

Cherokee Repository

GWY JcAUO.A.

CHEROKEE PHENIX, AND INDIANS' ADVOCATE.

PRINTED UNDER THE PATRONAGE, AND FOR THE BENEFIT OF THE CHEROKEE NATION, AND DEVOTED TO THE CAUSE OF INDIANS.—E. BOULINGBROOK, LITHOGR.

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GWY JcAUO.A. JD HSIJECG.I. ...

AGENTS FOR THE CHEROKEE PHENIX.

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INDIANS.

From the Connecticut Observer. REMARKS ON INDIAN REFORM. We are indebted to a member of the Georgia delegation in Congress, for a copy of Remarks on Indian Reform, by Rev. Isaac McCoy, a Baptist Missionary among the Potawatamies in Michigan. Second edition, New York, 1829. When we sat down to the perusal of this pamphlet, we had no acquaintance with its contents, except from the parts quoted by the writer in the last North American Review, on the 'Removal of the Indians.' From those extracts, and from the Reviewer's high commendations of Mr. McCoy, we expected to find on every page, facts opposed to the statements of William Penn, and to others who have written in favor of the Cherokees. But we were much disappointed. Mr. McCoy does indeed agree with the Reviewer in the policy of removing the Indians across the Mississippi,—for the great object of his pamphlet is to advocate this measure. It seems to be a favorite scheme with him. But on almost every other point concerning Indians, he differs as much from the Reviewer as William Penn does. He contents strenuously that the Indians have a legal right to the soil of their country—a right much better than any which the whites can claim. The Reviewer labors hard and long, to show that the Indians are so fixed in their attachment to their old habits and institutions, that it is impossible to civilize them. Mr. McCoy, on the other hand, says repeatedly that 'it has been greatly the misfortune of the Indians that their white neighbors have generally supposed them to be inflexibly attached to their huntings, and wild customs.' 'There is, says he, scarcely a heathen nation upon earth, of which we might not, with more pro-

priety, suppose that such attachments were inflexible.' 'We now know that the Indians are favorably situated for improvement, they will improve themselves.' Let it be remembered that this is the testimony of one, who, the Reviewer says, is 'an able & dispassionate laborer in the great field of aboriginal improvement,' and 'has a right to speak on this subject.' The Reviewer attempts to show that the failure of past efforts to improve the Indians, arises from their inherent character. Mr. McCoy on the contrary, contends that it is owing entirely to the treatment of white men towards them,—and he adduces the Cherokees as triumphant proof of his position. Place the Indians, he says, in a land they can call their own, and they will become civilized. Place before them the motives which act on white men, and we shall see a similar result.—The Reviewer says that there is not upon the face of the globe, a more wretched race than the Cherokees present. Mr. McCoy, on the contrary, dwells with evident delight on the comfortable condition of the Cherokees. He adduces a great number of statistical facts to show their progress in civilization. And instead of ascribing it to the efforts of government, or to the influence of the half-breeds, as the Reviewer does, he says, 'The work of civilization among the Cherokees appears to have been commenced by themselves; and, by themselves, without assistance from the whites, carried forward to a very hopeful extent.' He says, 'In view of the preceding facts, it is presumed that none will hesitate to admit that the Cherokees are a civilized people. They have among them men of classical education and refined manners. It is not pretended that every individual deserves the appellation of civilized; neither does every individual whom we claim as a citizen of the United States, merit the title.' Again, the Reviewer lumps all Indians together, and writes on the parcel, 'uncivilized,'—'unchangeable,'—'holding with a death grasp to their old institutions.'—But Mr. McCoy says, 'Can any thing in nature be more plain and convincing, than the striking contrast between the miserable wretches on small reservations, or those on our frontiers—and those flourishing counties, towns, and villages, which are inhabited by the Cherokees?' On the whole, we cease to wonder that the Reviewer, after introducing his witness with high commendations, making use of that part of his testimony, which made for his own side, should suddenly turn about, and endeavor to disparage the other part of his testimony. William Penn himself—no—of the missionaries among the Cherokees—not even the Cherokee Phoenix, have testified more pointedly against the Reviewer, in all the essential points of the case, than Mr. McCoy has done. We would ask those who deny that the Cherokees are civilized—who still contend that they are nothing but hunters and wretched vagabonds—and do it on the authority of Mr. McCoy, to look at one single fact. Mr. McCoy adduces the example of the Cherokees as one of the strongest arguments in proof of the utility of his plan. He says that the policy of government towards the Indians has been wrong. 'We are now admonished, in terms clear and distinct, the language of well-known facts, what we ought not to do. The question, therefore, presents itself singly, What ought we to do? Let the history of the Cherokees and their neighbors teach us. Unless we colonize these people, and place them in circumstances similar to those of the Cherokees, they will inevitably perish.' Again, in his chapter 'On the removal of the Indians to the Colony' which he had proposed, he says— 'The circumstances of the Cherokees, Chickasaws, Choctaws, and Creeks, east of the Mississippi river, merit a distinct consideration in this

place. Most other tribes are incapable of assuming the attitude of a party in making arrangements for their future residence. With these it is otherwise. The Cherokees particularly have shown themselves capable of framing a judicious constitution of civil government, and a wholesome, code of laws. They have come out boldly, and declared their legal right to the country they at present occupy, east of the Mississippi. All this is well. We are gratified to discover among them so much manliness and good sense. Hence, we infer the readiness with which they will exchange countries, as soon as they shall perceive that it will be for their interest so to do.' We do not now claim that the testimony of Mr. M. is to be relied on; but we do claim—and justice claim, that those who use his name to persuade others that the Cherokees are a wretched race, and that nothing but removal can save them from extinction, should state his opinions and statements fairly. This they dare not do—with the qualification that he is not fully entitled to credit, on this point. And if the qualification is correct, how can they in conscience or in honesty make use of his statements, and opinion, and name, against the Cherokees. We shall remark on only one more statement in the pamphlet. Mr. McCoy represents the country west of the territory of Arkansas, which is proposed as the permanent residence of the Indians, somewhat more favorably than others do. Still he says 'We admit that there is a scarcity of timber generally throughout the district we have described.'—Without impeaching the veracity of Mr. McCoy, it may be observed, that in the circumstances in which he visited the country, it is not strange if all its advantages appeared in their full magnitude, and its disadvantages should either escape notice, or be underrated. To say nothing of the known wishes of government to get rid of the troubles caused by the residence of the Indians on the east of the Mississippi, other feelings may have imperceptibly influenced his judgment. Previous to his exploring tour in 1828, he had published his views on the subject of the removal of the Indians. He regards his plan as the only one which could save the northern tribes from extinction, and would be best for all the tribes. No other part of the country, but this, was free from insuperable difficulties. If this region should prove unfit for their residence, the whole scheme would fail. Now it would be nothing strange, if in these circumstances, he should judge more favorably of the country as a residence for the Indians, than facts would warrant. We give a few extracts to show the opinion of Mr. McCoy, respecting the right of the Indians to their land.—Those who say that the Indians are nothing but savage hunters and erratic tribes, who have no idea of a title to the soil of their country, may see what is the opinion of a man who, we have been told on high authority, 'has a right to speak on this subject.' 'Believing that the doctrine which influenced Europeans on their discovery of America, and which has been entailed on us, is unsound, and has ever been a fruitful source of calamities to the natives, and the unnecessary occasion of much perplexity to the United States, I solicit the reader's attention to a brief consideration of the subject. What claim to the soil, could the people of the U. States or any other people, prefer to an impartial tribunal, which the natives could not plead with equal, or additional propriety? The Indians are the Aborigines of the country. We have not discovered an uninhabited region but a peopled country. Let us suppose the Chinese at this day to be ignorant of the country of the United States; a company of

ships arrive at Jamestown and set up a claim to the whole United States territories. Would we readily admit that the law of nations made it theirs by the right of discovery?—They take possession; but when retiring before a people of an entirely separate interest from ours, and of a superior strength, could we suppose, that on the great day of retribution, they would be free from all accusations of injustice towards us; and that they would then appear in the white-ness of innocence?' Prefer your plea, and the Indian adopts against us with peculiar propriety. But they are savages. The names we have given to the Indians are merely arbitrary, and are made to signify nothing more, than that their manners and customs differ from ours; and, in our estimation are less desirable. Let us suppose invaders of our rights, urging the same plea, and our question is answered. We found the natives living in those modes of life which they, as a people, chose for themselves; and we should be found by our invaders in the exercise of the same liberty. Surely the round of nature cannot furnish an argument to justify the taking away of a people's country, merely because the inhabitants have their peculiar modes of living; when, too, these modes of life, which differ from those of other nations, are the result of their own free choice, and have never disturbed the peace of others. Indians not mere hunters.—But they are merely hunters, and what is the right of a huntsman to the forest of a thousand miles, over which he has accidentally ranged in quest of prey? This is not quite the fact. The Indians are huntsmen; and so have always been, to a certain extent, a large population on the frontier settlements. The Indians never lived entirely by hunting; and a portion of subsistence of white settlers, has almost invariably been taken by the chase. But nobody ever thought that this circumstance affected the legality of their titles to land. It is not true that the Indians were merely hunters, accidentally passing over forests of a thousand miles. They were people at home and furnished imperishable monuments of the antiquity of their residence. Here they had lived longer than the existence of the oaks in whose shades they reclined—from time immemorial. Their country was divided among the several tribes; and if the bounds of each was not fixed with an exactitude equal to that which marks the boundaries of our several States and Territories; yet it was with a precision which they deemed sufficient, and which we admit, met the exigencies of their situation, equally as well as our lines meet the circumstances of ours. War among themselves, whether on account of a disputed territory, or of some other thing, was nothing new in the history of nations. It becomes us to feel for their misfortunes; but not on account thereof, to frame a pretext for possessing ourselves of their country. What law of nations has prescribed the amount of land a people must cultivate in proportion to each individual; the portion of food they must take from the waters, or the woods; and the distances they may, and may not travel in pursuit of their occupations, in order to render them eligible to the possession of territory and to character? Indians not erratic.—As an apology for our conduct, we have been told that these were 'erratic nations,' incapable, by the smallness of their number, of peopling the whole country. Now I would ask for some evidence to support this assertion.—Where is the nation, or tribe that is erratic in a national capacity? Precisely the reverse is the fact. It is well known that each tribe is peculiarly attached to its own district, and

few individuals are found who do not cling to the land of their ancestors, and hover over their tombs, until forced to retire by means not to be resisted. Let us be pointed to one single tribe that was, or is erratic, and so much of the matter at issue is conceded. But it is fearlessly asserted that no such tribe has ever been known to exist on our continent. Indians have an idea of title to the soil.—Again it has been asserted that 'the Indians have no idea of a title to the soil itself.' This is an assumption without the shadow of evidence; indeed, it is at variance with the recurrence of positive and well known facts. It has been the misfortune of the Indian that he was incapable of recording on parchment his views of this subject, or of publishing them to the world, and pleading his own cause. But ask the Commissioners of the United States who have encountered so many difficulties in negotiating with the natives for cessions of their lands, and they will tell you, the assumption is untenable. Look to the whole course of Indian conduct relative to the case ever since the settlements of the whites on the continent, and an united voice, as of many waters, will tell you. Or, visit the Indians in their tents, and they will tell you themselves, and that too, in expressions of grief and despair, that, unless your heart be eased in adamant, will make you both sigh and weep. Indians are actually sitting with me while I pen this paragraph: I cannot be mistaken. NORTH AMERICAN REVIEW. Indians.—One of the papers gives the following, as the substance of an article in the North American Review, on the Indians. It is needless for us to say, that what is said of the impracticability of civilizing the Indians, is contradicted by existing facts in the case of the Cherokees and others. 'If ardent spirits and other adopted agents are not removing them fast enough, much may be gained in point of time, by colonizing them to the coast of Africa; or sending recruits to Key West. It matters little, to a wild, red man, in what forests he pursues his game, or from what river he draws his fish. When these become scarce in one region, he will seek them in another. He is entitled to justice at our hands, but scarcely to sympathy, unless we would favor cruelty, barbarity and ignorance.—The march of civilization, is his extinction; and as it has been said that 'slaves cannot live in England,' it may be safely affirmed that an Indian cannot exist in a state of refinement. He must be wild or he must be nothing. He thrives in the woods but dwindles in open fields. But, if there is justice in the country, the arm of Georgia and Alabama, shall not force him from his present home.' The reviewer, however, strongly advocates the plan of removing the Indians west of the Mississippi. But the editor of the Connecticut Observer has noticed several things which detract from the conclusiveness of his reasoning; such as the following. 'The reviewer candidly tells us he does not profess to be intimately acquainted, from personal observation, with any but the more northern tribes. "He ascribes to the whole race of red men one uniform and fixed character;" [whereas "it will hardly do to make a Wyandot sit for the likeness of a Cherokee."] "In his statements respecting the Cherokees, he differs widely from some who have had personal acquaintance with the facts." "He contradicts his own favorite witness," [Mr. McCoy]; and finally "the writer contradicts himself. He says of the Indians, 'Government is unknown among them; certainly that government which prescribes general rules and enforces or vindicates them. They have no criminal code, no courts, no officers, no

unishments!—But on a consequent page, the writer raises a note of alarm, because this obstinate son of 'nature,' who has no government, and cannot be persuaded to submit to any—whose character is as fixed from age to age, as the character of a rock or a tree, has already organized 'a government de facto, within the limits of the State of Georgia, claiming legislative, executive, and judicial powers, and all the essential attributes of sovereignty.' What a change a few pages have made in the unchangeable character and condition of the Indian!

Title of the Indians to their lands.—It has been asserted that the Indians have no right to the land on which their tribes have lived, from time immemorial, except the right of occupying it; while the right of soil is vested in the United States, in virtue of the declaration of Independence, and cession from Great Britain by the treaty of 1783. Mr. Burgess, a member of the House of Representatives from Rhode Island in a speech on the distribution of the public lands, enters at some length into a history of their acquisition by the United States. Among other remarks, he says, 'History does not authorize us to say, that the sovereigns of Europe ever claimed soil and freehold in the New World, by a right of discovery. They [only] claimed, by virtue of discovery, the exclusive right to purchase the soil of primitive owners.' Again he says, 'By the principles of the Revolution vested with the great right of pre-emption and settlement, and by the cessions of the several States, disencumbered of any conflicting claim, the United States have gone into the exercise of that right, for the common benefit of all the Union. They have by treaties, at various times, made with the Indians, the owners of the soil, purchased of them for a valuable consideration, either in hand paid, or for annuities stipulated to be paid to them in coming years. By the process, the United States have changed what was, in 1783, in them a mere right of pre-emption, into a clear and unquestionable title of soil and freehold throughout almost the whole of that extensive region.'

FRIENDS' MEMORIAL.

To the Senate & House of Representatives of the United States in Congress assembled.

The memorial of the Representatives of the Religious Society of Friends, in the state of New York, and parts adjacent respectfully sheweth—

That the Society of Friends has been long engaged, in different parts of the U. States, in endeavoring to improve the condition of the Indian tribes, and that it has had the satisfaction of observing, that, under the fostering care of the government, and of benevolent individuals and associations, they have been gradually drawn from a dependence on the precarious subsistence which the chase affords, to the habits of civilized life, and have made great advancement in agriculture and domestic economy.

Whilst the melioration of their condition has been gradually effecting, your memorialists have remarked, with deep regret, that a disposition has been manifested to deprive the Indians residing in the southern states, of their natural and indefeasible rights, and to despoil these remains of once populous and powerful nations of the scanty pittance which is left of all that was once their own, and to compel them to retire into the wilderness, to begin anew their settlements, under great and overwhelming difficulties and sufferings, which it is highly probable, will lead to their total extinction.

Your memorialists are impressed with deep and anxious solicitude for their welfare; and the feeling of commiseration is excited on their behalf, in the reflection, that at a period, not remote in the history of nations, they were the rightful uncontrolled possessors of all the soil now occupied by the People of these United States, whose ancestors they received with kindness and hospitality; and that they have gradually receded, on the approach of the white population, till by cession after cession, often for very inadequate considerations, they have become limited and circumscribed with a comparatively trifling residue of their ancient domain.

The attention of your memorialists has been especially turned to the situation of the Cherokee Nation, and

the threatened violation of their rights and privileges as a distinct and separate people, recognized in numerous treaties of the government of the United States, and of the state of Georgia, during a period of forty years, and never called in question till insatiable cupidity set up claims to their lands, totally unsupported by the language and acts of the most distinguished statesman of the country, in their negotiations with the Cherokee Nation.

We cannot but deeply feel for the character of our beloved country, when such injustice is meditated; and we anticipate the opprobrium which will be cast upon it in the eyes of the world, if it should be consummated. And as national sins have, under the just government of a righteous Providence, drawn down national punishments, we tremble, lest when the Most High shall arise at the cry of the poor and oppressed, his arm shall take hold on vengeance.

To avert these fatal results, and to prevent the total extermination of a much injured people, we would respectfully, but most earnestly, solicit the two houses of Congress, to interpose their authority for the protection of the Cherokee nation in its just rights, and to save our country from such an impending calamity.

Signed by direction, and in behalf of the meeting of the representatives aforesaid, held in the city of New York, the 5th of 1st month, 1830.

SAMUEL PARSONS, Clerk.

CHEROKEE GENIX.

NEW ECHOTA: MARCH 3, 1830.

The following is from the Georgia Journal:

Cherokee Line.—We are informed that General Coffee's report on the Creek and Cherokee line, has reached Washington City. From the map accompanying it, and from what is understood to be the substance of the report itself, it appears that the true line should begin at the Shallow ford on the Chattahoochee & follow circuitously, on their ridge, a range of hills to Will's Creek. This line, it is understood, cuts off from the Cherokees, about one-third of the land believed by us to belong to Georgia under the treaty with the Creeks 1827. So that if it should be established, Georgia will lose about two-thirds of what we contend properly belongs to us, under that treaty. The evidence in support of the position assumed by Georgia is so strong, that we are well satisfied she will not be content with any other line than that run by Colonel Wales:—Georgia Journal.

Georgia says, and she will agree to no other, that the true line is as run by Col. Wales; Gen. Coffee does not think so, but supposes the line to run on the dividing ridge between the waters of the Hightower and Chatahoochee rivers; the Cherokees contend that the only line ever amicably established and settled between them and the Creeks, (though their claim extended further down & was acknowledged by the other party,) is the one now in existence, from the Buzzard roost to the mouth of Will's Creek. The Hon. J. C. Calhoun, when Secretary of War, supposed the true line to run considerably below the present one, throwing, at least part of Carroll County, on the Cherokee side. But we will give his own words from his instructions to the Commissioners who negotiated the treaty of the Indian Springs, on the 8th day of January, 1821.

"On consulting with the members from Georgia, I am of the impression that a cession from the Creeks of the northern portion of their territory, so as to admit of a white population between them and the Cherokees, would be preferred, which you will accordingly first propose and urge on them. In the event of their agreeing to such a proposition, it may be proper to observe that there is some uncertainty as to the true line between the Creeks and the Cherokees; and that after investigating the subject two years, in the presence of a delegation from both nations, it is believed that the claims of the Creeks do not justly extend north of a line drawn due west from the high shoal of the Apalachee.

Now who is right. The reader will please to recollect what we said at the commencement of this controversy—we expressly declared that no line as such was ever established between the Cherokees and Creeks except the present one—we said further that the Cherokees had a better claim to the country south of this line than the Creeks north of it. See Mr. Cal-

houn's thought, and his opinion was impartially and deliberately made, after a candid investigation of the subject in presence of both the parties. If justice is done, no part of the land will be taken away from the Cherokees. If the declaration of the journal, that the state will not be content with any other line than that run by Col. Wales—true we are only sorry that such a dominating spirit should be exhibited by a christian people. Will she make herself judge, convict upon exparte evidence, pass sentence and execute? If so, let her do it.

By the last mail we received two letters, from Washington which we have the pleasure of presenting to our readers this week. One is in English and is inserted below—the other our Cherokee readers will find in its proper place.

WASHINGTON CITY, }
February 11, 1830. }

I have been here 21 days, waiting for important news on the interesting subject of Indian Affairs to occur in Congress, to transmit to you. I feel it a duty now not to delay writing any longer; but to send what little has come within my knowledge. Part of the Cherokee Delegation, Maj. Lowrey, & Messrs. Taylor and Vann were here in Brown's Hotel at my arrival, the others, being detained by sickness in Pittsburgh, did not reach here, until after a week and a half subsequent to my arrival in the enjoyment of renewed health.

On the 26th ult. I addressed a note to the Secretary of War as Clerk of the Creek Delegation, announcing our arrival, and requesting to be introduced through him to the President.—This was returned in a letter of McKenney by direction of the Secretary, stating, from what he had told me, as the accredited agent of Government in Tuckoatchie, that no communication should be received from the Creeks, of which I was not a member, if I was made the organ, it was not expected I should present myself in that character. From another source, the Creeks were invited to come, and they held an interview with the President, whom they informed of the objections made at the War Department to the use of their clerk, and expressed a regret, particularly as they were destitute of a competent one of their Nation. The President told them in the presence of the Secretary that they had a right to employ whom they pleased as their clerk, but he could not receive their clerk in the character of a Chief of the Creek Nation! When my note expressly stated my appointment as a clerk, this impression of the President was no doubt made from the fountain head, the Indian Misrepresentor, McKenney.

We have submitted two communications to the War Department. The 1st impeaches the integrity of the Creek Agent for misdemeanor in office and requests his removal. But the executive in their rigor and chilling policy against the well being of all Indians east of the Mississippi always act adverse to their wishes, and perhaps their objects can be better attained by applications of reverse character than the true one; for instance, to appropriate the character & conduct of an Indian Agent and most anxiously request his continuance in office, and give a high finish of his generosity and friendship to the Indians, I believe would effect his removal. In the 2d we have asked for the money paid out of the Creek annuity to satisfy a claim of Houston and Blackburn for whiskey introduced among the Indians, and which had been rejected by J. C. Calhoun when Secretary of War, and which has been paid by the Government since, in opposition to said decision and the consent of the Creeks.—This claim is \$5000. The Indians are not only ruled by an iron rod, but they are lashed with a whip of Scorpions. Laws made in better times and by good and wiser men for our protection are suspended, and the whole of executive influence is exerted to expel us from the land of our fathers. And though it is not distinctly avowed, yet measures have been adopted indirectly to remove us, by unlawful and tyrannical means.—Force of circumstances, necessity, and expediency, compose the whole of their argument, and justice, treaties, laws, or constitutions are left in the background, and remain unquoted because they are all eloquent, speaking in a language of thunder in their rebuke, and in behalf of Indian rights.

To the Congress we have some time since presented a memorial in behalf of the Creek Nation asking the protection of the United States from

the operation of the Alabama laws, attempted to be extended over them. In both Houses the memorial is ordered to be printed, and in the Senate Forsyth has requested to suffer it to remain on the table until it is ascertained, whether our Delegation are properly authorized by their Nation. Trifling and weak as the Indian cause is represented to be by Georgia, her champion opposes a memorial, as a lawyer would a strong cause, by a flaw or error in the warrant. But we have our credentials in writing, and we have spoken the language of the whole Nation.

Sir, I have a strong hope and expectation of justice from the hands of Congress. New York, Ohio, and Pennsylvania members, represent a highly cultivated people, distinguished for benevolence and adherence to natural, civil and divine laws. They will not shut their ears to the Indians, when they cry for help. Heman has made the gallows to hang Mordecai the Jew, and the day for the slaughter of the Indians, is appointed! But redemption comes when it is least expected. The sovereign people of the United States have not yet spoken.—But if contrary to my expectation, they pronounced the verdict of our destruction, we shall sink to dust as true and faithful patriots to our Country, and fill one dark page in the history of America, when our fate shall be recorded, that the Cherokee Nation aspired too soon for Christian knowledge, and fell in the bosom of oblivion by the power of the United States, because they had not commenced the work of civilization in the prairies of the west, and because Georgia wanted the last remnant of their lands, and the American Republic had not virtue enough to execute their faith to the Indians.

An attempt is made by our enemies, to enforce on the minds of our friends, that the common people are anxious to remove to the west, and are only deterred by the power of the chiefs, who menace them with stripes, mutilations of body, or with the loss of life, and that the nation, as soon as Congress decides against them will yield up the land and retire simultaneously and without regret to the country to which the Government has pointed.—They ought to know our chiefs are elected biennially by the people, who are the controlling and rewarding authority, in all the honors of trust and profit in our nation. But this truth is too strong to be resisted, and if they persist like quacks to try experiments on our nation, they will make a corpse of it before they realize the truth of our devotion to our country. If I know our people, let the result be what it may, they will not give the United States executive an opportunity to say we have bought their land, but they can say, we have robbed them of it.

CONGRESS.

SENATE.

February 9.

The Vice President laid before the Senate a memorial from a Delegation of the Creek nation of Indians, complaining that certain acts of the State of Alabama, are in violation of the rights and immunities guaranteed to their nation by treaty stipulations with the United States, and praying for relief.

Mr. McKinley moved that it be referred to the Committee on Indian Affairs; but

Mr. Forsyth objected to its reference before it was printed, and before it was ascertained that the petitioners were really authorized delegates from their tribe; and at his suggestion the memorial was laid on the table, being also ordered to be printed.

February, 11, 1830.

The resolution offered by Mr. Foot to inquire if any further provision be necessary to prevent encroachments upon lands belonging to, or in possession of, any Indians, or Indian tribes, whether guaranteed to them by treaty, or in which the Indian title has not been extinguished, was taken up. Considerable debate took place on this resolution, in the course of which, Mr. Forsyth moved to lay it on the table; which was negatived by yeas and nays, 13 to 27, as follows:

YEAS—Messrs. Adams, Brown, Ellis, Forsyth, Grundy, Iredell, Kane, King, McKinley, Rowan, Smith, of S. C. Tazewell, White.—13.

NAYS—Messrs. Barnard, Barton, Bell, Burnet, Chambers, Clayton, Dickerson, Dudley, Foot, Frelinghu-

sen, Hendricks, Holmes, Johnson, Knight, Livingston, McLean, Marks, Naudan, Robbins, Ruggles, Sanford, Seymour, Silsbee, Sprague, Tyler, Willey, Woodbury.—27.

The resolution was then agreed to without a division.

INDIAN MEMORIAL.

HOUSE OF REPRESENTATIVES.

The SPEAKER presented the Memorial of a Deputation of Chiefs of the Creek Nation,

[The object of this Memorial is to invoke the protection of Congress for the Creeks against the Laws which the State of Alabama proposes to extend over them.]

Mr. Wilde, moved to lay it on the table, and to print it.

Mr. Storrs called for the reading of it.

It having been partly read, Mr. Storrs assented to the suspension of the further reading.

Mr. Clay moved to refer the Memorial to the Committee on Indian Affairs.

Mr. Wilde objected to this reference, on the ground that the subject belonged, under the circumstances, to the Executive, and also that the course was unprecedented. He thought it would be better to have it laid on the table for one day at least, that the members might have an opportunity to examine it.

Mr. Clay then withdrew his motion, and said, he preferred that it would be laid on the table.

Mr. Taylor said there were numerous precedents showing that the course had been to refer such documents to the Committee on Indian Affairs.

The Memorial was then laid on the table and ordered to be printed.

DOMESTIC.

The following extract from the Winyaw Intelligencer, printed at Georgetown, in South Carolina, will show the extraordinary degree of excitement which still prevails in that State, on the subject of the Tariff.—It is not pleasant to recur to these things, but it is in vain to shut the eye upon them.—Nat. Int.

The Richmond Whig says, "Virginia is brought to the alternative which we long ago predicted—either to secede from the Union, or to acquiesce in the Tariff."

So far we agree with the above, that we have long believed no real change of the tariff would take place: that those who tax us for their own benefit are and will continue to be a majority, & that we must act decidedly, be the consequence what it may, or "acquiesce" in infractions of our liberties and interests, to which theoretically and practically the causes of the revolution were trifling.

But the necessity of seceding is doubted. If South Carolina, with her moral force, her unblemished reputation, should take decided measures, we believe the interests of a portion of those who live upon us—the ship owners for example—would drive them into open hostility to the present system. They well know that a separation of the Union would be a death blow to the Northern Atlantic sea board, and of course a great injury to the interior.

But to those who, when not trifling, not speculative, but important, practical rights are taken from us, even the most important of all, self-government—to those who in such times shrink from acting, and entrench themselves behind arguments and sentiments which have been in all ages the apology for submission and servitude; we would recommend to them as a master the beloved Ferdinand, or, better yet, the amiable Don Miguel.

DEGENERACY OF KINGS.

Extract from the Memoirs of Thomas Jefferson, lately published.

"To Governor Langdon.—When I observed, however, that the King of England was a cypher, I did not mean to confine the observation to the mere individual now on the throne. The practice of Kings marrying only into the families of Kings, has been that of Europe for some centuries. Now take any race of animals, confine them in idleness and inaction, whether in a sty, a stable, or a state room, pamper them with high diet, gratify all their sexual appetites, immerse them in sensualities, nourish their passions, let every thing bend before them, and

From the New York Daily Advertiser.

We cheerfully give place to the following correspondence between some of our oldest, and most respectable citizens, and the Hon. Messrs. Spencer and Storrs. We observe that most of the signers of the letter of thanks to the Hon. Gentlemen, are among the surviving officers of the Revolutionary Army, and we think they, and the other respectable signers, could not have better employed the influence of their venerable names, than by vindicating the right of the citizens to petition Congress, and by manifesting their feelings at any attempt to invade or deny the exercise of that right. The sentiments contained in this letter are those entertained by thousands of our most valued citizens; but we are gratified that no measures were taken to effect a public expression of opinion in consonance with those sentiments; it is better that a few citizens known for their age, their public services, their respectable characters, should speak, as these gentlemen have spoken, the opinions and feeling of the great body of the community. The gentlemen of the Georgia delegation may rest assured, that there is no disposition to produce unnecessary excitement on the subject of the Indian rights; but there are multitudes of men in this country, who, without any desire to promote the success of one political party, or to depress another, will, from a mere love of justice, not see these remnants of an injured race oppressed, or their rights trampled upon, simply because they are weak and defenceless.

New-York, January 3, 1830.

To the Hon. Ambrose Spencer, and the Hon. Henry R. Storrs.

GENTLEMEN.

You will please accept our sincere acknowledgments for your timely and dignified vindication of the rights and character of the Meeting in this City, which lately forwarded to Congress a Memorial praying that body not to violate the obligation of Solemn Treaties made with the Cherokee and other nations of Indians.

The opinions and sentiments expressed in that memorial, receive our decided approbation—but if it were otherwise, we should reprobate any attempt to impair the right of the Citizen to petition Congress.

While as inhabitants of the City of New-York, we regret, gentlemen, that the duty of repelling the attack upon the meeting referred to was suffered to devolve on you—we rejoice that there are those among the Representatives in Congress of the State of New-York, who will not quietly permit the character of any portion of her citizens to be calumniated, and their rights assailed.

We have the honor to be, most respectfully, your obedient servants.

(Signed.) JNO. TRUMBULL,
WILLIAM TORREY,
RICHARD VARICK,
JAMES FAIRLIE,
JOHN PINTARD,
PETER M'CARTEE,
J. R. B. RODGERS,
THEOS. FOWLER,
JOHN GRAHAM.

WASHINGTON, January 25, 1830.

GENTLEMEN.

Your letter of the 18th has been received. We feel highly gratified to learn, that the course we took on the presentation of the Memorial from the very respectable meeting in New-York, against the violation of the treaties with the Cherokee and other nations of Indians, meets your approbation.

In vindicating the sacred right of the citizen to petition government on all and every subject; in repelling the wanton attacks made on individuals venerated and respected wherever known; and on a large and most respectable meeting of our fellow citizens, on a subject involving the faith of the nation, its honor and character; and the existence of a race of men, now the remnant of a once powerful nation; we did no more than perform a duty incumbent on us, as the representatives of a free people. We beg you to accept our thanks for the favorable consideration, of what we said on the interesting occasion to which you refer.

We are, most respectfully,
Your obedient servants,
A. SPENCER,
HENRY R. STORRS.
Messrs. John Trumbull, William

Torrey, Richard Varick, James Fairlie, John Pintard, Peter M'Cartee, John R. B. Rodgers, Theodosius Fowler, and John Graham.

From the Connecticut Observer.

PROPOSED RESIDENCE OF THE INDIANS.

So much attention has been excited in reference to the proposed removal of the Cherokees from Georgia, that every fact on the subject becomes interesting.

The resolution of Congress directs the committee to provide a place for their west of Arkansas Territory, from the obvious facts, that to place them on this side of the Mississippi, or in the State of Missouri or Arkansas Territory which lie immediately beyond, would involve them in the same difficulties as they now feel in Georgia. It is also to be remarked, that they are an agricultural people, since "there is not a family in the nation" that subsists by hunting. In 1819-20, the Vice-President, then Secretary of War, despatched Major Long, with an exploring party, to examine the tract of country, lying between the Mississippi and the Rocky Mountains. The journal of the expedition, and extracts from the official reports, were published in 1823, and furnish us with unexceptionable testimony concerning the country, which is proposed as the future residence of the southern tribes.

On his return from the Rocky Mountains, Major Long passed along the Canadian River, which flows through the tract designated in the resolution.

After he had entered the United States territory, he observes in his journal, p. 139: "By our computation of distance: we had travelled more than one hundred and fifty miles along the bed of this river, without once having found it to contain running water. We had passed the mouths of many large tributaries, but they, like the river itself, were beds of naked sand." For some weeks they had not found water enough to wash their clothes, which became offensive both to sight and smell. By scooping in the sand in the bed of the river, "not more than a pint could be dipped up at a time."—p. 141.

"On the 4th," (Sept.) he observes, "we met with nothing interesting, except the appearance of running water in the bed of the river. Since the 13th of the preceding month, we had travelled constantly along the river, and in all the distance passed in that time, which could not have been less than five hundred miles, we had seen running water in the river in one or two instances only. Of these, one in it had evidently been occasioned by recent rains, and had extended but a mile or two, when it disappeared."—p. 157.

On the 6th, he says: "It would appear that all the water which falls in rains, or flows from springs in an extent of country far greater than Pennsylvania, is not sufficient to supply the evaporation of a surface of naked and heated sands." (p. 160.) On the next page he adds: "We have little apprehension of giving too unfavorable an account of this portion of the country. Though the soil is in some places fertile, the want of timber, of navigable streams, & of water for the necessities of life, render it an unfit residence for any but a nomadic (wandering) population. The traveller who shall at any time have traversed its desolate sands, will, we think, join with us in the wish that this region may forever remain the unmolested haunt of the native hunter, the bison, the prairie wolf, and the mammoth."—p. 161.

In the extracts from the official report, he says of the whole section lying between the Rocky Mountains, and long 94, 95 1-2. "The intervening space occupying an extent of near twelve degrees of longitude, is a sterile, desolate plain, destitute of timber, scorched in summer by the reverberation of the rays of the sun; chilled in winter by the freezing west winds from the Rocky Mountains."—p. 385.

In page 389, he remarks, "From the minute accounts given in the narrative of the expedition, of the particular features of the region, it will be perceived to bear a manifest resemblance to the desert of Siberia."—He accordingly styles it, "The Great American Desert."

In concluding his report on the section in question, (p. 361.) he thus expresses his ultimate opinion to the

Secretary of War: "In regard to this extensive section of country, we do not hesitate in giving the opinion, that it is almost wholly unfit for cultivation; and of course uninhabitable by people depending upon agriculture for their subsistence. Although tracts of fertile land, considerably extensive, are occasionally to be met with, yet the scarcity of wood and water, almost uniformly prevalent, will prove an insuperable obstacle in the way of settling the country."

INDEPENDENCE OF INDIAN COMMUNITIES.

The Massachusetts Journal, in commenting upon the doctrine of the present administration, respecting the condition, as nations, of Indians; makes this statement:

The State of Massachusetts has not even to this day, extended her laws over the little remnant of Indians and half-bloods, who still remain within her limits, & speak and read her language, although the line of their Sachems is extinguished, and all government, except by their customs, by voluntary compact, like that of the Cherokees, and by regulations, which at their special request, on the failure of hereditary chiefs, the state has occasionally made for them. It is but three years since I was present among the Indians at Gay head, on the Island of Martha's Vineyard, and heard some of the most sober and industrious lament that the laws of Massachusetts were not so far extended to them, that no person could sell spiritous liquors unless he had a license; but without special enactment it was, and is, and ever has been perfectly understood, that the laws of Massachusetts never were and never could be extended over the Indians, few as they are, who remain within her limits.

These Gayhead Indians, although they are Christians, and have by voluntary compact adopted many of the forms of town government which prevails in Massachusetts; and altho' they see clearly and feel sensibly the need of some of our laws, are still so attached,—even in their fallen state, their language gone, their gods discredited, and their chiefs extinguished,—to their ancient laws and customs, that they have not seen fit to ask nor accept a code from Massachusetts. There is a code in operation in another tribe, at whose request it was framed and enacted, which contains a provision that it may be extended over the Gayhead tribe, whenever at a town meeting duly called, a majority of them shall vote in favour of it. They have not yet thought proper to adopt it, & are still governed by their Indian laws and customs, hold their property in joint tenancy, are subject to no taxes but what themselves impose, to no military duty, maintain no highways, give nothing for the support of public worship, unless they choose, and hire an Indian or a white man, or either to keep school, as they think proper.

GEORGIA AND THE INDIANS.

The following communication is from a source entitled to the highest confidence. It is copied from the hand writing of the witness, & agrees with all that we have heard of Mr. Jefferson's opinions, on the subject to which it relates.—N. Y. Obs.

"On the morning of the 31st of May, 1824, I spent about an hour with the late Thomas Jefferson, at his own Monticello. Having then recently been in Georgia and heard much said on the Cherokee question, I delicately inquired his opinions on that subject. In my journal I find the following memorandum of our conversation about it.

He is decidedly opposed to the Georgia claim, says she is the most greedy state in the Union, that the Indians are under no obligations to sell their lands, that they have an original title to them, that we have guaranteed this title, and that the Indians are indisposed to sell them."

"I well remember the emphasis with which he remarked: 'She has always been the most greedy of land of any state in the Union.'

"I inquired respecting the obligation intended to be imposed on the federal government, by the compact of 1802. He replied, in substance, that when he signed that compact, he had no idea that this government was any farther obligated thereby, than to purchase the Cherokee lands when the Indians become disposed to sell them at a reasonable price."

From the New York Observer.

The representatives of Georgia in Congress, with the hope of diverting public indignation from the authorities of their own state, have called for information respecting the moral and political condition of the Northern Indians,—and without waiting for an answer, they sneeringly exclaim, "Physicah, heal thyself; complaints against Georgia come with a poor grace from New-York and the land of the Puritans."

It must be confessed that while the editor of the Philadelphian, and some other Northern editors, write as they do, the Georgians ought not to be severely censured for the ignorance which these taunts imply. But before they carry their note of triumph any higher, we advise them to read the history of the Puritans, and to examine the records of New-York. If they find in that history, or those records, any parallel to the injustice and cruelties with which they threaten the Cherokees, they will find what has escaped the search of those who are most familiar with these documents.

With respect to the Puritans, we may safely challenge their enemies to show us any people, in any age, who ever treated a savage and inferior race with more scrupulous justice and Christian kindness, than they manifested towards the Indians. We do not say that they never erred—we speak of their general conduct. At the time they landed at Plymouth, every Protestant, asserted, and acted on the principle, that savages have no right to their country. In opposition to this principle, some of the first settlers of Massachusetts strenuously contended that the Indians had a perfect right to exclude white men forever from every foot of this continent, and they all resolved to take nothing from an Indian, without his consent freely and fairly given. Accordingly they bought the soil, and scrupulously avoided exercising any dominion over persons residing without the purchased limits, except such as was sought by the Indians themselves, or enjoyed by the plainest precepts of Christianity. Learning by experience that they could safely confide in the justice of the colonists, the Indians sought their alliance, and voluntarily subjected themselves to their laws. The colonists assigned them townships of land, protected them from the impositions of mercenary whites, assisted them in erecting churches and school houses, and labored diligently to instruct them in learning and religion. Under this mild policy, hundreds and thousands of Indians lived happily & died in Christian hope. The State of Massachusetts, at this day, forbids the intrusion of the whites upon these lands, and, if we mistake not, still supports among the Indians, who reside there, Christian missionaries and teachers. That the Indians have dwindled in number, and degenerated in character, is owing to causes which imply no blame in the authorities of that state.

Such was the policy of the Puritans and their descendants. It is a policy which has procured for them the high encomiums of Vattel, and other eminent writers on jurisprudence. It is the very policy, which forty years has been imitated by the United States government, and which enabled our Commissioners at Ghent, in the face of the world, to place the American character for justice and humanity, in proud contrast with that of Europeans.

With respect to the present condition of the Indians in New-York and New-England, we will only say, that the relations which they sustain to the whites, are chiefly the result of agreements into which the Indians have voluntarily entered, and if, in any case they had been interfered with without their formal or implied consent, it has been only in accordance with the golden rule of Christianity. We will not suffer Indians to offer human sacrifices to devils while we have the power to prevent it. England and France will not suffer the Turkish Sultan to exterminate his own vassals; and the government of the United States has declared it to be right to punish the subjects of any power found engaged in the slave trade. These interferences are not to be regarded as infringements upon the sovereignty of nations—they are the mere dictates of humanity. And so also, if individuals or bodies of men from any cause, be-

come so reduced, as to be in capable of governing themselves, it may be not only the right, but the duty of a Christian people to assume the control, taking care, however, that the incapacity of the unfortunate subject, & not our avarice or lust of power, should measure the extent of the interference. We cannot say that some of the remnants of Indian tribes in the Northern states are not already in the situation here contemplated. We believe, however, there are no cases in which Indians have been subjected without their consent; but if there are, he who argues from such facts in favor of the right of Georgia to extend her laws over the Cherokees, deserves himself to be placed under the guardianship which he advocates.

We protest against the principle, that because Gen. Jackson may have expressed an opinion on the policy which ought to be pursued towards the Indians, it must therefore be made a party question; and we do so, both for his own sake, and because in this way the claims of justice and the honor of the country are in danger of being sacrificed on the altar of political devotion. By acknowledging their attachment to the present Administration, men do not pledge their acquiescence in every particular measure of that Administration, right or wrong; much less, in every opinion which may be expressed by its head; and we are confident, that those who carry the opposite doctrine into practice, do but injure the cause which they seek to promote. In the northern states at least, there is an unanimity of feeling on the Indian question, which exists not on questions of public policy; and it is too evident to be denied, that vast multitudes, and indeed an overwhelming majority of those who feel strongly on this subject, are actuated by principles as distinct from the jarrings of party as light is from darkness. Why compel such men to sever themselves from a party to which they are honestly attached, when by permitting the question to rest on its own merits, the interests of justice and of the Administration will both be better promoted.

Jour. of Com.

From the New York Observer.

The advocates for the removal of the Cherokees appear to be a little lacking in consistency. When Col. McKenney delivered his address in this city last spring, he commended his oration by a glowing picture of the extermination of the Indian nations.—And many others are now seeking to produce the impression that the Cherokees must waste away if they remain in their own country, just as the tribes have wasted, among whom Elliot, and the Mayhews, and Brainerd, spent their strength.

On the other hand the Georgians are raised almost to a state of frenzy, because they see such indications of a preparation among the Cherokees to maintain a permanent possession of their country. I should like to know which of these grounds of action is the true one? If the Cherokees are doomed, as it is said all Indians are, to waste away before the march of civilization, and if all the efforts of piety and benevolence, backed by the liberal policy of the national government cannot prevent it, why so let it be. To repine about it is neither more nor less than to murmur at the decrees of heaven. And in that case, Georgia can get the lands, in a generation or two, without compromising the character of our nation, violating the faith of treaties, or committing needless outrages upon the feelings of these sons of the forest. If the Cherokees are not wasting away, but flourishing like their white neighbors, let us hear no more of the impossibility of saving Indians from extermination.

CONSISTENCY.

CASTINGS.

THE Subscriber has for sale a quantity of CASTINGS, of almost every description; he will sell law for cash, or he will receive Hides, Deer skins, and all kinds of Furs in exchange for them.

JNO. F. WHEELER.

Nov. 18, 1829.

LAWS

OF THE CHEROKEE NATION FOR SALE HERE.

CONSTITUTION

OF THE CHEROKEE NATION FOR SALE HERE.