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From the Milledgeville Journal. OFFICIAL PAPER.

Report of the Commissioners who represented Georgia at the late conference with the Creek Indians.

To his Ex'cy. G. M. Troun.

Sir—On the 26th of June, we had the honor to enclose to your Excellency copies of a correspondence held at the Indian Springs with Gen. Gaines. Your Excellency will perceive, that the Commissioners of Georgia were inhibited by him from any participation in that Council, and in consequence of these instructions, they entered a protest, and with out delay set forward for Fort Mitchell, near Broken Arrow.

After we had prepared our letter to Gen. Gaines, (No. 6,) and before it had been handed to him, we were invited by the General to attend a talk about to be held between him and the Little Prince. (A copy of this talk is marked No. 8.) From the anxiety of the Special Agent, Major Andrews, to satisfy the mind of the Little Prince as to the suspension of the Agent, Col. Crowell, we felt anxious forebodings that we need not expect to find in him a man, who sought only to extend impartial justice to the accused.

While these conversations were passing, a gentleman came into the room, whom we understood to be the Rev. Lee Comper, the Baptist Missionary and author of the letter to the Southern Intelligencer. He was informed that the Commissioners would examine him also. Mr. Comper made some objections to being sworn, and he said distinctly, informed that the law was provided, that the affirmation would be equally obligatory with an oath, when any person had conscientious scruples about taking an oath.

Immediately on returning to Fort Mitchell, we wrote Maj. Andrews the letter No. 9, which remained unanswered till two of the Commissioners, Jones and Terrance, left that place for Alabama. To persons not present, and particularly those unacquainted with all the circumstances, this letter may appear harsh, and the instructions unswerving, but we can assure your Excellency that nothing but the most positive conviction could have induced us to take this step. Should circumstances have transpired to satisfy us we

were wrong, we should most cheerfully have retraced. But we are sorry for the interest of Georgia and of truth, we are compelled to declare, that subsequent events have only confirmed us in the correctness of that opinion.

In the evening of that day, the 25th, two of the Commissioners walking along the public road, met and held a casual conversation with Josiah Gray, a half-breed Indian, and one of the Chiefs who had signed the Treaty. The next morning we received information that Wm. Hamblly, the National Interpreter, had told Gray that Gen. Gaines was displeas ed with him and us for holding conversations together, and that he must do so no more.

From Gray's statement, No. 24, you will see what was said to him by the Indians. On the morning of the 26th, two of the Commissioners walked out, and with them a white man by the name of Richards, (a man who had lived in the Nation, and had been Interpreter to the Seminole Indians) who had a claim against the Creek Indians, and who attended at Broken Arrow to have it settled. After he returned from the walk, he went into the Commissioners' room to show his papers, relative to his claim to one of them. After dinner of that day, standing near one of the Commissioners, he was asked by him what was the name of an Indian who passed by at the time. Upon replying that he did not know, he was requested to ask it. He asked an Indian who stood by, and informed the Commissioner the Indian lived below. He was then told that the name of the Indian, and not his place of residence, was required after. Richards then stated, that he was willing to give the Commissioners any information and assistance in his power, and to oblige them in any way he was able, but that he had received an order not to have any intercourse with the Commissioners or to interpret between them and the Indians for any purpose.

He was then asked, who gave the order? Was it given by Gen. Gaines? To this he answered, the order was not given by Gen. Gaines, but that he had received an order, which he begged that no more questions might be asked him. About this time Col. Williamson joined us, and upon conversation, we determined to ask an interview with Gen. Gaines, from whom he had just received his letter of the 26th, (No. 7.)

On Monday the 27th, in the morning, we repaired to the Asbury Mission house, to submit interrogatories to Mr. L. Comper. When we arrived, we again found Col. Crowell, Maj. Rockwell, and Major Andrews already there. The two latter in a private room, the door of which was carefully closed and fastened on our entrance into the house. In a short time Mr. Smith came into the room where we sat, and handed us the letter, No. 23, signed by himself, Mr. Comper, and Mr. Hill, the last of whom seems to have enlisted himself as a volunteer, as he had not been asked by us nor had we intended to examine him. By this letter, you will perceive they had come to a positive determination not to swear or affirm to any statement they might give. Without entering into any discussion as to the propriety of that determination, we submitted some interrogatories to Mr. Comper. To these we could not then receive any answers. We were informed they would be prepared in the course of the day and handed to us in the evening, as the Council were expected to meet that morning. The Commissioners declined submitting any questions to Mr. Smith at that time and departed, leaving the room the company together, no doubt to consult and determine on the answers proper to be given to the questions. When we called in the evening, the answers were already sent out to the questions before proposed, and answers made to additional questions then submitted.

We assumed to give a passing idea of this examination. Suffice it to say, we became well satisfied that any attempt on our part to obtain the truth from men living in the Indian

Nation, whether white or red, and under the influence and power of the Agent, into whose conduct we were then examining, must be fruitless. For what could we expect from them, who pretended to have no regard for the sacred obligations of religion, when we found a Minister of the Gospel—an ambassador of Christ—covering himself with the sanctity of his mantle to protect himself from the consequences of perjury. When we find him prevaricating and equivocating in the statement which his conscience would not permit him to verify by an oath of affirmation. Under this conviction and to prevent them from preparing the other wit, as they had done those about Fort Mitchell, it was determined that two of our Mission should immediately proceed to Alabama to take testimony on the road, and at Line Creek and Montgomery in that state—Messrs. Jones and Terrance were selected for that business. They left Fort Mitchell, and proceeded as far as Crabtree's that evening, a distance of four miles. In pursuance of the instructions we had received from your Excellency, Col. Crowell was served with a notice on the 28th, early in the morning, that we would take the testimony of Kendal Lewis and Jasper Moss at the House of Kendal Lewis, about 25 or 30 miles distant from Fort Mitchell, at 11 o'clock that day. You will perceive from Col. Crowell's letter of that date, No. 10, that he complains of the time being short to afford him the opportunity of cross-examination. While we admit the time was short, we deny it was too limited for him to reach there. We intended to give only time enough to enable him or his counsel to get there, and to allow them no time to tamper with and prepare the witnesses either to answer as they wished, or not to answer at all.

As proof of the sufficiency of the time, we would refer your Excellency to the report of Messrs. Jones and Terrance, marked A.

The Report of Messrs. Jourdan and Williamson (marked B) will show their proceedings and the difficulties they encountered during the absence of Messrs. Jones and Terrance.

You will have seen by a former part of this report, that two of the members of the mission (Messrs. Jones and Terrance) departed from Fort Mitchell on the evening of the 27th for Lewis's, Line Creek and Montgomery, for the purpose of procuring the testimony of certain witnesses at those places. They having accomplished that object so far as they were enabled to do, returned and joined the Commissioners at Crabtree's on Sunday the 3d instant. Having been informed on that morning that Mr. Kendal Lewis, to whom we had propounded certain interrogatories, on the day before in writing, (& who had at his request been allowed a short time to draft his answers), had refused to answer them at all & had also left the neighborhood for his residence, we determined to inform Gen. Gaines of the same, and request of him an order, whereby Mr. Lewis might again be brought to Fort Mitchell to testify. This was done on the 4th inst. see No. 21. In that communication you will observe, that we cautiously avoided the use of any language, the least calculated to interrupt the very friendly feeling manifested towards the Government of Georgia and her Commissioners by Gen. Gaines, shortly after their arrival at Fort Mitchell. We sought only to correct what we considered a mistake made by the General, through his aid, doubtless unintentional—to request the order for Lewis, and a copy or copies of the Treaty, and from the Indians. How far that communication authorized the reply we received, forbidding further our correspondence with the United States' Mission, then in the Creek Nation, touching the objects of the disturbances herein, your Excellency will readily determine. Whether the Special Agent was included in that Mission, we know not, but suppose that he was, and that our correspondence may have been closed under a feeling produced by your Excellency's note in one of its members, Major Andrews, bearing date the 28th ult.

On the evening of the 3d we were notified that the Council for Col. Crowell would proceed on the next morning about the hour of 9 o'clock, to take the examination of William Hamblly, the Interpreter. In pursuance of the notice, we attended at the time, and in place designated. When we arrived we were informed that they were not ready, but would be in a short time. After we had been there about an hour, we were informed that they were ready to close the examination of Mr. Hamblly. To our surprise, we found that the whole of the testimony of the Interpreter had been committed to paper by Colonel Crowell's Council, before we were called in. It was read to him by the Counsellor of the Agent, who stated to the witness before he began, that he would read over his testimony again, slowly and distinctly. He did so, and then said, Mr. Hamblly, I have read over the testimony slowly and distinctly—indeed not once but two or three times—and you can say if any thing is wrong. The witness said all was right, and then swore to the statements he had heard read as true; such a course we considered very unlike what is termed an examination. Having heard the testimony of Mr. Hamblly, we determined at once not to cross interrogate him; his evidence being mainly confined to points affecting the means whereby the late Indian Treaty was obtained, and attempting by a selection of statements, that we believed to be wholly false and unworthy of credit, to defame the fair character of the U. S. Commissioners and every person connected with them in their duties as such. Such testimony, if from respectable characters for truth, might be considered important to the Government of the U. States were prosecuting an enquiry by her Special Agent whether or not a fraud had been committed by that Government by her Commissioners. An opinion we could not for a moment entertain.

In perusal of the testimony of Mr. Hamblly would convince you in a moment of the correctness of the opinion we hold in relation to the veracity. He has furnished abundant matter for remark.

You will see from Col. Crowell's letter of the 28th ult. No. 10, to two of the Commissioners, that he complains of unfairness in our conduct, for having given him notice that we intended to take testimony at some distance from Broken Arrow, being the acting

of the Indian Council, because says he, "it was of much importance that I should be present at the Council." The Commissioners were unwilling to be present at that Council, and therefore it could have been of "much importance" for an officer of the General Government to be present who was then suspended from the functions of his office, is for him to explain. We had distinctly heard in public from Gen. Gaines that it was his wish that no white man should hold "any talk" with the Indians and he was done with them. From the course pursued by the Agent at that Council and his promise on to do so, for the omission to prohibit him from permission, his suspension was purely nominal, it was a mere mockery. We have no doubt but that his free admission into the Indian Council, aided and assisted by his former Sub-Agent, Mr. Walker, gave to him quite as much influence over the minds of the Indians, as he ever exercised in the days of his utmost prosperity and authority.

How well the Indians adhered to the instructions of Gen. Gaines, in not receiving talks from white men, you can determine, when you examine the written reply made by them to him as official. In that document you will observe that they speak of the "usages of the U. States—of her constitution, and the principles by which she is governed." Truly a savage production.

Upon the subject of a law, which the hostile party alleges that McIntosh violated, and which led to his death, you are referred to the report of Messrs. Jourdan and Williamson. We have no doubt from the very many contradictory stories that we have heard in the Nation, touching the origin and enactment of such a law, that no such was ever known among the Creeks; we are confirmed in this opinion by the reply of Gen. Gaines to the friendly Chiefs at the Indian Springs on the 20th ult. if we are correctly informed upon that point, he there stated that he had read their laws and was gratified to find none so sanguinary as that alleged by their enemies to exist: under color of which it has been stated that the murder of McIntosh was perpetrated.

The Chiefs in Council did not pretend that they had any such law reduced to record. A white man who informed one of the Commissioners that he had resided in the Nation 20 or 30 years, stated that he knew of no such law. The very manner in which these unfortunate men were put to death, proves that the Indians did not execute them for having violated any law. We believe that when it becomes necessary to enforce such sanguinary edicts upon any of that tribe, the culprit is arrested and conducted to some town or public square in the Nation, and there undergoes a species of trial; sentence of death is then pronounced; the accused is thereupon publicly put to death by shooting. How unlike such a procedure was the foul murder of McIntosh and his friends: his house was surrounded at the dead hour of night and set on fire by a band of lawless assassins, and there encircled by the scorching flames produced by the conflagration of his own mission, was he inhumanly and most unlawfully put to death. When witnesses are called on in the Nation, who it is supposed know something of the Indian laws and Indian policy, they account for these murders by saying it was for violation of their laws—which law, answers a church Missionary, was "seen by nobody." When asked, what law condemned to death a distinguished man amongst them who was of the party slain, but who did not sign the Treaty, the answer is gravely given by a Rev. Clergyman, "The Law of Nations," see Mr. Smith's testimony. It would have been well if the dignitary had informed us when the Indians adopted the principles Vattel, Martius and Synkshoek. The gross inconsistencies in the statements of the Indians and white men resident amongst them, to establish the existence of such a law, lie indelibly on the minds of the Commissioners, that no such law is, or ever was. The argument in support of such a law proves too much the Agent himself did not rely on it at the commencement of these Indian disturbances.

As an instance of the determination of those gentlemen, residents in the Nation who have assumed the robes of sanctity, to avoid any thing like plain truth whenever it was to operate against the Agent or Hostile Chiefs, we call the attention of your Excellency to our Tenth Interrogatory to the Rev. Isaac Smith. You will observe that he has thought proper to take the liberty to alter that interrogatory to read in such a way as would, according to his notions, give him the opportunity of an answer. It is under the words that he has interpolated into that interrogatory and without our authority, he has furnished us with his national answer.

We shall not here express an opinion on this conduct of Mr. Smith, nor shall we say what might be the consequences to him if he had done this, within the acknowledged jurisdictional limits of Georgia.

How far the whole of the testimony taken in support of the charges against the Indian Agent sustains these charges, is not for us officially to determine; nor do we desire to express an opinion of an official character upon the subject.

There is a subject not directly within the objects of our appointment, but inseparably connected with the Treaty and its consequences, upon which we beg leave to offer a remark. It is upon the subject of the contemplated survey of the Territory lately ceded. During the stay of the Commissioners at the Indian Springs, three of them were informed by several of the leading Chiefs of the friendly party, that they were willing and even desirous that the survey should be made during the ensuing Fall, and assigned as a reason, that the surveyors and their people being amongst them at that period, would afford them an opportunity of disposing of much of their products that they could not transport with them to the westward, that they intended removing beyond the Mississippi before another crop was made. If the Government would pay them the money according to the terms of the Treaty.

Connected with this Sir, we remark, that it is somewhat strange, that the Chiefs who reside beyond the limits of the Territory ceded to the United States for the benefit of Georgia, are the only Chiefs, with a few exceptions, so far as we are informed, who are opposed to the survey. The fact is notorious, we believe, that the Chiefs and their leaders who oppose

this measure, are resident near Tallapoosa River and Alabama. What injury then can they sustain by the survey?

It remains to transmit to your Excellency, Copies of our Correspondence with General Gaines and Major Andrews, connected with the subject, numbered from (1) to twenty three (23) inclusive; also the testimony received in the execution of the duties assigned to us. The testimony of several other witnesses will be received, as an opportunity for their examination has not yet offered. We shall proceed to close the several examinations as early as practicable, and forthwith report to you the same.

With considerations of high respect, we have the honor to be, Sir, your Excellency's ob't. servants.

WARREN JOURDAN, WM. W. WILLIAMSON, SEABORN JONES, WM. H. TORRANCE, Milledgeville, 16th July, 1825.

Report of Messrs. Jones and Terrance.

GENTLEMEN: We arrived at Kendal Lewis about 10 o'clock on the morning of the 28th of June. After waiting some time, we entered into conversation with Kendal Lewis, and were informed by him that he was present when the observations were made by Col. John Crowell, the Agent, which were proven by Jesse Cox; that he had seen Cox's statement in the Newspaper, and that Cox had sworn to the truth, and had not told any more than was said. We informed Mr. Lewis we had come on to take his testimony, to which he objected, saying he did not know any thing but what he had heard. We told him we wished to examine him as to what he heard Crowell say. He said he could be proved by others as well as himself. That Jesse Cox, Drury Spain and others were present, and that Cox had sworn to it, and that was sufficient. We told him that Cox had sworn, but that we understood the Crowell said Cox had stated a lie. He said Cox had sworn to the truth, but that he could not give his testimony. We then told him we would apply to Gen. Gaines for an order to compel him to appear before him to give his testimony, which we had not a doubt he would give; but if he refused, we would make a statement of the facts to the Governor of Georgia, and he would apply for an order to the Secretary of War on the President. He said he would not give his testimony, but if Gen. Gaines issued an order, he would not disobey it. We then wrote a letter to Col. Crowell and Williamson, informing them of Gen. Gaines' and requesting them to apply to Gen. Gaines for an order to require Lewis' attendance.

While urging Mr. Lewis to be sworn, we enquired into the cause of his refusal. He declared that he was afraid all his property would be taken away from him if he testified. He told us that it was generally understood among the Indian countrymen, white men in the nation, that if they all adhered to the Agent, and he was not displeas ed, the treaty would be broken and they would get their land back; but if they testified against him, and he was discharged, the treaty would be good, and they would have to give up their lands; and that they were all afraid they should lose all their property if they swore any thing against the Agent.

About 2 o'clock we took the testimony of James Moss, and about 3 o'clock left Lewis' and reached Cornell's house, 20 miles off, that evening.

We proceeded to Montgomery, Alabama, and took the depositions of John A. Peck, Henry Finch and John W. Bach. Being unable to find Cap. Anthony, we returned to Crabtree's on Sunday the 3d of July, and joined the other Commissioners.

SEABORN JONES, WILLIAM H. TORRANCE, To the Georgia Commissioners, Milledgeville, 15th July, 1825.

Report of Messrs. Jourdan and Williamson.

GENTLEMEN: On Tuesday, the 28th ult. we proceeded to the duties assigned us in relation to preparing and arranging interrogatories to be propounded to several of the Head Chiefs of the nation, and also to some of the white men resident there, which we proposed to have answered immediately after Gen. Gaines had announced to us that he had concluded his business with the council.

In a conversation shortly afterwards with Gen. Gaines on this subject, one of the Commissioners frankly stated to him that we had no reliance on aid being afforded us from any other quarter. He said in confirmation of his former assurance, that he had the power through the Agent for Indian Affairs to assemble the Chiefs and Indian countrymen at any time and place he thought proper, and that our wishes in that particular should be attended to. From this twofold assurance, we felt confident no obstacle would be interposed—a list of witnesses we were desirous of examining was made out and handed to Gen. Gaines. Interrogatories correspondingly were made out, which consumed two or three days in the preparation and arrangement. From an examination of the correspondence herewith submitted, you will perceive that an objection was interposed as coming from the Chiefs to the transaction of any business with the Georgia Commissioners, unless in full Council, and the insulting and indecorous language in which they were indulged in communicating that objection to us. You will also be informed that the objection was sustained. Our feelings will not permit us to comment on this transaction in a becoming manner, because it would necessarily involve the integrity of character which all should sustain holding high offices under, and possessing the confidence of the General Government. When it suited Gen. Gaines' purposes and convenience, we were denied a "participation" in the council for reasons stated. When it conflicted with the views of the Chiefs to enable them to evade truth, we were invited to the council. When white men attended for examination who it was believed had honesty enough to swear the truth, and through fear for their safety evaded it, the exercise of the power which could coerce their attendance was denied.

You will not need the style of implication.

[See 4th page.]