

The arbitrary course pursued by Governor Troup, in his late message, with regard to the future possession of the Cherokee Lands, must be deeply lamented by every good citizen who values the character and harmony of the State. That the General Government is bound to place us in peaceable possession of this part of our territory, there can be no doubt, and as a matter of policy, it would have been far better for all parties, had a treaty to that effect been entered into long ago. Still, it is not bound to effect this object within any given time; but as there is now no excuse for delay, and as a protraction of the time only tends to strengthen the impediments, and throw still more in the way, we have a right to expect that it should make every proper effort to that purpose; and for ourselves, we cannot doubt, if a temperate appeal was made to the next Congress, upon this subject, that it would lend a willing and attentive ear to the urgency of our rights, and do all that could reasonably be required, to place us in the possession of them. The land must be obtained, sooner or later, and we doubt not will be obtained ere long, if a prudent, dignified and conciliatory course is pursued by our Legislature; but should it unfortunately adopt the despotic and unfeeling course recommended by Governor Troup, we shall not only have another display of the violent and headstrong passions and proceedings of the Creek controversy, with tenfold more virulence, but shall distract the feelings and destroy the peace and harmony of the State, disturb the safety of the Union, and injure our moral character abroad. These are probable consequences, worthy the consideration of mild, moderate and patriotic men, who will take into view the general welfare of our common country, as well as the partial and, as some think, questionable benefit to be derived from an extension of territory—and we think a little reflection will convince them that they are not entirely unfounded.

Governor Troup declares that we have the right, "and are free, in times future as in times past, to enter upon the occupancy of the Cherokee lands, consulting our rights, our convenience and the dictates of humanity only"—and notwithstanding that he has so positively declared that "all who oppose themselves to this movement, are enemies to the Cherokees, ignorant of their true interests, or indifferent to their present and future welfare," we shall take the liberty of differing from him in opinion, regardless of the threatening condemnation which he has thought proper to hold up in *terrorem* before the eyes of all who may dare to express their dissent. He assumes this right by the declared authority of the "original charter of the State" or, in other words, by the authority of our revolutionary conquest over the British nation, which gave us sole power over the territory which we then occupied.—By this conquest we claim all which was then held or claimed by the British Government; and because that government had thought proper to assume to itself a right—which it had never purchased, and which had never been conceded—over the territory in dispute, we have chosen, with equal arbitrariness to arrogate the same claim, without enquiring whether it were just or not. How far this is consistent with any moral feeling or principle of abstract right, requires no length of consideration to determine; for by the same course of reasoning we might have assumed a similar right over the territory of South America, if Great Britain had previously taken it upon herself to do so. But, even admitting that we had the right of conquest over the territory in question, will any person have the temerity to declare, that it gives us any just right to dispossess the occupants, and drive them arbitrarily from the soil? Has such been the course of conquerors, in general, whether of ancient or modern times? All that was ever claimed by Great Britain, was the right of extending her laws over the territory, but Governor Troup has improved upon this, and claims, also, a pecuniary right to the soil. This however, even if it had been claimed before the treaty of 1802, was then voluntarily yielded in that instrument; for the Government of Georgia has there given to that of the United States, a certain portion of her territory for the consideration, that it should purchase for her this right from the present occupants. If Georgia had already possessed it, will it be believed that she would have acted so weakly as to purchase that which already belonged to her?—And as an unequivocal evidence of the strength and purity of the right which she thereby acknowledged to rest with the Indians, and of the importance which she attached to the acquirement of it by herself, she gave to the United States a portion of territory, infinitely greater than that acquired to be acquired from the Indians, for the full possession of it—thereby admitting that pecuniary right, or right of occupancy, more valuable, in the same ratio, than this pretended authority of the "original charter of the State," or right of conquest over Great Britain.

From this, we think it must plainly appear to any candid mind, that all we can claim, by any degree of fairness, by the right of conquest, is the right of jurisdiction formerly claimed by Great Britain. For the right of occupancy we must look to the United States, and if she cannot possibly make a treaty with the Cherokees, whereby she will be enabled to fulfil her contract, she must give us a reasonable equivalent for it; and all that will then be left for us would be to extend our power over the territory, incorporate the Indian citizens, and leave them still in the occupancy of it, with the power of selling it to the Government, or to any of our citizens who might choose, or of retaining it with all the rights of citizens of the State and of the United States. The practicability and humanity of this

made far greater by the advanced state of civilization among the Cherokees, and the fact that their views of government and present laws and regulations have been formed after the model of our own, which might consequently be extended over them with scarcely any apparent change, and would only effect that improvement immediately which would otherwise, be the work of a little time. Another good effect to accrue from this measure is, that it would not wear that inhuman and unfeeling aspect, which must necessarily be the result of driving them from their homes and their firesides, either by an enforced treaty or that arbitrary measure recommended by Governor Troup—which if carried into effect would be a never fading blot upon the escutcheon of our State. We admit that even this plan is an unpleasant one, but if the Cherokees should persist in their determination not to dispose of their lands, it is the only alternative left for us to pursue with any share of justice and humanity—and as it would place the Indians in the same state of political welfare as ourselves, and present to them an equal share of those blessings which they seem capable of estimating, it might fairly be considered as adding rather than detracting from their stock of happiness. It would doubtless produce momentary difficulties, but as it would leave them in a political state so nearly assimilating to their present one, we confidently believe that the repugnance they might at first evince towards it, would soon wear away.

There are, no doubt, those who will object to this measure from a self interested regard for the lottery system; but even this difficulty might be obviated; for if the people needs must have a lottery, let the money to be received from the United States, as an equivalent for the right of occupancy, be apportioned into a number of sums corresponding with the number of lots there would be in the territory, and let the citizens draw for them as they would for the land. We believe there is scarcely any one who would not be quite as well satisfied with the cash as the land. To object to the Indians as citizens would be wholly unreasonable. We invite foreigners from all sections of the globe, to settle among us and enjoy, equally, all our privileges and blessings; and why deny the aboriginal natives of the soil, who, of all other men, have the strongest claims upon our sympathy, affection and kindness. To enlighten and civilize the hardy sons of the forest, is one of the noblest objects of the philanthropist, and who is he, with the smallest spark of charity and christian kindness, that would not take a pride in extending to them the right hand of fellowship, as they whilom did to our pilgrim fathers when they sought among them a home and a resting place, secure from the tyranny and persecution of their own race.