and Calhoun's opponents were not loth to accept the challenge, no matter what the cost of delay might be to Oregon.

As soon as the President's message announcing the exchange of ratifications in regard to the Oregon Convention of June and urging the early establishment of a government for that Territory was communicated to the House, Douglas from the Committee on Territories introduced a bill providing both a government and Federal protection for Oregon.³⁵² This bill had been prepared some months in advance of the President's announcement and had been framed with an eye single to the welfare of the Territory. As introduced it contained no clause on slavery to block its passage. But on the same day, after the House had put it

³⁵¹ For Benton's criticism of Calhoun for "forcing the issue", see his *Thirty Years' View*, Vol. II, p. 698, *et seq.*

³⁵² *Congressional Globe*, 1st Session, 29th Congress, p. 1200.

through the first two readings in the Committee of the Whole, the bill was amended to forever exclude slavery from the Territory. The vote on this amendment was decisive — 108 ayes and only 43 nays.³⁵³ The expedition of the House in this matter was commendable. Within a few hours time Douglas's bill as amended passed the third reading and was sent to the Senate.³⁵⁴

Undoubtedly the upper chamber would also have passed this bill with the same promptness had the slavery restricting clause been reversed or entirely omitted. As it was the southern majority tabled it at the instigation of Calhoun — so Benton claims.³⁵⁵ Thus the Oregon people were left for a year in their extra-legal status, with no authoritative government and embarrassed with threatening Indian wars. This was also their fate for another year, for the history of the first Territorial bill was repeated when the second bill came from the House in the session of 1846-1847. The Senate tabled it.³⁵⁶

In the whole Oregon affair there is one man who stands out in a peculiarly satisfactory way — and that man is the President. Polk viewed the question with the executive attitude. Oregon was without a government and without adequate protection. Both should be immediately supplied. Twice, in a special and in an annual message, Polk told Congress this. He had even promised the Oregon settlers that he would demand action from Congress;³⁵⁷ but that was all he could do. The situation, he rightly described in

³⁵³ *Congressional Globe*, 1st Session, 29th Congress, pp. 1200, 1204.

³⁵⁴ *Congressional Globe*, 1st Session, 29th Congress, p. 1205.

³⁵⁵ *Journal of the Senate*, 1st Session, 29th Congress, p. 505; Benton's *Thirty Years' View*, Vol. II, p. 698, *et seq.*

³⁵⁶ *Congressional Globe*, 2nd Session, 29th Congress, pp. 199, 571.

³⁵⁷ *Congressional Globe*, 1st Session, 30th Congress, Appendix, p. 40. Compare *Diary of James K. Polk*, Vol. II, pp. 444-449; also *Niles' Weekly Register*, Vol. LXXII, p. 148.

his *Diary* when he wrote: "The present defenseless condition of the people of Oregon is wholly to be attributed to the neglect and inattention of Congress to their condition, and . . . refusal to legislate in accordance with the Executive recommendation".³⁵⁸ Polk could not lead Congress in the thorny path it had elected to pursue on the slavery question.

It was with a decided tone of irritation that Polk reminded Congress in his annual message of December 7, 1847, that no government or Indian agencies for Oregon had been established.³⁵⁹ The Federal defense of the Oregon Trail and the Oregon country at this time was indeed weak. Benton's bill of 1846 had provided for a regiment of mounted riflemen for duty in the Northwest, but they had hardly been recruited before they were ordered to service in the Mexican War.³⁶⁰ The Northwest was left quite defenseless. In regard to this condition the report of the Commissioner of Indian Affairs sounded a distinct warning.³⁶¹ Thirty thousand savages inhabited the Columbia River valley, the report pointed out, rendering the position of the settlers in this far-away country peculiarly exposed.

Benton repeated this warning in the Senate. He attributed "all the murderous outrages" committed by the Indians upon Oregon settlers to the delay of the Government in extending its political jurisdiction and protection over the new Territory in the Northwest. "Our meritorious settlers, at a distance of three thousand miles, have deserved well of their country from their enterprise", Benton de-

³⁵⁸ *Diary of James K. Polk*, Vol. IV, p. 155.

³⁵⁹ *Congressional Globe*, 1st Session, 30th Congress, p. 10.

³⁶⁰ For the history of this regiment, see *Diary of James K. Polk*, Vol. IV, p. 155; *Congressional Globe*, 1st Session, 30th Congress, Appendix, p. 20; 2nd Session, 30th Congress, Appendix, p. 21; 1st Session, 31st Congress, Appendix, pp. 11, 12.

³⁶¹ *Senate Documents*, 1st Session, 30th Congress, No. 1, p. 752.

clared, and he hoped "they would not be left exposed to danger and inconvenience from calamities which a proper attention to their wants on the part of the Government would prevent."³⁶² Senator Hannegan, one of the few remaining Senators who seems to have retained the confidence of the Administration, called upon Congress to drop the useless discussion of slavery in regard to this question and give attention to "the cries of our citizens in Oregon, surrounded by hostile Indians".

Full intelligence of the beginnings of Indian hostilities in Oregon was confirmed in May, 1848, by the arrival in Washington of two messengers to the President.³⁶³ They came from the provisional government of the settlers. One had sailed by the way of San Francisco and the Isthmus of Panama; the other had followed the Oregon Trail to St. Louis, and thence to Washington. When their definite information of outbreaks on the Columbia River was received, Polk immediately communicated it to Congress and urged expedition. Territorial government should immediately be established and authority granted to raise a volunteer force for the protection of the inhabitants. Besides, according to the program Polk outlined for Congress, a regiment of mounted men should be enlisted. If aid was to be carried to Oregon before winter blocked access to the country from the land side immediate action was necessary. And a delay of another year "may prove destructive to the white settlements in Oregon", urged Polk.³⁶⁴ With all the force that he could exert, Polk recommended personally to members of Congress the immediate needs of Oregon and proposed that the Missouri Compromise line be revived and extended to the Pacific.³⁶⁵ Such an agreement would make possible a

³⁶² *Congressional Globe*, 1st Session, 30th Congress, p. 804.

³⁶³ *Diary of James K. Polk*, Vol. III, p. 463.

³⁶⁴ *Congressional Globe*, 1st Session, 30th Congress, p. 788.

³⁶⁵ *Diary of James K. Polk*, Vol. III, pp. 501, 504; Vol. IV, p. 12.

logical retreat by both parties upon a precedent already established.

Pricked by the exasperating condition in Oregon, the Senate resumed discussion of the Territorial bill, and after a prolonged debate resorted to a select committee headed by Senator Clayton.³⁶⁶ This compromise committee responded with a bill to organize the Territories of California and New Mexico as well as Oregon. The laws of the provisional government of Oregon prohibiting slavery were to remain until altered by the new Territorial legislature; while the legislatures of California and New Mexico were forbidden to make laws interdicting slavery.³⁶⁷ This compromise was finally accepted by the Senate, but the House contemptuously rejected it.³⁶⁸ After the failure of the compromise of the Committee of Eight, Douglas proposed Polk's compromise.³⁶⁹ The Senate accepted it, but the House again refused to compromise.³⁷⁰ Finally at the end of a tiresome session the Senate gave up, and the Douglas bill with the restrictions of the Northwest Ordinance was accepted by both houses and presented to the President upon the last day of adjournment.³⁷¹ Polk immediately gave his sanction — which indeed he had been prepared to give for some time, although Calhoun had personally exerted his utmost influence upon him to obtain a veto.³⁷² The President's prompt signature was a rebuke to the long wrangle in Congress, which for two years had delayed justice to Oregon.

³⁶⁶ *Congressional Globe*, 1st Session, 30th Congress, p. 932.

³⁶⁷ *Congressional Globe*, 1st Session, 30th Congress, p. 950. The bill is printed on p. 1002.

³⁶⁸ *Congressional Globe*, 1st Session, 30th Congress, p. 1007.

³⁶⁹ *Congressional Globe*, 1st Session, 30th Congress, p. 1048.

³⁷⁰ *Congressional Globe*, 1st Session, 30th Congress, pp. 1061, 1062.

³⁷¹ *Congressional Globe*, 1st Session, 30th Congress, p. 1078.

³⁷² *Diary of James K. Polk*, Vol. IV, pp. 22, 72-74.

OREGON TERRITORY AND THE INDIANS

The first session of the Thirtieth Congress passed a Territorial bill for Oregon, but the entire program of legislation for that Territory as laid down by the President in his message of May, 1848, was not carried out.³⁷³ The struggle over the slavery clause had been too engrossing and all-absorbing for careful consideration of other details; and perhaps there was also some truth in the President's bitter reflection that Congress had been "more occupied at the last session in President making than in attending to the public business."³⁷⁴ On the tenth of October Polk wrote:

I read to the Cabinet a communication which I received this morning from George Abernethy, the Governor of the Temporary Government in Oregon, dated April 3rd, 1848, in which he states that an Indian war is raging in Oregon, presents their destitution of arms and the means of defense, and earnestly calls upon the Government of the U. States for assistance and protection. We have no means of affording timely aid other than that which has been already ordered. It is most unfortunate that Congress had not granted the force for which I called to protect the people of Oregon in my message of May last. . . . Congress not only refused to do this, but after the orders had been issued, upon the conclusion of the Mexican War, to have the Mounted Rifle Regt. march to Oregon the last summer for their protection, that body, without the recommendation of the Executive & against our wishes, authorized every man of that Regiment who would ask it to be discharged. The effect [of] this was . . . to disband the Regiment & to recruit it again, and in the mean-time the season was too far advanced to enable the Regiment to be marched across the Rocky mountains before the impassable snows of winter would set in. The present defenseless condition of the people of Oregon is wholly to be attributed to the neglect and inattention of Congress to their condition, and . . . refusal to legislate in accordance with the Executive recommendation at the last Session.³⁷⁵

³⁷³ *Congressional Globe*, 1st Session, 30th Congress, p. 788.

³⁷⁴ *Diary of James K. Polk*, Vol. IV, p. 155.

³⁷⁵ *Diary of James K. Polk*, Vol. IV, pp. 154, 155.

In lieu of a military force during the autumn of 1848, Polk used the navy to succor the Oregon people. Orders were transmitted to the commander of the American squadron in the Pacific to dispatch to the assistance of the Oregon settlers a part of the naval forces under his command, and to furnish them with arms and ammunition and protection until the army could arrive.³⁷⁶ When Congress convened in December a large part of the President's message was devoted to the state of affairs in the Oregon country.³⁷⁷ In plain words Polk exhibited the culpable neglect of Congress for "the continuance of the Indian disturbances" and for "the destitution and defenseless condition of the inhabitants." If Indian agencies had been established in Oregon, Polk declared, the aboriginal tribes would have been restrained from making war.

The immediate and only cause of the existing hostility of the Indians of Oregon is . . . the long delay of the United States in making to them some trifling compensation . . . for the country now occupied by our emigrants, which the Indians claimed, and over which they formerly roamed. This compensation had been promised to them by the temporary government established in Oregon, but its fulfillment had been postponed from time to time, for nearly two years, whilst those who made it had been anxiously waiting for Congress to establish a territorial government over the country. The Indians became at length distrustful of their good faith, and sought redress by plunder and massacre, which finally led to the present difficulties. A few thousand dollars in suitable presents, as a compensation for the country which had been taken possession of by our citizens, would have satisfied the Indians, and have prevented the war.

Again the President called upon Congress to provide Indian agents to reside among the Indian tribes and for appropriations to enable these agents to cultivate friendly

³⁷⁶ *Congressional Globe*, 2nd Session, 30th Congress, p. 7.

³⁷⁷ *Congressional Globe*, 2nd Session, 30th Congress, pp. 6, 7.

relations with them. Especially did the President recommend an appropriation to cover the militia service of "our fellow-citizens of Oregon [who] have been compelled to take the field in their own defense".

Howbeit, the session passed by with little effort to formulate into law any of these Presidential recommendations. The militia claims were not, of course, even broached, for the reason that there was no one to present them for allowance. By the Organic Act of August 14, 1848, the Territory was entitled to be represented by a Delegate to Congress.³⁷⁸ None appeared, however, in this session, for the Territorial act had been passed so late in the summer of 1848 and the journey to Oregon was so long that time did not permit a Delegate to arrive or even to be elected before the session of 1848-1849 adjourned. The Organic Act had been carried to the new Territory by the first Governor and Marshal whom the President had hastily dispatched to the West immediately following the passage of the act of August 14, 1848. Taking the Santa Fé and Gila trails to California, because the approaching winter forbade access by way of the Oregon Trail, these officers crossed the continent to San Pedro harbor; thence they sailed to their destination, arriving on the second day of March, 1849. The proclamation of Oregon's Organic Act was made the next morning.

The days of legislative neglect were now numbered. After the establishment of the Territorial government, a Delegate to Congress was elected.³⁷⁹ This Delegate — Thurston by name — arrived at Washington in November before the first session of the Thirty-first Congress convened. The character of this first Delegate from the Northwest is worthy of note. Born in Maine and educated at Bowdoin College, Thurston emigrated to Oregon in 1847 while yet a

³⁷⁸ *United States Statutes at Large*, Vol. IX, p. 329.

³⁷⁹ *The Whig Almanac*, 1850, p. 51.

young man. Despite his short sojourn in the new Territory of the Northwest, he is said to have rivaled the crudest of western politicians with his harsh and impulsive manners and his over-bearing confidence.³⁸⁰ Be that as it may, Thurston knew what legislation the Territory needed and how to obtain it from Congress. He addressed himself most carefully to the committees of both houses before taking the floor of the lower house in person. The results of his activities may be judged from the statute book of the United States at the end of the session.³⁸¹

One of the first bills which the Delegate had a share in bringing to a successful issue was a bill reported to the Senate by its Committee on Indian Affairs.³⁸² Early in the session the committee had under advisement a resolution offered by Douglas concerning the expediency of extinguishing the Indian title to certain portions of the western Territories, including Oregon and California.³⁸³ Senator John Bell of Tennessee was chairman; and seems to have depended entirely upon Delegate Thurston for his information in regard to conditions in Oregon.³⁸⁴ It was high time that some measure be taken in regard to Indian cessions. All American settlers save those who appropriated to themselves the property of former British subjects were nothing more nor less than trespassers upon unceded Indian territory. There was not an inhabitant, Bell truly declared, who could improve his land or build a home with confidence, because there was no land to which some Indian tribe did not set up a claim.³⁸⁵ The necessity of the immediate extin-

³⁸⁰ Bancroft's *History of Oregon*, Vol. II, pp. 114, et seq.

³⁸¹ *United States Statutes at Large*, Vol. IX, pp. 437, 438, 440, 496.

³⁸² *Congressional Globe*, 1st Session, 31st Congress, p. 262.

³⁸³ *Journal of Senate*, 1st Session, 31st Congress, pp. 42, 62, 122.

³⁸⁴ *Congressional Globe*, 1st Session, 31st Congress, p. 262.

³⁸⁵ *Congressional Globe*, 1st Session, 31st Congress, pp. 262, 411.

guishment of these Indian titles in order to preserve peace was beyond the need of elaborate proof. Under the management of the chairman and Douglas the bill passed the Senate in April and the lower house on May 29th.³⁸⁶

Well it was for the good fame of the American Indian policy that the Indian treaty bill preceded in point of time a certain bill already reported to the House by its Committee on Public Lands. This was a bill to survey the public lands of Oregon and to make donations to the white settlers. Although following so closely upon the act to treat with the Indians for the purchase of their Oregon lands the objection does not seem to have been made that the act of May 29th might not be successful in extinguishing the Indian titles. The right of the Oregon settlers to the Indian lands upon which they had squatted without so much as asking leave was unquestioned in Congress, and no one burdened the Delegate to frame a defense of their technical trespassing.³⁸⁷

In regard to military matters, the Senate was equally compliant to western demands. Jefferson Davis, Chairman of the Committee on Military Affairs, introduced a bill to increase the army with the avowed purpose of protecting the Indian frontier.³⁸⁸ "You cannot stop the travel to California", said Rush of Texas, thinking more of his own locality than of the Northwest, "or the settlement on the frontiers of Texas and in New Mexico, and it becomes therefore the imperative duty of Congress to protect them."³⁸⁹ The bill passed both houses.³⁹⁰ Moreover, in the following session Thurston with the aid of Douglas³⁹¹ and Armistead

³⁸⁶ *Congressional Globe*, 1st Session, 31st Congress, pp. 798, 1090.

³⁸⁷ *Congressional Globe*, 1st Session, 31st Congress, pp. 791, 1030.

³⁸⁸ *Congressional Globe*, 1st Session, 31st Congress, pp. 395, 1139.

³⁸⁹ *Congressional Globe*, 1st Session, 31st Congress, p. 1180.

³⁹⁰ *United States Statutes at Large*, Vol. IX, p. 438.

³⁹¹ *Congressional Globe*, 2nd Session, 31st Congress, p. 332.

Burt,³⁹² Chairman of the House Committee on Military Affairs, procured a settlement of the Cayuse War claims — the same militia claims mentioned by Polk in his last annual message.³⁹³

At the close of the Thirty-first Congress, Thurston might truly write his constituents that the last of the measures to meet Oregon's present needs had been consummated.³⁹⁴ All this was done in spite of the exhaustive debates on the compromise bills which excluded the much needed legislation in the first session. The attention of Congress had been definitely fixed upon the Pacific coast and the period of its neglect was past.

CONCLUSION

As to the frontier in the three decades from 1820 to 1850 the story is briefly told by the census maps for the beginning and the end of the period. In 1820 this frontier had hardly crossed the Mississippi above the Missouri settlements; and vast stretches of wilderness existed even within the boundaries of some eastern States. By 1850 the westernmost frontier was far beyond the Mississippi, while the interior frontiers had been reduced to almost nothing, especially in the South. The land titles of the Indians had been extinguished in exchange for lands beyond the Arkansas and the Missouri rivers, and the aborigines who had been the annoyance of every Middle State were now far removed.³⁹⁵

But even in their new homes the advance of civilization was following the Indians. From Texas they were being pushed northward; from the Iowa country pressure west-

³⁹² *Congressional Globe*, 2nd Session, 31st Congress, p. 446.

³⁹³ *United States Statutes at Large*, Vol. IX, p. 566.

³⁹⁴ Bancroft's *History of Oregon*, Vol. II, p. 134.

³⁹⁵ *Eleventh Census, Population*, Vol. I, Part 1. Map facing p. xxiv.

ward and southward was about to begin; while their retreat across the Rocky Mountains, as if it were not already prohibited by Nature, was cut off by the new settlements in Oregon and California. Economic forces were the cause of this contraction of the Indian country. Every period of financial distress in the older States increased the influx of settlers into the bounty lands of the West, while large German and Irish migrations from Europe had swelled the tide of pioneers.

Now in all this matter the sympathy of the majority in Congress was with the advance of civilization, as the preceding pages have shown time and again. How pertinently had the case been stated by Adams in 1802! The rights of the lordly savage were light in the balance with the rights of civilization. This even the philanthropists could not disprove; nor did many care to deny it. But withal the majority in Congress was ever aware of Indian rights. Seldom do we find even individuals who had the heartlessness to condemn the Indians as hopeless or to assert that the only "good Indian" was a "dead Indian". Their rights were to be observed and their customs respected as much as was possible in the nature of the case. Their lands were to be purchased by annuities and by the grants of new lands in the far West. Treaties negotiated with minorities of tribes were rejected. Trade and intercourse laws, revised and perfected as needs arose, were to guard them from the lawless encroachments of the whites. Against lawless invaders the army of the United States was to strike.

But on the other hand any Indian denial of the inevitable retreat before civilization was suppressed. There could not exist an *imperium in imperio* in Georgia nor in any other State. Civilization must not be thus thwarted. The pioneer settlers on the frontier, also, deserved on their part protection from savage resentment, and unprovoked hos-

ilities must be suppressed and punished, and prevented in the future by separation.

Thus Congress was between two fires. While westerners complained that the Indian title was not being extinguished rapidly enough, many easterners denounced in bitter terms the policy of removing the Indians. Each side had its spokesmen in the long debates on the removal question. When it came to vote, however, the policy of continuing the western expansion was not impeded.

Even before all of the Indians had retreated across the Mississippi, the frontier line had also passed beyond its western bank; and much of the Indian history of the Middle West was beginning to be repeated in the far West. The annexation of Texas, and the acquisition of the Southwest and of Oregon enlarged the Indian problem without adding many new features. The problem in Oregon had been under congressional consideration since 1840. When action was finally taken in 1849 and in 1851, that action was simply a repetition of the former Federal policy as to Indian lands and supervision. The questions relating to the Californian and Texan Indians belong properly to the next decade.

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