

SPEECH OF MR. GRANTLAND, OF GA.

House of Representatives, June 29, 1836.—

While in Committee of the whole, on Mr. Adams's motion to strike out the appropriation for carrying into effect the Cherokee Treaty,

Mr. GRANTLAND said:—I do not rise, Mr. Chairman, to discuss the merits of this Cherokee treaty, nor the manner in which it was made. I shall not, sir, inquire, whether the whole Cherokee tribe, (for *nation* I will not call them,) or whether a majority, or less than a majority, of that tribe, gave their assent to it; nor shall I, sir, consider it necessary to show that this treaty has been made with more than usual fairness, or that the agents of the Government, to effect an object not less beneficial to the Indians themselves than it is to several of the States, may not have used some of that address and management which is commonly practised by diplomatists, and especially in the making of Indian treaties. But, sir, I cannot forbear to remark that, of the almost numberless compacts made by this Government with Indians for the cession of their lands, all negotiated by commissioners appointed by the President, it very rarely happens that objection to any of them is made, either in the confirmation by the Senate, or in the appropriation of money to carry them into effect by the House, unless it be with a tribe within the limits of Georgia; and then, sir, there is always doubt and difficulty and vexatious delay, if not a charge of fraud. How, sir, does this happen? Can it be that gentlemen are willing to shut their eyes and close their ears, and almost connive at frauds upon Indians, when the land is acquired for the benefit of *all* the States, and the especial convenience of their own constituents, but are ever wide awake, industrious, and vigilant, to hunt out and detect frauds, though none exist, when Indian lands are contracted for, which, under the compact of 1802, are for the benefit of Georgia alone? It might be considered indecorous, Mr. Chairman, were I to assert that this is the case; but every candid man must admit the thing has a suspicious appearance.—Yes, sir, its aspect is more than suspicious—it has an awful *squinting!* and need I say at what?

My purpose, Mr. Chairman, in addressing the committee, is, as I before stated, not to discuss this treaty; that, sir, has been done by one of my colleagues, and more ably by far than I could do it, and with a clearness and soundness of reasoning that will convince every member of this body, whose mind is open to conviction; and I hope there are but few, though some there may be, who will not do us and themselves the justice of giving to this question a fair and dispassionate consideration.

It is sufficient, sir, for me, that this contraction with the Cherokees was made by that department of the Government to which alone has been confided by the constitution the treaty making power; it was concluded by commissioners of the United States, duly authorized to treat with the Indians, and has been approved by the Executive, and confirmed by the Senate. This, sir, is enough to satisfy me; let those who doubt seek for new lights; but I admonish them not to be led astray by some *ignis fatuus*; by plausible sophistry, or misplaced philanthropy.—The treaty, sir, will speak for itself. It gives the Cherokees (besides an equal quantity of better land beyond the Mississippi) about six millions of dollars for a country containing eight or nine millions of acres, nine-tenths of which are mountains. But I again say, sir, that I did not rise to take part in the discussion of this treaty, but to repel the aspersions cast by the gentleman from Virginia (Mr. Wise) on the "*faith and humanity of Georgia.*" That honorable gentleman has thought proper, sir, to charge the State which has sent me here, with *bad faith* in the observance of treaties, and with inhumanity to the Indians.—These are grave charges; but I deny, sir, in the most emphatic manner, that the honorable gentleman can sustain his assertions, and I defy him to *prove* that which he has so rashly and unwarrantably said before this committee.

Now, sir, I shall proceed to show that it is not Georgia, but the General Government, that has acted with bad faith in the observance of compacts. It is known to you, Mr. Chairman, and to every member of this committee, that in 1802, Georgia made a compact with the United States, by which the former ceded to the latter, all her lands extending from the Chattahoochee to the Mississippi, and from the 31st to the 35th degree of north latitude, a territory of vast extent and almost unrivalled fertility, out of which have since been formed the flourishing States of Alabama and Mississippi. What, sir, were the conditions of that cession? One condition was the payment to her by the United States of the sum of \$1,250,000, (out of the sale of her own lands,) which is less than a fourth part of the amount to be paid the Cherokees for their territory, which is not a tithe in quantity, and is generally mountainous and sterile. But the main inducement with Georgia was to get possession of the Indian lands within her chartered limits. Has this been done?—Could it have been done by the United States, as agreed upon in her contract with Georgia? I ask, sir, that the Clerk may read the preamble and the first and second articles of a treaty concluded by the United States with the Cherokees in the year 1817, and also part of

a convention made with that tribe in 1819, which annuls or modifies the bargain of 1817, and makes one of a very different kind, without the consent of Georgia, deeply as she was concerned.

[The Clerk here read from vol. 6, pages 702-4 part of the treaty of 1817 alluded to, made with the Cherokees by Andrew Jackson, Joseph McMinn, and David Meriwether—and the preamble and boundaries of the treaty made with the chiefs of the same tribe, in 1819, by John C. Calhoun, Secretary of War.]

Now, Mr. Chairman, I have shown by the preamble to the treaty of 1817, which has just been read, that, so early as the year 1808, deputations from the upper and lower Cherokee towns, duly authorized by their nation, went on to the City of Washington, the first named to declare to the President of the U. States their anxious desire to engage in the pursuits of agriculture and civilized life, in the country they then occupied, and to make known to the President the impracticability of inducing the nation at large to do this, and to request the establishment of a division line between the upper and lower towns, so as to include the waters of the Hiwassee river to the upper town; that by thus contracting their society within narrow limits, they proposed to begin the establishing of fixed laws, and a regular government; the deputies from the lower towns to make known their desire to continue the hunter life, and also the scarcity of game where they then lived, and, under these circumstances, their wish to remove across the Mississippi river, on some vacant lands of the United States.

Mr. Chairman I ask your particular attention and that of the committee to the fact, that the Cherokees of the upper towns, who desired to become agriculturists, were almost exclusively in Tennessee, North Carolina, and Alabama; and those of the lower towns, who wish to continue the hunter's life, and to emigrate, were in Georgia. The treaty of 1817 goes on to state that the Cherokees wishing to emigrate, did explore the country on the Arkansas and White rivers, which they were pleased with, and had notified the President of their "anxious desire for the full and complete ratification of his promise" to give them lands there in exchange for those they held in Georgia; and, for that purpose, the treaty of 1817 was made. ~~Fortunate would it have been, sir, for Georgia, and for the United States, if that treaty had not been set aside by the subsequent one of 1819.~~ If the first contract had been adhered to, Georgia would not now be unjustly charged, as she has been, with bad faith and inhumanity; nor would any complaint have been made by her against the General Government for the non-performance of the compact of 1802.

The preamble to the treaty of 1819 states that the greater part of the Cherokee nation had expressed an earnest desire to remain on this side of the Mississippi. The United States, notwithstanding her engagements to Georgia, and without consulting her, chose to gratify them. And hence all the difficulties with the Cherokees.

Now, sir, I say boldly, and without fear of contradiction, that bad faith is not in this case imputable to Georgia, but to the United States, for failing to carry into effect the compact of 1802.

I shall now, Mr. Chairman, proceed to notice the gentleman's charge of inhumanity towards the Indians; and here, sir, I shall not find it necessary to refer to the documents to prove what I say, though your library furnishes, as I am told, abundant evidence on this point. History, and the information of every gentleman of this body will establish the fact that whatever may have been the legislation of Georgia in regard to these people, (and I candidly admit I have not always approved of it) that she has no cause to apprehend any thing from a comparison between her and her sister States in the treatment of Indians. The best evidence in our favor is, that while the Indians in Georgia have increased in number, in most of the States they have diminished, and in some are extinct. Does it, sir, become the gentleman from Virginia to talk about humanity to Indians? to rail against what he may consider their oppression by other States? I ask that gentleman, what has become of the Indians who were once the sole occupants of all the lands in his own State? Where are the Pamunkies, the Nansemonds, and the Appamattoxos, the Rappahannocks, the Chickahominies, and the gignatic Susquehannocks? Where are they, sir? I put the question, Mr. Chairman, not to you but to the honorable gentleman from Virginia. Are they not extinct, annihilated, or driven to the wilds of the far West? I can assure the gentleman from Virginia that I have no unfriendly feeling to his State; it is my native land, and I feel for it much affection—perhaps nearly as much as he does; but much as I love Virginia, I love Georgia still more.

Mr. Chairman, the gentleman from Virginia made one remark in regard to my State which I was particularly sorry to hear from him. He said that Georgia, for persisting to execute her laws in regard to the Indians, and for refusing to obey the mandates of the Supreme Court, ought to have been "whipped into obedience" by the General Government. *Whipped into obedience!* Is that, sir, the honorable gentleman's State rights doctrine? I am sure it is not held to be orthodox doctrine by his State. Sir, I hope to God that I may not live to see the day, and that my children's children may not live to see it, when it shall be deemed necessary to "whip into obedience"

any State for the assertion of her rights. But, sir, as some of the generals sent to the South have been thought rather slow in their movements, it is my wish (should it be deemed expedient to send one there on such an errand as this) that the gentleman from Virginia be selected to perform the operation of *whipping into obedience*. I promise him, sir that he will find a *warm* reception, and be happy if permitted to retrace his steps.

As so much has been said, Mr. Chairman, *against* Georgia, it may not be deemed obtrusive or irrelevant, if I should say something in her favor; and, sir, with your permission and that of the committee, I will briefly recapitulate a part of what she has done for herself and this Union. She fought, sir, by the side of her sisters, and as valiantly as any of them, to achieve the liberty of this country. Her Clarks and Jacksons, her McIntoshes and her Twiggses, are known in the history of the revolutionary war, as are the Cummings, the Applings, the Floyds, and the Newnans in that of the late war. While menaced by the Indians on our extensive frontier, and the Britons on her sea-coast, Georgia sent a considerable army to defend the then infant Territory of Alabama, (bone of our bone and flesh of our flesh,) which had been invaded by the enemy. When the Indian war broke out recently in Florida, our volunteers rushed to the standard of their country, as they have done in the war with the Creeks. The bravery of Captain Garmany, and of his officers and men, and of Captain Horne and his small detachment, when assailed by numbers greatly superior, is worthy of all praise.

But, sir, I can name circumstances to show that, in devotion to this Union, in public spirit and genuine patriotism, Georgia is not behind any of her sister States.

At a most critical period of the late war with Great Britain, when several of the Southern States had been invaded; after this Capitol had been laid in ashes, when your treasury was empty, your credit tottering, and national bankruptcy was staring us in the face; when your Treasury notes, sir, which bore interest, were spurned as trash, and a preference over them given to notes of banks in this District, these last being at a discount of twenty per cent.: at this gloomy time, sir, when your Government could not furnish a dollar to the contractor or quartermaster of your army—at this crisis in your affairs, sir, what did not Georgia do? She poured out her treasury for the defence of the country; she furnished money to feed your soldiers and to procure forage and transportation. She did more, sir. Her patriotic Governor, Peter Early, (whose memory should be held dear by all Americans, and is revered by every Georgian,) pledged the faith of the State, and his own private fortune, to get loans from the banks for the use of the United States. This, sir, came within my own knowledge; and I doubt whether the interest paid by Georgia, ~~on loans obtained from the United States~~ has yet been repaid to her. I know, sir, that it was, while General Mitchell was Governor of Georgia, and Mr. Rush Secretary of the Treasury, applied for and refused, on the ground that the Government never paid interest!

Mr. Chairman, I thank the committee for their patience and attention. I did not intend to have spoken on this occasion, and should not, but for the attack made upon my State by the gentleman from Virginia. Her character I will defend *here and elsewhere*.