

“The solemn promise of the United States made in 1802 to remove at their expense the Indians from the territory of the State, is yet to be performed. Of the wish and determination of the Federal Government, in all its Departments, to fulfil that promise as early as practicable we have repeated assurances. The policy heretofore pursued towards the Indians, the mode of effecting the purpose of the General Government by contracts with the Chiefs of the Indian Tribes, or with the Government created by those Chiefs, is still persisted in, nor is there any indication that a change is contemplated. In this State it is well known, that, without a change of policy the Government of the United States cannot by a contract with their Government remove the Cherokees. The rulers of that Tribe, who have since the year 1818 systematically devoted themselves to defeat any attempt to purchase out their permitted occupation of our lands, have as a last resort adopted a Constitutional form of Government. By this instrument the annuity paid to the Tribe by the United States, and all the rights and privileges of the individual Cherokees are controlled—a Government professing to be independent, is set up in defiance of the authority of the States of Georgia, Tennessee, Alabama, and North Carolina, upon the territory and within the jurisdiction of those States. The Cherokees have been indeed tardily informed by the Chief Magistrate of the Union, that this attempt will not make any change in the relation in which they stand to the United States. The new Government however continues unmolested to exercise its power, and seeks to strengthen itself by conferring citizenship or denizenship upon such white mechanics as choose to incorporate with them. Here, within our own territory, upon the land forming a part of our sovereign property, is a Government exercising authority independent of ours, and denationalizing our citizens in order to strengthen itself in its opposition to our will. This state of things cannot be endured. If the United States are unable, acting on the policy to which alone they choose to adhere, to induce the Cherokees to remove, and unwilling to vindicate our right over the persons and territory within our sovereignty, in the only practicable mode, our duty to the people and to posterity requires that we should act. Of the right of the General Assembly to legislate over all persons and all things within our territorial limits, on general principles, a doubt cannot be entertained. Is there any thing in our Constitution—in the Federal Compact to which we are a party—or in our relation to the Cherokees, inhabitants of this State, which impairs, in respect to them, our sovereign right? In the State Constitution there is no limitation of the Legislative power over the Indians within our territory. In the Federal Compact, sacred in our eyes, to the provisions of which we have ever looked with veneration, and which we will be the last to impair, the only clause which can be tortured to bear upon the question is that which gives to Congress “the power to regulate commerce with the Indian Tribes.”

“To the Cherokees within the State we owe protection, and to us they owe obedience. In no instance, since the adoption of the Constitution of the U. States, has the authority of a State exercised over the Indians within its limits been disputed or disregarded. The Penobscots and Passamaquoddis in Massachusetts and Maine, the Narragansetts in Rhode Island, the Senecas and Onandagos, &c. in New York, the Choptankes and Nanticokes, in Maryland, the Pamunkies, in Virginia, the Catawbas, in S. Carolina, the remnants of various tribes yet existing in the old thirteen States, except North Carolina and Georgia, are all protected and Governed by State laws. On what just principle or plausible pretext, can the right of Georgia to exercise similar power in regard to the Cherokees, be resisted? Believing that our right is undoubted, that the exercise of our sovereign power is required by the best interests of the State, an important consideration presents itself for examination. What disposition is to be made of the Cherokees who reside within the State? To expel them would be cruel and unjust; to leave them as mere tenants at will of their present settlements would be a reproach to the character of the State; for incorporation, with equality of rights as a part of our political family, they are unfit. Under these reflections, I recommend to you to extend *all the laws of the state* over the territory lying within our limits occupied by the Cherokees—the Indians to be subject as other persons to the operation of those laws.—To secure to the Indians, immediately, the enjoyment of all civil rights—To grant to each Indian family now living in the State, while they continue in it, a sufficient body of land for their comfortable support, looking to the General Government under the compact of 1802 for the value of the lands thus granted, and for all the expenses that may be incurred by the state in the execution of the proposed enactments. As an evidence of respectful deference to the United States, and of our determination to treat with tenderness the Cherokees whose fate is to be effected by these regulations, I recommend that the operation of the act be prospective—not to take effect until the President of the United States shall have ample time to ascertain whether the Cherokees choose to remove for a just equivalent, or to remain and to submit themselves to the authority of the State Government. You will find in the contract made by the President of United States and the Arkansas Cherokees, herewith submitted, a motive for this delay. I have been informed by one of our Senators (Mr. Cobb) that an article in that contract was inserted for the express purpose, and under

the belief that it would be effectual, of enabling the President to induce the Cherokees in Georgia to remove beyond the Mississippi, and that the whole contract, notwithstanding it contained many highly objectionable features, was chiefly, if not altogether, *on our account* approved by the Senate of the United States.

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