

MONDAY, March 26, 1838.

CHEROKEE TREATY.

Mr. SOUTHARD presented a memorial, addressed to Congress, and signed by the deputation of the Cherokee Indians now in Washington, making representations and complaints in regard to their situation under the late alleged treaty, and praying Congress in some mode to interfere for their relief.

Also, a memorial against the enforcement of the treaty, directly from the Cherokee nation, with the signatures of 15,665 persons of that nation.

Mr. S. moved that these memorials be printed and referred to the Committee on Indian Affairs.

Mr. LUMPKIN said: Mr. President, I must express my deep regret at the introduction of this subject here by the Senator from New Jersey, (Mr. SOUTHARD.) Even to entertain and discuss this subject here, at this time, is pregnant with much mischief. But the subject being thus far forced upon the attention of the Senate, I wish to give to it that direction which will be productive of the least mischief, which will be, to lay the whole subject on the table, with an understanding that it will not again be taken up by the Senate.

It is proper, however, that, before I make this motion, I should ask the ear of the Senate, while I explain, in a brief manner, why the Senate should, in a prompt and decisive manner, put to rest all hopes and expectations of the Cherokee people, that John Ross can effect the slightest change in the determination of any branch of the Federal Government, to execute the treaty of 1835. Neither would I wish to make this motion to the preclusion of other gentlemen who may desire to say something on this subject.

Sir, this Cherokee treaty, which is the subject matter of complaint with John Ross and his friends, who are now in hearing of my voice, was negotiated by a highly qualified and competent delegation of the Cherokee people, in the latter part of the year 1835.— In the early part of the year 1836, the treaty was thoroughly discussed in the Senate, and received its ratification in due form. Moreover, the large appropriations necessary to carry it into effect were discussed in both branches of Congress, in the face of the opposition of Mr. Ross and his political friends, and received the sanction of Congress. From that time, the execution of the treaty commenced, and has progressed with as much success as could be expected, under all the opposing circumstances. Mr. Ross and his associates have not been able to keep back the intelligent portion of the Cherokee people from acceding to the terms of the treaty, and becoming recipients under its provisions.— Yes, sir, nine tenths of the intelligent Cherokees have emigrated to the West under the provisions of this treaty, or are preparing to go.

Amongst the emigrants, you will find Andrew Ross, the brother of John; Thomas F. Taylor, the son of Richard Taylor, who is now here as one of John Ross's delegation; and John Gunter, the brother of the Gunters who are now here aiding John Ross in his projects of mischief: Yes, sir, the nearest and most of the connections of these very men have not only yielded to this treaty, and are now settled in the West, happy and contented, but have corresponded with me, and assured me of their satisfaction with their change of residence. Indeed, sir, they are now zealous friends of the treaty, although, at the time of its formation, Taylor and others were violently opposed to it.

There is no difficulty in regard to executing this treaty with the intelligent portion of the Cherokee people, except what has been produced by this man John Ross, who claims to be principal chief of the Cherokee people, and his pliable delegation now here. The opposing Indians, now, are ignorant and uninformed, and these would long since have cheerfully yielded, and have emigrated, but for the wicked and mischievous operations of this man John Ross, and his immediate associates.

Since the ratification of the treaty, I presume this man Ross has spent more than one half of his time in and about this place, under the pretence of doing something which would abrogate or change the treaty. Unfortunately, he has been permitted to hold too much correspondence with the Executive officers of this Government, and received too much countenance from members of Congress.

which has been calculated to keep up the delusion that the treaty would not be executed without his consent or approbation. Sir, I have been intimately connected with this subject. I have been in a position, in connection with the execution of this treaty, which enables me to understand things as they actually exist; and but for this man Ross, and his aids and abettors, these unfortunate Cherokees would now have been quietly enjoying the benefits of this most liberal and beneficent treaty at their settled homes in the West. Hundreds and thousands of these people are this day passively waiting to receive the permission of Ross to leave their present abodes and go West. Whole neighborhoods of the Cherokees have repeatedly made up their minds to yield to the treaty, and commenced making their preparations accordingly, when news would go from John Ross and his associates here, that Ross was negotiating a new treaty; that the present treaty was undergoing modification or change, and the Indians urged not to yield to the present treaty or to the advice of the agents of the Government engaged in its execution; and thus repeated stops have been put to emigration.

The countenance given to this delusion by Congressmen and those high in authority, is fraught with the most serious evils. It threatens destruction and extermination to the remnant of this once mighty race. The twenty-third of May next, now less than two months hence, and these people, so far as Georgia is concerned, must go, and go quickly. The citizens of Georgia hold grants for the lands on which these Indians now reside in that State, and the grantees are legally authorized by the laws of the State, as well as the treaty, to take possession of their land on and after the twenty-third day of May next; and, sir, possession they will take, and the Indians will then truly be forced out of house and home. Georgia and the Georgians have long since been accused of having taken possession of all the Indian lands, houses and homes. But, sir, this was not true; it was one of the many slanders which has been propagated to disparage the State which I have the honor to represent. We have treated the Indians with all the kindness and forbearance which their interest required. But, sir, whatever conflict may arise, after the 23d of May, Georgia must, and will, be speedily relieved from this long standing and vexatious perplexity. If the execution of this treaty is longer resisted, whatever evil may ensue, the just responsibility is chargeable to this man, Ross, and his associates, and to those who encourage his delusive hopes, and not to my constituents, or the authorities of the State which I represent. So far from avoiding, I would desire the most thorough investigation of this treaty, its execution, and every other transaction connected with the subject. But, sir, I will never consent to any investigation which shall retard the execution of the treaty, so far as the removal of the Indians is concerned.— They must go, or evil will come of it.

I have in my possession various communications from officers and agents of the Government, as well as other citizens, all going to sustain the fact that the Indians will not emigrate, so long as this man Ross, continues to communicate (or causes it to be done) that he is doing, or expects to do, something here to change the provisions of the treaty. From the beginning, nothing but the fallacious hope that the treaty would not be strictly executed, has prevented the Cherokee people from yielding to it with great unanimity. This subject is not now within the jurisdiction of Congress; it belongs to the Executive Government; and if this treaty fails of execution, to that branch of the Government I shall charge the failure, and shall use my best exertions to prevent the interference of the Legislature—that branch of the Government to which I happen to be attached. But all the combined powers of the Federal Government cannot abrogate or change this treaty, without the consent of the States interested, and that consent will never be obtained. *Honesty* is said to be the best policy; at any rate, *honesty* is a duty. Then let us not deceive, but save these people, by assuring them that the treaty will be executed.

I will forbear, as before intimated, to make the motion to lay this memorial on the table, to afford to other gentlemen the privilege which I have exercised myself, of submitting any remarks which they may have to make on this subject. I shall not, however, consent to give any other direction to this subject than that which I have suggested.

On motion of Mr. CLAY of Alabama, the whole subject was laid on the table—yeas 36, nays 10.