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but especially at the North, an unusual anxiety to colonize another description of people in this country, whose condition is better than that of the Indians, and yet, strange to tell, the same object attempted for this declining race, by some of the best and wisest patriots of the age, backed by the patronage of the whole government, under much more favorable auspices, meets with the persevering opposition of the same community. This is either strange inconsistency; or the colonizing of Africans, speaks one thing, while it means another.

To my mind, and, I would feign believe, to the reflection of every dispassionate man, there is no good reason for rushing upon the severe penalty of this law, and foolishly defying its consequences. It cannot be excused upon any principle of sound religion, or a rational and discreet desire to serve the cause of piety; for, surely that religion which requires us to render tribute unto whom tribute is due; Custom to whom custom; Fear to whom fear; Honor to whom honor", never could demand such resistance to the laws of the Land, as would incur, in the delinquent, a forfeiture of all the enjoyments of liberty, and impose, in their stead, all the hardships of an ignominious slavery! I sincerely regret, that the warning voice of this Court, at its last session—of the Governor—of the law; and I would add, with great reverence, of God himself—had not induced these individuals to pause before they plunged themselves into such a reckless calamity. Both governments have been deeply engaged in the work of removing the Indians, for causes that need never be ashamed or avowing; and, therefore too, are they, if they are sincere in the motives which impel them to this benevolent undertaking, truly rendering the only atonement in their power, for the long-suffering of a much injured people; and, which, in my humble opinion, as high Heaven does, will owe and bless. To prevent this. The accomplishment of a work so desirable, is not only presuming too much upon the forbearance of the highest character against the Sages who planned it; but it is cruelty to the Indians themselves. And what is worse than all, it seems, which persists in, to involve a consequence with which no good man should care to trifle.

CHEROKEE PHŒNIX

NEW ECHOTA OCT 15TH

Owing to the indisposition of one of our hands we were unable to issue our paper last week.

The Georgia Guard made their appearance in this place on last Saturday evening, for the purpose we presume, of arresting the members of the General Council, who

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true that these white men, especially the missionaries, have opposed that policy, in a manner as unbecoming as he represents it, yet that had nothing to do with the case—Nothing of that kind was proven or ever alleged in the bill of indictment. Nor can we conceive what connexion there should be between the trial of these men & the behaviour of the Cherokees towards Georgia and its officers, if indeed their resentment has been wrought to the highest pitch against these sacred personages. His Honor even alludes to this press as being engaged in insulting & calumniating "officers of every grade"—If this were true we cannot see what propriety, to say the least, there was in introducing this topic in his address. But were his charges which he alleges against the missionaries, the Cherokees and this press sustained by testimony? Unless they were, as a Judge placed upon the bench to decide according to law and evidence, he had no right to make such allusions. We regret, were it our province to do so, his conduct on this occasion; for it seems to us that the dignity of the Judge, the solemnity of the occasion, and the importance of the case, all required from the Sovereign state, it was now sure to digress as widely as the Judge has done, and apply for and to foreign matters and things.

We might extend our remarks on this strange address, but it is unnecessary—the public will understand it. We cannot, however, refrain from expressing our highest disapprobation of the manner in which the Judge introduced into the charge to the jury his comments. It is enough to say that they were not given by the laws of God, but by the mere whim of man, and whose the most arbitrary mind. "Judge not that ye be not judged."

The opinion of Judge Clayton on the case of Georgia vs. Cunetoo, a Cherokee, committed to jail in Gwinnett upon a charge of forging goods in possession in the Missionary premises. We are unable to republish any part of it this week. It is a long document, occupying great columns of small type in the Recorder.

It appears Governor Gilmer has consented to and gone this decision and is determined to enforce the law, as will be seen from the following letter to Gen. Hansford. The Executive and Judicial departments of the Government of Georgia are then in collusion.

EXECUTIVE DEPARTMENT, }
Milledgeville 20th Sept 1831. }

SIR—I have just learned that the Judge of the Western Circuit has decided that the law for the protection of the mines in the territory occupied

Solicitor General, Mr. Tripp, paid a regard to our feelings and character which entitles him to our esteem.

The address of the judge on pronouncing the sentence of the court will doubtless be given to the public, and of its character the public must judge.

Since our condemnation we have been treated with a degree of kindness and respect which does honor to at least a portion of the community among which we are. We are not in jail nor in irons, but simply under guard in a boarding house of our own choice. We experience much sympathy from many. The Lord reward them for all their kindness.

It was at first intended that we should set out for Milledgeville on Saturday, but afterwards found that the necessary arrangements could not be made. Finding that it was in contemplation to depart on Sabbath morning, we addressed a letter to the Sheriff, requesting the privilege of resting on the holy day, and were much gratified to receive the following reply

LAWRENCEVILLE, Sept. 17th, 1831.

Rev. S. A. Worcester and the other Applicants.

Yours of this morning is received, and in reply I have to state that your request is readily complied with. In taking this step you must be sensible that I incur considerable responsibility, for the expense of the guard employed to prevent the necessity of confining you in jail is considerable, but believing it is for the wish of the public Authorities of the State, (and knowing that it is not my desire) other than least unnecessarily to religious though a few brethren of any other profession on account of conscientious scruples, for a less to appreciate the feelings of a condition already sufficiently painful, I have taken the responsibility with a hope that I may not be censured by them, following certain as affording you this opportunity, how much your feelings and principles are respected by a public officer.

Yours &c.

THOS. WORTHY, Sheff"

We are to set out this morning. Wishing the best of blessings to yourself and your [illegible]

I remain your very affectionate friend,
SAM'L. A. W. WORCESTER.

[illegible] GWYER, }
SEPT. 24, 1831. }

[illegible] JUDGE SAWYER.

[illegible] GRY AD ECTZ, DOOR 61 [illegible] AD [illegible] JECTZ GSALA-[illegible]. TZE [illegible] WES-[illegible] TAT DWOJAI [illegible] [illegible] DGCP OCR SO OSA TAPT DE TO-GCG. AJALPT. [illegible]

TZPA OAB CPAA PASST, TALAPT D-[illegible] OPOOT, 61 SSPS DGCP, YJE-APPA RWPA AEA OPTPSAPT OGPGPJ-DGCP. GAZ TZPA CAE PTJP YSPS DGCP, SWT PST, AJALP PB [illegible]. JSOC TJP YSKPA GRY AD SWT P-PT, DGPPZ JEP OSCAI PJE ASSY P-RT JSOFT OA JPEEZ EJP OPLE PJE ASSY PRT; GAZ ILW AD DGCP, S-WT PB IEPKOA. D4 PP SPEPAA TG-GCP. PJI ASSY OPLPT OPCAI TY D-GCP. OA JPEE OAPJAWH, CAUSPA DA 4J PPST, D4PP OPAJ TCGCP. GAZ [illegible] JSOC OAPJAWH DGCP, TAAOE G-RY DE J4 PRT OA OPPE TJP IZLOA, DPAZA CALS PST GO GIAPSPE DGCP;

GRY AD TAWPA BOAE TGPJWRJ. D-OGP TOWPC DPAELPAPA OPJAT SP-PPJA TBP TGGCP OAOWPC GRY AD OASPA PST. GAZ AD OASPA PB DGG-P SWPC TGPGP, D4PP WWRAA TG-GCP LO GL DGGP OAPPS DPAELPAP-A OPWZA PRT.

6. PPPAZ TAWPA TPB EWYRAJ AOAI, DAPPPP PB GRJ JBP OSCAP OAOPOW GWYA PRT.

7. SPPJAT TAWPA TPA, JAIPPA AOAI GRP JBP OSCAP OSPOW, GRJ GWYA PST, DAPJ GRY PB.

8. JAPAT TPA RPPL PAOP LPPJ TLRRAI, PPOP PSAT, DGCA. GRJ JBP OSCAP OAOPOW. BOAEA HPP RRSY PRT, DP J4 AOAI, GRY AD RPPL. GRY AD PSRAA TGPGP PA PPPE OAPJAWH DGGP, EL DP J4 LPB OLIP-PC TRRI LPJD, GRY AD PBT. TP-PZ GRY AD PBT, OAOPOW TAI HPP RRSY PRT PA PPPE TJP.

9. PLIPAT TPA RPPL PAOP DH-PC LPJA PAAJP PWP, GRY AD RPPL CALS PB AOAI. GRYZ AD PBT JRLP-PA TDRJRA, GO GIAPSPE DGGP LPJI-T DP SPWJP. GRYZ AD RPPL PA PPPE JBP TJP OAOPOW, TAI; DPZA P-RPC AKLA TBP JRALPPYW.

GRYPP AD LPPJRJ PPB LYAWT, JBP TJP SRRJRPP SWPI PBT, AJALP PB LLIRAT, GWY PPPPAA PRT. ADZ TZPA OPL LPJIT JSOC TJP OWRJPA SWT PST. GAZ PPPE PZA RE LLPM JRLRIS. GLZ PZA JPPKOA SWT PBT, HSS TPGPP OJPPS PZA PPLIS PB PBT, AAYPP TBP TPGGP JWBT RPPL GLZ PZA JPPKOA WWS TPGGP PZA OAPPS UMA PBPT, WWS TPGGP JRAL RPPL. GLZ PZA JPPKOA, HSS TPGG-P PZA OAPPS DIPPLPJPPA PBPT, D-P PP PAA PA WWS TPGGP AY JWB R-PPL. GAZ JPPKOA JAW TPGGP P-ZA OAPPS KAY PIS PBPT. GAZ JP-PKOA JAW TPGGP OAPPS PZA JRLS-PA PBPT. GAZ JPPKOA KT TPGGP PZA OSM PPST. DIPPRAY DIPT, DP J4 LPPT. PPPL SLRW PZA. PA JS-PAYE TJP DPPA. DP J4 PT. D4 PP DJP DE YPGP AY JWB RPPL. GRYZ LPJAR A4 PZA APPLAJ PPLAWPP TG-GCP. UMZ PL JPPKOA PZA, PYP-P TGPGP ASPS LPAT, PPRA DJP PPP PPA. GAZ JPPT D4 PP PLPA TGPG P-CALS PBPT. JALPA PTJP, WAA DPJ-RAT. D4 PP WP DE KTA TGPGP JRL RPPL. GAZ D4 PP WP DE KTA TGPG-GP, DGCP, ZOPJC RPPL SWT PBT.—GRY AD DGCP ARRAJA ARYPP TGPG-P DGCP, JSOC PAPJAWH LPJ DP RP-WJP. ADZ WAA AY SAI BOAE CALS

dure. She told me, with energy, that she could sink into the earth, on reflecting that she was the daughter of such a mother, the sister of such a brother!

[The Diary passes hastily over a fortnight—saying merely that Mr. Dudleigh recovered more rapidly than could have been expected—and proceeds—]

Monday June 18—. While I was sitting beside poor Mr. Dudleigh, this afternoon, feeling his pulse, and putting question to him, which he was able to answer with tolerable distinctness, Miss Dudleigh came and whispered that her mother, who, though she had seen her husband frequently, had not spoken to him, or been recognized by him since his illness—was anxious then to come in, as she heard that he was perfectly sensible. I asked him if he had any objection to see her; and he replied, with a sigh,—"No. Let her come in, & see what she has brought me to!" In a few minutes' time she was in the room. I observed Mr. Dudleigh's eyes directed anxiously to the door before she entered; and the instant he saw her pallid features, and the languid exhausted air with which she advanced toward the bed, he lifted up his shaking hands, and beckoned towards her. His eyes filled with tears, to overflowing—and he attempted to speak—but in vain. She tottered to his side, and fell down on her knees; while he clasped her hands in his, kissed her affectionately, and both of them wept like children; as did young Dudleigh and his sister. That was the hour of full forgiveness and reconciliation! It was indeed a touching scene. There lay the deeply injured father and husband, his grey hair grown long, during his absence on the continent, and in his illness, combed back from his temples; his pale and fallen features exhorting deep traces of the anguish he had borne. He gave one hand to his son and daughter, while the other continued grasped by Mrs. Dudleigh.

Duelling.—We are not skilled in the duello, but we learn that there is a choice of weapons;—some having a decided advantage over others. The Editor of the Philadelphia Bal-

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they supposed would have convened together on Monday. But they were disappointed.—The Council will hold its session [illegible] Chattooga.

The Cherokee annuity goes off slowly. For want of customers it is now obliged to go about begging. We are informed the sub-agent has been traveling through the country with an interpreter for the purpose of paying off the money. From what we can learn he has had but poor success—We know this new scheme cannot succeed. The Government would do well, therefore, to pay the annuity at once, as it was wont to do, or to let it rest at the agency, or to send it back whence it came. It belongs to the *Nation* and *individuals* will not be compelled to receive it merely for the purpose of advancing the views and designs of the powers that be.

We have every reason to believe that every possible effort will be made, this fall, by the General Government, in conjunction with the authorities of Georgia, to induce the Cherokees to emigrate to the west of the Mississippi. We have before us a correspondence between Gov. Gilmer and the Secretary of War on this subject, which we intend to publish as soon as we are able in order to let our citizens know what they are to contend with. Agents will be employed to visit them and to attack them with persuasion, arguments and with promises of 'great advantages at the west', so that, if possible their removal may be effected. We hope the firmness of the Cherokees will be honorably tested, and that the Government will be convinced that false promises will not easily seduce them from the land of their fathers.

We publish this week the address of Judge Clayton on pronouncing sentence on the missionaries and other white men, who were lately tried in Gwinnett. It is a curious document—entirely foreign to the question brought before his Honor for decision. What had the policy of removing the Indians out of the limits of states and territories to do with his duties as a Judge called upon to interpret a plain law making it a crime for any white man to reside within the Georgia charter without taking an oath of allegiance? If it is

by the Cherokees is void, and has discharged an Indian from confinement who had been arrested by the Guard for its violation. As the effect of this decision will be to create the opinion among the Indians, that they are now licensed to *plunder the State* of this valuable property, I have thought it proper to give you express instructions to defend it, that you may be justified in pursuing that course.

I have no doubt but that the Legislature has the authority to take possession of the mines, and the constitutional right to pass laws to protect them from trespass. By the law which has been passed, the Governor is directed to take possession of the mines and to cause all persons to be arrested who may attempt to violate that possession. The special object of your appointment and the organization of the Guard under your command, was to enable the Governor to obey these requirements; you are not an officer connected with the Judiciary Department, but the agent whom the Legislature has authorized the Executive to employ to perform a public service, which was imposed by law upon that Department. You will therefore arrest every person who may be found attempting to take away any gold from the mines. You will give general information in the Cherokee country of the determination of the Executive Department to enforce the laws, so as to prevent, if possible, the necessity of making any arrests.

The peaceful acquisition of our Indian territory and the preservation of the rights of the State may depend essentially upon your prudence and firmness in executing the duty which has been assigned you.

Very respectfully yours, &c.
(Signed) GEO. R. GILMER.
Col. JOHN W. SANFORD.

LETTER

From the Rev. S. A. Worcester to the Editor.

LAWRENCEVILLE, Sept, 19 1830.

MR. BOUDINOTT,—Before you can receive this you will have heard of our trial and condemnation by the superior court of Georgia in this place.

It is no more than justice to say, that, although some of the counsel on the part of the state, one in particular, laid to the charge of some of us many grievous accusations which he could not prove, the

[illegible]

1. [illegible]

2. [illegible]

3. [illegible]

4. [illegible]

5. [illegible]

[illegible]

[Carried from the fourth Page.]

bedpost in stupified silence, and pale as a statue, was at length too faint to continue any longer in an upright posture, and was led out of the room.

Here was misery! Here was remorse!

I continued with my patient more than an hour, and was gratified at finding that there was every appearance of the attack proving a mild and manageable one. I prescribed suitable remedies, and left,—enjoined young Dudleigh not to quit his father for a moment, but to watch every breath he drew. He hardly seemed to hear, and gazed in my face vacantly while I addressed him. I shook him gently, and repeated my injunctions; but all he could reply was—"Oh--doctor—we have killed him!"

Before leaving the house, I repaired to the chamber where Mrs. Dudleigh lay, just recovering from strong hysterics. I was filled with astonishment, on reflecting upon the whole scene of that evening; and, in particular, on the appearance and remorseful expressions of young Dudleigh. What could have happened? A day or two afterwads, Miss Dudleigh, with shame and reluctance, communicated to me the chief facts above stated! Her own health and spirits were manifestly suffering from the distressing scenes she had to en-

letin recommends *augers*. The antagonistic parties place their weapons against each others skull, and commence *boring*. He who shows the most *brains* is deemed the best fellow. [*To be Continued.*

P H M :
K O M

These letters in their proper place,
Will show the world and thee
A cause of sorrow and disgrace,
And source of misery.

The above will be explained by folding the upper and partly over the lower line of capitals.

Starving Juries.—The practice of starving juries, in order to obtain a verdict, or, in other words, making a man's judgement depend upon the cravings of his stomach, is very properly exciting the animadversions of respectable journalists of Europe, as well as those of this country.

Millenium.—The Mormonites have announced that the millium wil commence next year at Philadelphia.—The New York and Baltimore Editors are contending for the precedence. One party insisting it will come to the North, the other that it will first spread to the South.

Man must be governed by the moral influences of the *Bible* or by the arm of *tyranny*. There is no alternative. May this truth, so often taught—so often written in characters of blood—*never be forgotten*.

$100 REWARD

FOR Jesse Anderson, *alias* Peter J. Johnson, *alias* John P. Jones, a slim spare made, dark complected, black hair, dark eyes, and black beard, of about twenty four or five years of age, who formally lived in Habersham County, in the state of Georgia. The said Jesse Anderson stole from the subscriber living near Athens, McMinn County, in the state of Tennessee, a negro fellow, named Jack, on the twenty-third day of July 1830. I will give the above reward to any person who will apprehend the said Jesse Anderson in any part of the United States and secure him so that I can get him.

THOS. C. RIPLEY,

September 1830.

15—tf.

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