

REPORT

Of a joint Committee in the Legislature of Georgia, on the Cherokee Lands.

From this gloomy and almost hopeless prospect, we turn our attention to the second branch of our enquiry, and trust that we shall be able to establish in the State of Georgia a good, legal and perfect title to the lands in question, and that we have the right, by any means in our power to possess ourselves of them.

In the examination of this important and interesting question, we are necessarily carried back to the earliest history of this country. When the continent of America was first discovered, it was possessed and owned by various tribes of savages; and the discoverers asserted successfully the right of occupying such parts as each discovered, and thereby established their supreme command over it, asserting their claim both to domain and to empire. By domain we mean that, by "virtue of which a nation may use the country for the supply of its necessities; may dispose of it as it thinks proper, and derive from it any advantage it is capable of yielding." And by "empire," we mean the "right of sovereign command, by which, the nation directs and regulates at its pleasure, every thing that passes in the country." Precisely in this way, and no other, did Spain, France, England, Holland and Portugal obtain sovereignty over the portions of this country discovered by each. It may

be contended with much plausibility, that there is in these claims more of force than of justice; but they are claims which have been recognised and admitted by the whole civilized world, and it is unquestionably true that under such circumstances force becomes right. This kind of title is not only good and valid agreeable to the laws of Nations, but is perfectly consistent with justice. The earth was certainly made for the benefit, comfort and subsistence of man, and should be so used as to accommodate the greatest possible number of human beings. It was therefore perfectly in accordance with the design of nature, that the densely populated countries of Europe, should possess themselves of the immense forests in America, which were used only as hunting grounds, and employ them in promoting the comforts and providing for the subsistence of their overflowing population. Acting no doubt upon these principles, Great Britain occupied and colonized the province of Georgia, the limits of which anterior to the revolutionary war, were defined, and made to extend from the Atlantic coast to the Mississippi, and from the 31st to the 33rd degree of north latitude. The whole of this territory was made to form a provincial government, thus exercising the highest and most unqualified act of sovereignty. In this exercise, however, Britain, certain portions of the

word, whisper or murmur, was heard while any one spoke: no interruption to commend or condemn: the younger sort were totally silent. Those denominated kings, were sachems distinguished by their wisdom and good conduct. The respect paid them was voluntary, and not exacted or looked for, nor the omission regarded. The sachems directed in their councils, and had the chief disposition of their lands."