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AGENTS.
Mr. William E. Hoskey, Maryville, E. Tennessee.
R. G. Williams, Colerain, N. York.

INDIANS.

CHEROKEE MEMORIAL

Read, and laid *upon the table*, January 9, 1832.

To the Honorable the Senate and House of Representatives of the *United States of America*, in *Congress* assembled:

The undersigned memorialists, duly authorized and instructed by the Cherokee Nation East of the Mississippi, to represent the grievances and wishes of said nation, respectfully solicit, in the discharge of their duty, the attention of your honorable bodies to the present situation and condition of the Cherokee people.

For the last few years, new and extraordinary circumstances have grown up around them, which, to the onward course of their blighting influence, are now threatening the very existence of their nation, and the peace and happiness of the whole community, while the barriers erected by numerous treaties and legislative acts, for the security and preservation of the friendly relations with this Government, present but trifling obstacles to the march of Indian oppression. But for the peculiar aspect which a total change of policy has given to their affairs—standing, as it were, upon the threshold of destruction, and the manifest indifference of the Executive to the respect—your honorable bodies would not now be troubled with the complaints of the Cherokees, or their appeals to the justice and magnanimity of the *American* Government. The period has at length arrived in the history of their wrongs, when it is firmly believed that this Congress, in its wisdom, will deem it a duty they owe to the cause of a suffering ally, at once to assert the question of its rights, and protect to rest those liberal pretensions portending the most disastrous consequences. In vain has appeal after appeal been made to the present Executive of the United States, invoking the kind interposition of that authority which treaties and laws have invested, to save from oppression, and the forcible expulsion of the Cherokees from the land of their nativity. Being, then, clearly convinced, that nothing will be attempted from that source to satisfy the demands of justice, and to preserve inviolate the repeated pledges of good faith made by this Government, perhaps the last and final alternative is presented in the timely appeal to the wisdom and patriotism of the Congress of the U. States.

The State of Georgia, in her coercive to extend the removal of the Cherokees, has, extended, compulsively, her jurisdiction over a large portion of their territory, and in violation of numerous compacts, to which she is herself a party. Of the character of those laws, designed exclusively to operate against the natives, it is not the design of your memorialists to speak particularly. They breathe a language and a spirit not to be mistaken—such as the Cherokees never will consent to accept for their government. The object first marked out is never once lost sight of, throughout the whole course of those unparalleled train of legislative acts. It is the polar star that guides every thing in relation to those injured people. For the better execution of those laws, a *military* force has been organized and stationed in the country, armed as though they had to combat with a foe hostile in disposition and fearful in prowess. The country is patrolled by them in every direction, often trampling thirty miles by night to strike terror and dismay, wherever it is believed the slightest degree of unwillingness prevails to acknowledge and bow in submission to the "sovereignty" of the State. The gold mines have been seized upon by them, and the benefits of their mother earth, where, from immemorial ages, the Cherokees have dwelt, denied them, at the hazard of bloodshed, or four years' imprisonment, at hard labor in the walls of a penitentiary. The *robber* has entered many of their dwellings at meridian sun, and securely enjoyed the fruits of his calling—Indian testimony not being allowed in the courts of justice. False accounts have been alledged, and judgments obtained, and the innocent made to suffer by the wicked artifices and advantages of the white man.

During the past year, surveyors, under the State authority, entered the nation, and surveyed into districts, of nine miles square, all that portion of the country claimed as the chartered domains of the Cherokees, which districts have been held by the intruders permitted to settle in the country, for the purpose of electing magistrates and constables; and in some, courts have been held by them under the laws of Georgia, warrants obtained by some of the most dissolute and abandoned of the intruders, solely to harrass and annoy the citizens, or to profit by the recovery of some false account.

An intruder, by the name of Dawson, has even settled himself on the High-tower river, and forcibly taken possession of a valuable [illegible] Cherokee. He has built houses for his accommodation, and publicly vends liquors. A post office has been established at the place, and he has been appointed the *Postmaster*.

A certain man by the name of Williams, a trader, under a license from the United States agent. When the laws of Georgia were into operation, he swore allegiance to the State, and commenced vending spirituous liquors; and was subsequently appointed *Postmaster* at New Echota, in place of Rev. Samuel A. Worcester, who was removed, and it is believed, solely that he might be exposed to the penalty of the law requiring the oath of allegiance!

Some time during the past Summer, a detachment from the military station, arrested a respectable young Cherokee citizen, without alleging the slightest committal of crime, chained him to their baggage wagon, (with other prisoners,) with a large padlock suspended at his neck in the condition, in the midst of clattering bayonets, he was marched on foot, more than thirty miles; and, after several days' confinement in this manner, was set at liberty. His only guilt consisted in the use of *words* thought by the commanding officer to be derogatory to the character of the State and its military.

Missionaries, who have left for behind them, their kindred and friends, to instruct the benighted sons of the forest the arts of civilization and Christianity, under the generous patronage of the United States Government, have been ignobly treated. They have been confined in chains, driven through the country in incongruous routs to their "Head Quarters," and there, for many days, immersed in a small prison with other suffering prisoners. Two of those worthy and meritorious individuals who were arraigned before a superior court of the State, persisted in suffering the severe penalty of the law, imposing upon them the above mentioned oath, one of them having been removed from office for that purpose and succeeded by *William J Tarvin*.

A Cherokee was arrested by the military, charged with digging for gold in his own native country, but strictly prohibited by the State, and delivered over to the civil authority. After a long confinement in the jail of Walton county, was brought before his honor A. S. Clayton, the trial Judge for the superior court for the western district, and was liberated; the court deciding the law unconstitutional; that the Cherokees were the rightful owners of the soil and all the minerals to be found; and that, until a fair extinguishment of their title *by treaty*, they had the unquestionable right to use their lands as they cleaned. The Governor was immediately noticed of the proceedings of the court, who, it would seem, was determined that the Cherokees should realize no benefit from the judiciary subversion; and forthwith issued an order to J. W. Sanford, the military commander, charging him to arrest every Cherokee to be found at the mines, and not to be governed by the decision made by one of the highest courts in the State, inasmuch as he (the Governor) believed the State had a right to prevent the working of those mines! Shortly after this, a detachment was ordered out for the purpose of watching the remunerating mines under the command of a certain *Jacob R. Brooks*. During their absence, they discovered a Cherokee, who, upon their approach, attempted to escape by flight. The officer, *supposing* he had been digging for gold ordered a charge, & bent to fire upon him; which was promptly delivered, and the unfortunate Indian brought to the ground badly wounded by a shot through the thigh! Subsequently, others were arrested, *females* not excepting the sad effects of *military despotism*, and thrown into jail.

The chiefs of the nation were threatened with an arrest, should they proceed to meet in council at the time fixed for its annual session. A force of twenty-five men armed with fire-arms was dispatched, as the time approached, to New Echota, the seat of government, with orders for their arrest, should it become necessary, at the point of the bayonet. Fearing that it would be impossible to restrain many who would attend, and also to avoid some resistance to the insults and outrages of a wheedled and unrestrained soldiery, it was deemed more prudent by the members to rescind the session of their council, and to preserve their good faith and friendship, which it will ever be their desire to maintain towards this Government and all its citizens.

At the urgent solicitations of the Governor of Georgia, the President has consented again to open the enrollment for emigration. Several agents have been appointed, who have, for some time, been traveling through the country, urging, in the most pathetic terms, the impossibility of the Cherokees remaining where they are; the great necessity for their removal, for the benefits of the State, and the generous disposition of the Executive to give, to individuals, in addition to which, they are liberally supplied with promises of large emolument for the improvement they may abandon.

The law of Georgia extending jurisdiction makes it highly criminal, and punishable by forcible confinement in the penitentiary at hard labor, for any individual to exercise the influence in opposition to emigration, even by way of advice to a neighbor or friend; and, with the freedom ever on readiness to bring to punishment the slightest violation of their laws, these agents have been traversing the country in the performance of the duty for which they were selected. But with all the influence of terror, and the zeal that could be brought to bear on the cause up to the first of December last, but one hundred and twenty names were registered, including all adults and children, and about seventy slaves. (20 or 25 families.)

Many of the heads of these families are white men, who have acknowledged the supremacy of Georgia laws, and taken the oath of fidelity to that State, and have in the places to be occupied by them, as emigrants, are to be settled white families from the United States. Execution of the United States having already resulted, that a payment to such individuals for their improvements, in the United States acquire an interest in the soil, which by the compact of 1802, with Georgia, insures to the benefit of that State! Some hundreds of privileged intruders are already settled upon the choicest lands belonging to the Cherokees, by this extraordinary contempt for treaties and construction of the compact of Georgia, who only, and disturb the peace of the country, by the most wanton acts of plunder, and cruelty, and yet no other means in operation by which another influx of this species of population is to be accomplished. With becoming respect to the views of the Chief Magistrate of this Government, your memorialists would beg leave to protest, in the most solemn manner, against further employment of any such measures to destroy the existence of their nation, or to coerce them to yield an unwilling consent to remove beyond the Mississippi. They cannot view it as a *peaceable* exchange, upon any *reasonable* terms, that title which they possess to their lands, recognized by your honorable bodies to be in, and have *guaranteed* to the "*Cherokee Nation*," the individuals having a separate interest to any part of the country.

Several hundreds of intruders are already quietly settled upon that portion of the nation included in the chartered limits of Alabama, Tennessee, and North Carolina, as well as Georgia, from whom great injury is sustained by the loss of property, disquiet of homes, and the insults which the pride in hoping upon the unprotected victims of their rapacity. The Executive has been repeatedly notified of their conduct, and strongly urged to cause their removal; but to all the appeals for protection to treaties, laws, and the justice of the Government, a silent negative has been the consequence. For any one attempt, it is at best, but to [illegible] of nations, as an evidence of the necessity for a removal across the Mississippi.

The annuity stipulated by the subsisting treaties to the Cherokee Nation, has never before been regularly paid to the National Treasurer, until the issuing of the order by the Executive for its distribution among the individuals, without the slightest reference to the feelings or wishes of the individuals. An attempt has been made by the officers of the Government to dispose of this fund, according to the wishes of the President, but, after much time and fruitless labor expended, it has failed of success. Several thousands of the people assembled, in different sections of the nation, and forwarded their protests to the agent, against the mode adopted for distributing the annuity, by their public talks, and requesting the payment to be continued as heretofore. They were submitted by the Treasurer, and ordered should for a compliance with the wishes of the people, but was refused. Some of the officers who had presided at those meetings for the purpose of expressing their views and sentiments in relations to subjects of vital importance to the nation, were subsequently arrested by the military, for no other offence, and under considerable display of soldierly tactics, marched as about as prisoners of war, and severely reprimanded by the officers for their conduct, were discharged! This order still continues in force, and the nation excluded from the enjoyment of benefits which have been pledged as the price of valuable cessions of land. Is it just? The decision of your honorable bodies must determine.

Your memorialists would respectfully refer your attention to former memorials and to the bill praying for an injunction from the Supreme Court of the United States, for further information in relation to their grievances and their desires, and would endeavor to detail the present state of their advancement in civilization. There is already abundant testimony before the American Government to establish the fact of the rapid improvements which have been made. Their question is one of *justice*—one which does not depend upon fanciful changes to govern its decision. The Government stands pledged by its treaties; and the *mere circumstance* of such changes even for the worse, if allowed, cannot destroy the binding force of those compacts.

Georgia, at the recent session of her Legislature, passed a bill providing for the further survey of the Cherokee lands into sections, their disposal by lottery, and for their occupancy by her citizens. The fatal blow is aimed, at your faithful ally & friend must bow in submission to superior power. They know the land is theirs, and they have received never again to cede another foot. If Georgia is allowed thus to treat them, and to force, beneath the protection, and by the laws, their part to buckle on the armour of resistance, while the smoke wings of the American eagle yet inspires hope and confidence. The light of Heaven will enable its keen vision to descry the meditated robbery, which, if consummated will forever tarnish the glory and lustre shed upon its power and greatness.

Your memorialists have presented before you but a slight view of the perplexing state to which the suspension of protection has reduced their nation. The evils which they are forced to experience are numerous and afflicting. They look with earnestness for the kind interposition of this Congress, either by an act, or the expression of their sentiments; which, in addition to the late decision of the Supreme Court, to the case of the Cherokee Nation vs. the State of Georgia, it is earnestly hoped will be sufficient to cause the present Executive to cast around these unfortunate people the broad shield of his protecting power, when a nation will fall in triumph at the return of that happy day, when the dark clouds which now rest upon the habitations of its children, will be in the [illegible] of deep [illegible] and the [illegible] spread, and