

Creek Indians.  
Memorial of  
The Headmen and Warriors, Of the Creek Nation of Indians

Feb. 6. 1832.

Referred to the Committee on Indian Affairs.

To the Honorable the Senate and House of Representatives of the  
United States of America in Congress assembled.

Brothers:

We, the undersigned, head men, warriors, and chiefs of the Creek Nation, appointed by the nation to represent their interests before the government of the United States, feel it our bounden duty to address you upon the circumstances and troubles by which our nation feels itself surrounded; and by which, without your just and beneficent action, we fear that it may be, ere long, overwhelmed in ruin.

It is well known, that for some time past, efforts have been made in various quarters to induce us to surrender the last remnant of the territories which were bestowed upon us by our God, to relinquish them to those who are desirous of becoming the proprietors of our possessions, and of seeking another home and another country beyond the Mississippi. We have been urged to this step, by many who profess to be our friends, and the sincerity of their professions we have never doubted. It has been the frequent subject of our late conversations with our great father, who has pressed the matter upon our attention. Coming from such sources, where we have been accustomed to look with confidence, we are satisfied that the advice to which we have alluded, has been given with the desire, and for the purpose, of benefitting us.

Notwithstanding our sincere conviction of the good feeling which has prompted this advice, we should slowly and reluctantly

admit that it is not founded in mistake. We believe our white friends have not duly weighed the consequences which must result to us from its adoption, and we still cherish the idea that the consequences which they apprehend from its rejection have been overrated. We feel ourselves, however, constrained to appeal to you as our brethren, and as our fathers, for your aid and protection in our present situation of distress. Since the period of our first intercourse and connection with our white brethren, we have felt disposed to share with them the abundance with which a beneficent Providence had blessed our nation. As we saw their necessities and listened to their entreaties, we have from time to time yielded large and valuable portions of our territory, and withdrawn ourselves within narrower limits. These cessions were made under the assurances that each, as it was made, should be the last that would be asked at our hands; but experience has at length instructed us that each relinquishment which we have made, has only excited, instead of allaying, the craving for the residue. By the treaty of Ft. Jackson, where our father the President was a commissioner on the part of the United States, the Creek nation ceded a large and valuable territory within the limits of the present state of Alabama. That treaty, however, contains no stipulations impairing our pre-existing rights and privileges, nor were we then told that our laws and customs were to be abrogated, and made to yield to those of the white men. We were not then given to understand that it was expected of us to abandon our homes, to relinquish what was still left uncaded, and to remove to the distant wilds of the west. On the contrary, the United States expressly agree to guaranty to us the integrity of <sup>all</sup> our territory which was not ceded. Our authority to manage our own concerns was left unimpaired, and our rights, as we had ever

before been accustomed to exercise them, were untouched. By the subsequent treaty, executed at this city in 1826, we ceded that portion of our territory which lay within the limits of the state of Georgia. By this treaty, the United States obligate themselves to guaranty to the Creeks, all their lands, which they have not relinquished by cession. We were then told by our father that no further demands would be made upon us. He opened to us the particular circumstances which impelled him to urge upon us the important and valuable cession which we then made, and informed us of the peculiar embarrassing difficulties which existed between the government of the Union and the State of Georgia. We appreciated these difficulties, and it afforded us the most sincere pleasure to be instrumental in reconciling our white brethren to each other. We made a great sacrifice to attain this end, and we were consoled by the assurance that it was the last sacrifice which we were to be required to make. It occurred to us that, by the application to us as the owners of the land, the importunity with which it was pressed upon us, the very fact of acceptance from us such a relinquishment, was an unequivocal recognition of our title to the subject ceded, and of our right to grant or withhold it according to our pleasure. It appeared to us, that the provision contained in the 11<sup>th</sup> <sup>article</sup> Art. of said treaty, providing for the payment to our brethren, of the value of improvement which they had placed upon the lands which they ceded, was a full acknowledgement of our right to make such improvements, as would "add real value to the land ceded," as well as of the title which existed in the individuals by whom the improvements had been made. It did appear to us that the stipulation in the 13<sup>th</sup> article of the treaty, by which the United States assumed the obligation to guaranty to us all the lands

which were not ceded, would relieve us from all difficulty and question as to title; for we had always understood that nations, in their solemn compacts, might rightfully obligate themselves to defend any title or possession, however imperfect, and that such obligation was perfect and imperative in its character.

Whether, therefore, we had a right or not, a question recently raised, and which struck us as strange, we believed we might with confidence rely upon the sacred faith of treaties, and interpose between ourselves and those who questioned our right, the pledged assurance of the United States, as our shield and protection.

We were satisfied with all the assurances which were made; we confided in them, and we abandoned the homes of our ancestors and our domestic hearths. We were informed by our father, that the homes to which we were now restricted should be secure against interference. We removed the bones of our ancestors and our kindred within the property, the possession of which was thus guaranteed, and in the performance of this last sad duty, we derived a consolation from the reflection that they were now permanently fixed upon a spot where our ashes might be permitted peaceably to mingle with theirs, and from which we could not be removed, until the government of the United States should either voluntarily relinquish its faith, or be deprived of the power of fulfilling its engagements. We deemed either of these contingencies as too remote for our feeble vision to perceive in them anything of danger or insecurity. It has been, therefore, with alarm and consternation, that we find ourselves assailed in these our last retreats. Though our possessions have shrunk to a narrow compass, they contain all that endears itself to our hearts. Beneath the soil which we inhabit, lie the frail remnants of what composed the bodies of our fathers and of our children, our wives, <sup>and our</sup> kindred.

Their value was enhanced as their extent was curtailed. Yet we are now menaced with being driven from these narrow limits, and compelled to seek an asylum from the craving desires of the white man, beyond the great river. If the alternative offered us — if the lands promised us, be, as we are told, of greater value than those which we derived from our ancestors, and they from God we freely relinquish all the advantages which they possess, and will be satisfied with that which we already have. If they are inferior in value, we submit it to the justice of our white brethren, whether they will compel <sup>us</sup> to a disadvantageous exchange. If there be any particular inducements either to individuals or communities which render our lands peculiarly valuable, why should not we, the rightful proprietors, be suffered to enjoy them? Can any adventitious value enhance them more in the eyes of the white man, than the solemn associations to which we have adverted, do in our own? We are assured that, beyond the Mississippi, we shall be exempted from further exaction; that no state authority can there reach us; that we shall be secure and happy in these distant abodes. Can we obtain, or can our white brethren give assurances more distinct and positive, than those we have already received and trusted? Can their power exempt us from intrusion in our promised borders, if they are incompetent to our protection where we are? Can we feel secure when farther removed from our father's eye than now, when he hears our remonstrances and listens to our complaints? We have heretofore received every assurance and every guaranty that our imperfect knowledge could desire; we confided in it as ample for all our purposes; and we know not what to require which would obviate future embarrassments. Our father has informed us that he can afford us no relief against the extension of the laws of Alabama over us, and over our possessions. We have never been told by him, in any of

our talks, that between us and Alabama any question could exist. Many of our treaties were made with the government of the Union when the United States were the only power with which we could negotiate. We have always understood that the State of Alabama owed its existence to the Government of the United States; that all its powers and all its rights were derived from the Union; and that all must, consequently, be subordinate to, and must yield to those obligations which the United States had antecedently contracted, and with which Alabama must have been acquainted, when she acquired her subsequent rights. The United States was the only power which we were permitted to recognize as a sovereign. We are, consequently, unable to comprehend how Alabama ever derived or obtained any right to legislate with regard to us. We never yielded any such right — we have never recognized her authority — we have never made cessions to, or obtained guaranties from her. From us no such power has emanated. Has the United States ever yielded it? We are informed she has not; and, indeed, we would not suspect our brethren of having created in the State government, a power and an authority which they never claimed themselves. We admit that we do not comprehend this subject. It is too deep for our understandings. But to our minds, ignorant of the codes of laws in use among our neighbors, it does appear extraordinary that Alabama should claim a power over us which is derived neither from us, nor from the government of the Union. Our father has ~~asked~~ <sup>advised</sup> us either to yield to his solicitations to pass beyond the Mississippi, or to submit like dutiful citizens to the laws of Alabama. Our father cannot, surely, have considered the subject, or been apprised of what he asks us to yield to. We had no voice in forming the laws of Alabama; we are ignorant of

7

their character and of their provisions, except when they are brought to bear with severity upon us. We are injured in our property, we are told to go the protection of the Alabama laws to present our case before an Alabama Court. We present our case, and we are not permitted to be heard in behalf of each other. Our cause is adjudged by a jury of Alabama, under the direction of a court of Alabama, administering the law of Alabama. The law, if it contains a single provision which can protect the Indian from outrage, ~~and~~ <sup>or</sup> can redress his wrongs when they have been sustained, is, to this extent, unknown to us. We know it only as an instrument by which we are oppressed, and as opposing an insurmountable obstacle against our obtaining redress. We never have been slaves; we have been born free. As freemen, we have assisted in fighting the battles of our white brethren; we have participated in their victories; we have shared in their honors. They came to our country few in number, and feeble in strength. We gave them land on which to live; we furnished them with food to supply their hunger; we pointed out our springs of water to refresh them when they were thirsty; we protected them under our own roofs. They have increased in strength, and in numbers—we have diminished. They have spread over the territory where our fathers formerly walked without restraint, and we are hemmed in within narrow bounds. For which of our services to you are we condemned to slavery? for which of them are we subjected to the penalties of forfeiture? We cannot but implore you, our brethren, the representatives of a great and powerful nation, to lend your ears to our entreaties. If we have lost our rights inform us when and how they have been forfeited. If we have not been solemnly guaranteed that our possessions were sacred, and should not be wrested from us, inform us what is the

meaning of the language to which we have attached so much value. If our lands may be overrun, and our possessions damaged, and our persons outraged, by white men, to whom can we look for assistance and aid but to you? If you have not the power to save us, let us know that such is the case. From intelligence recently received from our home, we are informed that the evils against which we came here to complain, have increased, to an alarming extent, since our departure. Our brethren, and ourselves, have confided in your justice, and in your strength. Our anxious request is, that we may be early informed what grounds of hope remain, and that you will act upon our case speedily, so that we may know what we are to expect.

Opoethyoholo,  
 Tuckebach~~ee~~ Hajo,  
 Tuckebach~~ee~~ Micco,  
 Benjamin Marshall.

G.W. Stiggins, Sec'y.  
 24<sup>th</sup> January 1832.

I copied the foregoing from an old volume of Public Documents I found in the Doc. Room of the Senate of the United States, in the winter of 1915, in Washington D.C.

G.W. Grayson