

*Gentlemen of the Grand Jury :*

A circumstance of some interest to the community, of which we are a part, imposes upon me the necessity of departing from my usual silence in relation to Grand Jury charges.

The Legislature of this state, at their last session, passed an act "to add the territory lying within the chartered limits of Georgia, and now in the occupancy of the Cherokee Indians, to the counties of Carroll, DeKalb, Gwinnett, Hall and Habersham, and to extend the laws of this state over the same, and to annul all laws and ordinances made by the Cherokee nation of Indians, &c."

It will be perceived that three of the counties to which jurisdiction is given for executing this act belong to the circuit over which I preside, and although no duty in relation to it can devolve on you, yet there are two motives influencing me to embrace this the earliest occasion to take and express a public notice of the law :

First.—As it is my fixed and determined purpose to enforce the act, founded upon the most deliberate and conscientious belief of its constitutionality, which has been so much questioned, I desire to know whether the court will be supported in this resolution by the people of Georgia. This is a plain and perhaps a startling language, but the occasion requires it and none other. If the law is to be enforced, and no law can be executed contrary to public opinion, the public sentiment must not falter; it must come right up to the point, and be willing to meet all consequences; some of which, as will be presently shewn, possessing the most delicate character, are likely to occur. If it is not to be enforced, if it is to remain a dead letter, or what is worse, to be held out only as an expedient subject to all the indecision of such a condition, it ought to be repealed; and as the elections are at hand, the people will have a fair opportunity of settling the question, through their representatives, at the next session of the Legislature.

Second. My other purpose is to apprise the Indians that they are not to be oppressed, as has been sagely foretold; that the same justice which is meted to the citizen shall be meted to them; but that they must not be deceived by false friends, who care no more for them than for the wild beasts of their forests, any farther than it serves a miserable selfishness, too hollow hearted for an open avowal and too infamous for an honest discussion.

If I am asked what has made it necessary to bring the public attention so strongly to a contemplation of the probable results of this law, I reply,

1st. Besides the fact *officially* announced in the council of the Indians, lately assembled, I have received information from the Executive branch of this government, that counsel have been employed by the Cherokee nation to raise for the adjudication of the Supreme Court of the United States, the question "*whether the state has a right to pass laws for the government of the Indians residing within its limits.*" Now, without intending the least disrespect to that court, to whose constitutional authority this and all other state courts, I hope, will most cheerfully submit, this question can never go from a court in which I preside, until the people of the state yield it, either from a conviction of error, ascertained by their own tribunals, or the more awful sense of their weakness to retain it; and, it is useless to disguise the matter, to this issue the question