

DEBATE ON THE SEMINOLE WAR.

in his message at the opening of the session, communicated the very information on which it is proposed to act.

Having thus given his view of the nature and character of the propositions under consideration, Mr. C. said he was far from intimating, that it was not his purpose to go into a full, and a thorough investigation of the facts and of the principles of law, public, municipal and constitutional, involved in them.

In noticing the painful incidents of this war, it was impossible not to inquire into its origin. He feared that would be found to be the famous treaty of Fort Jackson, concluded in August, 1814; and he asked the indulgence of the Chairman that the Clerk might read certain parts of that treaty.

The passages read by the Clerk were as follows:

Whereas an unprovoked, inhuman and sanguinary war, waged by the hostile Creeks against the U. S. hath been repelled, prosecuted and determined, successfully on the part of the said States, in conformity with principles of national justice and honorable warfare; and whereas consideration is due to the magnitude of proceeding dictated by instructions relating to the re-establishment of peace; be it remembered, that, prior to the conquest of that part of the Creek nation, hostile to the U. States, unmerciful aggressions had been committed against the peace, the property, and the lives, of citizens of the U. S. and those of the Creek nation, in amity with her, at the mouth of Duck river, Fort Mimms, and elsewhere, contrary to national faith, and the regard due to an article of the treaty concluded at New-York in the year 1790, between the two nations: that the U. S. previous to the perpetration of such outrages, did, in order to ensure future amity and concord between the Creek nation and the said States, in conformity with the stipulations of former treaties, fulfil, with punctuality and good faith, her engagements to the said nation: that more than two thirds of the whole number of chiefs and warriors of the Creek nation, disregarding the genuine spirit of existing treaties, suffered themselves to be instigated to violations of their national honor, and the respect due to a part of their own nation, faithful to the U. S. and the principles of humanity, by impostors, denominated themselves prophets, and by the duplicity and misrepresentation of foreign emissaries, whose governments are at war, open or understood, with the United States.

Art. 2. The U. S. will guarantee to the Creek nation the integrity of all their territory eastwardly and northwardly of the said line, [described in the first article] to be run and described as mentioned in the first article.

Art. 3. The U. S. demand that the Creek nation abandon all communication, and cease to hold any intercourse, with any British or Spanish post, garrison or town; and that they shall not admit among them any agent or trader, who shall not derive authority to hold commercial, or other intercourse with them, by license from the President, or authorized agent of the U. States.

Art. 4. The U. S. demand an acknowledgement of the right to establish military posts and trading houses, and to open roads within the territory guaranteed to the Creek nation by the second article, and a right to the free navigation of all its waters.

Art. 5. The U. S. demand that a surrender be immediately made, of all the persons and property taken from the citizens of the U. S. the friendly part of the Creek nation, the Cherokee, Chickasaw and Choctaw nations, to the respective owners; and the U. S. will cause to be immediately restored to the formerly hostile Creeks all the property taken from them since their submission, either by the U. S. or by any Indian nations in amity with the U. S. together with all the prisoners taken from them during the war.

Art. 6. The U. S. demand the caption and surrender of all the prophets and instigators of war, whether foreigners or natives, who have not submitted to the arms of the U. S. and become parties to these articles of capit-

instrument until within a few days past, and he had read it with the deepest mortification and regret. A more dictatorial spirit he had never seen displayed in any instrument. He would challenge an examination of all the records of diplomacy, not excepting even those in the most haughty period of imperious Rome, when she was carrying her arms into the barbarian nations that surrounded her; and he did not believe a solitary instance could be found of such an inexorable spirit of domination pervading a compact purporting to be a treaty of PEACE.

It consisted of the most severe and humiliating demands—of the surrender of large territory—of the privilege of making roads through even what was retained—of the right of establishing trading houses—of the obligation of delivering into our hands their prophets. And all this, of a wretched people, reduced to the last extremity of distress, whose miserable existence we had to preserve by a voluntary stipulation to furnish them with bread!

When even did conquering and desolating Rome fail to respect the altars and the gods of those whom she subjugated! Let me not be told that the prophets were impostors, who deceived the Indians.—They were their prophets—the Indians believed and venerated them, and it is not for us to dictate a religious belief to them. It does not belong to the holy character of the religion which we profess, to carry its precepts, by force of the bayonet, into the bosoms of other people.—Mild and gentle persuasion was the great instrument employed by the meek founder of our religion. We leave to the humane and benevolent efforts of the reverend professors of Christianity to convert from barbarism those unhappy nations yet immersed in its gloom. But, sir, spare them their prophets! Spare their delusions! Spare their prejudices and superstitions! Spare them even their religion, such as it is! from open and cruel violence.

When, sir, was that treaty concluded? On the very day after the protocol was signed, of the first conference between the American and British Commissioners, treating of peace, at Ghent. In the course of that negotiation, pretensions so enormous were set up, by the other party, that, when they were promulgated in this country, there was one general burst of indignation throughout the continent. Faction itself was silenced, and the firm and unanimous determination of all parties was, to fight until the last man fell in the ditch rather than submit to such ignominious terms. What a contrast is exhibited between the contemporaneous scenes of Ghent and of Fort Jackson! What a powerful voucher would the British Commissioners have been furnished with, if they would have got hold of that treaty! The U. States demand, the United States demand, is repeated five or six times. And what do the Preamble itself disclose? That two thirds of the Creek nation had been hostile, and one third only friendly to us.—Now, he had heard (he could not vouch for the truth of the statement) that not one hostile chief signed the treaty. He had also heard that perhaps one or two of them had. If the treaty really were made by a minority of the nation, it was not obligatory upon the whole nation. It was void, considered in the light of a national compact. And, if void, the Indians were entitled to the benefit of the provision of the ninth article of the treaty of Ghent, by which we bound ourselves to make peace with any tribes with whom we might be at war, on the ratification of the treaty, and to restore to them their lands as they held them in 1811. Mr. C. said he did not know how the honorable Senate, that body for which he held so high a respect, could have given their sanction to the treaty of Fort Jackson, so utterly irreconcilable as it is with those noble principles of generosity and magnanimity which he hoped to see his country always exhibit, and particularly towards the miserable remnant of the Aborigines. It would have comported better with those principles, to have imitated the benevolent policy of the founder of Pennsylvania, and to have given to the Creeks, conquered as they were, even if they had made an unjust war upon us, the trifling consideration, to them an adequate compensation, which he paid for their lands. That treaty, Mr. C. said, he feared, had been the main cause of the recent war. And if it had been, it only added another melancholy proof to those with which history already abounds, that hard and unconscionable terms, extorted by the power of the sword and the right of conquest, served but to whet and stimulate revenge, and to give to old hostilities, smothered, not extinguished, by the pretended peace, greater exasperation & more

ulation, if ever they shall be found within the territory guaranteed to the Creek nation by the second article.

Art. 7. The Creek nation, being reduced to extreme want, and not at present having the means of subsistence, the U. S. from motives of humanity, will continue to furnish, gratuitously, the necessaries of life, until the crops of corn can be considered competent to yield the nation a supply, and will establish trading houses in the nation, at the discretion of the President of the U. S. and at such places as he shall direct, to enable the nation, by industry and economy, to procure clothing.

ferocity. A truce thus patched up with an unfortunate people, without the means of existence, without bread, is no real peace. The instant there is the slightest prospect of relief, from such harsh and severe conditions, the conquered party will fly to arms, and spend the last drop of blood rather than live in such degraded bondage. Even if you again reduce him to submission, the expenses incurred by this second war, to say nothing of the human lives that are sacrificed, will be greater than what it would have cost you to have granted him liberal conditions in the first instance. This treaty, he repeated it, was, he apprehended, the cause of the war. It led to those excesses on our southern borders which began it. Who first commenced them, it was perhaps difficult to ascertain. There was, however, a paper on this subject, communicated at the last session, by the President, that told, in language so pathetic and feeling, an artless tale—a paper that carried such internal evidence, at least, of the belief of the authors of it that they were writing the truth, that he would ask the favor of the committee to allow him to read it.* I should be very unwilling, Mr. C. said, to assert, in regard to this war, that the fault was on our side; but he feared it was. He had heard that very respectable man, now no more, who once filled the Executive Chair of Georgia, and who, having been agent of Indian Affairs in that quarter, had the best opportunity of judging of the origin of this war, deliberately pronounce it as his opinion, that the Indians were not in fault. Mr. C. said that he was far from attributing to Gen. Jackson any other than the very slight degree of blame which attached to him as the negotiator of the treaty of Fort Jackson, and which would be shared by those who subsequently ratified and sanctioned that treaty.—But if there were even a doubt as to the origin of the war, whether we were censurable or the Indians, that doubt would serve to increase our regret at any distressing incidents which may have occurred, and to mitigate, in some degree, the crimes which we impute to the other side.

The following is the letter from ten of the Seminole towns, that Mr. C. read.

To the commanding officer at Fort Hawkins.

Dear Sir: Since the last war, after you sent word that we must quit the war, we, the Red people, had come over on this side. The white people have carried all the red people's cattle off. After the war, I sent to all my people to let white people alone, and stay on this side of the river; and they did so; but the white people still continue to carry off their cattle. Barnard's son was here, and I inquired of him what was to be done—and he said we must go to the head man of the white people, and complain. I did so, and there was no white head man, and there was no law in this case. The whites first begun, and there is nothing said about that; but great complaint made about what the Indians do. This is now three years since the white people killed three Indians; since that they have killed three other Indians, and taken their horses, and what they had; and this summer they killed three more; and very lately they killed one more. We sent word to the white people that these murders were done, and the answer was, that they were people that were out-laws, and we ought to go and kill them. The white people killed our people first; the Indians then took satisfaction. There are yet three men that the red people have never taken satisfaction for. You have wrote that there were houses burnt; but we know of no such thing being done; the truth in such cases ought to be told, but this appears otherwise. On that side of the river the white people have killed five Indians; but there is nothing said about that; and all that the Indians have done is brought up. All the mischief the white people have done, ought to be told to their head man. When there is any thing done, you write to us; but never write to your head man what the white people do. When the red people send talks, or write, they always send the truth. You have sent to us for horses, and we sent all that we could find; but there were some dead. It appears that all the mischief is laid on this town; but all the mischief that has been done by this town is two horses; one of them is dead, and the other was sent back. The cattle, that we are accused of taking, were cattle that the white people took from us. Our young men went and brought them back, with the same marks & brands. There were some of our young men out hunting and they were killed; others went to take satisfaction, and the kettle of one of the men that was killed was found in the house where the woman and two children were killed; and they supposed it had been her husband who had killed the Indians, and took their satisfaction there. We are accused of killing up Americans, and so on; but since the word was sent to us that peace was made, we stay at home and meddle with no person. You have sent to us respecting the black people on the Suway river; we have nothing to do with them. We do not wish our country desolated by an army passing through it, for the concern of other people. The Indians have slaves there also; a great many of them. When we have an opportunity we shall apply to the English for them; but we cannot get them now.

This is what we have to say at present. Sir, I conclude by subscribing myself your humble servant, &c. September the 11th day 1817.

N. B.—There are ten towns have read this letter, and this is the answer. A true copy from the original. WM. BELL, Aud de Camp.

He knew, he said, that, when Gen Jackson was summoned to the field, it was too late to hesitate—the fatal blow had been struck in the destruction of Fowl Town, and the dreadful massacre of Lieut. Scott and his detachment; and the only duty which remained to him was to terminate this unhappy contest.

The first circumstance which, in the course of his performing that duty, fixed our attention, had, Mr. C. said, filled him with regret. It was the execution of the Indian chiefs. How, he asked, did they come into our possession? Was it in the course of fair, and open, and honorable war? No; but by means of deception—by hoisting foreign colors on the staff from which the stars and stripes should alone have floated. Thus ensnared, the Indians were taken on shore, and without ceremony, and without delay, were hung—Hang an Indian! We, sir, who are civilized, and can comprehend and feel the effect of moral causes and considerations, attach ignominy to that mode of death.—And the gallant, and refined, and high-minded man, seeks by all possible means to avoid it. But, what cares an Indian whether you hang or shoot him? The moment he is captured, he is considered by his tribe as disgraced, if not lost. They too, are indifferent about the manner in which he is despatched. But, Mr. C. said, he regarded the occurrence with grief for other and higher considerations. It was the first instance that he knew of, in the annals of our country, in which retaliation by executing Indian captives, had ever been deliberately practised. There may have been exceptions, but if there were, they met with contemporaneous condemnation, and have been reprehended, by the just pen of impartial history. The gentleman from Massachusetts may tell me, if he pleases, what he pleases about the tomahawk and scalping knife—about Indian enormities, and foreign miscreants and incendiaries. I, too, hate them; from my very soul I abominate them. But, I love my country, and its constitution; I love liberty and safety, and fear military despotism more even than I hate these monsters. The gentleman, in the course of his remarks, alluded to the State from which I have the honor to come. Little, sir, does he know of the high and magnanimous sentiments of the people of that State, if he supposes they will approve of the transaction to which he referred.—Brave and generous, humanity towards a fallen foe constitute one of their noblest characteristics. Amidst all the struggles for that fair land between the natives and the present inhabitants, Mr. C. said he defied the gentleman to point out one instance in which a Kentuckian had stained his hand by—nothing but his high sense of the distinguished services and exalted merits of Gen. Jackson prevented his using a different term—the execution of an unarmed and prostrate captive.—Yes, said Mr. C. there was one solitary exception, in which a man, enraged at beholding an Indian prisoner, who had been celebrated for his enormities, and who had destroyed some of his kindred, plunged his sword into his bosom. The wicked deed was considered as an abominable outrage when it occurred, and the name of the man has been handed down to the execration of posterity. I deny your right thus to retaliate on the aborigines. Proprietors of the country; and, unless I am utterly deceived, it may be shewn that it does not exist. But, before I attempt this, said Mr. C. allow me to make the gentleman from Massachusetts a little better acquainted with those people, to whose feelings and sympathies he has appealed through their representative. During the late war with Great Britain, Col. Campbell, under the command of my honorable friend from Ohio, (Gen. Harrison) was placed at the head of a detachment consisting chiefly, he believed, of Kentucky volunteers, in order to destroy the Missis-sinaway towns. They proceeded & performed the duty, and took some prisoners. And here is evidence of the manner in which they treated them. (Here Mr. C. read the general orders issued on the return of the detachment.)* I hope, sir, the honorable gentleman will be now able better to appreciate the character & conduct of my gallant countrymen than he appears hitherto to have done.

But, sir, I have said that you have no right to practise, under color of retaliation.

(Continued on fourth page.)

The following is the extract which Mr. C. read.

But the character of this gallant detachment, exhibiting, as it did, perseverance, fortitude and bravery, would however, be incomplete, if in the midst of victory, they had forgotten the feelings of humanity. It is with the sincerest pleasure that the general has heard, that the most punctual obedience was paid to his orders, in not only saving all the women and children, but in sparing all the warriors who ceased to resist; and that, even when vigorously attacked by the enemy, the claims of mercy prevailed over every sense of their own danger, and this heroic band respected the lives of their prisoners.—Let an account of murdered innocence be opened in the records of a day against our enemies alone. The American soldier will follow the example of his government, and the sword of the conqueror will not be raised against the fallen and the helpless, nor the gold the other be paid for the scalps of a conquered enemy.