

*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or what is worse, to be held out only as an expedient subject to all the indecision of such a condition, it ought to be repealed; and as the elections are at hand, the people will have a fair opportunity of settling the question, through their representatives, at the next session of the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

must come, if the state is true to itself. I shall try all cases which may come under the law, and wholly disregard all interference from abroad. The punishments, if any shall be necessary, will be promptly inflicted, save only such as the usual suggestions of humanity may otherwise require.

2d. There has been a most shameless intermeddling, in this matter, on the part, I will not say, of other states, but by some of the people of other states, as utterly without right or pretext, as it has been wanting in decency and respect. Meetings have been held in all directions, to express opinions on the conduct of Georgia and Georgia alone, when her adjoining sister states had lately done precisely the same things, and, in doing which, she and they have done no more than what the very states of these sensitive complainants had effected, from time to time, with an equal regard to their interest and with infinitely less humanity and forbearance. And what is conclusive of the fact, Georgia is an old state with one third of her territory yet in the possession of the Indians, while all the other states, old and new, have nearly rid themselves of this charge.

These meetings have not been content with the expression of opinions, on abstract principles, relating to the rights of the general government, in respect for which, Georgia yields to none of them; but they have most insolently attempted to dictate our course in reference to our private concerns. They have denounced the laws passed by our Legislature for our municipal regulation, in matters perfectly unconnected with any dispute with the Federal Government.

In discussing these subjects they have indulged in a language unbecoming any privilege of fair debate, and certainly unworthy of any department of men, who either claim or court the distinction of gentlemen—Witness the late Kentucky meeting, gotten up for a sinister political purpose, packed and moved by a secret prompter, in which it was declared, in their seventh resolution, that they viewed the late law for the removal of the Indians, "as having been wrested from the government by the dictation of the state of Georgia, to secure Indian lands, not for the people of the United States, but for that state which neither the density nor existing wants of its population require." To which was added the further declaration, "*but which is needed only for the purpose of being gambled off in public lotteries.*" This last however was stricken out through the exertions of a friend of Georgia, doubtless more from a sense of crafty prudence in the director behind the curtain, the last quarter from which the charge of gambling should come, than from any suggestion of either common propriety or becoming modesty in the meeting, qualities, as it would seem, with which they were not distressingly overburdened.

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These unwarrantable liberties have not only been taken, against the character of the state, in town meetings, but even members of Congress, lost to the true character and high dignity of their stations, have descended to a strain of abuse and reckless aspersion, to say the least of it, outraging every dictate of good breeding towards a sovereign state, and surely very wide of all sense of self respect, if indeed, by them, such an influence is either felt or understood. A Senator, from New Jersey, speaking of the Georgia law, calls it "an oppressive edict of arbitrary power," and declares "history furnishes no example of such high-handed usurpation—the dismemberment and partition of Poland was a deed of humane legislation compared with this." He charges the state with putting in operation "grinding, heart-breaking exactions," to drive the Indians from their country, and finally gives it as his "religious belief that if the law is enforced it will awaken tones of feeling that will go up to God, and call down the thunders of his wrath."

This is not all, another class of men styling themselves the heralds of the cross, with an officiousness ever characteristic of pretended piety, and who follow religion less for its hopes than its honors, have lent themselves as willing tools to the projects of political ambition, in this crusade against Georgia, merely for the crumbs that may fall from the success of the undertaking. Is this language too severe, it is then because it is too true! To the truly pious no part of it is applicable, and no man of this character need take any exception to the remarks; it is solely intended for a class, who certainly do not reside in the South, but who call themselves the "learned and efficient clergy," of whom I would say to the people of this nation, BEWARE!

I will pass over very many instances of gratuitous intrusion on the part of these men, in proof of the statement made, and which must be familiar to every one who has read the current pamphlets and papers of the country, and cite you to a case which their *holy* zeal has carried even into Europe.. At a late meeting of a Missionary Society in London, a Mr. Milner, of New York, Reverend I think they call him, who happened to be in attendance at that meeting, roundly asserted to the Society, amidst its repeated cheers, that "if the cause of the negroes in the West Indies was interesting to that auditory, and deeply interesting it ought to be! if the population in Ireland, groaning beneath the degradation of superstition, excited their sympathies, he trusted the Indians of North America would also be considered as the objects of their christian regard. He was grieved, however, to state that there were those in America who acted towards them in a different spirit, and he lamented to say, *that at this very moment*, the state of Georgia was seeking to subjugate and destroy the liberties, both of the Creeks and Cherokees; the former of whom possessed ten millions of acres of land, and the latter six millions." Now here is a statement that is as false as God is true, and known to every person the least acquainted with public affairs. Since the 12th day of February, 1825, the Creek Indians have not resided nor even owned one foot of land within the limits of

Georgia, and with them, since that time, we have had nothing to do. These are facts with which the world is constantly plied, and by which of course, it is as certainly deceived. This cold blooded misrepresentation is uttered and spread through a foreign land. It is proclaimed by a man against his own country; that man is an American, and that American pretends to be an ambassador of the living God. As a man, it is detestable, as an American it is perfidious, but as a Minister, it is shocking! No man dare plead ignorance on such an occasion, for where detraction results from the words, the speaker is bound to know, and *well know*, the facts; and the maxim justly applies, that ignorance is a crime where knowledge is a duty.

I have thus given you a fair sample of the subtle calumnies that have been the daily product of an active malice, combined with the restless ambition of off-cast statesmen, the more revengeful because disappointed, and the more unrelenting, because fanned and inflamed by a heartless priesthood. These have been put in operation against Georgia, only because in her politics as connected with the just and honorable views of the Chief Magistrate of the Union, it is considered that a flattering opening is presented to destroy his merited fame, and to regain to themselves a justly forfeited confidence, long abused and never deserved; but fortunately for him and the state, they afford a species of falsehood which from its frequency and folly, has lost the power to deceive and almost the merit of disdain.

But what makes these circumstances the more insulting, they have transpired under a character of inconsistency of more unmixed hardihood than ever came from the front of the most unblushing impudence. Would any one believe that at the very moment Georgia was receiving such universal obloquy on account of the Indians, the state of New York was removing her own Indians to the *frozen regions* of Green bay, and making them pass through all the trying and affecting scenes which have been so compassionately portrayed for the Cherokees? That in some of the other northern states the few scattered remnants of this unfortunate race, that were spared from the butchery of dogs, are now in a condition, compared with which, even slavery has nothing more oppressive.

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Who says any thing against New York and these other states? Is Georgia the only state that has attempted to govern the Indians within her limits? Indeed, where is the state that has not done it? Has not Alabama, Mississippi and Indiana lately done what Georgia has? Who complains of their conduct? No! the truth is, Georgia has submitted long enough to these outrages, it is high time to fling these calumnies back into the teeth of her slanderers, and that it may be done with the best effect, it should proceed from the highest moral and political eminences of the state. Further submission will only provoke further insult; and as to reproach, on the score of recrimination we have nothing to fear, for such is the character of their defamation it utterly contemns all retaliation, from any source which feels and acknowledges the authority of those well known courtesies that govern and refine the force of public opinion. In any thing I have said, or expect to say, I do not wish to be understood as intending to convey any threat, especially against the Federal Union. This is too sacred a subject to be trifled with, and commands at all times, and in all places our most unqualified affection and support, so long as it moves within its legitimate sphere. Threats are idle and weak, and oftener betray a wrong than a right cause, proceeding upon the idea that more is to be gained from physical than moral power, and that an adversary may be alarmed into compliance—this is not designed. But such is the nature and habits of our institutions, that they require and secure the utmost freedom of speech in relation to all our rights, and more particularly our wrongs. I have mentioned therefore the foregoing matters to shew you what we may expect in attempting to carry our law into execution. If what we have witnessed be done "in the green-tree, what may we not expect in the dry?" We must be prepared for all events, if we design to assert our rights over the territory of the state; the object must be pursued with a steady and unflinching purpose, or it ought to be abandoned altogether. So long, however, as the law remains unrepealed the country has my solemn pledge that it shall be faithfully and impartially administered, so far as I am concerned. I only require the aid of public opinion and the arm of the Executive authority, and no court on earth besides our own shall ever be troubled with this question.

To our citizens I would say, let us falsify the prophecies that have been made as to the treatment which the Indians are to receive at our hands, by exercising towards that unfortunate people, the utmost kindness, justice and humanity. Their personal rights must be respected. To the Indians I will repeat, they have nothing to dread, as far as they are concerned, either from the character of our laws or their mode of administration, for if we can live under them, *they* surely can, and no distinction shall be made in their execution.