nal peace and safety shall drive away fear. Put your trust in the Lord and you shall never fall, "for in the Lord Jehovah, is everlasting strength."

The friends of the Indians are beginning again to try the influence of petitions, and it is believed that soon there will be a general and full expression of the opinion of this nation, on this subject before Congress. Meantime the writer would assure the Cherokees, that though females are forbidden by the wise regulations of society, from appearing in any public way in their behalf, in the private walks of life, their influence is not wanting, nor is it unavailing; while every day from them, petitions are sent to an unrebuked audience, where by the King of Kings they are accepted and heard.

Extract of a letter to the Editor, dated Choctaw Nation, Jan. 10th, 1831.

I have been delighted with the firm, temperate, united and persevering, resistance which the Cherokees have made to the arbitrary and unjust proceedings of Georgia. Thus far, *they must* have secured the approbation and the sympathy of all the upright and unprejudiced in every portion of the civilized world. It is mortifying and humiliating to see how far self interest, prejudice and party have succeeded in sustaining a cause, so manifestly wrong, and which I doubt not posterity will almost universally condemn. I admit, with the Secretary of war, that on this, as on most other subjects, honest differences of opinion may arise. Many may have decided hastily and without the means of forming a correct decision. Situated as the United States are in regard to the Indians, the danger is, that we shall "feel power, and forget right." There is no danger on the other hand. We shall do well to bear in mind, that our judgements will all be re-judged; and every unrighteous decision will be reversed—most likely in this world, certainly in the next.

You must have noticed a very material difference in some of the statements of the Secretary of War, in his late Report, respecting the Choctaw Treaty, from the accounts which have come before the public from other sources. The account copied into your paper of Nov. 13th from the Port Gibson correspondent, is correct, the statement of the Secretary of War, to the contrary notwithstanding. The people have a right to expect, in public documents, emanating from high and responsible officers, a fair and correct statement of facts. When these documents lose their character for fairness and verity, every good citizen feels that his country is degraded. The Secretary says, arguments addressed to their judgements were the means employed. No threat was used; no intimidation attempted. Under those circumstances, a treaty was concluded and signed. more than five thousand Indians being in attendance at the time.—amongst them was great apparent unanimity. Would not every reader of the above unacquainted with facts, suppose that more than five thousand Indians were *present* when the treaty was signed? Whereas every person who was there, knows, that there was not a fourth part of that number present at the signing of the treaty. I know not what the Secretary of War would consider using threats or attempting intimidation, but I well know he could not have said any thing, which would have operated more powerfully on the fears of the Choctaws, than what he did say, unless he had told them; that the United States would drive them off at the point of the bayonet. He told them the Agent, the Interpreters and the Blacksmiths would be discharged and all official communication with the Government would cease. That they would be left to the mercy of the Mississippi laws, and that they could no more live under those laws, than they could take wings and fly. That the Government would take their country West of the Mississippi for other Indians, and if they should find their situation ever so intolerable under the state laws, they could have no assistance in removing. Whether there was any threat or intimidation in all this, every one must judge for himself.

There was not only "great *apparent* unanimity" but in *reality* great unanimity among the Choctaws, but it was to hold on to their country, and not to part with it on any considerations. It has been stated by those present, that four fifths of the people had voted against the treaty, and left the ground, *before* the signing commenced. And of those who did sign it is certain that many did not do it of their own free will and choice. It is difficult to conceive how the Secretary could assert that "the great body of the nation were satisfied when he left them."

Every effort has been employed to prevent any public & general expression of the feelings of the Choctaws on the subject of the late treaty. The influence of the Chiefs and others interested in sustaining the treaty has been considerable, and the people are no doubt, better reconciled to the measure than they were at first. They have been told there is no remedy. "Some of those who have been to explore the new country, represent it as much better than this. The trial is yet to come.

P. S. One word respecting Col. Leflore's letter to the Secretary of War "The Indians tell a different tale. They say they do not wish to remove. That their Chief told them that they must go, that their land was sold, that the white men were coming in, and would steal their horses, and ravish all their women, if they were not off immediately." The fact is, after all that has been done to reconcile them to the Treaty, and all the glowing descriptions of their newly discovered paradise in the west, few if any of the Choctaws would remove, were it not from fear of the state laws, and other evils that must come upon them if they remain here. There is no such thing among the Common Choctaws, as a *wish to remove*, if they could be protected in their rights and privileges.

For the Cherokee Phoenix.

Mr. Editor: I have just noticed the following sarcastic paragraph from the Charleston Mercury and republished in the Southern Recorder. And but for the *sacrilegeous* doctrine contended for by the Editor of the Mercury in relation to the case of George Tassels I should pass it unnoticed.

The Editor of the Mercury remarks—

"*Important from Georgia.*—It will be seen that Georgia does not evince a disposition to shrink (when a fitting opportunity presents itself) from declaring her rights and boldly maintaining them. We have repeatedly heard it asked where will all this end? The answer seems to us very plain. Why,—*with the death of the Indian.* The Supreme Court says, you State of Georgia, shall not hang the Indian. The State of Georgia says I will *hang* the Indian. Well the Indian is hung!—What then—to whom is the State of Georgia answerable? To the Supreme Court? Surely not! Is she not a sovereign free and independent State and know no master save disposing Heaven? Besides how farsical would be the idea of a State having any rights at all if she cannot even enforce her *criminal* laws without permission from abroad. The only thing that strikes us at all remarkable in the proceedings of the Georgia Legislature is the *temperate* strains of the Resolutions. We should have expected a little more *fire* from the enormity of the indignity offered to the pride and sovereignty of Georgia."

Now, Mr. Editor, in order to show that the above remarks were penned either through *ignorance* or *corruption*, it is only necessary for me to show that the appeal made in the case of George Tassels, a Cherokee Indian, tried, convicted and executed by the laws of Georgia for the murder of another Indian committed within the territorial limits of the Cherokee Nation, and claiming not to be a *citizen* of Georgia, is such an one as is contemplated by the Constitution and laws of the United States; and that the supreme Court has appellate jurisdiction of the case, without going into an elaborate discussion of the right in Georgia to extend her laws over the Cherokees.

The sovereignty and independence of the Cherokee tribe of Indians as a Nation have never until the present cases, been contested in a Court of Judicature. They were recognized by the treaty of Hopewell in 1785 as a sovereign free and independent Nation, capable of declaring war against the States. The United States in a subsequent treaty pledge herself to protect the Indians in their occupant possession. And under these and other treaties the Indians have been permitted from the earliest settlement of this country to the present time, to enjoy all those privileges and immunities which a sovereign free and independent Nation may of right enjoy. And these rights having been acquiesced in on the part of the State of Georgia, so long—and the United States having pledged herself to protect the Indians in their occupant possession, by treaty stipulations, and they never having been considered and treated as citizens of Georgia—all these have taught them to believe that they were a sovereign and independent Nation—And as the extension of the laws of Georgia over the Indians, brings in question the validity of a treaty, the final Judgment of which is only cognizable by the Supreme Court, the Indian (Tassel) most clearly had the right to make the plea to the jurisdiction of our court, and if over-ruled, to appeal to the Supreme Court. The Constitution of the United States expressly declares that the Judicial power shall extend to all cases in law or equity arising under that constitution, the laws of the United States and *treaties* made or which shall be *made*, under their authority—See Constitution of the United States, Article 3—§ 2.

The case of George Tassels therefore is beyond all doubt such an one as is contemplated by the constitution of the United States, and the Supreme Court has clearly the appellate jurisdiction of the question, because, by the act of Congress of the 24th of September, 1789,—§ 25,—"a final judgment or decree in any suit in the highest court of law or equity of a State, where is drawn in question the validity of a treaty, and the decision is against its validity; or where is drawn in question the construction of a treaty, and the decision is the title against right, or privileges set up or claimed under it, may be re-examined, and reversed or affirmed in the Supreme Court of the U. States upon a writ of error." See Kents Commentaries----Page 295—6.

The Chief Justice was therefore bound by the Constitution and laws of the United States to grant the writ of error upon proper showing, and the State of Georgia was bound by every thing she held dear to her character as a State to obey it—the temperate strains of the resolutions to the contrary notwithstanding.—"Besides how farsical would be the idea" of the United States (Georgia included) having the power under her constitution, to establish a *tribunal* for the trial of all cases arising under her constitution and laws, if she had not the power of taking cognizance of those cases without the special permission of the parties against whom the cases might be brought. Such a state of things never did, it never can exist in a well regulated government.

A GEORGIAN.

From the National Journal.

President Jackson in his last message, communicating his views respecting the Cherokees, uses the following language:

"No act of the General Government has ever been deemed necessary to give the States jurisdiction over the persons of the Indians. *That* they possess, by virtue of their sovereign power within *their own limits*, in as full a manner before, as after the purchase of the Indian lands; nor can this Government add to, or diminish it."

This principle is not only at war with reason, and with the provisions of solemn treaties, but with the opinions expressed by sound moralists, genuine patriots and able statesmen. We have it on record that even one of the most influential advisers of Gen. Jackson, not many years ago, expressed sentiments diametrically opposed to those now uttered in his official communication by the President.—Mr. White of Tennessee, now a Senator of the United States, & leagued with those who would oppress, coerce, exile and destroy the unfortunate Cherokees, in the year 1824 held other views and gave utterance to other opinions. When the right of the Indians to tax traders within their limits was denied by the government, Mr. White gave his opinion in full in opposition to the course of the Federal authorities. We subjoin a few extracts, as affording the best answer which can be given to the principles now laid down in the message of Gen. Jackson, and supported on the floor of the Senate, by the same Hugh L. White.

"I am not at liberty (said Mr W.,) to doubt but the Cherokees are to be considered as a *nation*, a community, having a country distinctly marked out and set apart for their use; that their interest is as permanent and fixed in it, as the *pledge* and the *faith* of the U. States can make it, inasmuch as they have *solemnly guarantied* it to them, *as a nation*, without any limitation of time."

Again, expounding the application of the 8th section of the 1st article of the Constitution, respecting the power of Congress, "to regulate commerce with foreign nations," &c. Mr. Hugh L. White says:—

"The words here used in relation to the Indians are *precisely* similar to those used in relation to *foreign nations*; and it is hardly presumable that it ever was expected, that, because Congress is vested with power to regulate commerce with foreign nations, she is therefore vested with the right of interfering with the *municipal regulations* of either France or Great Britain."

In this paragraph Mr. White explicitly denies the right of the government to interfere with the *municipal* or *internal* regulations of the Cherokees a denial which strikes at the root of the principle laid down by the President in his message." But Mr. White proceeds to fortify the positions he has taken. Speaking of the treaty of Holston, he declares in reference to the Cherokees:—

"These people are now to be viewed *as a nation, possessing all the powers of other independent nations*, which are not expressly, or by necessary implication, surrendered up by this treaty."

He then enumerates the powers which are "surrendered up" by the Cherokees:—

"In the 10th article they stipulate that if any Indian, or person residing among them, or who shall take refuge in their nation, shall steal, commit murder or other capital crime, *on the citizens of the United States*, they shall be bound to deliver him up, to be *punished according to the laws of the U. States*."

The power to punish their own people for crimes committed on Indians. within their own territory, is not surrendered. Consequently, the opinion of Mr. H. L. White is against the usurpation of power which we have lately seen in Georgia. But to guard against the possibility of misconception, Mr. White places this point in a still more strong and clear light:

'The Cherokees (says he) were to be considered as a nation: the bounds of their territory were ascertained: within these bound they should have all the rights of sovereignty not surrendered; if a white man went within their limits; and committed a crime or trespass, *he would have been amenable to the tribunals of the country where the offence was committed*, & the nature of his crime, as well as the measure of his punishment, would have been ascertained by the *municipal laws* of the country in which he had transgressed. *Knowing this*, and being unwilling on the one hand, that a guilty citizen should escape with impunity; and determined, on the other, that the guilt or innocence of an *American citizen* should not be ascertained by an *Indian tribunal*, nor should the nature of his crime or measure of his punishment be ascertained by an *Indian legislature* this provision was inserted."

Mr. White proceeds to argue that the Cherokees, having acquired property, have the right to make the laws which govern and protect it. These laws must emanate from some power:—

"Where (asks Mr White) is the power? It must be in *Congress* or in the *Cherokees*. [He never admitted the idea that it was in the state of Georgia.] Congress has never exercised it; the Cherokees always have. And if I have been correctly informed, one of the Presidents of the U. S., to aid them, digested a code of written laws, which he supposed suited to their society, and sent it to them, with *recommendation* that they would adopt them. *The nation gave them a candid examination*; and did adopt such of *them as they thought* adapted to their situation."

And again:—

"I cannot suppose it possible that in making these treaties, the United States either wished or intended to take from the Indians the power of making municipal laws."

Mr. White reiterates:—

"This country is solemnly guarantied by this treaty to the Cherokee nation. Municipal laws to regulate its trade and *all its* affairs within these limits, are to be made from time to time, and those laws frequently to be changed, so as to suit the changing condition of their inhabitants, and thereby promote their happiness. Is it probable that the Executive of the United States, or his negotiators, would desire this power taken from the Indians, &c."

Will General Jackson and his negociators answer the question of Mr. White?

Georgia, as we are informed, sent her officers within the Cherokee limits, to arrest Tassells, for the murder of another Indian within those limits. On this point we quote Mr. White again:—

"By the 9th article of the Treaty of Holston it is provided, 'That no citizen or inhabitant of the United States shall attempt to hunt or destroy the game on the lands of the Cherokees; *nor shall any citizen or inhabitant go into the Cherokee country* without a passport first obtained.'"

And, as Mr. White says in explanation:—

"It is not said, that his passport shall confer any other privilege upon him, but that of excusing him, from being considered as a trespasser, a person that is outlawed by his own government, *as one that the Indians may punish or not, as they choose*."

According to Mr. White, therefore, the Cherokees would have been justified in arresting the officers who went into their limits to seize Tassels, and hanging them on the nearest trees.

We have no space for comment, nor is comment necessary. Our only object is to place before the people the opinions entertained by Mr. White in 1824. Our readers are left to make their own inferences.

[illegible] 1831.

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