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Friendly Creek Indians (to accompany bill H. R. no. 761).

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FRIENDLY CREEK INDIANS.

[To accompany bill H. R. No. 761.]

MARCH 2, 1833.

Mr. LEWIS, of Alabama, from the Committee on Indian Affairs, to which the subject had been referred, made the following

REPORT:

The Committee on Indian Affairs, to whom was referred a memorial of the Legislature of Alabama, asking relief for certain Creek Indians of mixed blood, within the State of Alabama; and also the petitions of several individuals, representing themselves as friendly Creek Indians, whose property was plundered by the hostile Creeks in consequence of their attachment to the United States during the Creek war, respectfully report:

That they have had the same under consideration, and have examined the various documents upon which the claim of indemnity for relief, under the act of the 3d of March, 1817, was founded. By that act, the justice of the application of the friendly Creek Indians for full indemnity for all the losses sustained on account of their attachment to the United States is fully recognized. The sum of eighty-five thousand dollars has already been appropriated by said act, and, upon an examination of the claims, it has been found to be insufficient to cover all the losses actually sustained. By reference to the report of the Committee of Ways and Means of the 29th January, 1817, upon which the act of March 3d, 1817, is founded, it is believed that the justice of the claimants for full indemnity will be made apparent. The committee therefore beg leave to make said report the basis of their reasoning in favor of reporting a bill for the further relief of the friendly Creek Indians, for spoliations committed by the hostile Indians during the Creek war; and ask that said report be printed, and made part of their own report.

The Committee of Ways and Means, to whom has been referred a resolution instructing them to inquire into the expediency of making an appropriation to satisfy the claims of the friendly Creek Indians, whose property was plundered by the hostile Creeks in consequence of their attachment to the United States, report:

That the foundation of a claim on the part of the friendly Creek Indians, to an indemnity for the losses which they sustained from hostile Indians of

their own tribe, is best explained by the instrument delivered by them to General Jackson, on the 9th of August, 1814. In this they say—"We call ourselves, as we are, masters of the land. We have adhered faithfully, in peace and war, to our treaty stipulations with the United States. Finding that General Jackson, in drawing the lines around our country to retain as much of that conquered from the hostile Indians as he deemed just, found it necessary, for political motives and purposes, to run a line within which there is a great quantity of lands actually our property, for which he, as an equivalent, leaves to the conquered Indians lands between Coosa and Tallapoosa. We do not deem the exchange as an equivalent. We shall not, however, interfere with running the line, as we rely on the justice of the United States to cause justice to be done us. And on these conditions we request that General Pinckney's letter, of the 23d of April, to Colonel Hawkins, and the answer thereto, of the 25th, be sent on with the treaty, which we will sign after delivering this instrument." The remainder of the instrument was designed to confer donations of land, and is not connected with the subject referred to the consideration of the Committee of Ways and Means. It is included among the documents which accompany this report, and which also comprise several letters from Colonel Hawkins on the subject of the Indian claim, and minutes of occurrences at Fort Jackson during the negotiation.

In delivering this instrument, the speaker (of the Creeks) urged "that it should be sent on to the Government with the treaty and the letters from General Pinckney and Colonel Hawkins, and, after this, they would sign with the General. The General said he would send up his secretary with the treaty and documents mentioned, and such of the Indians then present, who have claims, might make them out and lodge them with him, and his secretary should take them with him; which was done accordingly.

The plan of signing the treaty of cession, and accompanying it by a declaration of their claims, appears to have been supported by the advice of Colonel Hawkins, the United States' agent. This gentleman writes to the Secretary of War, that he "feels that the chiefs, by their confidence in the United States, will not have to reproach him for advising them to concede this line of accommodation." The instrument delivered to General Jackson the Indians consider, according to Colonel Hawkins, as their part of the treaty.

In the letter referred to in this instrument, General Pinckney tells Colonel Hawkins that "he may inform the friendly Indians that the United States will not forget their fidelity, but, in the arrangement which may be made of the lands to be retained as indemnity, their claims will be respected; and such of their chiefs as have distinguished themselves by their exertions and valor in the common cause, will, also, receive a remuneration in the ceded lands, and in such manner as the Government shall direct."

These extracts appear to the committee to be sufficient to show, that, if the friendly Creeks are to be considered as having consented to the cession made by the treaty of 1814, it was only on the condition that their claims to indemnity should not be disregarded. Congress, indeed, may be considered as having recognized their claim by the act of the last session for the relief of Samuel Manac, one of their number.

At the time of the treaty, the friendly Creeks would have been satisfied, in the opinion of Colonel Hawkins, to have received, as an indemnity for their losses, the sum of sixty thousand dollars. As it is to be considered in

some measure a claim under a treaty, as they seem to have expected that some fixed sum would be distributed among them as an equivalent for their losses, and as to do so, will be to make it the interest of each sufferer that the losses of another shall not be exaggerated beyond their real amount, the committee believe that it will be best to appropriate a definite sum, to be applied under the direction of the Secretary of War, to indemnify the friendly Creek Indians for property destroyed by the hostile Creeks in fair proportion to their losses.

In obedience to the views above stated, the committee have determined to report a bill appropriating forty thousand dollars, to be paid by a commissioner, to be appointed by the President, whose duty it shall be to receive satisfactory proof from the claimants of the losses they have sustained, and to pay them such sums as may have been found unpaid under the act of March 3d, 1817. They are aware that the sum of forty thousand dollars will not cover the whole amount of the claims brought forward and remaining unpaid under the act of 1817, but they believe that, at this late period, it will be equal to the discharge of the claims which may now be brought forward and proven to the satisfaction of the commissioner. They therefore report a bill.