

Letter from the Hon. J. H. Eaton, Secretary of War,
to the Rev. Eli Baldwin, Corresponding Secretary of
the Indian Board, New York.

Utica, (N. Y.) June 30, 1830

DEAR SIR:—Since receiving your letter my engagements have been such as until the present moment not to afford leisure to reply to your inquiries. For various reasons which already, on former occasions, have been presented to the consideration of the public, it is desirable that our red brothers should consent to leave their present homes within the states, and retire beyond the Mississippi; it is considered an important matter and mainly conducive to their future happiness as a people. The President, to be sure, is desirous for them to remove, but in seeking to attain this object he has not sought to oppress, nor will he oppress them. Reason, not compulsion, is the means he would employ. If a desire to harass, and ultimately to destroy, was the governing motive, the argument to be adduced to them would be, not to remove, but remain where they are. The President has not been nor will he be influenced by any wrong considerations. His fears are that strife, difficulty and dangers may be consequent upon a disposition on their part to remain where they are; and these he has an anxious desire to avert, if within his power, through the exercise of any legitimate means.

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It is the desire of the President to speak to the Indians with the utmost frankness and kindness, nothing disguising and nothing in the least extenuating. It is high time they were aroused to a sense of their actual and true condition; and for them to be informed that the opinion entertained by the Executive is, that by adopting the one course, advantages to them are presented, dangers by the other; and that it is not in his power to interfere with the exercise of the sovereign authority of a state, to prevent the extension of their laws within their own territorial limits. But while the President desires their removal, from a confident belief that thereby their best interests will be served, he will do no act, the tendency of which may be to compel them to a removal. They ought to know, they do know, that towards them he can entertain no feeling of unkindness; and under no circumstances would he be induced to practice injustice towards them. For years past he has seen them the friends of the white people, and gallantly in battle contending by their side. These things the President knows and appreciates, and to the extent, that the power placed within his control will permit, will his desire be to protect, not injure. If he had ever been capable of feeling an impulse of ambitious desire upon this or any other subject, apart from what justice could sanction, that feeling has passed away. Much as he has toiled and done for his country, and favorably as it has appreciated his acts, he entertains a consciousness that his countrymen, no more than himself, would require of him any course which could carry with it a seeming injustice towards our brothers of the forest. If not identically the same people, they are at least under similar influences of feelings. Every American would desire to preserve, not to oppress them. They will never be driven from their homes. Those who urge the probability of such a course, can be actuated only by one motive—a desire to impose on the credulity of those who have not taken the time and trouble to examine the grounds which uniformly on this subject have been presented and maintained.

The questions involved in this controversy are so few and plain, that it is matter of surprise how any one can permit himself to be deceived. Again and again may it be asserted, that there is no disposition entertained by the government to compel those people from their homes; while on the other hand, no design is had to interfere with the rights of the states. The President possesses no such power, as he has repeatedly avowed; and hence, can oppose no act of a state, where the constitution does not concede to him an authority to do so. Can he say to Georgia, you shall not consider an Indian a citizen and answerable to her civil and criminal jurisdiction? Equally, then, may he deny to her a right to regulate any other portion of her inhabitants, without regard to their complexion and color. Begin the argument, and the conclusion may be just what ingenuity may render it. Abstract and political rights are of very different character and import. When we speak of the right of our Indian tribes to remain in undisputed possession of their soil and country, because they were the primitive owners, another material enquiry arises, who shall be considered competent and capable to determine the certainty of this. Will it be urged our government has authority to decide, that the doctrine of descents in the states is wrong, and should be changed—that real estate shall be answerable to the claims and judgments of

creditors, or that children must inherit, in spite of the will and wishes of the ancestor? All these things, in point of abstract right, may appear just and proper; yet the answer to be given against them is, that the states, not the general government, are clothed with authority to judge and determine in relation to such matters. Georgia, Alabama, Mississippi, and other states similarly situated, equally may claim the privilege to decide what shall be the complexion and character of their laws, in reference to the inhabitants residing within their own territory; with this single exception, that the government must—because by the constitution of the Union it is bound to do so—preserve to each member of the association a republican form of government. A restriction of her jurisdiction, of her right to control the inhabitants within her limits, is certainly no compliance with this constitutional demand; but, on the contrary, is a palpable infringement of it. There is but one mode whereby to save this country from the fate which heretofore, in times past, has overtaken other republics; it is, to regard, to maintain the constitution. Let sympathy or necessity be assumed as justifiable pretexts for its violation, and shortly our constitution will become a mere name—just that which each successive administration may conclude policy and circumstance, and the supposed welfare of the country, require to be done. When this shall become the practiced construction, we may well imagine of what little use to us will be this great intended landmark of our liberties and our interests.

But why should we indulge an excess of feeling to our Indians? Does oppression follow in the wake of the suggested policy? Are they to be driven from their homes, and no resting place afforded? Far from it. Reason and their own interests are the considerations urged, and nothing more. They obtain a larger extent of territory than they leave—of milder, better climate—and of equal, if not superior soil. Agricultural advantages are better represented; while such as cannot be drawn at once from the wandering hunter's life, will have before them a region abounding in game. The occupant title to their land, as is now possessed under the present policy, will be exchanged for fee simple rights, durable as the tenure by which any white citizen can assert an ownership to his land. Nor is this all—The United States propose to pay the expense of their removal, and to support them for a year, until their farms can be opened, and bread stuffs to support them be produced. Surely these things do not indicate aught of unkindness and intended oppression towards our brothers of the forest; and yet, to credit even half that you hear, it may well be inferred that all and every thing which reckless injustice can suggest, are intended to be practiced. As wandering exiles, they are to be driven from their habitations and their homes, and treated not as men but as wild beasts of the forest? Believe not those rumors, nor either accredit to what you hear as to the sterility of the soil they possess to the west—their barren mountains and desert prairies: all these are but mere fancies—mere imagination. The information possessed at the War Department is, that the territory assigned to the Indians beyond the Mississippi, is a pleasant and delightful region, and in all respects superior to that which they at present occupy—more extensive, pleasantly situated, and finely watered. The Choctaw tribe, for example, already under former treaties, possess a country of seventeen millions, bounded by the Arkansas on the north, on Red river on the south; while that which they at present occupy does not exceed ten millions of acres. Of the Cherokees and Creeks, (fact being absent,) my recollection does not enable me to speak, though I believe the same remarks to be applicable equally to the country which has been assigned them under existing treaties, and to which many of them have already voluntarily removed.

Great injustice has been done to the views of the administration, by the assertion that a part of its policy, was to compel a removal of the Indians. Nothing such has been indicated, and nothing is intended. The course of the last administration, and which during the past year continued, was to employ agents to superintend the emigration of the Indians, to persuade them to a removal, and to keep a registry of those who should manifest a disposition to do so. That policy has been arrested. Every agent heretofore employed for such purposes, has been discontinued, that reason might be left free to act, and nothing attempted unless of a character which should be reconcileable to the judgment of those who are to be affected. So far, then, as the government of the United States is concerned, there is no cause under action, or in anticipation, calculated to induce to any other than a voluntary departure. Looking to the recommendation of the President, and to the legislation of Congress made in pursuance of that recommendation, what is there to merit or deserve reproof? The provisions of the act are plain and few. •

1. It provides for the removal of the Indians, at the expense of the United States, and for one year's support.

2. To change their present title, which is a mere right of occupancy, for a title in fee, which shall continue to descend while the tribe exists.

Such are the liberal provisions of an act which, because not accurately understood, has been greatly misrepresented. In it certainly there is nothing contained of which a generous sensibility should complain.

I fear that I have proceeded further in detail, than was necessary, looking to the information which you already possess in reference to this important subject; my object and purpose, however, were to show you conclusively, what were the views entertained, and how much the course and policy of the President, by many have been misconceived. In great sincerity, I can hazard the assertion, that his feelings towards the Indians are kind and libe-

ral; and that at no time, and on no occasion will be found practicing any policy towards them at which the most rigid philanthropist shall revolt.

One word as to your last inquiry. The annuities which are payable to the Indians, have heretofore been paid to the chiefs, of districts, or clans, by them to be apportioned amongst the heads of families within their jurisdiction. —Complaints have been made, and recently that mode has been changed. An order from the War Department requires the different agents to pay to the several heads of families, each his ratable portion of the annuity. Impositions may be thus prevented, or at any rate complaints avoided.

Tendering to you, and to the gentlemen individually, who compose your Board, my kind regard,

I am, with great respect, your most obedient,

J. H. EATON.

REV. ELI BALDWIN.