

25th CONGRESS
2d Session

(Doc. No. 453)

NO. OF PAGES
War Dept.

REMOVAL OF THE CHEROKEES.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

Copies of the Correspondence between the War Department and Major General Scott, in relation to the Removal of the Cherokees.

JULY 4, 1838

Read, and laid on the table.

DEPARTMENT OF WAR,

July 3, 1838

SIR: I have the honor to transmit, herewith, copies of the correspondence between this Department and Major General Scott, in relation to the removal of the Cherokee Indians, as required by a resolution of the House of Representatives of the 25th ultimo.

Very respectfully, your most obedient servant,

J. R. ROBERTS.

Hon. Jas. K. Polk,
Speaker of the House of Representatives.

1st. A.

HEAD-QUARTERS OF THE ARMY,

Washington, April 6, 1837.

SIR: From recent intelligence received from the Government agents among the Cherokees, it is apprehended that the mass of the nation, under some delusion, does not intend to remove to the country provided for them under the stipulations of the treaty entered into with them on the 29th of December, 1835, to which you are referred.

With a view to the fulfilment of the treaty, so far as it relates to the removal of the Cherokees, it has been thought proper that a military force should be collected, and that the military operations should be carried on under your direction. You will, therefore, repair, without unnecessary delay, to Athens, in Tennessee, or to any other point in your opinion most convenient for making your arrangements. Orders have been given for the 4th regiment of artillery, the 4th regiment of infantry, and six companies of the 2d dragoons, now in Florida, to repair, as early as practicable, to the Cherokee country, as you will see by the enclosed general orders. You are authorized to call on the Governors of the States of Tennessee, North Carolina, Georgia, and Alabama, for such militia and volunteer force, not exceeding 4,000, in addition to the regular forces, as you may deem necessary.

Colonel Lindsay has been some time in the Cherokee country, and is well acquainted with the character and disposition of the Indians, and will be of great assistance to you. He must be well informed on all subjects touching the views of the Government, and the location and intentions of the Cherokees.

I herewith enclose duplicates of letters to the Governors above mentioned on the subject of complying with any call you may make on them for militia or volunteer forces.

As you are so well versed in all matters concerning the calling for, and employment of, militia and volunteers, I deem it unnecessary to give you any instruction on that head, further than to refer you to the general regulations and the laws concerning militia.

I have the honor to be, sir, very respectfully your obedient servant,
ALEX. MACDONALD,
Major General, Commander-in-Chief.

To Maj. Gen. W. Scott,
Commanding Eastern Division

1st B.

HEADQUARTERS OF THE ARMY

Washington, May 3, 1833.

SIR: the estimate for volunteers for the present year is based on 4,000 men, and as 1,000 volunteers may be required for Florida, it is the wish of the War Department that you employ not exceeding 3,000 instead of 4,000, as it was contemplated in your original instructions, for service in the Cherokee country.

I have the honor to be, sir, very respectfully, your obedient servant,
ALEXANDER MACDONALD,
Major General, Commander-in-Chief.

To Maj. Gen. W. Scott,
Athens, Georgia

1st C.

WAR DEPARTMENT, May 23, 1838.

SIR: you will receive, herewith, a copy of proposals* made by the Department to the Cherokee delegation, now in this city, which, it is believed, will be accepted by them. You are, therefore, hereby authorized to enter into an agreement with the agent of the nation for the removal of their people. The expenses attending the emigration of the Cherokees are now fully ascertained by past experience; and it is presumed you will find no difficulty in making such an arrangement as, while it will secure their comfortable removal in the manner most agreeable to their chiefs and headmen, will effectually protect the interests of the United States, and prevent all unnecessary delay or useless expenditures.

Whether the removal of this people is to be continued by the military force under your command, or to be conducted by their own agents, care must be taken that it be carried on continuously, and as speedily as may be consistent with their health and comfort. It must commence in that part of the territory which has been granted or sold by the States to whose jurisdiction it belongs, in order that the several proprietors of the land may be put in possession of their estates with as little delay as possible. These proposals have been laid before Congress, for the purpose of obtaining such legislative provisions as they may require; but it is not intended thereby to retard the execution of the treaty, and you will, therefore, pursue the measures you have already adopted, until the agents of the nation are ready to take charge of the future emigration of their people; nor will you then permit any unnecessary delay in their operations.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Major General WINFIELD SCOTT
Athens, Tennessee.

1st D.

DEPARTMENT OF WAR, June 1, 1838.

SIR: I have the honor to acknowledge the receipt of your letter of the 19th of May, informing the Department of the judicious arrangements you have made for a system of active and vigorous operations, should they become necessary, to compel the execution of the treaty.

With regard to the amount of militia force to be retained in service, you must be governed by your own views of the necessity of their presence to protect the inhabitants from all risk of depredations.

*Already communicated to Congress by the President

The law under which the Executive was authorized to employ volunteers for two years expired on the 1st of the last month; and although there is little doubt of its renewal, those now in service must be placed on the footing of draughted militia until the act passes. The great expense to which the Government has been put in the employment of volunteers, arises from the excess of mounted men, and the exorbitant valuation of their horses. The Department approves, therefore, your intention to reduce their number, and I would have it publicly made known that no more than one hundred and twenty dollars will be allowed for any horse that may die or be lost in a manner to give its owner a claim upon the Government for its value.

From my letter of the 23d ultimo, you will have been informed of what has passed on the subject of the Cherokee treaty. No new treaty has been made, nor proposition for treaty entertained: but it is proposed to make such allowances to the Cherokees as it is believed were intended originally to have been made by the Senate. The Committee on Indian Affairs have reported favorably upon the propositions, and the opinion appears to be that they will pass with little opposition.

The presence in this city of the chiefs and head-men, who alone possess the necessary influence to induce their people to yield a ready submission to the wishes of Government, and their positive refusal to return to the nation, rendered it unavoidable to treat with them here. If it had been referred to you where you now are, there would have been no influential chiefs on the spot with whom you could have treated; you would not, probably, have considered yourself authorized to propose the payment of the expenses of their removal and subsistence, involving as it does so large an amount; and the delay which must have attended the transmission of any arrangement entered into by you, at so great a distance, would have hazarded its successful passage through both branches of Congress. These considerations induced the Department to negotiate with the Cherokee Delegation here, and to make them the proposals which were forwarded to you as soon as the President resolved to submit them to Congress. Whether their adoption will lead to the peaceful removal of the Cherokees cannot, as yet, be known. The period cannot be prolonged beyond the time absolutely necessary to the health and comfort of the emigrants, and the Indians will require to have the substance of the arrangement explained to them. They must remove as fast as may be consistent with the above requisites, and will be entitled to the additional remuneration, if the appropriation should be made by Congress, only on the condition of their going so, and without coercion.

Nothing but the causes assigned would have induced me to have taken this matter into my own hands, for I beg you to be assured that the Department places every reliance upon your prudence, energy, and discretion; but no arrangement made by you could have been acted upon by both branches of Congress during its present session; and, if that made by me passes, it will only be by offering it as an amendment to a bill now under discussion.

Very respectfully, your most obedient servant,

J. R. JOHNSON.

Maj. Gen. WINFIELD SCOTT,
Athens, Tennessee

(Doc. No. 453)

1st E.

WAR DEPARTMENT, June 3, 1838.

SIR: At the Governor of Georgia appears, from his reply to my communication, to have misapprehended entirely the meaning and intent of the Executive, I have the honor, herewith, to transmit you a copy of my explanation* of the intentions of the Department, relying, with entire confidence, upon your prompt and efficient co-operation to carry them into effect.

Very respectfully, your most obedient servant,

J. R. POTTS.

Major General WINFIELD SCOTT,
Athens, Tennessee.

1st F.

WAR DEPARTMENT, June 25, 1838.

SIR: I have had the honor to receive your letter of the 7th instant, informing the Department of your operations up to that period. The manner in which you have, so far, executed the duties assigned to you, is very satisfactory to the Department; and the humane conduct of the troops in collecting and removing the Indians entitles them to my thanks. The Executive never contemplated any unnecessary delay in the removal of the Cherokees; and whether it was to be performed by the troops under your command, or by their own agents, would have required the operations to proceed as rapidly as may be consistent with a due regard to their health and comfort.

As you seem to apprehend some delay in sending forward the emigrants, from the arrangements being already far behind the numbers collected, and that sickness may result from the Indians being collected in great numbers at the depots, the Department desires that you will assume the direction and control of the removal of the Cherokees, as well as of their collection at the depots; and the superintendent of emigration in that country will be instructed by the Commissioner of Indian Affairs to receive and obey your instructions. I beg you will inform yourself with regard to the healthy season of the region west of the Mississippi to which these people are destined. My impression is, that it will be advisable the mass of the Cherokees should not reach their new homes until the commencement of October; but you have better means of information where you are and I rely upon your exercising a sound discretion in this matter.

*Furnished Congress, in answer to a resolution of the House of Representatives of the 4th of June ultimo, by the President

(Doc. No. 453)

The Paymaster General has been directed to supply the necessary funds to pay off the troops you are prepared to discharge.

Very respectfully, your most obedient servant,

J. R. POLK.

Major General W. FIELD SCOTT,
Athens, Tennessee.

1st G.

DEPT. OF WAR,
June 27, 1838.

SIR: I transmit herewith copies of a letter and proposals from the emigration company which was engaged in removing the Greeks to the West. My last communication conferred upon you the authority to direct and control the emigration of the Cherokees, in order that the preparations for removing the Indians may be commensurate with the operations for collecting them; and I send these documents that you may, if you think proper, avail yourself of the proposals of the company.

John Ross and the Cherokee delegation will return to their people in a few days; and I send herewith copies of my correspondence with them, in order that you may be possessed of the views of the Government, in relation to the last act of Congress respecting the removal of the Indians. Whatever arrangements you may deem it expedient to make with them, (and the whole subject is left to your judgment and direction,) the Department desires that you will bear in mind the wishes of the States concerned in the execution of the treaty, that the emigration should be conducted as rapidly as it can be consistently with the health and comfort of the Indians. I before suggested to you that I had been led to believe they would be exposed to disease if they should arrive in large numbers at their new homes in the West before the month of October; and it now comes to me to bring to your consideration the propriety of collecting them only a short time previous to the period of their removal, rather than to bring them at once into large encampments, where, from their numbers, change of habits, and anxiety of mind, their health may suffer, unless in your judgment considerations of public interest, affecting the peace of the country, should require a different course, and prescribe the necessity of settling them at once into encampments.

Sensible that you will, in the execution of your high trust, consult the dictates of humanity as well as prudence, I submit these suggestions rather as such, than as instructions. You will in this, and in all matters relating to the emigration of the Cherokees, consult your own judgment, in which, aided by the information your situation enables you to procure, the Department places every reliance.

Observing, in a former letter, that you supposed, on the appearance of the Cherokee delegation, it would become your duty to turn over to them the whole business of the emigration of their people, I wish it to be expressly understood that the Department desires this is to be done only in

(Doc. No. 453.)

the event of your being convince that it will not retard the operation; otherwise you will merely avail yourself of their aid in so much as may conduce to the peaceful removal of the Indians, in the success of which the Government feels great interest.

Very respectfully, your most obedient servant,
J. R. GILBERT.

Maj. Gen. Winfield Scott,
Athens, Tennessee.

2d A.

HEADQUARTERS, EASTERN DIVISION,
Washington, April 26, 1839.

SIR: Being entitled to the services of an inspector general, to act as chief of the staff, and Brigadier General Wool, who fills that station, being at the moment on a duty from which he cannot be drawn without detriment to important interests, I beg that Lieutenant Colonel Worth may be ordered to accompany me to the Cherokee country, to act in that capacity; provided it can be so arranged that he may receive the pay and emoluments of an inspector general--that is, of a colonel in the staff. This I hope may ultimately be effected under the general appropriation for removing the Cherokee Indians.

May I beg that you will cause an arrangement or understanding to that effect to be made or entered into, and to order Lieutenant Colonel Worth to join me without delay?

I deem his services in the removal of the Cherokees to be highly important, but am unwilling to accept them unless his pay, &c., can be placed on a footing to cover his unavoidable expenses. On his recent tour of duty upon the Niagara and lake Erie, in which he acquired so much honor, the pay, &c., of his actual rank, were as far below his expenses as below his merits, and I am unwilling that he should again be placed in so inferior a position.

I have the honor to be, sir, with great respect, your most obedient servant,

WINFIELD SCOTT.

Maj. Gen. ALEXANDER MACOMB,
General-in-chief, U. States Army.

2d B.

HEADQUARTERS, EASTERN DIVISION,

Cherokee Agency, May 19, 1839.

SIR: I arrived here on the 8th instant, but have not before reported, because nothing of particular interest has since occurred. My time has been fully occupied in studying the topography of the country, collecting general information, and making preliminary arrangements, with a view to an early vigorous system of operations. I enclose, herewith, copies of an address to the Indians, and of my order No. 25. The former paper has already produced some effect, about sixty Indians having come in and enrolled themselves for emigration in the last three or four days.

Colonel Lindsay had collected a considerable amount of subsistence in depots, and established, very judiciously, in different parts of the Cherokee country, twenty-three different military posts, seventeen of which are enclosed, and I was astonished to find that he had twice the militia force under him, and, generally, for a much longer period of service than was known or communicated to me at Washington. Besides one company of the United States 4th infantry, he had thirty-one companies of militia, of which twenty-one were mounted. This is an excess of mounted men far beyond what I deem necessary, and I shall immediately begin to cut it down; but in this operation I shall be trammelled by an understanding, amounting almost to a compact, which had been entered into with the Governor of Georgia, in respect to eleven such companies.

The quotas of militia (all on foot) called for by me from North Carolina, Georgia, and Tennessee, are assembling at the several depots appointed for them; but, up to the 14th, not a company of the Alabama regiment had arrived or been heard of at its depot, (Bellefonte.)

In my second letter to the Governors of the four States, (dated the 10th ultimo,) and founded on information at the moment received, that Colonel Lindsay had made recent calls on them for detachment of militia, I requested that the amount of force indicated in those calls might be deducted from the force specifically required by me. This request, I have reason to hope, has been attended to by the Governors of North Carolina and Tennessee. But, should the whole of the four States make such deductions, I shall still have, particularly after the arrival of the regulars, a much larger force in the field than I now think will be necessary, and shall, therefore, from time to time, make discharges of portions of their militia, beginning with the mounted companies.

I have nothing but uncertain rumors respecting the movements of the regular troops ordered hither from Florida.

The ordnance and ordnance stores ordered by Colonel Bonford, on the 5th of February last, on the requisition of Colonel Lindsay, from the Mount Vernon arsenal to this place, have not arrived. A part or the whole of that requisition, we heard, a few days since, was detained somewhere on the Tennessee river below. An officer was despatched by Colonel Lindsay to hasten its arrival.

Whilst writing the foregoing, a letter has been brought to me, by an officer, from one of the Cherokee delegation at Washington to a Cherokee here, dated the 7th instant, which confidently asserts that preliminary had just been agreed upon between the War Department and that delegation, by which the compulsory emigration is to be substituted by the voluntary evacuation of this country in the next two years, beginning on the 23d instant. The latter is substantially credited by almost every body here but myself. However solicitous I may be for the welfare of the poor Indians, the letter-writer is discredited on two grounds: 1st, I have no official communication on the subject; 2d, I cannot suppose, considering the instructions with which I am clothed, that the Department would, without reference to me, or offence on my part, so soon take the whole subject out of my hands.

I have the honor to be, sir, very respectfully, your obedient servant,
WINFIELD SCOTT.

P. S. If an amicable settlement of all the difficulties connected with the emigration of the Cherokees has been made at Washington, I hope I may soon be permitted to charge some officer with the minor details, and return myself to the usual headquarters of the Division.

Hon. J. R. POINSETT
Secretary of War

2d B.--No. 1.

HEADQUARTERS, EASTERN DIVISION,
Cherokee Agency, Tennessee, May 17, 1838.

ORDERS, No. 25.

Major General Scott, of the United States army, announces to the troops assembled and assembling in this country, that, with them, he has been charged by the President to cause the Cherokee Indians yet remaining in North Carolina, Georgia, Tennessee, and Alabama to remove to the West, according to the terms of the treaty of 1835. His staff will be as follows:

Lieutenant Colonel W. J. Worth, acting adjutant general, chief of the staff.

Major M. M. Payne, acting inspector general.

Lieutenants R. Anderson and T. D. Keyes, regular aids-de-camp.

Colonel A. H. Kenan and Lieutenant W. B. Shaw, volunteer aids-de-camp.

An order given orally, or in writing, by either of these officers, in the name of the major general, will be respected and obeyed as if given by himself.

The chiefs of ordnance, of the quartermaster's department, and of the commissariat, as also the medical director of this army, will, as soon as they can be ascertained, be announced in orders.

To carry out the general object with the greatest propriety and celerity, and with the least possible distress to the Indians, the country they are to evacuate is divided into three principal military districts, under as many officers of high rank, to command the troops serving therein, subject to the instructions of the major general.

Eastern district, to be commanded by Brigadier General Gustis, of the United States army, or the highest officer in rank serving therein: North Carolina, the part of Tennessee lying north of Gilmer county, Georgia, and the counties of Wilmer, Union, and Lumpkin, in Georgia. Headquarters, in the first instance, say at Fort Butler.

Western district to be commanded by Colonel Lindsay, of the United States army, or the highest officer in rank serving therein: Alabama, the residue of Tennessee, and Dade county in Georgia. Headquarters in the first instance, say, at Ross's landing.

Middle district, to be commanded by Brigadier General Armistead, of the United States army, or the highest officer in rank serving therein: All that part of the Cherokee country lying within the State of Georgia, and which is not comprised in the two other districts. Headquarters in the first instance, say, at New Echota.

It is not intended that the foregoing boundaries between the principal commanders shall be strictly observed. Either, when carried near the district of another, will not hesitate to extend his operations, according to the necessities of the case, but with all practicable harmony, into the adjoining district. And, among his principal objects, in case of actual or apprehended hostilities, will be that of affording adequate protection to our white people in and around the Cherokee country.

The senior officer actually present in each district will receive instructions from the major general as to the time of commencing the removal; and every thing that may occur interesting to the service, in the district, will be promptly reported to the same source. The major general will endeavor to visit, in a short time, all parts of the Cherokee country occupied by the troops.

The duties devolved on the army through the orders of the major general and those of the commanders of districts, under him, are of a highly important and critical nature.

The Cherokees, by the advances which they have made in christianity and civilization, are by far the most interesting tribe of Indians in the territorial limits of the United States. Of the 15,000 of these people who are now to be removed, (and the time within which a voluntary emigration was stipulated will expire on the 23d instant,) it is understood that about

(Doc. No. 453.)

four-fifths are opposed or have become averse to a distant emigration; and although none are in actual hostilities with the United States, or threaten a resistance by arms, yet the troops will probably be obliged to cover the whole country they inhabit, in order to make prisoners, and to march or to transport the prisoners, by families, either to this place, to Ross's landing, or Gunter's landing, where they are to be finally delivered over to the superintendent of Cherokee emigration.

Considering the number and temper of the mass to be removed, together with the extent and fastnesses of the country occupied, it will readily occur that simple indiscretions, acts of harshness, and cruelty on the part of our troops, may lead, step by step, to delays, to impatience, and exasperation, and in the end, to a general war and carnage; a result, in the case of these particular Indians, utterly abhorrent to the generous sympathies of the whole American people. Every possible kindness, compatible with the necessity of removal, must, therefore, be shown by the troops; and if, in the ranks, a despicable individual should be found, capable of inflicting a wanton injury or insult on any Cherokee man, woman, or child, it is hereby made the special duty of the nearest good officer or man instantly to interpose, and to seize and consign the guilty wretch to the severest penalty of the laws. The major general is fully persuaded that this injunction will not be neglected by the brave men under his command, who cannot be otherwise than jealous of their own honor and that of their country.

Be early and persevering acts of kindness and humanity, it is impossible to doubt that the Indians may soon be induced to confide in the army, and, instead of fleeing to mountains and forests, flock to us for food and clothing. If, however, through false apprehensions, individuals, or a party here and there, should seek to hide themselves, they must be pursued and invited to surrender, but not fired upon, unless they should make a stand to resist. Even in such cases, mild remedies may sometimes better succeed than violence; and it cannot be doubted, if we get possession of the outstanding members of the same families will readily come in on the assurance of forgiveness and kind treatment.

Every captured man, as well as all who surrender themselves, must be disarmed, with the assurance that their weapons will be carefully preserved and restored at, or beyond, the Mississippi. In either case, the men will be secured and escorted, except it may be where their women and children are safely secured as hostages; but, in general, families in our possession will not be separated, unless it be to send men, as runners, to invite others to come in.

It may happen that Indians will be found too sick, in the opinion of the nearest surgeon, to be removed to one of the depots indicated above. In every such case, one or more of the family or the friends of the sick person will be left in attendance, with ample subsistence and remedies, and the remainder of the family removed by the troops. Infants, superannuated persons, lunatics, and women in a helpless condition, will all, in the removal, require peculiar attention, which the brave and humane will seek to adapt to the necessities of the several cases.

All strong men, women, boys, and girls, will be made to march under proper escorts. For the feeble, Indian horses and ponies will furnish a ready resource, as well as for bedding and light cooking utensils; all of which, as intimated in the treaty, will be necessary to the emigrants both in going to, and after arrival at, their new homes. Such, and all other light articles of property, the Indians will be allowed to collect and take with them, as also their slaves, who will be treated in like manner with the Indian themselves.

If the horses and ponies be not adequate to the above purposes, wagons must be supplied.

Corn, oats, fodder, and other forage, also beef cattle belonging to the Indians to be removed, will be taken possession of by the proper departments of the staff, as wanted, for the regular consumption of the army, and certificates given to the owners, specifying, in every case, the amount of forage and the weight of beef so taken, in order that the owners may be paid for the same on their arrival at one of the depots mentioned above.

All other moveable or personal property left or abandoned by the Indians, will be collected by agents appointed for the purpose, by the superintendent of Cherokee emigration, under a system of accountability, for the benefit of the Indian owners, which he will devise. The army will give to those agents, in their operations, all reasonable countenance, aid, and support.

White men and widows, citizens of the United States, who are or have been intermarried with Indians, and thence commonly termed Indian Countrymen; also such Indians as have been made denizens of particular States by special legislation, together with the families and property of all such persons, will not be molested or removed by the troops until a decision, on the principles involved, can be obtained from the War Department.

A like indulgence, but only for a limited time, and until further orders, is extended to the families and property of certain chiefs and braves of the two great Indian parties, (on the subject of emigration,) now understood to be absent in the direction of Washington on the business of their respective parties.

This order will be carefully read at the head of every company in the army.

WINFIELD SCOTT.

By command:

W. J. NORTH,
Lieut. Col., Chief of the Staff.

GENERAL SCOTT, of the United States army, sends to the Cherokee people remaining in North Carolina, Georgia, Tennessee, and Alabama, this

ADDRESS

Cherokees! The President of the United States has sent me with a powerful army, to cause you, in obedience to the treaty of 1785, to join that part of your people who are already established in prosperity on the other side of the Mississippi. Unhappily, the two years which were allowed for the purpose, you have suffered to pass away without following, and without making any preparation to follow; and now, or by the time that this solemn address shall reach your distant settlements, the emigration must be commenced in haste, but I hope without disorder. I have no power, by granting a farther delay, to correct the error that you have committed. The full moon of May is already on the wane; and before another shall have passed away, every Cherokee man, woman, and child in those States, must be in motion to join their brethren in the far West.

My friends! This is no sudden determination on the part of the President, whom you and I must now obey. By the treaty, the emigration was to have been completed on or before the 23d of this month; and the President has constantly kept you warned, during the two years allowed, through all his officers and agents in this country, that the treaty would be enforced.

I am come to carry out that determination. My troops already occupy many positions in the country that you are to abandon, and thousands and thousands are approaching every quarter, to render resistance and escape alike hopeless. All those troops, regular and militia, are your friends. Receive them and confide in them as such. Obey them when they tell you that you can remain no longer in this country. Soldiers are as kind-hearted as brave, and the desire of every one of us is to execute our painful duty in mercy. We are commanded by the President to act towards you in that spirit, and such is also the wish of the whole people of America.

Chiefs, head-men, and warriors! Will you then, by resistance, compel us to resort to arms? God forbid! Or will you, by flight, seek to hide yourselves in mountains and forests, and thus oblige us to hunt you down? Remember that, in pursuit, it may be impossible to avoid conflicts. The blood of the white man or the blood of the red man may be spilt, and, if spilt, however accidentally, it may be impossible for the discreet and humane to prevent you, or among us, to prevent a general war and carnage. Think of this, ye Cherokee brethren! I am an old warrior, and have the horror of witnessing the destruction of the Cherokees.

Do not, I invite you, even wait for the close approach of the troops; but make such preparations for emigration as you can, and hasten to this place, to Ross's landing, or to Gunter's landing, where you all will be received in kindness by officers selected for the purpose. You will find

(Doc. No. 453.)

Food for all, and clothing for the destitute at either of those places, and
thence at your ease, and in comfort, be transported to your new homes,
according to the terms of the treaty.

This is the address of a warrior to warriors. May his entreaties be
kindly received, and may the God of both prosper the Americans and Cherokee,
and preserve them long in peace and friendship with each other!

WINFIELD SCOTT.

CHEROKEE AGENCY,
May 10, 1838.

20 C.

HEADQUARTERS, EASTERN DIVISION,

Cherokee Agency, May 22, 1838.

SIR: I had the honor to report to the Secretary of War on the 18th
instant. No communication has reached me from Washington since that time.

The Tennesseans are assembling at this place, and so are the Georgians
at New Echota. It is believed that the whole North Carolina quota has
arrived at its depot, and not a word has been heard of the approach of the
Alabamians. From his excellency Governor Bayly I have not received a line,
and have just caused a letter to be written to him to say, that if he have
not detached the regiment called for from Alabama, he need not now do so,
as it will not be required.

I am just about to proceed to New Echota, where, I learn my presence
is much wanted.

I have heard of the approach of a few companies of regulars as near
as Savannah and Charleston. Brigadier General Eustis will probably be up
in a day or two. Of Brigadier General Armistead I have heard nothing.

In a few days I shall commence operations in Georgia, and in the other
States a little later. Instructions to that effect will be immediately sent
to the commanders of the three districts.

I will ask that I may be addressed as if at Athens, Tennessee; for al-
though I shall not often be there, communications thence can most conven-
iently and certainly follow me by express.

I expect to be back at this place (within a half mile of Calhoun) in
seven or eight days.

The letter received four days ago from one of the Cherokee Delegation
at Washington has destroyed the effect of my printed address, which had
begun to operate most beneficially.

I remain, with great respect, your most obedient servant,

WINFIELD SCOTT.

Brig. Gen. R. JONES
Adjutant General, U. States army.

(Doc. No. 453)

2d D.

HEADQUARTERS, EASTERN DIVISION,
New Echota, Georgia, May 30, 1838.

Sir: My last report bore date the 22d instant, and I arrived here the next day.

The muster of the two regiments of Georgia foot was completed on the 25th; and, as soon as they had elected the field officers, the companies were ordered to their respective stations, many of which were previously occupied by mounted men.

Without waiting for all the new levies to reach their stations, operations were commenced on the 26th. Of the fifteen stations in Georgia, we have already heard from twelve, up to different dates; and estimate the number of prisoners secured to be not less than 2,500. It is probable, I think, that, in eight or ten days more, all the Georgia Indians will have been collected, with the exception of stragglers, and the greater number put in march for the emigrating depots. Several parties are already known to be under escort for Ross's landing.

It will be seen by my order No. 34, that the troops will begin at all points to collect the Indians in North Carolina, Tennessee, and Alabama, on the 5th proximo.

So far, I am happy to report that not an act of violence has been committed. The Georgians are seized with the spirit of my order No. 25, and have acted admirably; and the Indians, finding that they have been approached kindly, begin to come in voluntarily. If my address had not been counteracted by many letters from the Cherokee delegation at Washington, saying that a new treaty was about to be signed between the War Department and them, we should now have had one-third of the nation at the principal depots as voluntary emigrants.

Four companies of the United States 2d artillery, under Lieutenant Colonel Crane, with prisoners taken up at the posts on the route, passed north of this place yesterday for Ross's landing. The 1st and 4th artillery have, probably, under Brigadier General Eustis, reached Fort Butler. I do not learn that the six troops of United States dragoons have even been put in motion from Florida. The same remark is applicable to the marines; and I have just officially learned that four companies of the 2d artillery, the 3d artillery, and 4th infantry, are to come via the ocean, the Mississippi, Ohio, and Tennessee. These troops, like the dragoons and marines, may not be up in time to render any service in the collection of the Indians, unless a stand should be made, in the mountains of North Carolina. Under this delay, and considering the great extent of country to be scoured, I now do not think that I have too many militia in the field.

It seems that Brigadier General Armistead is to take post at Baton Rouge, to superintend the movement of the troops which are to come up

by the way of New Orleans. Probably before he can reach this place, all the Indians in the middle district will have been collected by Brigadier General Floyd, of the Georgia militia, an intelligent, active, and zealous commander.

We are much in want of surgeons; and the regulars will be, I learn, very deficient in company officers.

The day after to-morrow I shall return to the Cherokee agency, (near Calhoun, Tennessee,) and thence proceed to Fort Butler, North Carolina, and wherever else my presence may be required.

I have received but one letter from Washington (yours of the 15th instant) since I left that place.

Please continue to address me as if I were at Athens, Tennessee.

With great respect, I remain, sir, your most obedient servant,

WINFIELD SCOTT.

Brigadier General Jones
Adjutant General, U. S. A.

HEAD-QUARTERS, EASTERN DIVISION U. S. A.
New Echota, May 24, 1838.

Orders, No. 34.

A sufficient number of troops having arrived or known to be approaching, the collection of the Indians within the Cherokee country, preparatory to their emigration beyond the Mississippi, will be commenced in Georgia on the 26th instant, or as soon thereafter as this order may be received, and in the adjoining States then days later.

The commanding officer at every fort or open station will first cause to be surrounded and brought in as many Indians, the nearest to his fort or station, as he may think he can secure at once; and repeat the operation until he shall have made as many prisoners as he is able to subsist and send off, under a proper escort, to the most convenient of the emigrating depots, the Cherokee agency, Ross's landing, and Hunter's landing. These operations will be again and again repeated, under the orders of the commanders of the respective districts, until the whole of the Indians shall have been collected for emigration.

In many cases, it may be almost impracticable for the commander of an open station to escort his prisoners to one of the distant emigrating depots mentioned above. It is permitted, therefore, to such commander, when necessary, to send his prisoners under a proper escort to the nearest fort, in the direction of one of those depots, there to wait for a farther escort.

On the arrival of Indian prisoners at an emigrating depot, they will be received, in the first instance, by the commanding officer at the place.

In every case where detachments are sent out to bring in Indians, a sufficient guard will be retained to hold the fort, or to guard the subsistence and all other property left at the open station.

Every commander of a fort, or open station, will report his operations, and whatever else of interest that may occur around him, to the commander of his district; and the latter will frequently make reports to the major general.

Constant reference will be made by all to the letter and spirit of the printed general order No. 25, which has been extensively circulated for the purpose.

Until the arrival of Brigadier General Armistead, Brigadier General Floyd, of the Georgia militia, will be the commander of the middle district. Headquarter, for the present, New Echota.

By command of Major General Scott:

W. J. WORTH
Lieut. Col., chief of the staff.

AFTER ORDERS.

To each Indian prisoner will be issued daily, without regard to age or sex, one pound of flour, and half a pound of bacon.

By command of Major General Scott:

W. J. WORTH,
Lieut. Col., chief of the staff.

2d E.

HEADQUARTERS, EASTERN DIVISION,
Cherokee Agency, June 4, 1838.

SIR: My last report (in duplicate) was dated at New Echota, the 30th ultimo, and I came here on the 1st instant.

But one official communication has reached me from Washington (your letter of the 15th ultimo, enclosing W. Preston Starritt's complaint against two regular officers) since I left that place, and I have no reason to suspect any irregularity in the mail via Knoxville and Athens, in Tennessee, as newspapers come by that route in eleven days, twice a week.

I have reason to believe, partly on official reports, and partly on rumor, that not less than four thousand of the Georgia Indians are already in the possession of the troops. Most of those prisoners are now in march, under escorts, for Ross's landing, and a few to this place. In another week Georgia, it is hoped, will be cleared of Indians, with the exception of a

few families and refugees in the mountains, whom we may not be able to collect in a week or two more. In those operations it gives me pleasure to state that I have heard of but one act of violence on either side--the death of an Indian man, who was shot by a Georgia volunteer, under circumstances somewhat doubtful. The case has not yet been fully reported; but it is said the Indian had seized a stone and was in the act of escaping. It is due to the Georgia troops to say that the death has been deeply regretted by as many of them as have heard of it, and I hope the unfortunate volunteer will be able to justify himself.

I have found it necessary to suspend operations in North Carolina, Tennessee, and Alabama, from the 5th to the 12th instant: 1. To promote voluntary emigration, whereby much suffering and the loss of much property, on the part of the Indians, will be prevented. 2. To prevent too rapid an accumulation of emigrants at the depots, before the superintendent has had time to complete his lines of water and land transportation. (This delay was in accordance with his wishes. See copy of my letter to him of this date, and herewith enclosed.) 3. To wait for the arrival of the Alabama regiment, which, it is now rumored, is approaching. (See the letter I caused Lieutenant Colonel Worth to address to the Governor of Alabama, dated the 21st ultimo, a copy of which is enclosed.)

Many Indians from those three States have already presented themselves for voluntary emigration. Their number, by the 12th instant, will probably amount to 1,500 or 2,000.

I have not heard of the approach of any regular troops since my last report. Brigadier General Eustis has arrived at Fort Butler, North Carolina, with two companies of the 1st and seven of the 4th artillery. Six of the 1st regiment and two of the 4th, coming from Augusta, must be nearly up with him by this time.

From the same direction, Lieutenant Colonel Crane, with four companies of the 2d artillery, arrived at Ross's landing two or three days since, with Indian prisoners taken under escort, by my orders, from posts in Georgia.

The last company of the Tennessee quota of militia has been just reported.

From the Governors of North Carolina, Georgia, and Tennessee I have received courteous and ready answers to three communications addressed to each. His excellency of Alabama has not done me the honor to acknowledge either of my three letters put into as many mails at Washington.

I expect to set out for Fort Butler in a day or two, to return in a week, and to visit Ross's landing by the 15th instant. I am afraid that the business of emigrating the Indians from the principal depots may require my presence, if not interference. That branch of service, I am aware, is confided to a superintendent appointed by the Executive, and I certainly can have no desire to intermeddle with it; but considerations of humanity

towards the Indians may oblige me to render extra aid and assistance.

With great respect, I remain, sir, your most obedient servant,

WINFIELD SCOTT.

Brig. Gen. R. JONES

Adjutant General U. S. army

2d E--No. 1.

HEADQUARTERS, EASTERN DIVISION,

Cherokee Agency, June 4, 1838.

SIR: Under the advice given in my printed address, and stimulated by the application of force in Georgia, and the arrangements for its application everywhere, after the 11th instant, many Indians are coming in, and thousands may be expected to present themselves for voluntary emigration in the course of the next eight days. Captures by the troops will commence and rapidly proceed after this day week in North Carolina, Tennessee, and Alabama; and, by that time, but few will remain to be collected in Georgia.

I give you this information in order that you may make corresponding arrangements for receiving and transporting the emigrants by land and water. Humanity will require that there be no delays at the emigrating depots or on other routes.

The Tennessee river, I learn, is again rising, and the Arkansas may be expected to be found navigable, perhaps, throughout this month. I have, however, great doubts as to the number and goodness of your steamboats. I will, therefore, urge you to supply any deficiency in your means of water transportation as speedily as possible; adding that, in my opinion, it will be too late in the season, in respect to health, to start parties of emigrants to go up the Arkansas after the 20th instant, even in the best steamboats. The same objection applies to either of the lower land routes. After that date, it appears to me that you can have the choice of but two other lines: 1. By water and land to Florence or Tusculumbia; thence, in steamboats, to Cape Girardeau on the Mississippi, or Boonville on the Missouri, and thence, by land, to the Cherokee country west. 2. By land, crossing the Ohio at Colconda, and the Mississippi at Cape Girardeau; thence, by the ridge which divides the waters of White river from those which fall into the Mississippi above and into the Missouri. In my judgment the latter route ought to be preferred after an early day in July.

I have no wish to interfere with your duties except in the way of advice, or on your own solicitation. Should it however become necessary, I will, to aid you, send, after their arrival, three or four officers of the regular army, to purchase provisions on account of the Indian Department, and to establish depots at convenient distances all along the second route indicated above. That number of officers I may be able to detach upon the arrival of the remainder of the troops expected from Florida, but I recommend that you do not wait for them.

(Doc. No. 453.)

Hoping soon to learn that your means of transporting and subsisting the emigrants, in comfort, to their new country in the West are fully adequate,

I remain, with much respect, your obedient servant,

WINFILLE SCOTT.

Gen. N. SMITH, Superintendent of
Cherokee emigration, Ross's landing.

2d E--No. 2.

HEADQUARTERS, EASTERN DIVISION,

Cherokee Agency, May 21, 1838.

SIR: I am instructed by Major General Scott, who is much occupied at the moment, to say that he had the honor to address your excellency on the 11th, 12th, and 23th ultimo, respectively, under authority of the President of the United States, calling for ten companies of troops from Alabama to co-operate in the removal of the Cherokees. Not having the honor to receive any communication from your excellency, nor, up to this period, heard that a single company is in motion towards the appointed rendezvous, at which an officer of the army has been waiting two weeks to muster the Alabama troops into the service of the United States, the Major General is apprehensive that his communications may have miscarried, or that some misapprehensions exist in regard to his call. Under the circumstances, and also having in view the present state of affairs in this quarter, he desires that his requisition, if not already acted upon, and the subject placed beyond your reach, may be suppressed, and no further action had upon it.

By command of Major General Scott:

W. J. WORTH,

Chief of the staff.

His Excellency Governor BAGBY.

2d F.

HEADQUARTERS, EASTERN DIVISION,

Cherokee Agency, June 7, 1838

SIR: Late in the night of the 4th instant, after reporting to the Adjutant General for the information of the Department, I had the honor to receive your letter of the 23d ultimo, enclosing a copy of the proposals made by the Department to the Cherokee delegation, of a date five days earlier. This was the first official intelligence I had received of recent negotiations with that delegation, and I had not seen the newspaper from which the proposals sent to me were cut.

Should the proposals be accepted by the delegation, and receive the sanction asked from Congress, many serious practical and legal difficulties, I think, (cannot) fail to arise, particularly in regard to time.

In Georgia, the Indian lands in question were, by the State, long since surveyed, distributed, and granted, and each grantee had the full right to take possession of his lot on the 24th ultimo--a right which would not have been postponed for a day by one in a thousand, if it had not been seen that the troops were at hand to remove the Indians promptly and universally. Over that right, it is apprehended, not even the Legislature of the State, if it had been in session, could have exercised any constitutional control whatever, and, of course, the Governor alone can exercise none. Hence, and to prevent the grantees from taking the forcible removal of the Indians into their own lands which would necessarily have led to violence on their part, and, by sympathy, to a general war on the side of all the Indians in the four States, I hastened to commence the removal of the Indians from Georgia on the 26th ultimo. The grantees and other citizens, seeing our zeal and promptness, have, according to my entreaties, remained peaceful and contented spectators. The consequence, in a week, will be, that, without one act of violence, every grantee will be quietly in possession of his land; for, at the end of that time, the few Georgia Indians not in our lands, will have fled to mountainous places not granted, or not wanted for early use.

In respect to the Georgia Indians, then, I have reason to hope that, long before I can learn that the proposals are sanctioned by Congress, and referred to the State, there will be nothing for them to act upon. In short, before that time, those Indians will mostly be far on their way to their new homes in the West.

Many of the foregoing remarks are, to a considerable extent, applicable to North Carolina, Tennessee, and Alabama. North Carolina has surveyed the Indian lands within her limits, and advertised them for sale in September next. It is probable that, by the terms of her law, purchasers will acquire the right of immediate possession. It is not known that the Governor has any suspensive power over the subject, and it is not believed that he will call the Legislature together to ask for such power.

In this State (Tennessee) innumerable occupants have acquired certain equitable rights (under an act of the Legislature) to the very lands, with few exceptions, on which the Indians have their dwellings, gardens, and fields; and those rights are to be perfected by patents in November next. Here again, it is believed that the Governor and the Legislature (even if the latter were in session) have no power to divest occupants of rights acquired under law.

The right of soil of the Indian lands in Alabama: but here the good lands, that is, the very tracts occupied by the Indians, have been squatted in anticipation of the Indian removal; and the squatters, like the occupants of Tennessee, are as likely to annoy, to dispossess, and make war upon the Indians, as if each squatter and occupant were the hereditary owner of the ground, and the poor Indians the intruders or invaders.

When it is added that the authorities of the United States, certainly the military officers, would, under the proposals, have no power to protect the Indians; that there would be no appeal, except to courts and juries consisting of squatters, (those lands having been organized into counties;)

and that Indians are not competent witnesses, I think it will be seen that the peace, nay the lives, of the Indians, require that they should be immediately removed from Alabama, as well as from Georgia, Tennessee, and North Carolina. Accordingly, I am glad to find myself instructed to continue my operations, although I should be extremely delighted if something more could be done to soothe the feelings of the Cherokees, and to compensate them in money, at least, in part discharge of that great debt of justice due from the United States. Animated by this hope, I shall not stop here to complain that, clothed with power to that effect, the whole subject has been contemptuously taken out of my hands, after I had been told, and after I had repeated to the delegation at Washington and to the Indians here, that all negotiation had been closed there; and that, notwithstanding that assurance, and my declarations founded thereupon, the delegation was retained at Washington, and negotiations almost immediately renewed, without giving me the slightest intimation thereof, whilst letters were brought to this country by every mail, stating that two years more were to be allowed for the emigration. The news brought by those letters, and which began to arrive on the 18th ultimo, soon overtook my address to the Cherokees, who everywhere called it "a lie." Voluntary emigration was thereby greatly checked; our people much excited by the fear of postponement; and the hazards of war, on both sides, greatly augmented and multiplied.

Notwithstanding all those false hopes on the one side and alarms on the other, I rejoice that forcible emigration to a great, and voluntary emigration to some, extent, have gone on without interference on the part of our citizens, and with all practicable kindness and mercy on the part of the troops. The decree of fate, in my opinion, yet more than the paper called a treaty, requires that it should be completed without delay.

I have great fears that the superintendent of emigration, now at Ross's landing, embarking a party of Indians, will be found unprepared to take off the emigrants either by water or land, or both, in any reasonable time. His arrangements are already far behind the numbers collected; and if the Indians are detained long at the depots, great mortality must ensue. I have no power over him, yet I shall continue to stimulate and aid him all I can.

There is remaining in the Cherokee country no authority or no set of agents to sign any stipulation or contract in the least degree binding on the Indians. The whole political power of the tribe is, at least for the time, in the hands of the delegation at Washington; and should that delegation, or rather Mr. John Ross, (whom all obey,) ever present himself to me, I do not see that I should have, under the proposals, power to do more than to take the business of emigrating the Indians out of the hands of the present superintendent and to put it into his. This would no doubt be highly agreeable to the Ross party, and in the same degree, without many guards, offensive if not fatal to the opposite party--a mere fraction, but consisting of individuals of great wealth and respectability.

In the absence, at the beginning, of all the regulars, I have not found the number of volunteers, through great, excessive, considering the several duties of collecting Indians, guarding the stations, escorting prisoners to

distant points, and protecting the white inhabitants in and around the country, all at the same time. Perhaps it may not be recollected that the country occupied by the Cherokees is about two hundred miles in length and two miles in width.

Since my last report I have heard of the arrival of Brigadier General Armistead at Tuscumbia, two hundred miles below, with four companies of the 4th infantry, and one hundred and fifty marines. Four companies of the 2d artillery were not far behind him.

I enclose a copy of my last letter to the superintendent of Cherokee emigration at Ross's landing. Whether I shall proceed thither to-morrow, or to Fort Butler, in North Carolina, will depend on his answer, and the letters to be received by the mail of to-night from the East.

We shall, if not stopped by orders, commence collecting Indians for emigration all over the North Carolina, Tennessee, and Alabama parts of their country on the 12th instant.

I have not heard of the arrival or approach of a single quartermaster from Florida or anywhere else. Lieutenant Colonel Crane came with four companies of the 2d artillery, and with a hired surgeon. With the other detachments of regulars, I think there may be about four, and we already require eight or ten more.

There are here two agents of the Pay department, (Messrs. Bennett and Buck;) but neither has any thing but an old deposit in a Tennessee bank, the bills of which the troops are not likely to accept. This circumstance alone would restrain me from beginning to discharge certain mounted companies, which I might otherwise soon dispense with. To discharge troops without settling with them in full, could not fail to render them dissatisfied with Government. Yet, on this day month, many companies of mounted men will be entitled to discharges, and by that time I think the work of emigration will be nearly over.

The number of Indian prisoners in our hands is about six thousand.

I have the honor to be, sir, with great respect, your most obedient servant,

WINDFIELD SCOTT.

The Hon. J. R. POINSETT,
Secretary of War.

2d F--No. 2.

HEADQUARTERS, EASTERN DIVISION,

Cherokee Agency, June 6, 1838.

SIR: I wish to set out on the 9th instant (in the morning) for Fort Butler, and am very anxious in the mean time to learn your progress and prospects in respect to sending off the emigrants.

All the Georgia Indians, except a few families and fugitives in the mountains, will, I think, be in our hands by the 10th instant, and we shall begin vigorously to make collections in the other three States on the 12th instant. You will therefore have your hands full in this and the ensuing month as well as at present.

I hope to learn that your means of sending off the Indians both by water and land will enable you to despatch parties as fast as they arrive at the depots, as the health of the emigrants must suffer from delays.

Colonel Lindsay reports to me that Captain Drane and Lieutenant Whitely (both now at Ross's landing) have tendered their services to accompany parties of Indians. They shall, therefore, be successively put at your disposition as soon as they may be wanted.

How will it be to send off the whole or part of the North Carolina Indians from Fort Armistead direct? From that neighborhood to Nashville and Ross's landing is about the same distance.

If you cannot come up before Saturday next, (the 9th instant,) please let me hear from you.

My orders from Washington require that the collection of the Indians for emigration shall go on; and it shall.

WINFIELD SCOTT.

General N. SMITH,
Superintendent Cherokee emigration.

2d G.

HEADQUARTERS, EASTERN DIVISION,

Athens, Tennessee, June 15, 1838.

SIR: I am just from the mouth of Valley river, Brigadier General Eustis's headquarters, eastern district, Cherokee country. He began the collection of Indians on the 12th instant. About fifteen hundred have been brought in or reported, when I left him yesterday morning, and he had not heard from any of his distant posts. One large party from that district I know to be now on the way to the agency, voluntarily--that is, without capture and without escort; and I think it probable that a thousand more will in like manner proceed to the same place. No resistance had been offered or was apprehended. Indeed the posts occupied by the troops were so numerous, and judiciously chosen (by Colonel Lindsay, before and after my arrival) in all the districts, that resistance on the part of the Indians has everywhere been rendered hopeless. A few families and their individuals have, however, it is known, taken refuge in the mountainous parts of the three districts. With such exceptions, Georgia may be said to be cleared of Cherokees; and in three or five days as much will have been done in Tennessee, North Carolina, and Alabama. This, however, is in great part conjectural; for I have no very late report from Brigadier General Floyd, of the middle district, or from Colonel Lindsay, of the western. I shall probably

find reports from them both to-morrow at the agency.

Brigadier General Armistead arrived at the agency since my departure thence for North Carolina. To my notes tendering him an order to report for other duty to the Adjutant General, he replied that he preferred assuming the command of the middle district, according to my order (May 17) No. 25. As there was not a regular soldier in that district, (the 11th United States infantry having been stopped at Ross's landing, in the western) and nearly the whole of the Indians in the middle already collected by Brigadier General Floyd, with his own brigade of militia, I rejoined, and directed Brigadier General Armistead to report at Washington. Please see the three notes which have passed between us, herewith enclosed, marked Nos. 1, 2, and 3. His offer to supersede his juniors (Brigadier General Enstis and Colonel Lindsay) I thought equally unreasonable, as each of those officers had made all the arrangements, and had actually entered upon the duty of removing the Indians.

I do not make this statement in the way of complaint against Brigadier General Armistead; on the contrary, I consider his desire to have a command in the field as doing him honor.

I have had no report within a week from the superintendent of Cherokee emigration. My last note to him (copy) is enclosed. As was from the first confidently expected by Colonel Lindsay, one of the two steamers he had contracted with to take Indian emigrants to the head of the Muscle shoals, has been thrown out of service, and it is feared that the other is of but little value. I have the same authority for apprehending that the boats below the Muscle shoals, engaged for the emigrants, will be found equally indifferent; and, before the 20th instant, it is understood that the superintendent will not begin to enrol wagons--his plan being to use steamboats wholly before, and principally after, that date. Now, besides the universal repugnance of the Indians to steamboats, the subsidence of the waters in the Tennessee, above the Muscle shoals, and in the Arkansas, must soon make those waters too low for steam navigation. From the great obstruction in the former river, it is true boats may continue to run for some time longer, and land emigrants at Cape Girardeau, on the Mississippi, or Boonville, on the Missouri. But, regarding the preference of the Indians to land routes as something, and their safety as everything, I am for transporting all now at the agency, and all that may arrive there, together, say seven or eight thousands, by land wagons, through Nashville, Golconda, and Cape Girardeau. And if, to-morrow, I shall not learn by letter or by his presence, that the superintendent can in the next two weeks execute this movement, I shall immediately charge the necessary number of military officers with its execution. Considerations of humanity will in that event leave me no alternative. My greatest difficulty will consist in the want of officers. Of the twenty-six regular companies which have arrived in the late Cherokee country, there are but thirty-four company officers reported, instead of one hundred--deficiency precisely sixty-six. It is in vain, it would seem, to demand some twenty or forty of those absentees; and at least twenty captains and lieutenants will be required for the Indian department.

(Doc. No. 453.)

Quartermasters and commissaries are also much wanted for disbursements. Of the former, although five were promised, we have only Lieutenant Hetzl, of the regular army, who employs, at much risk to himself and Government, militia officers and hired agents. No surgeon has arrived since I last reported.

I have the honor to acknowledge the receipt of your letter of the 1st instant. It will give me great pleasure to complete, in a few weeks more, and to the satisfaction of the Department, the service in which I am engaged. Then, or a short time before all the details have been carried into execution, I hope to be permitted to return to the Northeast.

With high respect, I have the honor to be, sir, your obedient servant,

WINFIELD SCOTT.

Hon. J. R. POINSETT,
Secretary of War.

2d G--No. 1.

HEADQUARTERS, EASTERN DIVISION U. S. A.

Chattanooga, Tennessee, June 9, 1838.

SIR: Your report of the 2d instant, from Tuscumbia, was received a few days since.

By my printed order No. 25, you will perceive that you were assigned to the command of the middle district of the Cherokee country. The collection of the Indians within that district will, probably, be nearly completed before you can reach it. Under this circumstance, I think it probable that it may not be agreeable to you to supersede the commander, (Brigadier General Floyd,) who has, so far, conducted the operations intrusted to him with much zeal and judgment, and much success.

If such should be your feelings on the subject, you are requested to proceed to Washington, and report for other duty to the Adjutant General.

It is not intended to express the slightest dissatisfaction with your not having earlier arrived in this country. On the contrary, no doubt is entertained that you have approached as soon as it was practicable under your orders.

I am, &c.,

WINFIELD SCOTT.

Brig. Gen. ARMISTEAD, U. S. army, &c.

2d G--No. 2

CALHOUN, (TENNESSEE,) June 11, 1838.

SIR: I have the honor to acknowledge the receipt of your communication dated the 9th instant, in which you have given me the privilege of either the assuming command of the district to which I have been assigned in order No. 25, or to proceed to Washington and report to the Adjutant General for other duty. Under all the circumstances of the case, I shall prefer the former, and shall leave this to-morrow morning for New Echota, where, upon my arrival, I shall assume command. Should you not consider that my services are required in the middle district, I shall be pleased

(Doc. No. 453.)

to be assigned to another command in this army.

Respectfully, your obedient servant,

Major General W. SCOTT,
Commanding eastern division.

W. K. ARMISTEAD,
Brigadier General U. S. army

2d G--No. 3.

HEADQUARTERS, EASTERN DIVISION U. S. A.

South of Valley river, North Carolina, June 15, 1838.

SIR: I have received your note of the day before yesterday, written at Calhoun. I can hardly think that, on your arrival at the headquarters of the middle district, you will think yourself at liberty, upon military principles, to supersede Brigadier General Floyd in the command, considering that there is not in the district a single regular soldier, and only the troops constituting that officer's brigade. Besides, the collection of the Indians within the district must, by the time of your arrival, be completed, or very nearly so.

I must, therefore, in terms, desire that you will not assume the command of the middle district, or, if you have assumed it, that you immediately restore Brigadier General Floyd to the command, and report yourself to the adjutant General at Washington for other duty.

You suggest your readiness to take any other command in the Cherokee country. There are two other districts, commanded by experienced regular officers, who have made all their arrangements, and actually made much progress in collecting the Indians for emigration. I should, therefore, deem it highly unjust to those commanders, and injurious to the public service, to supersede either of them at this late hour, by placing any senior officer over the one or the other.

I am, &c.,

WINFIELD SCOTT.

Brig. Gen. ARMISTEAD, U. S. army.

2d G--No. 4.

HEADQUARTERS, EASTERN DIVISION,

Cherokee Agency, June 8, 1838.

SIR: I have received your two letters dated respectively the 6th and 7th instant.

I am glad to hear that you have already despatched a party of emigrants, and expect to send off another by the 12th instant.

Lieutenant "hitely, or some other officer now at Ross's landing, will be ordered to report to you to accompany the second detachment, and Captain Drane, from this place, the third. Other officers shall be supplied for the same service before the 20th.

(Doc. No. 453.)

I am pleased that you have detained for a time certain Indians whose families are broken, to wait the arrival of the absent members.

The distress caused the emigrants by the want of their bedding, cooking utensils, clothes, and ponies, I much regret, as, also; the loss of their property consequent upon the hurry of capture and removal. All this I am sorry for, and much of it, I am persuaded, was unavoidable, so far as the troops were concerned. The fault was mainly in the Indians themselves, who believed in John Ross's assurances, and gave the lie to my address. Hence they waited for the arrival of the troops, and were even then wholly unprepared for removal. I am not angry with them, but infinitely regret their infatuation. I endeavored, in my printed ordre No. 25, to guard against that infatuation, by directing that the troops should allow the Indians to gather up whatever could be used on the route to the West, and desiring you to devise the means of securing for their benefit all other articles of property left or abandoned. I recall all this to show that I have done every thing in my power to save the unfortunate Indians from loss and distress.

I give it as my belief that nearly all the Indians from Georgia will be at the emigrating depots by the 15th instant, and the greater part of those in the three adjoining States will be at the same places by the 30th, if not the 25th of this month. And on the part of humanity I must protest against sending off a single party of emigrants to ascend the Arkansas river, seventeen days after this date. In the mean time, as subsequently, I hope you will be able to despatch parties weekly at least, by the land route heretofore indicated. To this effect, it will give me pleasure to learn that you have engaged the wagons, and made the depots of subsistence which are already required.

I shall set out to-morrow morning for Fort Butler, and expect to be back here before the 18th instant, when it will give me pleasure to meet and confer with you on all matters interesting to the service.

I remain, &c.,

WINFIELD SCOTT.

Gen. N. SMITH,
Superintendent Cherokee emigration.

H.

HEADQUARTERS, EASTERN DIVISION,

Cherokee Agency, June 18, 1838.

SIR: I have just had the honor to receive your letter of the 3d instant, and am happy to say that the militia of Georgia are now assembling for discharge, the Indians having been removed from that State. In the other three States, the collections by the troops for emigration are rapidly advancing, and must be completed in a few weeks, if not in eight or ten days. Such are our prospects.

The prisoners and voluntary emigrants are concentrating at this place and Ross's landing. From the latter place, three parties have already been sent off to the West, principally Georgia Indians--two parties by the way of Tennessee, Ohio, and Arkansas rivers, and one by land to Waterloo, below the Muscle shoals, and thence by the same streams. I have, with the concurrence of the superintendent of Cherokee emigration, and after the fullest inquiries, determined to suspend further emigration until the first of September next. Not only the comfort, but the safety of the Indians, in reference to the advanced season, has forced this decision upon me. In the mean time, I propose to hold the prisoners and voluntary emigrants in convenient camps, guarded by regular troops, around the two great emigrating depots. All the militia will be discharged as soon as the remaining Indians are brought in.

I am much in want of additional paymasters, as well as funds, to pay off the militia as fast as they are discharged.

It is late at night, and I send this hasty note by Lieutenant Shires, who sets out early in the morning via Augusta and Charleston.

With great respect, I remain, sir, your obedient servant,

WINFIELD SCOTT.

Hon. J. R. POINSETT,
Secretary of War, &c.