

## CORRESPONDENCE

*Between Commissioners on the part of the United States, and the Council of the Cherokee Nation, in the year 1823.*

[CONTINUED.]

*The following is a reply from the Commissioners to the Council.*

NEWTOWN, October 21, 1823.

*Friends and Brothers:* Your communication of yesterday was handed us by your messenger. We feel constrained by duty and instruction to reply, and to reserve to ourselves the privilege of reply, as often as we may consider it necessary. In doing this, we violate no sentiment which we have heretofore expressed, with regard to this nation. Nothing would give us a deeper regret, than to find that our confidence has been misplaced, and our encomiums improperly bestowed. Of this we have no apprehension at present, and shall pursue the negotiation under the hope, that it will yet be closed in a manner which shall comport with the just expectations of the Government.

*Brothers:* The relation which this nation stands to the Government of the United States, is somewhat peculiar. The original title of this soil is acknowledged to have been in you.

There was a time, when most of the territory now composing the United States, belonged to the various tribes of Indians. The people of Europe were the first white men who landed upon these shores. As soon as they established colonies, they claimed the sovereignty of the soil by the *right of discovery*. For a long period of time this sovereignty was exercised without resistance. At length, the colonies grew to a size which enabled them to take management of their own affairs. A war ensued, which lasted seven years, and then ended in a complete success of the Colonies. What Europe claimed by discovery, was then vested in the people of the Colonies by conquest. All the country which was conquered fell to the conquerors. The Cherokees, the Creeks, and almost every Indian tribe, powerful and numerous as they were, took sides against us. All shared the same fate. All became subject to the government afterwards established, under the title of the "United States of America."

This subordination and loss of power, would have followed conquest as a matter of course; but, in order that it might be reduced to a certainty, and made plain, and recorded, treaties were entered into, in every instance, with the Indian tribes, who were parties to the war.

The Delaware surrendered their sovereignty at the treaty of Fort Pitt; the Six Nations at Fort Stanwix; the Creeks at New York; the Chickasaws at Hopewell; and the Cherokees at Hopewell in the year 1785, and so on. By these, and by great many other nations, a complete surrender is made, and *protection* claimed. The language of the United States, in the treaty of Hopewell, gives peace to the Chero-

kees and receives them into favor and protection. The language of the Cherokees is submissive, and accepts the offer. So complete was the authority acquired by these memorable operations, that the territory of all those tribes was made the subject of "allotment." All the lands which they now hold, has been "allotted" to them. Their original title is forever gone. First, by discovery. Secondly, by conquest. And, thirdly, by treaty. But the surrenders which have been made from time to time by the Cherokees, go still further, and authorize the United States to "manage the trade of the Cherokees as they may think proper."

*Brothers:* We have reference to these matters of history and compact, not to shew your humility, but to shew your *dependance*. On the contrary, it does not degrade you to give you the evidence of your dependance; it is a matter of distinction, to be connected *with*, and dependant *upon*, the Government of the United States.— There are twenty-four states and three territories, which are found to acknowledge this connection and dependance. The advantage is mutual. The United States give laws, give stability, and protection, to the states, and the states give obedience, support, and taxes, to the Government. By this union, the Government becomes powerful—by a division, it would be feeble. As relating to the different tribes of Indians who have settlements within the states, the Government is prepared to speak with candor and decision. If they cherish the idea of independence and self government, the sooner they are corrected, the better. The United States will not permit the existence of separate, distinct, & independent government within her limits. All the people on her soil must be hers, and her laws must, sooner or later, pervade the whole. To qualify you for citizenship, the Government has, within the last twenty years, expended upon you upwards of half a million of dollars. You have been told that you are the President's favorite children. You are indeed so. He seeks not to destroy, but to preserve you. There is nothing annihilating in his scheme. When he qualifies you as citizens, you must become so. The process of qualification will follow you wherever you go, and as fast as you become citizens you become subject to our laws. Whether this subjection to our laws is to be individually or collectively, depends in a great degree upon yourselves. As long ago as the treaty of Hopewell, in 1785, the idea is suggested of your becoming a territory of the United States, with the right of representation in Congress. If this nation would preserve a compact form, not within the limits of the states, no obstacle would remain to the organization of a territorial government composed of themselves.— While they are within the limits of the states the state sovereignty must prevail and they must become merged in the white population, and take the standing of individual citizens.

*Brothers:* Let your choice be as it may, your condition will be bettered. The government which you have lately formed for yourselves, although it is greatly to your credit, yet is objectionable to many of its important features. A territorial organization under the United States would be greatly preferable. Such changes are common among nations, and often to the advantage of both parties. But, if this scheme is not yet sufficiently matured to meet your acceptance, then a cession of a part will quiet the solicitude of Georgia and of the United States, for the present, and give time for further deliberation. The cession of a part need not affect the wishes or interest of any individual, with respect to citizenship. If those who live upon the part ceded are not disposed to become citizens, they can be indemnified for their losses in re-

moving, and retire within your lines. If they are disposed to become members of the states, they can be secured in a residence, and let into all privileges of ordinary citizens.

*Brothers:* We have thus laid before you some new topics for discussion. These involve considerations of vast importance to yourselves and to posterity. Listen to them, and answer with calmness and deliberation.

You are not engaged in light disputes or trifling considerations. Nations are parties to this correspondence. If we know our Government and ourselves, we design you no harm. Our object is the good of the whole American family.

We shall now proceed to notice some of the remarks in your communication of yesterday, and close for the present.

The picture which you have drawn of the separation of friends and relatives at the emigration to Arkansas, is honorable to the sympathies of your hearts. But the heart often bleeds at what the judgement approves. Among ourselves, these separations occur almost daily. You advert with some emphasis to the "circumstances and means which caused the separation."

*Brothers:* We understand that it was *wholly voluntary*, and that your citizens projected the scheme themselves, as long ago as 1808. At that time the President was aware that the season was unpropitious for so serious an operation. His land beyond the Mississippi had not been explored. The distresses of the people and government were great, and the prospect of a war was in view. The President acted as a great and good father to you and advised you not to go.— Since that time it has been ascertained that the country admits of eligible settlement and organization, and the most advantageous terms have been allowed for your removal. In all this, we discover nothing but the characteristic magnanimity of the American Government.

*Brothers:* You state that you "once possessed an extensive country, but that you have made cession after cession, until your limits have been circumscribed." Would you, if you could, repossess yourselves of all the soil which you once held, and allow it to be peopled only by yourselves? Would you demolish temples raised to science and dedicated to God, that beasts might have a wider range, or game a broader play? Would you lay waste a city, that a wigwam might rise upon its ruins? No, brothers; you are now drinking of the streams of civilizations, and leaving far behind you the little and vulgar prejudices of untutored barbarism.

These are giving place to just and liberal conceptions of the rights of man and the bounty of man's Creator.

You suggest that the eagerness of your neighboring brethren to obtain lands is so strong, that a small cession would not satisfy them. It is true that self-interest is a strong principle of action, and in its operations often requires restraint. In this case, however, this eagerness is considered reasonable, and your father the President gives it his sanction.

We assure you that a small cession will have a much greater quieting influence, than no cession at all. It is not altogether fair to set bounds to eagerness when it is founded upon rights.

Your allusion to the subject of the line, run under the treaty of 1819, will receive due attention before we close our correspondence.

With great respect for the council, and increasing regard for its members, we again subscribe ourselves,

Your friends and brothers,

DUNCAN G. CAMPBELL.

JAMES MERIWETHER.

*To the Council of the Cherokee Nation.*